

Justice and citizenship

Chapter 1 concluded by arguing that the NSD is not a counter-hegemonic strategy, because its notions of politics and political struggle are inadequate. Here we begin to examine some of the objections raised there in more depth. As noted already, our task is not to offer a comprehensive critique of the NSD, merely to investigate those features which most enable alternatives to the NSD to be imagined. In this chapter, we concentrate upon the principle of reciprocity, and associated terms such as rights and responsibilities. Effectively, my argument will be that if we are to be genuinely concerned with reciprocity and responsibility then we must attach them to a theory of egalitarian justice that I will term 'equality of powers'. What the NSD conveniently ignores is that if egalitarian justice really is defunct, then not only does this eliminate radical alternatives to conservatism, it also gives us very little reason to support reciprocity, responsibility, etc., thus undermining the NSD itself. The case is established by reviewing two concepts in turn: justice and citizenship.

Justice

As a working definition let us define justice as 'the fair distribution of benefits and burdens'. Let us also assume that the meaning of 'benefit' and 'burden' is relatively unproblematic. In making this assumption I certainly do not want to underplay the contestability of these terms. For if their meaning is determined by social norms, i.e. the shared understandings of social members, then it is not difficult to see why our ideas of what is and is not a benefit have developed with the development of social norms. Nevertheless, for the sake of space I want to concentrate upon the more controversial aspect of the above definition, that of fair distribution.

There are essentially seven theories of justice offering an answer to this question (cf. Barry, 1989, 1995): justice as equality, as reciprocity, as procedure, as virtue, as restoration, as retribution and as differential inclusion. Again, for reasons of space I am not going to deal with all of these but instead concentrate upon those that have dominated the debate during recent years: egalitarian justice, reciprocal justice and procedural justice.

Egalitarian justice

This theory states that justice requires an equality of either resources or welfare (Dworkin, 2000). Resources may be internal (talents, skills, abilities) or external (income, wealth, opportunities) and resource egalitarianism demands that because inequalities in endowments are undeserved, then some equalisation of external resources is called for. If a resource is a possession then 'welfare' in this context refers to that which our possessions allow us to achieve. Welfare egalitarianism has therefore received far less support than resource egalitarianism because an equalisation of achievement, and of the satisfaction that achievement brings, is widely held to be both impractical and undesirable. However, some have argued for an equal opportunities version of welfare egalitarianism (Cohen, 1989; Arneson, 2000; Roemer, 1998), as will I.

Reciprocal justice

Although any society depends upon forms of mutual cooperation what is to stop an individual from defecting from their side of the bargain (Barry, 1995: Ch. 2)? One solution is to instil moral standards so that agents regard reciprocity as the highest good and are not tempted to defect (Gibbard, 1991). This implies a strong emphasis upon desert (so that what you take from the social product is proportional to what you have contributed) and duty (so that your notion of advantage is other-regarding rather than self-regarding). Reciprocal justice is therefore attractive in an age where the ethic and practice of egalitarianism have waned. It preserves the 'socialism' of egalitarian justice and the ideal of communal belonging and identity (Selbourne, 1994), yet it also appeals to some notion of proceduralism (see below) where what is important is common adherence to just rules rather than the manipulation of outcomes, yet without the prominence that market libertarians give to entitlement, since reciprocity preserves the notion of moral desert (cf. Gauthier, 1986).

Procedural justice

Here, the most convincing account remains that of Nozick (1974) who contrasts procedural theory with 'end-state' theories of justice. Procedural-

ism is concerned with the means that generate a given pattern of distribution, rather than with the pattern itself. So if in a series of exchanges each individual transfer and transaction is just (including the initial acquisition of resources), i.e. does not violate anyone's rights, then the outcome of that series is also just, even if massive inequalities have been created. It is tempting to assess whether the outcome, the end-state, is or is not just, but doing so ignores the fact that justice consists in voluntary, harm-respecting exchanges between free agents where benefits and burdens are distributed according to entitlement. In short, procedural justice represents a challenge to all forms of egalitarian, socialist and welfarist ideas which aim at some ideal of social justice. For since redistribution requires the taxation of what people have legitimately earned, then taxation is theft and social justice a specious means of justifying theft.

New social democracy

Which of the above does the NSD come closest to embodying? We can eliminate procedural justice since the NSD is committed to some form of social justice that such theories do not permit. The problem with procedural justice is that entitlement cannot bear the weight it is expected to bear. The means can justify the end only if we ignore the moral arbitrariness (what I will call the 'undeservingness') of our endowments and say, as Nozick says, that although we may not deserve our talents we are nevertheless entitled to them (via the principle of self-ownership) and to the goods that they generate. Nozick therefore builds a theory of 'justice as voluntary transaction' upon involuntary grounds. Taking account of moral arbitrariness either means that we do not own ourselves in full or that full self-ownership does not necessarily translate into the full ownership of the goods that our endowments partially, but not wholly, create (Kymlicka, 2002: Ch. 3).

Yet nor does the NSD sit entirely within the egalitarian school of justice. Buckler (2000) argues that New Labour's version of redistribution in no way corresponds to patterned or outcome forms of distributive justice. Instead, New Labour follows a Rawlsian approach in that what is important are the distributive rules inhering in the basic social structure rather than constant interventions to ensure an end-state egalitarianism. This then explains why New Labour is committed to equal opportunities, social markets, education, employment and social inclusion. Although Buckler's interpretation of Rawls is occasionally shaky – tending to regard him as a prototypical Third Wayer – he does show that New Labour's is at best a *weak* egalitarianism (cf. Wissenburg, 2001).

What of reciprocity? More than anyone, Stuart White (1999, 2001) has established how and why the New Labour project holds to the basic prin-

ciples of reciprocal justice. The essential reason for this lies in New Labour's insistence that rights and responsibilities should balance. I want to examine citizenship in more detail later on, but New Labour's point is that because social goods are the product of social cooperation, then those who share those goods are obligated to make a roughly proportionate contribution to the productive activities of that society or to demonstrate why they cannot. Hence the doctrine that has constantly informed their welfare reforms – work for those who can, security for those who cannot – and the implicit reliance not only upon need (security) but also upon desert: the proportionality between giving and receiving effected through work. According to White, reciprocal justice was rooted in the socialist and social democratic traditions as it articulated not only the collective nature of industrial modernity, but was also a means of criticising free-market capitalism and even capitalism *per se*. Since those who contributed most to the social product (the workers) were held to receive less than those who contributed the least (the bourgeoisie), then social justice required a 'politics of fair shares' and so either the substantial reorganisation of capitalism or its replacement altogether.

But although White is correct to observe that some commitment to both reciprocity and equality characterises Centre-Left traditions, we must not forget that the nature of this commitment may alter depending upon how the following two questions are answered. What is the proper combination of reciprocity and equality? What is the rationale for our chosen combination?

It seems clear that the NSD favours a mixture of weak equality and strong reciprocity. As indicated in the last chapter and already in this, New Labour is committed to a weak version of egalitarianism, of equal opportunities detached from any hint of outcome equality, where the objective is to arm citizens with the skills and assets that they need to prosper: the fishing rod rather than the fish. This is not to suggest that the NSD discards redistributive policies altogether, hence Tony Blair's pledge to eradicate child poverty in the UK by 2019 (Walker, 2000). But this is an opportunity-based conception of redistribution, where it is believed that unfair disadvantages can be eliminated with relative ease through various educational and labour market reforms (hence, New Labour speaks of unfair *advantages* much more rarely). What is downplayed is the necessity of a 'relativist redistribution' where the aim is to bring the top and the bottom closer together. New Labour insists that the most important aim is to raise the floor without worrying about the height of the ceiling: if the absolute position of the poorest is improved, then why worry about the relative position of the non-poor? Thus, a wealth of research and scholarship suggesting that equality *does* matter is largely ignored (e.g. Wilkinson, 1996; Phillips, 1999), matters because the status of the bottom

depends upon positional comparisons with the top and deprivation is not only about what you hold, but where you stand in the scale of holdings (Hirsch, 1977). So as welcome as Blair's pledge is, much of the drop in child poverty may be due to less ambitious measurements than those applied in the past. Time will tell.¹

Further, New Labour lays considerable stress upon reciprocity and associated concepts such as desert and duty. For the redistribution of opportunities to be successful, people must take up the opportunities on offer; they must either want to do so because of incentives, or must be made to do so through a series of disincentives and deterrents. Mutual obligations to the community are therefore emphasised without the old Leftist tendency to confuse communal standards with egalitarian criteria and without the conservative preference for judging obligations through the lens of the free market.

Yet this combination of weak equality and strong reciprocity leaves New Labour vulnerable to a charge of inconsistency and even hypocrisy. For, as White (1999: 171–3) also goes on to acknowledge, what is important is not so much reciprocity as *fair reciprocity*, where the nature of our participative obligations depends upon the background conditions that obtain. Simply put, to enforce an equality of obligation in a social environment which is profoundly unequal is to further victimise the casualties of that environment: the least well-off (Rose, 2000). Fair reciprocity therefore demands two stipulations. First, the state must perform the duty of guaranteeing socially just background conditions. This may require it to be the employer of last resort, to ensure that all jobs are well paid and that no-one is trapped at the margins of the labour market for very long – duties that appear to be more consistent with the old social democracy than the new one. Second, unless exclusion at the top is targeted as strongly and perhaps even more so as exclusion at the bottom, then the resulting imbalance allows the former to free ride on the deprivations of the latter.

Now, new social democrats are aware of these arguments and Giddens (1998: 66), for one, was initially enthusiastic for fair reciprocity. However, that enthusiasm has declined over time, bringing Giddens (2002a: 40–2) more into line with New Labour's policies. Three points explain this avoidance of fair reciprocity (cf. Wetherly, 2001: 161). First, the pragmatism of the NSD demands that social policies are strongly oriented to expediency and political strategies that adapt to electoral preferences which are held to be given and substantially unalterable (Heffernan, 2000: 119–38). Therefore, second, the electoral middle ground must be captured rather than reconfigured, by not alienating those who aspire to more affluence. The fear is that fair reciprocity would contradict the principle of meritocracy. Finally, the retention of unequal patterns of distribution is

necessary since, otherwise, New Labour would be challenging the deregulated capitalism to which it has reconciled itself and from which it supposedly derives its appeal. So the New Labour antipathy to fair reciprocity is not an error that has yet to be rectified; it is essential to its identity: what Standing (1999: 317–19) refers to as asymmetrical or ‘unbalanced reciprocity’, where the poorest are mandated to join a society from which many of the affluent continue to abscond.

But if New Labour combines weak equality with strong reciprocity, and if this combination is undesirable, then does this condemn the NSD *per se*? Might more radical forms of NSD successfully combine strong reciprocity with strong equality also? To begin to answer these questions we must understand the merits of mixing equality and reciprocity in this way by examining three recent attempts to do so by White, Miller and Rawls.

The road to surfdom?

Although he believes fair reciprocity demands much more material equality than New Labour seems willing to countenance, White is insistent that the latter does not trump the former, since it is still the case that, . . . ‘those who willingly accept the economic benefits of social cooperation have a corresponding obligation to make a productive contribution, if so able, to the cooperative community which provides those benefits’ (White, 1997: 63–4; cf. 2000: 522). So if 1000 people agree to the formation of a public good (a lighthouse, say) and 100 then contribute nothing to its construction, this means that they free ride on the benefit-producing efforts of the 900. Therefore equality is not only material, it is also *civic* and civic egalitarianism requires that free riding be kept to a minimum through appropriate policies. So, for instance, this is what renders the proposal for an unconditional Basic Income (BI) unjustifiable (Fitzpatrick, 1999a), though White (1996) gives BI a qualified support nevertheless, because it may contain some reciprocity-friendly effects (cf. Elster, 1998).

Miller (1999: 234) argues that need cannot be the only metric of justice. The earth’s resources are not manna from heaven, and so an equal share of them cannot be claimed, as resources must be produced and so shares must be earned: ‘They are not simply waiting to be picked up and used . . . but have to be appropriated by labor [*sic*]: the deer must be hunted, the coal mined’. Social justice therefore requires reference to the principles of need, desert and equality, depending upon whether the social sphere in question is, respectively, one of communal solidarity, instrumental association or citizenship.

Finally, Rawls (1993: 15–22; 2001: 61–79) affirms that the difference principle is a principle of reciprocity, as the distributive implications of the former depend upon productive activity of which cooperation is the most

important condition. This does not mean that people can be forced into particular kinds of work, since this would violate the principle of liberty, but it does make distribution dependent upon people contributing to the good of others by developing and deploying their 'native endowments'. So although the distributive pattern of society is determined on rational and impartial grounds through the original position (Rawls, 1972), each person's place within that pattern depends not upon their *possession* of native endowments (since possession is morally arbitrary and has nothing to do with desert), but upon the *use* to which they place their endowments within a fair system of social cooperation. Rawls (2001: 179) likes to use the example of the person who chooses to surf all day and so does not share the 'burdens of social life'. Is this person one of the 'least advantaged'? Rawls claims not. If we include 16 hours of daily leisure time within the index of primary goods, then we can see how the surfer gains an extra 8 hours of leisure per day compared to those who do work a standard day. As the surfer has chosen 8 hours of leisure rather than the equivalent income from a standard working day, then he cannot claim membership of the least advantaged and must support himself. The difference principle is therefore a principle of reciprocity.

White, Miller and Rawls all agree that strong equality must be balanced by strong reciprocity. To ignore this is to unbalance the egalitarian ethic and invite a society where those who are willingly uncooperative and non-productive free ride on the cooperative and productive efforts of others. Do these arguments stand up to scrutiny? If so, then might we have a firmer moral basis for the NSD? There are three main reasons for doubting so.

White argues that those who willingly accept the economic benefits of social cooperation have a corresponding obligation to make a productive contribution. However, in a society, as opposed to a voluntary association of some kind, there are economic benefits that we are free to accept and those that we are not. For instance, we each benefit from having a well-developed communications and transport infrastructure and short of hiking into the Scottish Cairngorns to live the rest of our lives in a cave and feed off the land there is little we could do to opt out of those benefits. So does the experience of involuntary benefits give rise to the same obligations as the acceptance of voluntary ones? To the best of my knowledge, White does not address this question (cf. White, 1999: 174–6; 2000: 521–2), but if the answer is 'no' this might suggest that a more complex approach to reciprocity is required, one where a certain degree of economic autonomy is the precondition of reciprocity, i.e. only when that precondition has been satisfied can the concern with obligation and free riding come into effect. This then resurrects arguments for BI on stronger

grounds than White (2000: 529) perhaps imagines (Fitzpatrick, 1999a: 64–6; van der Veen, 1998).

Miller argues that we cannot claim an equal share of earth's resources because those resources must be appropriated and transformed. But whereas this may be an argument against *equal* shares, it is not an argument against equal *minimal* shares (Fitzpatrick, 1999a: 58–60). The existing stock of social assets is the result not only of living labour but also of natural and economic inheritances. If we assume that natural resources are subject to common ownership then everyone has a *prima facie* claim to a share of those resources (Cohen, 1995: Ch. 3). Although this cannot be an equal claim, as some will work harder than others to transform this inheritance into social assets, a minimal claim is not ruled out because it is nature rather than the labour of others which makes those resources initially available. What then gives substance to that claim is the idea that living labour only accounts for a small percentage of the labour which has transformed natural resources into social assets. It is our economic inheritance – dead labour, technological progress, advances in knowledge – which is mostly responsible for our stock of wealth. If it was our ancestors who sunk the coalmine, then although those who mine the coal have a greater claim than those who do not, this does not eliminate the claim of the latter for an equivalent minimal share, a BI for instance.

Finally, Rawls alleges that the surfer must support himself because primary goods include 16 hours of daily leisure time. Yet Rawls pulls this figure out of the air without explanation and it seems to conveniently treat labour market activity, i.e. an 8 hour day, as the source of our social obligations. But even if we define leisure time as a primary good, there is nothing to stop us making the relevant figure more consistent with the level of existing social wealth. What if the average working day was reduced from 8 to, say, 5 hours per day (cf. Gorz, 1989, 1999) and the difference treated as part of our economic inheritance? Even if the surfer then chooses to surf for those 5 hours he would still be entitled to the equivalent of 3 hours income (van Parijs, 1995: 96–8). In short, treating the difference principle as a principle of reciprocity may exclude the surfer from the category of the least advantaged, but does rule out the desirability of guaranteeing an unconditional minimal income for all at a level below that of the least advantaged.

To summarise. White, Miller and Rawls argue against the combination of weak equality plus strong reciprocity favoured by the NSD. They then present powerful arguments in favour of combining strong reciprocity with strong equality, a position more consistent with 'old' social democracy – though White (2001) suggests that it might also be consistent with more radical versions of the NSD than New Labour's. However, 'strong reciprocity' as they define it seems to contain certain weaknesses and fails

for instance to exclude the possibility of distributing an unconditional minimal income to all. If equality therefore has to accommodate some notion of basic unconditionality, then this begins to take us in a post-productivist direction, i.e. one where productive activity is merely one of a series of badges of citizenship. The point of BI is to embody a principle of 'more eligibility'; unlike existing benefit systems where the aim is often to lower benefits to the point where claimants are effectively coerced back into work (less eligibility), BI stresses the advantages of a range of activities and lifestyles (Offe, 1993).

So my thesis is that social democracy should be taken in a post-productivist direction, a combination that I am here terming 'ecosocial welfare'. Ecowelfare is based not upon 'strong equality plus weak reciprocity', since the arguments for strong reciprocity remain powerful (though see the concluding section) (cf. Levine, 1999), but a combination of strong equality and *diverse* reciprocity. I return to this point in the section on citizenship. However, before doing so there are two perspectives on strong equality that we need to examine.

For strong equality to equality of powers

Even if it is strong equality that we favour, does this necessitate a substantial redistribution of income and wealth or might there be other 'metrics' of equality that are more compatible with the NSD? To address this question let us look at two influential contributions to the debate on distributive justice: Sen and Walzer.

Sen (1992) has long maintained that justice has to involve more than the just distribution of goods since a certain package of goods will equip different people with dissimilar degrees of freedom according to the varying levels of ability that they possess. The same package will bear completely different implications for John, a skilled able-bodied mechanic, than it will for Jane, a disabled and unemployed mother of two, because their capacities are different. Therefore to effect just distribution we should look not simply at goods, but at the relationship between goods and persons. Because of their differential capacities, people achieve different levels of functioning, i.e. what they can do and what they can be, and so what we must focus upon is a person's capability to undertake various functionings, implying not an equality of primary goods (Rawls) or of resources (Dworkin), but an equality of capabilities. So what this entails is a midpoint between primary resources on the one hand and the end-state of welfare and achievements on the other: an equal freedom to achieve. For our purposes Sen is important because he recontextualises income and wealth. He does not necessarily downgrade the importance of a primary resource such as income and wealth, but he does

insist that 'income inequality' is not the same thing as 'income inadequacy' (Sen, 1992: 109–12) since only the latter captures the idea that different capabilities will convert a low income into differential levels of well-being.

While accepting the general thrust of Sen's critique there are nevertheless two objections we can make in order to defend the importance of primary resources. First, there are the responses to Sen made by Rawls and Dworkin. Rawls (2001: 168–76) insists that his list of primary goods is far more flexible than Sen allows and that those both within the 'normal range' of abilities and those below it are already catered for by his theory of justice. Dworkin (2000: 299–303) similarly argues that his conception of resources already includes the kind of personal capabilities that, by placing them in a separate category, tempts Sen to fly too close to the sun of welfare equality.

The problem with these responses though is that, having reaffirmed the role of primary resources, they continue to neglect the importance of functionings. Rawls interprets falling below the normal range as a temporary, contingent affair that requires no more than an *ex post* readjustment in the goods being received. But what this does is to elide the deeper link between goods and persons to which Sen draws attention, for what of those who will never belong to a 'normal' range (Smith, 2001)? Dworkin meanwhile treats resources and welfare as irreconcilable opposites. Circumstances shape choice, he acknowledges, but as long as the individual identifies with the choice in question (though he excludes cravings and addictions as examples of identification) then we need no more than resource equality to be both endowment-insensitive and ambition-sensitive (Dworkin, 2000: 287–99).

Yet if this represents an overestimation of the importance of free choice in human affairs, as variously maintained by Arneson (1989), Cohen (1989) and Roemer (1996), then we have a second, more convincing objection to Sen: focusing upon capabilities is all very well, but unless we appreciate the extent to which capabilities are themselves shaped by underlying circumstances then our conception of the person lacks a social context. And it is not enough, *contra* Dworkin, for a person to identify either with their capabilities and their choices, since this may derive from nothing more than an adjustment to circumstances that the person falsely perceives as necessary (adapted preferences) and excludes the possibility of changing those circumstances (Roemer, 1998: 19–20).

What we have, then, is a means of bringing together functionings and primary resources. What Arneson terms 'equality of opportunity for welfare' and Cohen terms 'equality of access to advantage' is essentially the convergence of three conditions: circumstances, capabilities and choice. Distributive justice should compensate for that which is beyond

our control (circumstances and capabilities), but not for that which is within it (choice). Hence, Sen is correct in drawing attention to capabilities, but the role that involuntary circumstances (natural and social inheritances) play in the shaping of capabilities and choices still leaves a major role for primary resources and so for the substantial redistribution of income and wealth, if we are to compensate successfully for the moral arbitrariness of those circumstances. This is not to claim that such compensation involves *only* income and wealth redistribution, but there is certainly no reason to believe that it does not involve redistribution at all. Obviously, it is difficult to judge where circumstances, capabilities and choice each begin and end (cf. Steiner, 1998). The suspicion that circumstances are the key condition of the three certainly needs to be demonstrated and, even if this suspicion is correct, we still require some mechanism for guaranteeing bodily integrity if the slippery slope towards the redistribution of body parts and talents is to be avoided. Such a task is however beyond the scope of this book. So if primary resources are more important than Sen imagines, then his equality of capabilities can be rendered as an 'equality of powers', a definition of which follows once we have taken a brief look at Walzer.

Walzer (1983) is relevant because, like Sen, he also seems to recommend a recontextualisation of income and wealth that may be more palatable to the NSD. He asserts that money refers not to the entirety of what we mean by justice, but simply to one sphere of justice among a number of plural spheres each of which possesses its own distributive criteria. Therefore, justice requires not the redistribution of money, but ensuring that market-based inequalities in the ownership of commodities do not cross the relevant border and infect other spheres of justice, e.g. education and health care should not be distributed according to ability to pay.

Walzer's notion of 'complex equality' has generated a massive debate (e.g. Miller and Walzer, 1995), but the enduring problem with it concerns the suspicion that differential spheres are easier to maintain in thought than in reality. The objection to massive inequalities in income and wealth derives not only from a distaste for large inequalities in possessions, but also for the way in which material inequalities ossify into structural hierarchies of advantage (including, though not limited to, class). Does Walzer imagine that class advantages can be limited to the sphere of money? In which case, he needs to explain in far more detail how class could ever be so confined, given the experience of human history. Or is he suggesting that complex equality is itself a politics of classlessness? In which case, he needs to explain how material inequalities can be maintained without degenerating into relations of dominance (Miller, 1995; Swift, 1995; Arneson, 1995).

In short, although he proposes a differentiation of spheres, Walzer does not break away from the very logic that, in accounts of simple equality, he otherwise condemns. Indeed, he merely replicates that logic on a smaller scale. Thus, just as 'simple egalitarians' might assume a universality across all parts of the distributive sphere so Walzer seems to assume that what is fair in isolation will also be fair globally (Arneson, 2000). But if this is naive, if fairness and unfairness do not translate across all domains automatically, whether we are talking about one sphere or many, then what we require is a universal account of distribution (simplicity) that is sensitive to local variations in impact (complexity). So whereas Walzer only miniaturises the universalist logic of simple equality on a local scale, what we need is a simple equality that incorporates complex particularism within its universalist frame. Although this is another task too demanding to be attempted here, we can conclude that complex equality is implicit within simple equality, rather than being an alternative to it. If so, then the importance of redistributing primary resources is again reaffirmed (cf. Jayasuriya, 2000; Prabhakar, 2002).

The intention of this section was to elaborate upon what is meant by strong equality. If Sen and Walzer are wrong to underestimate the importance of primary resources like income and wealth, then we have a reason to side with the contributions to the debate made by Arneson, Cohen and Roemer. (It also implies that if social democrats are concerned with strong equality, then they have to make much greater room for income and wealth redistribution than that permitted by the NSD.) However, in contrast to the convoluted terms that they prefer (see above), I propose to refer to an 'equality of powers'.

By 'powers' I mean the ability to convert endowments into well-being through choice and ambition. However, if our endowments are undeserved because they are matters of social and genetic luck, and if they structure the opportunities to which we have access and through which we exercise choice, then powers are *relational*: my powers are not personal attributes, they are determined by and through the powers of those with whom I share a socioeconomic environment. If luck in the distribution of social and natural endowments therefore leads to an undeserved inequality of powers – and so to relations of social domination – and if egalitarian justice demands the rectification of undeservingness, then what we require is an equality of powers: *the equal opportunity to convert primary resources into sources of well-being according to one's capabilities and location within the distributional sphere*. Equality of opportunity therefore implies the equalisation of primary resources like income and wealth rather than the kind of weak equality favoured by new social democrats. However, the conversion of primary resources into well-being is conditioned not

only by choice, but by the capabilities (Sen) and the complex location (Walzer) of the individual concerned.

Citizenship

The first component of distributive justice (equality of powers) is now in place and ready to be joined by the second: diverse reciprocity. I will make the case for diverse reciprocity through a critique of the kind of 'un-diverse reciprocity' that New Labour prefers. We will therefore not explore each and every aspect of diverse reciprocity in depth, though we will return to one significant aspect of it in Chapter 7. This section will also be much shorter than the previous one as the basics of my position should already be clear.

We have already reviewed the main ingredients of New Labour's approach to citizenship in Chapter 1. As stakeholders in a series of overlapping communities, our primary duty is to participate in cooperative networks of trust and mutual endeavour. Citizenship is not a passive status where we are members of society simply by virtue of existing, it is an *active* form of contribution where individuals utilise their talents not only for their own sake, but for the ultimate benefit of all (cf. Ellison, 2000). Social inclusion is created not through rights and entitlements *per se*, but by tying rights to corresponding duties through various incentives, sanctions and moral injunctions. The space of duties centres upon the labour market and independence within that market is the best means of achieving citizenship. However, that space does not stop at the borders of the labour market, as it extends further into civil society and also needs to be expressed in terms of family, neighbourliness, caring, civic engagement, law abidingness, charitable donations and voluntary work (Turner, 2001). In short, reciprocity is at the heart of the NSD conception of citizenship in contrast to the Old Left's alleged emphasis upon unconditional passivity and the selfish consumerism of the New Right. The assertion that 'rights imply responsibilities' has been one of *the* distinguishing features of New Labour.

Is this correlation vulnerable to the kind of arguments presented earlier in this chapter: that reciprocity must mean *fair* reciprocity and that it must encompass diversity? There are four reasons to suspect so.

First, because it centres so heavily around the labour market, the correlation between rights and duties that New Labour favours takes a contractualist form where reciprocity is conceived almost as a type of market exchange (Jordan with Jordan, 2000). For if it is wrong to take without giving, the flip side of this doctrine is that it must be equally wrong to give without taking. Rights and duties are thereby tied together as forms

of 'specific reciprocity'. But what this does is to eclipse and perhaps even degrade other sorts of reciprocity which are generalised and non-specific. For instance, if I accept benefits, tax breaks and support services by virtue of being a parent, specific reciprocity might demand that my parenting skills be monitored, e.g. through school/home contracts, child curfews and parental fines, in order to ensure that I am not wasting the assistance that society provides. By contrast, 'general reciprocity' adopts a more hands-off approach that does not impose top-down obligations at the point of receipt, but is content to receive the longer-term benefits to society that my child will provide. New Labour therefore regards entitlements as an expense that necessitates a corresponding fee if the ledger of citizenship is to be kept permanently balanced. But this cost-benefit approach ignores the age-old liberal idea that unless certain basic rights are defined as pre-social, foundational and *unconditional*, then interference in the lives of individuals and their associative relations is potentially unlimited. So the combination of communitarianism and commercialism that New Labour prefers treats liberal conceptions of citizenship as alien to the common good, rather than as inhering within it.

And this economic, contractualist approach also degrades the wider, civic spaces of social participation. Take the example examined in depth by Barlow and Duncan (2000a, 2000b). New Labour inherits from conservatism the model of *homo economicus*, where individuals are taken to act according to a rational assessment of costs and benefits. What this excludes are other modes of rationality, of moral negotiations that occur in social contexts which are not quantifiable. One consequence is that when people make decisions that New Labour considers wrong they do not interpret this as deriving from alternative and equally legitimate forms of rationality, but because of (a) inadequate incentives, or (b) the person in question does not yet have enough information about the available incentives or (c) more sanctions and compulsion are needed. This model then exposes the tensions in New Labour's family policies: they want citizens to be both good workers and good parents. But how are these imperatives to be reconciled, especially given the time and effort that each activity requires? Through the traditional, two-parent family for which, with some pluralistic nods towards alternative forms of household, New Labour has habitually expressed a preference. The ambivalence towards lone mothers that New Labour has also repeatedly demonstrated is then explained because single parents expose the difficulties of said reconciliation. But rather than a substantial reform of the labour market, New Labour has preferred trying to modify individuals' decision-making. So their policies towards single mothers have emphasised incentives (stressing the benefits of paid work), information (experts to advise on job search and childcare) and sanctions (compulsory

interviews intended to surmount the 'dependency culture'). What New Labour thereby ignores is the kind of moral decision-making which is much more sophisticated than its own cost-benefit model and so, perversely, it may if anything be *undermining* the very ethics of citizenship and communal solidarity that it professes to support but which are actually nurtured through public services and a welfare professionalism that effects social participation precisely by *not* subjecting individuals to a perpetual audit.

This productivist preference for the 'employment ethic' (the citizen as wage earner) carries over into the second objection to New Labour's version of reciprocity: its underestimation of caring. This is not to claim that Third Wayers ignore the importance of care, but even at the rhetorical level the support offered is often qualified by the insinuation that care work is not real work. Take, as one example, Glennerster's (1999: 37) observation that, 'Paid work brings dignity and respect. That does not preclude us from also giving dignity and worth to non-paid work. But to deny paid work or to encourage people to live without it is to deny a main source of dignity in our Western capitalist industrialised world'. What this does is to regard care work as equivalent to involuntary unemployment. When rhetoric is then translated into practice, the tendency to neglect care work becomes even more obvious. Although she does not examine the extent to which a feminist care ethic is ultimately reconcilable with the NSD, Sevenhuijsen (2000) condemns those such as Giddens for making simplistic distinctions between 'self-sufficient workers' and 'dependent others' since this downgrades alternative norms where citizenship is less about inclusion or exclusion from the job market and more about the giving and receiving of care (Fraser, 1997). Lister (2001b: 439) seems to suggest that this downgrading is almost a form of discrimination since it misrecognises the talents that unpaid caring involves and so places women, the main caregivers, at a further disadvantage. Williams (2001) goes further than Sevenhuijsen in arguing that a political ethic of care does represent a stark alternative to New Labour and the NSD ethic of employment. The paradigm shift from the latter to the former involves both autonomy and time: autonomy needs to be redefined as a form of interdependency rather than economic independence and a feminist ethic also necessitates a fundamental rebalancing of personal time, care time and employment time. Finally, Land (2002) finds that New Labour's emphasis upon formal care ignores and undermines the informal sector and abandons the right to work shorter hours on the grounds that this would be unfriendly to business and to UK competitiveness.

In short, many researchers insist that New Labour's espousal of the employment ethic narrows the accepted range of socially valuable activity and demoralises other forms of citizenship that do not orbit around

wage earning, but which are equally valuable, if not more so. My argument is that this bias is not incidental to New Labour but is expressive of the NSD's productivism. By contrast, post-productivism subjects economic orthodoxies to a reassessment that, in its proximity to conservatism, is alien to the NSD. We will return to these arguments in Chapters 5 and 6, especially.

Defenders of the NSD may rush to condemn such radicalism as a return to the bad old days of unconditional and therefore hollow rights and there is a sense in which their suspicion is correct – though not their condemnation. To argue for diverse reciprocity is to argue that rights and responsibilities do not correlate, for the reason to be sketched shortly. Yet even if we accept the terms of the prevailing discourse, we do not have to imagine that rights and responsibilities must always carry an equivalent weighting. What duties does a recently born baby possess? Obviously, duties are owed *to* the child, but what is controversial about the 'rights imply responsibilities' mantra is not the philosophic point that the one must somehow somewhere imply the other – this is no more disputable than the assertion that 'up' must imply 'down' – but New Labour's insistence that they automatically correlate *at the level of the individual*: that for every right you possess you also possess a corresponding duty, and vice versa. This 'political' correlation does not follow inevitably from the 'philosophic' correlation, but by allowing the latter to slide into the former, the NSD cuts itself adrift from what I earlier called the age-old liberal idea that there are certain basic rights foundational to our persons and freedoms.

Yet at the same time as rooting itself in a liberalism of unconditional basic rights, diverse reciprocity also suggests that the NSD *does not even take responsibility seriously enough* – the third of the four reasons I am reviewing. For if there are no rights without responsibilities (Giddens, 1998: 65), then given New Labour's contractualism it presumably follows that there are no responsibilities without rights, a reverse correlation that conceals a very broad range of human concern. For instance, it could be said that we owe obligations to future generations, even though those generations do not yet exist to claim corresponding rights against us. By representing a post-productivist form of social democracy, ecowelfare treats the interests of future generations and the sustainability of distributive justice through time as being of central importance, in contrast to the short-term economic orthodoxy of the NSD. The details of the argument are delayed until Chapter 7, however, when we examine future generationalism in some depth.

The fourth and final reason for suspecting that the NSD's version of reciprocity is inadequate returns us to this business of correlation. The basic argument is simple and we anticipated it in Chapter 1: it is not *rights*

to which responsibilities correlate but *powers*. I have defined powers as the ability to convert endowments into well-being and used this to define an equality of powers. Responsibility is therefore generated in respect of the voluntary elements of said conversion and not the involuntary ones. But if it is endowments that structure our opportunities and abilities, if (in the existing social conjuncture) those endowments are largely matters of luck and if powers are distributed unequally as a result then the space of voluntary action, and the corresponding space of responsibility, expands or contracts depending upon your location within the distributional hierarchy. This is not to argue for a dutyless form of citizenship, since only a minority of citizens (the very young, for instance) fail to possess powers of any sort. However, it is to argue that the frequency and intensity of responsibilities alters within the distributional hierarchy, i.e. with the distribution of good and bad fortune in endowments. To put it bluntly, the richer you are the more duties you possess because the luckier you have been. (This risks penalising those who made good use of their poor endowments and rewarding those who made bad use of their superior ones; however, something approximating Roemer's (1998) theory of social types may offer a way of balancing equality with endowment-sensitivity.) By focusing upon rights, New Labour's version of duty and reciprocity assumes an equality of obligation that does not only camouflage distributional inequalities but, by loading more upon the poor and less upon the wealthy, entrenches them. But if a right is simply a formal entitlement to convert endowments, rather than the conversion itself, then it is the actual powers available for conversion to which we should pay attention.

We can therefore identify a contrast between the kind of reciprocity favoured by new social democrats and the diverse reciprocity which takes its place beside a strong conception of equality. For New Labour reciprocity has little to do with distributive justice, contains no notion that rights are foundational, is individualistic in that rights and duties are thought always to correlate at the level of the individual (necessitating labour market participation in most cases) and is specific in the sense that reciprocity is thought to follow the contractualist, rationalist logic of cost-benefit analysis. By contrast, a theory of diverse reciprocity (1) cannot be separated from the background conditions of social justice or injustice, i.e. fair reciprocity demands material equality rather than simply the inclusion of unequals; (2) regards rights as unconditional foundations of the social self; (3) is social in orientation in that obligations are thought to correlate to *powers* (the structures of social relations), rights and obligations do not always correlate at the level of the individual (we may possess rights without obligations and vice versa) and wage earning should not be regarded as the main badge of citizenship; (4) is 'general'

in that the equilibrium of social give and take is more effectively maintained by abandoning the model of *homo economicus*. This last point reiterates the idea that citizenship should not be reduced to a form of rational market exchange and we should adopt a hands-off approach to social participation where we are less obsessed with enforcement, surveillance and coercion.

There are therefore a number of reasons to suspect that 'undiverse reciprocity' does not offer a basis for an adequate account of citizenship. By preferring a 'Philosophy Made Simple' approach to citizenship, the NSD's sermons about duty and reciprocity are revealed to be largely simplistic and hypocritical.

Concluding remarks

This chapter has dealt with the questions of justice and citizenship and hopefully provided enough substance for the following definition of distributive justice:

- (1) equality of powers + diverse reciprocity
= distributive justice

This definition diverges from New Labour's preference for weak equality plus strong reciprocity and so offers an alternative to the NSD *per se*. I have also hinted at a second equation that we will spend Part II of the book exploring more fully:

- (2) social democracy + post-productivism
= ecosocial welfare ('ecowelfare')

Before moving on, however, there is one loose thread from this chapter that needs tying down.

I need to qualify the earlier assertion that diverse reciprocity is not the same thing as weak reciprocity. In fact, diverse reciprocity is both weak and strong, according to the diachronic dimension of progressive politics. Let me explain. Whereas Dworkin seems to assume a 50/50 cut between endowment-insensitivity and ambition-sensitivity, those such as Arneson, Cohen and Roemer (from a more radical Left-liberal position) suggest that luck and circumstance outweigh choice and ambition in determining patterns of distribution in contemporary capitalism. If the bar of undeservingness (or moral arbitrariness) is therefore high, then the springboard of ambition and achievements is correspondingly low. But rather than motivate a radical 'politics of fatalism' (where we accept the inevitability of those distributional patterns, but compensate the disadvantaged for their worst effects), it demands a radicalism which aims to lower the bar and

raise the springboard over time. Therefore, if we are genuinely concerned with reciprocity, responsibility, ambition and achievement then we must work to avoid the avoidable elements of undeservingness in endowments, i.e. those that are either fully or partially social in origin. Reciprocity, responsibility, ambition and achievement can be regarded not as bourgeois fictions, but as values instrumental to the creation of strong equality. So as the bar of undeservingness is lowered we could expect the sources of well-being to improve in both quantity and quality: it would become easier to achieve a wider range of achievements because circumstances would not hold people back as much than they do at present. Therefore, an equality of powers is also a form of liberal perfectionism which aims to improve the sum of social welfare, not by promoting a single version of the good, but by expanding individuals' capacities to improve the available range of meaningful goods. This is another way of stating Tawney's (1931) point that when they are properly conceived equality and liberty can be seen to be inclusive.

So diverse reciprocity is both weak and strong: weak in the capitalist present (and so more concerned with compensation) but in conjunction with an equalisation of powers becoming stronger in the future (and so more concerned with cooperative participation) as the spaces of ambition and achievement become stronger. This relationship between equality and reciprocity corresponds to what White (2000: 522) calls 'threshold compliance' where obligations depend upon the social provision of a sufficiently high threshold of equal opportunities. It aims to reverse the trend of post-1970s politics where the wealthiest only recognise their duties, if at all, once the poorest have performed theirs. Reciprocity? Yes, if and only if it is a strategy towards egalitarian ends, ends of which reciprocity would then be constitutive.

To conclude, if you are genuinely concerned with reciprocity, responsibility, ambition and achievement, then you should be an egalitarian for only by lowering the bar of undeservingness can the spaces of freedom, well-being and authentic cooperation be promoted.

Note

- 1 Although after it emerged that in New Labour's first term child poverty was reduced from 4.4 million to 3.9 million, only half of its original target for the period 1997–2001, there were increasing signs that it *would* begin to measure child poverty differently.