

Critical Theory and Social Justice*

Álvaro de Vita

Universidade de São Paulo, Brazil

In *Elements of a Critical Theory of Justice*, the Uruguayan political philosopher Gustavo Pereira (2013a) does an admirable job of combining, in an original theoretical formulation, contributions for reflection on the nature of justice in a democratic society, deriving from two distinct traditions of contemporary political philosophy. One tradition is the “Critical Theory” of society, as expressed in writings by the contemporary heirs of the Frankfurt School, especially Jürgen Habermas, Karl-Otto Apel and Axel Honneth. Let me call the other tradition “post-Rawls theories of justice”. At least for the aims of the present article, this latter broad category can include the theoretical formulations of authors who have significant differences with Rawls, such as G. A. Cohen, Amartya Sen and Martha Nussbaum. The idea is to propose a “critical theory of justice” or, we might say, a conception of “critical social justice.” The basic elements of this conception are extracted from theoretical perspectives that belong to these two traditions and are then articulated “in a new and systematized fashion, in such a way that the new theory can overcome the shortcomings of the original theories and express a higher commitment to application” (PEREIRA, 2013a, p. 05). The intellectual ambition of this effort can hardly be underestimated. Regardless of how one appraises the success of this project by judging it according to its most ambitious aspirations, the discussion developed by Pereira to specify the “elements” of his conception of critical social justice makes this book highly relevant for students of normative political theory, especially those concerned with social justice issues.

It would be impossible to summarize here all the steps of the intricate reasoning – of an essentially conceptual nature – by which Pereira articulates elements from theoretical perspectives of both traditions mentioned above to build his own theory of critical social justice. In fact, the discussion that follows is quite selective. It consists essentially of an indication of a number of controversial issues that an undertaking like this brings up,

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especially when considered from the point of view of Rawlsian justice. Two preliminary observations are necessary regarding the scope of this discussion. The first observation is that, even though I stated above that Pereira combines elements taken from the two philosophical traditions in question here, it is a theoretical effort that, in its most characteristic aspects, remains solidly located within the intellectual structure of the critical theory. It would be a mistake, therefore, to characterize it as an attempt at theoretical syncretism. But what I want to stress, as a note of caution, is that the appropriation Pereira makes of the critical theory will not be discussed in this article¹. This leads us to the second observation. My purpose here is to examine a theoretical effort to formulate, mainly on the basis of the critical theory, a conception of social justice that is capable, or so it is argued, of dealing with certain deficiencies (which will be described shortly) of Rawlsian justice in a normatively appropriate way. It is the critical interlocution with the Rawlsian perspective that constitutes the focus of the concern behind this article. Beyond presenting a review of Gustavo Pereira's book, what I intend to do here is to bring up controversial issues that deserve further research efforts by practitioners of political theory who dedicate themselves to normative reflection on social justice.

According to Pereira, critical social justice should appropriately take on questions of foundation and questions of application of a criterion for social and political justice. The questions of normative foundation are faced by referring to the discourse ethics of Habermas and Apel. On the basis of the "universalization principle," formulated by Habermas, a valid criterion of justice, like all moral norms that have any pretension to normative validity, should satisfy the following norm of dialogical argumentation: "All [those] affected can accept the consequences and the side effects [that] its [a proposed moral norm's] general observance can be anticipated to have for [the] satisfaction of everyone's interests (and these consequences are preferred to those of known alternative possibilities for regulation)" (HABERMAS, 1990, p. 65, italics suppressed). The next step in Pereira's construction consists of sustaining that Habermas's universalization principle should be complemented by Apel's co-responsibility principle (PEREIRA, 2013a, pp.57-60), which, for Pereira, already represents a step towards applicability. This principle establishes the co-responsibility of the potential participants in the argumentative discourse to contribute to the abolition of the injustices that exist in real societies. By preventing the citizens involved in the communicative interaction from adequately participating in the dialogue, these injustices also prevent the attainment of discursive solutions to controversial moral questions in conformity with the universalization principle.

But Pereira's greatest concern is not with questions of normative validity. He notes Apel's statement to the effect that discourse ethics is comprised of two parts, one being

1 Here I answer to a comment made by an anonymous reviewer of this journal.

“Part A,” referring to normative validity, and the other, “Part B,” focused on social and political justice and on applied ethics. Pereira then goes on to stress that “my interest is restricted to social and political justice” (PEREIRA, 2013a, p.57). Although he does not specifically say so, it is implied that the greatest deficiency of Habermas’s and Apel’s discourse ethics lies in not being concerned (to the necessary extent) with the “conditions that allow for the realization of the ideal community of communication in the real community” (PEREIRA, 2013a, p. 57). One of the main aims of Pereira’s book, as far as the critical theory is concerned, is to fill in for this failing of “Part B” of discourse ethics. Another important aim is to show that this can be done by formulating a normative criterion and a conception of social justice that can offer a more morally appealing alternative than that which the liberal-egalitarian conceptions of justice can offer – than Rawls’s perspective in particular – to address, especially, two problems seen as interconnected. These two problems are, namely, that of the specification of the scope of a theory of social justice and that of the constitution, among the citizens, of the motivational structure that is needed for a person to become an “agent of justice” and commit herself to the realization of justice in society. Pereira holds that, by offering more adequate answers to these two problems, the critical theory of justice can be considered superior to Rawls’s theory as to how the relationship between a model of ideal justice, and its application to real societies, should be conceived. As compared to the Rawlsian perspective, therefore, it is based on this question of applicability that one should appraise the credentials of critical social justice. This question will be the main focus for the remarks that follow and, of course, they will in no way exhaust the discussion of all the conceptual elements that Pereira deals with in articulating his conception of justice.

Let us start with the central element of this conception. Since Pereira is concerned with “Part B” of discourse ethics, he holds that there must be a conceptual element that articulates the normative point of view of discourse ethics with a “conception of justice highly committed to intervention [in] and transformation of actual societies” (PEREIRA, 2013a, p. 102). This conceptual element provides a normative guide for selecting principles of justice and, especially, a metric for social justice. Specifically, he is referring to the idea of “reciprocal recognition autonomy,” which is the guiding principle of the book. For Pereira, a central component of any normative conception of justice is an idealization of subjects able to demand justice and give support to just institutions and just policies. For a theory of justice that is in conformity with the normative foundation of discourse ethics, this idealization is expressed through an idea of autonomy, “understood as the capacity to take part in dialogue by offering and accepting reasons to support one’s claim” (PEREIRA, 2013a, p. 61).

As the form of autonomy that should provide the *telos* of social justice is that of “reciprocal recognition,” the moral language used is that of recognition. The central conceptual and normative element of Pereira’s critical theory is taken from Honneth’s theory of recognition. An initial comment should be made on this point. For authors such as Charles Taylor, Iris Young and even Nancy Fraser, the idea of the recognition of the cultural identities of groups that suffer experiences of social discrimination and stigmatization is placed in contrast to, or at least in strong tension with, what Taylor (1994) calls the “politics of equal dignity.” For the latter idea, the realization of justice in society has the purpose of guaranteeing a form of equal treatment that is only possible for those who, as citizens, are bearers of equal rights. This contrast cannot be reduced to “redistribution or recognition,” as Fraser (1995) would have it. The opposition is established between a moral language that interprets certain forms of injustice as the absence of recognition of the “group’s ‘groupness,’” as Fraser says (FRASER, 1997, p. 19), on the one hand and, on the other, a moral language characteristic of egalitarian liberalism, which interprets these same injustices on the basis of a lack of equal rights for all. For this second point of view the forms of social discrimination and stigmatization suffered by homosexuals, for example, does not call for remedies either of redistribution (of material resources) or of the recognition of the moral value of a way life or a cultural identity. It rather demands the guarantee of equal legal rights or, to put it more generally, the guarantee of an equal social status for the homosexuals (BARRY, 2001, p. 274–279). The extent to which gender or racial inequalities, or the discrimination suffered by national minorities or immigrant ethnic groups, should be interpreted (primarily) on the basis of an idea of “privation of recognition” or, alternatively, on the basis of an idea of privation of the social resources, opportunities and rights that are granted to others in the same society, is part of the theoretical and public debate between these two moral languages. But it is not within the scope of this debate that Pereira incorporates the idea of recognition into his critical theory of justice. This becomes even more evident when one recalls that this idea, which has a Hegelian pedigree and is usually expressed through a “collectivist” moral language, is incorporated to qualify an idea of autonomy that applies above all to *individuals* rather than to collectivities.

Here I will limit myself to defining what seems to be the main concern expressed in the incorporation of Honneth’s theory of recognition. The notion of autonomy is understood as the capacity a person has (or should have) to participate in dialogues and to offer and accept arguments in a variety of practical contexts. As stated above, autonomy connects the critical theory of justice with discourse ethics. Pereira holds that autonomy cannot be adequately fostered by a conception and a metric of social justice that have an exclusive or strongly institutional focus, and this is exactly the case with Rawlsian justice.

It is to confront this problem that the three dimensions of recognition in Honneth's approach (HONNETH, 2003) – the sphere of the relationships of love and affect, the sphere of law and rights, and the sphere of achievement – are incorporated into Pereira's arguments. The effect of this is not so much to give normative weight to a "group's groupness," in Fraser's terms. It is much more to extend the scope of the theory of justice beyond the institutional sphere that constitutes the central object of Rawlsian justice, and that corresponds approximately to the sphere of law and rights in Honneth's theory. Among the necessary conditions for a person to develop as an autonomous agent are an egalitarian treatment by the institutions of her society, and equal rights. (However, as we will see below, whether or not critical social justice endorses a conception of egalitarian justice is a dubious matter.) These conditions provide strong support to citizens' "self-respect," and on that count there is convergence with Rawls's perspective. For Rawls (1971, pp. 62, 92–95; 2005, pp. 178–187), an equal or fair (depending on the case) distribution of "primary social goods" that are either distributed directly by institutions, or whose distribution is determined by institutions, is the condition under which the most important primary social good (that cannot be distributed by institutions), the self-respect of the citizens, can be guaranteed in a just society. An equal or fair distribution of basic rights and liberties, freedom of occupation, powers and prerogatives of offices and positions of responsibility in society's economic and political institutions, income and wealth (RAWLS, 2005, p. 181) is not an end in itself, as if the "mere" distribution of certain resources could be the sole end of social justice. Rather, it is a means to what really matters morally, i.e., citizens' self respect and the guarantee of an equal social status to all citizens. But for Pereira, this is not enough. Based on Honneth's theory, Pereira holds that the development of the capacities required for autonomous agency, which constitutes the touchstone of his conception of critical social justice, requires reciprocal relationships of recognition that give support to "self-confidence" in the sphere of personal relationships and family life, and to "self-esteem" in a sphere where people exercise their distinctive talents and capacities and receive recognition for the value of their contribution to society.

The two interconnected problems mentioned above, then, are the attainment of justice and the constitution of a motivational structure by which someone can become an "agent of justice." But before going further into the discussion of these problems, there is another point where the conception of critical social justice differs from a Rawlsian perspective. As stated above, the idea of reciprocal recognition autonomy provides the normative criterion that guides the choice of principles and of a metric for social justice. Pereira devotes an entire chapter of his book (III.1) to this topic. According to him, the focus on capabilities, proposed by Amartya Sen (2009) and Martha Nussbaum (2000; 2006), conceives a normative metric for social justice that is more closely attuned to the

telos of reciprocal recognition autonomy². Pereira agrees with Sen's criticism to the effect that the focus on the distribution of institutional resources, or resources whose distribution is determined by institutional arrangements, such as educational and occupational opportunities, income and wealth, causes the Rawlsian conception of distributive justice – and other conceptions that adopt a “resourcist” metric, e.g., the real income approach – to ignore the unequal capacity that persons have to convert institutional resources into “freedom to achieve well-being.” Personal heterogeneities and certain social and environmental contingencies (SEN, 2000, pp. 70-71) account for that unequal capacity. The greater sensitivity of the capabilities metrics to these inter-individual variations and to forms of vulnerability (such as those generated by circumstances of poverty and social marginalization) that keep people from developing as autonomous agents, explains Pereira's preference for Sen's approach. Although Pereira's discussion on this topic shows a high level of mastery over the theoretical debate in question, which is a characteristic of the book as a whole, he fails to consider all the objections to the capability approach made by those who subscribe to an egalitarian resourcist metric for distributive justice. Here it is only possible to mention them briefly.

For those who defend that justice requires equality, one of the problems of Sen's approach lies in its difficulty to formulate a plausible conception of social equality. His approach becomes more convincing when used to specify a minimally adequate level of

2 One anonymous reviewer of this journal remarked that to treat Sen's and Nussbaum's positions as equivalent, as I do here, fails to take into account that what is distinctive in Nussbaum's position is her defense of a form of moral perfectionism as a basis for her theory of social justice. My impression is that, even though the two versions of the capability approach are based on a view of “good functioning,” or of the good life, only Nussbaum clearly asserts the objective and perfectionistic grounds of her theory of justice. Nussbaum's starting point is a conception of good, “a life that is worthy of the human being” (NUSSBAUM, 2006: location 843), to specify a list of central human capabilities (NUSSBAUM, 2006: locations 905–963) that constitute the core of a “minimal account of social justice” (location 896). In contrast, Sen does not offer any systematic interpretation, or even a canonical list, of the valuable “functionings” of his theory of social justice. But in abstractly formulating the idea of “capability,” he asserts that “the ‘good life’ is partly a life of genuine choice, and not one in which the person is forced into a particular life – however rich it might be in the other respects” (SEN, 1985a, p. 70). This and other passages with the same content seem to confirm the judgment by Robert Sugden, in his book review of *Inequality Reexamined* (SEN, 1992): “In presenting his account of well-being, Sen sees himself as participating in a search for truth, and not as presenting a set of subjective value judgements. [...] Sen's philosophical position might be characterized as Aristotelian: he is searching for a true answer to the question, ‘What makes a good life?’” (SUDGEN, 1993, p. 1952). Although Sen is more ambiguous than Nussbaum about the perfectionistic grounds of his (Sen's) version of the capability approach, the distance between the two authors, on this point, may not be so great after all. Surely, in simply asserting that the capability approach has perfectionistic grounds – whose implications are not the same as those related to the form of moral perfectionism that will be examined below – it is not sufficient to show what is problematic about that. But this would require a separate discussion.

“capability to function.” This can be done by taking into account a small number of basic “functionings” – such as access to adequate nutrition, educational level, access to basic health services, and longevity – which constitute an identifiable and interpersonally comparable capability set. But when the question involves capability sets that are above this threshold it is impossible in practice to dissociate what, on the one hand, is due to morally arbitrary social or natural circumstances, which can respond for distributive inequalities that should be the object of a conception of social justice, from what, on the other hand, is due to conceptions of good, preferences and life plans of each person. This criticism is not based on the “reified concept” (PEREIRA, 2013a, p. 139) according to which only metrics that can be quantified and operationalized, e.g., methods of evaluation and comparison of levels of well-being based on the measurement of real income, can make sense cognitively and guide intervention into social reality. The problem that is being brought up here is not the difficulty in making the capabilities metric operational, but rather the normative problem of value incommensurability of different capability sets (DANIELS, 2003, p. 259; 2010, p. 139-140; POGGE, 2010, p. 49-58). And this incommensurability makes the implications of the interpretation of equality uncertain. Sen himself, in his most recent work, seems to forego giving any precise meaning, normatively speaking, to the idea of equality of capability (SEN, 2009, p. 295-298). But if this is the case, we would have to classify Sen’s and Nussbaum’s approach to distributive justice as a variant of sufficientarianism, and not of egalitarianism³.

Although not exactly for the reason I mentioned above, this is precisely the stance taken by Pereira. He says, “The capabilities metric is very useful when it comes to securing a minimum or sufficient development of the elementary capabilities that allow an individual to pursue a life plan, share social cooperation and take part in the life of society; that is, to be a free and equal citizen” (PEREIRA, 2013a, p. 95). Pereira holds that this standard of sufficiency, specified on the basis of the capabilities metric, should be complemented by the difference principle, from Rawls’s theory, according to which inequalities in income and wealth are justifiable only if they are established for the maximum possible benefit to the least advantaged members of society. This combination is necessary to enable critical social justice to confront the distributive inequalities that are above the minimum level of capability for functioning (PEREIRA, 2013a, p. 120-123). This ecumenical position has much to recommend it. But the difference principle is incorporated in an ad-hoc way, almost like an appendix of a non-egalitarian conception of distributive justice and does not seem to play any normative role of its own. The strength of Pereira’s ecumenical position resides in the standard of sufficiency. On this point I have two observations to make.

3 Nussbaum, for whom the list of central human capabilities is part of “the minimal account of social justice” (see Note 2, above), would have no problem admitting this.

My first observation in this regard is that the interpretation of the difference principle itself is not accurate. Pereira points out the corrosive effects of the inequality of income and wealth on the equality of social status, on self-respect and on the political equality of citizens. In this regard he asserts that these effects should be “counteracted by endorsing the well-known Rawlsian difference principle that justifies distributive inequality if it improves the social situation of the least advantaged” (PEREIRA, 2013a, p. 121). That this formulation is not precise becomes all the more evident in a passage that appears farther down in the text, where Pereira mentions the argument by Paula Casal that the shortcomings of the difference principle should be corrected by supplementing the principle with a guaranteed social minimum. I quote Pereira’s comment:

Her [Paula Casal’s] argument is particularly useful when justice is concerned with intervention in real societies that are not well-ordered societies, and it is accurate in the face of problems of severe inequality, social marginalization and extreme poverty. These circumstances generate pervasive inequalities and injustices not adequately captured and counteracted by the difference principle. For example, extreme poverty creates a scenario that requires not only improving the condition of the least advantaged group but also ensuring them a social minimum (PEREIRA, 2013a, p. 121).

I agree with the point on a social minimum. But it is not correct to say that the difference principle “justifies distributive inequality if it improves the social situation of the least disadvantaged,” as is affirmed in the passage I quoted above, if the status quo on the basis of which the distributive inequality is justified is characterized by “severe inequality,” “social marginalization” and “extreme poverty.” That is, this principle calls not only for improvements in the situation of the least advantaged if circumstances of this nature are taken as the baseline to be adopted. On what basis could we say that circumstances of severe inequality, social marginalization and extreme poverty are justified on the basis of the difference principle in the first place? The correct interpretation of this principle is expressed in the idea that economic inequalities morally authorized by the difference principle – as they contribute to raising (in absolute terms) the share of income and wealth of the least advantaged – should be appraised by reference to a hypothetical state of equality of social primary goods. This is the appropriate baseline for appraising the distributive inequality authorized by the difference principle, and not a status quo characterized by severe social injustices. Based on this stronger interpretation of the difference principle, economic inequality is, at best, a necessary evil, and any departures from equality must be justifiable to the least advantaged (BARRY, 1989, p. 234; COHEN, 1989). In a simplified way we can say that, if the demands of the other components of the Rawlsian conception of justice are taken into account, the difference principle recommends the choice of a basic

institutional structure under which the distributive share (of income and wealth) of the least advantaged are as high as possible.

My second observation flows from the first. It seems clear that the difference principle is only one of the components of a conception of justice. There is another fundamental component related to social justice, namely, a principle of fair equality of opportunity. It is beyond the scope of this article to examine this principle in detail or discuss how the difference principle is articulated with this idea. But it is nonetheless important to stress that, beyond fostering “a minimum or sufficient development of elementary capabilities” (PEREIRA, 2013a, p. 95) – and the importance of this for the abolition of severe poverty is not in question – this principle demands that *equal* opportunities be guaranteed. If the condition of free and equal citizens is to be assured to all in a democratic society, it is not enough to have an “expansion of social opportunities” or that “elementary functionings” be within everyone’s reach. Fair equality of opportunity must not be confused with meritocratic criteria, which is quite popular in liberal societies, according to which the most desired and rewarded jobs should be allocated to those who are best qualified to exercise them and who make the most strenuous efforts to develop their talents and their productive skills. Beyond the slogan “careers open to talent,” it is necessary that, at a sufficiently previous moment in time, everyone has had the same opportunities for acquiring the qualifications required to compete on an equal footing for access to elite universities and to the most rewarded occupational positions (VITA, 2012, p. 306). With this demand in mind, if we look at education, social justice requires not only that the functioning basic education be guaranteed for all, but also that equality of educational opportunity, interpreted in an appropriately strong sense, be guaranteed by institutional arrangements and public policies.

An egalitarian conception of social justice may incorporate, as one of its components, an idea of guaranteed social minimum. But a conception of social justice that has as its center of gravity, we might say, an idea of this nature could lead to recommendations of public policy according to which reduced social resources are sufficient to satisfy the needs associated with a capability set defined by basic functionings. In the 1980s Peter Townsend (1985) criticized Sen’s conception of absolute poverty because it offered a minimalist definition of the needs of the poor. For Townsend, such conception seemed more closely associated with a list of basic functionings than with the demands of resources related to the performance of certain roles in society, among which is that of being a citizen. According to Townsend, without a clearer definition of the range of resources required to satisfy the needs associated with the absolute component of the notion of poverty, Sen’s approach could imply the recommendation that reduced resources may be sufficient to satisfy needs that are more closely associated with subsistence than with social needs

related to the performance of certain roles in society (those of citizen, parent, professional, etc.). Sen responded to this criticism numerous times (SEN, 1985b; SEN, 1992, p. 116; SEN, 2009, p. 256), always emphasizing the distinction between a relativistic approach to poverty, such as Townsend's, and Sen's own approach, which has an irreducibly absolute component. This distinction serves to show that, what is seen as socially and culturally variable relative privation in the evaluative space of income and commodities, can be seen as absolute privation in the evaluative space of the capability approach. To use an example from Sen himself (2000, pp. 21-24), black Americans not only feel poor because they suffer relative privation of income (as compared with the income of white Americans); they are indeed poor, in an absolute and objective sense, when one evaluates their level of well-being on the basis of the elementary functioning of longevity. Although they have much higher incomes (even when the comparison is made on the basis of purchasing parity power), American black men have a much lower life expectancy than Chinese men or than men in the state of Kerala, in India. Sen may have a point in arguing that there is an absolute component in the notion of poverty, but this line of answer to Townsend fails to address the objection that his normative approach leads to minimalist distributive recommendations. Townsend's criticism mainly targets Sen's conception of poverty. But a somewhat similar objection is being raised here against Pereira's critical social justice. A conception of social justice based on an idea of "minimum or sufficient development of elementary capabilities" and unconnected to or inadequately articulated with a conception of distributive equality, leads to a minimalist definition of "citizens' needs", i.e. of persons as free and equal citizens.

I defended above that the modest egalitarianism of critical social justice contrasts with the expanded view this conception has of the telos of justice and, in connection with this, of the conditions needed to foster among individuals the motivational structure needed for them to become what Pereira calls "agents of justice." These are the two areas of controversy that can only be dealt with briefly here. Beginning with the first question, Pereira says that "I have introduced the telos of ensuring reciprocal recognition autonomy as a duty of social justice" (PEREIRA, 2013a, p. 77). The problem here is that, in both academic and public discussions, a conception of social justice is generally thought to refer to what the State may and should do⁴. When we talk about duties of justice (in contrast to duties of beneficence), we are referring to duties that, at least potentially, can be translated into binding rules. In other words, we are talking about claims that can justify the use of collective coercion in society. As "this conception of autonomy is the normative concept that provides the basic guidance to construct principles of justice and identify

4 Whether or not there are international duties of justice is an important question that I leave aside here.

normative criteria for designing social policies” (PEREIRA, 2013a, p. 61), what is at stake is a justification for the use of collective coercion. The question that comes up is: Can the conception of autonomy defended by Pereira serve as grounds for what the State should do to foster justice in society?

Pereira argues that this conception of autonomy is “procedural.” That is, it is not committed to any substantive form of life. In saying this, what he has in mind is to dissociate this ideal of autonomy from a form of moral perfectionism that could authorize paternalistic interventions into individual freedom (PEREIRA, 2013a, p. 77). It is also important to note what he says in another part of the book: “The assumption of negative freedom as an unsurpassable achievement of modernity blocks any attempt to provide substantive content that can undermine that freedom” (PEREIRA, 2013a, p. 193). But it is not by refusing to endorse any specific substantive idea of good that a conception of autonomy becomes compatible with negative freedom. This can be seen in a conception of human good like that of John Stuart Mill, formulated in Chapter 3 of his *On Liberty* (COHEN 1961, pp. 187-319). Mill forcefully defends the moral superiority of active and autonomous individual characters who are capable of rational self-determination, in the sense of being able to choose the ends and way of life they want to practice in their lives. They do not let this choice be determined by custom, by the moral majority of society or by religious authority. To oblige someone to be autonomous in this regard – “to oblige them to be free,” in Rousseau’s paradoxical formulation – may sound like an oxymoron. But as soon as one admits that a conception of the good as individual autonomy might justify what the State should do – a step that Mill did not take but that someone could take on the basis of his ideal of free individuality – the implications could be problematic. This could justify, for example, an educational policy aimed not only at teaching children (of evangelical families, for example) that they have liberal rights that allow them to leave behind values or ways of life into which they were socialized, if they so wish, but also aimed at persuading them that the beliefs and ways of life practiced by their families are incorrect because they are heteronomous. Liberal rights that protect negative freedom guarantee only a “right to exit” (to use a term coined by Albert Hirschman). They do not guarantee that the autonomous formation of preferences deserve any special treatment when what is at stake is the use of society’s collective power to deal with forms of life in which individual autonomy is inconceivable. This also applies to a Kantian conception of moral autonomy, but further elaboration would be necessary to show why this is so.

This problem becomes broader when the notion of autonomy adopted is normatively more ambitious than Mill’s. It seems to me that this is the case of Pereira’s conception of reciprocal recognition autonomy. As was mentioned above, according to this conception, those who exercise, to the required degree and in the required way, “the capacity to take

part in dialogue, offering and accepting reasons to support one's claim," are acting autonomously. The phrase "to the required degree and in the required way" (the formulation is mine, not Pereira's) lays heavy demands on what can be considered an exchange of reasons and arguments among autonomous agents. A "deep reflective use of practical reason" (PEREIRA, 2013a, p. 154) should take place, in contrast to a "superficial reflection" that would merely reiterate prevalent beliefs in society. Such a use of practical reason should respond to an "emancipatory interest" in two interconnected ways. In the first place, it should make possible a "self-reflection" that enables the agent to criticize the process of socialization that resulted in his or her own practical identity and that, in circumstances such as severe poverty, domestic violence or social humiliation, can lead, and often does lead, to the introjection of a depreciative view of oneself. Second, a "deep reflective use of practical reason" is what makes possible a criticism of certain "social pathologies" (PEREIRA, 2013a, pp. 67; 153-164). Among these pathologies, three especially conspire against the autonomy of reciprocal recognition:

(1) Reification, which is associated with the predominance of instrumental reason in a capitalist and bureaucratized society, and which means that people are treated as things rather than as ends in themselves, in inter-personal relationships in the three spheres of recognition. More specifically, Pereira attributes to "reifying trends" the social and political apathy and the reduction in the possibility that a strong cooperativist movement can emerge (PEREIRA, 2013a, pp. 159-160);

(2) The constitution of "adaptive preferences" - a notion formulated by Elster (1987) - to explain the process of formation of individual preferences where agents, in order to avoid the suffering caused by cognitive dissonance, adjust their preferences to what they realistically think they can obtain in their circumstances; this is especially important to explain why people submitted to circumstances of severe poverty and destitution can develop overly modest tastes, and this leads them to expect and demand very little of society's scarce resources; and

(3) The adoption of consumerist styles of life, which, to some degree, is an inversion of the process described in (2), above; for, in this case, the process of preference formation gives rise to "expensive tastes": "It is possible that the most talented ones who embrace consumerist lifestyles press for higher pay from their jobs, which generates a social differentiation beyond reasonable or egalitarian terms" (PEREIRA, 2013a, p. 40).

Now, this notion of autonomy, which aims at capturing the value of an "emancipatory interest in radically exercising such capacities [necessary for participating in the dialogue that enables a deep reflection, in the sense described in the previous paragraph]," could hardly be considered a form of perfectionism "so weak that there would be no objection to accepting it" (PEREIRA, 2013a, pp. 66; 79). If guaranteeing the telos of reciprocal

recognition autonomy is a duty of justice, it would seem to be an obligation of justice to make consumerists change their tastes in order to conform them to a non-pathological way of life, perhaps one in which their reflective capacities would flourish. What if severe poverty, domestic violence and social humiliation were abolished from society? In this case, taking into account that the guarantee of a sphere of negative liberty is an “unsurpassable political value”, what would lead us to suppose that people would rather carry out this “emancipatory interest” – a form of self-realization – in the many different practical spheres, than, let us say, to have a life style that combines “alienated” work in capitalist companies with a life style devoted to private consumption?

What reasons are there to adopt this normatively expanded conception of the end of social justice? Pereira is not in accord with a statement made above, namely, that a conception of social justice is essentially about what the State can and should do. Nor, as noted above, is he in agreement with the strictly institutional focus and with the resourcist metric of Rawlsian justice. The main reason for both these disagreements is the supposition that an institutional conception of social justice does not have an interpretation of the conditions necessary for a person to become, according to Pereira, an “agent of justice,” that is, an agent able to support and demand justice. Rawlsian justice supposes that persons, as citizens, have a moral power of rationality – which is understood as the capacity to effectively pursue a conception of the good, be it a plan of life limited to a person’s self-interest or a “comprehensive doctrine” (such as a religion) – and a moral power of a sense of justice or reasonableness – which is the capacity to give support to, and to do one’s own part under just institutions. But, Pereira holds, this perspective of justice “does not address the problem of the acquisition of that identity” (PEREIRA, 2013a, p. 102). Facing this problem in an appropriate way demands an extended conception of both the end and the scope of social justice (to encompass the three spheres of reciprocal recognition). It also requires the constitution of an “egalitarian and democratic ethos,” i.e., a background of egalitarian and solidaristic values supposed to guide individual behavior and provide a public perspective for discussing and criticizing life styles (PEREIRA, 2013a, pp. 168, 170). What is clear from Pereira’s discussion on these topics is that his conception of critical social justice is not limited to the institutional sphere. It also aspires to reach the values and norms that guide personal conduct. In another text, in which the arguments of his book are briefly presented, Pereira asserts that “the main reason on which rests the advantage of reciprocal recognition autonomy over other conceptions of the subject is that, to be realized, this autonomy requires not only material means, but also intersubjective circumstances where others function as triggers for reflection and criticism. This opens the way to reflective processing of ends, preferences and circumstances that affect

life itself, and those circumstances propitiate the constitution of subjects capable of confronting social pathologies such as consumerism and adaptive preferences” (PEREIRA, 2013b, p. 10).

As I see it, the central point of disagreement is not about the conceptions of subject adopted by the two ways of conceiving justice. The main issue is about the object of a conception of social justice and, specifically, 1) whether the main object of such a conception should consist of institutions and public policies, especially those that are most important for the ends of social justice, or 2) whether the object should also embrace a moral evaluation in a variety of practical “informal” spheres (in opposition to the institutional sphere), of the norms and values that guide citizens personal behavior. With respect to the constitution among citizens – at least among a great majority of citizens – of the motivational structure necessary to give support to social justice, Rawlsian justice leans toward the first position, whereas the critical theory of justice leans toward the second. The main issue of Pereira’s book – how to constitute the motivational structure needed for a person to become an agent of justice – is important and does not lend itself to simple answers. But, when comparing the relative merits of the two normative perspectives in this respect, it is not the case that one of them is concerned with a central issue that is largely neglected by the other. Rather, they differ in the ways to tackle the problem. Here it is only possible to point out two ideas that are part of the Rawlsian perspective.

The first of these ideas was mentioned above. The assumption mentioned above is that citizens are characterized by a dual structure of motivations, one to exercise a moral power of rationality, and the other to exercise a moral power of reasonableness. No doubt, there are persons who see themselves as efficient machines to maximize their own self-interest, as “rational fools,” to use the term coined by Sen (1977). Others cannot conceive of themselves but as zealously or even fanatically devoted to a specific comprehensive doctrine. From a Rawlsian perspective, these are two ways of unilaterally exercising the moral power of rationality. At the opposite pole, there may be persons who are altruistically dedicated to the common good. But the assumption of this perspective is that the great majority of citizens are neither unilaterally rational, in this restricted sense, nor altruists. They want to contribute to the attainment of justice in society if they can trust that it can be attained and that it is really being attained. At the same time, they also want to attend to their own individual interests and dedicate themselves to their individual conceptions of good – which may or may not include an autonomous way of life, in the strong interpretation that the critical theory of justice offers of this value. One important implication of this assumption of a dual structure of motivations is that citizens may be willing to give support to institutions that represent demands of principles of justice as long as they can trust that the great majority of their fellow citizens will do the same thing. But they may not feel compelled to adopt the very same principles to guide their personal conduct in a

variety of social contexts. This is a proposition on the *scope* of the principles of social justice. Such a position was the target of heavy criticism, especially from G. A. Cohen (2001). For Cohen, a just society cannot exist unless there also exists a culture, or an ethos, of solidaristic and egalitarian norms and values that are in harmony with the same principles that are expressed in the institutions and that serve as guides for citizens' personal behavior. For Cohen it is inconceivable that citizens, *qua* citizens, will accept giving support to institutional arrangements that express demands of the difference principle (or of some similar principle of distributive justice), such as a tax system or social transfers of a redistributive nature if, at the same time, they are not willing to guide their personal choices and decisions (especially their economic behavior in the market) by this same principle. With some qualifications, Pereira (2013a, pp. 164-178) takes on a perspective similar to Cohen's.

The second idea refers to the relationship of mutual reinforcement between political institutions, especially those that are most directly involved in social justice, on the one hand, and the norms and values that guide the behavior of citizens, as citizens, on the other. If citizens and their representatives implement institutional arrangements and public policies that are generally considered to satisfy a publicly defensible criterion of social justice, such arrangements and policies exert a powerful appeal to the citizens' sense of justice. And when this sense of justice is strengthened, it constitutes the basis of continued support from the citizens (at least from a great majority of them) for these same institutions. A conception of institutional justice plays a major role in the theory that Rawls calls "reasonable moral psychology" (RAWLS, 1971, pp. 490-496; RAWLS, 2005, pp. 86-88). On the basis of this conception, he explains how a sense of justice can be acquired and strengthened, and that offers an interpretation on "how people acquire enough self-reliance to demand justice" (PEREIRA, 2013a, p. 101).

The Swedish political scientist Bo Rothstein, in his *Just Institutions Matter*, uses this relationship of mutual reinforcement to explain the existence of a certain type of social norm, especially the willingness of citizens to act in a just and solidaristic way. But to explain the emergence of social norms, Rothstein is concerned specifically with the values and attitudes of Swedish citizens that lead them to give political support to the institutions of a universalist welfare state. For him, the most important factor is the institutional design⁵:

5 In an article where he examines G.A. Cohen's criticism on the institutional focus of Rawlsian justice, Joshua Cohen (2002) notes that the Rawlsian position does not ignore the importance of the social ethos for distributive justice (COHEN, 2002, p. 383). What is distinctive in Rawls's position is the supposition (shared by Rothstein) that social institutions play a major role in molding individual preferences, attitudes and aspirations, that is, molding what G. A. Cohen calls "social ethos". Joshua Cohen (2002, pp. 385-386) sustains that only if we were confronting a social ethos that both produces unacceptable inequalities and is entirely impermeable to institutional

Social norms, I want to argue, *can be explained by the manner in which political institutions structure the decision-making situation faced by actors and influence trust*. [...] This idea has a politically interesting corollary, moreover, namely that a society's norms are not structurally given (by culture, history, the World Spirit, etc.). If instead norms vary with the character of political institutions, then we as citizens have a role to play. We can, at least on some occasions, decide which norms shall prevail in the society we live in, *because we can choose how to design our political institutions*. It has proved possible, for example (at least during special moments in Swedish political history), for centrally placed political actors to shape political institutions consciously, and in such a manner as to favor the generation of certain social norms (and interests) (ROTHSTEIN, 1998, pp. 134-135).

To create or to change institutions that are directly important for social justice, such as tax systems and social policies, is only possible, as Rothstein says, "on certain occasions." But no matter how great the obstacles to making society more just may be, it is not at all clear that the most promising alternative for dealing with them would be to replace an institutional and resourcist conception of justice with a normative perspective, such as the critical theory of justice proposed by Pereira, which adopts a conception that is normatively more demanding and broader both in terms of the ends and of the scope of social justice. To change the focus from criticism of political and social institutions to criticism of norms and values that, in a variety of social contexts, guide personal behavior, could lead us even farther from the objective of developing "a theory of justice committed to intervening in and transforming real societies" (PEREIRA, 2013a, p. 96).

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changes and egalitarian public policies, would we (the egalitarians) have to extend the object of the principles of justice beyond the institutional scope, to make it also directly address individual preferences, attitudes and aspirations. Although Joshua Cohen does not discard this possibility, my impression is that, differently from G. A. Cohen, he treats it as a limit case and not as the standard case with which a theory of distributive justice should concern itself. I thank an anonymous reviewer of this journal for having called my attention to Joshua Cohen's article.

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