Mutualities: Social Justice Re-Considered[1]

> "[Mutual inductance is] the property of two circuits or devices by virtue of which a variation in the current flowing through one [by the flux lines of a magnetic field] induces an electromotive force in the other."
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> "[A moment is] the turning effect produced by a force."
>
> *Oxford Dictionary of English*

This essay is a programmatic one only.[2] That is, I would like to suggest here more briefly than I have done elsewhere how some philosophical reflection on four salient empirical features of the morally and ethically unacceptable situation of destitute street children barely surviving in the midst of the unprecedented wealth of such European capital cities as Paris may disclose four related aspects of an urgently needed re-articulation of the concept of social justice.

Those features I will be calling "moments of mutuality," four cardinal elements of a non-reciprocal, asymmetric relation of mutuality understood in terms of mutualizing fairness, understanding, respect, and articulacy. And the philosophical project

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[1] This is a revised version of a paper first presented in shorter form as an invited lecture at Philosophy Department of The University of Athens in May 2012, and subsequently in revised form at the Palacky University of Olomouc in Moravia, Czech Republic, in April 2013. The Olomouc lecture was part of the 440th anniversary year celebrations of the university's founding in 1573 by the Society of Jesus.

[2] For some initial results of this ongoing research project see P. McCormick, *Moments of Mutuality: Re-articulating Social Justice in France and the European Union* (Cracow: The Jagiellonian University Press, 2012).

here concerning these moments of mutualities I will be calling "the mutualities project."

§1. Beginning with Metaphors

In general, the mutualities project is about re-articulating traditional ideas of social justice in terms of so-called "moments of mutuality."

The extreme child poverty on which the mutualities project centres is "street children's destitution," which I try to elucidate in more detail in another essay below.[3] The destitute street children in question are specifically the utterly poor pre-adolescent street children no younger than 6 years old, the still traditional so-called "age of reason," and not yet having reached the age of 12, which is increasingly the usual time in EU countries for the beginnings of adolescence.[4]

In particular, the mutualities project focuses on moral and ethical issues arising from the vast, persistent, and, in fact, very largely unnecessary suffering of destitute street children amid the extraordinary wealth of Paris and its many quite resourceful elites.

Literally speaking, the key phrase, "moments of mutuality," comprises two ethically suggestive concepts, each borrowed from the physical sciences. The first concept, *mutuality*, refers literally to the concept in electricity of mutual inductance.

The concept of *mutuality* here is understood as the property of two circuits by virtue of which a variation in the current flowing through one, thanks to the flux lines of a magnetic field, "induces an electromotive force in the other." And the second concept, *moment*, denotes the concept in physics of a moment understood as "the turning effect [the torsion] produced by a force."

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[3] See below Chapter IV.

[4] For the biological and evolutionary backgrounds of children see the magisterial work of M. Kroner, *The Evolution of Childhood: Relationships, Emotion, and Mind* (Cambridge, MA: Harvard UP, 2011).

Figuratively speaking, the key phrase, "moments of mutuality," refers here to possible interactions of a certain kind between some affluent persons and some destitute persons. That is, the mortal situations of many utterly destitute persons in affluent societies and, especially, the mortal situations of destitute street children in these societies, may, figuratively speaking, sometimes exercise a "force" on the attentions of some reflective persons.

Conversely, under the effects of this force some of these affluent persons may sometimes recognize their being, as it were, turned towards the destitute. They may then go on to interact with these destitute children in just such efficacious ways as to endow them with several basic powers which these destitute persons lack all the while coming to discover in themselves unsuspected capacities of their own.

Specifically, the mutualities project is about contributing to the ongoing task of rethinking the traditional notion of social justice. That task is to re-articulate in part the notion of social justice in terms of "mutualities" with respect to the legally, politically, socially, and ethically unacceptable situations of destitute street children barely surviving amid unprecedented resources in many extraordinarily affluent EU capital cities today such as Paris.

When critically reconsidered from such a reflective standpoint, social justice becomes much less a matter of any "mutualistic" ethics of reciprocity, which is symmetrical.[5] Rather, social justice with respect to the destitute becomes much more

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[5]   The reciprocity in question here is the "strong reciprocity" of population genetics, that is, the evolved propensity of persons and groups sometimes to sacrifice their own legitimate interests so as to further cooperation in such ways that some are rewarded and others ("free riders") are sanctioned. See S. Bowles and H. Gintis, *A Cooperative Species: Human Reciprocity and Its Evolution* (Princeton: PUP, 2011), A. Dreber *et al.,* "Winners Don't Punish," *Nature,* 452 (March 20, 2008), pp. 348-351, and C. L. Apicella *et al.,* "Social Networks and Cooperation in Hunter-Gatherers," *Nature,* 481 (January 26, 2012), pp. 497-501.

a matter of a novel asymmetric "mutualized" ethics, an ethics of mutuality.[6]

Unlike, then, the idea of reciprocity that requires action on both sides, "mutuality" here may be understood as comprising one-sided action. To reciprocate requires two parties, but to mutualize something on the view I have been exploring requires but one. That is, whether a mutualized action is reciprocated or not is related but nonetheless independent of just what mutuality itself is.

§2. An Idea of Social Justice

Historically speaking, for European societies central ideas of justice generally and of social justice in particular reach back to the Ancient Near East. There we find among other material both the Babylonian law codes of Hammurabi and the ancient Israelite law codes in, for example, the Holiness Codes in the book of *Leviticus* in the Hebrew Bible's Pentateuch.

Much later, especially in the sixth-century Athenian formulations of Solon's law code, then in Cicero's (106-43 BCE) late Stoic reflections in Rome in the first century before the common era, and later still in Justinian's (482-565 CE) Roman law codes in Byzantium in the late fourth and early fifth centuries, scholars progressively rationalized early ideas of justice and social justice.

But even after the further developments of reflections on justice in several richly conceptualized medieval and early modern works, many historians today hold that it was only in the late

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6   See the behavioural biological research in P. Karli, *Le besoin de l'autre* (Paris: Odile Jacob, 2011). Cf. also such remarks on animal societies as the following: "Firm evidence of reciprocity in animal societies is rare and many examples of cooperation between non-kin probably represent cases of intra-specific mutualism or manipulation" (T. Clutton-Brock, "Cooperation Between Non-kin in Animal Societies", *Nature,* 462 (November 5, 2009), 51. See also the work of G. Chapoutier, especially *L'homme, ce singe en mosaïque* (Paris: Odile Jacob, 2001) and his *Le Chercheur et la Souris: La Science à l'Epreuve de l'Animalité* (Paris: CNRS Editions, 2013).

eighteenth century that the distinctively modern understanding of justice and social justice appeared. For by then two central and now traditional ideas had crystallized sufficiently so as to allow of greater theoretical generalization.

The first traditional idea of justice most likely originated in a Greek Sophist notion. This was the idea that "human beings are capable of reshaping their social worlds so as to make them accord with their intentional designs."[7] And the second traditional idea most likely originated in a late Stoic Roman and Christian idea. This was the idea that "all human beings are equal in worth."[8]

With these traditions on hand, the two major modern accounts of justice, that of Immanuel Kant (1724-1804) and that of Jeremy Bentham (1748-1832), then emerged to confront one another down into even many of the most recent contemporary discussions.

On the one hand, justice was taken to be a matter pre-eminently of "the right" and not of the good. On this account, justice derived from no one absolute principle but converged onto a set of individual and social duties. This was the Kantian, "deontological" tradition.

On the other hand, justice was taken to derive rather from some pre-eminent principle of the good. On this account "the good" was understood in terms of individual well-being and the ranking of individual preferences in terms of their "utility." This was the Benthamite, "utilitarian" tradition.

Finally, these two quite different conceptions of justice came together thanks to the catalyst of a modern sociological insight to form the notion of social justice. The transformative sociological insight was that "virtually all the wealth generated in modern societies is a social product rather than merely an aggregation of the products of individuals taken singly."[9]

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[7]   D. Johnston, *A Brief History of Justice* (Oxford: Wiley-Blackwell, 2011), p. 3.

[8]   *Ibid.*

[9]   *Ibid.,* p. 4.

The result of this fusion between philosophical ethics and sociological insight put into place the essential backgrounds for most contemporary reflection not just on justice but, in particular, on social justice. Today, much ethically informed reflection tries to steer a suitably sympathetic but critical philosophical path between, among others, various sophisticated contemporary versions of utilitarian views and similarly sophisticated versions of deontological views.

With these historical backgrounds now in mind, what then of contemporary concerns with destitute street children in such affluent EU capital cities as Paris?

§3. Mutualizings

In many so-called advanced, post-industrial societies, such as some societies currently making up the European Union (EU) like French society, the inability to reciprocate has become a centrally important phenomenon.[10] For just like so many other deeply and increasingly impoverished and incapacitated persons today, whether the very aged or the deeply handicapped, destitute street children have virtually no capability to reciprocate.[11]

Still, their desperate situations often set in motion not just a tension but a torsion, what I have figuratively called not a twisting but a "turning force." That is, these desperate situations can sometimes bring about effective kinds of efficacious and emancipatory practical actions on the part of some mature, attentive, and reflective adults.

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[10]   Cf. *Political Theory of the European Union,* ed. J. Neyer and A. Wiener (Oxford: OUP, 2010).

[11]   In general, see P. Adamson *et al., Child Poverty in Perspective: An Overview of Child Well-Being in Rich Countries* and *Report Card Number 10: Measuring Child Poverty* (Florence: UNICEF Innocenti Research Centre, 2007 and 2012 respectively), esp. the discussion of the choice of indicators for assessing child well-being in OECD countries. Cf. K. Hinsen, "Economic Growth: Indicators not Targets," *Nature,* 468 (December 16, 2010), p. 897; cf. J. P. Delahaye, "Trompeuses statistiques," *Pour la Science, n° 357* [July 2007], esp. pp. 93-94 on statistics concerning poverty).

These are the persons who succeed in turning to these impoverished persons and especially to destitute street children with the recognition, understanding, respect, and articulacy they otherwise direct primarily to themselves and to their own lives.

Such mental acts that find their completion only in the repeated practical activities that fulfill them are what I call "mutualizings." And it is this familiar although most often unexplored yet quite basic interpersonal process that I have been investigating in the moments of mutuality project.

My main interim conclusion has been that the concept of mutuality can serve as a core notion for helping in the now necessary re-articulation of social justice in our own radically transformed and widely impoverished times today.[12]

The mutualities project thus arises from the profound aggravations of persistent social injustices affecting destitute street children worldwide.[13] These injustices have greatly worsened in the continuing aftermaths of the almost unprecedented financial, economic, political, and social crises that have continued to affect so many since the Fall of 2008.[14]

And these social injustices are especially salient in such major, very wealthy EU cities as Paris with its immensely resourceful elites and yet its terrible urban and suburban destitution. Accordingly, I try to take the situations of destitute street

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[12]   Concerning the bases for an eventual universal social protection system, three quarters of the present ca. 7+ billion persons in the world do not have adequate social protection (cf. M. Bachelet *et al., Le Socle de protection sociale pour une mondialisation juste et inclusive* [Geneva: International Labour Organisation, 2011]). See also M. Hirsch and C. Morin, *Sécu: Objectif monde: Le défi universel de la protection sociale* (Paris: Stock, 2011), esp. the formulations of the ten summary "principles" on pp. 143-145. For a different perspective see D. Runciman, "Will We Be All Right in the End?" *The London Review of Books,* January 5, 2012.

[13]   Cf. *Global Basic Rights,* ed. C.R. Beitz and R. E. Goodin (Oxford: OUP, 2011).

[14]   Cf. the April 2012 UNICEF Annual Report on Human Development, "Child Poverty in Urban Settings," available online at www.undp.org.

children especially in Paris where I live as a representative and extended case study for testing what are most often the overly general accounts of much theoretical work today on justice as a whole.

§4. The Political and the Social

Many urban persons in Europe today daily face the terrible and continuing spectacle of the rapidly increasing impoverishment of children. Part of the basic challenge some of these reflective persons confront is how to re-articulate the now much obscured ethical bases of a renewed understanding of a more responsive idea of social justice.

That is, many elected members of national parliaments as well as of the European Parliament need a renewed idea of social justice that could be more fully at the service of some of the now profoundly challenged societies of these former nation states and of perhaps a still further enlarged EU tomorrow.[15] One prospective contribution to taking up this challenge is to scrutinize from our present critical situations some of the outstanding work in the quite extraordinary flowering of political philosophy over the last ten to fifteen years.

The brief for such scrutiny, however, can no longer be formulated in mainly political terms only. Rather, that task now requires re-focusing in primarily social terms.[16] Hence, scrutinizing such outstanding work needs to focus sharply, although not exclusively, not just on the political centers of that work, but on its closely related social peripheries as well.

In short, further reflection on major recent contributions to several of our most important and influential current understandings of political, economic, legal, and sociological ideas of

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[15]   On the current ongoing evolution in the EU today of the traditional nation state into the "civilian state," see, among others, J. J. Sheehan, *Where Have All the Soldiers Gone? The Transformation of Modern Europe* (New York: Houghton Mifflin Harcourt, 2008), pp. 173, 176, and 221.

[16]   See A. Sayer, *Why Things Matter to People: Social Science, Values and Ethical Life* (Cambridge: CUP, 2011).

justice invite repeated critical transposition into the search for a better comprehension of social justice in, among others, European societies today. What manifestly makes so many persistent situations affecting destitute street children socially unjust continues to summon sustained reflection on just what social justice itself must be.

Accordingly, part of what social justice must be today, the mutualities project argument goes, turns not on the too often overly general idea of social justice as mainly revolving round some single core notion like that of a rational reciprocity.

Rather, understanding what is in fact not the single but the several core notions of social justice, such as various formulations of principles of desert and principles of merit, may benefit importantly from further reflection. For example, the core notions of social justice may benefit from being freshly supplemented in terms of the more particular notions of a reasonable and rather novel concept of mutuality.

Indeed, the persisting and especially grave social injustices regarding the unalleviated and often mortal suffering of destitute street children in many affluent EU capitals like Paris highlight the need to reexamine exclusively political ideas of "social justice."

For without such fresh reflection, even persuasive and philosophically sophisticated contemporary political ideas of social justice will continue to lack sufficient conceptual and practical purchase on the primacy and the urgency of the ethical and the moral in our inescapable awareness of so many utterly impoverished children in our midst.[17]

The underlying structure of the mutualities project – namely, a series of linked considerations for helping to renew several basic traditional ideas of social justice in the EU with the aid of a progressively elaborated and innovative idea of mutuality – derives

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[17] For contrasting approaches to poverty and morality see the essays in *Poverty and Morality: Religious and Secular Perspectives,* ed. W. A. Galston (Cambridge: CUP, 2010).

from no one of the four major figures chosen for sympathetic but critical discussion – J. Rawls, A. Sen, R. Dworkin, J. Habermas. Rather, the underlying idea of mutuality gradually emerges from confronting these successive views on social justice with the empirical details of four central moments making up most of the concrete destitution of many Paris street children in France today.

In each case the general philosophical reflections help elucidate some of the underlying issues at stake in the persistence of very great child poverty in the midst of unprecedented wealth. But then confronting these general philosophical reflections with different kinds of particular empirical details reveal salient shortcomings in these otherwise very powerful theoretical accounts. In turn, these several shortcomings explain the failure of any one of these theories to capture adequately enough what seems practically most at issue.

In fact, what is most at issue is understanding better and then making effective use of this enhanced understanding finally to alleviate substantially, if not to eliminate completely, so much unnecessary child suffering and premature child mortality.

Exactly what then do the continuing inaction and a society's lack of sufficient political will to alleviate extreme child destitution in such exceedingly wealthy countries and cities as France and Paris, tell us about social justice and the basic ethical values that social justice presupposes?

Some would argue that, in the face of persisting and needless child destitution, such salient and painful matters show that, despite much talk about social justice, all too many current attitudes and practices on the part of a generally very affluent society are, in fact, socially unjust and ethically unacceptable.[18]

Granted that the concepts of social justice and social injustice are difficult to articulate and that their history is complicat-

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[18] See J. Damon, *Eliminer la pauvreté* (Paris: Presses universitaires de France, 2010), pp. 143-200, and, more generally, A. Touraine, *Après la crise* (Paris: Seuil, 2010), pp. 111-142.

ed. Still, reflective common sense suggests that some persisting situations, for example those of sick, homeless, hungry, and uneducated street children in very affluent Paris, are socially unjust. What the expression "socially unjust" refers to here is that the collectively unacceptable situation of such destitute Paris street children is a supposed fact.

The supposition is that some major French institutions, whose legal task it is to assist persons to live normally with one another in social communities of various kinds, are persistently and unacceptably derelict in the fulfillment of their lawfully prescribed duties.[19] Among these failing institutions are institutions for properly regulating the quality, price, and distribution of health, housing, food, and education.[20]

By contrast, reflective common sense also suggests that some situations are socially just when the major social institutions governing such situations are so organized and actually run that they normally help persons and groups to live with one another in reasonable harmony.

§5. A Question and an Objective

One question that arises here, then, is this. Just what does the manifest evidence of social injustices with respect to destitute street children in at least wealthy and resourceful EU capital cities tell us about how some traditional ideas of justice require re-articulation in terms of renewed notions of social justice in particular?

That is, what do several salient inadequacies in satisfactorily accounting for such grave social injustices to destitute street children in some distinguished understandings of justice within the contexts of contemporary political and social philosophy suggest as seriously neglected elements of an

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[19] Cf. C. M. Herrera, *Les droits sociaux* (Paris: Presses Universitaires de France, 2009), esp. pp. 62-85.

[20] In fairness, however, note that their chronic failure is a matter of degree and not a failure *tout court.*

understanding of social justice today that still require formulation or re-articulation?

The mutualities project demonstrates that bringing a higher level of empirical resolution to current substantial overlaps between specific concerns of political philosophy and those of social philosophy helps focus reflection on still neglected yet urgent elements of social justice itself.

The political and the social are of course closely connected in a number of EU societies where many social welfare states are at work with differing but nonetheless closely related social models. But distinguishing the properly social from the properly political in these societies offers the chance of bringing into sharper focus not just the exclusively empirical and "liberal" democratic elements of social justice.

Such distinguishing also brings into sharper focus many non-empirical, social democratic, and progressive elements as well. And some of those non-empirical elements turn out to be not strictly political at all but, perhaps surprisingly, metaphysical.

The motivations in the mutualities project are to offer several tentative but extended reflections that might eventually help serve to institutionalize new, less ineffective social policies in France and in the EU generally – policies that might better safeguard the personhood[21] of unnecessarily suffering children.

The expectation also is that such reflection might help contribute to understanding better, and thereby perhaps making more visible, the actual situations of the suffering of those quite young and destitute persons.

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[21] "Personhood" may be understood here as "the condition or property of being a person, especially when this is considered to entail moral and/or metaphysical importance. Personhood has been thought to involve various traits, including (moral) agency; reason or rationality; language, or the cognitive skills language may support (such as intentionality and self-consciousness); and ability to enter into suitable relations with other persons (viewed as members of a self-defining group" (E. Johnson, "Personhood," in *The Cambridge Dictionary of Philosophy,* ed. R. Audi, 2nd ed. (Cambridge: CUP, 1999), p. 662, emphasis omitted.

The public, intrinsic, and objective values of some aspects of persons summon us to action in the midst of some of our reflective and repeated experiences. These experiences include those of our ethically condemning eminently resolvable yet continuing moral injustices that destitute street children continue to suffer amidst unprecedented affluence and resourcefulness.

More briefly, the objective is to elucidate further how some central ethical values manifest in many of our moral condemnations of social injustices continuing to afflict destitute street children in particular, summon us imperiously to alleviate such unnecessary suffering, substantially and immediately.

§6. The General Argument

The general argument throughout the mutualities project is fourfold.

Firstly, considered reflection shows that our common experiences of making some informed and well-considered negative moral condemnations and ethical judgments, often manifest our implicit commitments to certain ethical ideals and attitudes.

Secondly, the social instantiations of these ethical ideals and attitudes require not just a strictly neutral and exclusively political conception of social justice. More basically, these social instantiations require comprehensive, and at times even metaphysical elucidation in terms of states of affairs, kinds of objects, varieties of mental acts, and species of efficacious mental causes.

Thirdly, such manifold elucidation yields plausible suggestions for a renewed account of the nature of social justice in the EU tomorrow that may be suitably articulated in terms of certain basic types of personal interdependencies, what I have come to call "mutualities."

And finally these mutualities – mutual recognition, mutual understanding, mutual respect, and mutual articulacy – may come together in something other than the main traditional understanding of social justice.

Note however, that there is a still larger suggestion here. Further contemporary reflection on social justice as most basically involving either a principle of merit or desert, or a principle of need, or even a principle of balanced reciprocity among equals, the larger suggestion here goes, should make more critical space for a moral idea and an ethical ideal of mutuality more feasible than any traditional idea of reciprocity however modified.

This fourfold central idea converges on the basic claim or thesis of the mutualities project.

The basic claim is that properly responding to the evident and publicly acknowledged moral urgency of durably alleviating substantially the suffering of at least the destitute street children in the midst of such affluent and resourceful major EU cities as Paris, London, Munich, Geneva, Prague, Athens, and elsewhere requires re-articulating a more metaphysical and less exclusively political comprehension of social justice in terms of mutuality for the EU tomorrow.

Concluding Remarks

By way of concluding these programmatic reflections, perhaps a brief summary in point form might prove useful before concluding.

- Most European capital cities continue to harbor numerous utterly destitute street children, who left unaided, die prematurely.

- Unlike solving such massive social problems as massive unemployment, environmental degradation, etc., solving street children's destitution is not overly difficult. Appropriate public attitudes, however, must be encouraged so as to generate sufficient political will to move such a problem higher onto EU national priorities agendas.

- For example, persistent child destitution in the very affluent European world city of Paris shows that, despite extensive economic, intellectual, and social resources, no solu-

tions appear to be feasible without substantive changes in common French social attitudes today.

- Effecting such basic attitudinal changes is feasible, as the relatively recent examples of transformations in common attitudes towards the environment and climate change have widely demonstrated.

- Solving the problems of destitute street children with respect to health, housing, food, and education will require changing common attitudes towards fairness, understanding, respect, and articulacy – in short, of what service to others means.

Now with these summary points in mind I would like briefly to conclude.

Given the terrible urgency of the mortal yet unnecessary multiple impoverishments of destitute street children in such immensely wealthy and resourceful EU capital cities as Paris and other European metropolises, social justice in the EU tomorrow can no longer be understood either exclusively in the overly general traditional terms of merit or desert, or exclusively in the more contemporary but still overly general terms of fairness (Rawls), capability (Sen), law (Dworkin), and discourse (Habermas).

Rather, the specific empirical density of the situations of destitute Paris street children, and of so many other extremely impoverished children very much like them in many other very wealthy EU capital cities, requires examining freshly the ethical and moral satisfactoriness and the ethical appropriateness of our current understandings of the nature of social justice.

More demandingly, this specific empirical density also requires developing what are still inchoate forms only of larger, more inclusive, and even partly metaphysical understandings of social justice tomorrow in perhaps even such elusive but still philosophically suggestive terms as the moments of mutuality.

Envoi

The several suggestions here – they are, and can be, no more than that – in view of trying to assist, however modestly and imperfectly, in the ongoing renewal of several current ideas of social justice today turn on an unusual notion of "mutuality" as sometimes being quite basically other than mere reciprocity.

These suggestions, that is, derive from the compelling notion of a one-sided movement towards utterly impoverished children, towards persons who are incapable of any reciprocity whatsoever, a movement of the mind and heart and hand that comes into expression and that finds its proper completion only in salutary action.

It may do so thanks to a movement of mutuality in the central sense of a metaphorical kind of "mutual inductance." This is the "mutuality," I have been suggesting here, that most often, although certainly not exclusively, may come about between completely destitute street children and those who, in multiple "moments," turn to notice them not just theoretically but practically.

And it is just such "moments of mutuality" as these that may lead to the constitution of not just durably effective social action, but also even to the establishment of efficacious and sustainable political will.