

# WORKING PAPER SERIES

Difference and Social Justice: A Feminist Perspective

by Elizabeth Douvan

PCMA WORKING PAPER #16

CRSO WORKING PAPER #374

November, 1988

The Program on Conflict Management Alternatives at The University of Michigan

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## Elizabeth Douvan Program on Conflict Managemet Alternatives University of Michigan\*

A major theme that emerged from our seminar discussion of social justice was the way in which gender cross-cuts concepts of justice and processes by which justice is derived and realized.

There was, first, the discussion following a presentation by the Honorable Harry Edwards (1987). Judge Edwards as well as many feminists have cautioned about going outside the legal-judicial system to resolve conflicts. Since at least theoretically the justice system provides each person equal access and "blind" justice that does not discriminate, we will, these critics warn, choose alternative forms at the risk of exposing women, minorities, the underclasses to all of the ills of a system whose relevant protections are unkown. Since the legal system is surrounded and reinforced (sanctified?) by tradition and ritual that have developed through accretion over hundreds of years, the authority it carries is incomparable. Having won reforms that make the system more nearly equal for all

<sup>\*</sup>The Program on Conflict Management Alternatives at the University of Michigan is an interdisciplinary research group funded by the Hewlett Foundation and the University. Other faculty members associated with the core seminar are Mark Chesler, James Crowfoot, Barbara Israel, Charles Moody, Helen Weingarten, Christine Whitman, Edith Lewis and Barry Checkoway. The first part of this working paper summarizes some of the discussions in the seminar during the winter of 1986. The seminar group critiqued the paper in an earlier draft and added significantly to its value. Any errors or limitations of the paper are, however, my own.

citizens, we should be cautious about starting all over with a new system. New systems are introduced by people from more powerful groups and, in all likelihood, protect the interests of those groups.

Edwards' position is a strong form of one held by many feminists who warn that in divorce cases particularly, the male is usually in the advantaged position and can hide resources since he has all the financial information. The suspicion of many feminists is that no-fault divorce and divorce mediation are inventions of the dominant male culture designed to protect it (Weissman, 1980) Laura Nader from the power of the subpoena. suggests on the basis of a sophisticated historical analysis that themovement for alternatives to the court system, justified as a means of clearing court dockets of excess and "minor" conflicts, was in fact a method for keeping the claims of women and minorities out of the courts as movements for equality stimulated the independent voices of these previously disenfranchised groups. By encouraging the growth of ADR, the courts could be kept for claims that were more authentic and important (that is, conflicts involving men and property). (Nader, 1987)

At the same time, paradoxically, women professionals have been in the forefront of the development of alternative systems. The legal system, based on litigation and an adversarial model, is not one that most women enter with ease and comfort. Even women attorneys have traditionally chosen fields that allowed them to practice before administrative boards or in other less adversarial settings. Competition, contention, combat are

central elements in male socialization but are distonic with the experience and socialization of females. Women are raised to be caretakers and peacemakers (Gilligan, 1982; Ruddick, 1980; Douvan and Kaboolian, 1984). They tend to see conflict as a problem to be solved rather than an inevitable social consequence of limited resources. They seek to contextualize problems before imposing judgment; they want to enlarge the picture through reframing and discovering new, previously unrealized resources. (Gilligan, 1982; Weingarten and Douvan, 1984). All of these predilections orient women to the alternative forms of dispute resolution: to mediation, negotiation, conciliation.

The legal-judicial system differs from alternative forms in ways that neatly parallel differences between men's and women's approaches to moral dilemmas. It relies on formal rules and seeks to distribute limited goods in a just manner, i.e., according to a process that is rule-governed and treats the interests of all parties equally. It assumes real conflict in all cases and assumes as well that conflict will be solved by adversarial procedures before a person or body that renders judgment. The alternate forms assume that conflict is sometimes the result of misunderstanding of the parties' interests, that the common interest of partners as well as their differences should be explored, and that conflicts can sometimes be resolved in a win-win rather than a zero-sum manner. Alternative procedures are most often and most successfully employed in situations where the disputants must maintain a relationsip despite conflicts that arise. The judicial system can in many

cases assume that the parties will end their relationship with the litigation. The alternative systems attempt to resolve conflicts in a way that protects and conserves the relationship and creates the capacity for implementing the resolution and future problem solving (e.g., in labor-management relations the contract provides a mechanism for solving conflicts that arise between negotiation sessions).

Gilligan (1982) sees the justice system as the model of male moral thought and uses it as a foil for differentiating the moral development characterist of women. Kohlberg (198) thinks of it as the apex of a universal construction of moral issues and in this assumption, suggests Gilligan, Kohlberg reflects his male bias and limited view. In her research on moral development, Gilligan found that women's course of development differed from men's but was not, as Kohlberg concluded, truncated at a "lower" developmental stage. Whereas men's moral thought focuses on rights and the "fair" distribution of limited goods and reaches its highest form in universalistic concepts of justice, women's moral thought has responsibility and care-taking at its center and follows a distinct developmental course that differs from the male model. Male morality starts from the separated individual and his claims, while women's moral thought begins with the assumption of attachment and interdependence. Women are preeminently concerned with protecting and enhancing relationships.\*\*

<sup>\*\*</sup>Kohlberg did come to see that universal concepts of justice needed to be tempered by compassion, but his theory held the former to be the highest form of moral thought.

Women's need to contextualize dilemmas before making judgments and their greater tendency to delay judgment is connected to their care-giving role. Recent research in which men and women were asked to generate a real-life dilemma found that women, compared to men, more often describe dilemmas that involve care-taking. And both men and women find such dilemmas more difficult to resolve than "conflict of rights" dilemmas. (Ford and Lowery, 1986) In the seminar we recognized that having complete knowledge of the context in which an event occurred, having full information available, tends to soften judgment and make decisive action more difficult. It is a condition that men, bureaucracies, and states at war want at all costs to avoid.

In our analysis of theories of social justice, another notable difference seemed to be gender linked. In each of the theories we considered (Rawls, 1971; Rorty, 1980; Nozick, 1974; Habermas, 1978; Ruddick, 1980; Gewirth, 1982; Walzer, 1983; Crowfoot, Chesler, and Boulet, 1983) assumptions are made about the basic values that are to be protected and that underlie definitions of justice. To adjudicate differences, all parties to the dispute and the community must agree about some underlying, fundamental community values. Or they must at least consent to have disputes resolved within the community values context.

The question arises: how, by what process, are community values arrived at? How is consensus or agreement achieved? In Rawls' theory, dominant in the field at the present time, agreement about fundamental values is reached by a process in

which parties all strip themselves of their roles and individual interests as they enter deliberations. If each person does this, Rawls holds, then the group will arrive at consensus. The theory is, in other words, that the only thing separating us are the social fictions of role and status. If we adopt a view that is non-constrained (by role and self-interest), then we will all see the same basic or ultimate value position. We will arrive at the universal basis for just decisions.

This assumption -- that except for our being ensconced in particular status positions, we would all apprehend the same ultimate values -- underlies a great deal of public discourse in western industrial democracies. When we send representatives to Congress, they are to adopt this stance of abstract principle, to shed their narrow self-interest and the interest of their constituencies, and act for "the public good." Senators, in particular, are to be statesmen rather than log-rollers and porkbarrel dealers. They are to argue and vote for the right, the just, for proposals that represent the best interests of the nation rather than particular vested interests. Judges and other public arbiters are to assume the same dispassionate, noninvested posture in order to seek and deliver just outcomes. Members of executive committees and boards of directors in organizations and institutions who act as advisers or share in executive decision making are expected to behave in similar ways, with a degree of aesthetic distance from the various interests competing for resources, and guided by the central values of the whole organization.

Social critics of the left - representing those who are excluded from the power centers in society - have criticized theories built on the idea of this theoretical statesman stripped of self-interest, pointing to compelling evidence that judges and their decisions represent the existing power structure, that senators vote in accord with the dominant power interests of their home consitutencies (and are often directly or indirectly in the pay of these interests), that executive committee decisions often reflect vulgar and blatant self-interest in obvious ways.

It should be noted that Rawls' assumption is Platonic in that it implies an antecedent reality, that is, an existence of fundamental values aside from their soical construction.

According to this view, if we can but eliminate the distorting lens of our separate social roles, we will all see the same basic values.

It is also true that, in one sense, his thought is similar to our struggle to find a way to motivate people to take a disinterested and communal responsibility for the welfare of their brothers/sisters. We played with the thought that if one were able to get people to imagine that one or more of their own children might be born into or work themselves into a disadvantaged position in society (e.g., through disabilities or bad decisions and luck), might they (the people we are trying to involve in a more communal responsibility) not give up something of their own current affluence in order to establish a societal order in which the least advantaged could still have a decent

life? To make it more contemporaneous, would they be willing to give up some private gain in order to invest in a public space that is safer and more humane?

The comparison with Rawls is just this: in imagination we are asking that the citizen give up his/her position of privilege (i.e., strip the self of status and associated roles) and look at things from the point of view of someone who is disadvantaged (their own downwardly mobile son or daughter). We bring it close (i.e., one's own progeny) in order to stimulate empathy and make the imaginative leap easier. In a sense when Rawls asserts that group members will come to agree on values if they strip themselves of roles, he is perhaps saying that we need to make the imaginative leap into the position of the least advantaged member of the community. His whole superstructure built on the assumed community of values seems to support this point of comparison. It should be noted, however, that Rawls' construction and the one developed in the seminar differ more sharply than this noted commonality implies. While Rawls presents his ideal as a highly abstract, decontextualized individual, we are closer to the feminist position in trying to provide a concrete, vivid, and compelling affective reality within which people would be asked to make their choices.

Whatever else one may say for Rawls' conception of the mechanism for deriving concensual values -- the basis for adjudicating conflicts -- it clearly is <u>not</u> a construction that women theorists would be likely to advance. All of the aspects of women's moral stance that Gilligan describes would militate

against women arriving at such an abstract basis for judgment. Women, Gilligan theorizes, draw their morality from their experience as care givers. They find morality - the basis for moral choice - in dense social interaction and the balance of human needs. They need and want the details of context in order to make a judgment among moral claims. They negotiate among competing needs and derive their morality from the process of balancing among needs and providing care for those who are most vulnerable and least able to take care of themselves. Rather than stripping the parties of their roles and interests in order to come to consensus about values, women would have all parties enter the negotiation with their roles and interests explicit so that thick social exchange can develop and lead through contextualized reality to consensus. The idea of parties shedding their roles and statuses in order to engage in decontextualized discussion of values is entirely alien to women's view of social reality.

Feminist theories support the gender relationship being suggested here. Sara Ruddick (1980), Jean Elshtain (1982) and Mary O'Brien (1981) are representative feminist social theorists concerned with social justice. Each of them grounds social values in some aspect of the parent role. Ruddick, whose theory is more developed in this regard, suggests that it is the experience of parenting dependent infants that provides the ground for universal and fundamental values that relate the individual to human life, to nature, and to society. Through the development of "attentive love" in the parenting role,

individuals learn the ultimate values of conserving human life, collaborating with nature, and assuming a critical stance toward society's norms as one transmits them to the child in the socialization process. Common values develop out of the experience of the commonly held, contextualized role of caretaker.

Of the many social justice theories that we explored, only Habermas of all the male theorists assumes a mechanism for the growth of consensus that is defined by substantive exchange. The process he describes — the ideal speech situation — shares with feminist theories a reliance on social interaction of people in roles rather than asserting a process that depends on individuals stripping themselves of their roles, experience, and personal interests.

#### The meaning and integration of difference

Underpinning theories of social justice are implicit assumptions about the meaning, the significance of difference(s): how we will view difference, what we think needs to be done to integrate difference(s) into a theory of social justice, how difference or diversity relates to concepts of the just society.

Again, I detect a gender difference in the emphasis and meanings attributed to difference. At the moment it is only an hypothesis but one for which I find compelling anecdotal evidence.

I asked each of two male colleagues (colleagues with whom I work closely and share virtually all important value positions) whether they thought that all differences implied a ranking or

evaluation; that difference would set off in the human mind the tendency to rank and evaluate, to assign each of the pair the position of "better" or "worse."

Both of my respondents said yes. The first man said "Yes, absolutely." I think he meant both that people would tend to impose an evaluative frame on any difference and that in some sense evaluation, the comparative reference <u>inheres</u> in difference.

My second respondent was somewhat more conditional: "There will always be that tendency, the urge to rank, evaluate. Therefore it is important to see that all differences do not separate people or objects in exactly the same way, along the same 'fault-line', as it were. In the case of people or groups of people, this becomes critical, not to classify people in a way that always adheres to the line of evaluation. In prejudice and strereotypy, that's exactly what happens: the outgroup is assigned all of the negative human qualities, all those aspects of human life that have been devalued and that the dominant group wants to disown."

I was dumbfounded by these answers. It seems to me that all kinds of differences observed every day are in no way connected to evaluation, to any explicit or implicit ranking of better or less good. To assume that any difference will lead to or require evaluation seems to me to require a totally ahistorical, non-developmental, static view of reality (including the reality of the human psyche), and a view that drains reality of some enormous portion of its rich complexity.

I think the identification of difference with value ranking could only be made by people who have not experienced difference in their most central and self-defining roles and life activities or who have experienced difference only in realms that are completely structured and dominated by a hierarchical social construction. No one, it seems to me, who has been a primary caretaker of an infant or toddler for a significant period of time (6 months or more, say) could make such an identification without denying or radically distorting their own experience. As one waggish mother has put the question of evaluating various stages of development: "Is it better to be older and have most of your mistakes behind you, or younger with your mistakes still to look forward to?" The impossibility of answering this question signals the absurdity of the attempt.\*\*\*

Caring for dependent children is not the only experience that encourages one to appreciate difference in a non-evaluative way. Many people who are not parents, who have had relatively little contact with childraising have positive attitudes toward and pleasure in difference. Nor does parenting always succeed in creating a non-evaluative frame for encountering difference. We know that many parents compare and evaluate their children and

<sup>\*\*\*</sup>Another example of trying to squeeze a plural reality into a monolithic evaluative scheme comes from another of my colleagues. Having recently become an Associate Dean, this person wondered how the University could handle the morale problems of all those professors who did not get to be deans. After all, he said, there are 2,000 members of the faculty and only 5 or 6 deanships. It had obviously not occurred to him that motivation varies and that while he was eager to become dean and have the power to make decisions that would affect us all, there are those in the faculty who do not want the power and, indeed, some who would rather go to prison than become deans.

that there have been systems of childraising based on the conception of the child as an animal in need of humanization through a stern process of socialization (thus always employing a comparative frame). Sarah Ruddick (1980) explores the message transmitted to children in conventional families when the mother - all-powerful in the child's view during the work day while the father is at work - defers to the father when he comes home. Clearly many mothers, expressing their internalized oppression, adopt the comparative stance in their dealings with their children.

Any human capacity can be distorted by culture and specific training. Nonetheless, continuous interaction with dependent children is a powerful experience that will tend to produce in the caretaker a fresh view of human possibility and a fresh apprehension of the value and beauty of human variation. The experience is powerful in part because at least on the child's part it is unmediated. It is a "full-front" relationship: the child is fully present and unreserved, on the edge of the encounter, whole and original, full of the unexpected. And the adult, particularly perhaps when it is a parent interacting with her/his own progeny, is likely to be relatively open, undefended, in love.

Interaction with a small child is also quintessentially developmental. The child is changing daily; the full-face relationship of yesterday changes into the newly arranged relationship of today. The adult is interacting with the child as s/he is and, at the same time, with a concept of the future

child always entering and conditioning the interaction. The child will change, tipping previous patterns enough to keep the adult slightly off balance and therefore open to apprehending the child and the relationship anew as it is rather than as ideology or past conceptions would have it. (Past myths will affect the relationship, but the developmental character of the relationship will tend to influence it toward unfiltered conceptions and interactions.)

Any unmediated primary relationship will have the capacity to teach people that difference can be engaging and pleasurable rather than frightening, and that two people (or qualities or objects) can be different yet equal in value, treasured for their differences that one would not want to undo or homogenize.

In a faculty discussion about diversity in the University, I suggested that in intelligence and motivation we would like our students to be uniform, but in most other characteristics (taste, interests, experience, background), diversity is the condition most likely to produce creativity, insight, interest, and excitement and to lead to new knowledge. A colleague from Engineering said, no, we need diversity even in intelligence for, after all, someone has to be in the lowest quartile of our classes. A woman from the Medical School said that although they might be the lowest quartile of our students, they would still be brighter and more motivated than most college students in the nation. It depended, in other words, on how one framed the comparison.

We can extend her point: In fact, someone has to be in the lowest quartile on ability only if we define ability as a unidimensional characteristic. If we recognize that the students who are in the lowest decile in their French language class may be in the top percentile in math or biology or economics (and vice versa), then it is anything but obvious that someone has to be "the least able." The minute we enlarge and enrich our definition of ability -- beyond a single dimension measured on some equal interval scale -- the possibility of simple evaluation dims. Or, closer to the truth, we may evaluate these various patterns of ability (e.g., we may prefer students who can speak French over those who speak mathematics), but it will become clear that such evaluation is a matter of taste and personal preference, not an objective rating of worth.

Reducing life, personality, reality to a single dimension is the ultimate degradation. It clearly distorts reality, and it also reduces the psychological complexity and differentiation of the person who does it. Another academic example: Many of my colleagues in the graduate faculty make it strikingly clear that they are not interested in teaching or working with students who are not "top grade." By "top grade" is meant someone who is palpably like the professor himself. A superbly bright eccentric student, a student who wants to combine psychology and literature (or anthropology or music) a shy and inarticulate student -- all of these are consigned to the degraded category. Students are either "top grade" or they are nothing; collegues are either "stars" or "turkeys."

In their radical reduction of reality into such simplistic and crude categories, these academics demostrate one of the prime characteristics of prejudice; the dedifferentiation of a complex reality into an outgroup and an ingroup, the characteristic oversimplification of prejudice, ethnocentrism, authoritarianism, fanaticism. If you are not in the covenant then you are damned.

An early Spanish playwright described one of his characters, a decadent and despotic aristocrat, in the following succinct way: "He was afraid whenever he looked into the eyes of the other and did not see himself."

The willingness and capacity to confront difference without fearing loss of control and without immediately having to categorize and evaluate elements, the capacity to tolerate complexity and ambiguity -- these are products of education, and in some real sense they are marks of a cultivated and differentiated consciousness.

In studies of incoming college students, when we ask what they hope to get out of their college experience, what their goals in coming to college are, young males most often give vocational goals - in either general or quite specific terms; young women give some vocational answers but are more likely (and much more likely than males) to say that they want to widen their experience and deveop their own minds and interests and that they hope to meet many different kinds of people.

This attraction to and interest in diversity -- and students' expection that their women teachers will entertain a broader spectrum of interests -- contributes to another commonly

observed difference in the relationships of graduate students to their male and female mentors. Male professors more often have true apprentices who work on problems directly stemming from the faculty member's research program, who come out of their graduate experience formed into younger versions of the male professor. They continue to work on problems associated with their mentor, and they maintain close relations with the mentor who, at minimum, has gotten them a first job. The maverick students and those whose interest are not directly formed by faculty are more likely to work with women faculty. Women are less likely to have the kind of internal certainty that would allow them to mold a student directly to their own image, and because they are likely to be more marginal to the academic enterprise, they are also more likely to attract non-standard students.+

Ten years ago academic departments were faced with a crisis: we were producing more Ph.D.s than we could place. In the course of a departmental discussion of the problem, it was striking to me how many of my male colleagues assumed that their students would want to become just like them. The chairman told of finishing graduate school, taking a research job at a distinguished technical University, and finding after a very short time that this job -- despite its many satisfactions -- was

<sup>+</sup>The desire to mold a student is a construction that tends to be unlearned in the process of raising dependent children, according to Ruddick's theory. One outcome of this process, and a feature of what she refers to as "maternal thinking," is a recognition that one collaborates with nature rather than dominating it. Feminists and other critics of industrial culture make the point that the western construciton that sees nature as a force to be dominated and tamed to the needs and self-interest of "man" is a specifically male conception.

not what he wanted to do and not what he had had in mind throughtout graduate school. What he had intended to be was a professor just like the chairman of his committee! Numerous affirming, reinforcing statements later (all by males) struck me with very great force since of the five students I had worked with in the past two years, only one had taken a straight academic post. The others had gone to various international agencies, to editorial jobs with <a href="Psychology Today">Psychology Today</a>, or to consulting firms. It struck me that students found it easier to work with me and yet not take me as a model than it was for them to do this with a male faculty. And, as I suggested above, I have a much more varied group of students, less standard and less conventional, than many of my male colleagues.

Women may identify less with the value of hierarchical ranking that so dominates our culture, in part because they understand that in the most primitive, paradigmatic ranking, they will be second in a field of two.

#### Difference and conflict

Clearly all differences do not lead to conflict. On the other hand, conflict presupposes differences: either a difference in what two people (or groups) want, or a similarity in what they want and a limited supply of what that is (i.e., a difference in their chances of obtaining whatever they want). Differences in some characteristics can make resolving conflict more difficult because they reduce the possibility of the disputants understanding the needs and claims of the other, of achieving empathy. Difference, diversity in a group enlarges experience, insight, the possibility of reaching original and unusual outcomes. Diversity makes exchange, interaction more complicated and is the only path to new understanding, fresh apprehension of reality, a perspective different from received wisdom.#

19

#### Difference in theories of social justice

At least two kinds of difference are dealt with implicitly or explicitly in social justice theory: differences in outcome, rewards, and access to resources (class difference) and difference or diversity as it affects the process of achieving consensual values to guide adjudication of disputes.

<sup>#</sup>A line of research in social psychology some 15 years ago showed that a small group of executives, faced with a difficult dilemma requiring a decision, came to a more "far out" or risky position than any of the group members came to individually. This fascinating work and insight, along with most work on group effects, has disappeared from the mainstream of social psychology. Now the dominant model in social psychology is cognitive and intra-psychic; research on powerful group effects has been exiled to schools of social work, business, and theology. The schools that have greatest contact with the real world are not in a position to ignore important sources of influence.

All theories must deal with differences in the distribution of skills and talents (i.e., access) and in the distribution of social rewards. Three responses to such differences occur: they are denied or recognized; if recognized, they are either accepted and justified (even used as measure of moral worth) or they are made the object of corrective effort.

Rawls (1971) recognizes differences in access and advantage and seeks to correct them. Individual talents and skills are to be deployed in such a way that they benefit the <a href="Least">Least</a> favored. Since nature is unjust, the socius must be arranged in such a way that the benefits of unequally distributed gifts of nature will accrue to those who are least endowed. Walzer (1983), Deutsch (1973), Habermas (1975), Gewirth (1978), Laue (1978), and Crowfoot, Chesler, and Boulet (1983) all in one way or another (and despite many other differences) see inequality of access as a critical source of injustice, an unjust constraint to be recognized and dealt with as a condition for realizing a just social order.

Nozick (1974), on the other hand, recognizes difference in access and resources and assumes that these are both natural and laudable. Like the fundamentalist Calvinist with his concepts of predestination and justification through acts, Nozick sees nothing regrettable in radical inequality in the distribution of resources. On the contrary, efforts by government to restrict untrammeled voluntary contractual acquisition of resources are the central source of injustice. Nowhere does he consider the question of how differences developed in the first place. He

declares adult competition for self-advancement as the beginning of the race. Differences that exist at this point -- differences in talent, skill, inherited advantage -- are not questioned. What exists is natural and therefore right (or at least not changeable). Hoarding when others have nothing is not acceptable, but beyond this minimal threshold, self-interested competitive advantage is accepted and valued.@ Interference with it defines injustice.

A paradox in this conservative position -- conservative in the specific sense that it seeks to maintain and amplify differences in rewards, as well as politically opposed to change or to enlarging the role of government -- centers on the value of autonomy. On the one hand, autonomy is held to be the highest value: any interference with individual contractual acquisition of advantage is unjust (indeed defines injustice); at the same time, humanity's capacity to affect its fate by altering or conditioning the relative advantage to which some people are born or by controlling the conditions of "voluntary contractual

<sup>@</sup>Class differences were accentuated in what Max Kosloff called "the court style" of the Reagan administration, consisting of "spectacles which positively glow with nostalgia for the anciens regimes whose power was sustained through their freedom to The new ostentation cloaks itself in a bouffant fantasy repress. of that older, absolutist power," He draws a striking connection between this insistence on accentuating differences in rewards and its moral foundation when he refers to . . . "behavior that shocks because it operates in a vacuum -- a moral vacuum certainly, but also a historical one" that rests on a "blindered version of the past, a view of the aristocracy invoked only to serve themselves and their class." "While the Administration razor slashes away at essential social services, the inner circle sensationalizes its own prosperity. The rapid turn away from social conscience and with it the enhancement of economic disparities, is what the court style seems to affirm."

acquisition" are negated. We - the social collectivity as well as the individual member of society - get one chance, at birth, to acquire advantage according to fate, the luck of the draw. After that point there can be no <u>social</u> intervention to alter one's iniital advantage. Only the individual - equipped well or badly by luck at the starting gate -- can affect it now. Any collective effort to influence or alter fated arrangements is defined as unjust interference with natural process.

Nozick also represents the denial of difference in access and resources in his vision of the process of justice.

By emphasizing the negotiating process (the voluntary contractual process of individual acquisition) and ignoring the conditions under which people enter the process, the skills, talents, and advantages with which individuals begin the negotiation, he is in effect saying that contracting ability does not vary but is the same across individuals.

How do the various theories handle differences in viewpoints or interests, the basis for conflict about what consititutes justice? Rawls and Habermas are most explicit about this issue in their discussions of the process by which the social group develops norms of justice. Rawls, we recall, holds that consensus will develop in a group if all the members strip themselves of their social roles and self-interests. Habermas, on the other hand, sees a rational concensus developing out of the ideal speech situation, that is, interaction among people who are free of external coercion and internalized constraints. Ruddick and other feminist theorists place heavy emphasis on

unmediated contact with dependent infants as an experience freighted with meaning that would, if shared, lead to concensus about fundamental values to be preserved and shared insight about the means and constraints that must be recognized in efforts to preserve them.

#### Next steps

There was a time in Western civilization - a long period - in which difference was not an object to be worried over or analyzed but was, rather, a challenge to colonial and missionary powers of influence and/or force. There were always those few eccentrics who "went native," remittance men and romantic women who apprehended meaning and value in the cultural system of the outsiders. But by and large the apprehension of difference led directly to efforts to convert the other.

At some point in the last fifty years a sea change brought on by the cumulative effects of education, war, travel, and the dissemination of ideas from modern anthropology) occurred in our cultural system so that by the 1970s when a previously unknown group of people was discovered in the Philippines, the first response was not to bring them the benefits of civilization - sanitation, medicine, genetically superior yam stock, Christianity - but to let them be. This response - perhaps primarily a media response but nonetheless powerful and emblematic - reflected a capacity for self-questioning and distancing that was, I think, unprecedented in western culture.

Our missionary zeal was frditiocused on Godless communism by this time so that perhaps a failure of energy may also have

contributed to tolerance toward the small exotic Philippine culture.

The challenge of responding to difference - of managing a culture made up of many co-cultures - has not been met very successfully in human history. Pluralism, with its understanding of the critical role of group identifications and history in the building of individual human identity remains the dominant effort to construct a theoretical underpinning for the task. Dewey (1938) and Kallen (1948) are clearly the intellectual forebears of Geertz' image of a "collage" of cultures (1985). And that is where I suggest we must turn next in our search for an intellectual grounding for social justice.

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