PHILOSOPHICAL REASONING OF THE CONCEPT OF INJUSTICE FOR NORMATIVE POLICY ANALYSIS

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I. Introduction

The fundamental question of policy study is how to improve human well-being through policies. Human well-being can be evaluated by the criteria of social values. Among social values, the supreme social value may be the concept of justice as a comprehensive term judging or evaluating social situations. However, we have raised the question: Why can we not live without the idea of justice and yet cannot live comfortably with it? This question, in large, has resulted from that the understanding of justice has differed from various views and that politically different views about human beings and the role of government have produced their own way of governing states and managing societies.

Since policy analysis is inevitably derived from political philosophy, it is possible to have as many forms of policy analysis as there are systems of political thought (Anderson, 1987: 26). The ways we can achieve the ultimate goal of policy depend upon the various political views inherent in evaluating its consequences. We cannot evaluate policy consequences by "scientific standards, but by philosophical convictions on our creative moral and political will" (Brecht, 1963:68). As Rawls states, comprehensive doctrines--religious, moral, and philosophical--are background culture of civil society and political commitments and attachments specify moral identity and give shape to a person's way of life (Rawls, 1993: 14f). Scientific standards disregard the natural sociability of mankind that gives rise to sentiments of sympathy, fairness, and reciprocity in every

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culture that we can imagine (Wilson, 1993: 6).

Our natural disposition of sociability cannot guide all actions, although it "helps explain social order" but also "provides the ground for our judgments about that order" (Wilson, 1993:8). The portions that are not resolved by human being's common feeling belong to the tasks of politics.

In real politics, we should recognize Hobbesian reality and the Darwinian struggle of each against all. The political freedom of society is profoundly restricted by its economic, political, and social institution (Lowi, 1979; Harrington, 1984). These arguments are based on rights. A starting point making a normative approach of policy analysis is a duty-based concept of justice. The doctrine of duties in moral philosophy is found in the systematic development of the circle of ethical necessity (Hegel, 1952). Once a conflict or a disagreement on the interpretation of duties and rights exist, we risk being carried away and corrupted by the weight of our own interests.

The purpose of this study is to establish a new philosophical background theory for conducting normative policy analysis, using a philosophical concept of justice. The deconstruction of the concept of justice is required to build a theoretically applicable concept(injustice) to normative policy analysis.

II. A Need for Normative Policy Analysis

The purpose of a policy is the maximization of social benefits, in large, the cure of "social ill."[1] In liberal politics, the task of government is to resolve the problems of a sick society. Under the contingent circumstance, government's policy choice is inevitably a "tragic choice,"which comes about since scarce goods must be distributed (Gortner, 1991: 8). There exist conflicts between obligations to the good of particular persons and obligations to public good. The vigorous pursuit of self-interest by private economic

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[1] Eric Fromm in *The Sane Society* defines sick society: a society is sick when its basic institutions and relations and its structure are such that they do not permit the use of available material and intellectual resources for the optimal development and satisfaction of individual needs(1941).

entities, in their relationships to government, is one of the major causes of moral problems in the public sphere. Government can give and withhold privileges of great value (Willbern, 1984: 104). Since the problem of moral responsibility in ·government arises from characteristics that government shares with other complex organizations, we should consider the problem in the context of organizations (Stone,1975: 67).

Policy analysis requires evaluation as an integral part of the continuing cycle of input into policy decision. Policy actors will naturally tend to respond to the issues within the framework of the norms and expectations of the institution or organization with which they are affiliated.

"We must deal with felt things, not with feelings, with intelligent life, not with the idea of ghosts" (Bentley, 1949: 172). Dror points out that there is a need for a broader approach than that of the prevailing systems analysis approach. Moving beyond the application of technical analysis to specific problems, a policy analysis orientation would include the consideration of intangible cultural factors, political problems, and organizational variables that should make studies more useful to the policy maker (Dror, 1967).

In the eyes of many astute observers of the political/policy process, dealing with broader value dimensions is crucial to effective public policy. No matter how skilled an individual is in an area, he or she will remain democratically incompetent to impose value positions on the public(Scott and Shore, 1979: 142, 144). Lasswell, the founder of policy science, argues that policy sciences should be concerned with the "fundamental problems of man in society" (Lerner and Lasswell, 1951: 8). He defines the policy scientist as one who is "concerned with mastering the skills appropriate to enlightened decision in the context of public and civic order" (Lasswell,1971: 13). We can find, in his vision of policy science, the "juxtaposition of behaviorism and humanism" (Garson, 1986: 6). Policy sciences include the scientific aspect and the humanistic aspect. However, from the post-war period, system analysis as a meta-theory and statistical empiricism as a methodology has dominated in the field of

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[2] This has been backed up by the behavioral revolution in the political science and social sciences with focus on quantitative precision, by the success of the economists with empirical methodology and by Lowi's criticism of pluralism.

public policy.[2] The dominant approaching practice has neglected the humanistic aspect and the need for normative analysis is required for dealing with the humanistic aspect.[3] There are functional differences between normative and scientific discourse. The latter is to alter expectations about what will happen and the former is to alter attitudes, behavior, and decisions about what should happen. "To separate valuative questions from science is to strengthen science, but also weaken applied science by making it totally dependent for its guidance on unreflective standards and models of evaluation" (Dallmayr, 1986:58).

It is important to recognize that the methodologies used by analysts carry values necessary to identify problems and goals (Lindblom, 1980: 22-25). The politically effective policy analyst will combine technical skill with an understanding of the political and normative contexts of the issues being considered: policy analysis without the considerations of the normative aspect, says Heineman, is "mindless materialism" (Heineman, et al., 1990: 25f, 72). Policy analysis exists in a larger political context and responds to the political pressures put upon it. The ultimate fate of ethical policy analysis does not lie in the hands of policy analysis professionals but will be determined by the struggles taking place in the larger political system (Amy, 1987: 65). Hart and Scott criticize that policy makers rely too much on technocratic rationality which ignores the more important metaphysical dimensions of their decisions (Hart and Scott, 1973). As Lake and Moris argue, ignoring ethical analysis not only runs the risk of encouraging decisions that are immoral but can also produce impractical decisions (1971). Being concerned about the ethical implications of public policies serves to make one more sensitive to what is actually happening to real people in the world, and this is important information for those concerned with making

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[3] Dror's meta-model that combines the descriptive-explanatory with the prescriptive(Dror, 1975: 248ff), Lowi's criticism of technocratization(1970: 318f), MacRae's "Valuative discourse through the combination of scientific knowledge and valuation(1971; 1973a; 1973b; 1976), Anderson's argument that policy analysis should be more consciously informed by political and moral philosophy(1987), Linder's multivalue approach as strategy for incorporating both values and claims(1986), and Habermas' critical theory to combine empirical science with moral evaluation(1970: 52f). Habermas argues that "the substance of domination is not dissolved by the power of technical control"(1970: 61).

effective policy(Amy, 1987: 51). Concerning about justice, here, does not intend to take one of political isms(capitalism, socialism, and communism), but attempts to make human society beautiful within the capitalist system through policies correcting the contradiction of capitalism.

Philosophers have been interested in demonstrating that there are other legitimate forms of ethical analysis besides utilitarianism which mainly uses cost-benefit analysis, and that these alternative approaches could and should be applied to policy decisions (Walzer, 1973; Rawls,1971 and 1993; Dworkin, 1977; Gewirth, 1985; MacRae, 1976; Fisher, 1980). Normative policy analysis needs a concrete theoretical concept as a criterion to be applied to the policy evaluation of real, social phenomena.

Because public policies are designed and implemented by government, as Walzer argues,"a particular act of government may be exactly the right thing to do in utilitarian terms and yet leave the man who does it guilty of a moral wrong" (1973: 161). Thus a moral judgment of government activity should include both consequentialist and deontological elements. Without the inclusion of normative analysis, a certain policy may need "patchwork" additions without end.

Nozick, even though he objects to the expansion of state power, argues that"economically well-off persons desire greater political power in a non-minimal state, because they can use this power to give themselves differential economic benefits. It is not surprising that people attempt to use it for their own ends. The illegitimate use of a state by economic interests for their own ends is based on a preexisting illegitimate power of the state to enrich some persons at the expense of others"(Nozick, 1974: 272).

Accountability in this situation belongs to government. Policy analysis has been conducted by different approaches to explain why policies failed and how certain policies succeeded: the capture theory (Bernstein, 1955; Huntington, 1952; Peltzman, 1976; Stigler, 1971;Mitnick, 1980; Chubb, 1983); behavioral theories such as Schmitter's corporatism(1974), Lowi's interest group liberalism(1979). Selznick's co-optation(1949), Niskanen's bureaucratic budget maximization(1971 and 1991), and Downs's bureaucratic motivation

theory(1967); and institutionalism (Moe, 1982, 1985a, 1985b, and 1991; McCubbins, 1984; Weingast, 1984; Beck,1982).

Norms have obligatory effects and thus raise validity claims, which cannot be redeemed on a strictly empirical basis. Ethical beliefs about what is right or wrong in the final analysis are the primary justifications of social policies. Thus

> the analyst must empirically sort out the political norms and values that bear on a particular policy problem and relate them to a causal model of the social processes that underlie the policy issue. The task is first to determine the logical compatibility of a desired goal with other accepted goals in the larger normative framework or ideology, and then to integrate the goal into a policy model as a causal variable related to specific empirical conditions and consequences (Fisher, 1986: 318).

III. Limits of the Use of the Concept of Justice

The concept of justice is required and can be tied to a substantive policy analysis. Treating justice as a value has not been an object for scientific investigation but it has become necessary to grapple with the main stream of philosophical claims (utilitarianism, libertarianism, and liberalism) that it is possible to articulate and depend upon the basis of reason. A substantive concept of justice with major consequences for politics, constitutional and statutory law as well as public policy is needed (Goerner, 1983: 553). The most important thing in combining the abstract concept of justice with public policy is harmony between the individual and society. There exist two moral principles in the sense of social justice: the norm of reciprocity (moral formula for interpersonal conduct) and the right to subsistence (minimal needs). The right to subsistence defines the minimal needs that must be met for members of the community within the context of reciprocity. It is morally based on the common notion of a hierarchy of human needs, with the means for physical survival naturally taking priority over all other claims to wealth. Jenkins explains the need of the notion of justice for policy analysis: first, it designates a sentiment or motivating force supposedly plays an effective role in human conduct; second, it pretends to describe an

ideal state of affairs; and third, it lays down rules intended to promote the socialization of this ideal (1963: 192).

Justice is established as the fundamental constitutive idea of social organization and the ultimate regulative idea of legal and political action (Jenkins, 1963: 195). Justice as an ideal helps us have balanced consideration, prevent us from being blinded to some aspects of situations, and protect us against partiality and arbitrariness. This ideal must be supplemented by any working idea of justice or by any concept judging social situations. Especially, if we consider that justice is related to acts, justice is never embodied or realized.

One of the most important things for applying the concept of justice to the field of the policy is the distinction between the act of injustice and what is unjust and between the act of justice and what is just; "for a thing is unjust by nature or by enactment: and this very thing, when it has been done, is an act of injustice"(Mckeon, 1947: 413f). We must speak of particular justice and injustice as well as justice that answers to the whole virtue. These aspects provide the background of the evaluation of policies in political systems regardless of the capitalist or socialist system.

In modern society the political distribution of personal desert is of essence in the issue of social justice since politics must determine how much desert belongs to whom. The implementation of sound maxims may not suffice to bring about economic justice, for past injustices or present contextual conditions may distort the impact of the approved principles. To contend with these problems, theories of economic justice must supplement the principles of personal desert with the principles of rectification and the principles of background justice. These principles may be either principles of individual justice providing remedies in individual cases or principles of social justice, addressing problems afflicting whole societies. Claims of the criteria of justice have been alleged and established by the relationships between the concept of justice focusing on personal rights and the concept of justice determined by the bases of the social, historical, and political contexts.

The "policy analyst" should be not a traditional, professional or specific intellectual, but an"organic" or "universal" intellectual.[4] However, it is not easy for even the "organic" policy analyst to apply

the concept of justice to policy analysis, not only because of the abstractness of the concept but also its various philosophical interpretations.

IV. Philosophical Reasoning of the Concept of Injustice

We cannot speak of any absolute truth or objective knowledge. Thus people recognize a "particular piece of philosophy or scientific theory, as 'timely' only if the truth laid down by the intellectual or political authorities of the day"(Seldon, 1985: 98). The regulation of specific disciplines involves very refined rules for running institutions, training initiates, and transmitting knowledge. Individuals working within particular discursive practices cannot think or speak without obeying the unspoken 'archive' of rules and constraints; otherwise, they risk being condemned to madness or silence (Foucault, 1984). Although justice has been continuously discussed for thousands of years and has been a central concept of society, we yet have not developed a theory of justice to employ it to the analysis of concrete social phenomena, in particular, welfare policies. It is an inevitable fact that the concept of justice is too abstract to use to reach a consensus on things.

In order to solve the difficulty that the concept of justice has, we need to break firmly fixed social conceptions through broadening our conceptual scheme. The deconstruction of fixed conceptions is the very way. According to the intuition of Derrida's 'deconstruction' theory, we need the concept of injustice to eliminate the abstractness

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[4] Gramsci argues that "all men are potentially intellectuals in the sense of having an intellect and using it, but not all are intellectuals by social function." There are two kinds of intellectual: one is a "traditional, professional intellectual, whose position in the interstices of society has a certain inter-class aura about it but ultimately derives from past and present class relations and conceals an attachment to various historical class formations; the other is an organic intellectual who are distinguished less by their profession than their function in directing the idea and aspirations of the class to which they organically belong"(1971: 3). Foucault distinguishes intellectuals into two types: one is a "universal intellectual who is the man of justice, the man of law, who counterposes to power, despotism, and the abuses and arrogance of wealth"; the other is a "specific intellectual(atomic scientists) who is not the jurist or notable, but the servant or expert"(Foucault, 1984: 69f).

of justice and to shorten the disparity between theory and practice. Another advantage using the the concept of injustice instead of the concept of justice is that we can escape endless philosophical arguments.

We need a more concrete concept of injustice to make the assessment of judgment of outcomes and consequences possible. The concept of injustice is less abstract in itself and related to the duties in terms of its responsibility. As Andrew argues, because "right-based society is founded on the politics of property where the holdings of one powerful group are traded off in exchange for mutual renunciation (or compromise) of the holdings of other powerful groups"(Andrew, 1986: 66), a new concept of justice that is based on obligations and needs rather than on rights is required. This point of view is supported by Weil's argument: rights have no direct or straightforward connection with what is right in the sense of what is morally desirable or obligatory and what is logically valid (1970). Dror's "normative approach" and Lasswell's inclusion of both "behaviorism and humanism" in policy analysis are strongly supported.

The very concept of injustice is the concept to be a genuine intellectual in policy analysis and to make comprehensive normative policy analysis possible.

The consideration of property rights is the most subtle issue. Arguments about property rights are central on the application of justice/injustice to policy analysis. The individual right of private property is most carefully specified by Locke and Rousseau. Both Locke and Rousseau emphasize labor (Locke, 1988; Rousseau, 1952). However, they are different from the perspective looking at property right: Locke thinks of property right as a natural right like life and liberty; Rousseau a social right.

Derrida gives us a new way of thinking. Derrida's "deconstruction theory" is a persuasive way of thinking to solve human problems. The deconstruction of the fixed conceptual scheme is to deal with a "problem of 'economy' and 'strategy' (Derrida, 1978: 282). "Deconstruction" is not a refusal or destruction of the terms of the legacy, but occurs through a "remarking" and "redeployment" of these very terms, that is, the concepts of philosophy (Kamuf, 1991: viii). Two means of Derrida's

deconstruction theory are "reversal" and "supplement and substitute" (Seldon, 1985: 86). Derrida's argument put in question the basic metaphysical assumptions of Western philosophy since Plato. For example, if we try to undo the centering concept of 'consciousness' by asserting the disruptive counterforce of the 'unconscious,'[5] we are in danger of introducing a new center, because we cannot choose but enter the conceptual system we are trying to dislodge.

Most of philosophers have viewed injustice as the "absence of justice." They have missed a great deal by looking only at justice and we have neglected the sense of injustice and the victims of injustice (Shklar, 1990: 15). The fundamental purpose of looking at injustice is to understand justice more clearly and to achieve social justice through a clear understanding. "Injustice precedes justice just as surely hunger precedes nourishment" (Pops, 1991: 145). "Civic failure"(Shklar, 1990: 5), "civic vice" (Cicero, 1921), and civil failings (Cooper, 1991) are closely related to injustice rather than justice. Injustice can be viewed as a reaction to personal injury as well as an sympathetic feeling to other people's injuries (Rousseau, 1979). Justice is metaphysical and future-oriented, while injustice is physical and present-oriented.

The normative policy analysis using the concept of injustice is based on basic human needs. Human being's pain resulting from the lack of basic human needs is indirectly related to the moral philosophy of justice, while it is directly related to the moral philosophy of injustice. Also, concerning pain, as a criterion of policy choice or a philosophical argument, has a great advantage in terms of its comprehensiveness and practicality. Pain, especially, that produced by the lack of basic human needs, reduces assets (life and liberty) that are constituents of moral legitimacy. It is the essence of politics to argue about justice, that is, to argue about who may be compared with whom or receive what treatment (Friedrich, 1963: 33f).

Can the reduction of pain become a universal goal of a polity? Montesquieu's particularities respected to the extent that it contributes

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[5] For example, we never reach an original moment of pure goodness, we can use the logic that there are 'good' acts by human beings, and goodness can be easily understood by seeing evil. Its logic can be adopted to such relationships as man and woman, day and night, light and darkness, God and Satan, justice and injustice, and equality and inequality.

to the "communicative competencies" required or behalf of the universal goals of a polity" (Mosher, 1984: 185). This raises the problem of neutrality (Ackerman, 1980; Dworkin, 1978; Habermas, 1979 and 1970). This problem may be able to be solved by human beings' sympathy or repayment of a debt (Feinberg, 1963: 86). Human beings possess sympathy with the poor and the weak and have a sense of duty toward them. Although they persue their own interests, when they see people who are suffering from the lack of basic needs, they may be willing to sacrifice some portion of their interests or can acknowledge past wrong generated by either their own actions or social and political conditions.

V. Injustice as a Comprehensive Tool for Policy Analysis

Many theories relevant to distributive justice (Rawls' difference principle, Nozick's entitlement theory, Gewirth's principle of generic consistency, Goodin's vulnerability theory of the welfare state, and Scott's subsistence theory) are themselves opened to serious challenges. These challenges are focused not on the basic ethical, moral theory but on how to justify their claims and under what circumstances. These challenges are based on questions related to the public policy: Who should identify and rectify existing social problems? Have transfers and gifts solved economic inequality? Who can help the victims who do not have any desert resulting from past unjust treatment?

Even when no one make injustice directly regardless of directly causing injustice, who is(or are) responsible for injustice? The concept of injustice begins with an assumption that all social problems are attributed to the results of government's non-appropriate actions. Primary responsibility for social injustice falls to modern government because government should protect all people from falling into a miserable situation and should improve social justice through the curing of social ills. As Gewirth states, "the primary duty must rest on the state" (1985: 27).

Responsibility for social injustice is a crucial factor in policy analysis. Studies about who deserves to be blamed for social injustice have been conducted: studies focused on non-governmental actors

(Campbell et al., 1960; Hibbs, 1977; Brady and Sniderman, 1985; Kluegeland Smith, 1986), on presidential responsibility (Peffley and Williams, 1985; Sigelman and Knight,1985), and on other government agencies (Kinder and Mebae, 1983; Feldman, 1982). The concept of injustice attributes the responsibility for solving social problems to government. One of the most important functions of government is to prevent extreme inequality of fortunes; not by taking away wealth from its possessors, but by depriving persons of the means to accumulate it; not by building hospitals for the poor, but by securing the citizens against becoming poor(Rousseau, 1952: 375). The responsibility for injustice resulting from government's inaction for political remedies must be attributed to government because government that does nothing is often the most unjust. Especially, government must protect the poor and the weak since, in capitalism, "the rat race provides opportunities only for rats" (Walzer, 1986: 144).

The use of the concept of injustice for policy analysis aims at evaluating a policy on the basis of social injustice. Policy evaluation must contain policy formulation, implementation, and impacts. In particular, when the policy is said to have failed, we must find the causes of policy failure in the context of total policy circumstances, including political, social, and economic contexts of the policy environment, as far as possible, without limiting policy actors and institutions. The concept of injustice provides a comprehensive tool for policy analysis, through judging injustice of suffering people(Lee, 1994).

VI. Conclusion

The use of the concept of injustice strives for linking the philosophical concept of justice with scientific policy analysis. Although many students of policy analysis have recognized the necessity of using a normative policy analysis, using one based on justice has been handicapped by the presence of too many conflicting conceptions of justice. A criterion of policy analysis should comprise individualistic aspects as well as social aspects since policy sciences are concerned with the welfare and problems of individuals in society. Justice is the most important ideal and, at the same time, the most

difficult term to apply to the real world situation.

In order to apply the concept of justice to policy analysis, we need something to integrate different ideologies into a comprehensive, applicable concept. It is therefore necessary to change our way of thinking. Injustice is the very concept to effect this end because it is physical, less abstract, political, and based more on the present time, whereas justice is metaphysical, abstract, philosophical, and future-oriented. The application of the concept of injustice to policy analysis helps to alleviate the abstractness of justice and to reduce the disparity between theory and practice. The deconstruction of justice (the use of injustice) serves to remark and redeploy the concept to obtain clearer understanding of justice.

Even if philosophical debates can be reduced by the use of the concept of injustice, the issue of an ideology still remains. A comprehensive criterion which includes philosophical reasoning is needed to analyze policies. The criteria of justice (happiness, entitlement, basic human rights, well-being, vulnerability) have shortcomings in measuring social phenomena, especially, the consequences of the policy. Accordingly, the degree of pain, a criterion of policy analysis based on the concept of injustice, is appealing. A human being's pain is directly related to the moral, political philosophy of injustice, and indirectly related to justice. Justice seems to be the supreme law of the universe when we consider a polity on a large scale. By reducing social injustice we can serve the end of a more equitable distribution of social and political wealth. Using the concept of injustice for policy analysis should contribute to making society more just through causing us to focus upon pain of the poor and consequently leading us to reduce poverty, tame the ruthless passions of greed, dry up the springs of vice and misery, light in dark places the lamp of knowledge, make tyranny and anarchy more improbable, and give new vigor to the creation of a good society.

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