

A Genealogy of Social Justice

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Introduction – Paradoxes of Conviction

A key question that becomes apparent from any Google search is “what does social justice mean?” This is an important question. Depending on what social justice means, certain action will be required to reach or achieve it, to create justice in society. But without disregarding the significance of this question, a different, and for the purposes of this study, more important question lies just under the surface: “what *is* social justice?” Is it moral? What kind of moral thing is it? For various reasons, it seems different from what we might typically associate with morality. It assumes a public form. Even though one may not suffer a social injustice, it can still be their cause. And they may pay a distinct price, like the price of living in an unjust society, though they themselves might live largely free of being its victim.

In Ursula K Le Guin’s short story “Ones who walk away from Omeleas,” we encounter a society seemingly without troubles.¹ A society freed of all-too-familiar troubles and worries, like hunger or intolerance. We find Omelas in a state of summer celebration in the story, “a boundless and generous contentment, a magnanimous triumph ... in communion ... [The] victory they celebrate is life.”² Yet as Le Guin tells us, such splendor and abundance, and equality, of Omelas is contingent on a specific horror: “in the basement under one of the beautiful public buildings of Omelas, there is a room ... In the room a child is sitting.” The child is “so thin there are no caves on its legs; its belly protrudes; it lives on a half-bowl of corn meal and grease a day. It is naked. Its buttocks and thighs are a mass of festered sores, as it sits in its excrement continually.”³ The child often calls out: “Please let me out. I will be good!” To no avail: they will never be left out, as the happy state of Omelas is believed to depend on a child’s isolation and squalor within the paradisiacal confines of the city.

Those in Omelas all know of the bargain. Sometimes they come to see the child. Most often those who come are children themselves, and they are quizzical: they have not yet been taught why this is necessary, why “to exchange all the goodness and grace of every life in Omelas for that single, small improvement: to throw away the happiness of thousands for the chance of happiness of one: that would be to let guilt within the walls indeed.”⁴ In Le Guin’s

¹ Ursula K. Le Guin, “The Ones Who Walk Away from Omelas,” in *The Wind’s Twelve Quarters: Short Stories* (New York: Harper & Row, 1975/1973), 275-85.

² Ibid, 276.

³ Ibid, 279.

⁴ Ibid, 281.

tale the only solution they have is to walk away from Omelas rather than live under the circumstances. There is no changing Omelas in this bargain.

For the writer N.K. Jemisin, however, such a solution is a non-solution, and for a very specific reason.⁵ To “walk away from Omelas” is to deny, or to not recognize, a possibility—specifically the possibility of a just society, which would not make the same kind of bargain as the Omelians. In her own short story, “The Ones Who Stay and Fight,” Jemisin describes Um-Helat as a place where this is exactly so, where such an injustice, as we find in Omelas, is not walked away from but confronted and abolished.

In Jemisin’s tale, we find a narrator telling of the reality of such a place to someone from present-day America. The tale serves as testimony to a certain deep shard of hopelessness on the listener’s part. “How does Um-Helat exist?” they ask. “How can such a city possibly survive, let alone thrive? Wealthy with no poor, advanced with no war, a beautiful place where all souls know themselves beautiful . . . It cannot be, you say. Utopia? How banal. It’s a fairy tale, a thought exercise.”⁶ In this case, “even the thought of a happy, just society” raises the ire of the listener, as they seem to “feel threatened by the very idea of equality. Almost as if some part of [them] needs to be angry. Needs unhappiness and injustice.” Yet the narrator from Um-Helat is insistent: “This *is* Um-Helat . . . This is not Omelas, a tick of a city, fat and happy with its head buried in a tortured child. My accounting of Um-Helat is a homage, true, but there’s nothing for you to fear, friend.”⁷

Um-Helat “has been a worse place” in its past. This is a past that is not forgotten, just as in Omelas; but the teaching is different. It does not focus on reasons why the horrors and injustices are necessary and unchangeable, but why they are *unnecessary* and how they have *been* changed. They meet a different message here. “*It’s possible*,” the Um-Helatian insists to her American listener, caught anonymously over a short-wave radio, for “Everyone—even the poor, even the lazy, even the undesirable—[to] matter.”⁸ Such a conviction, it seems, is born of proof.

In Jemisin’s tale, a child from Um-Helat has used the same channel to receive messages through the void—messages from America. In the face of the tragic death of the

⁵ N.K. Jemisin, “The Ones Who Stay and Fight,” in *How Long ‘til Black Future Month?* (New York: Orbit, 2018), 7-27.

⁶ Ibid, 9.

⁷ Ibid, 12.

⁸ Ibid, 11.

child's father, she lashes out in a very non-Um-Helatian way at the "social workers" who have come to help her. The American observes that the child "is nearly septic with the taint of our world." But then the tale takes a twist. A social worker "offers a hand to the child" despite her hate-filled, disparaging remarks. The Um-Helatian narrator remarks: "What? What surprised you? Did you think this would end with the cold-eyed slaughter of child?"

Having to live with injustice to make prosperity possible is not a moral tradeoff in Um-Helat. And at this point, we find ourselves wondering: where does the strength of that conviction come from? How can the Um-Helatians be so different from the Omelians or Americans, who appear fatalist and accommodating by comparison? Jeminsin's story does not give us an answer, but it doesn't have to. The point is to envision an alternative to Le Guin's famous scenario, not to highlight the presence of morality in one and not in the other (it is present in both) but to single out the association of morality with a *possibility* in Um-Helat that is absent in Omelas (and America). It is simply not the case that what we observe in Omelas is the *only* possibility. If it is, in principle, *possible* for a society not to have the equivalent of a child isolated and deprived in their midst as a condition of whatever prosperity and happiness they have, in Um-Helat it has become *objectively* possible. The difference is one of potential, how powerful and available it can be, and the kind of conviction it can carry. But the potential in question is not strictly material or technological; as Jeminsin wants us to realize, it is fundamentally *moral*.

The question of moral conviction has beguiled philosophers in recent years, as they wonder why we have the moral beliefs that we do, whether we are fated to have them, whether having good moral convictions may be a matter of genealogical luck.⁹ But is it luck to which can attribute the distinction of the Um-Helatians in Jeminsin's tale? Fundamentally, the difference between America, Omelas and Um-Helat is that Um-Helat is a society made moral, or a society in which a distinctively moral prerogative holds forth against other prerogatives, particularly those in Omelas that come to the defense of the prosperity believed to be linked to a child's torture. The difference is not in the content of morality: for prosperity to depend on a brutal injustice done to one child (or many) finds a moral objection in Um-Helat, Omelas, and America. But a society's moral concepts can be subject to different possibilities; they can be more or less active or inactive, indicating whether a particular obligation seems more or

⁹ Amia Srinivasan, "Genealogy, Epistemology and Worldmaking," *Proceedings of the Aristotelian Society* 119, no. 2 (2019): 127-56.

less paramount. The variability here, as I will set out to prove, revolves around an *orientation*, which implies something subject- and object-like about the entire scenario: as if social justice is not exactly “in the head,” so to speak, but *in the world*, independent from us and objective, relying more on our recognition than our conviction. Rather than Um-Helatians simply being lucky to have been born in Um-Helat with its unique morality, it is more accurate to say they were born in a society in which social justice has been made as part of the world, so much so that it can successfully overpower an orientation to prosperity that would feature any sort of justification for the equivalent of a tortured child as an economic necessity.

How do the Um-Helatians have this belief? The question, posed this way, has certain virtues over a “why” based questioning, at least if that implies that the Um-Helatians simply *choose* justice or *want* certain values, and this makes them distinct. There is, rather, something objectively different about Um-Helat, and what I would hypothesize is objectively different applies to morality itself. Not to its content—as we can see, that can be the same in all three sites—but rather its status: the very condition of *how to be moral* differs in the three contexts, reflecting differences in the nature of certain obligations, variations in the range of what we might call distinctly moral possibilities, and the intriguing suggestion that same moral potential is shared across Um-Helat, Omelas, and America, though only in Um-Helat does it find its actualization.

As Jemisin makes clear, the Um-Helatians do not see a tradeoff. Prosperity does not *need* the brutal oppression of a child. The Omelians and Americans can entertain the same notion; it is not foreign to them (which is why some “walk away”). Yet it does not find the same *conviction* as it does in Um-Helat. So what makes it different? This is my suggestion: the Um-Helatians, as Jemisin describes them, are not particularly unique compared to their brethren in Omelas and America. What makes them different is the status of their moral conviction that prosperity should not come at the cost of a child’s torture. Should we let morality become something that can demand changes in other dimensions? Should we let the moral become something that can make us feel bad about ourselves (rather than justify our existence)? It did happen in Um-Helat. The only thing wrong with the child in Omelas is that the situation is immoral.

For all the Omelians know, it is “efficient” to have a child in such a situation. It is politically “expedient” maybe, or even aesthetic. But whatever else it is the situation is immoral, so the question is what difference does that make? Even in the presence of such blatant

immorality and injustice, does anything happen? What happens? What is *allowed* to happen? In Um-Helat the grounding of moral order makes it uncompromising by comparison. “Efficiency” does not matter: the situation is intolerably immoral. *It must change*. But what allows morality to hold that kind of power, to become a prerogative, to take precedence? These questions do not pertain to the *content* of morality; they pertain to its form.

The individuals in Um-Helat are not different from those in America or Omelas. Their beliefs, as we have seen, are not so different. What is different is their *morality*. The Um-Helations, I want to suggest, have been *dispossessed* of their own capacity to form moral beliefs. Morality cannot, fundamentally, be up to *them* to decide; belief has instead been delegated to those who decide what to do and how to be in order to be a moral person. But how does the delegation work? *Who* is in charge of morality if not the believers?

A field approach, like the one pursued in this book, argues that morality, just like legal or scientific expertise, can become the possession of specialists and experts who wield a type of *capital*. They have a distinct power to shape moral belief; but beyond this, they can use morality to shape society. In particular, a field controls a distinct means of investment—in this case, the investment in being a moral person. As opposed to subjective, then, moral belief can become *objective* when it is subject to organization by a field.

Such an account may seem abrasive to what we may *want* to believe about morality as a cause of social change. Modernity, after all, is characterized by a conviction that society can and, in fact, *should* change for distinctly moral reasons.¹⁰ Thus, an association persists between the moral with the good, that morality is about the good, and that the “modern” good involves social change for moral reasons.¹¹ Viewed through this lens, arbitrary twists of fate and chance create outcomes that diverge from morality. They are unacceptable and unjustifiable. Morality must leave its mark! If we can document historical change, ideally, we can also document how it happened for a *good* reason.

This might seem like a familiar account, comparable to something akin to the “arc of history” or the “arc of the moral universe” and its built-in tendency to *bend toward justice*, but we still know very little about how such morally-driven social change could occur: how history itself is shaped by morality. To get there, we need to accept a few paradoxes. First, that this

¹⁰ See S.N. Eisenstadt, *Fundamentalism, Sectarianism and Revolution: The Jacobin Dimension of Modernity* (New York: Cambridge University Press, 1999), 64ff.

¹¹ For a discussion of the “peculiarity” of these associations, see Bernard Williams, *Ethics and the Limits of Philosophy* (Cambridge: Harvard University Press, 1985), chap. 10.

kind of social change does not involve a change in individuals, primarily, as if their changing is what constitutes the historical change in question. That, of course, *does* happen but not on its own. Second, we cannot attribute a moral arc of the universe to beliefs or ideas, as if a change in these can adequately sum up what the arc needs to *bend*. Beliefs and ideas, inasmuch as we can record them, do change in the moral arc but they are not a *moral* change. What we are seeking, instead, is a change to something that is *not* a belief about what is moral, nor a moral *idea*, nor even a moral *individual*. When the arc of history bends, this requires a change to morality itself: it must become *autonomous*.¹²

“Why” the arc of history would bend toward justice is, simply, because it *should*. Yet we only need to look at Omelas and America in Jemisin’s biting portrayal, or scan the daily news, to see that what *should* happen within the arc of history provides no guarantee that it *will* happen. Ought does not imply can, yet at the very least we can find an orientation to the *should*. History *has* flown in that direction—it has realized a moral potential. But how? Where does that potential come from? How do we recognize it?

Morality is, of course, present in Um-Helat, Omelas and America, yet only in Um-Helat has it become autonomous. A typical Um-Helatian does not expect morality to be compromised. They can therefore seem very uncompromising to an Omelian or American, who likewise appear conflicted and contradictory to the Um-Helatian. In Um-Helat, moral hypocrites are not common, at least when it comes the eggs that need to be broken to realize prosperity. There is a difference in *how* morality is present in Um-Helat versus Omelas and America. In what form can we find it? Where is it located? In each context morality carries the same potential to bend history; only in Um-Helat has that potential been realized. How? In Um-Helat, and only in Um-Helat, morality has taken the form of a *field*.

With the concept of field in mind, the task at hand aims to capture one thing: how

¹² See Joshua Cohen, “The Arc of the Moral Universe,” *Philosophy & Public Affairs* 26, no. 2 (1997): 91-134. As Cohen argues, the question of whether the injustice of slavery contributed to its demise is ultimately a question not of a moral attitude toward slavery, but rather “the appropriate attitude toward the social world. How accommodating is the social world to injustice? Is it reasonable, from a moral point of view, to hate the world?” (p. 96). For Cohen, the right question to ask is not whether there are moral facts, but rather how *present* are “ethical explanations” of the social world? How typical are explanatory frameworks focused on moral causes? I agree with Cohen in large part, yet I try to provide concepts that can account for ethical explanations, their public (and political) recognition, and general influence (or lack thereof). Specifically, the concept of a moral field identifies a site for ethical explanations; moral capital helps explain the influence (or lack thereof) of these explanations, and moral reflexivity considers what it means to be oriented to the social world as demanding an ethical explanation. Cohen, of course, draws his title from the famous lines of mid-19th century Reverend Theodore Parker, later repeated by Martin Luther King Jr.: “the arc of the moral universe is long, but it bends toward justice.” See Dean Gordzins, *American Heretic: Theodore Parker and Transcendentalism* (Chapel Hill, NC: University of North Carolina Press, 2002).

morality changes in a way *unique* to itself, rather than camouflaging what is, fundamentally, a change to moral *beliefs, ideas*, or even moral *individuals*. Such a proclamation is not as bold as it may seem, as I will endeavor to show. The larger point is that we still know too little about how moral change (as in, change *to* morality) *could* happen even though it often guides our best aspirations about how social change *should* happen.

In the following argument, the focus will be on the appearance of a *moral field* as a dynamic space that emancipates morality and drives historical change by an orientation to social justice. What is and is not a part of that project, what history the field accumulates, what history it ignores—this is all contested within a distinct space, subject to unique rules. Here, time correlates with change; duration is the anomaly. Parts of the moral project can drop out or diminish, with the enemy always contingent, reason-less and unjustifiable outcomes. New efforts at social change, new injustices unrecognized before, can become a critical part, serving to emblemize social justice as a whole. In the tangles of history Walter Benjamin proves correct in his image of past wreckage piling up behind the “angel of history” casting its gaze backward.¹³ The field accumulates new histories, past injustices are given recognition and reparation. The field is not virtual or simply a matter of principle; it is constructed of potential:: the potential for good or evil, existing in a moral dimension, to find itself the *quintessence* of good or evil, *ultimately* good or evil, and thus talked about, concerned over, acted upon (and, by the same token, it has the potential to be ignored; a wrong suffered privately).

As a potential, social justice can be *claimed* and made actual in some empirical form; it can be less inviting to some claimants with some projects at some points, more inviting to others with other projects at other points. As a field, it renders morality autonomous, and can be put to work to bend history in a moral direction. Social justice is a game that changes with our expectations, what we believe is possible. It establishes a goal (“why”), but not only that, it establishes ways of reaching that goal (“how”). It establishes the game and how to play it. From this point of view, we become not passive moral believers, but rather participants in an unfolding history, engaged in a great game, capable of applying morality in novel ways, changing its meaning, giving it a new importance. A specific history appears, one that unfolds on its own terms and yet which has the capacity to shape history in a broader key, making it *about* something. We can *try* to make a new claim on social justice and find our efforts more

¹³ Walter Benjamin, “Theses on the Philosophy of History,” in *Illuminations*, edited by Hannah Arendt (New York: Schocken, 1955/1940), 253ff.

or less successful. More typically, we follow established paths marked by the field's accumulated history and the chances to signify injustice. Thus, the possibility of social justice is always more "real" than the reality. Chances are what the field contests and creates.¹⁴

Moral fields can appear all the time by turning background assumptions, which seem to have no probabilities and whose chances are even vulnerable to cognitive contingencies, like memory, into points of attention and conflict, is to ask the mundane to carry an ultimate value, thus putting it into jeopardy, testing it, thus making it subject to some contingency. Can they bear a justification of inherent worth?¹⁵ With this question, we enter a field.

In struggles over taste, not all cultural objects are included in such a contest; they are not all ordered by a field. Some cultural goods convey tastelessness, as merely "popular." Others mark a statement on taste itself, what it *should* be, thus appealing to the inherent worth or "ultimate value" of a taste for *this* culture (and those who have that taste). But for that to be the case a field removes this culture from the popular and makes it distinctive: a testimony to what culture should be.

We can apply similar principles to the study of morality. A struggle of inherent value arises with the construction of a moral field, a site of morality production. An interest in a moral field follows from the affirmation that takes this particular, unique form. This is what unfolded in Um-Helat, Omelas and America, or at least that is the suggestion. In Um-Helat, morality has become more uncompromising than in Omelas and America. How can that be? This book provides some concepts and a case study of what, or so I will claim, is a similar process. Maybe this is what happened in Um-Helat: history became a "moral universe" with spanning arcs of greater or lesser duration.

¹⁴ On the idea that social fields consist of really existing potentials, see Michael Strand and Omar Lizardo, *Orienting to Chance: Probabilism and the Future of Social Theory* (forthcoming).

¹⁵ To open a moral field can be as simple as engaging in a perpetual "why" questioning, with the expectation of a terminus only coming in an affirmation of inherent value that needs no further justification. To enter into a moral field can require a disorienting suspension of background assumptions. Infrequently, such "why" questioning will open into semi-permanent reflexive attentiveness maintained far longer than a moment's break in the illusion. The effect can be fearsome, though promising, because sensibility here does not respond to agents, discourses, subjects, objects or structures. Rather, it responds most to pure affirmation: to a feeling being *strong*.

Chapter 1 - What is Social Justice?

Where did this come from: a group who sets out to organize the basic structure of society according to principles that can be justified to all? This is familiar to us today. But where did this group come from? Why do they seek to organize the basic structure of society? Why do they seek to do so in accordance with principles that could be justified to all? A symbolic revolution will need to have taken place, for the very fact that this is unquestionable today (even though we might question how it is being pursued).

Social justice presents an enigma, though it may not seem like it at first. The phrase is capable of a wide range of applications, not all of them aligning with each other. Its contradictions do not deny it meaning, the phrase itself is invoked, even in different expressions, with utter certitude. As a phrase, it can be invoked without explaining what one means by it. The burden does not seem to be on the user, as an implied understanding applies to what social justice can look like in its material instantiation.

Still, objections can be made. It is possible to use the phrase “social justice” wrongly and refer to what is not applicable. To whom do we dispense credit (or blame)? So much nowadays seems a subsidiary branch of politics: so why not morality? If we say morality can have a history that is not a *natural* history, why would that history not be a political one? To the victor go even *these* spoils?

The idea I want to get across is that all the patterns of usage should tell us something: social justice is contested but also encompassing; it allows for many possible applications. Yet, despite being contested, and fluid in this sense, it has a “structuredness,” we might say, but for reasons that we have to learn and discover by, in a sense, *de-idealizing* social justice and finding it within a local context. Social justice is irreducible to what the most powerful want it to mean, though being powerful gives higher chances to establish its meaning. Perhaps we should rephrase the question asked of social justice: rather than—*What does social justice mean?*—a better question: *What is social justice?* The quick answer, and one I will seek to defend in this book, puts it this way: social justice is a *field*.¹⁶

To make this claim already starts us off with a method: “social justice” is a folk term;

¹⁶ A further extension from means to is would be *What does social justice do?* This question lends itself to a genealogical focus. What social justice does is historic through and through, which is why *defining* social justice, giving it a perfectly transhistoric content, is impossible.

it is broadly recognizable; in principle, anyone can associate meaning with it. To call social justice a “field” implies a break with the folk category, retranslating social justice into the terms of social science. The goal is not to appropriate social justice and delegate an approved (normative) meaning but to instead provide a reflexive understanding using terminology and concepts that, if successful, could be reintegrated into folk discourse on social justice. Thus, the effort is one of preservation and vindication: to model social justice as a field is to model how history can bend toward justice, and this goes some way to learning how social justice exists and what it needs to exist.

This book adopts a particular focus: the emergence of social justice in Victorian-Era Britain; though it does not intend to dispense credit for an invention. The case is illustrative, tracking the appearance of a moral field in a given time and place, with potentially generalizable lessons. Beyond analyzing social justice as a field, I analyze it as a *moral field*, and the premise I work with is that there is good reason to conclude that it was in Britain at this time that a unique mortality appeared, one still familiar to us today, with the dedicated focus of performing a societal redesign to create moral order.

If there is still some dedication to this task, then what can we learn from this case study? The following analysis will *historicize* this morality by understanding it through the prism of genealogy. This involves answering the following questions: What kind of interests does it serve? What kind of history does it contain? How effective has it been? A genealogy could lead to questions like whether the ends served by this morality *should* be served by this morality? What are the limits of trying to create moral order? Such questions may seem untimely perhaps, but only because what is historicized here serves as the moral background for present-day social movements, public policy, and institutions.

It is generally held that modernity, in most of its versions, entails a kind of moral reenchantment of the world when it coincides with the diminished autonomy and transferable symbolic goods from religion.¹⁷ Particularly in a Jacobin persuasion, morality appears as a justified source and reason for social change.¹⁸ Thus, if we are permitted to give the arc of the

¹⁷ Isaac Reed and Julia Adams, “Culture in the Transitions to Modernity: Seven Pillars of a New Research Agenda.” *Theory and Society* 40 (2011): 247-272.

¹⁸ The German writer Heinrich Heine would later famously compare Kant to the Jacobin leader Robespierre on precisely these grounds, both of them emblematic of morally uncompromising positions. See Ferenc Fehér, “Practical Reason in the Revolution: Kant’s Dialogue with the French Revolution,” in *The French Revolution and the Birth of Modernity*, edited by Ferenc Fehér (Berkeley: University of California Press, 1990), 201-214.

universe a direction, then we should try to “bend toward justice.” We cannot allow it to move along a providential course. In this view, morality makes us the actors of history, as without it, we are set adrift, unable to give history a direction, left at the mercy of chance. To establish that these points serve as presuppositions for political action is one thing, to add that they have been subject to limited critical engagement is another. The analysis that follows provides a critical lens but also attempts to fill out the picture about these commitments. Are they a burden? Is morality a burden? Is it a Jacobin or, perhaps, a *Victorian* burden? If so, is it possible to be unburdened of the Victorian construct but not give up the interests it creates and the needs it serves?¹⁹

I will not provide definitive answers to these questions but will instead offer sufficient details to help us, contemporary Victorians, ask a question we would not otherwise be able to ask. Moreover, not asking this question could have a host of negative ramifications, and the problems will be those attendant to a kind of blind action—action, yes, but lacking in full understanding of its orientation, in part because such an orientation has been inherited from history.

Although they emphasize historic construction “through and through,” fields also feature something transhistoric (or pre- and posthistoric). According to Bourdieu, it is possible, using field analysis, to “escape (however slightly) from history.” But to do this, we must start with the seemingly most unconditioned concepts and instruments of thought, those which appear to be without history, and recover the “historical structure of the field where they are generated and where they operate.” Bourdieu here appeals to something akin to what Nietzsche (“On the Uses and Disadvantages of History for Life”) describes as critical history, or “history for life.” Only by identifying historical determinants of the present is it possible to recognize what is *not* historical.

Discussing art, Bourdieu describes the “[enunciation] of an expressive impulse which the imposition of form required by the social necessity of the field tends to render unrecognizable.” And yet we *can* recognize that impulse if the analysis is sufficient, and by recognizing it we might be led to wonder whether the prerogatives about art, our sense of obligation, our strivings, even our *ressentiment*, are *merely* a historical inheritance. What we concern ourselves with so much in a field is part of a (prehistoric/transhistoric) impulse,

¹⁹ See Pierre Bourdieu, *The Rules of Art: Genesis and Structure of the Literary Field* (Stanford: Stanford University Press, 1995), 308.

beyond the good and evil of history. Fields are containers and accumulators of history; yet, becoming reflexive about a field's historical inheritance indicates the potential for action that is *posthistoric* in relation to the historic consequences of the field.

The linchpin to such an argument is deceptively simple: *our beliefs are not our own*.²⁰ We cannot *decide* to believe anything, though knowing the process through which our beliefs arise can give us a certain kind of power over them. Belief-formation is, in this sense, *prehistoric*: it can happen for reasons that we cannot easily narrate; in many ways it eludes even those institutions designed to control and dictate belief-formation, like science (or religion). Belief does not correspond closely to the intuitive and semantically accessible experience of “having ideas.” Rather, it more likely precedes having ideas and thus leads us to have *certain* ideas in the first place, or motivates us to form certain representations in the first place. Thus, the concept of belief used in the following analysis is distinctly *non-representational*. Beliefs about social justice, social justice as a moral belief, does not closely mimic looking at the world through the lens of a worldview, though it does involve interpreting something new into existence. Such non-representationalism has ramifications for all things moral: definitions of good and evil, how those definitions (and meanings) exist, and how they are created (and recreated anew)—it pertains to the very stuff that makes belief a *moral* belief. To break with representationalism demands that we break with frameworks that have been largely taken for granted and develop new ones in their place.

From Morals to Morality

As the translations and scholarship have improved, it has become clear: Nietzsche is not providing a genealogy of morals (plural) but rather a genealogy of morality (singular). Where does an interest in *morality en toto* come from? He is not trying to decipher the appearance of specific moral beliefs, which is what the sociology of morality typically focuses on. So if we can follow him and separate morals from morality, what does this mean for sociology? I would suggest it entails an orientation to a different subfield than has, at present, taken shape: the

²⁰ For accounts of non-representational belief-formation that inform this one, see Michael Strand and Omar Lizardo, “Beyond World Images: Belief as Embodied Action in the World.” *Sociological Theory* 33, no. 1 (2015): 44–70; Michael Strand and Omar Lizardo, “The Hysteresis Effect: Theorizing Mismatch in Action,” *Journal for the Theory of Social Behaviour* 47, no. 2 (2016): 164-94.

sociology of morality rather than what is (de facto) the sociology of morals. The sociology of morality would be interested less in specific examples of moral belief than in moral belief in and of itself, in what makes a belief moral, in what makes morality interesting; and more generally in the question of what morality does for (and to) creatures like us.

A sociology of morals approach tends to keep morality distinct from other subfields, particularly to emphasize the distinction claimed for morality itself. This has not typically led to distinct concepts for the purpose of explaining moral phenomena. The sociology of morals tends to draw from other conceptual frameworks for that purpose: from cultural sociology, social psychology, and the sociology of religion. The sociology of morality, on the other hand, while assuming far less the same degree of analytic attention, has come up with at least one distinct concept that, at least in principle, is irreducible to another conceptual framework in sociology drawn from another discipline, and that concept is the moral background.

As Gabriel Abend defines it, the moral background is a “second-order understanding of the nature of morality.” (30) It “theories and tools that people and organizations employ to ascertain goodness in the realm of morality—implicitly or explicitly, in their day-to-day life, interactions, institutions, law, and elsewhere.” It concerns the metaphysical assumptions that underlie and are presupposed by first-order beliefs and actions. The moral background defines what counts as a moral action and moral reason, what objects can be morally evaluated, and what morality itself is capable of: can it be objective? Is it relative? The moral background consists of several dimensions of phenomena (six at least in Abend’s view, ranging from objects of evaluation to conceptual repertoires, to metaphysical commitments, all as part of the background) that altogether “facilitate, support, or enable first-order moral claims, norms, actions, practices, and institutions.” While that first-order is visible, the moral background remains invisible and tacit. It is, nevertheless, *empirical* in Abend’s view it is an “object of analysis” distinct to the sociology of morality. If we know where and how to look, we can register the presence of the moral background, as it is not a question of *whether* it is there. The moral background is *always* present. The question, rather, is what does that background consist of and what kind of first-order moral things does it make possible (and what other moral things might it prevent)?

There are many advantages to Abend’s concept, not least of which is that _____. Yet, a question we might ask is whether such a distinct moral object can be modeled using so many analogies with concepts drawn from the study of science. Abend draws many of these

analogies, which perhaps gives rise to a kind of equivocation: that, first and foremost, the moral background refers to a kind of *knowledge* among those whose first-order morality is only possible because of it. Certainly, in some respects (and to some actors) the moral background of a society can be known; but it seems reasonable to wonder how far we can take this idea, as knowing the moral background does not seem to be required to be affected by it. There is always the tacit dimension, of course, but to enter there we need to leave all empirical objects behind. All that we can talk about is, as Stephen Turner puts it, what someone might need to know to understand what we are trying to tell them.

The main problem with a tacit empirical object, one that is “presupposed,” “tacit,” or in a “para” relation to something observable in the first person, is a problem of transmission: how can it be learned? And if it can be learned, how can that learning translate into observable action? Turner, for one, does not think this is possible. At best, whatever we account for as a collective object in the background of observable action is of significance to our particular explanatory interaction with an audience (on the expectation that identifying something like a background will have some salience).

To deny these kinds of objects on the grounds of an impossible psychology typically leads to one of two options: first, the approach he adopts, turning whatever his background into a hypothetical, restricted to the site of explanation; second, a symbolic approach, which requires accounting for this collective object by arguing for the autonomy, distinct from psychology, of a symbolic realm. That is where the background exists, and a question like learning is a psychological question and therefore of less relevance to this domain. To take the moral background as an object of inquiry would seem to inherit the idea of symbolic order, with some caveats applied by taking a route through the philosophy of science, though it might more effectively be placed as an object that only “exists” in the context of explanation.

The problem with both the symbolic and explanation approaches while they both must include cognition, they model it on knowledge. The only subjectivity allowed is knowing or explaining what we know. But why not give the cognitive center of the analysis to a basic cognitive process, one that would, like the moral background, be presupposed not only by knowledge but also by moral psychology, but which does not additionally require the creation of a collective object to explain? Predictive processing can offer insights relative to the point in question: if cognition is going to be part of our analysis, what kind should it be?

The Mark of Cognition

What else can the elements of the moral background be but is something predictable? Something that has been *made* predictable, predictable enough to be able to label? This would make something like a background the product of a stabilizing process. The “background” would then be a social relation rather than an explanatory tool or a collective object. The background is not a “background” for everyone, though for most it is. Its elements are preserved by someone, somewhere. They are also human (all-too-human): they will one day change by human hands, through human action. To include all of this requires a different concept than the moral background, but like moral background, it is a concept that can be distinctive to a sociology of morality.

The field concept derives from a provenance rooted in morality, at least in a certain sense. Rather, a field is capable of mixing “the good, the true and the beautiful.” To take a position in a field means more than simply a claim or truth or a claim of beauty. Rather, in its most autonomous version, it constitutes an affirmation of something as of ultimate value; it singles out something as non-secondary and irreducible. We can observe the difference this makes when something is fielded (like music) though taste for it does not demonstrate a claim of ultimate value. Thus, as the Rolling Stone song lyric puts it: “it’s only Rock & Roll, but I like it.” To like Rock & Roll music, in this case, is not an affirmation of what music should ultimately be. The adjectives that apply, then, tend to be subjective, focused on simply liking something (but not expecting that you or everyone should like it too). The same has not, at least historically, been true of other types of music. The classical genre for example finds justifications for taste at a distance from subjective language, so much so that, when this type of music develops as oriented to ultimate value, an expression of (merely) liking it can easily seem non-sequitur.

Thus, with fieldedness comes a kind of logic with a moral tenor, at least if we associate morality with an obligation that because you *ought* to follow it, also implies that you *can* follow it. The significance of a new obligation indicates a role for a non-Optional *must*, which appears removed of subjectivity, which will appear as a contingency to be eliminated. Importantly, to do what the field appears to require does not depend on a sense that one ought to do it because of a subjective moral investment, which would include no obligation. There is something *objective* about morality, yet this does not make it into an object. Rather, it becomes objective

through the construction of *expectations*.

Each element of the moral background carries with it some relationship to expectation and, in turn, with predictability. It is predictable that certain objects of evaluations are moral objects, that certain concepts will be part of moral reasoning. They can be expected. Yet, this does not make the background static and unchangeable (objective in a bad sense). We *could* use an unexpected concept in moral reasoning; we could attempt a different kind of moral grounding. All of this implies more potential fluidity and agency than the background might otherwise imply. It also suggests a kind of distribution or division of labor: for some, the background is *less* of a background; for others, it is, they live exclusively in the first-order realm. In principle, it is possible for anyone to open the moral background at any point, adding things, taking other things out, making some adjustments. Yet who they are, and what they are trying to do, can be improbable and unexpected; it is unlikely the background will change, and the person in question will probably try to save face (they were only speaking hypothetically, after all, when they said that property rights should be infringed upon in the name of eliminating the very possibility of being poor).

A field can accommodate this. From this perspective, for morality to have a background implies a prehistory: the appearance of symbolic power and a story of dispossession, specifically the dispossession of “laypersons of the means of symbolic production.” This also implies the preservation of the background, somewhere, by some group, who have the authority to set the expectations. A field theory term for that authority is *capital*, which translated from Marx is what consists of the potential to dictate the future. This is not an equally held potential, an inequality the field concept attempts to explain. More than that, the expectations so created will create, in turn, a *habitus* with enough learning of these tendencies, by attempting action (including speech action) within this particular horizon of expectations. The degree and kind of habitus can also vary, ranging from a faint awareness to a singular expertise, well-versed in the nuances that mark the accumulated history of the field.

Thus, a *moral field* is very much like a moral background, but with the difference that a field accounts for the relatively solidity of the background as a probability, and a relatively stable one, with duration and range enough that it fits the analytic mold of a background, even though it is only partial comprised of hard to semantically access embodied practice. But this begs a big question: *how* can morality take the form of a background when it could take the form of a field? A field generates probabilities. Those probabilities are the source of habitus,

as embodied expectations, including *doxic* expectations of a common sense and what will go without saying, without argument. A background can only assume a practical form as a habitus as *backgrounded* action: action made possible by reflexively inaccessible presumptions, which the actor is not aware of. Capital refers to the distribution internal to the field, a measure of what leads some moralities to be background, which suggests that, as alluded to above, appears the field's highwater mark: to make your position-taking the most expected and therefore features the highest burden of dispute.

The State Nobility and the New Poor Law

The horizon of expectations changes when the horizon of experience puts things into question, as it does after periods of significant change to states, the ultimate stabilizing force in the world, which makes things appear unchangeable. Something like a “worldly *progressus*” becomes perceivable as it comes to be (reasonably) expected. As the historian and theorist Reinhard Koselleck famously put it, “No expectation without experience; no experience without expectation.”²¹ But we might ask: why does experience give rise to expectations? How does it create expectations of progress based on reasonability? The idea I propose centers around *chances*. Expectations don't just come from anywhere, and they seem to elude our intentionality. We can only really see what we expect when those expectations fail; when, for instance, we did not know we expected a typical life, then a sudden political collapse or social chaos reveals that we do (or did), just when it seems the least possible to obtain.²²

Expectations like these can be encoded in ideas and arguments, as a practical background that dictates the terms of resonance. Expectations of progress, for example, or the possibility of perfectibility would seem to imply objective chances of change in a direction away from what seemed unchangeable. The experience of a societal change has made apparent the chances *for* change, and this in turn makes different expectations, which may have seemed to have no chance at all before, come to be possessed by some population in the society, with

²¹ Reinhard Koselleck, *Futures Past: On the Semantics of Historical Time* (Cambridge: MIT Press, 1985), quotation is on p. 270.

²² See Rebecca Bryant and Daniel Knight, *The Anthropology of the Future* (Cambridge: Cambridge University Press, 2019), 49ff.

the high likelihood that whatever the experiential rupture is it affects them because of how they are socially positioned. Who takes the initiative for social change? It is very different to credit a state nobility of jurists acting on behalf of “reason” than to say that those who took the initiative were in a position even vaguely like the enslaved populations of the antebellum American south, as we find in W.E.B. Du Bois’ account of “the general strike.”

In this case, a state nobility designed a test of the poor, a moral test, that would performatively reconstitute the status of the poor freed of certain contingencies. Poverty, in other words, would not be something that could *just happen*. It could now be contingent and unexpected, because reasons why poverty *should* happen now find an official declaration. More specifically, to make labor a test of worth means that labor becomes the noncontingent link between initial conditions and outcomes, eliminating luck from those outcomes. While there was a religious precedent to the idea, it mostly reflected labor’s link to the noncontingency of divine status (as exemplified, say, in something like the protestant ethic). Such an articulation of labor had been prepared by philosophers like John Locke and by classical political economy. The difference is these arguments did not link labor to something probabilistic, like what will increasingly appear over the course of the 19th century, as *life-chances*. To do this, state actors had to give this formula the objective potential of universality. Such an orientation creates a commitment or interest in morality that surpasses what we might call the ought and replaces it with what we might call the *must*.²³

A moral order, in other words, *must* be maintained, as it falls within the professional interest of jurists and those who administer their plans. They do not act out of a sense of *ought*, which would be contingent on something subjective, like a moral sensibility. This is key for the argument that follows: a moral field is the site of necessity, which means that being vulnerable to the field is not a subjective vulnerability, at least if this indicates the vulnerability of one’s identity as a moral person.²⁴ Of course, the specialized moral capital cultivated by the field can have these implications, but for those invested in maintaining a moral order, it is not entirely or even principally their moral identity at stake; rather, they might have an occupational

²³ I draw these terms from Stanley Cavell’s neglected argument, in conversation with J.L. Austin’s performativity framework, about the difference in the performative potential of *must* versus *ought*. For Cavell, the latter had more performative potential than the former. See Stanley Cavell, “Must We Mean What We Say?” *Inquiry* 1, no. 1 (1958): 172-212.

²⁴ Iddo Tavory, “The Question of Moral Action: A Formalist Position,” *Sociological Theory* 29, no. 4 (2011): 272-93; Jan Stets and Michael Carter, “A Theory of the Self for the Sociology of Morality,” *American Sociological Review* 77, no. 1 (2012): 120-40.

interest in morality, a philosophic or an administrative interest. The moral motivation is less identity-rooted (“I ought to do this”) and more a relationally structured *must*.

Performatively Constructing a Moral Order

The big mystery is why we see a shift from ethics, with the moral economy, to morality, with the New Poor Law. A poor law policy resembling something like eugenics would have been easier. I want to suggest the following: what the New Poor Law tried to displace was an ethical code, which was easily repeatable across the entirety of social space, did not take a theoretical form, could not be extrapolated from or designed. If we agree with Williams, the only way to fight an ethical code is with a *moral system*.

The effect is a displacement: the interests that support and maintain the ethical code are tested by morality. If you are interested in the *good*, and though it may seem supremely counterintuitive, *this* is what you need to do. It was not like the New Poor Law was efficient, and that the *must*, here, indicated something like the efficiency virtues of a free market. The cost of the plan is never quoted in the report, and though the grand outline was not fully implemented, the New Poor Law was certainly costly, as any carceral system has the tendency to be. Thus, it does not appear that a strictly monetary cost/benefit analysis was primary. Outdoor relief costs did drop dramatically after 1834, and yet to secure the apparatus of the test, workhouses had to be built as sites of justice—sites for the performativity of moral order.

Markets become testing sites, sites for “the purchase and sale of labor power,” in which labor is “freed of all the objects needed for the realization of labor-power,” so as to ensure that what labor would get would be decided by performance on the market (no contingencies allowed). And so it can be the “the exclusive realm of Freedom [and] Equality” (alongside “Property and Bentham” as well). The Poor Law reform helps construct the exclusive realm, protected from interference. Initial conditions could be linked to outcomes via its mediation, its distribution, as a demonstration of worth, removing contingencies, heightening attention to certain qualities (those with worth, that can predict “good” outcomes), allowing moral interpretation to hold, and performatively implementing a moral order.

When the young Marx observed the world constructed, in part, by the New Poor Law, he found it to be a series of moral rules and non-negotiable expectations. Political economy

was essentially a moral system, based in rigorous life-denying conduct, every bit fitting with a conflation of can and should and the premise that should morality *try* nothing, should it carry no *force*, all will be chaos and disaster—referring, of course, to the selective test applied to the workers and the poor, and distinguishing those who succeed in the capitalist game as morally credible, making all the right decisions, individuals fully responsible for their success. Marx is careful to note, of course, that the terms on which this success is presumably achieved, and the opposite failure happens on the same terms: what the rich do, the poor do *not* do. It is the *same* moral test they face, and it creates different actors tied together because, in principle at least, the one *could be* the other: the rich could be poor, the poor could be rich. This is not a class structure; rather classes here appear in a moral frame: who determines the tests, who gets tested, what are the results of the test, specifically, *who do the tested become?*

I am arguing here that a moral potential was created and implemented in 1834 and the subsequent entailments of that distinct potential would be consequential throughout the entirety of the Victorian period and beyond. It did not say in the same form; it was made actual in various ways throughout this history. Reflexively, as a member of the intellectual field, universalism will attract my attention: non-local, predictable, and justifiable on its own terms. In the American intellectual field, universalism is hotly contested; but rarely is an actually existing universalism, which as a field, shapes the possible sites for justice, though we must appreciate that, as a field, a universalism is subject to change through time. How can a universalism make itself present? Certainly one way is oppression, negation, devaluation, and possibly extermination, secured by a superiority lent justification—universalism as a limited horizon of expectations about what people *should* be like, or even what they *must* be like.

Presumably, there must be *something* at the bottom of it all, of which all else is an extension. In probabilistic terms, what is “at the bottom of it all” would be what predicts everything else (even if it is not the only predictor). It has the widest range of possibility, and the lowest chances of being rendered questionable. Its position and role, and particularly its stability, can all be made available to an accounting as a question of relative objective probability, as the field is meant as a venue for either stabilizing or destabilizing forces, those that can decrease chances or increase chances.

Fundamentally, the cognition of injustice is rooted in an expectations/chances gap, or the difference between what we can expect, what appears as potential or even a possibility, and what our probabilities are, our *chances*. Those chances are one thing, that potential is quite

another, and typically we can not see why that potential, which we can expect, should not be available within the realm of possibility. Initially, this looks like the economy, the organization, even the family entering the scene, rupturing everyday life with an indignation, focusing our attention on what we cannot predict because of what we expect. We could not predict this mismatch when we expected something very different (even if we had no introspective grasp of our expectations prior to this situation). This cognition has no need of ideology or, more generally, of a normative representation. Yet it is a situation that is searching for an interpretation, and not just any interpretation: we are searching for a moral interpretation.

Hence, a disconnect can appear between the multimodal cognitive faculties, that typically when we refer to cognition between sensibility, recognition and memory. If we accept the idea that cognition is multimodal, then such a disconnect could explain a lot. Something stands in pure sensibility because it proves a mystery to recognition, and so recognition and sensibility become unlinked and stand apart from each other and operate on their own. “Thought,” we might say, is freed from “experience,” and so too is “experience” freed from “thought.” I use these terms cautiously, in scare quotes, because they are folk mental categories. Nevertheless, in their difference they provide some interpretation of what it means to be *forced* into thought because something that appears unrecognizable, unexpected, unpredictable creates a kind of modal difference in overall cognition.

Common sense fits these different faculties together in preservative sense: using only certain models to predict sense experience and/or avoiding new sense experience that could threaten a separation. Thus, nothing appears *virtual* in relation to us, and in perfect alignments, we have no sense of possibility or potential, as they imply a modal difference: one part of cognition operating in a way that is not entirely aligned with other modes, leading us to sense unrecognizable things, or envision them, For example, what can appear to us only as a potential, at least for now, will not remain a potential forever. In part, this is how we can understand a probabilistic sign and how we live within them. It is not so much that we live we uncertainty, as the behavioral economist would say, but that we live in a probabilistic world.

Derrida and Marcuse both claim that justice is a kind of potential, leading us forward. It is not definable by a specific content, rather it repeats itself across different content, grouping different situations and different specific instances together as examples of justice. If social justice is brought up in public, we find the same questions being asked: what is social justice? Well to say that it is any specific content would be misnomer; social justice is rather

what links all different content together. This means that it is nomadic rather than sedentary, not by nature, but because what upholds social justice as a potential makes it nomadic. The potential of social justice is found in a field, or an ongoing game centered around defining what social justice should be. Although at different points in its genealogy, social justice has been subject to a more sedentary existence, not varying in meaning, taking form more in set and predictable protocol, that requires calling an artificial end to the game. While a state nobility might create this potential, they cannot contain the recurrence or (re)emancipation of a field that surpassed a sedentary state meaning, less available to new and different interpretations.

This means that social justice only exists as it is interpreted. Such an uncontroversial formulation should have an added ingredient: that in having this ontological proneness to interpretation, social justice is also subject to probability, as well as to its subjectively existing form, expectation. The contest to define what social justice should be is a contest over the chances that apply to its most probable and expected interpretations. This again suggests that, unlike most ethical constructions, social justice works according to the *must* rather than the *ought*: it is not necessary to agree with the prevailing meaning of social justice or believe it ought to be the case. For various reasons, to follow it conveys a perception of what we *must* do.

How is that possible? Because social justice has been subject to symbolic power; in other words, it *is* a symbolic power, which means that its interpretation has been shaped by objective chances constructed, ultimately, by the state. Who can interpret social justice, for what purpose, with what meaning, can be more or less likely, more or less expected. Not all morality has this characteristic.

We Have Been Modern

To start that analysis, we can take up an argument that can help situate what it would mean for such a moral formation to exist: a morality that *can be* autonomous, primary in relation to other orientations, and perform in something like a *sui generis* role. This stands opposed to the tendency to assume everything is a mixture, that nothing is autonomous, in this sense, because on closer inspection, we will always find a multitude of connections—of morality that depends on a mode of production, that is tied to material objects and technologies, that never breaks

free of climatic conditions. These are all non-modern mixtures; they all reveal that which might claim an autonomy for itself (science, politics, art) to be instead *relative* to the many and heterogeneous things it is connected to, which make it up. Relativity, in this sense, stands in contrast to modern claims of purity, boundary-making, and autonomous development. Given the proliferation of “hyper-objects” that bear such extensive connections, what could allow morality *not* to be relative, but instead find itself leading the way, accounting for the organization and relation of things as opposed to being part of an assemblage? How is the appearance of the opposite of the (non)modern mixture possible? Can we legitimately qualify something as morality *sui generis*?

The question ultimately revolves around a question of a *lack* of relativism or the appearance of difference as what arranges sets of relations rather than being shaped by them. In this case, “the modern constitution” applies: it applies to the attempt to ground moral order on some uncompromised terms; to institute a moral test, in other words, that is capable of testing, and thus introducing uncertainty about and reordering, other institutions. In principle, this can work without limit, as morality is lent a kind of “absolute” positioning, where an orientation persists that aligns action toward morality *sui generis*.

Bruno Latour’s critique of the modern constitution, however, carefully steers clear of morality.²⁵ We can find it clearly situated on either side of the modern divide: neither culture nor nature. The separation of nature from culture in the modern constitution is, according to Latour, essential to morality, as the twin modern dualities (nature/culture and subject/object) help specify the non-contingent causes of action. Morality is therefore left as an after-effect, an outcome, something arranged rather than *arranging*, incapable of shaking the modern constitution. It is subsidiary to science: made to flow through the laboratory in Boyle’s famous experiments (alongside theology and the state) to be tested and reordered by it, as opposed to being anything that might test the laboratory itself as a (non)modern construction site.²⁶

²⁵ Bruno Latour, *We Have Never Been Modern* (Cambridge: Harvard University Press, 1991).

²⁶ Ibid, 30ff. For Latour, the problem was that while “few people still believe in the advent of the Enlightenment ... nobody has yet recovered from this loss of faith. Not to believe in it is to feel that we have been thrown back into the Dark Ages.” Thus, not to believe in science as existing on some immanent plane, untouched by society, is not believe in science. Yet, according to Latour, this is a dangerous premise because of what it requires us to ignore about science: specifically, how it exists and what it needs *to* exist. Bruno Latour, *The Pasteurization of France* (Cambridge: Harvard University Press, 1998), 5-6. While actor-network theory and field theory are historic rivals, the sense of immanence and autonomy, translation and exchange, are connected ideas, and if they come out of the same moment of French Nietzscheanism and decoloniality, then (as I will suggest below) field theory has a certain distinction relative to its rival cousin.

Still, there is good reason to associate even the idea of a “modern constitution” with morality: with, that is, an autonomous and differentiated moral point of orientation, from which to construct rather than be constructed. Was it not, after all, a search for morality freed from a “self-imposed immaturity” that conjured up images of autonomy and universality in the fabled head of Immanuel Kant, which he associated notably with historical progress beyond *mere* practice (tradition)? To surpass the limits of practice, a simple formula could apply to reveal its unthought presuppositions: could it be universally done by everyone, or is it contingent instead, and exclusive on some terms? The test this presents to practice is not scientific, political or aesthetic: it is distinctively moral, and in this capacity, it presents a question of ultimate value with the potential “to move the world.”

The association of morality with thought alone, with a “philosophical discourse of modernity,” is misleading.²⁷ Extending from the revolutionary Atlantic, far from the Baltic Sea shores of Kant’s Königsberg, were tests of *ancien regimes* that found themselves premised on aspirations to perfectibility and phrased with a distinct moral imprimatur (particularly in associations of *should* with *can*). This marked the questionability of anything; a reflexive why-based questioning in the form of unleashed suspicion, the potential to put things on the line, including the “right to live.”²⁸ But this could only happen on the grounds of a moral autonomy or primacy, a grounding of morality in something potentially uncompromised, suggesting something different from an actor-network, but also distinct from an institution; suggesting something more like a *moral field* instead.

There are further implications we can draw from this, in as much as any kind of grand narrative of modernity has anything at all to tell us. If we account for many of the fractures and movements of the present day, all around the world, the recourse, if it can’t be politics, would seem to be morality. Which begs the question: if the contingencies of the world are reduced by claims of enlightenment, closing the iron-cage, then aesthetics (as many critical theorists have thought) might not be the source of objective possibilities amid the seeming closure of bureaucracy, instrumental reason, and culture industries; those possibilities, the sense that what we are experientially presented with is not a faithful image of the world, but

²⁷ Jurgen Habermas, *The Philosophical Discourse of Modernity* (Cambridge: MIT Press, 1985). The equivalent, for Habermas, of the modern “unmixed” and autonomy is what he calls the “need for self-reassurance,” in a break with tradition and the task of creating the standards that will be obeyed and followed, leaving nothing to inheritance and the past (e.g. “tutelage”).

²⁸ See Karl Polanyi, *The Great Transformation* (Boston: Beacon Press, 2001/1944), 82-83.

constructed and invented, and can therefore be *reconstructed* and *reinvented*, might rest instead with morality.²⁹ Where can you question established conventions? In art? Well yes you can there, but what about morality? To ask a question of the justice of anything, can't you reveal it as a convention and demand that it change? But to say that you can question conventions, and have some legitimate shot at changing anything, would already mean that you do so as part of a field.

A peculiar moralist like Friedrich Nietzsche thought, morality was the great source of unconventional possibilities, as it could call all things into question, showing by making them part of a contest of worth.³⁰ After all, from this point of view, and unfortunately from Nietzsche's own perspective, we could not even experience the world if we did not experience it morally, lest we lose any sense of subjectivity at all. Nietzsche's insight has a far earlier prelude in those across much of the revolutionary Atlantic at an earlier time. A new breed of person, as Alexis de Tocquville once observed, came on the scene—someone like Robespierre, Toussaint L'Overture or Friedrich Engels, who among other things found in morality a window of opportunity opened by great ruptures in seemingly immutable social fabrics, an opportunity to affirm new things as ultimately valuable, a route to reducing inexplicable contingencies with justice, and *totally* revolutionizing society.³¹

Genealogies of Morality

A genealogy of social justice shows it to be a unique *type* of morality, then, subject to expertise or specialization, or a distinct kind of status. For a genealogy of morals, the focus is not on a morality of politeness, or a morality of respect for the “sacred individual.”³² A genealogy traces

²⁹ Anthony Cascardi, *The Consequences of Enlightenment* (Cambridge: Cambridge University Press, 1999).

³⁰ Among other reasons, this could perhaps at least partially account for the shockingly broad readership of Nietzsche's writing, particularly in the United States, ranging from Huey P. Newton to H.L. Mencken (and everyone in between). Indignation at the present, and the search for what is unconventional, new, and different on those grounds, which means taking a point of view that can be totalistic in its implications, holds a deep appeal. See, Jennifer Ratner-Rosenhagen, *American Nietzsche: A History of an Icon and His Ideas* (Chicago: University of Chicago Press, 2011). See also Tracy Strong, *Friedrich Nietzsche and the Politics of Transfiguration* (Berkeley: University of California Press, 1988).

³¹ For a discussion of the throughline, united by the notion of “total revolution,” from earlier figures like Rousseau and Kant to Marx and onto Nietzsche, see Bernard Yack, *The Longing for Total Revolution: Philosophic Sources of Social Discontent From Rousseau to Marx and Nietzsche* (Princeton: Princeton University Press, 1986). See also Steven Marcus, *Engels, Manchester and The Working Class* (New York: Random House, 1974), 255-56.

³² Emile Durkheim, *The Division of Labor in Society*, translated by W.D. Hallis (London: Macmillan, 1984/1893), 338. Erving Goffman, “The Nature of Deference and Demeanor,” *American Anthropologist* 58, no. 3 (1956): 473-502.

the morality of ultimate value, or a morality sustained by motives that are not entirely conditional on the function it serves. For institutional morality, that is the focus: institutions supply definition of justice based upon local solidarity requirements, of the pressures that arise from sharing social space.³³ This anchors morality, more typically, in a generalized politeness, in certain contexts through subtle gestures of deference toward the sacred individual. On whatever specific terms it defines, to be moral has the effect of the good “face,” being respectful of the group, not being selfish, in Durkheimian terms, constructing the reality of the group.

As a type of morality, institutional morality yields a kind of generalized moral capital, then, as to follow its dictates is not particularly remarkable; it generates distinction only when violated. The philosopher David Hume’s own genealogical approach (which influenced Durkheim) provides a narrative story for the appearance of the “idea of justice” that relies upon a kind of benefit.³⁴ When a problem that could scramble social solidarity and cooperation arises, justice appears for the purpose of repair and restitution. In Hume’s view, even if a first-order experience is characterized by competition, the basic problem of sharing a living space (being in social space) creates moral demands that surpass an individual level. Here, at this level, the virtue of justice shall arise.

For Hume, justice does not fit in scenarios that are either Hobbesian, featuring an all out war of all against all, or a random unfolding of events, without any rhyme or reason, like lottery or casino game. Justice occupies a kind of happy middle, with a dash of stability and fluidity combined. Justice’s world is a *probabilistic* world, in which certain things *should* happen, but there are no guarantees.³⁵ Still, whatever does happen is a *potentially* justifiable result, so that even if we “lose” relative to others “winning” in a competition, in a just scenario, such a result is still acceptable.

Typically, in Hume’s genealogy of morals, property conventions appear in the form of justice, to remedy conflicts over external goods. But such a conflict, while it can take a specific

³³ The concept of social space adopted here is indebted to Henri Lefebvre, who associated it with the range of everyday life. In that sense, it appears nondescript, mundane, which makes social space a ready site for ideological manipulation, in part, because the course of everyday life is not a site of distinction. See Henri Lefebvre, *Critique of Everyday Life: The One-Volume Edition* (London: Verso, 2014); *The Production of Space* (London: Blackwell, 1991/1974), 68ff.

³⁴ David Hume, *An Enquiry Concerning the Principles of Morals*, edited by Tom Beauchamp (New York: Oxford University Press, 1998/1751), 134ff. For the parallels between Durkheim and Hume, see Anne Rawls, “Durkheim’s Epistemology: The Neglected Argument,” *American Journal of Sociology* 102, no. 2 (1996): 430-82.

³⁵ See Gilles Deleuze, *Empiricism and Subjectivity: An Essay on Hume’s Theory of Human Nature*, translated by Constantin Boundas (New York: Columbia University Press, 1991/1953), chap. 2.

form and particular elaboration, reflects a kind of structural demand with formal significance wherever we might look. If, for instance, land is limited but other goods are more abundant, then we would expect property conventions to apply more specifically to land; on the other hand, if other goods (like cattle) are relatively rare but land is abundant, then property conventions would revolve around the cattle. Regardless, these conventions are rooted in the virtue of justice as a structural demand responsive to these circumstances, which can avoid social dissolution should it come to that. By adhering to a structural limitation, then, justice is that which ensures a basic coexistence.

Such a genealogy requires no intentional design. On the contrary, the imagery we find in Hume is of a “stumbling upon establishments, which are indeed the result of human action, but not the execution of human design.” Here, we also find a recipe for what the anthropologist Mary Douglas so famously analyzed as “institutions,” and how “our thinking” depends upon them, particularly when that thinking is directed toward questions of justice.³⁶ We cannot make decisions without an institution, in particular when that decision involves justice. “Private ratiocination,” as Douglas puts it, will not give us answers to questions of justice.³⁷ The focus here is on a kind of constructive circularity: institutions continually create communities of people held together by the same dispositions that the institutions create. But there is an added caveat to these approaches. Specifically, it is Thrasymachus’ point that only between equals can justice become such a perceived need. If one is dealing with another who is not perceived to be on an equal footing, the structural demand of maintaining a coexistence in social space is far less apparent. Just ask the Melosians in their confrontation with the powerful Athenians. Justice be damned!

As a shortcoming in the conventional approach, then, it forbids morality *sui generis*. From that perspective, morality can become an end in itself, as opposed to a means; an assertion of value for its own sake—as “ultimate.” If this is a “conventional” approach, which is after all a perspective that still grounds a sociological approach to morality in the Durkheimian tradition, then a different genealogy would apply to a “post-conventional” morality, which carries a distinction. It is sustained in ways other than its practical appeal, its capacity to pragmatically problem-solve and “work through dilemmas and crises” by restoring

³⁶ Mary Douglas, *How Institutions Think* (Syracuse, NY: Syracuse University Press, 1986), especially chap. 1.

³⁷ *Ibid*, 128.

a condition marked by unreflexive belief and habit.³⁸ But there is more to say: whatever functions this kind of morality does serve, it only does so *because* of these additional interests that it can serve any particular function. This is what we might call, to use that maligned word: *autonomy*. Morality can be autonomous when it is useful in the world in some particular respect, which could be for the reasons that Hume and Durkheim specify, or for ones that Critical Theory distinguishes as favorable to the interests and continued power of particular groups.³⁹ Yet, morality in this second sense carries something additional to use: we can argue that this additional aspect involves its stance on ultimate, unconditioned value, with a genealogy that, apart from the appearance of utility or problem-solving, involves instead an arbitrary assertion, an affirmation of value without, ultimately, any grounds to do so.

The proposal I want to make is that social justice is of this second type of mortality. Whatever practices we might associate with it, whatever principles, or policies, whatever uses or functions we might give it, we cannot say it is purely functional (or purely institutional). It does not meet structural demands of coexistence; it cannot be ascribed simply to its capacity to create solidarity.

Thus, if we find in a particular group a high value placed on loyalty, we could ascribe this to problem-solving. Suppose it is Napoleon Bonaparte's fiercely loyal *Garde Impériale*, the last army unit to defend the fabled general as he fled the fields at Waterloo.⁴⁰ We could understand, in this case, why such a high premium would be placed on loyalty given what the *Garde* meant to Napoleon's forces (and to Napoleon himself), and given what was required to be part of this military unit. This could all be ascribed, then, to something instrumental or practical: in this kind of military unit, an interest in loyalty arises in order to maintain solidarity in the group.

Yet we could draw a relevant distinction here. Suppose we observe loyalty in this group and construct an explanation of this kind: all we would be doing is explaining morality at the level of the group itself. We would not be explaining why any individual in that group would invest in loyalty, other than to say that they do so because it meets the purposes and needs of

³⁸ Michael Strand and Omar Lizardo, "Beyond World Images: Beliefs as Embodied Action in the World," *Sociological Theory* 33, no. 1 (2015): 44-70; Neal Gross, "Pragmatism and the Study of Large-Scale Social Phenomena," *Theory and Society* 47 (2018): 87-111.

³⁹ Raymond Guess, *The Idea of a Critical Theory: Habermas and the Frankfurt School* (New York: Cambridge University Press, 1981).

⁴⁰ See Georges Blond, *La Grand Armée*, translated by Marshall May (New York: Arms and Armor, 1997), 48ff.

the group they are a part of. In this case, however, we could easily witness the makings of a free-rider problem, in which what makes practical sense for a group might, in fact, contradict what makes practical sense for an individual. The only way to avoid this would be to explain the value of loyalty to members of the *Garde Impériale* independent from the value it holds to the *Garde Impériale* as a whole. Thus, if the individual is invested in the group cause, then their individual interest in loyalty would be redundant; yet if they still espouse the value of loyalty, this would seem to indicate something more and other than the practicality of this particular morality, and how it makes a useful difference for them in strictly functional terms.

At some level, an investment in a sign (or word) meaning a specific thing does indicate the solidarity requirements of a group, as it needs “logical conformity” simply in order to exist. Language (*langue*) becomes objective because of this demand, independent of the demands of *parole*, so too does a “consensus reality,” the kind that classifies certain mundane things in a specific way, that is fundamentally arbitrary, but nevertheless highly predictable.⁴¹ Yet a kind of objectivity can appear beyond these demands of logical and cognitive cohesion, both of which are practical at a group-level. This additional objectivity need not arise from these structural demands when a field of symbolic production arises, populated by specialists who dispossess laypersons (including elite, connected, and wealthy laypersons) of their own means of symbolic production, their capacity for belief-formation via. This would indicate something like autonomy, then, with the appearance of a distinct social space, unbound by the principal demands of a larger one, impractical in its own unique way with its own obligations, appearing arbitrary from all other sides: the appearance of a *field* in other words.

Social Justice as a Moral Field

The effort here follows past efforts made by the philosopher Nancy Fraser in particular. Fraser discusses justice *reflexively* by applying to terms “normal/abnormal” to distinguish between justice claims, some of which carry high chances of recognition and institutional support (normal), others of which are unrecognizable by the established justice apparatus, breaking the mold (abnormal). The point of such reflexive engagement with the configuration of a

⁴¹ The argument here draws from Pierre Bourdieu, “Symbolic Power,” *Critique of Anthropology* 4 (1979): 77-85, especially pp. 79-80.

contemporary justice discourse is to attempt to forbid “discursive abnormalities to defer or dissipate efforts to remedy injustice.”⁴² The goal is to recognize that the public expression of injustice is *mediated* and variable, subject to both constraint and enablement. At any given historical time, this “normalizes” some expressions of injustice while “abnormalizing” others, the corresponding injustices become more or less invisible based on the present mediation.

Thus, social injustice is not a phenomenon that can be made *actual* (observable, measurable) independent of its signification. It might remain forever a potential, on the cusp of realization. To be “social,” an injustice must be expressed and recognized by others, particularly those who wield control of its objective potential. We can acknowledge this, specifically that certain concepts for moral reasoning are necessary for the recognition of social injustice, and also acknowledge that injustice has social causes. In fact, to identify those causes, particularly under the imprimatur of social science, can play an instrumental role in altering the universe of available concepts to morally recognize the injustice. But this presupposes something which is as significant as social science: that it is possible to recognize injustice on strictly *moral* terms (e.g. morality *sui generis*).

The modes of expression and recognition are subject to varying forces and historic configurations, which creates the kinds of controversies that often mark social justice. Questions appear along potential fracture lines: Should some injustices be centered as “more important” than others? Does addressing some injustices transmit privilege and itself mark an injustice? How should injustices that derive from multiple sources be adjudicated? Each question pertains to modes of expression, communication, and signification. These are not questions that dispute the reality of injustice but involve its public recognition and signification. What appears to epitomize social injustice, what we ourselves claim social justice is or what exemplifies social injustice, tells us something about its *means of recognition*. Fraser puts this point well in arguing that by grasping how social justice is mediated allows for “self-problematizing capacities to entertain novel claims about the ‘what,’ the ‘who,’ and the ‘how’” of justice.⁴³

Social justice, thus, draws our attention to morality as subject to mediation, which I will argue is a key source of its *objectivity*. Yet, we can take this one step further: from mode of expression or “discourse” in Fraser’s preferred terms, we can find something more material

⁴² Nancy Fraser, “Abnormal Justice,” *Critical Inquiry* 34, no. 3 (2008): 393-422, quotation is on p. 419.

⁴³ *Ibid*, 418.

that mediates social justice, which can include both discourse and occupations, like the one (theorist) that Fraser herself has. As a *field*, social justice mediates expressions of and solutions for injustice in ways that comprise *more* than arguments, concepts, or principles. It is also maintained and shaped by organizations, academic courses of study, occupations, public policies—anything that recognizes, uses, and maintains its symbolic goods. The field interfaces with politics, academia, capitalism, and the legal field.

Regardless of what creates them, the limits of the field ensure a common orientation among actors, who share the same interests and stakes, and act in relation to each other. As with any field, a social justice field orients actors with a field-specific capital, which creates internal hierarchies and allows for perceptions of prestige that are novel relative to other forms of prestige and status. There is a way of having worth as a social justice actor that is different, for example, from having worth as the possessor of money, education, or political power. One of the ways to engage in the field is through principle-making and theoretical critique and clarification, as Fraser demonstrates. This is somewhat unique in the social justice field, as other moralities are more immune to “theory effects.” We should not expect, for instance, a theory of empathy to reorient empathetic moral action, or change the terms of everyday moral identity. With social justice, we can expect such a reflexive consequence. Theory translates into a field-specific worth, as knowledge of theory and the action of theorizing carry weight, significance, and consequence. The upstream creation of theory lends symbolic legitimacy to social action downstream of it, even if those engaging in the action have no specific knowledge of the theory.

But if we can say that these traits mark the field, we do not mean that they are transcendent, ahistorical moral rules. We can see this in Fraser’s article itself, which demonstrates a practical logic that has accumulated over many years to make her practice—the interests that inform it, its goals, the differences she draws, the points she is careful to emphasize—not only possible but also probable. That Fraser argues for the need for a “non-exclusive,” discursive means with which to express injustice indicates a history of dispossession: communicating and gaining public recognition of injustice requires expressive tools that you do not create. Those tools are created, in part, by a moral elite (experts, practitioners, exemplars) who define and refine them in their own distinct ways. But while theorists, in this capacity, might be autonomous actors in the field, they are not autonomous *from* the field: activists, organizers, politicians, and others can alter the landscape of the field

and reshape the work theorists do. For theory to have a field-specific appeal depends on those with a practical interest.

Social Justice and Practical Logic

That charity can be considered antithetical to social justice, that state policy is a key focus of social justice recognition and change, as well as being prominently subject to its critique: if such orientations cannot be assumed, they are not necessary or essential to social justice as a concept. They emerge within an accumulated history, which results in only the most probable formations. Social justice as mostly a secular pursuit also appears as a historical result in its differentiation from a firm religious base, as say in the Catholic social justice tradition.

In all cases, the field allows for distinct social action not as a space of freedom where anything goes, but as host to certain obligations, like those that Williams articulates. While they can be subject to critique, these obligations (“sense of necessity”) forbids the field from being entirely subsumed by other orientations and prerogatives. It is obligations that give a moral field distinction. Even as the field serves as symbolic form and a symbolic object, it is also a site of competition among those interested enough in its distinct symbolic goods to alter the composition of those goods, to speak for them, and attempt, by doing so, to establish what they should be against other claimants.

To get more clues about the field’s present practical logic, consider the following, contemporary example, which feature two field experts. The objection of critics like Adolph Reed and Walter Benn Michaels to a prevailing model of social justice focused on racial disparity, revolves around what they perceive as social justice’s lack of sufficient autonomy.⁴⁴ If the prevailing model of social justice has become one focused on racial disparity, this is because it does not challenge neoliberalism, as a class-based model would. They demonstrate this through a kind of limitation that advocacy of racial justice will not cross: specifically, that the structure of distribution will be as unequal as it is, which means that justice pertains only to the proportions of the racial groups represented among the richest and poorest. Social injustice is sourced, then, in the factors that create the disproportionate amount of Black and

⁴⁴ Adolph Reed and Walter Benn Michaels, *No Politics But Class Politics*, edited by Anton Jäger and Daniel Zamora (New York: Eris, 2023).

Latinx people among the poorest, like racism. It is not sourced, primarily, in the very structure of the distribution itself.

As this would suggest, Reed and Benn Michaels act on the basis that it matters what kind of model of social justice prevails. In other words, they recognize that such a model has consequences, and that if it applies to structures of distribution in society at large, it also applies for the distribution of models of social justice: which models get the most attention, are taken the most seriously, are treated as being the most plausible, the most effective, the most urgent. This indicates a distinct kind of capital, which has consequences and can also be rendered less effective than it could be. Reed and Benn Michaels stake claim to what they see as the corruption of social justice; as capital, its prevailing meaning and reception has not been shaped by those (presumably like them) with the most field-specific expertise. Rather, those participants in the field who have been compromised by interests external (heteronomous) to the field have the most voice and receive the most recognition. Such a claim is made on the grounds that the kind of injustice Reed and Benn Michaels draw attention to, which revolves around social class, is more primary, encompassing the others. It is more *universal*, in other words, more widely shared; the injustice of class presupposes every other injustice. Thus, Reed and Benn Michaels seek to affirm the most autonomous, least compromised model of social justice available in the field.

What we see, then, in this argument is a mode of practice distinct to a field. Made possible by the nature of the capital available in the field, it drives the kind of position-taking we should observe among those seeking to boost one position, and one model of social justice, relative to another model. This is an effort to gain capital, and it unfolds according to the expectation that those who are invested in this kind of capital will be vulnerable to what Reed and Benn Michaels do as participant experts in the field. If we are still to use social justice capital for the purposes of morality, to advocate for a policy, or more generally to stake claim to being (and being perceived as) a moral person, then this argument can shift the balance. This is what a moral field can do: it can dictate the terms of moral subjectivity as it mediates, controls and constructs (and reconstructs) desirable moral identities, as it generates available moral concepts and styles of argument (Reed and Benn Michaels emphasize “disparity discourse” in particular), and as it establishes the very terms in which a social injustice (like racial disparity) will be recognized, discussed, concerned over. In this case, their position-taking reduces the likelihood that a straightforward racial justice advocacy can fulfill these

moral purposes without question, or at least this is how we can interpret the sort of action we observe here.

Generalized and Specialized Moral Capital

It is possible to be interested in justice for what we might see as self-interested reasons: for example, to be made whole after having been wronged, to be restored to a former state, to seek to be made the equal of others. All of this can carry appeal: the appeal of improvement in quality of life, the appeal of being recognized, the appeal of being subject to *less* inequality, the appeal of being treated fairly and equitably, the appeal of believing that the life-chances of those one observes in the society are deserved. Some of these interests may appear less historically remarkable than others. To have an interest in an improved quality of life, to have an interest in recognition: we can find compelling arguments for these as essentially *prehistoric*, as in, preceding much of the historical action that we might ascribe to efforts at *meeting* these interests. We might posit an interest in equity and fairness, an interest in being more equal, as the same: prehistoric, social-psychological, respondent less to history than to evolution, and the evolved basis of our moral being.

But what are figures like Reed, Benn Michaels and Fraser interested in? They might share all of these interests, but they demonstrate an additional one, an interest fully historic: specifically, an interest in social justice *for its own sake*, as opposed to for the sake of material gain, of psychological satisfaction, of recognition. The interest here appears more abstract, or “ideal,” so much so that while we might say that material gains can accrue to these participants in the field, their income is connected with the arguments they make, their interest in social justice could potentially come at the cost of those “material” interests. The interest that compels a positioning on social justice is *sui generis*, autonomous, and abstract and, we can posit, more historically remarkable (and potentially decisive).

What about in comparison to a moral interest (an interest *in* morality) that, likewise, is more readily prehistoric? Most often these interests are tied to the fitness enhancing effects of being moral, typically connected to group membership and a solidarity sufficient for altruism, whether kin-oriented or not. By comparison, an interest in social justice appears remarkable, as these psychological or biological proclivities do not appear to be primary. Rather, a

historically constituted interest appears that is, one that (we can further hypothesize) involves a kind of asceticism: a subjugation of an organismic interest, otherwise self-centered, for an interest that includes a concern about fates of distant strangers and presumably act in ways that seek to help them as opposed to helping oneself.

A field theory attempts to make these comparisons less dichotomous, because it does not treat morality as *disinterested*, nor does it ignore the question why a particular kind of morality proves *interesting*. Rather than credit a prehistoric interest, like fitness enhancement, field theory puts the onus on *historically constituted interests* that appear remarkable by comparison. In all cases, interests are synonymous with motivation. Yet, there is a twist to being interested in a field—such an interest is paired with a unique obligation. Far from this limiting agency, however, a field’s obligation creates the potential for a novel way of *being active*, exercising power (qua agency) in a new way, which stands opposed to *reacting* to situational contingencies. As opposed to action in everyday life, typically characterized by repetition, a field contains distinct stakes and consequences, which can be aligned with material interests (e.g. reproduction of a class status) that are less historically remarkable, but which nevertheless stand out as requiring mediation by the field, perhaps even needing its symbolic goods.

Background assumptions are brought into question by a moral field, which means that we will not find structures, agents, subjects or objects. We do not find the kind of moral actors that might be visible outside of this space. What we find, instead, habits, unconscious and bodily practices, “categories of the unthought” brought into the open. The field becomes more reflexive as distinctions and differences appear immanent to it, and so it can serve as the incubator for new kinds of people, new subjectivities, new actors. With enough internal history, a field generates a distinctive “grasp on reality.” More specifically, it prompts problems and questions using an orientation unique to the field itself, and to those who share no orientation to the field, will appear strange, remote, impractical. A fielded struggle, then, whatever its focus, revolves around its own immanent distinctions, and this allows for “distinction” itself to appear in a novel key and new guise.

We can understand this by analogy to culture. It is possible for culture to simply be excluded from taste, like pop culture. Other cultural forms, however, are made subject to a struggle (they are fielded) and thus lent the potential signal of taste (good or bad), specifically through the production and appraisal of their worth as being “ultimate”— i.e., immanent, affirming of itself (e.g. “noble”), *sui generis*, and not a means to an end. A taste for classical

music or fine art, or for heavy metal or country music can claim such a distinction, signaling an inherent worth. Popular culture does not compare, as it cannot be subject to taste, or only the “taste of necessity,” which can signal no choice and no responsibility. It cannot create the same differential tension that allows for immanent distinction. A moral field creates similar struggles and thus creates a potential for moral distinction. Uniquely, this can appear like a will to power; the field can provide *chances* “to be noble” in the uncompromised affirmation of an ultimate value. A field struggle makes it possible to claim an inherent morality, in other words, and to appear before others as inherently and indisputably moral, creating the circumstances for moral affirmation, or what effectively consists of staking claim to this or that as good (or evil) forever and always.

To trace a genealogy of moral capital, then, requires that we find its genesis and repetition in the appearance of situations where a similar kind of affirmation is created. We need to understand this as the construction of an *objective potential to be moral* by making this potential actual in given circumstances. Situations can be prepared for exactly this purpose: to allow for the accumulation of moral capital. But even in a more diffuse sense, moral capital can be accumulated, though it will not be expressive in the same way and might bear no relationship to actual powers of agency. Morality is unconditional, beyond critical reflection, and thus presenting only the possibility of violation rather than an affirmation of value or worth. This kind of morality—the morality of the background, of morality that lacks distinction, the morality of consociates and politeness—provides a kind of *generalized moral capital*, which typically shapes a mundane or tacit normative sense, bound by the hyper-conservative tendency of expectation, with only a slim chance available to question its terms. By contrast, the morality of a field is distinct and it yields a *specialized moral capital*. This is subject to internal differentiation that draws an ever more distinctive orientation. It can also allow for the accumulation of moral capital that makes groups distinguishable, allowing for new classifications, public policies and social movements. A moral field, as a continued contest and debate, with a horizon of expectation bound by the unique history *it* has accumulated, ensures the distinction (e.g. distinct status and worth) of those who possess a specialized moral capital.

Field Theory and Morality

Of the many topics that have been examined as a field, morality has not been given the treatment. Doing this, however, can show the difference it makes for something (anything) to be fielded, as morality is more often not analyzed through such a lens. To source morality in a field is far less common than to source it in a class interest, say, or in a human interest in emancipation, the need for social solidarity and the expression of caring, or sympathy for consociates, evident (among other ways) as politeness for the “sacred individual.”⁴⁵

To trace a morality to a field is, by contrast to nearly all of these alternatives, to identify it as history. It is to find morality subject to internal distinctions; historical shifts in its range of possibility. It is also to see morality in a kind of distinct social status, around which can coalesce a kind of moral elite. As in all fields, professionalization or the construction of expertise can coincide with morality, enlisting even the tools of credentialization (educational training, official designation, standards of practice) for the purpose. As a field, morality becomes a site of competition over a distinct capital, as an expansionary, repeating and accumulating motivation to articulate and spread a *sui generis* morality, as an end in itself that can be leveraged for accumulations and position-takings in other fields.

As a field, morality becomes capable of such a reorganizing effect because it commands reflexivity, a “why” based questioning that, as it creates a perspective of justice, means to be engaged with a practice or pursuit in a more reactive sense—reacting, that is, to the present organization of the field, and the probabilities it presents us with, whatever they might be. When transposed into other fields, morality encourages this *reaction* or enhancement of deliberation, and a sense of impracticality, as opposed to *active* engagement and accompanying feeling of power. As a field, morality need not be subject to this kind of (second) guessing game as it too becomes a domain organized not by “actors,” and a sense of subjectivity, but of unquestionably “good” things, of strong affirmations and the “feeling of power” in expressivist action.

This is “moral”; it is also much more than that, because here moral facts do not serve a secondary purpose. Rather, a moral fact (e.g. a belief, principle, or “discourse of ultimate value”) serves to reveal, on this different plane, the play of forces that make it what it is, that

⁴⁵ Erving Goffman, “The Nature of Deference and Demeanor,” *American Anthropologist* 58, no. 3 (1958): 473-502.

make it active as opposed to reactive. A moral field is “relational,” then, as this has been typically described to refer to both a tendency toward struggle and isomorphism, but more than this it presents a *potential*. A moral field draws its appeal from the chance it presents to be active, to have agency in a *different* rather than a repetitive (reactive) way, which tends to correlate with mundanity. Initially, this does not involve struggle but revolves around the chances and potential to be “noble”—to have agency in a way that does not depend upon the traces of the past and is not weighed down by memory (and the threat of being wrong), but simply counts as pure affirmation.

Thus, a field approach establishes how something can be moral, and is moral, *primarily*, as opposed to being moral secondarily, as in, being a moral *belief*, or being a moral *principle*, both of which make morality secondary, as a belief or principle, rather than anything that could be attributed to morality itself. A moral field makes it possible to see how certain principles or beliefs become *moral*: how they can be distinctly (*sui generis*) moral in a way that is different from what they are as beliefs or principles. Morality is misrecognized as a belief or principle, but not because a moral belief or principle stands as a pale imitation of a moral truth. What is misrecognized, rather, is the social context for affirming morality, which happens only as a *sui generis* affirmation within a moral field.

The moral plane, then, to which the field gives access, can be conceived as “prehistoric” in this sense, as action occurs here without reaction, without a sense that what we are doing (or what we are *not* doing) is what we *should* do. What “acts,” in other words, has not been shaped and altered by history; it lacks accumulation and repetition. We therefore lack consciousness, as there is no friction or opposition, unpredictable sense data, that would lead to consciousness; it is pure affirmation instead, entirely active.⁴⁶ The moral field appeals to an embodiment that is prehistoric, and if the field itself is historic, a “posthistoric” situation

⁴⁶ Deleuze draws an example from Dickens to make this point. A “disreputable man, a rogue, held in contempt by everyone, is found as he lies dying.” To the degree that he is there, a dying man, he draws a moral appeal; to the degree he returns to life, that moral appeal wanes. As “pure life,” the man is “beyond good and evil.” Those who respond to him are not checked by the suspicion that he might not be worth saving. They do so without consciousness. These bystanders simply affirm the value of his life. Gilles Deleuze, *Pure Immanence: Essays on a Life* (Princeton: Princeton University Press, 2005/1992), 28-29. We should question such a scenario with findings on the “bystander effect.” What if, for example, the man was Black? What if he were not a man? The scenario in these cases would not, we can reasonably hypothesize, so easily unfold beyond good and evil for the bystanders involved. The task of field theory would be no different in this case: what prevents the affirmation of life, particularly Black life, is the history accumulated in racist expectations and embodied belief. But, as history, this incapacity to see beyond good and evil is reactive rather than active, a product of “training,” a feeling of power, of agency, not in affirmation but in negation, *ressentiment*. The task would be framed by the posthistoric: to make aiding or not aiding the disreputable man contingent on a pure affirmation, as opposed to reactive sensibility, of which there would be no grounds for not aiding him.

arises in situations that have been shaped by the history of fields, but become reflexive with respect to the inheritance. Which naturally should lead us to ask: what would the value be of being *freed* of this history? What would it mean to free morality from a field? How is this possible?

Under the immense weight of accumulation, any field will obscure and sublimate what is at stake, what the active interest is, which can be lost amid “the often merciless clash of passions and selfish interests.” Any field demonstrates something prehistoric: an unfielded interest it has captured within a genealogy, which shapes the probabilities for its expression, but in the process also distorts and, in some sense, limits it. A field thus gives form to a content, then, as its motivating interest, or what we can call a basic affirmation. Bourdieu persistently refers to this, after Nietzsche, as “necessity” (e.g. “making a necessity of their virtue”; “feeling necessity fulfilling itself”), or the affirmation of a position within a range of possibilities non-reactively, that engages in expressive rather than reactive action, on the presumption that it could be no different (Nietzsche connects this to “destiny”), even though it is fundamentally arbitrary in not first needing a secondary reactive support, as drawn from the history of a field, that defines the position (whatever it entails) as “beautiful,” “true” or “good.” The model for this is the game, and the action of the game-player. This is antithetical to making a “virtue of necessity,” which draws from *ressentiment*, or a feeling of being powerful and thus affirming what is good only in reaction to what is labeled as evil, rather than affirmation. What is posthistoric lies in wait. Thus, to be “freed from history” is to act post-historically, and thus to act without expectation, and not limited by memory. But it is not to act arbitrarily.

The goal, then, is not to be tempted by the seductions of a field, with its internecine struggles, its back-biting, its contest over acclaim and status. These can easily overwhelm other (prehistoric) motivations, in particular to favor the opinions of those who become “professionals of discourse” through this history, to the neglect of the “prehistoric” interest the field organizes, which does not require a similar expertise. Likewise, looking at a field in a prehistoric or posthistoric frame makes it possible to see the capabilities and limits of a field. For instance, a moral field can lend a non-arbitrary judgment or legitimation to a topic or problem because of its apparent disinterest in forming any specific judgment of it. But while this can, as I highlight further below, introduce a potential for novel moral action, it can also serve to limit the possibilities immanent to the field, under the weight of this non-arbitrary

judgment.⁴⁷

A genealogical approach exposes this dynamic, involving a recognized arbiter of morality *sui generis*, which can dispossess fields that might otherwise perform the service (e.g. religion or law), and how this can be potentially disruptive of the “common sense” of other fields. The “universality” or “ultimate good” status of a value or principle does not reflect its inherent rationalizing potential, or at least not primarily; it is the appearance of relatively autonomous field, where that rationalizing potential could be explored, which effectively means altering what can be expected of morality. A principle arrived at through such a procedure can carry a weight in the world even without a religious imprimatur or backing by the legitimate violence of agents of the state.

This is history, as I will claim, but morality does not *need* history. It serves, then, to examine the prehistoric instantiation of what moral field renders from its prehistoric habitat and lends a new imprimatur, perhaps one that looks very different (and perhaps far more redeemable) from what it meant or how it was expressed prior to the field. This is the work of genealogy, but it lends itself to something beyond where genealogies have typically gone. Such an examination of the prehistoric and its relation to the historic can contribute to the potential of moral action *after* history. The “posthistoric,” in this sense, is morality *freed from history*, rather than not having been subject to it at all.⁴⁸ For a field-theoretic and genealogical approach, this is a route to recovering a claim of ultimate value on the basis of which history unfolds (and accumulates) within a field.

⁴⁷ Bourdieu refers to this phenomenon as the “circuit of legitimation” which corresponds with the differentiation of fields. The state becomes more legitimate and less arbitrary with the appearance of a legal field and how the professional jurists who comprise it dispossess “the king’s body” from the king: “the legitimizing efficacy of an act of recognition ... varies with the degree of independence of the agent or institution that grants it ... It is almost zero in the case of self-consecration (Napoleon seizing the crown from the hands of the Pope in order to crown himself) ... By contrast, the effect of legitimation is greatest when all real or visible relationship of material or symbolic interest between the agents or institutions concerned disappears and when the author of the act of recognition is himself recognized.” Bourdieu, *Pascalian Meditations*, quotation is on page 104-05.

⁴⁸ The terms prehistoric, historic, and posthistoric are drawn from Deleuze, specifically his discussion of Nietzsche’s genealogical method, and how Deleuze situates culture within this framework as finding a prehistoric, historic, and posthistoric expression. The posthistoric, in Deleuze’s view, is marked by action that does not unfold according to historic obligation, or by the non-selfconsciousness of prehistory, but instead by the making of promises. See Deleuze, *Nietzsche and Philosophy*, 133ff.

Repetition and Historical Continuity; or Why a Social Justice is Not a Moral Background

This is not a perspective that we can achieve if we persist in associating morality with institutions, or with a “background.” Both of these might recognize morality as historical, but not *as* history, or as something which appears from the combination of a habitus (transhistoric) and a field (historic). There is no repetition in an institution or a background, although their appeal is that they make morality *continuous*, allowing us to move forward and backward in time. But they essentially only do this by constructing a generality and interpreting all particular instances as part of it. This can work if “institution” and “background” are defined generally enough; but to make them *too* general will render them from history in all but a superficial sense, losing purchase on their unfolding dynamic. An institution or moral background only exist as they constantly *become* an institution or moral background, which includes maintaining an internal integrity and continuity within *different* scenarios, involving different people, including different ideas. Yet, should we rely on the concepts of institution and background to explain this continuity, we will quickly find ourselves at an impasse, trapped in tautology, in large part because they are what we can call strict *generalites*. They accumulate singularities by forbidding their difference. Relative to an institution or background, nothing is new, which is why they can be discussed outside of history, and thereafter applied to it. It makes no sense, relative to these concepts, to argue that a moral background appears only *here*, completely singular to this context.

Variance in public, collective and private, individual ... sometimes the background is not background

What makes something moral? Does it always involve expectations?

Chance is the cause, morality is the interpretation

Sociology is v very weird; it is the presence of a certain state of mind in the work, independent of its arguments or their validity, that matters

What do you do that is attributable to gender?

The fact that women was involved, gender not primary but it is autonomous instead.

Why are we not amazed by what we do right now? Future generations will find it astonishing

A field approach tries to account for singularity, in this case, as the appearance of something, in history, that is *different*. But the difference is maintained with a field, which means that continuity here is not the forcible inclusion of different situations to a general (law-like) paradigm, but rather the repetition of the same basic ingredients *but in different ways and in different forms*.

Thus, to define a set of moral beliefs as a moral background or as the effects of institutional thinking is to give those beliefs *logical* limits. But this does not account for what we might call the production of morality *as a* “background” or as an institution which means to understand it as a practice. On these grounds, we can genealogize a moral background. What kind of prehistoric interests or capacities does it require? Why, on these grounds, would creatures like us *need* a moral background? Then, there are questions that pertain to the sociohistorical context where we find a background: how is it that some morality becomes a background here, in this time and place? How is that background maintained? How does it remain continuous? How, in other words, is it *repeated* across time (and all the differences that time brings)?

Asking questions like these opens a whole host of others that appeal to the fact that because a moral background is fundamentally a practice, people participate in it through some kind of action. A moral background demonstrates a kind of stability and continuity that suggests the opposite of conflict. This would make it a source of stable chances; expectations form accordingly, which are reliable and durable. But who benefits from a moral background, as a kind of moral *doxa* or common sense? Who benefits from moral beliefs positioned as unquestionable and durable, on the basis of which, presumably, other moral debates can unfold? It would seem to be those who have the most to lose should moral beliefs form not as background but through a more contested and disputable source.

With this in mind, we can submit the following: both a moral field and a moral background are forms of public moral normativity; yet in the first case, a moral field is dynamic and contested, whereas a moral background remains static and presupposed. A moral field

maintains itself through accumulation: it brings different situations together. A moral background maintains itself through a generalization and abstraction rather than accumulating difference, it encompasses it. In principle, a moral background extends *everywhere*, while bringing a moral field into a new situation might be met with resistance. A moral background appears as no one's possession; it is not generally a source of distinction. A moral field, on the contrary, can become associated with specific groups and people; it makes expertise possible and, with it, distinction.

Yet, even as we articulate these differences we can see the fine line at play here, and this should draw our attention to transitions between moral background and moral field (and back again), as consequential to history. The ultimate motivation, after all, for a participant in a moral field is to end the competition: to turn the moral field into a moral background, in other words, with their position as the leading one, defining (unquestionably) what to believe, how to act, how to be.⁴⁹

rather than any kind of limit that might extend beyond the concept itself. Put more simply, the danger is “reading into” the history of what the concept tells us. One solution is to go to the actors themselves, adopting a kind of grounded theory approach that purposely seeks to abolish the primacy of conceptual interference. To take this route, however, appears to ignore the possibility that what actors do is contingent on them not being able to know or articulate what they are doing (or why) when it consists of repeating something inherited from history. In other words, a grounded theory approach does not allow for the possibility of repetition, as in its evasion of the repetition and continuity available through concepts, it heightens particularity and uniqueness by contrast, even of that which is only what it is because it *does* mark a repetition.

The puzzle of how something like a moral field can exist involves the factors that allow it to repeat across any number of different things: different situations, in different times and places, across different concepts and different practices, and also including different people, even ones who never could have met each other.

A test: would you want this to *repeat*? That is what reasons do: they help something

⁴⁹ Abend does

repeat.

We can experience history in the theatre and in the field, but not in everyday life.

Does the object repeat from inside the field to outside the field?

Whether we focus on institutions or on fields, we are less interested in the Socratic question—“What does justice mean?”—than in the *pragmatic* question: “how do we live by justice?” Such a reconceptualization turns justice into practice as opposed to principle; it concentrates on the way justice can do things in the world. By making justice distinct and different, a kind of prerogative on its own terms, for its own sake, we do things in *its* name as opposed to adapting it to something else, rendering it secondary and instrumental. Justice for its own sake does not *have* to entail institutional repair and restitution, neither does it need to create social solidarity. What it will entail, in any case, is the pursuit of the contradictions and hypocrisy—this is its expansionary tendency—that arise as those oriented by the field find it cluttered and compromised by outside, unjustifiable pursuits. With every further differentiation of the field, reflexivity increases, as it reinforces the novel orientation of participants against these external influences. Here we see the development of a selective test, or a selective test environment, in which whatever is accumulated by the field will carry its distinction and the potential to be different than it otherwise is.

In the institutional sense, justice restores and repairs fractures in social space, whether these appear between individuals or among groups. In a field sense, justice maintains a long term moral project through both expansion and unsettling, following an open potential, which may not serve to increase social solidarity or engage in a repair. It combines sensitivity to situational tests with an orientation to the field, in turn testing those situations by unique criteria and altering the terms of the moral investment that constructs distinct, and field-relative, moral subjectivities. These are fundamentally practical matters. Here, justice is sensitive to a historically emergent *practicum* which the metaphor of “field” tries to interpret, without claiming a definitive reality.

This is a history of morality, but it is not an intellectual history. What follows below is not a history of moral ideas. It is instead concerned with moral practices such as tests. As

opposed to heroic individuals, even those who set out with a plan or project, a field approach concentrates on how moral practices inscribe a “judgment into reality” and the consequences this has for orienting historical change toward morality, for allowing history to accumulate *as* a morality, thus allowing in turn for the construction of a sense of a moral direction.

None of this implies being different or distinctive.

A genetic method, then, approaches something with a specific question in mind: how has it been made? This implies not a chance-like emergence. Rather, it involves a kind of dualistic construction, both of a model and of the application of that model in a sociohistorically local context. The model, in this case, involves a generic depiction of a practice, set outside of time and place. For example, how can we understand a *test* as a practice, with many locally-inflected manifestations, but which all still remain versions or actualizations of the same general thing (a “test”)? This requires that we, first, sketch out the general details of the practice that repeats in these different instances; then, it requires that we explain how the practice came to be situated and used in this local context.

A test creates an order, but more than this it creates a defensible and legitimate order because the order so created does not seem to arise through any direct manipulation; rather, it arises only for reasons that have been specified: like the knowledge of those being tested, the properties that a tested object has, or the moral worth of those a test puts into question.

Why we are cognitively predisposed toward tests, this is how creatures like us go in for them. But who is made subject to these kinds of tests: the tests that create a moral order? There were tests in a moral economy, as the “plebs” could always test the resolve of the “patricians,” with a bread riot, for example. The nature of that test, and its consequences, were less abstract than a moral test, as they contained no moral appraisal of the results at all. Morality was involved only in terms of the violation of unwritten rules. This allowed no distribution of expertise, and thus no control on the distribution of belief. Everyone was an expert, rather, thus the moral economy yielded a kind of generalized moral capital that was entirely subsidiary to social capital and the building and maintaining of solidarity within social relations.

Yet the appearance of a moral field changes this dynamic, as it opens the possibility of moral capital standing independently of social and other types of capital. Thus, certain groups could obtain a kind of worth and recognition on terms defined primarily by the field. Morality

could not be subsidiary, in this sense, to other capital demands, making it possible for differences to appear, no categories of persons, new moral claims and dilemmas, and ultimately corresponding social change, as opposed to established repetitions and efforts to maintain them.

As we will see below, evidence for the emergence of a moral field is the pursuit of what we can call *ideal interests*, or motivations that appear oriented to something beyond immediate problem-solving, in particular, beyond efforts to achieve what Weber called “redemption [from] distress, hunger, drought, sickness and ultimately ... suffering and death.” These are material interests, and we can place moral economies primarily here, as a way of meeting material interests in non-economic ways. This suggests further that we cannot equate material interests with economic interests, as: there are non-economic means of satisfying material interests. Yet a growing overlap between the two is a characteristic of capitalism, and of economic capital, as its appearance corresponds to the diminishment of meeting material interests in ways other than by resource to a distinct (increasingly autonomous) economy. All of this sets the stage for what I will argue for in this chapter: the *simultaneous* appearance of economic and moral capital in the early Victorian period.

Friedrich Engels as a new type of actor, according to Marcus.

When the field is drawn inward and experts appear

How the difference between generalized and specialized moral capital can be the source of hypocrisy. Generalized moral capital corresponds to no existing field, though it once did: through etiquette manuals.

So to trace the genealogy of a specialized morality requires identifying the source of its distinctiveness. It might require that we be surprised at its origins; for what is needed is an account of the appearance of a distinct morality, which assumes the form of a new *obligation*. In the revolutionary period, aspirations revolving around *liberte, egalite, fraternite*, of “careers open to talent,” of anti-racist emancipation, provided points of orientation and of a general political *cum* moral debate. Should we inquire into that debate, we should not expect to see a no-holds-barred free-for-all. We should expect, rather, to see a kind of coordinated struggle

that follows specific rules of engagement, ones that mark participation in the field as unique. But far from these making visible certain transcendental terms of order, the rules of the field are a historical acquisition. To account for a genealogy, then, is not to make whatever we find at the “beginning” resemble what we are familiar with in the present. It is to follow its traces in a process that is more accurately called genealogy than development, as we cannot assume that the changes we see over time add up to progress.

For Nietzsche, famously, the genealogy of Christian morality reveals something quite different about it than what its present-time purveyors have to say about it. It meets the interest of revenge and leveling, of *ressentiment* more specifically, and drawing attention to this in a genealogy, Nietzsche’s goal is not to vindicate this morality but quite the opposite. Even if we don’t agree with Nietzsche, we can see the basic ingredients of genealogy here: a kind of prehistoric interest (*ressentiment*) combined with something historical and local (the herd, likely in reference to Roman plebs, in a class struggle against an elite); helping to explain why this group would find a morality that appealed to that interest or need appealing (revenge). This kind of combination is different from the rules of conventional historiography, or the “antiquarian” method, as the task is active, practical, meant to inspire a judgment and evaluation, to pose questions of “ultimate value.” What has happened to us because of this morality? What has it done? Genealogy alone allows for this kind of accounting of “the value of values.”

The “prehistoric” interest or need remains an invocation (perhaps even an invention) purposefully *outside* of history, arising for naturalistic reasons. The goal is to render history alive, as a story of *becoming*, still unfolding today. We are trapped in its repetition. Nietzsche says that christian morality might fulfill many needs now, but the needs it fulfilled at the start were very different. His goal is to draw doubt about christian morality.

Where did the interest develop and why? But more generically, how can we understand the interest that a practice fulfills? Is it the best way to meet the interest? How is the interest currently met?

So if the new poor law meant the “good of society” in 1834, how did the “good of society” change into old age pensions and equality of opportunity by the end? We take it for granted that there is something like the good of society at stake. It is so familiar to us; but how did the

good of society come into formation? The biopolitical approach plays an important role in this, but it cannot entirely account for the good of society, as this can carry a meaning and significance that is not biopolitical as it is moral.

Bourdieu and Nietzsche and the transhistoric and prehistoric

This could have been done cynically at first; nevertheless it was done, and this was enough to set the genealogy of the field in motion.

To say that public health does have a shred of social justice built into it, even if that has and is not a prominent aspect of public health, that this was an interest that public health initially met, that we should widen the scope of public health as a concept to include social justice; but even more than that, that if public health helps to meet the need of social justice then what does this mean for our own practices in the present? That they are about social justice in some way?

That it is not only the specific function it fulfills, it was also about a moral project. This relates to the arbitrary beginnings of fields, that it would start for reasons that would fulfill whatever function it seems to fulfill in the present

What function does social justice fulfill in the present? It prevents racial conflict; it is ideological, it blurs people from the real problems; it in this sense leads people to invest in a game even though they can't win it; it provides for the needs of the country

Whether what we use to fulfill social justice is really the limits of social justice.

Nietzsche says that Christian morality might fulfill many needs now, but the needs it fulfilled at the start were very different. His goal is to draw doubt about Christian morality.

But what if it fulfills no purpose?

Enough historical variation to suggest that it is not evolutionary or cannot be explained entirely

by reverse-engineering a generic (biological) need.

Using morality for the focus of social integration. But how this shifted from a morally capital lifestyle, to a moral general sensibility of living in a morally justifiable world. This is a Victorian shift

Pragmatic rather than historicizing approach

That social justice has intrinsic value that needs defending

Sociodicy need, weber posits this, this is a universal need; social justice fulfills it under certain circumstances, but is this necessarily a good thing? Could something fulfill it better? Even though we give all of this attention to social justice are we selling ourselves short?

An idea of justice but in what sense? In allowing for the fact that the ideas we have give us the potential to act in certain ways.

Need to break with the common sense category “social justice” in order to remodel it

The best reason why we continue to engage in social justice is because it serves need X.

A better word than universal would be prehistoric, but by this we should not be misled. It is only because that the reason we have certain needs are not primarily those we could pinpoint as “local” to a history.

I want to say there is something distinct about the moral that is irreducible to the political, as we cannot associate a moral project entirely with a political one. We can make this as an analytic distinction, but I think there can be historical (empirical) validity to the claim that a moral field can take precedence over and remain independent from a political field. In the early 1830s, the Victorians made a major investment in moral capital, a unique investment, and understanding where that investment came

Connection to weber?

To say that the genealogy of social justice corresponds with a new obligation is to beg the question, then, about how a specific and new kind of interest came into formation, typically among those we might call an *elite*, or at least those interested in becoming an elite. The interest in question is historically remarkable: we cannot ascribe it to something that appears to lack history, as morality often does within an evolutionary genealogy. A moral field opens and gives access to a different aspect of reality, coequal with the political, scientific, or aesthetic.

Social justice is an objective morality, I will argue, but by this I do not adopt the philosophical understanding of objectivity, which would imply that morality is either true or real. An objective morality refers, instead, to an objective *potential*: a collection of factors and accumulated history that create chances for moral interests, beliefs, and actions. More generally, an objective potential takes form as *expectations*: expectations that morality takes a certain form, that it has certain capabilities, and that it be shared by other people. Notably, objective morality does not depend on inputs like consensus or subjective meaning. It does not even need to create solidarity. Rather, an objective morality arises from a loop of expectations and chances to generate a moral interest *sui generis* or “of its own kind.” This can coexist alongside morality as conventional group-based norms or among consociates, or moralities derived from religion and other extramoral sources. The distinctive trait of morality *sui generis* is that it is post-conventional in relation to these moralities: it stands apart from them and can critique them. Morality *sui generis* is, in a word, morality *for its own sake*.

To account for social justice as objective morality thus requires an account of the basic loop that sustains it, between what I will call the expectations of morality and the chances of morality. Whenever we see expectations of morality *sui generis* alongside other moralities, we have evidence of a *moral field*, which refers to moral orientation independent from (“relatively autonomous” from) an orientation to social groups or larger, more diffuse cultures. This orientation could be established by a belief system. In this case, it proclaims what should be of moral significance, and what is required to maintain it as such, which can in turn lead to the organizational and material implementation of morality’s expected qualities. But it is unlikely that a principle alone could maintain the orientation, or keep the orientation a *moral* one. A moral orientation *sui generis* is remarkable, not least because of the demands it can place.

For the philosopher Bernard Williams, such an orientation holds a number of distinct effects: for instance, implying that because we *should* do something, we also *can* do it; the assumption that, without morality, the world will be a perilous place, ruled at best by luck and

at worst by violence; more generally, such a peculiar moral orientation entails the belief that without morality's "ultimately pure justice, there is no justice." For Williams, this makes morality an imposed obligation, we could read these same attributes as powerful motivations, which can notably *overpower* motivations to do differently. This can be a recipe for what the philosopher Friedrich Nietzsche famously called "bad conscience," but it does not have to be. If we examine the sources of morality, we can single out a moral field as one source among other possible sources, including what Nietzsche associates most specifically with bad conscience: *ressentiment*.

To make a moral claim: to enter the cognitive space of the should? But what gives access to that space?

This, as I will argue, gives us a way to at least *suggest* an answer to a question that has confounded scholars for millenia: *how can morality change the world* or, stated more poignantly, how can the "arc of the moral universe bend toward justice"? For this to happen, a moral orientation must guide historical change distinguishably and irreducibly; it must be capable of overpowering alternative orientations like a profit motive, "reasons of state," or a racist interest.

We should not, therefore, assume that this is easy to come by, or for that matter historically frequent, or that it simply reflects morality's "natural history" outside any distinguishable social influence. The question of a social influence is complicated by a field approach, as that influence becomes dynamic as opposed to static. As a site of mutually oriented actors, competing in a great game, a social influence persists as long as the game continues; its capabilities, and the uses to which it is put, change alongside its content. Thus, the meaning of social justice changes in tandem with changes to the field, as it is the field that shapes its objective possibility, suggesting that it cannot be tied directly to structural positions (class or otherwise) or unique cultural dispositions. As a field, social justice constitutes a social space that has been emancipated enough from sources of variation that have a different kind of social influence on morality.

Even as a moral field secures an orientation, it is not a purely vertical construction. It is also a horizontally moving project—marked by duration across time and range extending in space. Most notably, a moral field *accumulates history*, as all fields do. In one sense, this indicates

the events that construct the field as the objective space of chances that come to be reflected in corresponding expectations. The process involves a kind of back and forth between the appearance of objective mechanisms and the dispositions and interests that arise with them. More than an objective structure of positions, a field approach wants to draw our attention to “socially instituted potentialities.” The process of new field emergence is less by design, though it is not entirely objectivist. Those potentialities appear as unintended consequences, yet they are actualized by those who act on possibility, and who therefore appear distinctive, at least at first. In the process of actualizing those potentials, we can observe real but essentially unknowable rules that dictate moral expression, and in this way, gain an insight into their limitations and their exclusions.

Whatever presently applies to a fielded morality is a cumulative result of past events brought together, pulled into the same project. In this sense, the story of social justice unfolds in a manner akin to Walter Benjamin’s “angel of history,” who looks back at a “chain of events” and sees “one single catastrophe which keeps piling wreckage.” As the field’s symbolic goods are appropriated, different histories are added to it and brought into the fold, made part of the same project.

We should not assume that morality needs such a memory; yet, as a field, accumulating history as traces and signs of a particular kind gives morality high stakes and this is elemental to its objectivity. It is linked to obtaining capital in the field, in addition to using the field to engage in all manner of relevant social action: to make a justice claim or denounce an injustice, to have (or invent) an occupation dedicated to the pursuit of social justice, or even to do something like write a book.⁵⁰

Capital in any form is based on dispossession. With moral capital, this principle applies as the dispossession of means of belief-formation. For social justice specifically, this dispossession occurs in relationship to what has been called the “moral economy,” a set of mutual expectations in relations of domination (between peasant and lord) in which those under the heel of domination still retain possession of their own capacity to form moral beliefs, in part because they have little potential to change the relations. This mimics the paradox that in a peasant-based production systems, *peasants* control the means of production (land, labor,

⁵⁰ Moral capital *activates* these pursuits, in the same way capital activates labor according to Marx. Without capital, labor cannot do what it is otherwise capable of, like changing the material world to provide for subsistence needs. The same is true of capital in a moral form: it activates the potential for a moral action, like a denunciation, a policy, or social movement.

livestock), and rather than labor facing actual or potential of destitution, they labor under the threat of actual or potential violence.

A distinct capital is therefore elemental to the emergence of a moral field, just as it is any field, and we can tell its history as a story of dispossession, specifically the dispossession of *belief*, though we might not levy the same criticisms of this dispossession as we might typically do other stories of dispossession. As the means of belief-formation become the possession of specialists, this allows morality to be used to overpower other orientations and commitments. In this form, morality cannot be the possession of those who are elite or powerful on terms other than its *own* terms. Only when morality is objective is it possible to be *wrong* about it, but this is not because morality can be objectively true. It is because a “truth” has now been constructed about it in a space with the capacity to do this. We can call morality objective not in reference to a metaphysical claim but in reference to its formation within a specific social space, its objectivity becoming fundamentally an expression of a *social relation*. Only for those most autonomous actors in the field, those most elite on its own terms, may morality potentially *not* appear to be an object that causes a reaction. This draws our attention to a different aspect of a morality’s objectivity: when it refuses to be used.

Forbidden Injustice

The sociologist Luc Boltanski draws our attention to a case of forbidden injustice; not simply as a disagreement that a claimed injustice does not qualify, but suggesting that there is always a second element to this kind of claim. In other words, wherever injustice is claimed, it is *mediated*; the universe of possibility of injustice travels through a field. A claimed injustice has to find a mediation for expression and signification. It needs to be activated, in a sense, by a bank of moral capital. It can be refused the loan, in which case the injustice remains real but unknowable, unrecognized. In a larger sense than the approved discourse of the field, forbidden injustice tells us about sources of influence on the field. We can find here an indicator of conditions that allow the field to exist, centered on its particular orientation.

It is a case of this sort that Boltanski draws from the psychoanalyst Jacques Lacan, in fact the subject of Lacan’s equivalent of a dissertation, involving a French woman named Aimee, a 38 year-old railway clerk who was diagnosed as a paranoid schizophrenic after she

attacked a famous actor in the 1920s in France. Aimee is an aspiring writer, yet her written work is persistently rejected by publishers. Having literary aspirations, she expects to find acclaim, but these expectations carry no real chances. Her written work is persistently rejected by publishers. It also provides an example of the competence for justice expressed as paranoia. In this case, the inexplicable assault extends from Aimee's own perception of an expectation/chance mismatch. A paranoid cognition arises from her attempt to resolve the mismatch by conspiratorial thinking: her expectations go unfulfilled because there is a plot against her, led by the famous actor.

There is a sense of injustice at the heart of the case, based on an outcome within a distribution, or what we might call a mismatch of expectations and chances. While perceived, it is unrecognized and incommunicable. Aimee's indignation goes unrequited. To expect to be an artist and fail does not find corresponding expectations that treat this as more than an individual disappointment; a personal trouble, we might say, rather than a public issue. It is not an injustice generally speaking. Finding no recourse through justice, Aimee is led into paranoid association-drawing, giving the injustice she senses a recognizable form: she has been wronged by another *person* (the actor). Her disappointment precipitates the violent act of attack on the famous actor, which Aimee justifies through what, from the standpoint of accepted modes of denunciation, qualifies as conspiratorial thinking (the famous actor has plotted against Aimee's success; how unfair!).

What is truly at stake is the public recognition of injustice, and in cases without shared equivalences, where the category of "artist" for instance is not inclusive enough or expected enough to warrant high chances that one's denunciation will be heard, we find ourselves on potentially explosive ground, finding delirium in the connections made between the grievance and "abnormal" links between the what, how and why accounts. Aimee draws into question the public attention given to artists as illegitimate because she has been unable to receive it herself. Indignation in this form often takes conspiratorial plots, as a kind of private language in contrast to the public language of social injustice. This can invite anomalous acts of violence as an alternative to denunciations of injustice as a means to recognition of having been wronged in some way that should be equivalent to how another may be wronged, but does not find in the acceptable language a way of saying it as more than merely personal.

This invites the question of how such a language, which appears here strongly as a mediation, forms in the first place, and by whom? What Aimee's denunciation lacks is the

symbolic power that would lend her indignity and disappointment a high chance of recognition as an injustice outside the bounds of the law. Symbolic power is not something that she can muster on her own. It is produced and managed beyond her control, conveying a kind of expertise that she illegitimately appropriates. In principle, it may be the case that the inclusiveness of “artist” *could* qualify as a “shared equivalence,” enrolling all artists with a similar fate as Aimee. More generally, this could be the shared equivalence of doing creative work or receiving recognition for one’s creativity. To *not* have access to these could be a legitimate grounds for denunciation, as it becomes something that everyone can expect. In principle, it could even be made into a *right*, as a guarantee on the future, which is the most stable grounds for denouncing injustice and expecting it to be recognized.

This reveals a larger point. Aimee’s indignation, her disappointment, must already imply that her life is a potential, that she can be an artist just as much as she can be a railway clerk. There can be something *probable* about her individual fate, as opposed to determined. Objective life-chances that allow for expectations about her “individual” fate are not within a limited horizon that would forbid aspirations or project-making. In those scenarios, if anything different happens than what is expected, it can only be an anomaly, an accident, not a failure (or an injustice). Thus, in the failed denunciation we can retrieve from this setting, which we must appreciate as historical, it is not possible to experience injustice. We cannot tell a story of injustice about the experiences we will find in this setting. This is particularly true because of how we are cognitively present in it. That presence does not allow for the kind of paranoid cognition that Aimee displays.

Is it the case that an actual injustice can lead to the collapse of a social formation that depends on it? In philosophy, this has long provoked a contentious discussion, with the burden largely being on those who argue that an actual injustice, like the injustice of enslavement, contributes to something like its abolition. Thus, this allows for sentences like “the injustice of slavery contributed to its demise.” Or, by the same token, that “the justice of the sports game contributes to its stability and longevity.” In these cases, justice or injustice is a characteristic that applies to slavery and sports (respectively) independent of, say, a *belief* that slavery is unjust or *thinking* that the result of sports games are just. Should these be necessary

conditions for making injustice or justice an explanatory factor, they remove sufficiency from it, absorbing morality in a cultural framework or even a rhetorical one. Sociologists seem to agree with these arguments, as the tendency of the sociology of morality is to absorb injustice, particularly, in culture or social psychology, as opposed to itself being an explanatory factor. The important sequence for mobilizing against social injustice becomes, for example, a successful *framing* of injustice or the proficient use of a fluid cultural *discourse*.

But what if we take a different tact? The problem with the realist approach is that it makes what we might call a modal conflation. We can separate *actual* injustice from *potential* injustice and still retain morality as an explanatory factory. This gets around the problem that injustice has to *either* be actual (as it objectively real) *or* it can only be found in a frame, a discourse, or a belief. In the case of slavery, this would mean it is *always* potentially unjust even if, in the constructionist sense, this does not mean it will become *actually* unjust: it remains an objective possibility. To make denunciations of slavery's injustice is more likely to activate a potential than would the case for Aimee and the injustice of being a railway clerk rather than a novelist.

Can we find evidence for morality *sui generis* in this sense? For enslavement, the phrase where "there is injustice there will be resistance" seems applicable, for reasons we can distinguish using a probabilistic lens of actuality and potentiality (as opposed to the moribund language of moral truth). For instance, in the sociologist Orlando Patterson's global history of slavery, one way of reading his claim about the "social death" of the enslaved is that it takes *this*, a non-social existence and demonstration of extreme necropower, to prevent the disruption of all social formations dependent upon slavery because resistance is a potential or "regular effect" of enslavement that, while it may happen for many reasons, in *every* case is motivated by its injustice. Put more simply, only social death can prevent resistance from potentially arising out of the unjust core of slavery.

A given situation or structure therefore has a potential to be looped into as unjust; though without a position from which to loop, there is a low overall chance that it will happen. When moral capital is present, however, it must accumulate and circulate. This makes injustice more likely as a moral capital will make a potential injustice actual in an expansive sense, accumulating more situations, accumulating even entire histories and drawing attention to their unjust potential. Notably, the accumulation of moral capital as coincident to economic capital means there is much at stake. The circulation of moral capital, as coincident to

economic and cultural, can be appropriated as religion, as a theodicy in particular, promising deliverance or giving a justification for existing as one does. This aligns with Bourdieu's own statements about the *need* for a "sociodicy" alongside the accumulation of capital, a point that suggests something akin to the need for moral capital to complete a cycle and reproduce relations in the circulation that creates capital (whether economic or cultural). If we can perceive a distribution without having to make it statistical, there is a potential to find that distribution unjust. Moral capital can ensure a repetition or impede it to the extent that it can sponsor and make probable that some situations become *actually* unjust by moving beyond their potentiality to be.

So what makes some situations have this potential? What Boltanski and Thevenot sketch out as "orders," for instance, as types of actor-networks connecting people and objects describes situations of potential injustice, about which a dispute can be made, because they involve such a *distribution*. Who gets what, in this case, purports to be responsive to a test, claiming to be able to be *put* to the test and still pass. If tested, the distribution (who has what) *could* withstand it, and the order will be maintained. Even those "low" in a distribution, in this case, those with the worst or fewest of whatever is being distributed, could "sublimate" their quite legitimate interest in another order, preferring this one because it is just. The token case of a stable order, in this sense, is a fair game in sports, without cheating or other unfair advantage, where the players all agree on the rules, and in which the losing team or player accepts the loss, because the test that moves this from a potential to an actual result confirms justice, reproducing this moral capital rather than leveraging it for the purposes of dispute.

Injustice remains a potential, then, which can be actualized or not. Any distribution subject to moral capital is also an economy of distributed results. When moral capital is generated by a field, as a distinguishable social space, a potential injustice is more likely to be actualized despite interests that it not be. A moral field specializes in finding potential injustice and making it actual, as *recognizable*, creating a matter of concern. A moral field enlists various tools for the purpose, including an orientation to concepts capable of a post-conventional morality, capable of being used expansively and nomadically to render injustice. Yet this requires that these specialists be perceived as legitimate, despite the counterintuitive or challenge entailed by their proposals.

Thus, notably, a capitalist mode of production is coincident with the birth of moral capital. As the New Poor Law of 1834 provided the groundwork for a full commodification

of labor, so too did it do this by the extension of moral capital, making poverty a moral classification and making the absence of work itself an injustice, drawing on the “free lunch” potential. But the moral capital in question had to remain in place to prevent something very different from becoming actual as a result of the potential injustice—not a bottom-up greediness (e.g. “disinclination to labor”) but an exploitation of labor. The potential of the situation allowed, in a sense, for *both*. Morality is a potential, then, and in this case, it becomes simultaneous to economic capital as likewise expansive and accumulating. Yet there is variability in how it becomes actual.

On the Genetic Method

The approach I follow is more genetic than historical. I engage in a selective and strategic remembering of the past for the purposes of surpassing the stultifying timelessness of the antiquarian’s pursuit, and also the seductive but myopic appeal of the present. Social justice has an unstable temporality. It is made both in history and as history, but it can appear to have *no* history. It can even be dismissed on the grounds that it lacks history and is simply a presentist fascination. Yet to engage in strategic remembering requires a strong rebuttal of such a perspective by colligating and bringing together history, in order to show how it *accumulates* into a present orientation..

To adopt a historical approach to morality is arguably less controversial today than it has ever been before. Morality is no longer under the protection of philosophy or even scientific naturalism. Typically, however, historians of morality will stop their stories prior to arriving at the present. The morality they recover for us comes to us fully formed, ready-made, definite and predictable, as moral reason or a settled moral belief. Morality does not appear dynamic in these histories, as if it could have *more* history in the future.

Morality as a historical and social construct is not static or singular, however, but is instead subject to competing interpretations. It unfolds not as a given essence but as a collective project, a common orientation, without a clear origin but with a sense of continuity nevertheless. What serves as the orienting point in this instance? It can only be something like an objective possibility. This would forbid the quasi-essentializing that often characterizes not only the science of morality, but can filter into even historically sensitive approaches. The

larger point implicates us reflexively in these accounts. To write a history of morality is to participate in the common project and shared contest. *Histor* is the ultimate *testus*, as Herodotus understood, and it is indeed to put morality to the test of history, as in, *does it have a history*. Such a test gives morality a reality above and beyond an all-too-contemporary moral sentiment, dismissable as a flash in the pan. A cottage industry in histories of human rights has appeared in recent years, and the effect is establishment: to make human rights more than a late twentieth century invention and secure it as a moral orientation, able to be enlisted by politicians, social movements, and lay people alike as objectively possible (and likely to be recognized) as opposed to disputing its very existence. The test of history is necessarily selective, focusing our orientation here rather than there, strategically remembering and forgetting, even dispensing credit (and blame) in designating a morality's distinguishing marks. Histories of morality thus become dual: a means of both documentation and recommendation.

And it must be this, after all, because what is at stake is just as much interpretation as the moral interpretation under question. To give morality history is to orient toward it and interpret the same possibility. The task is internal to the project. There is no "power of consecration" for collective beliefs outside of the cultural form itself, which in this case is not mythic but economic, not symbolic primarily but social. We cannot solidify too much what we describe, because it remains a possibility, a real potential. What follows is less a history of morality than an attempt to describe the genesis of a structure, a kind of *worldmaking*.

The process of worldmaking has often been understood largely as the establishment of dominant representational mode; but this is far less experimental than it should be. What matters most is the appearance of different possibilities, different means of orientation. As participants in a field argue among themselves in a language only they can know (at least at first), motivated by concerns that are not widely familiar, this increases their interest *in* the field. The moral form itself becomes the subject of critical examination, making it stand out and become increasingly distinctive. This demonstrates, or better activates, its objective possibility, capable of orienting actors in a distinctive way separate from other orientations.

Thus, conceptualizing morality as a field attempts to convey the relative stability of a moral orientation without, in the same movement, removing it from (or as) history. Moral sentiments do not have to be fielded. They can emerge and exist outside of a field. Yet, as part of a field, they are given a history and made subject to an orientation that is not conventional in being keyed either toward the moral order of groups or empathy toward consociates.

Morality as a field is capable of communicating a purely *moral* interest, allowing for moral worldmaking in a primary rather than secondary sense. Moral violations are violations of morality itself on top of being objectionable in themselves, relative to an unfielded sense of justice. But when the sense of injustice matches the symbolic forms of the field, it gains an authorization: it can be legitimately and confidently expressed on the expectation that it *should*, and indeed *will*, be recognized

When morality becomes fielded, then, it acquires a history, as the history of its distinctive formation and structure. *Every* feature of morality in its fielded sense will bear a historical marking and tell a historical story. But we can make this more specific: when morality becomes fielded it also becomes *arbitrary*, which does not imply that it becomes insignificant or dismissable. In this case, arbitrary means that the possibility of morality is shaped by the internal history of the moral field, and that there is no *essential* reason why the moral field takes the focus that it does. At most, a moral field dispenses probability instead, allowing for judgments based on probabilistic rather than indexical signs. What determines the most probable moral judgment cannot be defended by a higher order or transcendent reason, unless forming such a reason has (as the result of historical factors) come to be valued in the field.

Thus, a moral field emerges as an orientation to *chance* and fundamentally remains such an orientation as it continues forward. To conceptualize it as anything other than this is to remove the dynamism of morality as a *fielded* phenomenon. The history it accumulates remains essentially scattered chance events that add to something coherent only because of an orientation to them as common, but this too shifts and changes. Different histories are told that alter the potential of the field. At stake is control over a public normativity and the expectations associated with it: what social justice *should* be, in other words, for its indefiniteness as an objective potential requires it always to be defined and its definition to always be at stake. To apply social justice (e.g. to make a denunciation, to craft a policy, to define an event) is to define it, and here the *potential* that social justice *is* appears in an actual form through something like a *test* that can either be successful or not.

A public *can* know that when a certain claim is made, an action taken, or a denunciation presented, it is “social justice” or “human rights,” for example. They are part of a public moral culture; yet the journey there is not the realization of morality with the benefit of some transcendent source, like pure reason or the dispensation of a deity-like figure. For morality to become public culture is somewhat rare, not least because of the distinct

impracticality of morality *sui generis*.

A fundamental question revolves around the construction of a non-random orientation toward morality for its own sake: how can morality be meaningful *for itself* rather than as a means to anything else? This is anything but arbitrary or illusory, as the collective belief appears fully objective, unquestionable. Yet it is an internal moment that makes it so, suggesting a kind of collective investment, as those who believe having something personally at stake. We could interview people to ask them about their investment in social justice; we could observe those working for social justice in a real-life setting. What we would miss is the moral background of these pursuits, of which the participants would likely not be aware. Not being conscious of these conditions is what makes such an investment in morality possible. Yet that moral background is also something that becomes distinctive and noticeable only in and *as* history; it is not a collection of presuppositions that are static and inert, knowable only to the analyst.

Over time, certain recognizable traits come to cluster around it. The approach I take is genealogical, as a historical method that attempts to show how what typically appears to have no history is in fact a historical artifact. As opposed to the “historian’s craft,” the genetic approach to history treats it both conceptually and empirically. In other words, it uses history to make a presentist point about how we think, as adopting a historical perspective is the only way to draw out a collective belief. To call social justice “historical” means that it appears by *chance* even though it does not appear by accident. It appears as a new orientation, as the appearance of a new loop of chances and expectations. Far from a design, its formation is arbitrary in historical sense: it does not emerge of necessity or by nature. This is an important point, as forgetting this means that we may forget *how* social justice exists; and any such amnesia may threaten its continued existence. Avoiding such a threat is the purpose of the genetic exercise that follows: to provide an account that, alongside other factors, contributes to *keep* social justice existing as of a still fully untapped *potential*.

Adopting this perspective, we encounter a puzzle. The violence and violations that draw the focus of social justice are not new to the world. Yet to denunciate them as such is historically novel. If we align social justice against the “moral economy,” as I will do below, the latter comes out as mythical by comparison: a remarkably steady morality rooted in a kind of consensus for those included, which did not appeal to differences of “opportunities” or “outcomes,” but instead gives its attention to mutual expectations of social duty. It was

through the moral economy that violations to an implicit social contract like high grain prices could be signified. In the same manner it could signify failures of paternalist protections for those who labor. Moral economy applies directly to social relations and is subject to little explicit articulation, suggesting that it has no distinguishable autonomy from those relations.

If the experience of injustice could be spoken through the words of religion, meanwhile, and indeed can still be spoken, social justice is secular today. To seek justice, religion typically finds itself in a subsidiary role, and more frequently today it is non-existent and unnecessary. The “who, what, how and why” of injustice does not typically depend on religious framing, as it once did. In fact, more often, the symbolic goods of social justice are marshaled to critique religion for its exclusions and conservatism.

So how did a moral economy lose possession and jurisdiction over certain topics that now fall under the purview of social justice? How did religion become at most a tertiary anchorage for social justice, which by contrast appears *sui generis*, a moral orientation that does not need the support of other belief systems? How, in this sense, is social justice increasingly distinguishable from human rights? The key, as I will argue, is the development of conditions for an autonomous field, which can be variably influenced by the moral economy, religion, and even other moral paradigms like human rights, but it can also “refract” them, as field theorists say, and alter their significance according to the specific orientations of the field, its present debate, its distinct moral capital, and what, more generally, it means at the present time to be *good* in this domain.

Should the path become clear, these traits are lost in the twilight and fade into the background, although they constitute the very possibility of the moral orientations we can identify. Thus, it is true that recovering those traits and retracing the path to the field, only comes by way of one’s *own* orientation to the field in a present-time instantiation. Not only are narratives consequential for morality, but telling new narratives is consequential for reforming a moral orientation.

When morality is a field, this is a way to participate: by declaring what morality *should* be through a demonstration of what it *is*. But to fully recognize the consequences, the factors that make an emergent moral orientation into a field must be identified as completely as possible, as it is these factors that give it duration, allow for certain types of moral agency, open a contest of interpretation, and enable a potential moral orientation to extend into space and time through its own nomadic wanderings and through the appropriations of the symbolic

goods produced by this orientation.

The Question of Testing

A moral orientation *sui generis* that can stay moral and even become more widely spread *as* moral can be carried by what I will call a *test*. The concept of a test can involve a focus like solving a problem; but in my conception, a test is conceived slightly differently. A test is what ensures repetition and, through repetition, establishes duration as longevity in time and homogeneity in space, that however distant we get in space and time, we still participate in the same history because the test is roughly the same, and so too is the objective potential it opens.

The challenge, in one sense, is one of comprehension versus extension. If we comprehend social justice fully, we can only comprehend one case; this is of little use in explaining the broad orientation to it, which evidently must be capable of being inclusive of more than one example. Yet to get too encompassing, we reduce comprehension altogether and become entirely nominal; the meaning of social justice only applying in the abstract. Thus, comprehension is reduced as extension is increased, which implies something more replicable and extendable, but which because it can find surprising applications, is never fully comprehended. This means that the concept of social justice does not come to us fully formed, and neither does it come to us all in the same way. It has a social background instead: the internal properties of the concept of social justice are constructed through social relations. Its range of possible and allowable references is made more or less extensive, more or less specific. In part, this is fleshed out by theory, as the generator and refiner of concepts. But not all moralities are subject to being turned into conceptual form, at least not in a way that might be consequential for them.

So why, in this case, might social justice be conceptually mediated? Why would it invite the occupational labor of theorists as experts in concepts? To construct a morality, there needs to be a chance/expectations loop. Expectations of morality need to be created such that it involves a number of elements or features that are not contingent, that we can know that another person also expects. You can expect that if you are genuinely destitute, you can be given aid. You can expect that the moral source of your claim will matter and nothing else. You can expect that what, more specifically, will matter is the good of society or the common

welfare, or the recognition of your own legitimate grievance

Such a construction as this implies far more than, say, a moral belief system, although morality in this form often has the expectation of assuming such a systematic form; a moral field refers to a social formation, of material conditions and social relations, of occupations and organizations. It is a realm of distinct social action, in other words, which molds, shapes, and enacts this objective potential. Far from being a flat or equal, however, in which anything goes, a moral field like social justice assumes the form of different *probabilities* at any given period of time. Certain moral beliefs are more likely, just as certain moral actions are; this can be tracked by their relative frequency. To do (or believe) the improbable is unexpected. To be asked to “justify yourself” indicates a deviation from a convention or standard that is not solidarity-generating or ideological. The probabilistic shape of a moral field makes certain denunciations of injustice—the what, the who, and the how of injustice and justice—typical while making other options less probable, though they remain an objective potential. More generally, to create a new occupation, start a new social movement, or write a theoretical text about social justice stands as a judgment of possibility, a kind of risk-taking. When it aligns with the field, the action can seem perfectly natural because it can be fully anticipated.

To focus the analysis on a moral field demands new points of emphasis. The account, in particular, lends itself to a dispossession and the appearance of a new objective potentiality, which philosophically is understood as an element of practical reason. Any existence of a field dispossesses, and it creates a kind of “bank” or “store” of capital that, as all capital tends to do, *indebts* social actors.⁵¹ To be indebted to a moral field is to be subject to its law, or at least it can appear this way. A judgment via the law is always deferred, as in Kafka’s *Trial*, or in Nietzsche’s rendering of an infinite debt from which grows an ascetic consequence. Subjectivity is adopted as bad conscience and *ressentiment*. One is “affected by” what might never be immediately present and always remain remote, yet the possibility of subjectivity, even one’s soul, hangs in the balance, hinging on a test. It is fundamentally a gamble, as nothing is transcendent about this arrangement. The moral law is, instead, immanent and constructed.

⁵¹ This is consistent with a basic Marxian notion of capital as a “social relation” rather than a thing. See Karl Marx, *Capital: Volume 3* (London: Penguin, 1894/1981), 893. In all cases, capital arises from a dispossession and constitutes a site of struggle; for instance, the assigning of only some culture as signaling “having taste,” or the assignment of some ethical proposition and actions as signaling “being good.” The relation can take the form of an expertise, in which case concepts come to mediate these patterns, but it does not have to in order to appear in a field of relations as what dictates culture as “tasteful” and ethics as “morally good.”

Pascal's wager supplies us with insight along these lines. To wager on the existence of God is to act as if there is a 100% chance of God's existence and a future judgment staked on eternal damnation; it is to make this judgment *actual* by testing oneself, serving as both judge and jury. We roll the dice on this being of consequence, and we cannot know for sure. Thus, the reality of the afterlife hinges on our investment or belief, our willingness to take this *chance*. To do so depends on such a chance being available to take: a probability or potential made, which cannot be true or false, and which remains real but unknowable. This appears at the origins of a field: an objective potential that creates an investment in chance-taking, which is how a field can be differentiated and create new modes of existence beyond what is already actual.

Weilian Justice

In Simone Weil's view, justice becomes the opposite of violence. The former alone does not involve dealing with an inert thing, or more specifically, it is not a relation between two "inert things." That is what marks a relation of violence. Rather, for justice, the relation is defined by the presence of need in "equal degree, of the consent of the other. Each one then, without ceasing to think in the first person, really understands that the other also thinks in the first person." As Weil concludes, when this marks the relation between parties, "justice occurs as a natural phenomenon," and it is the "legislator's aim ... to make these occasions as numerous as possible."

The argument here is unique from what we can find in Benjamin's or Derrida's handling of justice, as they both connect it to a kind of force. Maybe we can even see bits that might remind us of a paradoxical notion like the "unforced force of the better argument." In Weil's approach, justice is not marked by force as much as taking another's point of view, or even more elementally seeing that they have a point of view that we *can* take combined with our desire to take it. If a judge is involved, litigation consists in achieving this kind of mutuality, taking each other's point of view, to allow justice to occur as a "natural phenomenon." But the juridical intervention is not always necessary. For some scholars, the existence of "conventions" indicates a basic ability to transcend a singular point of view and recognize another's perspective outside of the formal setting of a court of law and the designated authority of a judge. The "natural phenomenon of justice" is far more prevalent than it would

be if we limited our purview to the juridical space; yet there is an important lesson to be learned from the juridical space relative to justice as we find it in non-juridical forms.

There is a finality to justice as dispensed by a judge or other empowered agent. Even if the judgment is disputed, its sponsorship by a sovereign power limits the potential for dispute. While a challenge to the authorized judgment remains possible, it is also risky and for the same reason improbable. A “supreme” judicial decision is, *eo ipso*, beyond the capacity for appeal. Justice without sponsorship lacks finality, by contrast, making it dynamic and unpredictable. Because it can always be invoked, justice outside the juridical space cannot also be trusted to “restore peace” once and for all.

On these grounds, the empirical study of justice assumes a broader purview, beyond the study of law: “from the standpoint of justice, only three kinds of situations can exist: situations susceptible to justification and, in contrast, either situations of violence or situations of contingency.” Justice speaks to neither of the latter situations which involve inert things and include events or outcomes that cannot be normatively appraised. Because nothing specific *should* have happened, what does happen cannot be unjust.

The work of justice, then, involves an extension into situations of violence and contingency, more generally a way of redefining and reconstituting them as situations susceptible to justification. To return again to Weil, the work of justice involves taking the role of the other in a sense that precedes Levinas: it means to *have* to take account of the other by making one’s project vulnerable to their potential test; more specifically, by presenting them with a justification that they may or may not accept. For Weil, fundamentally justice conveys membership in a “unity,” to which she gives the name “God.” But the claim here is host to, and in many ways precedes, what has come to be a common move in the attempt to explain justice beyond the domain of legality and sovereignty as its sponsor.

Richard Rorty argues that justice constitutes a “larger loyalty” that surpasses a singular point of view, an individualized ethics, and pure self-interest. Though it does remove all recognition of these, it demands a “larger loyalty” that supersedes these other orientations in circumstances that come at the expense of what is singular, individualized and self-interested, or which comes at the expense of a group-identification or other source of loyalty that only serves a portion of another. As Weil emphasizes, justice must therefore consist in something transcendent; but we should not assume that this means something of questionable metaphysics. A commonality or larger loyalty can arise from having common chances. Even

if present outcomes are markedly different, the starting point was the same. What has settled into habit was once undifferentiated in being constituted by an equal potential, but also one that could accumulate no history, was constantly being redefined.

For writers like Weil, the connection of justice to sameness is not unusual. What is unusual is the connection of that sameness to consent and the need for an equal degree of it from all parties. Specifically, consent *makes* sameness as, through it, no person “is subject to the other” but rather subject to an agreed-upon project. Weil gives us a set piece when she describes a meeting between the Athenians, then at war with Sparta, and the people living on the little island of Melos in the Adriatic Sea. The Athenians demand the inhabitants of Melos join them in their war effort; the Melosians refuse. So the Athenians raze their city, killing the men, and selling the women and children into slavery. Yet before this tragedy unfolds, the Melosians make an appeal to justice: any such wanton destruction is an injustice specifically against the “antiquity of our town.” The Athenians’ (given voice by the historian Thucydides) reply to such a request as follows:

Let us rather treat of what is possible ... You know it as well as we do; the human spirit is so constituted that what is just is only examined if there is equal necessity on both sides. But if one is strong and the other weak, that which is possible is imposed by the first and accepted by the second ... We did not establish this law, we are not the first to apply it; we found it already established, we abide by it as something likely to endure forever; and that is why we apply it. You know quite well that you also, like all the others, once you reached the same degree of power, would act the same way.

Justice here is presented as secondary and is given a condition, or so it seems. Equality involves only an equal right to use the power that one has. The strange thing is the Athenians in fact do make the situation available to justification, a justification that involves their following an obligation and abiding by certain rules, just as the Melosians would if the situation were different. Appealing to this, the Athenians justify their destructive action. They do this in a way that invokes what Marx would later satirize as “between equal rights, force decides” in rebuttal to liberal conceptions of equal rights, and how they remain contingent, specifically, on the non-acknowledgement of the unequal right to use economic power.

Nevertheless, Weil wants to recover something different from what might otherwise be a cynical dismissal of justice as playing any sort of role in the world, as being possible to

meet force head on and win. Even if the Melosians' appeal did not prevent the Athenians' aggression, justice serves as a potential perspective on the situation, a potential stance to take, a potential form of action; yet in this case, it is easily appropriated and turned into *justification*. Whatever finality we reach, moreover, is not arrived at by justice (the Melosians would never agree to the “justice” in the Athenians' justification). But what would have happened if the Athenians' could not have so easily disregarded the Melosians' appeal? What if something actually forbade the Athenians' appropriation of justice?

The objective possibility of justice is not sourced in something grounded on consensus, which would imply a quite different scenario from what we see here. Yet it also cannot be objective as a practical logic, akin to grammatical rules, that the basic logistics of communication require us to abide by. The relation of Athenians and Melosians is not maintained by a practical logic; even though they communicate, the tragic outcome that transpires from their meeting requires no communication at all.

On the contrary, if justice is to be objective in this situation it must be in the form of power, not a performative power specifically, but more symbolic power—a power of symbols wielded by experts who alone have the permission to wield them. Such a power would *force* the Athenians to recognize justice as they would recognize the impossibility of constructing their own justification for violence. What must be implied by this case is that the Athenians can expect the Melosians to hear their side of the story, even if the Melosians know it to be completely cynical. If the Athenians are to be violent, they will be violent and need give no justification at all; but in that case, they *will* be unjust. So why do they appear bound to the expectation that they justify? Why would they ever expect the Melosians to be an audience for what they have to say? If we are going to say what binds the Athenians and Melosians together is justice, then it must be within a field of justice. This is what I will examine in this book.

Social Justice in a Symbolic Form

The problem with such a rendering is that no evident symbolic form is present in the assessment. The objective possibility of injustice assumes no specific molding, and so we (from a distance) can understand the scenario by invoking our own subjectivity. Weil is right that in a scenario described this way, the absence of justice is readily apparent; but it seems, perhaps,

that the Melosian appeal to the Athenians failed because they only had access to the same categorical equivalence that we have access to in understanding the situation entirely, even while knowing no more than Thucydides tells us. The objective possibility requires only our agreement as subjects, in this case as a kind of consensus. The Melosians communicate their pleas to us entirely on the basis of our consensus as equal subjects; there are no more conditions of communication than this.

But if we stop here, we miss the structured nature of most pleas of injustice, which may enlist the basics of Weilian justice but only with the added condition of being attuned to a specific history, knowing the distinctions formed through that history, and knowing what is more or less likely to happen should a certain dispute be made, an objection heard, or an appeal to justification granted (or ignored). When meaning assumes this objective form it gains a specific history. In this case, we might ask why the Melosians' appeal to the "antiquity of their town" did not serve as justification for the Athenians, at least one that could surpass their claim to the right of force? We can speculate that this must have had some objective meaning for both the Melosians and the Athenians, which means the appeal is not to a shared subjectivity but to something external, objective, and that all can recognize it. Communication can occur on these grounds, as it forms and arises from a specific history. Or, at least, this is what the Melosians were counting on.

What is it that shifts the appeal to a basic consensus, fundamentally as an agreement of subjects, into an *objective* meaning that makes agreement and consensus less integral to a justice appeal? The most common answer is to give justice over to the unique powers of discourse, or to make it a corollary to something that we can retrieve from a specific type of action (like communication). Rather the appeal the Melosians make is a test and the objective meaning that it carries is rooted here, in what it means for the order it gives to whatever remains unexpected and chance-like. Justice, then, is used to navigate a world of chance. This is what the Melosians teach us in their unrequited plea to the Athenians that should they pursue a destructive course, then objectively speaking, they will violate expectations about what should now happen. The effect comes in the molding chance and the attempt to capture the Athenians within a specific loop. In this way, justice becomes objective without needing to be agreed upon. They gain their objective possibility from other sources, specifically those that do not need to be agreed upon in order to be recognized, that do not require consensus, yet still are capable of being a source of belief.

If we inquire into how objective meaning of this sort is possible, language provides a ready analogy. Languages are sources of objective meaning, though we do not consent to that meaning. Instead, we learn it. Once we do we can communicate with others using the objective possibilities that the language allows, but this means our ability to use it requires our investment in these possibilities, our being open to the possibility that they may be used against us, not to mention the fact that there is a form to comply with, even if there are not explicit rules to follow, which makes it possible to be wrong (or at the very least improbable). This is something very different from reaching a consensus to construct objective meaning and the possibility of collective action.

While these are valuable lessons from the study of language, they can also give the misleading impression that objective meaning is necessarily “structured like a language,” retaining its own immanent logic or rules, immune from social influence. There should be no analogies made about a linguistic form strictly speaking, as its *modus operandi* only carries the power of denotation. Language has the capacity to create social cohesion and integration, to reduce the subjective element through non-arbitrary meaning. Many of these specific points have proven influential in cultural analysis, with meaning and interpretive schemes serving in an analogous fashion as a language as a principled claim about a source of objective meaning. Part of this attention, however, remains skewed toward these immanent features, as if the cohesive and integral potential of objective meaning only comes by way of its immanent features, which only then have a “social function.” What is less often discussed is the very question of objective meaning itself. If this does not require the continued creation of consensus, where does it come from? How does it arise? These are questions about objective possibilities, what they enable and constrain; but these questions also make it clear that meaning and interpretation cannot be strictly divided from constructions of probability and improbability, possibility and impossibility, to join now all of the probabilistic terminology.

What a word denotes makes it impossible to use for certain purposes. Calling a “dog” a “cat” for example. But note here that, providing for context, such a usage is not meaningless; it is only improbable, and this can in fact be part of the appeal in such ironic uses. In all cases, there is an objective meaning at stake that is recognized without consensus or agreement. In the contrast we are attempting to draw with Weil’s form of justice, it becomes clear that there must be a different source for constructing this objective meaning, barring those (like consensus or agreement) that activate subjectivity and which, by comparison, remain voluntary

and of limited duration. Thus, our attention must be drawn to the factors that create objective meaning sans consensus and agreement, and this I claim requires a focus on the construction of objective meaning as involving the construction of possibilities and expectations. On the one hand, this can lead us down a road familiar to twentieth-century social theorists, toward rationalization and its displacement of subjectively sourced action as rooted in subjective meaning. On the other hand, the construction of objective meaning, particularly when it is about justice, provides compelling evidence of what Weil feared: that should it come to a showdown of justice and force, justice can only appeal to conventions and rely on consensus, which makes the result of such confrontations so lopsided. Contrary to the Melosians, we need not appeal to the consent of our own Athenians to stop their violent prerogatives.

This version of the symbolic power is subject to the work of specialists who dictate the terms of signification, how far concepts can reach, and what they can refer to. The practical limits of communication and meaning based on consensus—these are the different sources of objectivity. For specialists and experts, their presence indicates a recognition of them as controlling what, if accessed without their permission or on terms that they do not approve of, would be a violation. Their orientations to the outside world are shared even while they compete with each other to define what their recognized expertise *should* be. They are possessors of a distinct capital, and in the same way as the possessors of economic capital shape the activation of labor power, here moral capital shapes the activation of a moral potential: how it can be activated, when and to what purpose.

The process in question here, then, is what we can call *belief dispossession* that corresponds with a *primitive accumulation of moral capital*. Moral signification longer rests on consensus, which suggests a subjective input *first*. It is at least not vulnerable to being changed according to it, nor does signification arise from some indefinable truly object-like source mimicking the properties of a language (for example, that concepts of justice are framed by equality of opportunity versus equality of reward simply because that is what the English language has to offer). Here, the very practice of communicating presents its own unchangeable limits. A contest among experts, by contrast, constructs an objectivity that remains invulnerable to subjectively driven change or purpose. When something is fielded, it can *refuse* to be used, even if a problem really seems to call for it. Even if those who are affected remain completely unaware of the fact, the socially constructed products come to them as obligations. And yet as obligations, they make novel (different) forms of action possible.

As a social source of objectivity, then, with a limited potential and *probable* uses and meanings, morality as a field might appear to lack history and be invulnerable to change (like grammatical rules), particularly because consensus does not work. Opacity and intransigence may correlate with dispossession and its social and historical consequences. Yet, a field is historical through and through, and morality as a field demands to be *written* as history. In this case, it is a history that applies to the construction of a potential that can *then* create history as its range of possibility is explored.

As rooted in dispossession, the power of a field is to provide an anchorage for historical change that bends toward justice. This is justice that appears as a symbolic system, as subject to theorization when this becomes a way of doing good work in the field, particularly as it opens up novel possibilities for realization. More generally, as a potential, a field creates well-grounded expectations, as those that arise from actually existing chances. Even if they are not realized or refused, the expectations are still well-grounded; they are not arbitrary but arise instead from chances opened by the field. This includes the expectation that morality *can* in its systematic form provide such a unitary meaning of life's trials and tribulations as to be active as opposed to reactive, to provide for more possibilities than those contained in the present, to lead rather than respond.

And like all moral fields it does this by answering background questions like “what counts as a moral action or a moral reason? What counts as a moral problem? What repertoire of moral concepts are available in society?” But as opposed to a moral background, a moral field sets these questions in motion and examines them as empirical questions that we can observe, genealogically, as they are being answered. In the case of social justice, the moral is presented in the form of a class or categorization and its relation to something presented as the whole (“population,” “nation,” “society”). A moral action applies to either that class, as a capability of what it is *doing*, or what has been done *to* it, as a target of violence, oppression or exploitation that remains beyond the bounds of any moral test. A moral problem concerns the collateral effect of this class's actions for the whole, and how they unjustly affect the whole through their selfishness; or it can pertain to an impact on that class, an expense it pays to another without justification. To draw these links and engage in this kind of moral reasoning, a whole repertoire of moral concepts is needed: including, “exploitation,” “oppression,” “social structure,” “privilege,” “underprivileged,” “advantage,” “disadvantage,” “opportunity,” “outcome,” “equality,” “inequality”—the list can go on. With these concepts,

we can “say more” and “have more insights” about observables than we otherwise would be able to.⁵²

In being a dynamic center and home for definitions of moral action, significations of moral problems, and playing host to these concepts, a moral field makes for *more* potential actions, interpretations, and policies. The effect is additive, because a field is fundamentally marked by differentiation and difference—by being a source of distinction. An important point surfaces here: in a sense, all fields are moral because they introduce new obligations into the world and revolve around a kind of basic sublimation.⁵³ A field must still be a site of practice even as it appears, from the outside, to be “disinterested.” Still, interest itself is not denied, as there are interests specific and unique to the field. The interests in question tend to strike a delicate balance, however, between a full immersion in the new obligation in an otherworldly manner, and a worldly attentiveness to how the field is still a practical space, bound by an “economy” just like anything else. Thus, new entrants to a field can devote themselves entirely to its unique form of valuation (what is important in the field, the field’s distinct metric of worth, what it finds prestigious), giving no mind to practicality; but in the process of their investment, they may in fact act *very* practical and come to terms with the economic constraints of the field.⁵⁴

If this applies to cultural, scientific and religious fields, at least as described by Bourdieu, we should expect to see the same in a moral field, or a field in which the distinct interest in question is morality itself. To exist as a field, then, there must be some connection to an economy, which confronts this paradox between impractical action and ambition and the benefits and stable future made possible by the accumulated capital of the field.

What are the practicalities of a moral field? The answer depends on history, and in particular, on the way in which a field can exist within economic constraints. A concept like “the moral background” appears to elude these questions, giving little insight into the materiality of a background.⁵⁵ Accounting for its material conditions helps us to see how a moral background is, in fact, a moral field. The difference here is really a difference in

⁵² For fuller insights on “concepts,” see Gilles Deleuze and Felix Guattari, *What is Philosophy?* (

⁵³ See Pierre Bourdieu, *Principles of Vision: Lectures at the College de France 1984-85* (London: Polity, 2023/1984-85), 106-07.

⁵⁴ Pierre Bourdieu, “The Production of Belief: Contribution to an Economy of Symbolic Goods,” *Media, Culture and Society* 2 (1980): 261-293, especially p. 263.

⁵⁵ Gabriel Abend, *The Moral Background: An Enquiry into the History of Business Ethics* (Princeton: Princeton University Press, 2014).

concepts: a moral field can have the effect of a moral background for some (probably most) social actors, because their action implies an orientation to it, even if they remain unaware of the fact. Yet, this background effect can vary. For some social actors, a moral background is not *doxic* in its effect. It is a “field of opinion” in that its contingencies, stakes and variability is apparent. What morality is doing, and what it can do, is evident to see, and this can provide a grounds for making projects around it, seeking to capitalize on its potential.

In this case, the pluralistic approach that Abend recommends pays dividends. But there is a secondary layer to that pluralism that must be emphasized.⁵⁶ If morality is not limited to the kinds of singular and situational judgments favored by the “science of morality,” then it must take forms that cannot be measured or observed in that kind of research design. A moral field approach would propose that any morality could be made into a field of opinion and that even assuming that morality is the possession of individuals, made evident in their moral judgments, is up for debate and change. If it appears unquestionable, this is because it has been made that way. Such is the genealogical link with field theory, in which case fields refer to the opening up of possibilities to change even references of the word “morality.” The science of morality signals an appropriation of that word and a will to knowledge attempting to define it.

Yet, as Abend points out, morality will always elude such a firm and specific application, because it is more or less unconditioned. There can be publicly validated uses of morality but they are incomplete; science is not the final vocabulary of morality, but only one possible vocabulary. But in acknowledging this, the larger point is that to assign morality a meaning (as a judgment or a background) is to settle it, when perhaps the defining feature of morality, or perhaps more specifically, of *justice*, is its potential to unsettle and draw into question.

A moral field involves a struggle over these background assumptions, though the struggle does not exactly consist of agents, subjects and objects, but more like habits, unconscious and bodily practice, and unthought categories. Anything can be brought into this field of opinion and made subject of debate or decision; anything can be put to the test. Yet the gates are closely monitored and not just anyone can gain entry. Nietzsche’s genealogy tracks morality back to a kind of field level, where social relations and *ressentiment* are revealed,

⁵⁶ Gabriel Abend, “What the Science of Morality Doesn’t Say about Morality,” *Philosophy of the Social Sciences* 43, no. 2 (2012): 157-200.

and forms of life are arbitrarily made normative. This subsequently supplies a background based upon a moral interpretation of good and evil, around which subsequent moral debates unfold. Hume's genealogical approach is similar, as he traces justice back to a conventional agreement based upon a collectively perceived need. Yet, if both Nietzsche and Hume deploy genealogy for the purposes, we don't have to trace it back historically to see a moral field that brings things out of the background.⁵⁷ Boltanski and Thevenot's pragmatic framework probes the moral background too, in the kind of tests brought to bear on situations and how they can, at least in principle, materially change it via a new moral interpretation.

As opposed to "good" and "evil" simply being the reverse image of each other, and defined by the arbitrary assertion of one form of life against another, a moral field operates according to an orientation to the moral *sui generis*. This can involve an assertion of morality in which the good is simply a group's form of life. Yet the relative autonomy of the moral, the fact that, as a *potential*, it can surpass such worldly determinations, means that it can elude such class- or group-based appropriations; it can even elude the secondary demand that it create sufficient amounts of social solidarity.⁵⁸

Even Nietzsche must admit as much: despite the appropriation of morality by "the weak" (qua Christian morality) it remains possible to forge new values. Nietzsche is not anti-moral as much as he is anti- *this* kind of morality, specifically a morality formed on the grounds of *ressentiment*. This kind of morality is not allowed to be of its own kind as moral action becomes self-deception, or morality is appropriated for the purposes of assigning it truth and creating duties. The point is not that the actions undertaken as moral on these grounds would change; the point is that the "reasons" they would be done would change—they would be tested differently.⁵⁹ Those reasons would not make morality secondary, nor would they make it possible for morality to be a grounds for "self-deception." Morality would not, in other words, be subject to a contingent commitment (e.g. "you only believe that because ...").⁶⁰

⁵⁷ For a cogent discussion of Nietzsche and Hume as key proponents and appliers of genealogy, see Matthew Queloz, *The Practical Origin of Ideas: Genealogy as Conceptual Reverse-Engineering* (Oxford: Oxford University Press, 2021).

⁵⁸ See Emile Durkheim, *The Division of Labor in Society*.

⁵⁹ On this score, see Gilles Deleuze, *Difference and Repetition* (p. 7) and his comparison of Kant's "categorical imperative" as a test and Nietzsche's "eternal recurrence." Both are tests that try to appeal to morality *sui generis* in its unadulterated form: the pure assertion of moral worth and nothing else.

⁶⁰ The clue to this is obscured in Nietzsche's later, more well-known works like *Beyond Good and Evil* (1887) particularly the *Genealogy of Morality* (1888). In *Daybreak* (1884), we find a prelude and lead-in to those later arguments, as in the following argument:

There are two kinds of deniers of morality. – "To deny morality" – this can mean, first, to deny that the moral motives which

Thus, alongside the circuits of economic, cultural, and social capital that are elemental to political modernity, we can posit, in this sense, circuits of moral capital. Moral capital can draw into question other circuits, including warning against excess, demanding cultural representation, say, or calling out exploitation at the heart of capital. These are all ways of making a moral assertion as a kind of distinction, which would demand either that exploitation, to take just one example, be a necessary commitment, or that it *not* be maintained by moral capital (and thus be subject to constant tests). Morality is one way that background practices can be reflexively called into question. For Bourdieu, this typically involves what he calls a “distribution” and how it invariably appeals to a sense of justice in relation to the kind of person whom the distribution seems to favor. Just like cultural capital, moral capital involves a type of person who appears inherently moral, particularly to themselves seem moral by nature, without question. We can find glimpses of a similar idea from Weber when he refers to the “need to feel legitimate” among the wealthy as an interest in passing a moral test that can justify their success. By itself, it might have economic and/or cultural capital, though it lacks moral capital. The Protestant Ethic, meanwhile, appears as a religious appropriation of moral capital: a kind of moral capital that creates distinctions of good and evil on the basis of a religious prediction.

The Revolutionary Era of the late 18th century propelled moral capital far along its own line, gaining partial (and increasing) autonomy from religion. This is not to say, necessarily, that the actions considered “moral” change, only that they are done for different reasons—as opposed to being done for “fear of God,” say, they might be done as the assertion by the one doing them that they would be ok with doing these actions forever (e.g. “eternally recurrent”), or because if everybody did the same, that would be ok (e.g. “categorically imperative”). These are both distinctive moral tests that can be brought to bear, and while they

men claim have inspired their actions have really done so – it is thus the assertion that morality consists of words and is among the coarser or more subtle deceptions (especially self-deceptions) which men practice, and perhaps so especially in precisely the case of those most famed for virtue. Then it can mean: to deny that moral judgments are based on truths. Here it is admitted that they really are motives for action, but that in this way it is errors which, as the basis of all moral judgment, impel men to their moral actions. This is my point of view: though I should be the last to deny that in very many cases there is some ground for suspicion that the other point of view – that is to say, the point of La Rochefoucauld and others who think like him – may also be justified and in any event of great general application. – Thus I deny morality as I deny alchemy, that is, I deny their premises: but I do not deny that there have been alchemists who believed in these premises and acted in accordance with them. – I also deny immorality: not that countless people feel themselves to be immoral but that there is any true reason so to feel. It goes without saying that I do not deny – unless I am a fool – that many actions called immoral ought to be avoided and resisted, or that many called moral ought to be done and encouraged – but I think that one should be encouraged and the other avoided for other reasons than hitherto. We have to learn to think differently—in order at last, perhaps very late on, to attain even more: to feel differently.

do not, specifically, concern the justice of a distribution, they do involve a specific moral capital: that someone or some action, some object or some statistic is good or evil on some strictly moral terms, regardless of however else it might be evaluated.

Chapter 2 - A Theory of the Trial

It is not a mistake, then, that the legal field finds its central materialization in the trial. In ages past, many things were put on trial for a variety of purposes: trials of faith, of animals and trial by ordeal. The latter is known in some of its details: expose the accused to water or fire, and if a certain result does not happen, then the accused is guilty according to the judgment of God. The introduction of uncertainty provides an opportunity for a kind of fixed resolution, something that can be referred back to as demonstrative proof, in this case by using chance to affirm certain expectations. The basic format is simple enough that we can find it replicated beyond the legal venue: the introduction of uncertainty, of more possibilities than will ever be made actual, and then the clinching of one of those possibilities, the virtual made real, the anticipated brought to fruition, the unsettled finally settled. This basic design, in its integral and probabilistic form, remains mostly the same in whatever site we may find it: law, science, sports, gambling, even those trials we set for ourselves in which we make a creative discovery about ourselves. The trial is not, then, reducible to what those like the political philosopher Giorgio Agamben claim is the trial's unexceptional state when sovereign power alone remains exceptional: "The validity of a juridical rule does not coincide with its application to the individual case in, for example, a trial ... the rule can refer to the individual case only because it is in force, the sovereign exception, as pure potentiality in suspension of every actual reference."

There is force in the trial independent of whatever might serve as sovereign power. But this begs the question of where the force could originate, if not in a sovereign source? The argument that follows contends that the force of trials ultimately derives from a cognitive source: namely, from expectations. Trials are sources and sites of objective possibilities, or chances, and therefore of expectations that cannot be altered through the application of an alternative interpretation. What happens is what will *probably* happen, though we cannot assign this a numerical meaning. Still, it is important for why trials limit the contingencies of interpretation.

Tests have their own inertia, in other words, as a result of being a source of their own sequences of repetition and succession. Regardless of who creates them, and why, regardless of who tries to give meaning to them, trials cannot be entirely subsumed by those intentions or those meanings; they retain an objective potential all their own. Because they can generate

uncontrollable expectations, tests make us into *interpretants* by giving us expectations about what *should* happen, of possibilities that could be made actual. Our experience becomes conditional, reducing the potential that it might change at any moment for no particular reason. The contingencies of consciousness are reduced; we do not have to form guesses of what we experience because we cannot predict just anything at all about it. There are now conditions for what we experience that gives it a form, a repetition and a sequence.

Even to be put to the test in this manner presupposes that some hypothesis has been formed about us, that there is suspicion drawn: we might have done something; we might be guilty of something. Only the test will sufficiently clarify those possibilities, and the prevailing concern, settle them once and for all. Hand in hand with this is the possibility that we are capable of something, that we have a certain *potential*, that we can be something or do something. Here too the trial form is drawn upon in order to see whether that potential can be realized, whether our “promise” can come to fruition.

In each case, something very different occurs; yet what we find in each case is the same sequence, the same form and similar results. A hypothesis (prediction) is followed by an outcome (retrodiction). We would never stop with a hypothesis alone and not follow it by a confirmation or disconfirmation; likewise, making a retrodiction without a prediction is impossible. Our expectations travel in both directions. Regardless of their mode of travel, a trial must intercede: there must be more possibilities raised than are resolved; there must be a moment of uncertainty when the transition occurs. We must start, in other words, with chance and then arrive at something that looks like its opposite: settled and certain, predictable, even with a right.

The philosopher Karl Popper connected this kind of “testability” to humility in science, which demanded that rather than seek to prove what we hypothesize, we instead “test it” by finding all the reasons why it would not be true: “The point is that, whenever we propose a solution to a problem, we ought to try as hard as we can to overthrow our solution, rather than defend it. Few of us, unfortunately, practice this precept; but other people, fortunately, will supply the criticism for us if we fail to supply it ourselves.”

The embodied experience of the scientific test is unique; humility here is associated with uncertainty, but this furthermore is associated with engaging in chance, giving up control, rather than reducing all presence of chance to ensure a particular result. In the test, something new is produced; what we start out with cannot be expected to remain the same; we open

ourselves up to surprise. For Popper, refusing to test means a commitment to confirmation via the stakes of power, with power being manifest in the refusal to be tested. But such a view of science seems not a little idealistic. As Carl Hempel claims, any given sentence, carrying a claim of truth, cannot be falsified once and for all on the basis of a test. Even if we make our claim that unicorns exist available to test, and we seem to continually validate its untruth, this does not mean that the existence of unicorns is entirely invalidated. It only remains *probabilistic*: “non-conforming events are logically possible.” All that can be really tested are singular statements, and these can never cover universal statements that apply everywhere and always.

Yet Popper still insists on the centrality of the test and its trial function: “Instead of discussing the ‘probability’ of a hypothesis we should try to assess what tests, what trials, it has withstood; that is, we should try to assess how far it has been able to prove its fitness to survive by standing up to tests. In brief, we should try to assess how far it has been ‘corroborated.’” To put a hypothesis on trial, in this sense, is to imperil its existence. Furthermore, it is to relinquish one’s own claim over the hypothesis. If a “test of survival” is to be the metric of scientific worth, then one scientist cannot single-handedly claim control: hypotheses need “corroboration,” a word which Popper prefers over “confirmation”: we corroborate a hypothesis when we bear witness to the same results of a test.

As we can see, when Popper delineates the nuances of the scientific test, he also seems to establish grounds for membership in a scientific community, as based on this sort of collective orientation, which requires individual humility, and in which, from the individual scientist’s standpoint means “inviting chance in” relative to their own hypothesis, making them subject to more possibilities than what the scientist might individually intend, including the possibility that they could be completely wrong.

This is not altogether different from the “sublimation” that Boltanski and Thevenot emphasize as critical to the mechanisms of the test, specifically the relinquishment of interest that it effectuates. In the sporting test, for example, which is arguably the archetype for sublimation, those who lose can accept the result, even though this means the sublimation of their interest. They become collectively oriented instead. What happens in sublimation is not “repression” but displacement. Boltanski and Thevenot explain this key process as acceptance of such a result by seeing how, even if I should lose, the other party’s win is a win for the common good through which I can displace my sense of being an individual in competition with another individual, who thereby stands to lose. “Interest,” here, does not not revolve

around an individual. It is not an “individual’s” possession. It is instead shifted and moved, placed in a collective form and made into its locus of concern, reducing the presence of ego. We play the game in order to further the game: this is our interest, the stakes that we confront, what we risk and what we invest in as we play.

From both Popper’s perspective on the test and Boltanski and Thevenot’s, testing—the experience of undergoing designed trials, specific ways of inviting chance in, allowing only some elements to have an adequate relation to the outcomes—involves the construction of collective forms. Integral to this construction in both cases is the introduction of more possibilities than will eventually be realized or actualized. In probabilistic terms, this involves the objective creation of “potential.” More specifically, it means the construction of a non-reversible situation that always starts with a “determinate yet capable of determination” set of possibilities. As Charles Sanders Peirce puts this point, envisioning as he does the reality of things “in the long run” as defined by their potential:

there may be a potential aggregate of all the possibilities that are consistent with certain general conditions; and this may be such that given any collective of distinct individuals whatsoever, out of that potential aggregate there may be actualized a more multitudinous collection than the given collection. Thus the potential aggregate is with the strictest exactitude greater in multitude than any possible multitude of individuals. But being a potential aggregate only, it does not contain any individuals at all. It only contains general conditions which permit the determination of individuals.

For there to be designated individuals, there must first be the possibility of a multitude. Peirce makes this as a claim of logical necessity; it cannot be any other way lest we commit to an unreconstructed determinism. Tests are vectors for potential: they create, actualize it, and at least appear to finalize it. For our purposes, the transition from the multitude to the individual can be conceived more specifically as the transition from a situation with lots of potential, lots of possibilities, and all of them of equal chance, to a situation in which only some of those possibilities have been made “determinate,” a situation in which, from a homogenous multitude, there now appear distinct “individuals,” and more specifically, individuals with different, unequal fates.

Off the port, out to sea

Rather than a mathematical problem or machine measurement, or our own enfeebled guessing, probability becomes a reference to the world itself (part of the “object-universe”) just as, in Borges’ *Babylon*, chance is. Probability is objective, in other words, and has been made so, just as the Babylonian lottery makes chance objective and the Foucauldian ordeal does too, in breaks and discontinuities. In fact, we know when we have ventured off the controlled ground of a trial to which we have become accommodated and which forms the basis for our expectations and anticipations. When we venture “off the port and into the sea” so to speak, we must be on our toes as one vivid account puts it:

at the slightest mistake you will fall ... Minor causes, great effects. In one’s bedchamber, everything is forgiving, the bed and the pillow, the armchair and the rug, supple and soft ... Beyond, death roves through space, prowling. Never sated, it nests in low, black caverns; everywhere it lies in wait and yawns. Once you cast off, everything you can do can be held against you ... Every act counts, every word and even intention, down to the slightest detail ... Reality clings to it: no sooner is an act begun than it is subject to sanction. You no longer have the right to fall. You begin to live in another way.

The situations that fit such a description have trials, but we do not design or control them. They are different from the trials with which we are already familiar, and whose possibilities we have learned and can expect.

On the one hand, when we do a controlled trial, what emerges is what the sociologist of science Trevor Pinch calls a “proxy” or what we might understand as a representation of that which would otherwise remain outside our predictions and anticipations. Once we understand what these things are and how they work, we intervene in the chaotic world and create a safe passage in which for effect X, we can be pretty sure that Y will follow. Lorraine Daston refers to these as “pockets of partial predictability” and they matter as both a science experiment and an engineering feat, but also as a probabilistic construction that dictates our practical encounters with the world.

Thus, when we remain on the port, we can be sure of what to expect. The order of things is forgiving of our mistakes, not least because this little engineered world and “predictability pocket” anticipates those mistakes to a large extent. If that pocket or space

takes the form of a well-engineered port, we find only small variations in what we can expect: this is a space whose predictability allows for very little in the way of new developments. Our assurance does not entirely rest on our competence, because an order has been planned for us, contingencies recognized and prevented. The same is not true for those spaces created through the design of trials for the purposes of predictability like music or mathematics. New discoveries can be made in which assurance relies mostly on competence. The supremely skillful musician or mathematician are themselves evidence of “living in another way” through the sheer virtuosity of their performance on trials. Here the trials are different from those we might confront when we move off the port and out to sea. To be competent does not mean knowing what you need to know in order not to make the fatal mistake in an unpredictable world. It means doing the unpredictable within an area where, it seems, everything that is possible has already been done.

“At sea,” the trials have not been made into our proxies or representations. The reality that clings to them affects our physiology and bodily integrity rather than our honor, ambition or status among peers. Here interpretations do not matter as much because while they might have a demonstrative or naming potential, by themselves they can rarely tame the sources of the single event probabilities that mark our experience; rarely, in other words, are interpretations the source of our expectations. “At sea,” what we encounter still teems with chance mechanisms. We can know what these are capable of should we have enough experience, which, as the philosopher Edmund Husserl claims, simply means knowing what is going to happen next. Without experience of them, we can have knowledge about these chance mechanisms, knowing what they are capable of when, as STS studies of laboratory and testing show, we bring them into our own testing environment and make them perform according to our own hypotheses. On these grounds, we can use our predictive capability to construct a space in which we do more than interpret or represent these things but also intervene into them.

What we expect, then, can be what we experience in a loop-like manner, reinforcing itself. We are not (generally) surprised when we enter spaces that have been constructed out of the proxies made within the controlled settings of laboratories and engineering firms. They make the world predictable, and we learn by experience what had been figured out in the trial setting: something that looks like $P(B|A) > \{P(B|C), P(B|D)...\}$. The interface between that controlled setting and the “wild” world outside, teeming with unexplored, unacknowledged

chance mechanisms (that “lie in wait”) are probabilities. In the controlled laboratory, the engineered site, and the untamed surround, we encounter probabilities. The closer their proxy version is to reality, the more carefully the hypothesized trials ward off surprises; hence the more predictable our experience will be—the more, in other words, we can expect what we experience, such that we hardly notice our immediate surround and can turn our attention to other, more interesting things we cannot expect.

When we press the limits of trials that provide this space of safety, we move outside of the safe space of repetition and predictability, and thus our subjectivity can again change as we do not easily find our feet. We know, in other words, that one false step could mean disaster as we move further off of the map. In Serres’ words, this makes us “very supple, very intelligent; that keeps [us] awake. Diligence against negligence.” Yet these are really just ways of saying that we notice more when our experience is not something that we can expect. At least initially, we do not know what will happen next; but we could have known that something like this always could happen. On a long enough timeline, of the infinite kind that applies to physical, geological, or biological rhythms, what happens is something that, sooner or later, inevitably will happen: the only chance involved is whether it will happen in our lifetime.

We carve out spaces of probabilities, then, on the basis of these trials. In our orientation to them, we make the inevitable into the probable, and therefore open a field of dispute over the potentials of change. What can be changed? What cannot be? What *should* be changed? Our confrontation with probabilities forces these questions upon us in ways that the eternal spin of the universe, and the continental plates shifting under our very feet, cannot. Many distinctions and boundaries arise from the answers given to these questions. The boundaries are made on the basis of a history of successive trials that decide what can be brought inside a space of probabilities and what will be left outside. What is brought inside, or what forces itself there, is received as a matter of chance, which generally means that it is not only unexpected but also unfair. As emphasized in the last chapter, these are not interpretivist terms: their meaning is not reducible to a cultural content that we must interpret. What we are describing here is, instead, the form of a justice situation.

The introduction of the “humanitarian space” on the battlefield, for example, is an extension of an independent field into a space of war where actors are otherwise only modicums of relative strength, who exist (in other words) only as far as they can exercise violence. The field changes the orientation of these actors by making it possible to expect

things from other actors. Battlefield conflict becomes social action, before it could only be social action in the “Machiavellian” sense of guessing what your opponent is going to do, paying attention to the sequencing of moves in the recent past, assume that they are evidence of schemes and plots against you, and be prepared to revise your expectations based on what you learn and infer. The difference involves the durability and persistence of rules compared to a cognition in the wild. The same change occurs with the advent of an “art of warfare” and of military tactics and strategies, of army colleges, officer schools, military history and theory. As a source of conceptions that can also be the source of probabilistic expectations, these are not rooted in agreements from the other side, though they too turn one’s opponent into a cognitive object by making them predictable even before the first shot is fired. In the case of the humanitarian field, expectations are scaffolded by rules of engagement (e.g. the Geneva Convention) that make opponents more interpretable to each other. The presence of these rules, as found in orientations, means that more of what both parties do is social action. Beyond this there is an implicit consensus about what can and cannot be done.

Any trial, in principle, could be a site with such significance. The result of a football game has no direct role in determining the distribution of health care or the rate of imprisonment. The consequences of this particular trial are controlled. Yet, they could displace the trials (need-based and juridical) that mark these other two phenomena. Boltanski and Thevenot observe that “the practice of sports could become a polity only if the restrictions imposed on the persons and situations were lifted.” The result of a single football game could carry over into political power and economic outcomes, as deciding the probabilities that mark these things as well, as if what decided, say, the distribution of political opportunities or of job opportunities, what defined one’s status as a politician, wage-laborer or capitalist, were the stakes of the game, who won and who lost. To a certain extent, they are so determined: a sports trial does translate into other forms of worth and only minimally stands on its own. But the outcome of a given sports contest is rarely made primary as the trial that decides those distributions. To the extent that they do have these consequences, sports trials draw criticisms of infringement and displacement. Sports should not carry these stakes, in other words, because to excel in sports should not mean that one can also excel in everything else.

Because the practice of sports is so controlled, it enables other things even if it does not enable a polity. It controls for contingencies and wards off accidents. It carefully manages violations of rules, even those that are not technically unfair. The field of sports allows time

for the acquisition of skill and specific embodied capital, using talent as an entry to the game but not limiting opportunities. Because it so heavily controls the trials that decide fates in this world, sports can allow for the demonstration of virtuosity, which becomes recognizable, unmistakable, and not due to chance. It is possible to acquire skills with the expectation of performance, and not be fearful that one wrong move will invalidate it all. Because of the specialized uses of the body that sports requires, the prospect of injury remains a probability though not an inevitability. The smallest error does not generally carry stakes of complete devastation.

The precision of trials in the world of sports creates certain kinds of players, then, and brings certain skills to light. It puts worth on certain traits and skills, which can be anticipated, predicted and expected. These skills are an embodied capital: being tall for basketball, having good skills with your feet for football, having body mass for American football. To lack one of these traits or skills means that one can reasonably predict success in a given sport. Likewise, to adapt the body to the form that seems most likely to be successful, or to invest nothing in it by contrast, is to know what it takes and to know that it is not for you; it is to find an orientation toward something else instead.

The clarity and specificity of the sports trial is emblematic of how to create this degree of targeted emphasis, without distractions or interferences, but with attempts to monitor and surveil cheating and foul play, trying to make sure that results of the trial really do test only that which can legitimately create inequalities of worth. But there is a broader lesson that we can draw. The outcome of a sports trial involves an inequality: only one side can win. So how can the loss seem legitimate if that entails the experience of something like a (relatively) harsh condition on the part of some, their desires going unfulfilled, their hopes dashed?

In this instance, perhaps, the answer is relatively simple: such an outcome is acceptable if the probabilities that could have been experienced remain continuous with the probabilities that were experienced. If, in other words, the parties now ranked differently had a “fair shot” by having all possibilities of fact be true of them before having only some of those possibilities become actual fact. In sports, strict controls on the trial would seem to allow for this (or try to). They forbid making the possibility of a greater worth as the outcome of the trial more true of some competitors before the trial ever starts. All possibilities are open, and the outcome cannot be predicted even while we may give odds to the likely result. Expectations must remain objective, then, at least partially through reference to the trial itself. The trial cannot simply

replicate and affirm our pre-trial expectations, our estimation of odds and chances, as these refer to history and the accumulation of outcomes. Those expectations must refer to the trial itself as a suspension of that history by making all available possibilities nominally true of all those being tried, before absorbing this uncertainty by establishing only some of those possibilities as facts of the matter.

The trial form, then, marks a suspension in time of prior possibilities and fixations. It can serve as a moment of disruption. Often it does not, but the point I seek to make here is that the trial form remains elemental to a mode of justice for the specifically cognitive reason that it allows for perceptions to be tied to an immediate process. It allows, in other words, a withholding of past accumulations in the process of their incessant unfolding, such that whatever fates are decided, they are decided in a manner that is traceable to something available to perception in a phase where it (and it alone) can matter.

For theorists of the trial, “competence” has served as a label for what becomes apparent and matters in the suspended phase. We can find analogies in any similar suspension of prior adherence to expectations made objective only because of accumulated history. This applies to the laboratory experiment and its controlled activation of what otherwise “lies in wait” and mysteriously intervenes in everyday life. The same, however, can apply to the artist involved in the creative act, who engages directly with probabilistic data for the purpose of inviting in what they themselves do not expect, and thus in a similar manner by trying to suspend their own incessant way of remaking the same range of possibilities rather than anything that looks like a full range.

Tests, Principles, and the Moral Range

We can call this the *moral range*. How *far* do certain moralities go? Where do they apply? The question of universalism, of moral principles that apply anywhere and everywhere, has always been a question of moral range. Relatedly, it has been a question of what kinds of segments can a moral formation *not* surpass: can it apply to all social groups, in all social situations, regardless of cultural difference? This is the “plurality” over which universalism can range. But what dictates and shapes the range? A moral principle can be designed to fit “universally” on the basis of cognition: a principle that can apply everywhere because nothing cognitive

prevents anyone from conceiving of it for themselves, and for applying it to themselves (although they might be prohibited from doing this for other reasons). But can cognition carry this universality so far? Critiques of universalism often make clear the difference between arriving at universalism in theory but meeting significant limitations in practice. It is possible to stretch a moral concept far enough that it encompasses nearly all external references that it might encounter, but to do so requires that we remove it of so many specific features that it becomes inapplicable or irrelevant to sociohistorically local settings.

What can shape a moral range if not cognitively accessible principles? A field approach does not take account so much of the principles reached in the attempt to be universal, or even those proposed against universalism. It is more interested in the practice of *principle-making* as part of a given moral field, as a route to shaping morality. In a moral field, the formulation of principles can be a way of obtaining a distinct capital, in other words, which can be expected (as adequate) to affect a field but should not necessarily be expected to make a difference for anything outside the field. Within the field, a principle (like, say, “dignity” or “flourishing”) can have a range of applicability; it can make a difference. The question is where the range comes from in which a universalist cognition, or more specifically proposals of moral principles, could *possibly* be of interest or make any difference at all.

Here, emphasis is placed on a test or what is the same thing: the appearance of a space of objective potential in which the proposal of universal moral principles can carry certain expectations of being morally relevant, as capable of shaping morality as a potential. Even if they have never been done before, potential actions can be expected if they fall within the same potential range. This is different from appearing random or inapplicable. Yet this does not mean that new moral actions are probable. They are being pursued and they are therefore possible; but, in many cases, new moral action is subject to suppression and erasure, by concerns made more principal within the orbit of a “normal” justice. The larger point is what a given society takes as being socially unjust is subject to these sorts of contingencies and contests, as such judgments are mediated by a field as what dictates the probabilities that involve *how* a denunciation of injustice, or a vision of justice, outside the law will be received and how (whether) it will resonate.

The field is thus composed of a potential that shapes all conceivable applications, some of which are more probable than others at a given moment, others of which may never be actualized, or may only be *in the long run*, but still remain real as a potential found within the

same moral range. This is always dictated by a test, or whatever it is that opens an objective potential and allows it to be rendered actual at any given moment. This could mean being relevant to a political field, or meeting with the approval of a capitalist elite. Or the test that actualizes the moral potential of an action or a principle could entail its capacity to help those groups identified as the most subject to injustice. We can trace this test genealogically as circumstances reshape and change it, making different appropriations of it available and more or less probable. To pass the test means to have these claims on justice be recognized as moral, but the terms of that recognition are contested.

The general emphasis, then, rests squarely on the *probabilistic* nature of morality, which distinguishes a field approach from a more normative approach like, say, “communicative action” and the recommendations that it makes about *how* to arrive at valid principles of justice.⁶¹ In some regard, such an approach is correct: the giving and taking of reasons *can* shape the meaning of justice, but we cannot assume that it always does. Neither can we assume that resting our focus on communication gives us a perspective outside of the field from which to judge it, and identify what hinders its autonomy. More generally, to argue that parity or equity can be achieved through communication is to *recommend* this as the way of doing so, which in this case has worked in conjunction with activist practices since the decline of the New Left in the early 1970s.⁶² The effect here is one of test and how it involves the loop of expectations and chances. Explicit concern with communication during activist meetings reshapes the range of probable moral action, the expectations that surround how such meetings should go and the corresponding chances of acting and speaking at these meetings in certain ways. This documents a shift in capital, using tools (theory, concepts, book publishing) that can have an effect on the field (e.g. the potential that constitutes it), at least at this moment in time. These which can be more or less entangled with action present in other social fields.

⁶¹ The most drawn out discussion of the link between elements of communication and the potential of justice is still found in Jurgen Habermas, *The Theory of Communicative Action: Volume 1, Reason and the Rationalization of Society* (Boston: Beacon Press, 1984); Jurgen Habermas, “On the Cognitive Content of Morality,” *Proceedings of the Aristotelian Society* 96 (1996): 335-358; Jurgen Habermas, “Discourse Ethics: Notes on a Program of Philosophical Justification,” in *Moral Consciousness and Communicative Action* (Cambridge: MIT Press, 1990), 43-115.

⁶² For an account of this shift, see David Graeber, *Direct Action: An Ethnography* (New York: AK Press, 2009) 334ff; Francesca Poletta, *Freedom is an Endless Meeting: Democracy in American Social Movements* (Chicago: University of Chicago Press, 2002), chap. 7. See also Warren Breckman, “Can the Crowd Speak?” *Public Books* (23 Nov 2020).

The most probable actions in a moral field can be found through statistical measurement or other forms of observation, but more importantly they are found in expectations of actors oriented to the field and their looping into the chances offered by the field. What affects those probabilities and expectations gives us insight into the nature of the moral field itself. Thus, as opposed to assuming that an argument for “ultimate value” is necessary for a moral field, such an argument *could* shape the objective probability of a moral field in some circumstances, and indeed perhaps in most circumstances, but we should not assume that it does in all circumstances. We need to ask, instead, what it says about a field that an articulation of ultimate value is a probable moral action or, more specifically, that it initiates a field. More fully, this would seem to imply a kind of field-formation initiated by social actors with a certain cultural capital, in which the formation of belief systems comprises, initially or in the long run, a way to be a good moral actor and doing something that the morality needs.⁶³

The larger idea is that to “work” in this regard is to pass a test and stake a claim to the future, as what will be recognized as “what the field is about” in the next moment and the next iteration. A test of this sort can be more or less official and explicit, or more emergent and recognized only through its effects. If the proposal of a universal moral principle or a technique for developing such a principle is recognized as a way of participating in the field, this tells us about the *test environment* of the field, what kinds of problems a given moral action has to pass, what kinds of interests it must appeal to, what kinds of questions it must answer, or what forms of suffering it must alleviate. More generally, a field creates the test that shapes what can and cannot be a moral reason; it reshapes a moral background. We can also recognize the limits of a moral range, or the limits of the field and its test environment on these grounds: when social action is *not* tested by the field, when social formations and institutions exist that, should they be exposed to the moral field’s test, would change or disappear entirely.

Probabilistic Orders: Apparatus and Field

To document the appearance of a field entails, however, more than an account of its own terms of appearance, for it appears in the form of a displacement. What it tests has been tested before. It only conveys a difference in organization, not one of kind.

⁶³ Williams, *Ethics and the Limits of Philosophy*, 54.

Probabilistically understood, a background and an institution take the form of an *apparatus*. A field is dynamic in comparison to what also organizes a potential. A moral apparatus is highly controlled by comparison, and in some ways more effective. A moral apparatus makes a subjectivity highly apparent by catching it in reaction to something far more definite than becomes apparent in a field. While a moral field tests us, we cannot be *that* sure what the results of the test might be, or what potential it might reveal. The same is not true when morality takes form only under the auspices of an institution or a background and their management by a rule-binding hierarchized corps. In such circumstances, responsibility is predictable and durational; obligations are owed and received—there is no mystery. And so it is also clear what *should* happen when a given event happens that was unexpected or potentially challenging to the apparatus' moral order; it can be absorbed, with little alteration to what the apparatus already counts as morally significant.

The key difference between moral field and moral apparatus involves their different ranges and possibilities. With an apparatus, these can be fully known as the potential is closed; with a field, the possibilities are open, only some are more probable at any given historical moment. In the presence of an apparatus, all objects and tools, architectures and technologies, convey a signal of obligation, of division of labor and, more specifically, of hierarchy, encoded within dependence and mutual obligations, as carried by clearly defined roles. An apparatus is the site of principal-agent relations; the latter is the instrument of the former. The principal sets the terms of moral action that the agent follows. The principal, however, must also abide by certain standards and meet certain expectations if the agent is to continue as part of a project.

In an apparatus, it is more certain that what is *made* moral will *stay* moral rather than lose its moral significance or lend that moral significance to something very different. A field proves far less certain. The social organization of a moral field is oriented not to other people, primarily, but to the *probability* that other people will *accept* something as of moral significance. A much wider range of possible action applies within the moral range of a field, then, as to engage in moral action does not require one to be a true believer. One can engage in moral action self-interestedly, even cynically, while still being oriented to the field as an objective probability. We should find that, in fact, as the symbolic goods of the field are recognized and transferred, this occurs in such a state of distracted or divided attention (or dual reference) that an orientation to the field is combined with different orientations. With an apparatus, by

contrast, one can run afoul of the dictates of a moral corps; what counts as moral is dictated by a hierarchy that allows for fewer deviations or creative appropriations.

From apparatus to field, such a shift sees that hierarchy fall and the corps replaced by a kind of anomie. The hold of the apparatus, and what it counts as moral, is up for grabs: from deterministic control and predictability, we find instead probability and striving for recognition of one's redefinition not only of what is morally significant but also how to be a good moral actor. This reveals the relative anchorage of the field in other fields and other systems, as these can help dictate the objective probability of the field, and how its open potential is rendered actual in a typical, expected way. The fall of an apparatus does not have to take the form of a covert (or overt) assault. It can instead emerge from a test presented to apparatus that scrambles its definitive order, either rapidly or slowly, and forces it to adapt. At the end of the transformation, what counts as moral, how to ask a moral question or solve a moral problem, are all stakes in redefinition and retooling. We find *moral interpretation* again as history reenters the picture, rather than being warded off by a moral codification.

Morality Sui Generis

For both field and apparatus alike, morality is not segmented by a group; it can instead flow between groups and other types of segmentations, even transcending those like nation-state boundaries that actual bodies find it hard to traverse between. As mentioned above, a moral field is not bound by solidarity requirements, as a conventional, group-based morality is, and the same applies to a moral apparatus; they both can establish morality *sui generis* even if this conflicts with a solidarity requirement, which are inherently conservative by comparison. Yet as different spaces for morality, or different test environments of morality, fields and apparatus stand apart.

All of this becomes possible only because a new potential is opened and created. More to the point, it becomes possible because of a test as a vector for this potential. And based on this, the potential could turn in a new direction; it could take an actual form that is different from what it actually is initially or by design. To open a space of potential is to set something in motion; it is to make history start to change, but this is not because of a strict contingency or chance. The story unfolds within a space of potential, even if it takes a surprising turn, it is

all *probable* within the same space of potential. The test could create a disciplined workforce or it could turn this on its head: it could open the potential for a space of injustice, of the same disciplined worker now being a subject of injustice, treated unfairly as opposed to the opposite, which in a justice test can be exposed to these reversals.

It can appear of transcendent significance, in a Kantian mold, but this is not a precondition for morality but an outcome of the test. In fact, this is already immanent to Kant's own argument: for what else is the categorical imperative by a test? A way of testing seemingly any action to take its moral temperature or to guide it in a specific direction, situation to situation, all through the repeated application of the rule, which always extends beyond the situation itself. Thus, in this case too, a test opens a potential beyond the immediate actualities observable in a situation, a form of transcendence in other words, that surpasses the specific aspects of the situation but dictates what should happen in it. For Kant this works in the form of a universalist cognition, arriving at the equivalent of a moral law that everyone who gave enough thought and was not prohibited from thinking would arrive at for themselves. Thus the categorical imperative is of a kind of universal chance, an *absolute* given that is not probabilistic at all, as it only remains to be discovered in every individual case. The contrast applies if we actually do try to account for this kind of transcendence by not ascribing it to, as in this case, the content of a representation. It must emerge instead from a material process that allows for the creation of a potential that, similarly, is transportable between situations and can be made actual in a variety of unforeseen (and unforeseeable) ways, yet which still retains its coherence. Transcendence, in this perspective, means something closer to *repetition*; the transcendent aspect thus appears dynamic in the tension between the actual and the potential. More than that, what surpasses what we can observe is what *should* apply. Should we be oriented toward it, this potential is what *will* apply, at least in some form.

But where can the potential exist? A test can be a vector for potential much more stably and effectively than a categorization can. This is for the main reason that the test is objective and does not depend on subjective inputs like consensus or even conscious awareness in order to construct an objective potential.

The shift from Sieyes' Third Estate rabble to "surplus population," or even from Third Estate to proletariat, was no easy matter, because it required designing an actor. With the second case, we have to understand this as more than a neutral numerical description: to be surplus was to be *bad* in a moral sense. To be a proletariat is to have a distinct potential,

glimpsed in Third Estate but only very partially. With a surplus population, the actor bears its traces in a test, one that will prove their fundamentally moral mettle. What they are *is* their potential, as they remain far from definite and could always turn into something else while your back is turned.

The French Revolution seemed to show that elites and the privileged, those with “privileges,” and the powers that be, could be threatened by the rabble; they were threatened by a gathered mass. It had the power to upend everything. But now the rabble could be inscribed in a specific and controllable way: they only needed to be through a trial and then out of it. The popular and threatening rabble thus becomes the isolated worker, the disciplined farmhand, the nascent factory laborer, and more generally an army of white male breadwinners. They become legible in this way and their desires become those of a system as opposed to a counter- or extra-systemic formation like the third estate or in its updated form, the proletariat. The encounter with the rabble is not so unstructured either, or at least it is not anymore. It is a site of research and experiment; it can be used as proof or evidence in support of points for the agonistic field of political economy. This can be leveraged further as a way of implementing policies on the grounds of what for all intents is a cheap political philosophy.

The Primitive Accumulation of Moral Capital

The 1834 Poor Law Commissioner’s *Report* reasserts elite authority during a period of real or perceived threat. How it redesigns the Poor Law System is remarkable by comparison. Discipline combines with morality; confinement with justice, but not exactly of the legal kind. If Bentham’s panopticon makes power a “function of visibility,” the workhouse system makes the exercise of economic compulsion a function of the “general welfare.” In both cases, by examining a sociotechnical design we observe power: the bourgeoisie hide nothing. But social power, applied here with a carefully designed logic, is not the only relevant stabilizing force. Rather, as the Poor Law reform demonstrates, the redesign of the workhouse included something more substantive and consequential, particularly in the long-run. It entailed a kind of *primitive accumulation* of moral capital.

The Marxian phrase primitive accumulation or “prior” accumulation refers to what is essentially a conjecture, a possible history: the prehistory, to be more exact, of a grand system

that works with an iron logic toward inevitable ends. In the primitive accumulation, economic capital and “free” labor appear, and their interdependence and conflict set in motion. As many have noted, the empirical details of Marx’s analysis here leave much to be desired. These details are partially filled in by the richer historical chapters that follow in *Capital*, yet in this key chapter (“Primitive Accumulation and the Secret Thereof”) Marx appears to trade almost all historical particulars in order to draw our attention to something like a repetition, found across all of the difference that we can find within an expansive capitalist “economic cosmos” (as Weber called it). The basic exploitative relation between capital and labor is this repeating occurrence, which recreates that relation, doesn’t allow for production to happen without reproduction, and, in this sense, capital engages in a constant dispossession in order to accumulate.

The Poor Law reform did little to challenge this kind of primitive accumulation, to the extent that it dispossessed labor of means in the form of outdoor relief. This tied their reproduction more strictly to production, by creating a forced channel into the labor market for male breadwinners and a forced channel into marriage for female childbearers. Yet to have the New Poor Law’s dispossession coincide with this was not necessary for its construction and enforcement of the capital relation. What we see here is a different, additional dispossession: the dispossession of moral belief. The New Poor Law designed a moral apparatus for the purposes of the marking these figures, especially the male breadwinner, as tokens of *worth*, able to be categorized non-contingently in relation to certain objects (“the necessaries of life”) and in relation to other groups (like paupers), and therefore being available to justification: the question of whether they *deserve* an outcome or fate. Distinct from a religious or legal classification, the New Poor Law would make poverty into a *voluntary* condition, primarily moral classification, by enshrining a specific moral interpretation of it.

In this case, a moral interpretation emerges from something like the opposite of benevolence: it is an element of control first and foremost, wielding in this case a claimed symbolic power. By all accounts, the main drafters of the *Report* that provided the architecture of the New Poor Law were the economist Nassau Senior and Edwin Chadwick, both of them (like Malthus himself) members of a state nobility bearing academic titles, cultural capital in the form of knowledge of classical political economy and the tenets of Bentham), and not a particularly distinguishable heredity. They would, in the *Report*, design an engine for moral performativity: something that could reorganize the basic structure of society according to

principles that could, at least in their estimation, be justified to all. In this case, the task would be how to allocate potential paupers to workhouses according to principles that could be justified to all? This requires an orientation to morality itself, thus making it *specialized* (distinct and distinguishable) by breaking with a generalized ethical intuition (e.g. to help those who need it, though not be concerned with creating justice in doing so).

We could say they acted on a class interest if we are prepared to say that a class exists with the interest in reorganizing the basic structure of society on terms that can be justified to all, at least in their estimation. This class does not have to be civil servants, but they do have characteristics of a state nobility: empowered by the state or acting on its behalf to propose changes to the basic structure of society, to change it on terms that can be justified to all. The composition of this class, and the reasons why it formed, means that it has a material interest in universalism: they cannot further their interests, in other words, without also furthering the cause of universalism. We can call this the state nobility but they are not merely technocrats or bureaucrats; the class is much larger and dispersed. Nevertheless, it is bent on one thing: in order to exercise their particular type of domination, and test other dominant groups, “they are obliged to invoke the universal.” This is an obligation to them from the very start: “they are necessary agents of a necessary policy, capable of making the populace happy in spite of itself.”

The rattling effect of the Revolutionary epoch, the fearsome specter of malheurux, had a disconnective effect in Britain, provoking much thinking at the time in order to fill a hunger for representations newly piqued. When the senses are on their own, so too is representation; the two are now disconnected rather than connected, which is a recipe for new categories and classifications. This adopts the multi-modal approach, with the comparable experience being *seeing* something we cannot *comprehend*, setting both sight and thought to work on their own. Eventually they become connected again: a model comes to predict sense-data, making it expected; the senses are no longer sensing on their own, bringing what cannot be predicted to mind. To remain in such a state in perpetuity would be too exhausting, yet unlike a purely cognitive argument, we cannot also assume that the way this state is settled is free of power or social influence. Quite the contrary, there were high social and political stakes. What was this chaotic source of sense data capable of? What kind of potential did they have? What could be *predicted* about them?

For Sewell, a scenario such as this is the source of the category of revolution. The

schema of popularly driven social and political change is joined to a mobilized group of demonstrators in the street. Together, the two create the composite image of revolution. Perhaps what is really at stake in the joining together of schema and resource is a new loop between expectations and chances that can be predictive. Regardless of what the *malheureux* themselves expect, the situation unfolds according to a dynamic of symbolic power: a dispossession then an imposition of expectations

Universalism does not appear from an effort at inclusion, and it is far from inclusive in this case; rather it appears as symbolic power seeking to institute predictability. It will forbid any other interpretation of the outcomes of a test except for its own moral interpretation. The logic of the Poor Law after 1834, more specifically its application, now operated in an environment of sure signals and full signs, rather than partial signs and mixed signals. The demands of interpretation, on the part of both the workhouse attendants and “applicants” for aid, would be dramatically reduced as those seeking relief were offered the test of the house. Based on their performance, the causes of their situation and their own moral worth could be identified without a workhouse attendant having to piece together from desperate pleas an accurate scenario and, if not bribed or threatened, rely on their best (subjective) judgment whether to grant aid or not.

The testing apparatus is simple but unique.. If someone shows up at the gates of the workhouse looking for aid, and they refuse to enter—this leads to a ready conjecture rather than a guess about what might be the case: they are “undeserving.” The logic of the Poor Law after 1834, specifically its application, would operate in an environment of sure signals and ready signs, rather than partial signs and uncertainty. The demands of interpretation were far reduced. If someone shows up at the gates of the workhouse looking for aid, and they refuse to enter, this results in a ready conjecture rather than a guess about what might be the case: they are “undeserving.” In this case, the “pauper” is transformed from a disturbing and potentially disastrous force into a manageable category subject to certain discipline. All of this begins from the fact that the *Report* constructs in its various protocols and examples a “sense of injustice.”

Poor Law guardians, workhouse attendants, even medical officers did not have to consult their subjectivity to make a decision *not* to offer relief or medical aid to those seeking it, as that decision was now placed on the poor and *their* choice between the workhouse, the

market or starvation. This mechanism of judgment is a critical part of the story that cannot be ignored. Counterintuitively, the *Report* extends moral worth to the poor through its punitive logic, but this opens a Pandora's box. Extending the range of beings to whom a responsible subject will respond *with justice* puts the Poor Law on what is, ultimately, a tenuous footing. It would have been much easier simply to excise the "surplus population" entirely, preventing them from having any voice at all, incapable of obtaining moral worth. But the policy is not eugenics, and for good reason. Labor, after all, is a central ingredient of capital as a system of value with an economic moment, but there is something lost in translation between labor as a link in a moral chain and its actual insertion into this sociomaterial arrangement.

Labor as an Ultimate Value

The moral value of labor is well understood but not well-explained, even though many welfare state regimes differ according to the relation between labor and the meaning of "deservingness." The further connection with justice falls even more within an obscuring mist of ambiguity. A popular genealogy extends to the Judeo-Christian "fall of man," the forbidden fruit and paradise lost, the casting of humanity into a terrestrial condition, in which scarcity is a constant and labor is its solution. Non-work connotes the traits that precipitated the fall from grace; labor is redemptive by comparison. The contrast of sin and redemption persists even in a secular condition. From Locke forward, labor becomes the source of economic value because it transforms the brutal and useless materiality of the world into goods and commodities, into houses and farms, roads and towns, widgets and warm blankets. For Locke, labor conveys a *right* to ownership. Adam Smith and David Ricardo formalized the Lockean view into a "labor theory of value" to explain wage rates, rents, capital growth, and investment returns. It becomes the basis for an economic method. Labor remains a source of value, and yet its redemptive, salvational quality remains unchanged.

Labor therefore plays a predominant role in the 1834 Poor Law Commissioners' report; but its role cannot be understood as a background condition. It is, instead, very much in the *foreground* of anchoring a policy proposal and justifying it. In the poor law reform, labor served as a degree zero, something of non-dispute, that could make the workhouse test an instrument that would make inscriptions, sometimes literally on bodies, but more often in the

form of a moral classification. It made subjectivity possible in the *choice* it offered, but more specifically in the suspension it instituted and the potential it opened.

Technically, to enter the workhouse or not does not involve a moral subject; it opens the *potential* to be moral, the *chance* to be moral, within a sociomaterial arrangement, where actors become partial signs as opposed to fully defined. They could do what is worthy but they may not; they could therefore be morally appraised. In the very *difference* implemented we can see the grounds for moral classification as rooted in a test. It could absorb uncertainty about what is now rendered as questionable, more open than before, at least to white male breadwinners. It was deployed in this manner during contentious disputes about the “right to live.”

The Poor Law had recognized the function of a test as early as 1723 by an Act of Parliament that mandated that parishes build workhouses and either contract out the indigent as private labor or demand their admission to the workhouse. A test would resolve this uncertainty:

... in case any poor person or persons ... shall refuse to be lodged, kept, or maintained in such a house or houses, such poor person or persons so refusing shall be put out of the book ... and shall not be entitled to ask or receive collection or relief from the churchwardens and overseers of the poor of the same parish, town or township (XXXX)

Thus refusing the offer of admission would, at least in principle, resolve the uncertainty about the claim of the applicant. It would prove the disingenuousness of the claim, its invalidity, all without requiring an extensive examination. Most parishes did not avail themselves of the law. Many did not build workhouses, and yet the mechanism of the test, a key point of genesis for symbolic power, had at least been proposed. For example, in the words of the clergyman Thomas Alcock, the prerogative of the workhouse test is especially clear, in a way that would need little revision between his statement from 1752 and what would find its way into the 1834 Poor Law reform:

For to be sent to the Poor-House, however they might be taken care of there, would look like a Sort of Exile, and be deem'd some Hardship and Punishment: And many that now live lazily

on Monthly Pay, in order to avoid going thither, would be content to labour, and fare harder, and make a Shift to subsist (XXXX)

The association of labor, confinement, with cheap “fare” or the bare modicum of necessities of life are arranged together even at this early stage, and even if only in principle, as part of a testing mechanism. Still it did not settle very much, and its adoption was limited. Precedence was given to “farming out” paupers on an expedient basis to those who needed them. But the task and organization was onerous and complicated. Such uniformity could not be applied to all of those “infirm” because of age, sickness or disability. In many cases simply giving able-bodied men goods or allowances during the ebb times proved to be a far less expensive endeavor than building a workhouse, staffing it, confining these individuals in it.

This ambiguity of classification, not to mention the threat of overly high expense, would prove to be consistent problems, instabilities and sources of change in the Poor Law apparatus. Grand ideas worked out in principle but not in practice; as in practice they were expensive and their logic was unclear. Yet at this stage we see ingredients being brought together, associations made and the prospect of testing raised. And most importantly what we see is a primitive accumulation of moral capital.

The Accumulation of Capital: Moral and Economic

For Marx, primitive accumulation is the result of dispossession, and it thereby creates and maintains a relation of capital, as between the possessing and the dispossessed. For Marx, capital takes an economic form in the dispossession of means of production from some, and the concentrated control by others. This does not mean dispossession of the means to be a capitalist; it means the dispossession of the means to *not* enter into the kind of relation that *is* (economic) capital. The same is true with moral capital. It too rests on dispossession of what creates a relation that will have the same kind of durability. The dispossession here concerns belief, and whether one can form it for themselves or through means not controlled (or approved) by the field. The field thus comes to stand in mediation between a person and moral belief, at least about what the field now claims possession of. And like economic capital, moral capital allows for a kind of growth beyond what are otherwise practical limitations, making it possible to have moral beliefs that would never arise otherwise, creating a kind of moral coordination and orientation that surpasses other constraints on morality.

To claim that the New Poor Law constitutes a primitive accumulation of moral capital, then, is to claim that it involves moral dispossession, and creates a social relation in which moral belief becomes mediated as the means of it are possessed elsewhere. So, too, on these grounds, can we observe a kind of moral growth that contributes to the possibility of new institutions and social changes that surpass the limits of morality in solidarity demands or consociate empathy. Moral capital creates skepticism and second thoughts as opposed to practical responses; suspicions have no inherent end and can only be concluded by tests as a route to moral signification. Such a mechanism can spread moral capital far and wide, as morality comes to be linked with uncertainty and suspicion, even out about oneself, making it necessary to test in order to *prove* a morality.

Thus, if for reasons of historical structure and privilege, white people are disposed to hold racist tendencies toward those racialized as non-white, the field can intervene and supersede the tendency. This depends on a kind of impractical self-suspicion of oneself, characteristic of the second guess or thinking twice. If one does not typically believe themselves to be racist, the field can create suspicion, which can eventually result in an admission. If moral belief had not been dispossessed, this kind of self-critical, reflexive suspicion would not be possible. This signals a dispossession of the means of moral belief, and likewise, accumulation via this capital, as suspicions followed by tests and confirmation increase the orbit of the field, making it disruptive (in a practical sense) of more of what had been unquestionable or unjustifiable because it had never been tested in this way before.

We could say that an interest in liberation from oppressive or exploitative circumstances does not need a field. This is true, but to have injustice be the wrong of society, and therefore implicating everyone who is in it, is a symbolic form that depends on the special interests of a field. This is a moral interpretation in the sense noted above, as a hermeneutics of suspicion. Eventually, for instance, Benjamin Disraeli, the future prime minister, would worry about there being “two nations” within Britain. He couldn’t get over the suspicion, which of course implicated him and what he recognized as his class, detracting from whatever moral status they could claim on terms that gentleman like Disraeli could no longer entirely define. Here, he simply acknowledges the dispossession. This a later form of what was established in 1834, or what grew out of the *potential* of 1834.

Yet his class, in this case, was something like a blend of Marx and Nietzsche: it was not simply an economic capital that shaped it. Combined with that version of class and still

rooted in capital is a *moral* capital that made the state of metropolitan society (whether good or bad) a reflection on *them*, making it more or less likely for them to believe themselves to be inherently good. With the field, that belief was not their own to make, and this would thereafter become evident in a specific tension between justice and charity.

The moral interpretation the New Poor Law unleashes was almost by design meant *not* to implicate subjectivity, at least not in the form of a judgment. This had been singled out as a problem by the New Poor Law: specifically how the Poor Laws used to work: they were hindered by the arbitrary (non-*Kadi*) decision-making of, say, a poor law workhouse guard who could decide one way in one case, and another way in another case, or could even be bribed, eliminating moral regulation altogether. In place of this, an accumulation of moral capital was necessary, as the construction of a relation, dispossessing even consequential deciders of their means of moral belief. In the process something important happened, as in the refusal necessary to categorically *refuse* relief, the New Poor Law gave birth to moral capital just as it secured the grounds, as Polanyi has claimed, for economic capital.

A Society Tested

What would happen to society when it introduced the workhouse test? When it puts necessities behind the wall of a test, making access to them, at least in principle, conditional on a performance? The perspective here adopts the notion that the structure of a society develops on the grounds of *what can test what?* And what are the outcomes of those tests?

If we say that culture matters, then it means that whatever we might associate with culture is capable of overcoming whatever might *not* allow culture to matter. What is it about a situation (as testing) that allows culture to matter? If culture is a toolkit, it can “fill institutional gaps,” just as love fills the gap with marriage. Culture’s potential is actualized, because the countervailing forces that would test it (namely established and settled institutions) are relaxed.

The same principle holds with morality. It seems to have a difficult time overcoming countervailing forces and realizing its potential. Economic interests, even an economic morality, can take precedence, so too can political ends. Yet within its own field, morality is able to test these other logics—its potential becomes realizable. This is not to imply that morality will mean some particular thing; what it means is that the path to settling that (at least

temporarily) is oriented by a primarily moral interest. That can now be effective, despite the forces that might countervail and test it. Rather than morality *being* tested and having to adapt (thus lending itself to hypocrisy), it can *test* instead. The task then, from a probabilistic point of view, is to identify the factors that allow for this—that allow for morality to *be* the test connected to outcomes, as opposed to other identifiable factors.

There is a difference between sublimation and negation. Bourdieu describes the cultural field as contingent on a denial of an economic interest, which is important, as it suggests a key relation between a new field and the economy as the main relation marking a field. It is precisely in the denial of these interests that legitimacy can be gained, as the subsequent action will appear disinterested as a result, action “in the name” of something, the actor an agent of a project. But we can pull a more general lesson from this, as it can apply not simply to the denial of the economic (which is here just a codeword for self-interest) but likewise to the denial of the practical. It is in the contrast that the distinction of a field becomes apparent precisely in what *seems* impractical.

Losing a test gives rise to the same moral categorization. In the athletic contest, the tennis match, the football game, the rugby challenge, it is the behavior of the loser (not the winner) that secures (or not) the integrity of the game (or field) in question. The winner can be oriented to the field, but also the motivation toward the material benefits of winning. The loser, however, can only accept their loss by giving precedence *over* the realization of material benefits to whatever marks the field as distinctive and, in the contrast, the *symbolic* interest it can fulfill.

Thus, in the accumulation of moral capital, a similar situation is made recurrent. Moral symbolism, and the obtaining of moral capital, is made apparent in the difference, the contrast, the observable denial, of the practical and self-interested for the moral and the apparently “disinterested.” But this is only the assertion of a difference, and it is only in the difference, in this case, that the moral can be known. Moral capital aligns with but also deviates from the history of “critique” in Foucault’s sense, which is born alongside governmentality and the construction of apparatus of control. Critique always stands in relation to apparatus; it depends on them. Critique does not, in this case, anchor itself in a normative order outside of what Foucault specifies as a “regime of truth.” Thus, it entails a “voluntary insubordination” and a “desubjugation” from the kind of subjectivity one has been given, thus risking one’s very formation as a subject.

The distinction of moral capital from the practical mirrors critique's distinction from governmentality but with an important difference: moral capital signifies a distinct field, and in its distinction-making it *accumulates*—but to do that, a distinction must first be drawn. It can set anything into a mode of struggle, specifically by making it a struggle of worth, making the “normal” and “typical” a matter of finding in the corresponding order an assertion of worth, a match of outcomes with initial conditions, and, by extension, the justness of distributions. This is different from questioning a regime of truth.

Malthus' Point of View

For Malthus a category like population ultimately refers to his own working experience, as a member of the intelligentsia, situated in a rural parish, but *within* an imperial metropole. Malthus himself was a product of the second half of the 18th century in England. This “untimely prophet” was born in 1766 in a picturesque corner of Surrey in the Weald, the second son to Daniel and XXXX Malthus, into a family of the “middling sort,” who made their small fortune through the practice of the law, but who had no claim to noble prestige or pretention. The father, Daniel Malthus, was learned and enthusiastic about the Enlightenment, corresponded with Jean Jacques-Rousseau and even hosted Rousseau on his visit to England in the 1760s.

The younger Malthus started his education with a six year stay at Claverton, under the tutorship of the poet and wit Richard Graves. Graves was known for his irreverence and off-kilter points of view and this is surely a trait that Malthus himself absorbed in the manner of finding the “fighting for fighting's sake” characteristic of Graves attractive. This is particularly true in the way that Graves used Enlightenment thinking to mock or criticize inherited pieties and nostrums and to introduce a modicum of rationality to religion, society and life in general. But if this is one trait that Malthus absorbed from Graves, reflected in the *Essay*, there is also Graves' quasi-materialist insistence on the need for economic prudence as a central precondition for happiness and fulfillment. As an impoverished clergyman, Graves was more weary and sensitive to this than most of those of the middling sort, and in this particular respect *unlike* Malthus' own father. Malthus himself would put his teacher's ethos into words, less symbolic in this regard than socially positioned:

A man of liberal education, but with an income only just sufficient to enable him to associate in the rank of gentlemen, must feel absolutely certain, that if he marries and has a family, he shall be obliged if he mixes at all in society, to rank himself with moderate farmers, and the lower class of tradesmen ... Two or three steps of decent in society, particularly at this round of the ladder, where education ends, and ignominy begins, will not be considered by the generality of people, as a fancied and chimerical, but a real and essential evil (XXXX)

From the tutelage with Graves, the younger Malthus was then moved for a brief period to the Dissenting Academy of the rector Gilbert Wakefield, a notable controversialist and purveyor of “rational religion.” In his two years with Wakefield, Malthus was influenced by his teacher’s unflinching faith in the possibilities of reason to understand nature and to reform society, without being too beholden to orthodox principles. Wakefield found “Nature’s God” by understanding nature; rather than using “God” to understand nature. For the young Malthus, impressionable as ever, this exemplified an insistence on reason as a set of tools that could be broadly applied.

By the end of 1784, Malthus took these lessons with him to Cambridge and enrolled at the university as an undergraduate. Cambridge at this time would not have been terribly familiar to contemporary eyes, being little more than a finishing school for most and placing decidedly less emphasis on intellectual rigor. Malthus pursued an intense course of study nonetheless: “endeavoring to get some little knowledge of general history & geography.” But it quickly dawned on him that the true academic capital available at a place like Cambridge, not least due to the towering imprint of Isaac Newton, was gained through one’s demonstrated proficiency in pure mathematics. Malthus, of the ambitious middling sort, pursued this at Cambridge, under the influence of his father but with his father’s own ameliorative twist: “There is scarcely any part of learning which I esteem more [than mathematics] ... [but] I cou’d always wish to see it applied, & that I desir’d to see you a surveyor, a mechanik, a navigator, a financier, a natural philosopher, an astronomer, & [not] a mere speculative algebraist.”

To avoid being a “mere speculative algebraist” but still see maths as the height of knowledge; to bring the abstract to bear for the concrete; to not be too speculative, but still speculative; to find scientific capital in an elegant formula, but one that is testable and

empirically observable; on the one hand mathematical, on the other historical and geographic; on the one hand social, on the other naturalistic: Malthus' unique habitus, inherited from the father, nurtured by the irascibility of Graves and the controversialism of Wakefield, becomes evident in his time at Cambridge.

He combined his studies with broad reading, unusual for the elite bunch for whom Cambridge was not supposed to be a site of discovery or intellectual challenge, and even unusual for those who shared his academic ambition—particularly those of the pure maths variety, who would not be caught dead picking up a volume of Hume's *History of England*. Malthus crafted his own path: appealing to mathematical logic but with an applied, socially engaged side. Malthus would excel in pure maths but insist upon a human touch. He would be a geographer and historian in his attention to detail, yet draw mathematical generalities. He would, moreover, connect his arguments to policy and recommendation, using this odd combination of maths and history to achieve what he saw to be a rational improvement of the world.

Yet when Malthus finished his Cambridge degree in 1788, it was back home to the family house in Albury that he returned, unable to support himself. He had been given a clerical position in nearby Oakwood and gave indifferent sermons to his parishioners. Writing could give him the independence he craved and he made tenuous attempts in this direction in nearly the 1790s. Having excelled at Cambridge, he was elected fellow in 1793, which gave him a link to the university life that had excited him. This ambition and interest, combined with an argument with the father and what he encountered

In Boltanski's proposal, a "regime of justice" is quite distinctive because it introduces objectivity in making moral judgments. While moral judgments arise from the judging capacities of individual humans, the "convergence of judgments is only secured to the extent [that they] are regarded as being external to persons." Justice consists of moral judgments that "[rest] on this convention of objectivity." This presence of "common judgment," here in ways similar to human rights disputes, is essential to a regime of justice, "because it enables disputes to be settled by dispensing with reference to persons' internal states" (69). Its public and

objective modality makes it similar to science, in a strange way. But what does moral objectivity mean? What is its arrangement? How can we agree to it (if we can)?

Creating a Moral Test

The *Poor Law Commissioners Report* unfolds the intricacies of this convention in the mechanisms it furnishes, the protocols it recommends, the rules and practices that constitute its very specific regime of justice. Importantly, in this regime, “persons’ internal states” do not make consequential moral decisions. The material arrangement of the workhouse, and the relations it created, ensured that the voice of justice would instead speak through an *objective* medium. People still judge and *were* judged but no longer did those judgments depend upon a personal mediation, a personal relation or anything implicating subjectivity. Morality became less like a decision and more like a *demonstration*.

Reading the *Report* it becomes apparent that, first, the drafters were preoccupied by a specific problem: the fraudulent giving of “outdoor relief” to the poor with very little oversight. This could have catastrophic consequences they believed. Second, charity should be the first line of defense for “real hardship.” The Poor Law system must assume a secondary role, in this case, by giving precedent to charitable aid. Of course, the poor law system would become far from secondary in the coming years. The workhouse, in particular, becomes characteristic of the entire Victorian era, signifying all that was indolent and vicious about it, or being the site of melodrama, in Dickens and Hardy, meant to terrify the helpless. The tension with charity is not resolved at this point; rather, the jurisdictional ambiguity between charity versus the poor law is given a powerful tension that will eventually unravel the arrangement designed in 1834.

Even if the *Report* settles very little, in fact, it cannot be ignored in the history of capital and, more importantly, of social justice. Foucault remarks somewhere that, contrary to Marx and fetish-like social relations, the 18th and 19th century English bourgeoisie were actually quite explicit in their domination: they *wrote it down*. They designed mechanisms of social control with the clarity of a blueprint. Jeremy Bentham’s “Panopticon,” vividly elaborated in Foucault’s celebrated discussion, is one example. The *Report*, I argue, is another, related and altogether *more prominent* example because it became concrete and dominated the moral

landscape by structuring an economic field of action. The options, for those subject to it, were stark: (1) starve, (2) engage in wage labor, (3) be frugal in your domestic economy, and (4) exercise moral restraint in relation to your procreative potential.

But exactly who is the “you” to whom such narrow recommendations were given? The obvious answer would be the nascent working class that Polanyi describes, those to whom the Old Poor Law and its extended versions like the Speenhamland System had given the “right to live.” But if it was Malthus who appears triumphant from the field of dispute at the turn of the century, then the image of the poor, to him, were not cast in that kind of familiar mold. The “you” to whom such stark options were given were those whom Malthus categorized as “civilized life,” but who were also dangerously close to being “savage life.” These categories he gathered by tying together a metropolitan vision of the “savage” underbelly of global humanity, a large and increasing proportion of whom were under the imperial thumb of Malthus’ soon to be employer, the British East India Company, with the rural English poor those he could see outside his cottage window in Surrey.

This link in the chain means that the basic categories that assemble the Poor Law loop into an imperial social relation. Malthus’ image of “the savage life” is formed on his world tour (textually mediated) with his population law. For him, the English poor are, in principle, redeemable. They are capable of “civilized life,” but only with proper motivation to exercise a positive check on themselves. This distinguishes the English poor from the peoples whom Malthus encounters in the furthest reaches of the world, largely irredeemable, with exception of Native Americans who somehow evade the negative check of famine and disease.

These particular inscriptions, and the trials that define them, make the English poor into those to whom a moral obligation applies; namely, a moral obligation *not* to reproduce in large numbers or receive something for nothing. It does not extend a moral obligation to “savage life” observed in those distant lands, though it does assign an intensity to that category of person that makes them feared. Population, for Malthus, unties the Gordian knot that had plagued those like Townsend, Burke, even Tocqueville, all of whom shared Malthus’ disdain for the Poor Laws but could never get past moralism. With “population,” Malthus did not propose a statistical measure. He really could not have. The metrological work required was at best an educated guess. There was no true empirical foundation to Malthus’ construct, but this did not matter. “Population” is instead a *common world*.

The *Report* reasserts elite authority during a period of real or perceived threat. But how it redesigns the Poor Law System is remarkable by comparison. Discipline combines with morality; confinement with justice, but not exactly of the legal kind. If Bentham's panopticon makes power a "function of visibility," the workhouse system makes the exercise of economic power a function of the "general welfare." In both cases, by examining a sociotechnical design we observe power: the bourgeoisie hide nothing. But here power, in its constitutive form, is not the only relevant stabilizing force. Rather, as the Poor Law reform of 1834 demonstrates, the redesign of the workhouse also includes an applied moral pragmatics.

This means that a "sense of injustice" was influential in shaping the Poor Law reform and that morality informed the new workhouse system. This might sound like an obvious point to make, but my approach seeks to capture how thick, substantial and concrete such a morality, in fact, was. The Poor Law reform, if we situate it in a longer trajectory, demonstrates the resolution of a *controversy*. It demonstrates the resolution of a controversy because it stages a *trial* in which the outcome solidifies "society" by giving reality to certain abstractions. In this case, the "pauper" is transformed from a disturbing and potentially disastrous force into a manageable category of person who is subject to certain discipline.

All of this begins from the fact that the *Report* demonstrates a clear "sense of injustice." By analyzing the *Report* with this in mind, we are able to examine the pragmatics of social justice as "models of the competence with which actors have to be endowed" in order to face critical situations, resolve them, and make them stable again (Boltanski and Thevenot 1999: 364). Such a pragmatic focus makes it possible to aggregate up from a *moral* competence into macro effects ascribed to capital. The logic of the Poor Law after 1834, its application more specifically, now operated in an environment of sure signals and ready signs. Poor Law guardians, workhouse attendants, even medical officers did not have to consult *their* "internal states" to make a decision *not* to offer relief or medical aid to those seeking it. That decision was now placed on the poor and *their* choice between the workhouse, the market or starvation.

This mechanism of judgment is a critical part of the story that cannot be ignored. Counterintuitively, the *Report* extends moral worth to the poor through its punitive logic, but this opens a Pandora's box. By extending the range of beings to whom a responsible subject will respond *with justice*, this puts the Poor Law on what is, ultimately, a tenuous footing. It would have been much easier simply to excise the surplus population entirely, preventing them from having any voice at all, incapable of obtaining moral worth. But this is not eugenics we

are talking about, and for good reason. Labor, after all, is a central ingredient of capital as a system of value with an *economic* moment, but there is something lost in translation between labor as a link in a moral chain and its actual insertion into this sociomaterial arrangement. The moral value of labor is well understood but not well-explained, even though many welfare state regimes differ according to the relation between labor and the meaning of “deservingness.” The further connection with justice falls even more within an obscuring mist of ambiguity. A popular genealogy extends to the Judeo-Christian “fall of man,” the forbidden fruit and paradise lost, the casting of humanity into a terrestrial condition, in which scarcity is a constant and labor its solution. Non-work connotes the traits that precipitated the fall from grace; labor is redemptive by comparison. The contrast of sin and redemption persists even in a secular condition.

From Locke forward, labor becomes the source of economic value because it transforms the brutal and useless materiality of the world into usable goods and commodities, into houses and farms, roads and towns, widgets and warm blankets. For Locke, labor conveys a *right* to ownership. Adam Smith and David Ricardo formalized the Lockean view into a “labor theory of value” to explain wage rates, rents, capital growth, and investment returns. It becomes a basis for an economic method. Labor remains a source of value, and yet its redemptive, salvational quality remains unchanged.

Labor therefore plays a predominant role in the 1834 Poor Law Commissioners report; but its role cannot be understood as a background condition. It is very much in the *foreground* of anchoring a policy proposal and justifying it. In the poor law reform, labor served as a degree zero, something of non-dispute, that could make the workhouse test an instrument that would make inscriptions, sometimes literally on bodies, but more often in the form of a moral classification. It could absorb uncertainty about what is now rendered as a question: what is the moral status and how the apparatus of the Poor Law should apply. It was deployed in this manner during contentious disputes about the “right to live.”

The Poor Law had recognized the function of a test as early as 1723 by an Act of Parliament that mandated that parishes build workhouses and either contract out the indigent as private labor or demand their admission to the workhouse. A test would resolve this uncertainty:

... in case any poor person or persons ... shall refuse to be lodged, kept, or maintained in such a house or houses, such poor person or persons so refusing shall be put out of the book ... and shall not be entitled to ask or receive collection or relief from the churchwardens and overseers of the poor of the same parish, town or township (XXXX)

Thus refusing the offer of admission would, at least in principle, resolve the uncertainty about the claim of the applicant. It would prove the disingenuousness of the claim, its invalidity, and all without requiring an extensive examination. Most parishes did not avail themselves of the law. Many did not build workhouses at this point, yet the mechanism of the test, a key point of genesis for symbolic power, had at least been proposed. For example, in the words of the clergyman Thomas Alcock, the prerogative of the workhouse test is especially clear, in a way that would need little revisions between his statement from 1752 and what would find its way into the 1834 Poor Law reform:

For to be sent to the Poor-House, however they might be taken care of there, would look like a Sort of Exile, and be deem'd some Hardship and Punishment: And many that now live lazily on Monthly Pay, in order to avoid going thither, would be content to labour, and fare harder, and make a Shift to subsist (XXXX)

The association of labor, confinement, with cheap “fare” or the bare modicum of necessities of life are arranged together here even at this early stage, even only in principle, as part of a testing mechanism. Still it did not settle very much, and its adoption was limited. Precedence was given to “farming out” paupers on an expedient basis to those who needed them. But the task and organization was onerous and complicated. Such uniformity could not be applied to all of those “infirm” because of age, sickness or disability. In many cases simply giving able-bodied men goods or allowances during the ebb times proved to be a far less expensive endeavor than building a workhouse, staffing it, confining these individuals in it.

This ambiguity of classification, not to mention the threat of overly high expense, would prove to be consistent problems, instabilities and sources of change in the Poor Law apparatus. Grand ideas worked out in principle but not in practice. In practice they were

expensive and the logic unclear. Yet at this stage we see ingredients being brought together, associations made and the prospect of testing raised.

The concentration here is relativist, but relativist not in the metaphysical sense. Expediency is one thing; justice is another. Rather than look to different spheres of existence, thereby taking up the Weberian wager and populating a social world with a great number of things, there are advantages to simply looking at different possible *ways of arranging* things and people that can withstand challenges by providing for critical capacities, to form rebuttals, counter-claims, counter-demonstrations, arguments against. Thus the arrangement has an effect that we *label* as legality, religion, science, art or morality, though it does not consist of those labels.

But when we enter a moral field, the task can become comparable to any field should the arising concern gain longevity and become durable. We might say that, while moral fields can arise anywhere, as any situation can be transformed into a struggle over worth, only certain of those fields stick around long enough to accumulate a history.⁶⁴ With duration, a moral field will become like fields of any other variety, bearing their own internal orientation. The work of the field will typically consist of eliminating the contradictions that keep it rooted in the world outside of itself and its heteronomous logics. There is a pressure and tendency for autonomization, then, as the field draws an inward focus; but this can never be entirely complete. A field cannot be *totally* insular, among other reasons because it must have an economic existence. A field will exist when there can be even a *partial* orientation to its distinct space and interpretation, which in this case would mean an orientation to the way that the distributions that mark our lives in relation to others could *possibly* be unjust. The field draws them into question, and gives recognition (or not) to those who *are* drawing them into question, as opposed to keeping them as part of background assumptions. It brings background assumptions into a space where they can be put to the test.

⁶⁴ The idea here is comparable to Carl Schmitt's view of the political as a potential of any situation, as it becomes dissolvable into relations of friend and enemy. See Schmitt, *The Concept of the Political* (Chicago: University of Chicago Press, 1926/2007), 25-26.

Chapter 3 – The Field of Social Justice

In this chapter, I examine the tensions between these two orders of worth—the market and the civic—and how this played itself out in what has been variously to as the "problem of the 1880s," or the unique efflorescence of social concern and "socialist" ideas, that occurred in Britain (or seemed to) during that decade (Lynd 1984; Yeo 1978; MacKenzie and MacKenzie 1977; Hennock 1976; Bevir 2011; Freeden 1976). In particular, I examine four groups (the Charity Organisation Society [or COS], the Settlement Movement, the New Liberals and the Fabian Society) and the meanings (or formulas, as I explain below) of social justice they developed during this period. I also include a fifth position, which develops a more revolutionary critique of the situation (William Morris and H.M Hyndman are the key figures here). I choose these groups both because this secondary literature recognizes them as historically the most important examples of the "flourish of social concern" and moral discourse that developed during the 1880s. Indeed, as I argue, the arguments of the Fabian Society, Charity Organisation Society, Settlement Movement and New Liberals reveal what seem to be the *final* links in the chain of social justice meanings extending across the 19th century, serving as the prelude to what remains (as we'll see in the next chapter) a vestige of the institutional expression of these meanings: the welfare state (Harris 1992). It should, therefore, come as no surprise that these arguments seem quite contemporary and still resonate with present-day sociopolitical concerns and our own meanings of social justice.

In what follows, I also discuss the origins of the kind of social reformism demonstrated by key figures in each of these groups, particularly Beatrice Webb (*nee* Potter), Samuel Barnett, John Hobson, William Morris and H.M. Hyndman. To do this, I introduce a kind "generative analysis" (modeled on Bourdieu's [1996: chaps 1-3] socio-genetic account of Flaubert,

Baudelaire and other of the first modernist artists in Paris in the late 19th century) to the life histories of these key actors in order to better interpret the diversity of meanings of social justice that blossomed at this time and account for why these people, from aristocratic and upper-middle class backgrounds, would identify so strongly with efforts to fundamentally alter British society. It was on the basis of prior meanings of social justice that these actors developed new meanings (or "formulas"). The "event" of the Lancashire Cotton Famine, and the subsequent rise and fall of Charity Organisation, helped sparked the development of moral grammar during the 1880s and 1890s. But accounting for this does not exhaust the contingent factors involved (particularly on a micro-level, involving "position-takings") in moving the genealogy of social justice in this latest direction and, indeed, making social justice a kind of "collective unconscious" for the 1880-1890 period (a trait recognized by other historians). This is why I incorporate a generative analysis of key actors in this chapter.

Lancashire Cotton Famine as an "Event"

An important thing must be mentioned about this period before diving into the textual analysis. 1873-1896 is often thought to be a period of severe economic decline, enough for it to acquire the label: the first "Great Depression" (Landes 1969; Arrighi 1994; Hobsbawm 1978; Polanyi 2001[1944]: 207-214). Of course, some dismiss the label as a "myth," pointing to the growing standard of living that occurred over the period (Saul 1969; Kirby 1981). It is beyond the ability of this chapter to prove one side or the other right. However, there is a more interesting question to ask about this debate. Even those who refuse to label the 1873-1896 period a "Great Depression" acknowledge that the economic changes and problems that occurred during this period were "relatively unprecedented," indeed even before the starting

point of the "Great Depression," with the Lancashire Cotton Famine in 1861-1865, which I discuss below (Saul 1969).

The point here concerns the emergence of something during this period that seemed out of control—an economy its own reality. As Hirschman puts it, by mid-century industrial capitalism was at its height and this meant the "doux-commerce" view of capitalism was replaced by a sense of "force ... wild, blind, relentless, unbridled" (1982: 1470). Indeed, as Marx described it, the genesis of industrial capital meant that "capitalist private property" replaces "private property individually earned" as the engine of accumulation. This extension of scale marked the real birth of the "capitalist mode of appropriation," with the most important feature being the complete "socialization of labor" (1976[1867]: 928-929). This is indicative because mass unemployment—a kind of economic paralysis—seemed more of a reality now than at any other time before (Hutchinson 1978; Winch 1992; Dean 1995). And this provided ample proof supporting the sense that something was "wild, blind, relentless, unbridled" about the economy, which helped renew interest in Malthus' claims about the possibility of a superfluous population. The report of the Royal Commission on Trade and Commission, published in 1886, put the problem well when it observed that "the struggle for an adequate share of employment" had become, by this point, "the only means of obtaining title to a sufficiency of ... necessities and conveniences" (quoted in Kumar 1988: 164).

Of course, whether a focus on "orders of worth" can accommodate capitalism when the latter is treated as a structure that seems "wild, blind, relentless, unbridled" is an altogether different question, but it needs to be answered. As the critique goes: "the danger of a view of history that not only rejects the role of the economy or other forms of structural determination, but also substitutes for the regularities of discourse the creativity of idiolects, and the microscopic variety of situational semantics is that the resulting ensemble will be too

boneless to fulfill the rudimentary requirements of historical explanation" (Stedman Jones 2002: 103).

There is some truth to this critique, particularly the sense that claims (particularly macro-historical) made from an orders of worth perspective are "boneless" to the extent that they remain unable to accommodate any kind of "forcing causality" (as exercised by a fundamental economic transformation or by the class structure itself) into their arguments that is not already cultural. In this regard, it allows little room for the sense than "men don't make history simply as they please" but relative to circumstances that are exceptional (and sociologically relevant) for the very fact that they aren't "self-selected" (to paraphrase Marx). While I do not employ as situational a focus as Boltanski and Thevenot themselves do in their more micro and ahistorical moments (2006[1991]; Thevenot 2000), I do incorporate an "ensemble" of orders of worth in order to move beyond a structural determination of morality, or in this case the view that meanings of social justice are determined either by social location (class, race, gender) or by the mode of production and its associated social problems (Immergut 1998; Douglas 1986). The point here is that even granting the Lancashire Cotton Famine as an "event" that issued from the capitalist world-system doesn't gain much traction as one tries to account for the range of social justice meaning that emerged during this period; more specifically, the interpretive task cannot be reduced to drawing this kind of connection, although it does help to acknowledge it. Indeed, as I claim, the best way to incorporate social structure as part of interpreting the long-term normative significance of the "field of social reform" is to understand how these social reformers themselves acknowledged it (as an immutable "force") and accommodated their normative claims to it.

I mention this not because I seek to recover a "spirit of capitalism" from the arguments of this period, but because an acknowledgement that the economy is a "wild, blind, relentless,

unbridled" *force* seems to characterize the arguments that emerge from this period, which is something new to the discussion. Whether or not it is true, whether capitalism is actually an ontologically real and "wild, blind, relentless, unbridled" force is beside the point. What is important is that arguments that I analyze in this chapter, which drew from both the civic and market forms of worth, acknowledged the presence of this "thing" and accommodated their arguments to it. Thus, the meaning of social justice drifted away from "how people should behave in order to achieve the best possible political arrangements," focusing instead on how they should behave "under specific and analyzable circumstances" that somehow *cause* their condition (Pagden 1987: 346). In this sense, social order was less a product of morality and more a product of "positive law" (Soffer 1978). Historians of social thought treat this as a signal of the modernization of social science discourse, as it shifts away from a moral (and political-philosophical) style of claimsmaking toward the scientific (Baker 1964; Brown 1986).

As Peter Wagner argues, this period marked the transformation of political philosophy into social science: "the basic questions [were] maintained, but [were] answered by different means" (1998: 255). If justified social order remained the fundamental concern, a "substantive ontology ... now claimed to be internal to the social world" increasingly found its way into meanings of social justice (Wagner 1998: 256). In this sense, the arguments that emerged from the field of social reform were highlighted by a kind of "spirit of capitalism" because they were less concerned with identifying individual motives, and developing moral tests from these, and more concerned with morally accommodating people to a reality beyond anyone's control.

The instance that secured this perspective was the Lancashire Cotton Famine that ravaged cotton mill towns in the northwest of England between 1861-1865. The "famine" (although few starved to death as a result) was triggered by the dramatic and sudden decrease

in cotton imports from the southern states as a result of the American Civil War. As Thomas MacKay put it in his history of the poor laws: the Lancashire Cotton Famine was the "most serious crisis with which the English Poor Law has ever had to grapple" (1899: 388). This was true particularly because of the questions it raised about poor relief relative to the definition of "able-bodied," which as noted earlier were the kind of workers that the 1834 Poor Law wanted to move off of Speenhamland-like systems of provision and onto the labor market. As MacKay continues:

The attitude of the new Poor Law towards the able-bodied man is based on the assumption that in normal times the market is the best distributor of labour. If there is a dearth of employment in a given trade, and a consequent necessity for relief, it is not advisable that the Poor Law shall lend itself to the system ... of keeping labourers like potatoes in a pit to be used when it suits the masters' convenience, leaving them at other times to be dependent on the parish. Relief must be given, but on strict terms, such indeed as will induce the labourer to look in every direction rather than to the Poor Law (1899: 394).

By putting a vast number of "able-bodied operatives" suddenly out of employment, and without any means other than the limited resources of the workhouse to survive, the Lancashire Cotton Famine put into question the logic behind the 1834 Poor Law. As Mackay suggests, it brought into question whether the market was the best distributor of labor. The market couldn't be justified in a scenario where the absence of employment meant that employers could simply "keep laborers like potatoes in a pit," using them at their leisure. But counteracting this with more relief reintroduced the Malthusian problem of the absence "goad of necessity" and therefore the encouragement of pauperism. Taken together, these issues removed the effectiveness of the "strict workhouse test" as an assessment of worth. Where the New Poor Law was drafted without recognition of a "wild, blind, relentless, unbridled force" that might *force* people into circumstances defined by the Poor Law as immoral (or at least with immoral causes), the Lancashire Cotton Famine proved to be exactly that kind of episode.

Compounding this problem was the response: vast amounts of private charity (Shapely 2001). Indeed, the primary relief fund—the Lancashire and Cheshire Operative Relief Fund (or Mansion House Fund initiated through the Lord Mayor in London)—raised £528,336 between May 1862 and June 1865 (Henderson 1969: 79). The money was used to fill the holes in an overstretched Poor Law, but ended up fulfilling the brunt of the relief work. By doing so, however, charity rendered the Poor Law system obsolete, as the aid found its way, with little discrimination or oversight, into the hands of the "able-bodied."

The Emergence of Charity Organization

Mass charity, and its negation of the market form of worth, triggered a process that would eventually see the emergence of a variety of new, and subsequently very recognizable, ideas about social justice. The best place to start describing this process is with the emergence of the Charity Organisation Society (COS) out of the context of the 1860s. The most important reaction against the relief efforts associated with the Lancashire Cotton Famine was the “campaign” or “crusade” against outdoor relief initiated in the late 1860s (Mowat 1961; Rose 1966; Mackinnon 1987; Hurren 2007). It started when, in the winter of 1869, George Goschen, President of the Poor Law Board, published the “Goschen minute, which criticized the persistence of indiscriminate giving and also the lack of coordination between Poor Law and the various charitable organizations that had sprung up to address the same problems (Goschen 1971[1869]).

The COS was born from this document. Goschen recognized both the problem of indiscriminate charity and also the lack of coordination between the Poor Law and charity. For him, evidence came with Lancashire and, for London in particular, the considerable increase in “out-door poor” during the winter of 1867-68, which Goschen linked

to the accumulation of paupers in “districts where money flowed most freely” (1971[1869]: 226). The problem was serious enough to jeopardize the deterrent aim of the Poor Law. The fear was that paupers were simply “refusing the house” due to the abundance of private charity and “outdoor relief” given by the Poor Law without requiring entry to the workhouse (Wodehouse 1871). Dealing with this, however, required that those in charge of Poor Law relief tread the fine line between the “fundamental doctrine of the English Poor Laws ... that relief is given, not as a matter of charity but of legal obligation” and the popular “belief in a legal claim to public money in every emergency,” which in the 1860s had “[supplanted] ... the full recognition of the necessity for self-reliance and thrift” (Goschen 1971[1869]: 227).

Here, Goschen pinpoints the quandary that emerged when the deterrent “principles of 1834” confronted the problems of the 1860s. What the apparent explosion of pauperism (during the 1860s) revealed was a weakness in the orientation of the Poor Law towards the “right to relief.” The 1834 Royal Commission (which initiated the Poor Law reforms) had recognized this, and further recognized the difficulty it presented for those trying to apply the Poor Law guidelines absent the appropriate “test” of destitution in the administration of relief (Poor Law Report 1834: 271-272; Snell 1985: 112). Broad enforcement of the offer of “the house which none will enter voluntarily” in exchange for relief was intended to manage the difficulties that arose when this problem of classification met with what the parish poor still regarded as their “birthright”—“a right to relief” (Snell 1985: 112). However, by the 1860s, the Guardians could not, on their own, and often with few deterrent resources, justifiably limit the relief they applied to the poor.

As a response, Goschen advocated instituting a division of labor between charity and the Unions that would essentially replicate, in practice, the New Poor Law’s distinction between the “actually destitute” and those simply “in poverty” (1971[1869]: 227). To do this

required a redefinition of the “right to relief” as now a matter of charity. For Goschen, this was ideal because charity only offered “alms [that] could in no case be claimed as a right.” Thus, as a practical solution, the Poor Law would handle the “totally destitute,” while charity would handle “those who have some, but insufficient means, and who, though on the verge of pauperism, are not actual paupers” (1971[1869]: 228-229).

The wider context for the Goschen minute is what historians refer to as “the Crusade against outdoor relief” which emerged as a movement among Poor Law inspectors to develop a new approach to poor relief in reaction to the excesses of the 1860s (Rose 1966; Mackinnon 1987; Hurren 2007). The problems of the 1860s highlighted the persistence of outdoor relief and the lack of uniformity across parishes and unions in dealing with distressed cases, which in many instances had not been significantly altered by the deterrent provisions of the New Poor Law (Webb and Webb 1926: 435-468; Rose 1966: 609). For the Crusade, the solution was to abolish the *expectation* of outdoor relief among the poor. This involved broad enforcement of the workhouse test. Uniquely, however, the Guardians were also asked to publish codes of rules specifying the terms for obtaining relief. In this way, the poor would be “effectually taught, to look for no aid from Poor Law relief, as a matter of certain expectation or of right.” To the extent that this made “legitimate relief” more restrictive, the Crusade, following Goschen, created a role for charity: it would “exercise the peculiar function of mitigating the necessary severity of the Poor Law” by assuming control over “deservingness” (Longely 1873-74: 13, 43). The goal was to redefine the implicit “right to relief” created by the Poor Law as now a matter of charity, “whose alms could in no case be claimed as a right,” thus supplanting what was thought to be an inadvertent creation of pauperism (Goschen 1971[1869]: 227-28).

The COS was a product of the 1869 Goschen minute and it grew as a response to the unprecedented rise in charity in the 1850s and 1860s. By one estimate, the aggregate income of London charities in 1857 was £2,441,967 (Low 1862). In 1869, the same income at £4,079,262, with £7,368,862 coming in total expenditure on the poor (Hawksey 1869). These levels are likely attributed to the series of depressions, and severe winters, that hit London between 1866-69, not to mention the holdover in charitable sentiment extending from the Lancashire Cotton Famine that occurred earlier in the decade (Ryan 1985: 142-145; Boyer 2004: 410-411). Nevertheless, the impression this created, particularly among an influential segment of the London elite, was that excessive charity broke “the natural distinction [with] the Poor Law” (Stedman Jones 1971: 255). The option now seemed open for the poor to “choose mendicancy over work,” and for elites still informed by Malthusianism, this meant only demoralization and pauperism.

The COS entered this setting in 1869, and it rapidly became popular for its claim to fix “the problems of unorganized charity.” The broader context for this message is the following: for the first half of the 19th century, obligations from rich to poor in London largely occurred along seasonal guidelines: asylums for the houseless poor were opened in the winter and closed in spring. A stoneyard was opened in most urban parishes during January and February to help fight the worst distress. Charities, meanwhile, concentrated their fundraising during Christmas (Stedman Jones 1971: 264; Owen 1964: 164-66). While mid-Victorian critics were scathing of these practices, the arrangement provided for urban stability, or at least assuaged concerns of urban elites for the danger posed by the urban poor. The most important point, however, is that *charity*, or practices involving a “gift relationship,” that largely accomplished this outcome (or seemed too).

Thus, in this context, the “deformation of the gift” during the excesses of the 1860s is what raised such pitched levels of concern among London elites. The COS was therefore appealing for its claim to “systematize the benevolence of the public,” restoring the ability charity to moralize the urban poor through the gift (COS *First Annual Report* quoted in Owen 1964: 221). To do this, the organization would apply a “scientific” approach to charity, based largely on limiting the easy availability of charity and scrutinizing each "case" or gift relationship.

By 1872, there were 36 district offices located throughout London, and they pioneered the application of casework (Mowat 1961: 22). COS offices tended to be located next to Poor Law unions in order to coordinate efforts between charitable organizations and the Poor Law and distribute relief applicants between each. Applicants would come first to the COS office where agents took down the “particulars” of their cases. Agents also checked out references with landlords, employers and family members of the person. “Visitors” (primarily women) were also assigned to visit the homes of applicants. The information gathered would subsequently go to advise a district committee on the “deservingness” of a specific case. This decision determined whether the applicant received charity or whether they entered the Poor Law workhouse (Mowat 1961: 30).

Membership in the COS was never substantial. 73 were on the central committee in 1871, and this number only doubled in 1898. The number of cases it handled fluctuated between 19,000 and 22,000 from 1876-79, which marked the height of COS influence in London (Mowat 1961: 34, 44). Yet, for the “educated lay public, the COS stood for a philosophy of charity” that was dominant from the 1870s to the early 1880s (Mackinnon 1992: 606). That it had this kind of appeal is reflected in its membership roll. At the inaugural COS council in 1869, the aristocracy, religious leaders, MPs, bankers, doctors and barristers, and

military leaders were all prominently represented. Its appointment of 24 vice-presidents in the early 1870s included dukes, earls, marquises, and viscounts (Humphreys 1995: 60). Charles Dickens was an early supporter, as was John Ruskin, William Morris and Leslie Stephens. The Webbs would later characterize the COS as “the most exclusive of sects” (1927: 456).

Significantly, the COS did not initially dispense relief—“the true work of the society [was] *investigation* and *organization*” (Hicks 1875: 6-7; emphasis original). In this sense, it was the COS’s claim to provide knowledge about the poor, and its ability to exercise judgment on this basis, that made it appealing to the aristocracy and the professional elites at the head of London society. On the one hand, this promised to make metropolitan class relations resemble those created by the “gift relationship” prior to the 1860s. Indeed, it was along these lines that Octavia Hill justified the investigatory/casework approach to charity because of its ability to create “sympathetic” relationships between rich and poor: “district visiting [was a] test of the sincerity of a man or a nation” and its goal was to teach lessons in “living very nobly” (Hill 1877: 17). On the other hand, the COS appealed to professionals of scientific bent, and “hard-headed severity,” by promising to root out indiscriminate alms-giving and provide a satisfactory (objective) basis for determining “deservingness” (Stedman Jones 1971: 270). As argued below, however, this appeal to a “scientific” grounding, and objective basis for “deservingness,” playing an important role in sparking opposition to the COS in the 1880s.

Breaking with the COS: Samuel Barnett and Beatrice Potter

By the late 1880s, then, the COS’s hold over provision for the poor had effectively ended. Whatever clarity it offered about the London poor, and whatever effect it had on

restoring the "social fabric" of the city, no longer sufficed in the new setting. For the emergence of the field of social reform, the most important effect was to draw attention toward contradictions in the COS's views about the "worth" (i.e. "deservingness") of the poor and how to determine it. This became particularly apparent in the 1880s, as the COS's position waned and the social problems associated with 1880s—and with the "Great Depression" more generally—intensified. The situation was, in this sense, primed for reformers to notice "displacements" of worth, or instances in which "established tests are circumvented. All of a sudden, some people succeed [or fail] in a different fashion" (Boltanski and Chiapello 2005: 499). The result: "accumulating displacements [helped] undo established tests" as the latter become unable to signify a justified worth.

In particular, the "accumulating displacements" associated with unemployment became especially clear in London at this time. To the extent that, as noted above, employment was, for the majority of the population, the only means of obtaining necessities, the situation was ripe to *displace* the "market test" as a legitimate assessment of worth, only requiring the spark provided by mass unemployment episodes, so characteristic of the London economy in the 1880s, for the "failure" of the poor to become morally uncertain (i.e. "through no fault of their own"). Indeed, this is the context in which a "consciousness of sin among men of property and intellect" can easily take hold (Webb 1926: 179). More generally, the collapse of the COS, and the veneer it cast over understanding poverty, enabled "displacement" to occur, in this case resulting from the organization's marked inability to offer a criteria of "deservingness" when it mattered most—as it did in the troubles of the 1880s. The best way to explain what this meant for the field of social reform is to examine how the break with the COS occurred in first-person experience. The stories of Samuel Barnett and Beatrice Webb (*nee* Potter) are exemplary.

The son of a wealthy bedframe manufacturer, Barnett was among the first to become involved with the COS, joining shortly after the organization was founded in 1869. With Octavia Hill, he began a movement for charity reform in St. Jude's parish, in the heart of the East End, where he was both Vicar of the church and a member of the Board of Guardians. His involvement with the COS in the 1870s reveals a close identification with its principles. For example, in 1874 he proclaimed: "The relief of the poor is a matter which I hold to be of the greatest importance. Indiscriminate charity is among the curses of London. To put the result of our observation in the strongest form, I would say that 'the poor starve because of the alms they receive'" (Barnett 1919, I: 83). At the Poor Law Conferences the next year he argued that poverty largely stemmed from the conviction among the poor that they had a "right to food without work." Outdoor relief and indiscriminate charity therefore inflicted a "loss" on those receiving relief. In this sense: "a kind gift makes paupers [because it] weakens in the recipient the power of doing his duty" (Barnett 1875: 56-57).

And yet, during the winter of 1880-81, audible tremors started to appear:

The severe winter tests our system of relief. For the first time, during the last eight years, we had to deal with applicants in need of immediate help. The question was, should we give the help, or should we think first of the self-respect it has been our aim to cherish? (Barnett 1919, II: 231).

"The principles," as Henrietta Barnett referred to them, "made life very difficult" for COS workers in the East End at this time (230). In the midst of further troubles in 1883, it seemed to her husband that the

question of poor relief is rushing for solution ... Before this question is solved, a demand may arise for means to prevent the loss of life which, in East London, is yearly greater than on any battle-field, and the answer to that demand may unsettle much that is thought to be fixed (233).

This kind of uncertainty continued to mount as the characteristics of the poor seemed, to Barnett and his wife, to change over the course of the 1880s.

Beatrice Potter, meanwhile, joined the COS after a comfortable, sheltered childhood, the daughter of a prominent railway entrepreneur. Herbert Spencer was a family friend, and he and Potter were particularly close. Indeed, it was from Spencer that she became interested in "human studies," which became her primary motivation for joining the COS in early 1883 (Webb 1982: 83). Initially, Potter found the COS perspective very conducive, lauding praise on Octavia Hill and emphasizing "sympathy" as the means to surmount the "impassable barrier" of human nature and "acquire knowledge" (76). "Friendly visiting" could therefore solve the social problem, as it alone created "living links" between rich and poor.

Yet, as Potter became more versed in the COS technique over the 1880s, her dissatisfaction grew. There was a sense, she argued, that the work of the COS meant that there was "*less harm done*" to the poor than otherwise. However, for lack of any "general considerations," COS workers had few resources for judging merit when they came "face to face with individual misery." The problem, Potter decided, was that the COS took no account of the "effect on society" when deciding the merits of a case. As a result, it seemed "*distinctly advantageous to us* to go amongst the poor," but she had no confidence that it actually helped them or helped "society" (1982: 85; emphasis original).

Soon thereafter, Potter (Webb 1982: 86) asked the following about a man who had lost his job, "took to opium eating [and was] now unfit to work," despite having a wife and three young children:

One is tempted to a feeling of righteous indignation against the man, but did he not make himself wretched and is he not on the whole more pitiable?

Viewed this way, his problems could or could not be his own responsibility—the situation could "pass" either test that would reveal this. The case revealed, in stark terms, that the COS was incapable of determining the man's "deservingness." This episode solidified Potter's break with the organization.

When she did leave with the COS, Potter would explain her departure in the following way:

according to these excellent persons it is individual suffering that must be relieved not the common good considered ... I maintain that I am the *true socialist*, through my willingness to sacrifice the individual to the community" (197).

Here she suggests a purely objective way of defining individual "worth" in opposition to the COS's shortcomings. Later, after reflecting on her mingling with "great City financiers" and "East End wrecks, waifs, and strays" alike, she would envision the end of the "individualist system" and the beginning of a "socialist community" organized by "*a career in which ability tells*" (322; emphasis original).

Thus, having both travelled the path of the COS, Barnett and Potter became increasingly critical of it by the end of the 1880s. What their stories reveal is the recognition, over this time, of a morally problematic situation involving the poor, highlighted by the COS's inability to offer a solution. More specifically, despite its scientific and professional claims, the COS did not offer a way to determine "deservingness" where the burden of decision was *not* subjective. This made the "work of the COS" exceedingly difficult for those on the ground, among the East End poor (like Barnett and Potter) during the 1880s. The growing mismatch yielded a context that, to Barnett and Potter (and to other urban elites), seemed pregnant with the possibility that the poor were "worthy" in ways not defined by the COS criteria. In this situation, the task became finding a way to define what that worth could be.

The Structure of the Field of Social Reform

The collapsing authority of the COS was what triggered the emergence of the *field of social reform* in the 1880s. How was it structured? What were the coordinates that each position "lined up" according to? Two arguments drawn from the time are indicative here. The American

Henry George, whose wildly popular lecture tours in the early 1880s galvanized British reformers, would claim in 1879 that “our primary social adjustment” at present “is a denial of justice ... It is something grander than Benevolence, something more august than Charity—it is Justice herself that demands of us to right this wrong ...” (George 1879: 548-549). Arnold Toynbee, meanwhile, among the most influential figures of the period before his untimely death in 1883, furthered the claim: “We—the middle classes, not merely the very rich—we have neglected you, instead of justice we have offered you charity; and instead of sympathy, we have offered you hard and unreal advice; but I think we are changing” (Toynbee 1883: 53-54). Here, the inadequacy of the *practice* of charity by elites was at issue. The contrary, they believed, was justice; but what justice meant, and how to *act* for it, remained unclear.

A justice/pity opposition is an accurate model of the general thrust of the reaction that marked the 1880s. As mentioned above, I draw out a "formula" for each position. I draw this concept from Bourdieu, who uses the term "generative formula" to refer to "a unitary set of preferences" or forms of practice that correspond to a position inside a field (Bourdieu 1996b: 302-304; 1984: 173-174). Together they would structure the field of social reform and set the parameters for the meaning of social justice in this context. The meaning of each stance is therefore grounded in the implicit contrast it creates with all the other available positions (Bourdieu 1993).

The coordinates of the opposition are sketched as follows: justice is primarily a matter of resolving disputes, and it therefore requires reference to something objective that offloads judgment and justifies a stance on the disputed condition. Pity, on the other hand, does not ask the same questions about justification because it does not require a third-person referent. This mode of action is individually motivated and sentimental. In fact, to be expressed about a condition of suffering that is not physically present, pity requires a

representation of that condition that evokes the sentiments that would be evoked if it were physically present. Here, misery is category that refers to a group separated from the fortunate by luck. It is not a *condition* that attaches to someone or some group, for objective and identifiable reasons, as it is for justice. Pity cannot therefore determine whether suffering is deserved; its normative coordinates are derived from moral frameworks in which a benefactor seeks legitimacy (i.e. *noblesse oblige*). These differences are represented in Figure 2.

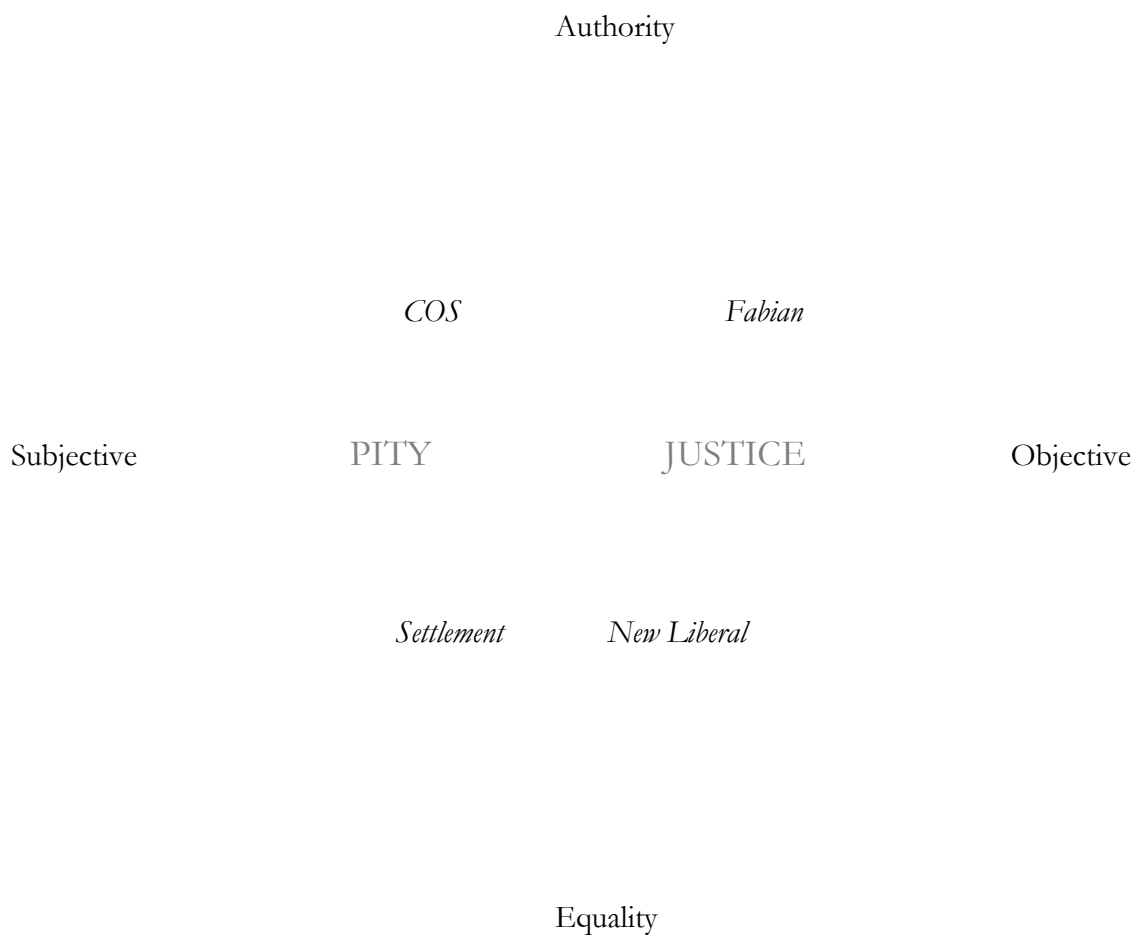


Figure 2: Positions and dimensionality of the field of social reform

Here, each figure is placed inside a field created by a subjective-objective opposition and an authority-equality opposition. The first is defined relative to the presence of an

objective, neutral or third-person referent in the evaluation of the poor; the second according to the actor's orientation to their own relationship with the poor. More specifically, do they maintain social distance or put themselves on the same level as the poor by presuming a basic commensurability? This difference suggests a stance on the spokesperson role: do they to speak for the poor and impute wants and interests to them? Taking both into account: a "pity" mode is characteristic of the left side of the diagram, while a "justice" mode is characteristic of the right. The division here reflects a stance on the question: Do they submit their own position to the same standard of worth that they apply to evaluate the condition of the poor?

In what follows, the analysis starts with the post-1880s COS, before moving on to the Settlement Movement, Fabian Society and ending with the New Liberals. The goal is to derive the formula that indicates the *modus operandi* reached by each group in shaping modes of action for the new situation. The following analysis is *ideal-typical*. The goal is to facilitate comparison by drawing out the distinction that best classifies a group occupying a position in the field.

The COS in the 1880s: "Character is the Condition of Conditions"

The COS was the old-guard during the 1880s. However, it is indicative that rebuilding took place from their embattled position at the same time as reformers moved to hasten its downfall. Indeed, throughout the 1870s, there was uncertainty within the COS about the nature of "deservingness" (Woodroffe 1962: 34-35; Mowat 1961: 35-36). Yet never did this produce a sustained attempt to develop a theory of its meaning or criteria outside of practical application. However, under the guidance of Charles Stewart Loch and Bernard Bonsanquet—the former became general secretary in 1875; the latter, the unofficial

“philosopher in residence” of the organization in 1881—one of the ways the COS responded to the 1880s was to become more cognizant of that practice. Thus, the COS became a wellspring of ideas about the role of charity in society and the nature of “ethical citizenship” in response to the “check” on its mode of practice created by the troubles of the 1880s.

The best way to introduce the COS's position is to first explain Bosanquet's difference from Herbert Spencer. Initially, it might seem puzzling why Spencer wasn't involved with the COS. He did, after all, favor acts of private beneficence, and this stance led him to develop an early critique of the Poor Law (Spencer 1993[1836]). For Spencer, justice was an act such that you “receive what you deserve” without denying others the freedom to receive what they deserve (Weinstein 1998). It was a critical part of altruism, which was itself an essential characteristic of “civilized” societies. But for Spencer justice could only develop as “altruistic” if it were first “egoistic” (1873: 613-614). Indeed, even knowing what justice meant was attenuated by relief efforts that arbitrarily offered rewards without securing a corresponding egoistic sense of deservingness. In this regard, Spencer is a transitional figure in the trajectory of the field. While concerned with justice in society, he didn't infer from this a normative model of society. For him, the just society was *not* a necessary condition for social justice—the latter simply resulted from the cumulative presence of the “egoistic feeling” of deservingness.

That Spencer was significant for Bosanquet's position in the field is evident from the latter's critique. The vitriol is remarkable: “the Dante of philosophers” would, according to Bosanquet, reserve the “lowest circle of the inferno” for Spencer (1895: 295). The hostility is likely provoked by the fact that Spencer represents the closest analogue to Bosanquet's position, but also that Spencer's argument is one that does not accept the organizing *nomos* of the field (social justice), towards which Bosanquet now shifts the discussion. For Bosanquet,

Spencer popularized the importance of the individual in social reform, but did so in a dangerous way. Spencer makes society auxiliary to the meaning of justice, when, for Bosanquet, society alone is what constitutes its meaning. From this perspective, Spencer's model of individualized selection (and Social Darwinism as a whole)—developed, from Bosanquet's point of view, as a false analogy with the natural world—is misguided because it doesn't recognize that, in human societies, the object of selection is not individual survival, but rather “the struggle for a place in the community” (294). The community determines the value of individual characteristics, and the individual “justifies his existence by definite qualities” to the community as a whole (298).

Regardless of the accuracy of his assessment of Spencer, it seems clear that the distinctiveness of Bosanquet's notion of the “ethical individual” is understood most clearly in contrast to Spencer's “egoistic individual” (Vincent 1984). As Bosanquet claims, social reform should achieve “the fullest development of the life” of the individual. This did not preclude a struggle for existence, which is in fact what assures “the existence of human qualities.” But the struggle is itself enframed as a struggle to participate in society (1895: 290-91). Thus, the individual struggles to justify herself to the community, but in doing so simultaneously realizes her “fullest development” as an individual.

For Bosanquet, what this really meant was a redefinition of social class. Social class was not essentially economic; nor was it not simply a reference to material conditions. Instead it constituted the “group or body in which we are called out for a distinctive service” (Bosanquet 1899: 313). Here, Bosanquet appears to draw on T.H. Green's notion of “being” as “gladly doing and suffering what we must” (Green 1886: 309). However, if Green meant the fulfillment of an internal law—“becoming what it is in you to be” by questioning your preferences and acting for permanent goals instead of transitory ones (his example is being a

good father)—Bosanquet makes the concept sociological, introducing the concept of function (he cites Durkheim's *Division of Labor*). In this instance, what social class refers too is a functional position that “renders society a service.” Only insofar as we achieve a “vocation,” in this sense, do we possess “individuality,” which is dependent on fitting with the “social logic” (1899: 314-15).

Indicatively, as they adapted to the new circumstances in the 1880s, the COS adopted a more generalist criteria, approaching a third-person referent, which led them toward a justice stance. Notably, however, the organization never relinquished the basis of its original stance; it was based on pity and remained so throughout the period. Therefore, during the 1880s, the COS developed moral systems that preserved a traditional mode of action.

In this sense, the orientation of the post-1880s COS fits with what be called a “politics of pity” (Boltanski 1999: 3). On the one hand, pity is defined by the absence of an objective or third-person referent. Politics, on the other hand, requires a general orientation, applicable to entire groups. Trying to combine the two marks the novelty of the COS positioning in the 1880s. Bosanquet was among the most important idealist philosophers in Britain at this time, and it is largely through an idealist terminology that the COS developed a generalist criterion and became a politics. The objective entity was, in this sense, a variation on the “general will,” with “character” satisfying the appeal to individual sentiment and society therefore conceived of as an “ethical context” (Bosanquet 1890: 296; Harris 1992: 131-132).

From Bosanquet's perspective, then, “mind and society are really the same fabric regarded from different points of view ... Every social group is the external aspect of corresponding mental systems” (1890: 158-159). Applied to inequality, this approach dematerializes differences in condition: “Wealth has weight only because we give it weight” ... “Our growing experience of all social ‘classes’ proves the essentials of happiness and

character to be the same throughout” (289). Applied to social class, it renders them non-economic. Social classes are instead “ethical ideas” constituted of “the group or body in which we are called out for a distinctive service.” This leads the COS toward *duty*. Indeed, from this angle, the poor become a “people without means,” with the goal of charity “to get them back into a function” (319). Loch echoes this: charity tries for “improvement in membership” in society by encouraging “the recognition of the obligation of social purpose and [acting] in obedience to it” (1923 [1887]: 67).

The outcome: social reform should *not* involve an improvement of social position. Although the direction the COS took in the 1880s approached a justice stance, their response to the “ethical paradox” was to create a moral system that transcended the materiality associated with social conditions. The poor were separate from elites, but they were not forced into their condition. They were “unfortunate” according to a material standard, but not incapable of attaining “happiness,” or the “best state of being,” because that was a condition autonomous of material circumstances. Ultimately, inequality and poverty were merely the setting for the realization of a social ideal that was, in this sense, differentiated out as a *subjective* condition.

The consequences of this become clear in Bosanquet’s 1907 critique of social reform. He begins by accusing socialism and *laissez-faire* of individualism as both miss the connection between “spirituality” and the social good: “In commonplace socialism you break up men’s lives into a series of disconnected wants, and society in to a crowd of applicants for benefits; in commonplace *laissez-faire* you fail to indicate any path by which a higher or social interest may find outward response and expression” (Bosanquet 1907: 10-11). He then argues that contemporary social reforms are “rough and mechanical” because they focus solely on “legal provisions and acts of public and private administration.” They cannot “directly affect

anything except central circumstances.” As he puts it: “Simply to *do* in every case what you desire to *see done* is a policy that frustrates itself” (26-27). The goal, instead, should be to “elicit a response of the mind” by acting in ways that encourage an acknowledgement of duty by those who would be recipients of the reforms. Thus, in Bosanquet’s terms: “the test by which we are to judge of proposed social reforms is the old one of their tendency to develop character and capacity” (29).

The problem for the COS was therefore to preserve a pity orientation, while at the same time generalizing its application and, in this way, adapting to the circumstances of the 1880s by presenting a stance on “how to do” social reform. We can derive the following formula from their attempt: “in social reform, *character is the condition of conditions*” (Bosanquet 1895: vii-viii). What this suggests is that character is the primary criterion to evaluate the condition of the poor. No material condition is impoverished if it encourages an expression of character. On these terms, the outcome of social reform is determined according to how well it encourages the recognition of duties associated with “a station in life,” which is what leads to the realization of society as a collective “ethical order”—or where everyone expresses character traits associated with living up to duty (Loch 1904a: 20-21).

Thus, in this sense, the COS repurposes “character” in order to adapt its traditional method to new circumstances (Collini 1985). This application of character is distinctive, because, in COS approach, it becomes the attribute that “justifies” someone “to society” (Loch 1904b: 125-126). This is the closest the COS gets to justice, only the approach is still absent a standard to determine the possession of “character” outside the COS technique itself. What we can read in the COS ideology is, therefore, 1880s ideas linked to an incumbent mode of practice, now attempting to retain what was first developed in the 1860s. Indeed, after accounting for this moral system, Loch would eventually envision COS agents trained to

judge the “social habit” of the poor and to decide whether aid would deter them from meeting “the urgencies of their social position.” In the post-1880s COS, then, a traditional model of charity is linked to an obligation to benefit society as a whole, only now justified by the ramified effect of individual expressions of character, or what is “*duty*: the recognition of the obligation of social purpose and [acting] in obedience to it” (Loch 1923[1887]: 82).

5.6 The Settlement Movement: “Making the Best the Most Common”

The Settlement movement began when Samuel Barnett founded Toynbee Hall in East London in 1884 (Abel 1979; Meacham 1987). The distinctiveness, however, of the settlement position emerged in critique of the COS. The Settlement Movement was representative of the 1880s, but it marks a transitional mode of practice. While it argued for equality between rich and poor, they were still separate groups instead of separate conditions. In other words, the Settlement Movement never presumed an objectivity that could justify social inequality and its own elite status. Absent this, the motive force for reformist action was still conceived of as individual sentiment. This ambiguity made it a lightning rod for criticism, as it often appeared to later reformers as the worst example of paternalism (Masterman 1901: 35-38).

A notable reaction to the COS by the Settlement Movement is the lecture “What has the Charity Organisation Society to do with social reform?” given by Henrietta Barnett in February 1884 (1888a). Here, she critiques a lack of organization in “charitable effort” with the argument that “seeing that money unwisely bestowed does great harm, [the COS] have hastened to organize it, neglecting meanwhile to organize effort, which for the creation of good is stronger than money for the creation of evil” (165). The charity worker is “exceedingly honourable about money” and “methodical and business-like” (163). But is this the best application of “charitable effort”?

Thus she draws the following hypothetical: is it possible that certain cases might “require no relief which the COS can give—the relief which comes through books and patience-preaching pictures, the relief which follows the introduction to singing class leading the choir, or which comes through the hand-grasp of the wiser friend when the road is unusually drear?” (Barnet 1888a: 168). On this grander view, charity should be “organized to remove some of the social conditions which stand as barriers to prevent [people from living] the highest, fullest, richest life” (168). Indeed, this leads to a further insight: “charity should help both rich and poor.” There are “hindering barriers to the rich man’s life.” Charity can be a “bridge” that “one set of condition-hindered people can cross to reach the other set of condition-hindered people”(168-69).

Thus, from this critique of the COS, what Barnett is led to advocate is a kind of *non-assertion* of elite class distinction. Unlike the COS, the goal is not preserve distinct classes, but rather for elites to use charity to bind them together. The position is further predicated on the following experience: “which of us, having once seen a Whitechapel alley at five o’clock on an August afternoon, and realizing all it means, besides physical discomfort, could go and enjoy our afternoon tea, daintly spread on the shady lawn, and not ask himself difficult questions about his own responsibility—while one man has so much and another so little?” (Barnett 1888a: 169). This is the ethical paradox that the COS can do nothing about. Tactically, this leads Barnett to conclude that the “COS adopt a larger policy or a more embracing area of work,” one which does not neglect “the far-away issue ... the life of man raised to its perfect fullness (171-72).

Samuel Barnett further developed the critique during a November 1884 lecture at St John’s College, Oxford. “The poor need more than food: they need also, the knowledge, the character, the happiness which are the gift of god to this age. The age has received His best

gifts, but hitherto they have fallen mostly to the rich" (1888b: 97). He expands this to challenge the COS ideal: "the life of the thrifty is a sad life" (1888c: 242-243). Indeed, it is "the saddest monument ... 'the respectable working man,' who has been erected in honour of thrift. His brains, which might have shown the world how to save men, have been spent in saving pennies; his life, which might have been happy and full, has been dulled and saddened by taking 'thought for tomorrow'" (1888c: 243). For Barnett, what the shortcomings of the COS reveal is that the problem is not lack of thrift; the problem is that the "best life" is monopolized by elites (1888b: 97-98).

Furthermore, the COS was hypocritical for just this reason. Its prerogative was with authority, but this was the wrong application of a dominant position. The Settlement Movement developed on a similar principle insofar as they claimed to be giving the "best life" to the poor. As opposed to the COS, however, the Settlement Movement did not intend a strict preservation of relations of authority that kept the poor in their place. Rather, it was based on a view of class relations portrayed in Henrietta Barnett's imagery of "Mountains and valleys ... [and] hills that lend their beauty to the dales—their torrents fertilize the low-lying lands, and the loft mountain crag which first gains the light, and is the last to lingeringly let it go, gives back its reflected glory to gladden the shadowed valley" (1888a: 172).

The "high" should go to benefit the "low." This is what justifies a high status. The prognosis, however, is rooted in a basic equality: "the truths with which we have become familiar [are those that indicate] the equal capacity of all to enjoy the best, the superiority of quiet ways over those of striving and crying, [and] character as the one thing needful" (Barnett and Barnett 1888: v). In this sense, the Settlement Movement technique would develop character, and this keeps the position firmly on the left side of Figure 2. Unlike the COS,

however, character was not measured by thrift or the fulfillment of duty. It was evident in this “equal ability to enjoy the best.”

The “practicable socialism” the Barnetts advocated would create an environment where “character” was exercised, where people “would work well at whatever their particular job might be, by affording them a measure of present comfort and enjoyment and the promise of a future that held more than simply misery” (Meacham 1987: 73). The mode of action, then, would be to equalize the benefits of being at the top of society. Hence, the formula for the Settlement Movement: “*making the best the most common*” (Barnett 1888b: 108). When the Barnetts founded Toynbee Hall, it followed directly from this stance: featuring an extensive educational agenda, concerts, lectures, art instruction, sports clubs, travel clubs, and a library—all intended to enrich the poor denizens of the East End. Toynbee Hall facilitated interaction between the poor and the “settlers” who lived there. They were “cultured” college graduates, from elite backgrounds, who ran the programs and taught the classes. This was part of the strategy to resolve the “hindrances” associated with being rich and being poor. Aspects of elite lifestyle, now disseminated to the poor, face-to-face, would achieve “a feeling of common membership through *service*” (Barnett 1903: 37).

Yet, significantly, the Settlement emphasis on equality did not break with the pity orientation. It did not question the conditions that allowed the “best” to become different from the “common.” The moral system preserved class differences, even as, in the face of paradox, it departed from the COS by moving towards equality. But the mode of action built on equality was applied merely as *equality to be like elites*. In fact, the Settlement strategy required these social differences as a kind of precondition. As Samuel Barnett argued in 1912: “the gift without the giver is rare” (1915: 234). From its opposition to the COS, and through the moral

system and justifications developed in the 1880s, its mode of action was chronically linked to elite-driven selflessness, with the poor as beneficiary.

5.7 The Fabians: “Equality of Reward”

The key moment in the initiation of the Fabian position was Beatrice Webb’s break with the COS, as recounted above. The Fabian society, of course, predated Webb, having been founded in 1883 (as the Fellowship for the New Life). Webb would only become an active member in the early 1890s. Yet, the orientation that she and her husband Sidney developed over this time did the most to shape the distinctiveness of “Fabian socialism” (Hobsbawm 1968: 268; Bevir 2011). In Figure 1, the Fabians are presented as authoritarian and objectivist. The obligation to support the poor was carried objectively, yet at the same to speak and act for the poor required a justification. The ethical paradox of Webb’s early experience with the COS was resolved by building a moral system that involved benefiting the poor from an elite position, and justifying that status according to the same standard that explained the poverty of the poor. This allowed an inequality of ability, yet required a collective benefit be realized because individual advantages were now conceived as collectively caused. The corollary: a national policy that would fulfill this debt to each individual.

The objectivity the Fabians associated with “the collectivity” does much to explain this. The Fabians drew from disparate sources: Comte’s positivism, evolutionism, utilitarianism, and a representation of the economy drawn largely from Ricardo (and on a rejection of Marx). Much of the need to envision an objective collective entity, however, was prompted by Beatrice Webb’s reaction to the COS’s inability to furnish a standard for “deserving.” Her participation as a researcher in Charles Booth’s multivolume study *The Life and Labour of the People of London* was pivotal here. As she later confided, the study’s significance did not lie in the “discovery of particular facts ... but [in the] elaboration of an adequate

technique” (1926: 210). This made a lasting contribution to social reform because it conclusively revealed “the irrelevance of charitable assistance ... in determining the social environment of the common people” (215). Significantly, the alternative was an “authoritative social science” that would represent poverty as a “social disease,” a problem afflicting “a million sick,” who were more “worthy of self-sacrificing devotion than ‘the child sick in fever’” (221). Science was therefore a strategy that afforded an objective representation of society; moral evaluations could be objective once articulated to what it revealed as collective processes.

The Fabian category of rent reveals the implications. The term itself comes from Ricardo, where it refers to a payment from a tenant to a landlord for use of “the original and indestructible powers of the soil” (Schumpeter 1954: 671-672). Rent is the profit drawn from an original and “costless” thing. In a liberal framework, it immediately presents questions about justice because the landlord, who profits from rent, does not *earn* it. The concept becomes notoriously ambiguous, however, when it falls into Fabian hands, where it refers to everything from economic rents to rents of opportunity and “rents of ability” (MacBriar 1966: 37-38). In general: the Fabians use rent to reveal instances where individuals gain from things collectively produced. For example, Sidney Webb defines rent in economic terms as the source of every increment of value that is more than the “last increment of labour force, skill and capital” (Webb 1888: 187). Thus, the wages or profits attainable when working on the worst soil, with the least amount capital and the least amount of labor skill are “natural.” Every increment above that is acquired through rent. This is likewise a matter of profiting from something “original and indestructible” because its source is a revealed collective process. In this sense, rents are always an “unearned increment” (Webb 1895)

The Fabians thus repurpose rent, as a scientific category, to refine a *moral* schema for making authoritative judgments on all instances where someone receives “something for nothing” (Ricci 1969: 113). The most important application is a critique of social inequality. This starts with “rent of ability” in widest usage, where it refers to “the special ability or energy with which some persons are born [that] is an ‘unearned increment’ due to the influence of the struggle for existence upon their ancestors, and consequently having been produced by Society, is as much due to Society as the ‘unearned increment’ of rent” (Webb 1992: 25-26). Ability creates social inequality, but the benefit is “unearned” because talent is collectively caused. The sense is therefore one in which nearly everyone claims an unearned advantage. The moral implications are revealed, however, only because the Fabians construct society as an entity that can act (by creating rents). The Fabians offer a late critique of the COS on these grounds: “not character, but the accident of birth is the condition of conditions, together with the laws and customs of the time and country into which a man is born” (Townsend 1911: 17). Thus “accidental” advantages (and disadvantages) always accrue from society. More generally, the Fabians use this to build their moral ideal: socialism means that rent of ability should be the only rent that creates social inequality. Socialism is, therefore, “a paradise for the able” (Shaw 1912: 43-44). And it is on these terms that the Fabians derive a justification for themselves as occupying an elite position. Elites should be evaluated according to whether their standing in society is measured by rent of ability and nothing else. “The better lives” of elites can be justified because they are, in this way, lived for a “collective purpose,” as abilities that, individually, enrich society as a whole.

The Fabians thus presume the moral and ontological preeminence of society. On the one hand, this gives science moral value, because it uncovers rent-driven inequalities. The Fabians thus became known for “fact mongering.” On the other hand, the social task

becomes political: the goal is to manage the cumulative effects of rent on social relationships. The Fabians thus engaged in the “permeation” of political parties and organizations. They proposed policy that favored groups negatively-privileged by rent relationships. In short: to “act for justice,” the Fabians constructed a mode of action that emphasized gaining an objectivist grasp of society and then formulating political projects informed by moral schemas refracted through it.

The Webb’s proposal of “national minimum” epitomizes this in specific terms. The “bottom burden,” or the problems of occupying the “natural” position (noted above), could not be rectified “by an individual employer of benevolent instincts or by the individual customer indifferent to price.” Rather, since the problem is an effect of rent, it is necessary to enforce “a minimum of humane order as the minimum starting point of competition” (Webb 1909: 18). More generally, the proposal is for a “National Minimum, in all spheres of social activity, below which the individual, whether he likes it or not, cannot, in the interests of the well-being of the whole, ever be allowed to fall” (Webb 1911: 8; Webb and Webb 1897: 671-688). The National Minimum was granted and enforced from above. As applied in work regulation, wages, education, even leisure, it would “benefit the whole” by preventing the worst effects of a monopoly of rents.

In this sense, the strategy is derived of a scientific theory of competitive market exchange. But it is justified in moral terms, as an extension of the belief that since everyone improves society, or creates rents that allow society to improve via individual talent, everyone should benefit. This certifies a rigorous collectivism. In moral scope, everyone is *owed* the minimum, as per the objectivist representation that credits everyone with creating value. The “well-being of the whole” is secured when the social order becomes a robust reflection of demands obtained collectively for all individuals, even those who fail:

If my labor today sells for more than that of the bricklayer, is it due to thee alone, or to the growing pressure of the population in the past, of which thou art the fortunate exceptional outcome? To produce that outcome, hundred less fortunate, have succumbed in the struggle, contributing their mite to the future glory of the world, not by their lives but in their deaths, whereby the way is left clear for the more fit. Nay, perchance the very bricklayer today is the descendant of the man thy ancestor robbed or left to starve, and thy advantages would have been his, but for that selfish stroke. Let us constantly recognize the share in the work of the world done by those who *fail* in life's battle, both by their efforts and by their very failure. Some men are worth more for hanging than for any other purpose, and I for one join most heartily with the Positivist in my thankfulness to the great unnamed dead (Webb 1884-85: 30-31).

This argument reveals the major standpoints of the cultural formation that emerges from the Fabian position. What it offers is “the ethical justification of that *equality of reward* ... which alone satisfies the demands of justice” (Webb 1884-85: 31).

New Liberals: “Equality of Opportunity”

The New Liberals reveal a different trajectory into the 1880s, notably because they didn't exist during the period. They entered the field later, only once the political prospects of established liberalism were sufficiently grim to demand a reformulation of the Liberal Party problematic. The immediate context was the 1893-95 electoral defeats. This exacerbated concerns over William Gladstone's tired leadership and a liberal creed still ordained by the “liberty, retrenchment and reform” ethos that characterized the party's birth in the 1850s. Electoral defeat helped catalyze support behind a radical-liberal agenda (Biagnini and Reid 1991). All of this would go to constitute the *political* interest in social reform necessary for entry into the field (Briggs 1976).

In this sense, social reform became a type of political action. The New Liberals became enamored with community as a “meaningful entity,” even to the occlusion of traditional suspicions about limitations on individual action (Freedman 1976: 12-13). As the central problem was changing the liberal political agenda to make it relevant for social reform,

the task became remaking the liberal creed to blend social order with individualism. The formula reached for doing this is best observable in John Hobson's (a leading New Liberal theorist) critique of the COS in 1896 (Hobson 1909).

First a few words about Hobson himself. He was the son of a relatively prosperous newspaper publisher in Derby, who was influential in the local branch of the liberal party. Hobson himself grew up a liberal and after graduating from Oxford, he moved in to London in 1887 to become a journalist. There, Hobson encountered first hand the "spectacle of East End poverty" and, during the late 1880s, he went on a kind of "intellectual tour" of the different groups and ideas that tried to explain or fix it: from Social Darwinism to Christian Socialism to the Fabian society and the Marxism of the Social Democratic Federation. Eventually, however, he ended up once again as a champion of liberalism, helping to found the Rainbow Circle (explained in the next chapter) in 1904, which became a staging ground for the New Liberal takeover of Parliament over the next decade. More and more Hobson defined his political positions and arguments in opposition to the British Empire and everyone who benefited from it, developing theories of "underconsumption" that made the excesses of empire a primary cause of the mass poverty in the East End. Historians have subsequently referred to the beneficiaries of the Empire as "gentlemanly capitalists" (Cecil Rhodes is perhaps the primary example) and they dominated the City of London economy in the decades leading up to the First World War (Cain and Hopkins 1987). For Hobson, meanwhile, their financial and imperialist income canvassed everything that defined wasteful accumulation; and this opposition (focused on the sense of "waste at the top") proved fundamental to his distinctive interpretation of liberal principles. These ideas found their most popular expression in his book *Imperialism* (1902; this book would later shape Lenin's views of

imperialism). But the opposition between liberalism and "gentlemanly capitalism" also proved foundational for the "formula" of the New Liberal position on social reform.

Thus, "equality of opportunity" is situated, on the one hand, as an opposition to gentlemanly capitalism and, on the other, as an effort to make liberal politics and principles relevant to and compatible with social reform. Let's now see how Hobson arrives at the formula in his more direct argument for equality of opportunity as a formula for social justice (Hobson 1909[1896]). Hobson opens his argument by claiming the COS is guilty of unevenly applying their own categories, because they don't possess a framework of worth explaining why direct aid was unjust, while comparable ways of receiving money weren't. "Why do the charity organization society and their philosophers constantly denounce small gifts to the poor and hold their peace about large gifts to the rich?" (1909[1896]: 196). Bosanquet claims to support private property because it ensures "that things do not come miraculously" but only with the will and effort associated with "good character." Conveniently, however, this misses the homology between doles and windfall profits. For Hobson, the COS is "all fear lest the poor should suffer from the degradation and the ignominy of receiving something they have not earned. Yet they never lift their voice to save the characters of the well-to-do which are constantly assailed from the same demoralizing forces" (197).

Indeed, in broad scope, this redefines charity. No longer a "bond of friendship," it becomes a "feeble sort of conscience money," an irregular and inadequate "return of fragments of unearned income to those who have earned it" yet who still cannot "[order] their lives in decency and reasonable care" because they receive it from "processes of economic bargain where the poor are taken at a disadvantage" (Hobson 1909[1896]: 197-98). Hobson thus indicts the character of the *wealthy*. What they receive is (at least partially) unearned, or the result of "economic bargains" absent equal inclusion. Thus, Hobson concludes, ironically:

since “sentimental charity” is supported by unjust economic processes that don’t allow fair bargaining, naturally the only solution is to agree with Bosanquet and fight inequity through the “full and logical application of [his] theory of private property” (198). Hence: “windfalls” are made to seem “as pernicious [as] doles by reason of their origin” (200).

The further problem is with the COS’s authority. “Their sense of superiority is nearly always discovered and resented by those they help ... The uneducated are preternaturally keen about its source” (Hobson 1909[1896]: 214). The problem: there is no justification for “moral superiority” when the wealthy have not “lived among the people on a level with them.” By contrast, what the poor see, and which fuels their resentment of the COS visitor, is that “it is based on better *opportunity*” (214). This excess of opportunity disintegrates any claim to authority. Importantly, Hobson does not jettison opportunity as a strategy; he only critiques how elites monopolize it.

The major problem with the COS view of society is that it rests on the “unsupported initiative of the individual will considered as *primum mobile*” (Hobson 1909[1896]: 207). Hobson agrees that individual character is important for social reform; however, though “moral reform may be in the nature of things, economic reform is prior in time” (208). Therefore, what for the COS counts as “character” is determined relative to its own implicit standard. If character functions as a measure of worth, and thus of the worthiness of the deserving poor, it does not recognize that “economic factors [are] the larger determinant” of position in society (210). For Hobson, what this misses is the paradox apparent when “the generation of ... moral energy in the crushed or degraded member of society” cannot, under “existing economic conditions, be generally effective” for improvement (210).

Thus, on the basis of this critique of the COS, Hobson develops the New Liberal alternative for social reform. It would install a new normative framework for deciding

judgments of worth embedded in the social order. This framework would eclipse application by a single group, and in this way yield (first-person wise) a “just apprehension” of inequality (Hobson 1909a: xvii). To do it, Hobson’s ideal becomes the fully inclusive market arrangement, or what represented a system of cooperation where “each benefit is balanced by a liability” (Freeden 1976: 220). How would it work? Hobson has a “rough and ready test” in mind: “the life of an average out-pauper has embodied far more painful effort ... than the life of an average gentleman of independent means” (Hobson 1909[1896]: 199). Since the relation between liabilities and benefits does not balance out, the inequality between pauper and gentleman is unjust. However, to agree with this requires that both submit to a common measure that *objectifies* their worth.

Hobson therefore does offer an objectivist view of social order. Similar to the Fabians, it demands sublimation, by elites, of personal interest to an impartial measure. However, solidarity for Hobson is linked to *equality* and so the position moves downward on Figure 1. Unlike the Fabians, Hobson does not develop an objectivist explanation of his own ability to occupy a position of authority. Rather, sublimation requires allegiance to a particular ordering of society that issues from commensurability. Social difference is compatible with solidarity because permissible inequalities express a “division of labor” that puts “the right man or right woman in the right place” (Hobson 1902: 10, 165-166).

The market, in this sense, becomes an “expression of the moral force of the community, the ‘general will’ finding embodiment in some stable and serviceable form of social support” (Hobson 1909[1896]: 217). The virtual arrangement puts every social difference into question as now requiring justification. This is the moral basis the COS misses when it makes individual worth a matter of “perceived morals.” Yet, there are preconditions for this outcome. More exactly, whatever ensures that labor correlates with welfare; whatever

made *effort* not ability (as Fabians claimed) the location of merit (Shaw 1913: 18-19). This is a stance on a national policy arrangement. The solution, therefore, which reconciles order and individualism, and preserves a liberal style of action, is that “*equality of opportunity* which shall rightly adjust effort to satisfaction” (Hobson 1909[1896]: 216; Hobson 1909b).

The Revolutionary Position

Between the positions staked out by the COS, Settlement Movement, Fabian Society and New Liberals, the field was largely set in place. These were the options for social reform available at the time, each featuring their own formula for reaching social justice, which centered around schemas like "duty," "service," "ability," and "effort." They are not an order of worth comparable to what Arnold and Mill helped develop. Instead, what each formula provides is a way of *reforming* the social order in order to meet a criteria of worth alternative to a strict market definition. In this way, each group tries to solve the problem mentioned earlier: because of "forces" outside their control, people are not directly responsible for their situation; by the same token, their "relative" worth does not reflect their own initiative. This is characteristic of the shift from moral philosophy to social science accounts of social order; but, in this instance, the question becomes how to accommodate a "test" of worth to this lack of individual responsibility? Each formula offers a different solution. I'll elaborate what they each mean more precisely in the conclusion. Before doing so, however, one final position—defined in opposition to the reformist orientation underlying the field of social reform and so technically outside of it—must be mentioned.

This is the *revolutionary position*, and it is important that, at this time, it was identified closely with Marxism. This affinity becomes puzzling once we consider that the revolutionary

position also seemed to attract the most well-to-do members (outside of the COS), even while the radical emphasis of its critique (elaborated below) called for revolutionary (not merely reformist) social change. Why would these people be attracted to these principles at this time? Part of my analysis will answer this question, which Robert Michels (1915: 252-253) early on acknowledged as a paradox of late 19th and early 20th century revolutionary social movements (in Britain and elsewhere) (see also Pels 1998; Hobsbawm 1964b; Lasch 1965). I provide insight into this relationship by accounting for the presence of a kind of "pre-logical sense of indignation" on the part of H.M. Hyndman and William Morris (the key figures who "took up" the revolutionary position, though in different ways) and how this brought them together with Marxism (Pels 1998).

Thus, I focus on explaining the attraction between the people occupying the revolutionary position and this discourse, what it connoted and meant, particularly given how unusual it would be for someone in Britain to be attracted to Marxism at this time. By all accounts, Marxism was extremely marginal and had little to distinguish it from the variety of doctrines emerging from the émigré labor community, centered in London, at this time. Translations of Marx's texts were limited and received little critical attention in the press, almost none by political economists. The attention he did receive was highly critical—the reading public remained "mystified" by his arguments, particularly the way they contradicted the justness associated with the market order (Hobsbawm 1964b; Willis 1977; though see Macdonnell 1875; Rae 1881). Thus, that he became the figurehead of the most radical part of the field of social reform remains a mystery and *cannot be explained on the merit of the ideas alone*. This is what makes a socio-genetic account a useful interpretive device. Moreover, explaining Marx's appeal for Hyndman and Morris also helps account for the lasting appeal of Marxism as the radical doctrine of choice more generally, which in this case involves an affinity

drawn between the emergent revolutionary position and the doctrine (or whatever was read into it) and the puzzle of why the kind of "social indignation" that distinguished the revolutionary position was given this *form* of expression in the British context (Pels 1998; Thompson 1976; Tsuzuki 1961; Pierson 1973).

Before delving into the socio-genetic account of how Morris and Hyndman found their way to Marxism and the revolutionary position, let me first engage their arguments on a discursive level in order to capture the distinctiveness of the revolutionary position. The general impression among those attracted to this position, and to Marx's writings and their political implications, is that it constituted the strongest (and most full-proof) *test* of solidarity between the top and bottom of British society. More specifically, it involved the desire of those in a dominant class to see those in a *dominated* class become leaders of a revolutionary transformation of society. Suggestive of the *modus operandi* here is the young Marx's intuition that "those who are nothing should be everything," that is to say, a desire for complete reversal of social relations and modes of valuation initiated by those at the bottom of the social order. Morris offers a glimpse of this sentiment in his claim that "to the socialist, the aim is not the improvement of condition but the change in position of the working classes" (1894: 13). Thus, a sense of *hypocrisy*, particularly the hypocrisy on the part of those who champion social reform, plays a key role in marking out the revolutionary position. As Morris continues: social reform is morally and politically bankrupt insofar as it involves making "a system tolerable which is designed for the benefit of the privileged classes only" (1894: 13).

From this position, the test of legitimate motivation for solidarity is a hypothetical equality of position that gives up privileges and exists on terms set by the dominated class. Invariably, this imaginary scenario will involve labor, but not because it follows Marxist theory, or echoes the workers themselves; but because this is the representation formed, by

the dominant class, of the essential conditions of the dominated class. For instance, Morris offers a “test of success of the society in which we now live,” the three essentials of which are “does each due his share of labor, does what each have result from that labor, and is the labor of persons not generally wasted?” (1888: 4-5). Passing marks on all three means the existence of “true society,” but more than this, when Morris sketches that ideal society, its basis is always some arrangement that makes work less toilsome. To the extent that the “Revolution will make it ‘easy to live’” this is entirely conditional on the organization of labor: “[In] those coming days, there will be no compulsion on us to go on producing things we do not want, no compulsion on us to labor for nothing; we shall be able calmly and thoughtfully to consider what we shall do with our wealth of labour-power ... For my part, I think the first use we ought to make of that wealth ... should be to make all labour ... pleasant to everybody” (1886: 28).

What this suggests is identification with the standpoint of the worker and the reality of his existential condition (labor) as necessary for producing a claim about social justice in capitalist society. It is therefore an impulse very similar in form to the Althusserian claim that “one must be proletariat in order to know capital.” But from this perspective the basis of the revolutionary position appears torn between two opposing tendencies. If Morris represents one side, then H.M. Hyndman represents the other. Hyndman’s 1881 essay “Dawn of a Revolutionary Epoch” was a kind of opening salvo for the entire field of reform:

When we reflect for a moment upon the disproportion of numbers [between workers and the wealthy], can we fail to be struck with the danger that might come upon all if some eloquent, fervent enthusiast, stirred by the injustices and inequalities around him, were to appeal to the multitude to redress their social wrongs by violence? ... [The] hand-to-mouth laborer has little to lose, and may even think he has much to gain by a change in the conditions of his daily existence. The hope for the future lies in the fact that the rich are slowly beginning to perceive here both their dangers and their duties, and to understand that the privilege of possession now accorded to them by the consent of the majority, can only be retained by entering more fully into the daily life of the people, and remedying those mischiefs which are to be noted on every side (1881b: 14).

Hyndman wrote this essay shortly after a visit to the United States where (in Utah) he had read a French translation of the first volume of *Capital*. Before this time, Hyndman was known for publishing critical accounts of the British Raj in India, which brought him to the attention of Marx and they met soon thereafter. Upon reading *Capital*, Hyndman exchanged the following letters with Marx, and they are indicative of his stance on the revolutionary position:

Marx to Hyndman, 12/8/1880: If you say that you do not share the views of my party for England I can only reply that that party considers an English revolution not *necessary*, but—according to historic precedents—*possible*. If the unavoidable evolution turn into a revolution, it would not only be the fault of the ruling classes, but also of the working class (cited in Hyndman 1911: 283; emphasis original)

Hyndman to Marx, 12/13/1880: What you have said and say about the situation here is most true. Revolution is possible, since the recent foolish action of our Government in many directions I had almost put probable. But what I mean is I do not wish to push men on to what must be violence when they might easily attain their objects by peaceful action in common (Marx 1979: 457).

Hyndman would publish the “Dawn” essay the following month (January 1881). What seems clear from this exchange, and the essay, is that Hyndman found much more in Marx than Marx himself intended. More specifically, there is a sense of the inevitability of revolution, in Hyndman’s impression of Marx’s argument, which Marx didn’t transpose from *Capital* into political action. As Hyndman claimed in a pamphlet published later in the 1881: “the working of capital is essentially immoral. It moves irrespective of all human considerations, save the accumulation of wealth and the provision of ease and luxury” (1881a: 84). What is unique is how he translated this into the further (political) conclusion: “The same economic pressure which produces the discontent and grievances ... will lead [the workers] to strive for a complete overthrow” (31).

Thus, Hyndman finds a homology between the historical development of capitalism, as it moves indifferently and “irrespective of all human considerations,” and the worker’s overthrow. But his reading of Marx on capitalism seems overdetermined by a preordained

belief in the inevitability of the latter. It is this combination that drives his relationship to the field. He helps found the Democratic Federation in 1881 and moves it onto a socialist platform in 1884, renaming it the Social Democratic Federation (SDF). The SDF was the most prominent socialist party in Great Britain until the turn of the century, and it remained a force in London politics until after World War I (Thompson 1976). The most important point, however, is that Hyndman never wavered from a political *leadership* orientation when it came to involvement with the dominated class. Furthermore, his concern with social policy was always subordinate to his concern with social revolution. The SDF manifesto accused the trades unions of class collaboration and didn't support them, and of the policy that the SDF did support—8-hour work days, shorter working weeks, even education and housing reforms—Hyndman had his own rationale: “If we don't [support these measures] there will be an upheaval of embittered ignorance, not an organized revolt of educated and determined men when the time comes for action” (Tsuzuki 1961: 85). This is not to mention his involvement in the “Black Monday” riots of February 1886 (Keller 2010: 109-133).

The contrast with Morris is indicative. While Hyndman's role during “Black Monday” is disputed—more specifically, it is unknown whether he incited a small section of rioters to proceed down the Pall Mall and Piccadilly to break windows and loot shops (he was later charged, and acquitted, for his involvement in this)—he would come to argue, soon thereafter, that “it is the immediate duty of every Social-Democrat to neglect political action ... We have much more chance of getting revolutionary political change through vehement social agitation” than through Parliamentary elections (quoted in Bevir 2011: 84; from *Justice* 1/1/1887). Morris, of course, played a prominent role in the “Bloody Sunday” riots that took place in November 1887 in Trafalgar Square. He was also an original member of the SDF, but had broken with Hyndman by 1885. In the blowup that preceded his resignation, he

objected to “Hyndman’s absolutism,” insisting that “the whole system is monstrous and intolerable, and what we Socialists have got to do is to work together to overthrow it” (cited in Glasier 1921: 32). Subsequently, Morris and small band of SDF members founded the Socialist League, an organization he would lead until 1890 when it was overtaken by anarchists (Thompson 1976).

What Morris’ charge against Hyndman, which preceded his resignation from the SDF, suggests is his orientation toward *prefiguration* of the ideal society in present, which suggests a similar kind of subjective stance as characterized the COS and Settlement Movement. Moreover, in a manifesto published by the Socialist League shortly before Bloody Sunday, Morris’ objection to Hyndman’s approach to social agitation becomes clear: “Once and for all, unless we Socialists are prepared to organize and lead such disturbances, and carry them through to the bitter end, we are bound, under penalty of being justly blamed for egging on people to do what we dare not heartily take part in, to point out to the unemployed what would probably be the results of a riot” (cited in Thompson 1976: 486). What Morris objects too is the *distant* stance to the rioters that he sees Hyndman take. Indeed, during Bloody Sunday, Morris was in the middle of the action, but confessed that he “was astounded at the rapidity [of the police charge into the crowd] and the ease with which the military organization got its victory (*Commonweal* 11/19/1887).

In this sense, Morris’ position resembles that of the New Liberals and Settlement Movement, because it tends to favor equality. Against Hyndman’s stance, he claims: “The real duty of Socialists is to impress upon the workers that they are a class, whereas they ought to be a Society.” Hyndman’s attempt to essentially step in front of the dominated class only limits and misdirects their potential, which for Morris means that members of this class do not need to be involved in the kinds of political action that force other groups to follow it. But

against Parliamentary action, and social reform in general, Morris further claims: “It is a new Society that we are working to realize, not a cleaning up of our present tyrannical muddle into an improved smoothly-working form of that same ‘order’ ... The work that lies before us at present is to make Socialists, to cover the country with a network of associations composed of men who feel their antagonism to the dominant classes, and have no temptation to waste their time in the thousand follies of party politics” (*Commonweal* July 1885). Thus, he does not oppose Hyndman from what Morris sees as the social reformist position, but rather from the revolutionist position that advocates simply convincing the dominated class to “live differently,” or live according to a model that it alone possesses and which prefigures what the rest of society will eventually be like. In this sense, Morris' position is very similar to the Settlement Movement, as both are tend toward equality and subjectivity, which means they are for an *anti-political* brand of social change that attempts to prefigure what they want to achieve, particularly through practices that create the identities required by the ideal society.

In this opposition to social reform, however, we finally return to common ground in the revolutionary position. Both Hyndman and Morris do it in similar ways. For Hyndman, “social reforms cannot be carried without social revolution [due to the] inevitable movement that is going on below the surface of our Society” (1884: 198). For example, free schools and free school meals will fulfill “middle-class desires” that the youth be brought up “well-educated and in good health ... [But what happens then?] ... We find that the crushing law of competition would decree that these educated, well-fed children should on reaching maturity only be better wage-slaves for capitalists” (189). He makes a similar case for housing reform, land reform, and reduction of hours. What Hyndman uses to oppose all of this is the “inevitable movement” or *necessity* that he associates with both the machinations of capital and also the political duty of the classes dominated by it. Social reforms pale in the face of the

latter, as there *must* always be an underlying method to serve the system, which negates their intentions. The only way to realize the “values upheld by” these social reforms is “for proletariat of England to take up its battle” and end the *inevitable* movement of capital by realizing its own *inevitable* revolution (Hyndman 1884: 198).

For Morris the argument against social reform is similar because it shares this focus on *necessity*. This becomes clear in the rather complicated argument developed in the following:

Yet even supposing that they succeed and by means of tormenting the constitutional Parliament into cumulative reforms ... their difficulties would be far from an end then: for they would then have to govern a people who had rather been ignorantly betrayed into Socialism than have learned to accept it as an understood necessity: and in governing such a people they would have this disadvantage, that they would not have the education which their helping in the organization of the society of production would have given them, teaching them as it were by the future and forming the habits of social life without which any scheme of Socialism is but the mill-wheel without the motive power (1996[1887]: 72)

Morris argues here against the tactics of achieving “socialist policy” through Parliamentary action. What he poses against it is the “policy of abstention,” or abstaining from involvement in established political channels. He justifies this in the following way: “It is above all things necessary that the working-classes should feel their present position, that they understand that they are in an inferior position not accidentally but as a necessary consequence of the position of the classes that live by monopoly. When they have learnt this lesson they will learn with it the *necessity* for a change in the basis of society” (Morris 1996[1887]: 73; emphasis mine).

Thus, to learn the necessity of the system is, for Morris, to unlock the *desire* necessary to change it. In other words, “morality [has] her eyes cleared by the advance of necessity.” This leads to a desire for social transformation, which itself unlocks a kind of “happiness” such that “no men that have ever lived will [be] so happy as we shall be” when the revolution finally comes (Morris cited in Thompson 1976: 724). To return to the original point: achieving socialist policy through Parliament would result in “Socialism as a mill-wheel without the motive power” because the MPs and reformers leading it would not have achieved

“the education” that comes with participating in the organization of production (the site of necessity). This can only result in the tendency to be “counter-revolutionary” against socialist policy. The desire that comes from experiencing what is necessary to the system would have been *partially* unlocked, but it would not find a corresponding willingness (or ability insofar as this is not led by the dominated classes) to transform society to the extent created by it. Thus, in a sense similar to Hyndman, Morris uses this sense of *necessity* to position himself against reformist positions in the field. And it is at this location that we can reveal their stance on the problem of social justice.

Now the analysis shifts to the socio-genetic account of taking the revolutionary position in the field. As mentioned above, that Hyndman and Morris took the most extreme position is surprising. Among those involved in social reform during the 1880s, Hyndman and Morris were among the most privileged, wealthy, and also the oldest. Hyndman was 46 at the time of Bloody Sunday, and Morris 54. Compare this to Beatrice Webb and John Hobson each being 30, while Sidney Webb was 29. Hyndman's grandfather had owned several large plantations in Guiana, while his father was a prominent barrister and his mother from a line of successful stockbrokers (Hyndman 1911: chap. 1; Tsuzuki 1961). Morris, meanwhile, was the son of a London bill-broker with ownership interests in copper and tin mines. On both sides of the family he was tied to City finance. By the time he was twenty, however, and otherwise "doomed to a clerical career," he "suddenly [took] the decision to throw respectabilities to the winds, to turn his back on the recognized professions and careers" and, influenced by Gabriel Rossetti and the pre-Raphaelites, became an artist—first an architect and eventually "the most prominent designer of the 19th century" (Thompson 1976: 5-6).

Hyndman identifies "the year 1880" as marking his "commencement on a new career" (1911: 87), and what he means by this helps explain why he would take the revolutionary

position. Hyndman had become one of the most vehement critics of British rule in India, arguing that 'the natives say, and have said for years, that as a whole life has become harder since the English took the country. They are right; it has become harder, and will become harder still if we proceed on our present lines' (Hyndman 1878: 588). His anti-imperialism was sparked largely on a liberal critique (a kind of proto-human rights abuses argument, demonstrating the contradiction of imperial claims that the Indian population benefited from the colony) of the Indian famines that occurred between 1858 and 1878, though certainly also because he saw political capital available in anti-imperialism (Hyndman 1886: 12-14; Tsuzuki 1961: 223). This was contrary to the Conservative position on India, but perhaps most importantly it brought Hyndman under the ire of William Gladstone, now thoroughly entrenched as the leader of the Liberal party. Gladstone's "Midlothian campaign" (probably the first political campaign in modern history) focused on foreign policy, specifically on the Ottoman Empire's brutal suppression of the "April uprising" in Bulgaria. Gladstone demonstrated what Hyndman calls a "fervent championship" of the Russian Empire as a counterweight to the Ottomans (the Conservatives, meanwhile, supported the Ottomans), although the British and Ottomans had been allied against Russia going back to the Crimean War in the late 1850s. Hyndman violently opposed Gladstone's pro-Russian stance, and outraged by what he believed to be Gladstone's "indifference" to India, decided to run as an independent for the Parliamentary seat from St. Marlyebone in London. It was likely lost from the start, however, as Gladstone publicly brandished him a "Tory" and ran two liberals for the Marlyebone seat. This eventually forced Hyndman to withdraw himself as a candidate (Crick 1994: 21-23; Tsuzuki 1961: 43-48; Hyndman 1911: chap. 12).

The point of this account is to explain why Hyndman was drawn to the revolutionary position. The year 1880 "commences his new career" as an "avowed socialist" because, at this

point, having been blacklisted by the Liberals and found categorically objectionable to the Conservatives because of his anti-imperialist stances, the established political channels were closed to him. After Gladstone's electoral victory in 1880s, he remained entrenched at the head of the Liberal party until the mid-1890s (after over 60 years in office) and the Conservatives subsequently preserved Benjamin Disraeli's (after his death in 1881) imperialist positions (particularly with regard to India). As Hyndman himself puts it: "as a result of my studies on India, my conviction as to the hopelessness of Liberalism and Radicalism, my reading up of the Charity movement, and my acquaintance with foreign revolutionaries, I had come very near to becoming an avowed socialist" (1911: 206). And it was at this time, on a business trip to Utah, that he read a French-language copy of *Capital, Vol. 1*. As Hyndman revealed soon thereafter: "I have learned more from its [*Capital*] perusal, I think, than from any other book I ever read" (Tsuzuki 1961: 33).

Contrast this with the seemingly more straightforward case of Morris. His critique of industrial capitalism was part a much longer line of criticism, as he understood: "how deadly dull the world would have been ... but for Ruskin! It was through him that I learned to give form to my discontent, which I must say was not by any means vague. Apart from the desire to produce beautiful things, the leading passion of my life has been and is hatred of modern civilization" (Morris 1894: 5). Ruskin, here, refers to John Ruskin, the art critic and architect, many of whose ideas (particularly those found in his famous essay "On the Nature of Gothic") inspired the pre-Raphaelite art movement. Like Carlyle, Ruskin's critique of mid-Victorian Britain was fundamentally conservative: his "nostalgic ideal is the Gothic past" (Lowy 1987: 895). Indeed, as Morris notes, what Ruskin (and Carlyle) both did was break through "contentment" with the "measureless power of Whiggery," or what he associated with the

"triumph of civilization," a "frame of mind ... natural to modern middle-class prosperous men," which was *liberal* and therefore progressive (Morris 1894: 5).

However, the appeal of Ruskin's conservative critique to Morris is more specific than this. Among the hallmark features of Ruskin's critique is that art had been separated from society, or more specifically the "modern division of labor" it separated art from work. By contrast, Gothic architecture blended "fact" and "design" together in the nature of work. In this sense, art reflected the society that produced it (Lowy 1987: 895; Williams 1958: 143-144). For Ruskin, this was not an empirical or theoretical statement, but a moral principle. The connection gave "the Gothic" the kind of "Naturalism" and "Savageness" that, for him, were its most indelible and ethical characteristics (Ruskin 1854: 4, 27-28).

Most important for Morris was what this suggested about the nature of *work*. Gothic builders embodied an ideal, which "modern civilization" erased. Following Ruskin, Morris' frequent harangues against "useless toil" suggest that it was the elimination of the Gothic form of work that, more than anything else, spelled the corruption of all of society. He attempted to replicate the Gothic in his work (and, to some extent, his business dealings) as chief designer and owner of Morris and Co. But, as ideas drawn from Ruskin's writings (most of them published in the 1850s), none of this was unique to Morris, and he would otherwise seem no more a produce of the 1880s than Carlyle (who wasn't). However, as Williams (1958: 148) argues, there was something different about Morris that made him contemporary to the period: "he sought to attach [these] general values to an actual and growing social force: the organized working class." Similar to Hyndman, "the year 1880" was the turning point for Morris. He joined the SDF in that year, started reading Marx, and, as he puts it, was forced "by his [Gothic] ideal to look for Practical socialism," drawing the two together in a unique way (1894: 9).

The point of this discussion is to track Morris and Hyndman's paths to the revolutionary position. As I've suggested, they took different paths to reach this position, Hyndman's focused on the political field, while Morris' took place as part of a long-standing "art versus society" opposition. Reading Marx was a *necessary* condition for both, but even its effect on their revolutionary aspirations was contingent on whether Hyndman and Morris already had a "penchant for revolutionism" that corresponds to being in an "estranged position" within a field of practice (Pels 1998: 55-57). For Hyndman, this was in the political field; for Morris, a field of cultural production. In both cases, taking the revolutionary position at this stage, before it was constituted, was subject to what Bourdieu calls a *screen effect*: "the agents tend to perceive the position which they hold [in the sub-field] more distinctly and, in the case of subordinate agents, more painfully than the position which the sub-field itself occupies in the wider field which encompasses it, and thereby more plainly than their real position in the overall space" (1988: 178).

Thus, while near the top of the British social order "in the wider field," Hyndman and Morris were *marginal* according to a field-specific set of criteria. I've traced this marginality. This positioning is what made them identify so strongly with a proletariat, their "pre-logical and epistemologically irreducible sense of indignation" affirmed by *Capital* (Pels 1998: 57). We can thus infer that Marx was appealing less for what he said than for the revolutionary *style* of his thought and for contingent factors (like the fact that Hyndman read *Capital* at a key moment in his political career) that imprinted his thinking on the position.

Thus, to the question—why would Marx's revolutionary doctrine be appealing for people (like Hyndman and Morris) who benefited from the social order?—my answer is that Marxism and, in particular, the "historical inevitability" Marx associated with the proletariat, gave Hyndman and Morris a sense of agency and legitimacy from the marginal position they

occupied in their respective "sub-fields." The main implication is that Marxism itself *wasn't* sufficient to create the revolutionary position, nor would any other ideology be sufficient by itself—it needed to match these sociogenetic motivations, best interpreted in correspondence to a position in a social field. While the aftermath of the Paris Commune and the popularity of Marxism among German Social Democrats increased its popularity in Britain by the 1890s (Willis 1977: 441-442), it still required this combination with the "pre-existing marginalism" demonstrated by Hyndman and Morris. On the one hand, this combination meant they (and others like them) became revolutionary socialists, establishing the SDF and Socialist League; on the other hand, it meant the revolutionary position became a *possible* position for people entering the field of social reform to take. I'll specify the difference between this position and those in the field of social reform in the conclusion.

Conclusion

What Hyndman and Morris didn't get from Marx is a good way of explaining their contrast to the field of social reform. Whether Marx relied on justice to critique capitalism is highly debated (see Lukes 1985: chap. 1). I won't revisit it here. However, as this analysis suggests, whatever sense of injustice propelled Hyndman and Morris to become revolutionary, they seemed to have it *before* they encountered Marxism. What they got from Marx was the sense of "necessity" that was unique to their analysis and gave them a certain self-justification that fed into their (revolutionary) mode of action. In this regard, the revolutionary position wasn't characterized by an appeal to social justice, or it appealed to justice in a different way than do the formulas available in the field of social reform. The revolutionary critique is "radical" in the sense that it seeks to entirely replace the current "tests" that determine worth and the justness of the social order. "Reformist" critiques, by contrast, try to salvage the existing tests

and make them more accurate and legitimate (Boltanski and Chiapello 2005: 33). This is the central difference between the field of social reform and the revolutionary position, but it also remains contingent on the way the sense of "force" (as mentioned above) finds its way into each position. For the revolutionary position, "historical inevitability" doesn't diffuse responsibility, which invites the need to "reform" existing tests of worth to match the new conditions, as much as it justifies taking radical acts to change the current order (like rioting in Trafalgar Square) or attempting to create an entirely new social order outside the present system (like Morris and other "prefigurative" efforts).

The contrast with the Fabians is instructive in this regard. The "gradualism" traditionally associated with Fabian socialism is informed by Marxism; but what is missed is how their rejection of Marx also feeds into this. Early on in the Hampstead Historic Club (or the "Karl Marx Club"), which met weekly in the parlor room of an upscale North London home, several future Fabians (including Sidney Webb and George Bernard Shaw) engaged in an intensive study of *Capital* during the fall of 1885. At the end, about the only thing they agreed on was that "Marx's theory of surplus value was untenable" and that the labor theory of value, as a whole, was deficient compared with marginalist theory that value comes from "final utility" (Mackenzie and Mackenzie 1977: 63-64). That they disputed this, while Morris and Hyndman didn't—either by rote agreement (Hyndman) or indifference (Morris)—is indicative. Accepting the labor theory of value put a critique on a much more "radical" (in the sense mentioned above) course than not accepting it, or accepting the marginalist theory, which in this terms remained within the moral framework of the "fairness" of market exchange and did not involve antagonistic classes (Willis 1977: 447).

This is not to say that Morris, in particular, accepted the labor theory of value; but the fact that he called himself a Marxist, though never mentioned the theory of value (and got a

headache trying to understand it), suggests, first, that his critique was based on the organization of work, a much more radical starting point with much stronger revolutionary implications than simply upholding "fair exchange," but that, second, this stance wasn't drawn from Marxism alone but combined it with an older discourse (Ruskin's Gothic ideal), which found a much-needed *personification* in Marx's proletariat. Indeed, this is why Morris is treated as the exemplar of "Romantic Marxism" (Beaumont 2005; Lowy 1987; Thompson 1976). Thus, to accept the labor theory of value (even *en abstentia*) required the kind of "pre-logical and epistemologically irreducible sense of indignation" that comes from occupying a marginal social position, as determined by some field-specific criteria, which Fabians like Webb and Shaw didn't have or at least not in the same way. The reaction to Marxism and the labor theory of value is a case study in the position-taking that happened during this time, in this case distributing people between a revolutionary or reformist position.

The "formula" for the revolutionary position was relatively straightforward: a radical change in social organization, variously associated with socialism, which more specifically involved radical changes in labor practices. It was more complex inside the field of social reform, however, as each critique did not radically dismiss the social order, but instead *reform* the tests that determined worth. The effect of each formula can be summarized as follows:

(1) *Character is the condition of conditions*: the exercise of duty "justifies" someone "to society" because it gives them worth (Loch 1904b: 125-126). To do anything that "[shakes] anyone's sense of their duty"—as through indiscriminate charity or social reform—is to take the possibility of worth away from them, thus committing an "injustice" (Bosanquet 1895: 177). In the post-1880s COS, duty becomes the standard of worth, which is produced through "the recognition of the obligation of social purpose and [acting] in obedience to it" (Loch 1887: 82). This is the "test" the COS imposes on the poor. Those who pass it have

"character" and they attain the highest worth, and are thereby considered "equal" regardless of their material class circumstances. The meaning of social justice drawn from this position eventually helped professionalize social work (Lewis 1996; Woodroffe 1962; Owen 1964).

(2) *Making the best the most common*: assuming the equality of all to enjoy a certain "good" (like culture), providing access to it removes the injustice of the original unequal (and unjustifiable) possession of it. However, if it doesn't make those to whom it is given "worthy," this justifies the original (and continuing) condition of inequality. Thus, elites acquire worth through service and the poor are "tested" through service. This is the Settlement position's definition (or formula) for social justice. Subsequently, the position would lead many British elites first to Toynbee Hall and then into the civil service as part of the diffusion of a "public service" ethos that took root during the early 20th century (Stedman Jones 1971: 327; Meacham 1987; Abel 1979).

(3) *Equality of reward*: in a just society, social ordering will occur only according to ability. Indeed, this is what redeems the potential worth of the East End poor (Webb 1982: 323; MacKenzie and MacKenzie 1977: 43). However, combined with moral naturalism, ability becomes the manifestation of a third-person entity—"the collective"—that works individually simply through the "accident of birth" (Townsend 1911: 17). On the one hand, this means that those with ability are justified to exercise it and thus create inequality; on the other hand, it means that those *without* ability are owed "a minimum" of worth, even without passing a test to attain it. Eventually this perspective became the foundation for policies associated with "great society liberalism" (Wallas 1914; Davies 1996).

(4) *Equality of opportunity*: social justice means the opportunity for self-development. The moral sense of "effort" organizes this conception. Distinct from the Fabian focus on "ability" (which

presumes an external judge), the New Liberals make worth a putatively individual *decision* to have or not to have. This connects to their preference for an ethics instead of a sociology. Inequalities can always be justified as expressions of "effort." Indeed, this focus has continued to reappear in subsequent liberal thought and policy, with particular application to education (Clarke 1981; Labaree 2008).

As mentioned above, each position in the field of social reform was defined not only against the revolutionary position but also against each other. I've concentrated on their opposition to the COS in the analysis of above. But the following relationships must be mentioned as well: the Fabians and New Liberals accuse the Settlement Movement of "fathomless sympathy" and for piously "meddling" in the lives of the poor (Webb 1926: 181; Masterman 1902: 35); the Settlement Movement fires back: Fabian and New Liberal policy have "plenty of sense but no passion"; even national social policy requires that individuals "have some motive" to act in the desired way, which means that one-to-one contact, on the Settlement model, is still necessary (Barnett and Barnett 1909: 21). The New Liberals, meanwhile, critique the Fabians for sacrificing liberal means to reach their ends. The Fabians don't allow for a "democratic emergence of wants" (Hobhouse 1911: 143). Instead, they put the "dearest interests of men at the mercy of the inspector and the expert" (Hobhouse quoted in Collini 1983: 141). The Fabians, on the other hand, accuse the New Liberals of naively representing society. Indeed, the National Minimum is intended to act as a "primitive bulwark" against competitive exchange (Webb and Webb 1897: 696-697). Against the New Liberal proposal to "distribute income in rewards to exertion," the Fabians retort: the Liberals don't offer a way to measure exertion. On their model, a level of income should be guaranteed (Shaw 1913: 268-269; Collini 1983: 134-136).

Thus, reformers developed these positions *relationally*. From relational positioning, they "found an interest" in taking these positions. In this sense, the relational context of the field helps to specify an emergent *content* of what social justice can mean (Emirbayer 1997: Bourdieu 1996: 171). If this kind of position-taking still resonates today—in other words, if the differences that separate each position from the other resemble similar "position-taking" that takes place today—this suggests the relative stability of the *structure* of the field of social reform, which was forged at this time, but whose influence extends even to the present.

As mentioned above, the post-1880s COS (character is the condition of conditions) and the Settlement Movement (equality of all to enjoy the best) weren't explicitly associated with justice by either the COS or the Settlement Movement. In Figure 1, they are aligned with the "pity" pole. The point here is that the subsequent usage of each formula (as in each summary) became concerned with realizing social justice, suggesting a kind of "routinization" of these principles, forged in a specific context, drawing from prior forms of worth, and each trying to reform the social order, but if they were at the time mutually exclusive, they would subsequently be available as free-floating *tools* of meaning (Swidler 2003: 98). In the following chapter, I draw out the immediate political effects of these arguments.

Chapter 4 – Social Justice Enters the State

The New Liberal welfare reforms that passed through the British Parliament between 1906 and 1914 together mark the "initiation of the modern welfare state" (Harris 2004; Orloff and Skocpol 1984; Gilbert 1966; Hecllo 1974; Hennock 2007; Harris 1992). The period in question starts with the Liberal Party's return to power in 1906 and the passage of the first reform (Old Age Pensions) continues through to the First World War, with legislation for an 8-hour workday, legal protection for children, workmen's compensation, unemployment and health insurance, even free school lunches passed by the Liberal-controlled Parliament during the interval.

In this sense, the New Liberal reforms provide a nice bookend to the genealogy of social justice that spans the 19th century; the forms of critique and justification developed during that time found their way into the policies introduced during this later period and were, in this sense, additionally preserved by them. Thus, the following analysis develops a normative interpretation of the New Liberal reforms, drawing out the meanings of social justice that informed each policy and are still exemplified by them to the extent that these policies, including insurance, workday legislation, and workmen's compensation, remain vital political issues in liberal societies today.

However, as the title to this chapter attests, the origins of these reforms reach further than 1906, and reflect fundamental changes to the political field in Britain that starting point in the 1884 Reform Act (which expanded the electorate—this time to include working class males). The point of starting the analysis in 1885 instead of 1906 is to emphasize that, although subsequently the New Liberal welfare reforms "initiated the welfare state," that outcome was an unintended consequence of actions that found more proximate causes. The

goal here is to capture the sense that, although subsequently they've become a logical starting point in historical reconstructions of the welfare state, the New Liberal welfare reforms were not passed in order to realize "the welfare state" as the institutional form so familiar today. Instead, I attempt to recover the more proximate set of causes that prompted its passage and shape the initial form of these policies.

Nevertheless, this connection with the present-day welfare state is accurate in the sense that the New Liberal welfare reforms marked a key transformation to state-society relations in Britain (and served as a precedent for changes to this relationship in other countries). This is important given that most of the reforms passed during 1906-1914 elapsed before World War II or were made redundant by the Beveridge welfare reforms that were introduced shortly thereafter; yet this still doesn't dismiss the fact that the New Liberal reforms remain influential on the present. As Gosta Esping-Andersen argues, what characterizes welfare state policy is "decommodification," or the "granting of alternative means of welfare other than the market" (1990: 105). Here, he draws from T.H. Marshall's (1950) famous argument about "social citizenship." From this perspective, a welfare state involves the granting of "social rights" and applies to "one's status as a citizen," irrespective of class, gender, or race (Marshall 1950: 26, 28-30; Esping-Andersen 1990: 105). Marshall points to the "end of the 19th century" as opening up "a new period" in the evolution of "social citizenship" (1950: 47).

Of course, the prototype behind these arguments is the Beveridge welfare state (highlighted by the National Health Service) and not the New Liberal Reforms. This is important because, as we'll see, the legislation passed between 1906-1914 did not exercise a complete "decommodification" but was, in most instances, contributory and means-tested by the market. More specifically, the New Liberal welfare reforms offered protection from

having to enter a labor market while old, injured, or sick, and thus the low likelihood of claiming market worth in these circumstances; however, it did this not through non-market guarantees (like the right to healthcare), but through a means of provision that was comparable to supplementary insurance today (Harris 2004: 163). Workers (and others, like the state and the employer) contributed to a fund that would retroactively be available when they needed it. The goal (particularly of the insurance reforms, which remain the hallmark of the New Liberal period) was to tie people over during spells of sickness or unemployment, or periods when the market couldn't function as their primary "means to welfare." This was the idea behind National Insurance, for example.

Yet, Marshall is still correct to find the New Liberal reforms a necessary precursor for the (characteristically postwar, Beveridge welfare state) idea that the state "should guarantee all the essentials of a decent and secure life at every level, regardless of the amount of money earned" (1950: 82). As we've seen (in chapter 5), this wouldn't have seemed unusual in the field of social reform in the 1880s, though it didn't find a receptive audience in Parliament during that time. Further changes needed to take place in the *political field* in order for social reform to acquire political capital. This does not dismiss the influence of ideas on the reforms that eventually passed; however, in what follows, I argue that while ideas were directly influential on the reforms, it was because they helped shape the *content* of each reform—that is to say, they helped to specify the problems and link different solutions (pensions, insurance, legal protection) to them—and didn't cause them to be passed. Thus, in the sense that I offer a normative interpretation of the New Liberal reforms, it is in order to demonstrate how ideas help *form* social policy. To do this, I examine the Parliamentary debates involving the Old Age Pensions Act (1907), Workmen's Compensation Act (1907),

the Children's Act (1908), the Miner's (8-hour) Act (1909), and the National Insurance Act (1911).

Below, I'll deal with the problems I find in current understandings of how "ideas affect social policy" (Campbell 1998), but for now I preview my argument as follows: From the perspective of "orders of worth," social policy is a matter of "inscribing judgments into reality" (Boltanski and Thevenot 2006[1991]: 354). Usually this is with the help of what Boltanski and Thevenot refer to as "objects," which preserve the judgments that give people worth according to some criteria beyond the point in time when the judgment is first made. However, what counts as an object is left unclear. In what follows, I argue that ideas (or, better, *judgments*) were important for social policy because each reform tended to, first, "define a class of people" (like old people, children, workers, etc), then define the problems that applied to them, and then "formulate certain regulations" that would make their situation *seem just* (at least for the MPs debating the issues; see Herrick 1944: 77). Thus, the "objects" that preserved these judgments were the laws implemented by the "force of the state," but more generally these judgments (about the injustice of a situation shared by a specific group of people and the justness of the solution applied to it) were preserved by embedding the policy in these different social categories (like old people, children, workers, disabled, unemployed), which were themselves based on "underlying principles" that applied to each situation and distributed obligation in a socially just way (Starr 1992: 279-280).

Social Reform Goes to Parliament

The entry of social reform into the state was by no means a straightforward process. A straightforward process would involve, for example, "the threat of industrial unrest" combined with the ideas and arguments of the field of social reform "[stimulating] the

reforming social zeal of the Liberal government in 1906, and [leading] to legislation" of the kind considered to be "the 'origins of the modern welfare state'" (Hall 1984: 19; see also MacDonagh 1977). However, despite the historical elegance of this account, the story behind the New Liberal reforms deviates from it substantially and in ways that make the large-scale initiation of state welfare policy seem less the inevitability belied by this argument and more the result of a "contingent conjuncture" shaped by complexities arising at the meso-level (Little 2000).

This alternative story starts with changes to the voting process. Even after the Reform Acts of 1832 and 1867 (which expanded the electorate to the middle class), Parliament was by no means a representative institution. Indeed, the "blocs" that the Liberal and Conservative parties had been able to assemble from among the groups that had the vote shaped and in many ways constrained the political landscape. Often these alliances lasted for several decades. For example, at the beginning of the 1880s, the Liberal party claimed to represent three distinct social elements: the so-called Whig Gentry (who had identified with the 'Glorious Revolution' and established their independence of the aristocracy in the early stages of agrarian capitalism) and who gained the vote in 1832; the manufacturing and industrial bourgeoisie (responsible for economic and industrial revolutions of the eighteenth and nineteenth centuries"); and the hitherto unenfranchised working classes (in particular, the skilled craftsman associated with the trades unions), who would be the focus of the next Reform Act in 1884 (Hall 1984; Corrigan and Sayer 1985). For their part, the Conservative party largely found support among, on the one hand, the peerage, who also gave them control of the House of Lords (who exercised veto power over the Commons until 1911), and on the other hand, those with vested interests in

imperialism, including "gentlemanly capitalists" (financiers, traders, and imperialists like Cecil Rhodes) the military, and much of the civil service.

If it seems like there is a pattern here, it's because there ought to be: each increase of the electorate (corresponding to the Reform Acts of 1832, 1867 and 1884) included social groups who, for the most part, found their way into the "pluralistic cradle" that increasingly constituted the Liberal Party (Blewett 1965). However, as suggested above in recounting Hyndman's turn toward socialism, the Liberals—led by Gladstone from the 1850s onward—had difficulty capturing the labor element that got the vote in 1884. Moreover, as a result of the prolonged effects of the "Great Depression," the liberal bloc became increasingly divided, as different elements were affected differently by it. To the extent that Gladstone and leading liberals still favored "retrenchment" (largely under the influence of the "Manchesterism" mentioned above), they were reluctant to use state power to counteract this sense of "force" that left people in situations that seemed unjust (in the sense mentioned in chapter 5) because they couldn't believe it was the result of their own moral agency. Thus, although labor should have been the natural ally of the Liberal Party the sense is that 1884 enfranchisement set off "a period of rapidly changing political opportunities" in Britain, involving *both* the Conservatives and Liberals (and culminated with Labor becoming a separate party), as each party "sought to win the loyalty of the newly-enfranchised by promoting social reforms and by invoking the cause of the working classes" (Hanagan 1997: 451).

The first of the "new forces, strange doctrines, and bizarre cross-alliances" this opportunity structure set off is the career of Joseph Chamberlain. Chamberlain was the archetype of an industrial bourgeoisie who traditionally threw support to the liberals. The wealthy owner of screwmaking factories in Birmingham, Chamberlain would eventually

enter politics himself, becoming mayor of Birmingham and instituting a policy of "gas and water socialism," or what was the name given to the far-reaching program of public building, slum clearance, a new university, and the gas and water supply taken into municipal ownership, which he introduced to the city, while still purportedly under the guise of "the Liberal creed." Eventually Chamberlain would enter the Liberal cabinet, as the head of the Board of Trade during Gladstone's time as Prime Minister from 1880-1885.

However, as Chamberlain increasingly favored national policies of the kind that he implemented in Birmingham, and as Gladstone and others in the leadership of the Liberal Party continued to resist doing anything that would make this possible (taxation in particular), the two increasingly butted heads. Initially, this caused Chamberlain to shift his allegiances to the (wildcard) Unionists in Parliament and he became the Colonial Secretary under the Arthur Balfour's Conservative administrative in 1895. This would eventually precipitate Chamberlain's full shift to the Conservatives, this time under the guise of "social imperialism," or realizing national welfare programs at home not by increasing taxation but by "using the British empire for the benefit of the British people."

The career of Chamberlain (who was incapacitated by a stroke just as he became leader of the Conservatives in 1906) is a big reason why the introduction of social issues into Parliament was not a straightforward matter of "objective" social conditions determining state social policy and that the passage of the New Liberal Welfare reforms was contingent on a process not otherwise explicitly related to reform. Indeed, Chamberlain acted largely in pursuit of what was most politically tactical at the time, like social reform. By doing so, he was a gadfly to the Liberal Party, which was eventually forced to dismiss "Gladstonian Liberalism" in favor of "New Liberalism" in order to maintain political relevancy.

A second important feature of the post-1884 opportunity structure involves a change to civil society. This was the proliferation of reformist groups, independent of both parties, who claimed an interest various social problems and "spoke for" particular categories of workers, old people, children and other oppressed groups. Among these were the Committee on Wage Earning Children (1898), the National Anti-Sweating League (1906), the National Committee of Organized Labour on Old Age Pensions, and the National Unemployed Committee (1902). The Trades Unions Council, meanwhile, which was founded in 1867 and traditionally aligned with the Liberal Party, broke with the liberals during the mid-1880s, and, like these other groups, became an object of competition between the two parties.

Thus, between 1885 and 1911, both major parties were determined to win support from an enlarged electorate. They did this largely through promises of social reform. The resulting policy fundamentally changed British politics forever. As Stuart Hall puts it, this period marked the "advance of "The Democracy,"" which "forced the state onto a new basis—universal adult suffrage" (1984: 26). This transformed Britain into a mass democracy. Most important, "it obliged the state greatly to expand its machinery to take on its new responsibilities (for example, state welfare benefits) and to meet new challenges. It stirred the state, in general, into a more interventionist role. And the more the state attempted to derive its legitimacy from the *whole* of society, the more the state itself became the base from which alone *national* strategies, compromises and settlements could be devised and implemented" (Hall 1984: 26).

The 1884 Reform Act and its aftermath effectively transitioned the state onto a *national* basis, breaking both parties reliance on their traditional "blocs" for support and electability. The social underpinning of the state effectively shifted onto a broader platform,

where it remained. The primary consequence of this, for our purposes, is ideological. As politics became national "the language of social reform was no longer confined to that of a Liberalism deeply suspicious of the role of government and committed to an atomistic individualism" (Hanagan 1997: 453-454). As the Chamberlain discussion suggests, these political changes placed an impetus on developing more *collectivist* political programs and ideologies. Chamberlain's "social imperialism" was one variant of this, as were "national efficiency" and "liberal imperialism." The latter was marked by a combination of eugenics and nationalism, with social policy earmarked for the "improvement of the race." The liberal imperialists, meanwhile, shared much in common with Chamberlain, other than the central difference that they opposed tariff reform (which he supported) and favored a continuation of free trade (Semmel 1960).

These are, of course, names given by later historians to various set of ideas and proposals, which emerged in a relatively uncoordinated development during this time. At the time, the state actors and reformers that developed them were primarily involved in ways of gaining political power in a situation that had become highly competitive. However, the general thrust of the proposals is clear: they involved the emergence of a self-consciously *collectivist* political ideology. Of course, as we've seen, there was nothing unprecedented about "interventionist" kinds of social policy. The New Poor Law was a kind of safety net; Public Health had all the trappings of late-century social policy; and the Education Act certainly involved bettering the whole and not just individuals. But the argument for the distinctiveness of collectivism to this period is correct in the sense that there were now permanent *political* reasons, as spurred by these changes to the political field (in particular, the focus of elections), that the "state should ... plan and act on behalf of society conceived as an organic whole" (Hall 1984: 27). Language like "national interest" and "strength of the

nation" now accompanied proposals, which matched these ideas by applying broadly as *national* policies to address "social problems"—a term which gained wide usage by the mid-1890s (Schwartz 1997).

Thus, social reform entered Parliament when the political field changed in such a way as to give collectivism a vital political stakes. As we've seen, the issues collectivism raised found a longstanding interest *outside* of the state. But their political value remained limited while the social underpinning of the state, and the "blocs" behind each party, remained more or less what they had been since the 1860s. However, this changed when the political footing became national. As Jose Harris (1983) argues, during this a period (1885-1911) "high politics" reentered Parliament. Issues once considered solved and "taken out of politics" (like the Poor Law, for example, or state finance) were once again made problematic. An analogy can be drawn to what Bourdieu describes as a "shake in *doxa*" that prompts the kind of reflexivity that accompanies fields in transition (1988: 181). It was now worthwhile for those at the head of the political field to ask the old (big) questions again: What is the state good for? What are the limits of state power? What is the national interest? Finding answers to them is what made it possible for the British state, proudly defined by its limitations—and still characterized (except for bits like the Colonial Service, the Poor Law, Public Health and Education) by a kind of "parcellized sovereignty" (Anderson 1974: 19; see also Dobbin 1994a)—to undertake the "paradoxical act" (to use Bourdieu's terms) of tying itself to "the contradictory cause of collectivism" (Hall 1984: 38).

The Emergence of Social Liberalism

As mentioned above, the point of this chapter is use an analysis of parliamentary debates in order to trace of the justifications that MPs used to pass central pieces of legislation

associated with this "turn to collectivism" or, in stronger terms, the "emergence of the welfare state." The one-to-one transition between ideas present in the field of social reform and Parliament should not be expected because, as this suggests, Parliament existed in a field of its own, which needed to change in order to for MPs to become receptive to the kinds of moral claims and political proposals that reformers developed during the 1880s. Furthermore, once those ideas did find their way into the political field, a kind of *translation* had to take place in order for them to have an effect on the *content* of social policy. Liberal and social imperialism, and national efficiency, are the terms the historians have developed to refer to these kinds of translations. I briefly discussed their content above. However, here I outline a different instance of this kind of translation, and one existing on a slightly different plane than those grander proposals as it was concerned with implementing social reforms in order to realize collectivist ends but without infringing on individual freedom, or the ability of individuals to exercise the kind of moral agency that justifies their position in the social order.

I refer to this as "social liberalism," a term drawn from Ira Katznelson's (1996) argument about the influence of "policy intellectuals" during the New Liberal period. Here, makes the important comparison between social liberalism, fascism and communism: they were three alternatives for social organization, and state-society relations, that emerged from confrontations with "the social problem" in Europe during the late 19th and early 20th centuries (1996: 44). Significantly, however, the "ideas" that constituted each branch were not specific policies or sets of ideas, but were rather concerned with defining the "rules of transaction between spheres with within capitalism and democracy" (Katznelson 1996: 37). In this sense, social liberalism was still "liberal" because it tried to reconcile the individual autonomy (or what is often termed "freedom") necessary for tests of worth with

certain "distributional goals" that bypassed those tests by implementing certain kinds of market protections considered to be for "the common good" of the country. The contrast with fascism and communism emerges from this effort *not* to eliminate individual autonomy as the site of moral agency and thereby resort to "violent" or "agape" types of social organization that don't rely on justifications for action or tests of worth to determine social order (Boltanski 2012[1990]: 74).

As mentioned above, the key to doing this, as it emerged in debates over each policy, was to classify a certain group of people as suffering from a certain social problem, and then to transform their situation in such a way as it could *seem just*. This process involved the input of *judgment* into the situation, specifically how it was unjust and what could fix it. Social liberalism is unique in the sense that it inscribed this judgment not only in specific policy provisions, but also in social relationships defined according to responsibility. As mentioned above, from an orders of worth perspective, social policy is treated as a matter of "[inscribing] a judgment definitively into reality, which presupposes that persons can be identified with the capacities that the judgment has qualified, and thus that their actions can be controlled ... by the arrangement of objects that surrounds them" (Boltanski and Thevenot 2006[1991]: 354). It is in this process of "inscribing a judgment into reality" through the use of objects that social liberalism becomes most apparent in the debates analyzed below. However, what counts as an "object" from this perspective remains ambiguous.

To help specify this, I draw from Paul Starr's (1992: 279-280) argument that, in liberal state social policy, that "social categories" (like working class, the Hispanic race, homosexual, or old people, children, the disabled, the unemployed) "define not only different types of groups, but also different types of social structures." In this sense, the

categories involve "conceptualizing an underlying principle," that in this case involves an obligation. These are social relationships created or sanctioned by the state.

Starr elaborates as follows: "For example, race, nationality, national origin, case, religion, and ethnicity represent alternative or overlapping principles of classification. They define not only different types of groups, but also different types of *social structures*. A state that recognizes different nationalities is not itself a nation in the same sense as one that recognizes different ethnicities. The concept 'caste' has still other implications for social structure" (1992: 279-280; emphasis mine). In this sense, the category "old people," "worker," or "children" immediately suggests a set of relationships in the same way that defining a specific "caste" or "multiple nationalities" does. In this specific case, these social relationships were based on obligations to make the unjust situation that applies to the category (for example, old people who are in poverty simply because they are old) seem just again. Who is responsible for doing this? And what is it about the situation that is unjust? These are the two questions that become the focus of the debates. I treat the relationships that MPs define in this way as the "objects" that, according to Boltanski and Thevenot, preserve the *judgment* that links a social problem to a policy solution.

As Starr continues, the role of categorization applies as a kind of general rule for liberal states in developing social policy: because of the presumed rights of "personal autonomy ... the liberal state does not ... claim any authority to define and constitute social groups," which might supplant the individual or replace her moral agency. "In the enforcement of justice and allocation of rewards, the liberal state, in principle, attempts to treat people as individuals rather than as members of a class" (1992: 266). This just restates the problem of "social liberalism" give above, in the sense that the policy must seem just from the point of view of *individuals* not groups. Yet, in the same breath, it tries to realize

collective goals. Categories allow the state to do this without erasing the individual, because they exist *apart* from the individual and don't restrict individual autonomy or grant undue worth.

The New Liberal reforms are a kind of culmination or result of the debates over social justice during the 1880s. Although the ideas raised during that period were "routinized" (in the sense mentioned above) and took on a life of their own extending beyond the New Liberal period, they were immediately linked to the New Liberal reforms through the "Rainbow Circle." As mentioned above, the Liberal Party remained based on "Gladstonian Liberalism" throughout the 1880s and into the mid-1890s. With the Conservatives in power for all but three years (1892-1895) between 1885 and 1905, the Liberals were losing the battle for the expanding electorate.

It was in this context that the Rainbow Circle was founded (following the Liberal's electoral defeat in 1894) with the purpose of providing "a rational and comprehensive view of political and social progress, leading up to a consistent body of political and economic doctrine which could be ultimately formulated in a programme for action, and in that form provide a rallying cry for social reformers" (Herbert Samuel quoted in Freedman 1989a:

1). However, the more concrete purpose was to revitalize the Liberal Party by putting it on a new platform. The Circle was a relatively small and cohesive group of social reformers and politicians, "created at the interstices of a number of important London social and political associations," including the Fabian Society, Settlement Movement, and New Liberal theorists. John Hobson was a prominent member, as were William Clarke (an original member of the Fabian Society) and Ramsey MacDonald (member of the Fabian Society and future leader of the Labour Party). Herbert Samuel, Sydney Buxton, Russell Rea, and G.P. Gooch were some of the more vocal Liberal MPs involved in the Circle. The group met

several times a year starting from 1894 until 1924, first at the Rainbow Tavern on Fleet Street in London and eventually at a house in Bloomsbury Square as its influence and membership expanded. The height of the group's power came in 1905-1906, when the Liberals were triumphantly returned to power on a platform that was shaped by discussion among Rainbow Circle members (Freeden 1989a: 2-3, 14).

For our purposes, the fundamental idea hatched in the Rainbow Circle and which found its way onto the New Liberal platform and into Parliamentary debates over the New Liberal Reforms, was the idea of "the unity of society—complex in its economic, cooperative, ethical and emotional bonds" and that the "State [is] a 'partnership in every virtue & all perfection.'" This is a very "positive view of the state," yet it is combined with an "agnostic position towards the Industrial State" in the sense that "Each case must be dealt with on its own merits with but a subordinate reference to any general principle" (Freeden 1989b: 28). These arguments—drawn from the minutes of an early discussion of the Rainbow Circle—show the group trying to distinguish itself from "Adam Smith and Manchesterism" on the one hand, and "the SDF and Socialists" on the other. "The chief article in the political creed of the New Liberalism [is] a determination to abolish every evil condition from life" (Freeden 1989b: 28). But how could a "positive state" do this without becoming an "industrial state," that is to say, while still preserving "the liberty of individuals in a state" (Freeden 1989b: 28)? This question is the core problem of Social Liberalism.

The policies that I analyze below—Old Age Pensions, 8-hour work day, child-specific laws and protections, workmen's compensation and national insurance—weren't original to the Rainbow Circle or even the New Liberals themselves. However, what is unique is how MPs decided to implement them in ways that seemed to fix the problem, but at the same time preserved individual liberty. That clarity didn't always emerge among MPs

about this issue as it involved a specific policy (for example, with Old Age Pensions as opposed to National Insurance) helps explain the differences between policies. In what follows, I analyze debates among MPs over each of these policies, concentrating on the ways they answered the following questions: (1) How is the situation unjust?; (2) What category of people does it affect?; (3) What kinds of social obligations are involved?; and (4) How does the policy (insurance, pensions, workmen's compensation) make the unjust situation just again? As we'll see, orders of worth are primarily involved in answering the first and fourth questions. Social relationships, meanwhile, are debated in two and three.

Old Age Pensions

When the Old Age Pensions Act was finally passed in the fall of 1908, it paid a weekly pension of 5s for singles (and 7s 6d for married couples) per week, for all those who were over the age of 70 and “had not been in prison within ten years ... was not a lunatic ... was not receiving poor relief ... had not received poor relief [for the length of time] that disqualified him as a parliamentary elector ... [and] had been ‘habitually’ employed in the trade of his choice” (Gilbert 1966: 222). More specifically, the government required “only that in order to receive a pension the recipient be old and in reduced circumstances” (Gilbert 1966: 159). The question to ask here, particularly in comparison with the *contributory* policy of National Insurance (which covered health and unemployment issues), is what kind of injustice characterized the situation of “old people” (as a "category" of people) that made this “non-contributory,” and largely non-discriminatory, policy *fit with it*, as the most appropriate means for rectifying the injustice?

Illustrating the injustice of the situation was the focus of the Liberal MP Francis Channing’s reference to the “demoralizing and intolerable dread and sense of despair” felt

by the “man in middle-life” who, observing the destitution of old age, knew that for him it would mean, first, “he [would be] compelled to see little by little the destruction of his savings” in order to provide for sustenance against conditions that he could not prevent from coming, and, second, how eventually the pressures of the situation would simply require him to “divest himself of every shred of money he had left [just] in order to qualify himself ... for the pitiable and degrading last refuge of human existence in the workhouse” (1907: 174, p. 481). Channing cites the research by Charles Booth and Seebohm Rowntree into poverty in London and in the countryside—and also the pair’s advocacy of old age pensions—in support of his claim, which is focused on (1) illustrating the kind of injustice that characterized “old age” and (2) then using that illustration to advocate for state-sponsored old age pensions by demonstrating how they would solve the problem by removing the injustice. Missing from this particular example is a discussion of how the social category itself—“old age”—implies certain social relationships between old age people and other groups, and how it is the “principle” involved in those relationships that pensions seek to augment in order to rectify the injustice that characterizes the situation of old age people. This is something that develops over the course of the subsequent debate.

On May 10, 1907, during the second reading of the Old Age Pensions Bill, William Hesketh Lever, a Liberal MP from the Wirral, stated that it was indeed “an obligation on the part of the state to do for individual citizens what individual citizens could not do for themselves.” “Thrift” could not be the “largest virtue asked of citizenship.” The difference he was trying to outline lay between what individuals could do to provide for themselves in old age or what the state could do to provide for them, with the favored suggestion being a national program of “insurance.” As Lever argued, “the narrow margin between income and expenditure in so many occupations in this country for those who had children to maintain

made the thrift line or the insurance line impossible.” It was “not right” to put the problem of whether to save for future old age or to provide for needs in the present (especially the needs of children) “before the people of this wealthy country” (1907: 174, p. 471-473).

Lever then tells a story comparing “Betty Jones”—a “dutiful” member of the agricultural labouring class—to an apparently “thrifty” rich man. “For thirty years of her life this old lady declared she never set eyes on a sovereign piece.” Yet with her husband dead and children gone “fulfilling their duty” by working for the pay they “can receive,” all that keeps her from entering the workhouse is the charity of friends and neighbors, who themselves cannot give without sacrificing providing for their own old age. “Could she have saved anything for an old age pension?” Lever argues that “all would agree that she and her husband had done their duty to the State. From a national point of view she had fulfilled her duty ... in a higher manner by bringing up a family respectably than if she had saved any amount of money for thrift and exercised all virtues in that direction.” And yet thrift is still considered the higher virtue, even though it is only the *absence* of thrift that would justify this woman living out her dying years by serving a penal sentence in the workhouse

Poised against this, Lever recalls a “remarkable example of thrift in the case of a wealthy man who was never known to give anything in his life.”

One day, however, he met a man in the village poorly shod and told him that if he went up to the house he would be given an old pair of boots which he had discarded. A few days later he saw the villager wearing a remarkably good-looking pair of boots. “Ah, John,” said he, “where did you get those boots from?” “Oh, sir,” was the reply, “they are the pair you told me to go and get!” “Well, I never,” said the rich man, “I thought they were past mending! What did they cost you to mend?” “Half-a-crown,” replied the new owner with satisfaction. “Look here then,” rejoined the donor, “here is your half-crown and you can take them back to my house.”

From this comparison, Lever challenges the position of thrift in an implicit theory of justice—How can it still be the “test” of just outcomes if in this case “Betty Jones was not thrifty and the rich man was?” (1907: 174, p. 473-474).

As Lever argues, thrift cannot be the determinant of the right of people to a comfortable old-age—free of both the workhouse (and the “right to relief” it implied) and the problems of trying to get work once they were beyond their productive years. In this setting, an act of Parliament to supply Old-Age Pensions through state funds—buffered by “graduated taxation”—was fully justified, even if these funds were absent any contribution from the beneficiaries themselves.

[This Act] was not benevolence. If it were he did not think the manly independent working man would have anything to do with it, nor that the House of Commons would force it upon him. *It was neither benevolence nor philanthropy.* Benevolence and philanthropy were *only a system of charity*, and charity was the mother of pauperism. They wanted this scheme on a strict system of business. *It was mere justice to the great masses of the people of the country*, and he believed the Government was going to show what it meant. This Government had been returned on a programme of social reform. The country was ripe and eager for social reform. He was certain the result of the scheme would be to produce better citizens ...” (1907: 174, p. 477; emphasis mine).

The opposition between charity and justice is clearly evident in this statement. The conditions for switching from one to the other is what marks the inability of thrift to serve as the test necessary for determining the “worth” of individuals in old age. While the Old-Age Pensions Act would provide for a “character test” that worked through the Poor Law—essentially, receiving Poor Relief at anytime over the life-course could mean disqualification from receiving an Old-Age Pension—even this was disputed when it came to determining what actually led a person to be “poor” and whether “having ever gone on poor relief” should be used to discriminate on this basis (Walter Long 1908: 191, p. 386-388).

Opposed to this argument was the largely conservative position that associated pensions with an arbitrary intervention into the market, which was believed to have its own ways of providing for old age. The following is the contention of the Conservative member from Preston, Harold Cox:

There was no obligation between them [workers and the State], except he hoped the obligation of friendliness, and there never had been any obligation between them to entitle

him to go to his hon. friend and ask him to support him in his old age ... My ideal is, that the time should come when every working man in this country should earn amply sufficient to enable him to provide money to support him in his old age ... Those men, on the other hand, who had exercised no self-control when young would be unfit to take care of themselves when they got old (1907: 169, p. 232-233).

From this perspective, to introduce Old-Age Pensions is to invite the kind of lack of self-control evident in the individual *dependence* on a friend created when someone does not “act with responsibility” when they should have. In this case, the problems stem from not “having practiced self-denial when they were young.” It was this “test” of thrift that Lever’s view tried to oppose.

Cox concludes that if the goal is to ensure material comfort in old age, then

I think it would be best attained by teaching men and women that while young it is their duty to strive to obtain good wages and to combine for that purpose, and in addition to have sufficient self-control to spend their wages well so that in their old age they could enjoy their independence (1907: 169, p. 233).

This justification favors independence, and in doing so it illustrates the kind of “sacrifice of singular attachment” that allows someone to be judged according to “a generality of worth,” when that generality is conceived as a market. From this perspective, the state providing Old Age Pensions is simply a stop-gap, and *arbitrary*, measure to solve the problems of those who acted selfishly by not “sacrificing their singular attachment” in order to respond to market signals and, therefore, save for old age when they had the opportunity. From this perspective, individuals should recognize their independence and act on interests determined by a market position. By doing so, they actually act unselfishly, as indicated by the market order of worth. Part of this includes pressure for the kind of wages that would allow for independence when work becomes impossible in old age.

Hence, recognizing and acting on “interest” in this way is the test for the justice of market outcomes. By contrast, to allow the state to provide pensions, particularly without requiring any prior contribution, introduces the “logic of friendship” into the scenario,

which (according to a basically Malthusian logic) kills initiative and breeds paupers by leading people away from the recognition of their own self-interest. Of course the ideal remains one of social order, with justice holding it together. But such is the justice of the market order that the recognition of capabilities follows the rational self-judgment of one's own value as determined by the market. For Cox, the tolerability of the outcome is, in effect, one of *duty*, stemming from the acknowledgement of compulsions set impersonally by the market.

By contrast, for the Liberal MP Richard Brace, from Glamorganshire, the issue did not concern friendship; rather, the pension bill must be “approached from the point of view of the responsibility of citizenship” (1907: 169, p. 242). From this perspective it became absurd to talk about old-age pensions pauperizing people, because we should only be doing for our soldiers of industry what we have already done for our soldiers of war. When a man has given *a full life to the service of the State* producing a share of the nation's wealth, sure he ought to be assured of an amount of money that would allow him to spend the end of his days in comfort and respectability. We cannot place these pensions as a charge upon industries. In my opinion, it is the duty of the state in its full responsibility to its citizens to provide these funds (1907: 169, p. 241-242; emphasis mine).

From this perspective, a relationship exists between the state and old-age workers in which the latter fulfill the end of the bargain of citizenship, much as soldiers do in war. This is *civic* point of view on the issue. Workers sacrifice their lives to produce the “wealth of the nation.” In this scenario, pensions become the fulfillment of the obligation of the state to its citizens—an obligation created by their lifetime of working. The analogy between workers and soldiers was drawn closely when it came miners and sailors (Lloyd George 1908: 191, p. 663).

Applying this criteria, work itself becomes evidence of investment (or selflessness) necessary for determining the meaning of justice and applying the sense of justice to all of those who, by working, demonstrate their contribution to the common good. Pensions fulfill the obligation stemming from which is conceived of as a relationship of citizenship

between the state and this category of people. Indeed, a further argument claims that, in contrast to Cox's claims, state-sponsored pension would actually create an incentive to "work not less but more" because it would allow workers consider "the system to be just" (F.W. Verney 1907: 174, p. 523). What is owed to workers who provide evidence of "distance from their own particularity" by working for their entire lives is a policy (pensions) that is socially just when the situation is examined according to a civic order of worth.

In the debate during the Third Reading, which eventually passed the resolution through the Commons, George Harwood, a Liberal MP from Bolton, argued that the bill did indeed concern the State "[rectifying] a great wrong and [putting] Society on a just basis." As he asked: "What is the real principle behind it on which we can take our stand? It is that it is an attempt, perhaps rough, rude and inefficient, but an attempt to rectify the gross injustice of our present social conditions" (1908: 192, p.199). But he remains unclear as to how was the absence of old age pensions should be considered unjust? If it wasn't disputed according to strict market criteria (of Cox), then it was justified on competing terms depending on whether civic (Brace) or domestic (Lever) criteria were applied to the situation.

Thus, when it came to determining the appropriate "test" that would set the qualifications that would be necessary in order to receive the pension, the difference between the competing justifications became increasingly problematic. Was it a "character test or an industrial test?" (Snowden 1908: 192, p. 157). If the former were to apply, then the justice of the pension would be that it eliminated the choice (outlined by Lever) confronted by "dutiful workers" of whether to fulfill obligations (for children and often elderly parents) in the present or to save for future old age. But if the latter applied, the pension would be a "just reward" for those who demonstrated their concern for the common good of society by

living a diligent life of work. In this regard, the more concrete concern was whether the test of the kind of worth demonstrated by those who fit the category of "old people" (and thus qualify for a pension) should focus on evidence of fulfilling conditions of employment or conditions of domestic duty?

The inability to resolve this dilemma explains why the eventual Old Age Pensions Act was largely non-discriminatory (as suggested by the broad criteria, mentioned above, that would disqualify someone from receiving a pension). It also helps explain the logic behind the "means test" that was finally introduced and why Old Age Pensions, alone among the New Liberal "insurance" reforms (i.e. alongside National Insurance for sickness and unemployment), was non-contributory, or didn't require that people pay into a fund as a condition of receiving its benefits later on.

Indeed, this became the Conservatives main point of contention with the Act. For example, after detailing specific examples of problematic cases, all of which lay at the interval of these competing meanings of justice, the leader of the Conservatives, Arthur Balfour, concluded: "I have been endeavoring to show that if it is attempted to work the Bill according to theory you throw an almost impossible task upon the executive, and your discrimination will be arbitrary, and the class you most want to help will be excluded. But will the Bill be worked according to theory? Will its operation be confined to persons over seventy, and of virtuous character? I do not believe for one moment that it will" (1908: 192, p. 181). His solution was to introduce a "contributory scheme" which not only would solve the problem of financing the pensions without raising taxes, but would also make "inquisitorial investigation" unnecessary because the measure would retain a clearer test of character (1908: 192, p. 187). Essentially, by making contribution the basis of both funding the pension fund and for receiving benefits from it, the state could ensure that "malingering"

would be prevented, or what was here understood to be the problem of “benefiting without sacrifice.”

However, for Lloyd George, Balfour’s proposal was “no alternative at all.” In response to this and other criticisms, he offered the very tactical claim that it was not “generosity or manliness” that was missing from the Bill, but rather a “sense of justice” among MPs to recognize that old age pensions are simply a way of solving the problem of providing for “572,000 old people, poverty stricken, but too proud to seek the charity of the Poor Law” (1908: 192, p. 192). In this regard, discrimination between those who could or could not receive a pension became an irrelevant issue when the justice of the situation was measured only by finding a solution to a social problem. That Lloyd George was so quick to jettison a discriminatory element indicates that to him, and much of the New Liberal contingent in Parliament who could not decide between the different ways in which the situation could be considered unjust and thus what kind of “tests” to introduce as discriminatory measures within it, the issue had become a matter of “mathematics not morals” (Winston Churchill quoted in Gilbert 1966: 272).

Thus, deservingness was ultimately determined simply according to a “test” of means—in this case, someone deserved a pension if they were at least 70 years of age with a total worth of less than £12. In this sense, the equal and opposing justifications for the Act made any kind of discrimination seem unjust insofar as the qualifications necessary to be considered deserving under one set of criteria would exclude those who would otherwise be considered deserving under the other criteria. In other words, while other factors were involved in developing the means test, including a cost/benefit analysis and the electoral pull of the National Committee on Old Age Pensions, which didn't want discriminatory criteria introduced, the means test was justified, within Parliament, when moral ideas themselves

created a kind of impasse, making it impossible to make a clear connection between the injustice of the situation of old people and the justness of a discriminatory (for one set of reasons or another) or contributory pension.

An important aspect of the issue, which also makes the pensions act distinct, particularly from a moral point of view, was the kind of inevitability of "pauper" life circumstances that MPs and social reformers believed accompanied workers in old age. As the New Liberal theorist L.T. Hobhouse argued: "The first point to be observed is that pauperism among the aged ... is the *normal* fate of the poorer class" (*Manchester Guardian*, 2/29/08; emphasis original). In this sense, how could *not* providing a pension for a certain segment of old people, otherwise fated to poverty despite their moral agency, be justified? This further impasse also helped to make a "means" test appear to be an appropriate solution.

Indeed, the inevitability of old age poverty made universal and non-contributory pensions seem like a "right rather than ... a charity ... an installment of economic justice" (*Nation*, 11/16/07). As Lloyd George alluded too, and as the Royal Commission on Old Age Pensions suggested in 1893: "We cannot but regard it as an unsatisfactory and deplorable fact that so large a portion of the working classes are in old age in receipt of poor relief" (Bruce 1966: 151). It was the association between the inevitability of old age and its problems, and the punitiveness that accompanied poor relief and the workhouse that seemed like an "intolerable injustice," because it violated a kind of obligation between society and people who had spent their lives working. These people existed as a "burden broadly over ... society" as a whole (J.H. Spender quoted in Freedman 1978: 204). Thus, granting old age pensions, with only a means-based test and non-contributory, would, from this social liberal perspective, express the "solidarity of society" (*Nation*, 3/16/07). The provisions of the Old

Age Pensions Act are therefore consistent with this emergent conception of justice as it applied to the category of “old age.”

The 8-Hours (Coal Miners) Act and the Childrens Act

While the test of thrift was hotly contested, and eventually surpassed, in the debate over old-age pensions, the issue of "sacrifice" also became conspicuous during the debate over the limitation of coal miner's workdays to 8 hours. This implied a contest over social relations that concerned the obligations existing between employees and their employers. More specifically, the debate revolved around this question: should employees only expect to keep their job when they fulfill their end of the employment relationship? Is that reward enough for their labor? Is regular employment all that labor should be expected to bring for the employee? This found expression in the rhyme: "Eight hours to sleep; eight hours to play; eight hours to work; eight 'bob a day" (Webb and Cox 1891: 14).

This treaded on similar ground as the debate over the Childrens Act. Also known as the "Children's Charter," the Act introduced or solidified a variety of policies, now justified by effort to "give a better life to children," including free school meals and school medical inspections, juvenile courts and borstals that prevented children from entering adult jails and prisons, and forbidding the sale of cigarettes and alcohol to children under 16 years of age (Bruce 1966: 154). While some of these measures wouldn't be fully introduced until the early 1910s, they were initiated by the act and its definition of "childhood" or children as a social category. The Act thus instituted a unique form of treatment of children, as it involved the state making childhood “more desirable” by not simply leaving childcare to the discretion of parents.

The 8-Hours (1908) and Childrens Act (1908) were likely the most extreme cases of a "positive" view of the state implemented through policy, because in both instances the policy intervened into relationships (between employer and employee and parents and children) considered completely off-limits in all prior legislation. Both policies attempted to create new obligations in the relationship between each set of categories. Significantly, MPs debates would ultimately involve a justification for the state overriding the immediate "interests" of the beneficiaries of each Act—children and miners—in order that they might act in ways that would realize a better, more enriched state of being.

I'll start with the 8-Hour's Act. At the time, legislation over working hours was "piecemeal and uneven," and only found a legislative foothold (to this point) in the provisions of the Factory Acts passed in the 1830s and 1840s and which mandated that children aged 9-13 could only work 8 hours, while those 14-18 could work 12 hours. Agreements were in place within trades unions to limit working hours, and 8 the hour movement (for a "national and universal" limitation) found a precedent in the prior 10 and 9 hour working day demands (Webb and Cox 1891). But in the political landscape created following the 1884 Reform Act, the 8-hour movement gained momentum, led by groups like the SDF and "new unionist" labor movement. Although coal miners would initially be the only group affected by the act, the precedent it set of the state acting to working hours (instead of working hours set by a "negotiation between employer and employee), particularly as it applied to a pivotal industry like coal mining, was important for latter efforts to institute the 8 hour day as a national standard (Hecló 1974; Gilbert 1966).

As the debate over the bill opened, the relationship between miners and mine owners became central. Could limiting the workday to 8 hours actually fulfill the obligations involved in the employment relationship? Or did working less violate some other obligation

of coal miners? From one perspective on the issue: “The struggle is not between the miner and the mine-owner but between the mining industry and the rest of the community” (Mason 1908: 190, p. 1363). The bill was unjust according to this perspective, because, as a producer of a primary resource, the coalmining industry would violate the relationship it had to the rest of the country, if it didn’t try to realize its full capabilities. Any work shortage would lead to declines in production and therefore penalize the “majority interest” in order to serve a “minority claim” (Baldwin 1908: 190, p. 1437). In this instance, the problem was whether the Bill arbitrarily favored an interest group and rewarded them for not distancing themselves from their own particular concerns. Hence the conclusion reached by many Conservatives: “necessity and justice really compel us *not* to introduce this Bill” (Gladstone 1908: 198, p. 541; emphasis mine).

In a general sense, then, the debate over the 8-hours Act focused on what kind of social relationship the state should sanction. The coal industry was a “pivotal industry” whose efficiency largely determined the efficiency of the empire. “Obligations extend from a duty for national production” (Gladstone 1908: 198, p. 540). Borrowing from Hirschman, this kind of contention would qualify as a token case of the “jeopardy thesis,” where “the cost of the proposed change or reform is too high as it endangers some previous, precious accomplishment” (1991: 7). On the other hand, however, was the argument that an 8 hour workday would enrich the workforce itself and was indeed owed to coal miners by their employers (and by the country itself) as just reward for their labor. These were competing kinds of relationships with different sets of obligations. What this produced, in effect, was a situation where competing claims could not dispense with the same meaning of justice as it applied not only to coal miners, but to workers in general.

The predominant theme in the justification of the 8-hours Act was both a duty owed to “service” and the improvements to character that limited working hours made possible. Appeals focused on “those outside who could scarcely understand the meaning of the life in the pit, shut away from all life half their lifetime ... a man is kept nine hours *away from everybody* ... No man or boy should be kept below ground for more than eight hours a day, and those who have toiled for many years, and who have been away from the sunlight and life of the world for many hours, looked forward to the passage of the bill, because they hoped for easier conditions, under which life would be more tolerable” (Edwards 1908: 190, p. 1293-1294; emphasis mine). From one perspective, this consequence was intolerable for those, like coal miners, “who risk their lives winning for the nation a great source of its wealth. When you say that the consumers of this country have a privilege, I say: ‘Yes, but the consumers have a responsibility as well,’ and it was because we think the nation ought to give to the people who risk so much and labour so heavily for the national weal that we ask the House with confidence to pass this Eight Hours Bill” (Brace 1908: 190, p. 1428-1429). The terminus of justification, in this respect, lay in the efforts made to “ennoble and uplift men who were rendering great *service* to the state” (Brace 1908: 190, p. 1432). In this sense, what the state and consumers *owed* the coal-miners thus became the focus of concern. Similar to old age pensions, the kind of worth coal miners possess is, from this perspective, of a civic form.

The group responsible for creating the unjust conditions of the miners’ lives seemed to be the mine owners themselves: “every manager, agent or owner of a mine, is assumed to be guilty of an infringement of the act until he is proved to be innocent ... Everybody knew that the actual effect in connection with the carrying out of the act would depend far more on the men than on the manager, or the agent, or the owner” (Laurence Hardy 1908: 190, p.

1413). But then the question arose: who was actually responsible for determining hours of work in the mines? Was it really the mine owners? On the one hand, this presented the logistical problem of developing a “simple method of enforcement and check” (Samuel 1908: 198, p. 1055). Eventually it was decided that time-keepers would be assigned to check each mine; but without a clear definition of the source of the problem, the debate mutated in a much broader direction. On the other hand, however, it raised a more interesting issue: whether to mandate that workers could only work 8 hours even if the workers themselves wanted to work more.

In this sense, the debate came to focus on the question of “liberty” and whether the miner's choice to work as much as they could might be to blame for the overwork and deprivation associated with their seemingly deprived lives. As one liberal MP argued:

This Bill imposes a limit upon the liberties of our adult fellow-subjects. It lays down the rule that there should be a limitation as to the number of hours anybody should be allowed to work below ground. What grounds are put forward for this proposal? I agree that occasionally it might be necessary to make rules by which we should govern the will of an adult person; but, before we do that, we should clear some ground *that that liberty was doing some harm*, if not to the individual's own health and to himself, at any rate to his neighbours or to the State. I have listened to the debate on the Second Reading ... and I have not heard a single reason given as to what harm the unrestricted liberty of a man to work underground as long as he pleased did either to himself, his neighbours, or to the State.” (Ridsdale 1908: 198, p. 557-558; emphasis mine)

Here the employer is conspicuous by his absence. By not placing the Act within the framework of the employer/employee relationship, the only group to blame is the miners themselves, and their ability to choose their own hours of work. But how could that be the case?

For MPs unable to see the Bill as augmenting the relationship between employer and employee, or who don't see that the employer violates the employment relationship by making his workers work in ways that are overall detrimental to them, a limitation on hours appears to them to be a penalty on liberty, and therefore an unjust imposition on the

interests of the miners to act in whatever way they find both economically and personally satisfactory. Thus, the Bill is countered by claiming that it

interferes with the flexibility of labour, preventing a man from working longer hours on some days and taking a day's holiday, said that that objection showed ignorance of mining life, that miners must be dealt with en bloc, that they must go down and come up together, and all conform to the general rule. That is true enough within its limits; but would the hon. Member say that under the existing system a man could not, if he chose, earn as much by working longer hours and taking an occasional day's leisure as he would under the new system ... a man confined to an eight-hours shift each day will have to work each day and will lose the right to do the same amount of work in five days and take a holiday on one day in the week. Legislation of this kind must interfere at all times and in all circumstances with the personal liberty of the individual man, and with his *power of arranging his own time in his own way*. In addition to these inevitable trammels which are the result of the character of the industry, you are now introducing a new trammel due not to the character of the industry but to the deliberate will of Parliament. This is an interference with liberty, great or small, which ought not, I venture to say, to be undertaken unless very serious reasons can be urged in its support (Balfour 1908: 198, p. 1333-1334; emphasis mine).

Thus, for Conservatives, the major issue involved the seeming paradox of whether "liberty" could itself be the source of a problem (long hours) that supposedly causes a restriction on liberty. For Balfour, still a leader among the Conservatives, if the coal-miners want shorter hours, all they had to do is to decide to have them and take the initiative to get them. From this point of view, the Act does appear like the unaccountable exercise of the "will of Parliament" because it arbitrarily suppresses the "natural sentiments" that determine the working-day and are the only measure of justice that should be applied to this situation. The discretion of the employee is the only point of reference that should be considered. Employment is conceived from a market point of view: it is the social bond that is created when people are allowed to recognize their own interests and act on them, and are limited only by the kind of "worth" that this reveals. A restriction on working hours is therefore an unjust interference with this basic fact of liberty, which underlies this set of "natural" relationships.

Compare this to the alternative justification developed by New Liberal MPs. Here, the employer is the cause of the problem. Overwork is unnecessary work and the deprivation that it leads too violates the employment relationship because it violates the rights of the employee:

Hon. Members opposite and some hon. Members behind me have, however, laid down in un-compromising terms the doctrine of the complete individualist that you must never prevent a man from "working what hours he pleases." But that is just what the man does not do now. If he was able to work what hours he pleased there would be no case for legislation. It certainly seems an extraordinary perversion, a topsy-turvy argument to say that if you help a man to work the hours he wants to work it is tyranny, but if he is *left to the mercies of our industrial system and compelled to work long hours which he does not wish to work*, that is liberty. I have never been able to understand that argument. I suppose there must be some force in it, because it has been advanced by so many able men, but at any rate I have never been able to understand it. If you help the miners by the force of a statute to do that which by their express declaration they desire, then you are *extending liberty and not decreasing it* ... [Our social reform] may go in the direction of lower prices for the consumer; or it may go in the form of greater leisure for the workmen. It may go in a combination of some of these various methods. But we believe that among all these various directions in which the benefit of improved industrial methods may be spent, an adequate amount of leisure ought to be almost a first charge (Samuel 1908: 198, p. 1347-1349).

The miners who "worked their whole lives away ... the better part of it buried away from the world" (Edwards 1908: 198, p. 1308-1309) did not exercise liberty, but were simply taken advantage of by employers.

The reasoning behind this argument is characteristic about what was new and distinctive to New Liberalism. From this perspective, "employee" should not encapsulate everything that an individual should be. When something like overwork, in this sense, eliminated the individual by making their lives only be about fulfilling the demands associated with this category, it was unjust because it violated the obligations from the employer to the employee. Thus, "the object of the Bill was to give [the miners] two more hours of freedom in which to enjoy comfort and fresh air" (Keir Hardie 1908: 198, p. 555). By defining a limit to what employers could demand of their workers, the Act would,

on the one hand, eliminate the injustice caused by employers who demanded long hours, but it would also eliminate the injustice caused by employees themselves who also made their lives only about work.

In this sense, the Bill tried to increase liberty by *restricting* work and thus preventing it from being defined by either the employer or employee. The idea was to construct thicker boundaries around the “employee” category and more clearly define the “principle” behind the employment relationship (Starr 1992: 279-280). This was to outline both what employers could legally expect from employees, and also to delimit for employees the range of what employment should mean to them. Instead of limiting their expectations to simply having a job and keeping a job if they lived up to their end of the bargain, workers should be allowed to make “the best use of faculty, opportunity, energy, life ... everything, in short, that tends to national, communal and personal” betterment by not having their work infringe on everything else that involves them as individuals (Prime Minister H.H. Asquith quoted in Freedman 1978: 183).

It might seem strange that the Act with the strongest relation to the 8 Hours Act among the New Liberal reforms is the Children's Act of 1908, which “would consolidate and amend the law relating to the protection of children and young persons” (Samuel 1908: 183, p. 1432). But the connection makes sense because, in a similar way, the “restriction of liberty” became the focus of an attempt to use “the discipline of the State to step in when the discipline of the home is absent” (Samuel 1908: 186, p. 1294). Here it was the social category of “children” that was defined. From the New Liberal perspective, protecting children from the exercise of liberty in certain places—regarding things like smoking, drinking and prostitution—was, in a way similar to restricting work to 8 hours, meant to extend liberty in other areas. In a similar fashion, the main point of contention was that this

kind of “state extension” was unjust because it violated the “basic conditions [for the] exercise of liberty.” Further, it interfered with the relationship between parents and children. In this light, children’s suffering was a “deterioration ... brought about by interference with human liberty, which would bring about a great deal more harm than it could possibly do good, because it was interfering with the authority of the parents, and with a boy’s judgment as to what was just” (Lupton 1908: 194, p. 176).

Like the 8-hours Act, the major problem involved in instituting measures that met this kind of reaction (restriction of liberty) was the problem of affixing blame for what the New Liberals considered infringements on “children’s rights.” For example, an initial set of arguments came to focus on the issue of “knowingness,” or the knowledge that someone’s “action is dealing with a child,” yet they do not seem to recognize that (Samuel 1908: 194, p. 329). Similar to the 8-hours legislation with respect to the employers, the problem of knowingness implied the injustice of speaking for someone—in this case, a child—who was not in the position to act on their own interests (or even know what they were).

Thus, when the debate focused on the problem of enforcing juvenile smoking laws, the question became: how could anyone “but the tobacconist be to blame” if the “knowingness” of someone aware that they dealing with a child is a necessary condition for actually violating a provision of the Children's Act?

The object of the clause was to prevent boys from smoking cigarettes ... For his part, he did not believe that could be done; but if one believed that it could be done it should be done with reasonable care for the very serious and vital interests of those who would be involved by this legislation. It appeared to him that as the clause was drawn, the whole burden, risk, and responsibility would rest not upon the parent mainly, not on the boy mainly, but upon the small retailer who sold the cigarettes (Bowles 1908: 194, p. 218)

Small retailers seem hard to blame from this perspective, because they only meet consumer demand by selling cigarettes to children. Yet, from the New Liberal perspective, the small retailer who sold cigarettes to a child could still be held to blame. The commit an injustice

on a child, even though the latter had willingly entered into an exchange with them in buying the cigarettes, because they violate the kind of treatment that should apply to children relative to non-parent adults. The ambiguity of this argument involves the same set of issue that made the blameworthiness of employers difficult to pin down. In the latter instance, do employers act unjustly by providing longer working hours to workers who wanted them? Do shopkeepers act unjustly by selling cigarettes to children who want them? In both cases, the state attempts to speak for both workers and children by saying that, even though their own interest might lead them to work long hours or smoke cigarettes, the categories of "worker" and "child" are better off when they don't do those things.

To determine whether a shopkeeper (or employer) acts “knowingly” is incompatible with what now emerges as a countervailing perspective on this same situation: a civic perspective represents a “greater good” different from the market. “[The] great beauty of this Bill is that it is framed from the point of view of the children. Many children were in a vicious circle; of environment, and this Bill broke that and replaced it by a virtuous circle; indeed, the Bill was a perfect hospital of life-saving appliances” (Gulland 1908: 187, p. 568). If, on the one hand, these kinds of "life-saving appliances" involved non-parent adults like shopkeepers, they also involved parents' treatment of their own children. In this sense, the measures associated with the Children's Act supplanted even the justification of simply acting according to “domestic duty” (i.e. parental discretion), particularly with regard to children's health or education. The Act was thus accused of “destroying parental responsibility” (Maclean 1908: 198, p. 579). However, this perspective on the inviolability of the family was increasingly supplanted by the argument that “at any cost [the] child shall be placed in the world equipped with the possibilities of an intelligent and desirable life ... The

parent either shall supply this, or in the case of refusal or inability, it shall be supplied from the outside” (*Speaker*, 12/24/09).

Thus, from the New Liberal perspective, there existed a condition of health or flourishing that applied to "children" as social category, but which simultaneously served the common good. A just outcome when it came to raising children was no longer simply whatever the parents (or the child, or non-parent adults) decided to do. Rather, MPs developed a competing perspective, arguing that children should be subject to a special kind of treatment, and thus should not be allowed to follow their own interests or be only be subject to the interests of their parents. The ultimate implication of the Act is that, although its provisions remained broad and general, it introduced “responsibilities” of parenting that were state-defined. In this sense, it sanctioned only a certain kind of relationship between children and adults. The category of "children" thus allowed the state to intervene into the parental relationship, even to extent that children be made wards of the State—in situations where, it would seem, the state (or state officials, more precisely) could “as a parent” towards them, because they could fill the obligations of a parental relationship better than parents themselves. Indeed, as Hobhouse argues, the idea behind a Children’s Bill involves a situation where "children are in question [and] responsibility cuts two ways; for, if we take responsibility off the parent, *we neglect a common responsibility by leaving the child to its fate* ... there can be no doubt that [the] general tendency is to organize life as to make its responsibilities much more definite and a good deal less easy to escape” (1898: 156; emphasis mine).

In both the 8-Hours Act and Children’s Act, a civic rationale confronted arguments for the alternative justice furnished by the market, additionally fending off criticism from arguments in favor of "industrial efficiency" on the one hand and “domestic duties” on the other. The key point is that all of these could stake claim to a version of the common good;

but the New Liberal's version of it, based on dealing with social categories like "workers" (or "coal miner" to be more precise) and "children" and the common good that come from realizing what is good for those categories, ultimately won out and this form of judgment instituted through these laws. Following the debates over each Act, the terminus of justification rested on the one hand with leisure—"The main reason for the 8-Hours bill is ... the immense importance of leisure for our industrial population ... there can be no full life without it" (Samuel 1908: 198, p. 1347-49)—and on the other with development—"tap the source ... and look after the children while they are young and see as far as we can that they are safeguarded" (Cochrane 1908: 187, p. 570).

In neither case could blame be placed on one source (for example, either children or parents, employees or employers); so, in both cases specific categories of people were defined and embedded in social relationships. In each case, this opened a field of legitimate action with regard to each category and specified the "principle" behind the relationships involving employers and employees, children and parents (and children and non-parent adults, like shopkeepers) specifically. The goal in both instances was to "arrange the environment" in such a way as the individual, as a member of any of these categories, would embody a civic purpose and justify their action according to it.

Workmen's Compensation and National Insurance

If the Old Age Pensions Act concerned a "debt for service" and the problems associated with an inevitable stage in life, and if the Children's Act and 8-hour legislation were justified largely by how they helped workers and children better themselves (according to a state-defined criteria), then the injustice created by unpredictable events and contingency was the focus of National Insurance (1911) and Workmen's Compensation (1907). These were

measures for social reform that dealt with occasions of injustice where blame was even more difficult to assign, and the kind of obligation involved even harder to pin down. In the case of workmen's compensation, the goal was to more precisely defined the relationship between employers and employees, only now the goal was not to limit infringements of the "rights of employees" but rather to bind employee and employer together in order to address the injustices that occurred when workers fell victim to industrial accidents. National insurance, meanwhile, became the capstone of the New Liberal reform period because of the kind of social "principle" it sanctioned in order to address the more universally-shared problems of sickness and unemployment. In both cases, the state sanctioned a kind of partnership between employee and employer, and between all the "productive elements of the nation" in order to preserve the sense of justice in a world that seemed increasingly determined by the vagaries of chance. In this sense, Workmen's Compensation and National Insurance (in particular) are prime examples of the New Liberal "unity of society."

I'll first discuss workmen's compensation. The 1907 Act was an extension of an Act passed first in 1897. There, workmen's compensation was only applied in a small number of industries. The 1907 Act would extend it to nearly all of them. Thus, while the issue of employer's liability played a role in the earlier debate, it became the centerpiece of the debate over the extension of workmen's compensation, as the variety of work and work-environments involved demanded general categories and forms of obligation. The debate kicked off by attempting to clarify what "compensation" should actually mean.

As both Conservatives and Liberals argued, a "vital difference" existed between the competing policies of "awarding compensation [or] assessing damages" (Williams 1907: 176, p. 704). On the one hand, if the goal was to assess damages, then this implied a guilty party

that should be responsible for “damages” that resulted from accidents at the workplace. On the other hand, “compensation” implied a more blameless arrangement, which meant the policy should focus on simply tiding a worker, who suffered an accident, over for the period they were injured. In this sense, the work environment had caused the accident. The two principles first emerged from a debate concerning the legitimacy of imposing penalties on employers for the injuries suffered to their employees by accidents. Interestingly, as one MP framed it, the goal, at this early stage of the debate, was to “better understand the principle underlying the bill” (Williams 1907: 176, p. 706).

As the debate continued, questions continued to arise about liability. If “employer’s liability” meant that workmen’s compensation should indemnify workers injured on the job, did this also mean that workers were therefore “damaged” by employers and not simply a dangerous situation? How could the principle of “damage” be retained when the circumstances seemed to place blame on neither the worker nor the persons supervising or working alongside them? In this sense, setting the terms of the employment relationship became the purpose of the legislation, ultimately as a way of bringing some clarity to the issue of liability. However, in this case, it was less a matter of determining what employers could do for employees, then it was what *both* could do for each other in making work in industrial society “seem just” (the injustice here being a consequence of workplace injury and resulting poverty or permanent disability) even though it was constantly subject to dangerous accidents.

“Mutual obligation” in the employment relation became particularly important in the cases of mines and factories, or situations where employees were not under direct observation of their employers for extended periods of time. It also came to apply to instances of collective work—for example, the problem of assigning blame and

responsibility when it came to compensating an injured sailor. For this latter issue, the debate moved in two directions. On the one hand, the argument was that sailors were “live-in” employees during their time at sea. If the employer responsible for dealing with accidents that happened on board a ship, then “he would have to be responsible for twenty-four hours instead of eight or ten as in the case of factory owners” (Samuel 1906: 155, p. 1212). This problem raised the more general issue of how much “control” an employer could actually have over an employee's action and therefore the kinds of things employers could be held responsible for. On the other hand, the debate confused the boundary between employee and employer. Conservative MPs, in particular, argued that if this legislation were applied to sailors, then Parliament would “place a great burden on the owner of a boat, who was often a *partner* of the men who formed his crew.” Because the employer (the captain, for example) did not so clearly occupy the position of “employer” in the relationship, it was not justified “to make him responsible for all of the accidents that befell those *with whom* he was working” (Cochrane 1906: 154, p. 923-924; emphasis mine).

If the problem posed by the inclusion of sailors under Workmen’s Compensation tested the limits of the employer-employee relationship, it also raised questions about the nature of “accident” and the status of “permanent” (rather than “causal”) workers, to whom the legislation would eventually apply. First, the debate focused on the issue of “accident” muddled the effort of assigning blame to such an extent that eventually a Conservative MP claimed that the Bill “would be a better Bill if the words ‘by accident’ were taken out altogether. No word has created more litigation than the word ‘accident.’ The word ‘injury’ would cover everything, certain provisions being made in the schedule as to certain forms of injury, which arose as a result of the unhealthiness of the labour upon which workmen were engaged” (Wilson 1906: 155, p. 564). Ultimately, the word “accident” was kept in the Bill;

but this concern is indicative of the problems that “accidental injury” (the eventual wording) posed to the responsibility and set of obligations embedded in the moral view of employment relationship underlying the bill.

An even more significant way that this issue questioned the nature of the employee-employer relationship was in what it meant for the definition of “permanent employee.” Not knowing “what the definition of permanent workmen is” immediately led to the inference that, actually, “the only kind of permanent workmen is a slave” (Hardy 1906: 155, p. 1201). If the Bill established the principle of employer liability, thus solidifying the responsibility of the employer for the employee in terms of compensation, was this responsibility tantamount to the responsibility of a slaveowner for a slave? What kind of individuality did the employee have according to this definition? In this sense, the category of “permanent workmen” corresponded to the category of “employer.” The permanent workman was not “causal” but rather “fixed day to day, hour to hour” in the same employment “with the intention of keeping it” (Samuel 1906: 155, p. 1212). But if the goal of the bill was to solidify and substantiate the employee/employer relationship, then it also became important that whatever liabilities were introduced, they be limited so that the relationship did not mirror a master/slave relationship, where it was assumed the owner had full responsibility over the health of the slave, although not from any sense of mutual obligation.

Thus, a big part of the debate over Workmen's Compensation concerned the legitimate occupancy of the two categories: employee and employer. Each category contained inferences about the “predicted behavior of occupants,” which determined their responsibility to the other category (Starr 1992: 265). In this instance, the duties of both were imposed in order to address the problem of “accidental injury” resulting from industrial

work. The Bill introduced medical inspectors who, as “civil servants,” would examine the “details of each injured case” (Gill 1906: 155, p. 570). More specifically, “doctor’s evidence as to injury and incapacity” ultimately determined the occupancy of the “injured employee” category, and thus the duties and rights associated with it (Clynes 1906: 155, p. 1205). However, as noted above, when the debate concerned the obligation imposed on small employers, including sea captains, the whole legitimacy of placing *anyone* inside the “employer” category became questionable, particularly as this concerned the “just obligation” that should be expected from employers in dealing with the consequences of workplace accidents (Robson 1906: 154, p. 926). Further debates arose over who should occupy the “employee” category and whether this would place some groups at a disadvantage (like the aged employee and seamen) because of what it could mean for employers to hire them.

In all of this the main question remained whether the obligation for dealing with workplace accidents could be justifiably one-sided (either the employee's or the employer's responsibility) if it was clear that the problem (and injustice) that the Bill dealt with was indeed an “accident.” As noted above, the term itself made the question of justice and compensation less a matter of attributing blame, and more about collectively dealing with the consequences of working in environments that were highly contingent and thus able to deal a blow to anyone at anytime, regardless of whether the person injured deserved or caused the accident by being irresponsible. As one Liberal MP argued, in the sense of confronting an inherently dangerous environment, workmen's compensation wanted to create “fellow feeling between employer and employed” (Evans 1906: 155, p. 1207). This perspective made employee and employer “thick” social categories both with respect to their responsibilities and the limits placed on those responsibilities. The responsibility of

employers alone required that a “legitimate inference” be made about those classified as “employer” that said that their relationship with employees was responsible for all accidents. Only in this way could those injuries activate a “moral right of an employee to compensation” that employers alone should fulfill (Taylor 1906: 154, p. 1066). While the “principle of the personal liability of the employer” (Dilke 1906: 155, p. 524) was ultimately reinforced by the Bill, a firm (and largely new Liberal) position in the debate maintained that it was precisely the nature “accident” that should mandate a “system of ... insurance [for] just compensation in case of accident” (Walton 1906: 155, p. 1194).

It is important that the issues debated focused far less on whether injured workers *should* receive compensation. All parties (Conservatives included) generally agreed that compensation was necessary insofar as it prevented a "test" of worth from occurring strictly according to the market. In other words, it was unjust for workers injured “by accident” to be condemned to destitution because they had no market value as a result of their injury. As the Home Secretary Herbert Samuel put it in his closing justification for the Bill:

It is the insecurity of the workman’s life that detracts largely from his incapacity. Insecurity breed recklessness and insobriety. The fact ought to be borne in mind by this House that the more we safeguard the workmen against their fear of destitution, whether from old age, from unemployment, or from incapacity due to accident, the more we raise his status, and the more we *increase his value* as a worker (1906: 167, p. 716; emphasis mine)

Thus, the general nature of the Bill was to arrange the industrial environment in such a way as it would still “seem just” even though it was plagued by chance accidents.

Employer liability, although it was extended by the provisions of the Act, was at the same time made increasingly controversial, and for reasons having less to do with a kind of “interference” with business and more to do with concerns about whether imposing compensation on employers was itself just in situations where the accidental nature of the injury did not make anyone responsible. Making the employer responsible by saying they

had total control over the workplace environment and their employee's action in it is what would make the compulsion for employers to compensate alone justifiable. However, a system that did not apply the blame to either party is what counted as a “just policy” when the nature of the problem was an “injustice” that was also “accidental” (Carlile 1906: 167, p. 714-715). This argument gained particular strength in the final reading of the bill. The resolution, which found its way into the final wording of the Act, was the following: Employers were liable insofar as the accident occurred in the industrial environment—an environment that they created and, in instances where the Act applied, controlled in such a manner that the accusation of “personal negligence or willful act” would ultimately characterize how they did it. But this liability was limited only to those instances “personal negligence and willfulness.” This wording would create a great deal of legal ambiguity.

As the Liberal MP Herbert Gladstone argued: the Bill was intended to encourage “the free and general recognition of the claim of compensation [for] those who unhappily were the victims of accident in the course of their daily toil.” The problem was to enforce this kind of employer liability for accidents that happened *at work*, yet at the same time “in no sense impair the good relations which existed between employer and employed” (1906: 167, p. 695). Significantly, however, the provisions of the final act emphasized the connection between “compensation” and “personal negligence or willful act” (Minton-Senhouse 1907: 3-4). Compensation would only be awarded when the accident resulted from employers acting in this way; similarly, employees were disqualified from receiving compensation if their actions during the accident were also considered “willful.” In addition to the “safeguard” of waiting a week before receiving compensation, this wording was meant to protect employers from situations of “breach without injury.” But it did so by trying to

break the meaning of “personal injury” from “by accident” because it introduced terms that attributed responsibility individually rather than to the environment itself.

Thus, while the New Liberals were successful in getting this extension of Workmen's Compensation passed, they could not prevent Conservatives and older "Gladstonian" liberals from inserting a "personal responsibility" clause. This rendered the final act stillborn in the sense that because not all accidents were "accidental," but rather involved some kind of individual responsibility, the issue was made even more *judicial* and taken out of the hands of a "positive" state. This in turn defeated the whole idea of setting up a system of protection based on the "mutual obligation" of employee and employer to protect against the kind of "blameless accidents that befell workmen in dangerous trades" (Robson 1906: 154, p. 926). And if this was not problematic enough, the whole legislation, in reasserting the issue of liability (first raised by the 1897 Compensation Act) and wishing to extend and consolidate the “law with respect to compensation to workmen for injuries suffered in the course of their employment,” provided no satisfactory, general resolution of who actually counted as employer and who as employee, particularly when it came to setting in place general obligations that would apply to all industries (Gladstone 1906: 154, p. 887).

Of course, the Act was successful in the sense that it moved beyond reliance on charity (and benevolence and sympathy) for addressing the problem. Indeed, using charity seemed *incompatible* with the nature of problem, for the very fact that, despite the "personal negligence" clause, workplace injury was mostly blameless. By challenging charity, the Workmen's Compensation Act solidified idea that injured workers had a *right* to compensation. This tied the meaning of justice very closely to the concept of *chance*. In this sense, the question became: what should be done to correct injustices that increasingly

seemed like “matters of chance” and not reflective of individual moral agency and responsibility?

These questions were raised again in the debate over national insurance. The National Insurance Act passed in 1911 set up a contributory system for "protection against sickness and unemployment." Contributions were taken from the state and, if applicable, the employer and the employee. They were put into a fund and paid out through either trades unions, friendly societies or the post office. In many ways, the Act took the form of a "great national compromise" in the sense that it tried to involve each of the different, non-state elements (like friendly societies and trades unions, even insurance companies like Prudential) that had emerged to address the problems of sickness and unemployment (Boyer 2004; Alborn 2001). However, instead of focusing on the political compromises that were forged to make the Act possible, I want to focus on the issue, which emerges from the debates that passed national insurance through Parliament, of why a mandatory and contributory state insurance policy was the most *morally justified* (and not necessarily the most effective or most cost-effective) way of dealing with the problems of sickness and unemployment. In other words, how was insurance justified as a policy that matched the injustice associated with being sick or being unemployed? What kinds of social relationships did National Insurance sanction in order to support the justifications that made the passage of the Act possible?

As Lloyd George introduced the National Insurance Bill: the intention was to “insure against the troubles of life [involving those] three great contingencies of death, sickness and unemployment” (1911: 25, p. 609). Drawing from the above discussion of workmen's compensation, we see that National Insurance was introduced, in this terms, on the basis of a similar idea: the blameless justice of "accident," but which Lloyd George

expands to include all of industrial existence. In this sense, the implicit claim is that the overwhelming sense of contingency that applied to life in an industrial society meant that simply being a British citizen was test enough of one's worth and thus of the deservingness of insurance. It didn't have to get more specific than that. In this sense, the National Insurance Act was likely the strongest manifestation—that made its way into law—of belief in the "force" ("wild, blind, relentless") that affected people indiscriminately (and had parallels with a belief in Providence), as mentioned in chapter 5. Indeed, as C.F.G. Masterman argued in the support of the bill: industrialism raised questions about “the justice of a social order which [condemned] common humanity to a region of random endeavor” (quoted in Freedman 1978: 133).

In this situation, “regularity” became an ideal principle and the goal to be realized by national insurance: “The Bill is founded on the principle of insurance. What we desire is to distribute the remuneration of labour more regularly ... so as to mitigate the hardship to individuals which the present system entails. [The Bill] will do a good deal to regularise employment, and, therefore, to diminish unemployment itself” (Buxton 1911: 25, p. 712). When it came to unemployment, for example, MPs largely agreed with the argument that “we can never hope by any legislative scheme to make the industrial work go with perfect smoothness.” The task was therefore how to deal with the collateral damages of work that was “naturally irregular.” In these circumstances, then, the solution seemed simple: “if work is irregular ... [then] pay must be regular” (Chiozza Money 1911: 21, p. 611-13). It was this kind of judgment that justified insurance as the right policy. From this perspective, justice was not a matter of providing “preferable employment” to victims of the volatility of industrial employment (*Nation*, 3/14/08). Instead, it simply concerned bearing the brunt of *arbitrary* victimization by providing a “minimum of income.” This did not supplant the

responsibility of injured or unemployed workers to reintegrate themselves into the system after their injury (*Nation*, 2/18/11).

Thus, in a similar sense, the principle behind national insurance reflects the same close relationship between “justice” and “chance” that made workmen’s compensation a matter of joint effort. However, while the sense of “accident” didn’t stick with workmen’s compensation, it did stick with national insurance. This meant that chance was applied equally, to all situations, which in turn meant that providing the necessary funds must involve everyone equally and could therefore only be a function of the “tripartite partnership [between] the State, the workmen and the employer” (Forster 1911: 25, p. 719). In other words, the volatility of the problems of health and unemployment justified compulsory contribution by all “productive elements” in the system. As the Liberal (and later Labour) MP George Lansbury put it: “Unemployment is a disease in our social system. It is a disease which is there because of conditions that neither employer nor employed are able to control. Masters and men alike are engaged in one huge struggle to keep their heads above water” (1911: 25, p. 1489). Much like the conclusions reached with regard to accidental injuries in the case of workmen’s compensation, causality could not be clearly determined when it came to sickness or unemployment.

At least this was true when it came to trying to hold some person responsible. However, the “system” itself could be held responsible, of course, or “chance” itself. In either case, the impersonality of sickness and unemployment made the issue of responsibility much *less* ambiguous than it was in the case of workmen’s compensation. In the debates over the bill, causality or responsibility were much less a concern than determining how to administer the law (for example, whether and how to incorporate the friendly societies, trades unions and insurance companies). Indeed, the impersonality of

these issues was so strong that MPs were largely in agreement that mandatory contributions apply even to “the very poor” or the casually employed. If they weren't part of friendly society or trades union, their insurance was administered through the post office. This part of National Insurance passed even despite the widespread objection (voiced largely by the growing Labour Party element in Parliament) that it would “squeeze subsistence out of these men” (Lansbury 1911: 25, p. 1491).

Clearly this would appear unjust from a variety of perspectives. But the very fact of requiring contributions from the casually employed—those unable to gain membership in a friendly society or trades union because of “character problems”—suggests a sense of justice molded to a situation where it was believed that “ineluctable contingency” was the prime determinant. National Insurance was based on a “conceptualization of life in terms of chances—rather than as destinies, fates, providences, grace, or works” (Daston 2008: 7). In this respect, compulsory contribution wasn't unjust as long as everyone contributed to, and therefore benefited from, a common effort concerned with “taming chance.”

Significantly, these kinds of moral judgments were long in the making, and helped distinguish National Insurance from Workmen's Compensation and Old Age Pensions. The first proposal for “national insurance” in Britain applied a very similar kind of judgment in support for the idea that contributions should be “universal and compulsory” (Blackley 1878). As Canon Blackley implored his readers to ask:

Is it a fair thing that for every month of my life I should be exercising a hard self-denial, while three out of four of my class scoff at the notion of taking as much trouble as I do, and boast that, however they choose to squander their means, they will, in the end, be as well off as myself, and that partly through my exertions? And only one answer can be given: This is manifestly unjust (1878: 837)

From this perspective, chance recognizes no conceivable standard of worth, so there isn't a way to determine deservingness by causality or merit. When chance is as capricious as this,

and sickness and unemployment conceived as capable of visiting anyone at anytime, the sense of justice demands that *everyone* contribute equally to protecting against and redressing its evils. Distance from particularity (the test of "worth" implicit to national insurance), in this setting, is evidenced only by the "hard self-denial" of allotting money for disasters that may never come. These kinds of judgments are what led Blackley toward his controversial formula for national insurance: "Surely there should be a power ... of at least compelling every man to bear his own share in the burden of natural providence, instead of allowing him to cast it on the shoulders of others" (1878: 838).

Because old age is inevitable, the sense of justice that underlies non-contributory pensions is different from the kind of justice that demanded compulsory contributions, as dictated by national insurance. In this sense, each policy sanctioned a different "underlying principle" (Starr 1992). Certainly other factors were involved, such as the sheer scale of providing "protection" to the extent imagined by the National Insurance Act. The universal and contributory scheme made it far less likely that the system would be "swamped by bad risks" (Bruce 1966: 172). However, beyond the technical details of providing the funds necessary to support it, I've argued that the provisions of the National Insurance Act made moral sense because they matched the injustice that applied to sickness or unemployment. The act differed from workmen's compensation because, as mentioned, the notion of accident did not find the same kind of challenge: these problems really were blameless and thus the justified solution was one that everybody contributed too. In this sense, the social relationships sanctioned by the act resembled citizenship, with national insurance binding all the "productive elements" of the economic system (the state, the employer and the employee) together in common cause. Comparing this to old age pensions, meanwhile, the latter seems even more like a debt owed to those who had "in a

very real sense [contributed] to the greatness and wealth of his country ... therefore, it became the duty of the State to assert itself consciously on his behalf' (Chiozza Money 1907: 159, p. 242-43). While both the National Insurance and Old Age Pensions Act made the entire country responsible for specific categories of people (and so both implied a kind of veiled nationalism) the sense of justice that applied to the situation underlying each policy—for national insurance, the worker left destitute because of an arbitrary visitation by unemployment or sickness; for old age pensions, the elderly workers with no choice but to enter a workhouse in order to live out their dying years—is what made them ultimately different.

A final point must be mentioned about the National Insurance Act. The lack of conflict on this bill during the debates is striking when set in contrast to the others. And the final vote found only a small minority against it (324 to 21). Certainly this was due, in part, to the lack of contentiousness about the justification of implementing a national insurance program to fix the problem. But perhaps the principal factor involved was to combat another solution to the problem, based on another justification that seemed equally as convincing. This was the argument for the "right to work" (Harris 1972: chap. 3). Indeed, the Labour element in Parliament, while closely aligned with the New Liberals, had proposed a bill under this name in 1907. As Ramsey MacDonald explained it: "the Right to Work Bill recognizes the right of the unemployed workman to demand an opportunity to work ... if the local authority has been so lax in its duty as to be unable to offer him relief work, it ought to be compelled to keep his body and soul together" (quoted in Hanagan 1997: 462-463). While this argument didn't gain much appeal outside of the Labour fraction in Parliament, whether in 1907 or thereafter as Labour members kept introducing the Bill, it

was strongest policy (and justification for a policy) to address unemployment prior to the introduction of national insurance.

William Beveridge, who (as noted above) was the architect of the post-World War II welfare state, played a pivotal role in getting the National Insurance Act passed and, as I claim, for generating the surprising level of support for the insurance provision and the meaning of justice behind it. His argument, as developed in the influential book *Unemployment: A Problem of Industry*, introduced a counterclaim to the labor movement's call for a "right to work." As Beveridge claimed: "unemployment is a matter of specific imperatives of adjustment between the demand for labour and the supply of labour," meaning that it was nobody's fault but *everybody's* responsibility (Beveridge 1909: 14). In this instance, the unemployed were not morally represented as "willing workers," as the justice claim implicit to right to work made them out to be, but were instead the "temporary victims of chance circumstances" as implied by Beveridge's argument (Kumar 1984).

This changing interpretation of unemployment, or, more specifically, the changing justice claim marking out the policy justified for dealing with unemployment, was pivotal for establishing the high level of coherence and support for national insurance once the Bill entered Parliament. Indeed, the sickness insurance provision (shaped in large part by Lloyd George's admiration of the German sickness insurance system) of the Act was tacked on to the unemployment insurance provision because of the high level of anticipated support for the latter. As I claim, this support (which extended across party lines and far beyond the New Liberal MPs themselves) was drawn largely on the basis of the "frictional unemployment" versus "right to work" opposition and the dramatically different moral connotations and kinds of policies that each perspective justified (Braithwaite 1957: 63-82). Certainly part of the opposition to "right to work" (and, on the flipside, the appeal of

frictional unemployment) was prompted by the extent of action it seemed to commit the state to undertaking (providing work for those who were "willing to work"); but it also seems true that right to work *couldn't* be just from a New Liberal perspective, instead seeming more like an "agape" form of action that eliminated the "tests" of worth (in this case, contributing to a common fund) that made people part of a social category (unemployed or the sick) and, in this case, gave them access to the common fund. In this regard, the latter interpretation—of both why the situation was unjust and the justified solution for it—fit better with social liberalism.

Conclusion

The arguments for each of the Acts can be summarized as follows, drawing from the orders of worth they use and the kinds of social relationships that involve the category of people that each policy applies to:

(1) *Old Age Pensions Act*: The civic order of worth applies to the category of "old people." In this sense, the obligation exists between the nation and those who have spent their lives working. They deserve a pension because they have a civic kind of worth, having worked to produce the prosperity of the nation. The pension was non-contributory not (or at least not primarily) because this was the most cost-effective (it wasn't) but because of the impasse created in trying to make the ability to receive pensions more discriminatory. A simple "means" test was developed instead. However, this was justified, to the extent that it made pensions both non-discriminatory (for the most part) and non-contributory, because old age was viewed as an inevitable outcome, with poverty often a normal outcome (through no fault of anyone).

(2) *8-Hours (Coal Miner's) Act and Children's Act*: The civic order of worth applies to each of the categories "worker" and "children." The obligation is between employees and employers, and children and parents and children and non-parent adults. It also involves a relationship between the nation and each of these categories of people. In the case of workers, the 8-hour workday will benefit them individually and also benefit the country, as they acquire civic worth from what they do in their leisure time. This applied even if workers (following their own interest) wanted to work more. In the case of children, they also acquire civic worth, but here by being allowed to develop on normative and protected lines, even if this meant supplanting the discretion of parents.

(3) *Workmen's Compensation and National Insurance*: The order of worth was more difficult to determine with workmen's compensation; but it did consist in decommodification (or developing an argument that injured workers deserved some income even when they couldn't get it on the labor market), as did national insurance. Attributing responsibility for accidents was the linchpin for workmen's compensation; but despite New Liberal pressures to enforce either a binding responsibility for the employer to compensate the employee (or even include workmen's compensation as part of national insurance) the concept of "personal negligence or willfulness" remained central in the wording of the act. The difference from national insurance is a matter of the contingency associated with the problems addressed through the use of insurance instead of compensation. Sickness and unemployment were associated with chance and therefore became blameless, whereas causality and responsibility were the key issues for workmen's compensation. In this sense, national insurance could justifiably bind everyone together (through mandatory and co-contribution from the state, employers and employees, even the casually employed) in order

to protect against sickness and unemployment. However, as mentioned, part of the appeal of national insurance was the contrast it presented to "right to work," which interpreted the injustice of unemployment and sickness differently and justified a different (and seemingly more intrusive) corrective policy.

As noted above, the New Liberals (particularly those who participated in the Rainbow Circle) developed a "positive" conception of the state that very cognizant of state power as a form of agency, or something that could be used to manipulate the social world. In all of these cases (some more than others), this power was used to "decommodify" certain categories of people by offering them a form of protection from market value or the pursuit of self-interest (even if it was their own). As these summaries suggests, usually this was gained by applying an alternative form of worth to a case, defined according to the civic value that some group of people could possess, and which they earned in ways that weren't (or weren't only) related to the "worth" they possessed according to the market.

In this respect, what seems retrospectively as the initiation of the welfare state during this period, might simply be the development of the "state-idea" in a recognizable form, and a view of the state shared by those (like Beveridge) who later advocated for more extensive welfare reforms. As Philip Abrams argues, the state should be conceived as the "state-idea," which is nothing more than a "structuration within political practice" (1977: 82). Timothy Mitchell furthers this point: "the distinctiveness of the modern state ... is to be found in [the] novel structural effect" it has which gives it an external ("metaphysical") appearance (1999: 89). What the New Liberal reforms demonstrate is a period when the "state-idea" was activated (and has subsequently stayed active) for the purposes of social welfare.

As mentioned above, the "categories" of people that each reform defined and dealt with (old people, workers, children, the unemployed) were an important part of New Liberal MPs and social reformers using the state in this way. As we've seen, these categories involved constructing a kind of "equivalence class" that grouped together individual people, or the category summarized the common injustice that applied to the situation of *all* old people, *all* workers, *all* children, or *all* the unemployed (Desrosieres 1991: 198; see also Scott 1998: 76-78). The criteria that allowed the categories to be "equivalence classes" were *moral* in this respect, based on the kinds of judgments that defined a shared injustice.

Thus, when the Liberal Party returned to power in 1906, with a huge majority in Parliament, a strong alliance with labour, and carrying a mandate for extensive social reform, they were in a position to put the "positive" state-idea to use. The Liberal Party itself remained in power until the start of World War I; but its agenda persisted even past the party's dissolving in the early 1920s. Indeed, in many respects the New Liberal agenda acted as the main catalyst that ended the Liberal Party and led to its replacement by Labour (Harris 1992; Hobsbawm 1968; Pelling 1971).

The New Liberal reforms were, in this sense, the culmination of a process that started in the 1860s and whose arguments (and cultural resources) ultimately extend back to the 1834 New Poor Law. What the categories that the New Liberal reforms sanctioned—by defining an "equivalence class" that grouped people together under a shared injustice and by creating social relationships and obligations through the category (as in Starr's argument: "social categories define ... different types of social structures")—did was transcend the sense of *contingency* that had characterized British society (particularly with regard to the poor and working class) since at least the Lancashire Cotton Famine, "making things hold

together" in a way that involved the deliberate exercise of state power to realize the common good.

Chapter 5 – Conclusion

The revolution is said to begin with the New Poor Law in 1834 and end with the beginning of World War I in 1914. These are convenient bookends for the period, but in what sense is this periodization able to "group sequences of different events in naming a particular process" (Spillman 2004: 224)? The end-point is vital for understanding what was coherent (and thus "particular") about the period from 1834 to 1914.

1914 marked the start of World War I and by the end nearly 40 million people would be dead, wounded or missing. As Hobhouse wrote in the midst of the conflict: "History forbids the cheap optimism which assumes that everything will always go forward" (1915: 96). However, such a belief in "progress" was fundamental to the reformers of the 1880s (Hobhouse included) and, extending even further back, could be attached to the liberalism of the early 19th century. The idea that "progress should benefit all" helped justify passing the New Liberal welfare policies as an appropriate use of state-power (Poggi 1982). Yet, by the end of World War I, belief in the same kind of progress that drove the social reformers of the 1834 to 1914 period would seem hopelessly naïve.

However, it must be appreciated that "the war [would not] have had such an impact if the concept of progress was not already under challenge" (Connell 1997: 1533). From this angle, we can start with H. Stuart Hughes (1958) argument that the late 1890s marked a challenge to the "positivism," "moralism," and "faith in progress" that characterized moral and social-scientific thinking in Britain from the 1870s onwards. The challenge came from the growing interest in the unconscious and the irrational, and on moral issues, the local and the personal. World War I simply confirmed growing "suspicions about basing social order on anything purporting to be universal reason."

In Britain, such views were brought to light most famously by the Bloomsbury Circle that included John Maynard Keynes, Virginia Woolf and E.M. Forster, among others. As Williams summarizes the "style" of the group:

At its widest range, Bloomsbury was carrying the classical values of bourgeois enlightenment. It was against cant, superstition, hypocrisy, pretension and public show. It was also against ignorance, poverty, sexual and racial discrimination, militarism and imperialism. But it was against all these things in a specific moment of the development of liberal thought. What it appealed to, against all these evils, was not any alternative idea of a whole society. Instead it appealed to the supreme value of the civilized *individual*, whose pluralization, as more and more civilized individuals, was itself the only acceptable social direction (2001[1980]: 244).

Bloomsbury thus marked a departure from the arguments that characterized the 1880s and New Liberal reforms. If the group was still liberal, this concentration on the "inviolability" of the individual, and the individual as the sole seat of values, marked a departure from the solidaristic accounts (in particular, of civic worth) of morality and social order that were so emblematic of the prior period.

Nobody has been as influential in taking note of the distinctiveness of these ideas, and how they marked a turning point in 20th century culture, than Alasdair MacIntyre (1984: chap. 2). For him, Bloomsbury marked the emergence of "emotivism," or the "doctrine that all evaluative judgments and more specifically all moral judgments are *nothing but* expressions of preference, expressions of attitude or feeling, insofar as they are moral or evaluative in character" (MacIntyre 1984: 11-12). For MacIntyre, this subsequently became the dominant moral theme running throughout 20th century culture, prompting some kind of ultimate demise. Without necessarily agreeing with the high ambition of this argument, the contrast emotivism demonstrates with prior morality is instructive. As MacIntyre argues, "emotivism rests upon a claim that every attempt, whether past or present, to provide a rational justification for an objective morality has in fact failed" (1984: 19). But it was precisely this kind of "justification" that, as I've claimed, characterized not only the New Liberal reforms

and the arguments of "the 1880s," but extended back even to Malthus and the New Poor Law, and the beginnings of social justice as the primary support for social order (Boltanski 2012[1990]: 74). In this respect, emotivism demonstrates the limits of the orders of worth framework itself. Instead of worth as the basis of morality, people simply "choose values" (Macintyre 1984: 16).

For Macintyre, the beginning of emotivism is 1903 and the publication of G.E. Moore's treatise: the *Principia Ethica*. Here was contained the tenets of emotivism in their purest form, and the Bloomsbury Circle, many of them personal friends and students of Moore (like Keynes, Lytton Strachey and Leonard Woolf who met with him weekly as members of the Cambridge Apostles), studied the text very closely. "They felt the need to find objective and impersonal justification for rejecting all claims except those of personal intercourse and the beautiful" (Macintyre 1984: 16). This is what Moore's text did, especially chapter 6, where he lays out the argument that there are no non-natural properties, like the "good" or "just" that are not an expression of feelings and attitudes. It must be remembered the Moore published in the same year his famous argument "The Refutation of Idealism" (the bedrock not only of Bonsanquet and the COS, but highly influential on New Liberalism and even early British sociology or Hobhouse) which featured the claim that "*esse* is not *percepti*"—or what amounts to the same thing, epistemologically speaking, as non-natural ethics: we only perceive the content of our consciousness, and not non-natural properties like essences. If this rather understated argument helped inspire the emergence of the analytic tradition in philosophy, it also provided Bloomsbury with an *amoral* justification for emotivism that sustained it.

All of this would matter little it would seem, remaining cloistered in the realm of high ideas and high society, if it wasn't for two things: first, the Bloomsbury position was

transported outside of these narrow confines to become a kind of modal view of morality; and second, if it wasn't for how this informed the approach to social reform and social welfare. The Bloomsbury Circle was a "fraction" of the professional and highly educated sector of the British upper class. They brought their intelligence and education to bear on the "vast system of cant and hypocrisy" that sustained the "ancient institutions"—monarchy, aristocracy, church, military—and fundamentally liberal ones—bourgeoisie, the stock exchange—alike. The ultimate effect of this was, as Williams (2000: 242) argues, "a certain liberalization, at the level of personal relationships, aesthetic enjoyment and intellectual openness." It wasn't so much that Bloomsbury *caused* this change, but they provided its "early representatives and agents." The destabilization of the 1914-1918 period provided an entry point for the Bloomsbury perspective to diffuse across British society.

Among the principal areas affected was social reform. For Bloomsbury, a "social conscience [protected] private conscience" (Williams 2000: 246; see also Livesay 2007; Trexler 2007). It wasn't meant to realize a higher ideal or solidarity with society, as it did for the reformers of the 1880s. The "civilized individual," in this respect, turned their free attention to social reform or political interventions, but only insofar as the object was to preserve their own autonomy. The use of social categories as a literary device was itself castigated by Virginia Woolf in favor of the "stream-of-consciousness" approach that became her trademark. But this isn't a small point. It challenged the very basis of the New Liberal reforms, and their way of creating social solidarity, through these categories and the obligations they created. For Woolf (1924: 15-16), the exercise was epistemological: more truth (about Mrs Brown) rested in "the things she says and the things she does and her eyes and her nose and her speech and her silence" than "her social rank ... the fact that she had been left a copyhold property at Datchet" and the fact that the train she rides is a "non-stop

train from Windsor that stops at Richmond for the convenience of middle-class residents." In other words, as a map of society, the latter description builds a universe of social categories, presumably because this is the best information to know about a character.

For Woolf, by contrast, the content of consciousness is more fascinating because it is more truthful: "In one day thousands of ideas have coursed through your brains; thousands of emotions have met, collided and disappeared in astonishing disorder. Nevertheless, you allow writers to palm off upon you a version of all this, an image of Mrs Brown, which has no likeness to that surprising apparition whatsoever" (1924: 23). This is an aesthetic expression of Bloomsbury and the basis for literary modernism. Applied to social reform, it looks like this:

suppose one played a childish game; suppose one said, as a child says, 'Let's pretend.' 'Let's pretend,' one said to oneself, looking at the speaker, 'that I am Ms Giles of Durham City.' A woman of that name had just turned to address us. 'I am the wife of a miner. He comes back thick with grime. First he must have his bath. Then he must have his supper. But there is only a copper. My range is crowded with saucepans. There is no getting on with the work. All my crocks are covered with dust again. Why in the Lord's name have I not hot water and electric light laid on when middle-class women ...' So up I jump and demand passionately 'labour saving appliances and housing reform.' Up I jump in person of Mrs Giles of Durham; in the person of Mrs Phillips of Bacup; in the person of Mrs Edwards of Wolverton. But after all the imagination is largely the child of the flesh. One could not be Mrs Giles of Durham because one's body had never stood at the wash-tub; one's hands had never wrung and scrubbed and chopped up whatever the meat may be that makes a miner's supper. The picture therefore was always letting in irrelevancies. One sat in an armchair or read a book. One sees landscapes and seascapes, perhaps Greece or Italy, where Mrs Giles and Mrs Edwards must have seen slag heaps and rows upon rows of slate-roofed houses. Something was always creeping in from a world that was not their world and making the picture false and the game too much of a game to be worth playing (Woolf 1931: xx-xxi).

This is a strong critique of the justifications and orders of worth that made the New Liberal reforms possible. There is solidarity here, but the model is personal friendship, and nothing more generalized than individualism. Most importantly, from this perspective, it becomes impossible to possess reliable knowledge about another person's situation without observing

and, it seems, experiencing it firsthand; reformers cannot, in this regard, rely on categories of social groups (children, old people, the unemployed) that act as an "equivalence class" by finding the "general in the particular." The moral logic that identifies the injustices people face ("have I not hot water and electric light laid on when middle-class women ...") and the kind of policies that rectify them ("labour saving appliances and housing reform") are rendered obsolete by this critique.

However, Woolf's argument was not isolated. I mention it here because it provides a window on a much larger critique, emerging in the years before the First World War and furthering this challenge to the presuppositions underlying the genealogy of social justice. In 1912, the economist A.C. Pigou published his influential study *Wealth and Welfare* (1912), which, among other things, drew a distinction between "economic welfare" and "social welfare." Economic welfare involved the most productive use of society's resources. Significantly, however, this made social welfare simply a subset of that: made better when the aggregate dividend increased. From this angle, the "national minimum" that was championed by the Fabians and somewhat put into practice by the New Liberals became simply a "physical, quantitative standard" not the expression of social solidarity or what someone was owed (Pigou 1912: 393f). In one sense, this was marginalism gone mad; what Pigou effectively argued in making social welfare a subset of economic welfare was that "the minimum" that should be the point of assessment for social welfare was "purely subjective and possessed no economic standing" because it only involved perceived utilities. Contrast this understanding of welfare with Hobson's claim that "whereby the costs and pains of production, human and monetary, might be measured against the utilities and pleasures of consumption; the final aim being to impute to every transaction that criteria, 'the utility of vital value,' which would secure for each a *just reward for his 'real' effort*" (Emy

1973: 294-295; emphasis mine). This latter claim depended on a "collective consciousness and will ... capable of realizing a vital end," which was foreign to Pigou (Hobson quoted in Emy 1973: 295). Yet, the latter's arguments were reflective of the times (particularly following war), and they hamstrung the political commitment to economic collectivism.

Everything I've said to this point is nicely summarized in Bevir's concise timeline: "evangelicalism and classical liberalism" in the mid-nineteenth century, "immanentism and social welfarism" from 1880 to 1914, "and then on to the modernist approaches to public policy that became a prominent feature of the twentieth century" (2011: 21). Jose Harris puts it a similar way: the modernist revolt "against idealism" and other "solidaristic" notions, "burst into a torrent" after the war: "[The] speculative discussion of underlying principles that had been such a marked feature of social-policy debate over the previous forty years vanished virtually overnight ... It took with it much of the intellectual capital of those who had built up the British social services and were in the process of constructing the British welfare state" (1992: 126). Woolf, meanwhile, doesn't mince words: "on or about December 1910 human character changed ... All human relations ... shifted—those between masters and servants, husbands and wives, parents and children. And when human relations change there is at the same time a change in religion, conduct, politics and literature. Let us agree to place these changes about the year 1910" (1924: 4-5). While stated more diffusely, the point is similar to Bevir and Harris, particularly as it focuses on changes to "human relations." This supports the inference that from a more generalized (mechanical?) form of solidarity, the moral grammar now shifted toward the solidarity of individualism.

I've tried to flesh out these arguments by explaining how what Woolf and the rest refer to might be conceived of as marking out the end point of the colligated "nineteenth century revolution in government." If we take that revolution to be, at its basis, a culturally-

driven revolution, then this endpoint must be primarily a matter of culture. It is difficult to specify this without naming causes, which none these existing accounts has to offer (outside of crediting World War I). But perhaps Woolf is not being merely stylistic when she says "human character" changed somewhere around 1910 (that is to say, before WWI). For the kind of tension-filled model of orders of worth I outlined in the introduction, shifts like these—ethereal, maybe inexplicable—are possible, as immanent critique is always possible. The "modernist" emotivists certainly critiqued what came before, but they didn't seem to do so on the same terms. In other words, what marks out these arguments is the *absence* of an order of worth; the absence of the "imperative to justify" an action or policy according to some substantive common good. From this angle, it is easy to see how "emotivism" (as Macintyre understands it) marks a blow against social forms of accountability and social cohesion.

Yet, it remains simply one branch. Why the genealogy moved in this direction, remains to be fully explained; but looking at it from the angle of orders of worth puts some truth to Williams' suggestion that post-1910 is all part of a "single moment in the development of liberal thought" (2001[1980]: 244). In this sense, maybe it preserves "equality" while jettisoning "order" altogether (to use Boltanski and Thevenot's "two requirements," mentioned in the introduction). Since there are no criteria for defining worth, there is no way of saying anyone is better than anyone else. The only thing that counts, the only thing that has worth, are individual feelings and attitudes, and the ability of people to have them. This is as true for Pigou's marginalism as it is for Woolf's "stream of consciousness."

However, despite these attacks, there was enough left in the tank in terms of "public moral discourse about social welfare" for William Beveridge (a participant in both the 1880s

and the New Liberal reforms) to draw from to provide a "solidaristic" justification for his welfare state, set in place after World War II (Harris 1992: 137). Modernism as a bookend to the genealogy of social justice colligated process was significant enough to *be* a bookend, and therefore help put into perspective what was distinctive about (and in this way even help *explain*) the 1834 to 1914 period. Thus, it seems that whatever justifications have subsequently been given for the welfare state, whatever moral capital the welfare state has enjoyed, indeed, even the kinds of critique it continues to inspire, all draw from a small range of meanings of social justice, virtually all of which originated during the 1834-1914 period. In this sense, we can meaningfully colligate this period according to these cultural criteria; in these terms, it stands as the "era of social justice."

Orders of Worth and Field Theory

As mentioned in the introduction, I pose orders of worth against institutionalism, because the former allows a more diverse toolkit of concepts in order to understand how cultural change can be *endogenously* driven (Kaufman 2004). As we recall, the parallels between institutionalism and orders of worth consist of the idea that the actors over this period "honed the meaning of social justice" and their efforts assumed a succession of forms. The "revolution in government" was not, in this sense, so much a response to the "brute existence" of social problems themselves, than it was the expression of a kind of "myth and ceremony" process, necessary in order to convince prominent social actors that the social order was socially just.

As we see now, I likely overstated how much of the change can be immanently driven. If we recall the argument for "why Malthus won" over Smith, and why the 1834 Poor Law reform took on a Malthusian form (focused on competition as a goad of

necessity), it wasn't ultimately a matter of culture, but rather how Malthus' arguments were appealing for the agrarian gentry trying to retain political power following the 1832 Reform Act which gave the middle class more access to the electorate. Indeed, much the same kind of argument is true for how a social reform agenda ultimately made its way to Parliament. In this case, another reform bill—in 1884—changed the political field again, this time allowing social reform to acquire political capital. In both instances, meanings of social justice might have been developed from an endogenous process, but they couldn't actually become an agent of change, and acquire the same degree of permanency, until they synchronized with processes happening in other domains.

On the flipside, however, we must recall the birth of public health and the revolt against liberalism. For the first, it wasn't ultimately a critique that prompted the state to assume control over sanitation, but a more straightforward institutional contradiction pitting medicine (an institution by this time) against the New Poor Law and the market order of worth (informed by Malthus). Sanitation became a solution in response to the "institutional contradiction" evident in this situation, as developed through the creative deployment (or salvaging) of the Malthusian logic by Edwin Chadwick. State provision of water and sewage (as "necessaries") was justified on these terms, and thus Chadwick preserved the meaning of social justice inherited from New Poor Law. In this process, an endogenous cultural process (in this case, the creative deployment of an established set of cultural meanings to develop a justification for action that preserved those meanings) played a central role in shaping the outcome.

Much the same can be said about the revolt against liberalism. As I mentioned, it is still a mystery why Mill and Arnold (and others) would revolt against liberalism, particularly in the way that they did—as concerned about its ability to "motivate" people in the proper

way. As mentioned, some prior arguments have associated this with an upper-middle class and aristocratic backlash to the kind of rampant, lower-middle class liberalism associated with Samuel Smiles' notion of "self-help" (this is essentially what Bendix [1958] argues). However, my argument favors the view that the primary agent in prompting the revolt was less this kind of class conflict, or a structural and non-cultural process, but rather from a more immanent process of critique made possible by the market order of worth itself. For example, I dealt with Mills' personal breakdown largely on these terms (because this is how he describes it). Essentially working the logic of liberalism through to its endpoint— "Suppose that all your objects in life were realized ... would this be a great joy and happiness to you?" and the irrepressible self-consciousness directly answered, "No!" (Mill 1956[1873]: 113)—Mill was no longer compelled by it. In his revolt, therefore, an endogenous cultural mechanism (immanent critique) played a pivotal role in prompting his revolt against liberalism and the formulation of a more "civic" order of worth. Certainly other factors played a role, and I've only discussed how the revolt occurred for two individuals (Arnold and Mill). Yet, on the evidence provided, we can infer that an immanent cultural critique (made understandable by orders of worth much more so than institutionalism), by Mill and others, played a significant role in causing the revolt and prompting the new order of worth into existence. As we've seen, this revolt later made possible the New Liberal reforms that helped usher in the era of the welfare state.

However, the "contingent conjunctural" (Little 2000) account I've developed allows room for non-cultural or structural factors, as conventionally understood. As mentioned, the Lancashire Cotton Famine, as an "event" (Sewell 1996; Sahlins 1985), spurred the field of social reform into existence (though, it must be mentioned, through an indirect process, working first through the Charity Organisation Society, then reactions against it). Certainly

this structural process provided an impetus for change that was manifestly not immanent to culture. However, I would argue that while, without the Lancashire Cotton Famine, the field of social reform might have never taken shape, the way in which it took shape, the meanings of social justice that emerged from it, the kinds of "tests" and techniques developed by social reformers during the 1880s, *were* an immanent cultural process, made possible by the creative deployment of the criteria involved in both the civic and market orders of worth, and also non-moral claims pertaining to the "wild, blind, relentless" force associated with capitalism (Hirschman 1982). I've argued that it took another outside (non-cultural) process—a change to the political field—for these ideas to enter the state; however, the point remains: a large portion of this historical process was endogenous to culture and derived from cultural mechanisms like immanent critique and the creative application of categories. What is more, in my account, "alternative institutional orders" weren't required in order for new moral claims to emerge.

Thus, when I refer to "endogenous" I mean that the trajectory of historical change is revealed in the process of *cultural* change (Kaufman 2004). Sometimes this was prompted (though not determined) by a non-cultural process (Lancashire Cotton Famine); other times it was more endogenously cultural (the revolt against liberalism). I've argued that capturing the effect of "cultural endogeneity" is made easier by employing an orders of worth framework instead of institutional theory. Most notably, orders of worth help escape the use of "extremely general categories (rationalization, modernity)" (or capitalism, the family, the state—as mentioned in Friedland and Alford's discussion of different institutional orders [1991]) that still plague institutional accounts of social change (Thevenot 2001: 419). In this way, peering beneath the institutional veneer allows us to witness cultural mechanisms like

immanent critique and the creative application of categories at work in producing historical change (see Steinberg 1999).

Taking all this together raises a final question about contingency. In what way do I claim that the genealogy of social justice, and with it the 19th century revolution in government, was "conjecturally contingent"—that is to say, in what sense did they reflect "the non-necessary interaction of different causal chains to produce a definite outcome whose own necessity originates only in and through the contingent coming together of these causal chains in a definite context" (Jessop 1990: 11)? The direct opposite to this is, of course, the "revolution in government" argument itself, which attributes primary responsibility for the reforms to the "brute existence" of the social problems they tried to solve. Of course, it is difficult to resolve this issue with any degree of satisfaction without a comparative framework that can pinpoint relationships of difference and similarities between contexts. For example, if a variable shared across otherwise different contexts made a difference, and made the pattern of reform similar, contingency wouldn't matter as much; or, whether the differences specific to the context themselves made the pattern of reform different, contingency (as understood here) would appear to matter a great deal. For the most part, these questions have been addressed by arguments that claim the "revolution in government" represents a political process (Orloff and Skocpol 1984).

My argument has focused on the cultural aspect of the "revolution in government," applying a genealogy of the meanings of social justice in order to explain how it happened and also to interpret its normative significance (more on that below). From this perspective, the process does seem "contingent and conjunctural" in the sense that Jessop and Little (2000) define those terms. In this sense, the 19th century revolution in government was shaped by the cultural resources available (orders of worth), by changes to the political

process (rather in line with Orloff and Skocpol) that seemed to have definite results (giving the working class suffrage [at least partially] meant social reform would be a more important political issue), and by economic processes (the Lancashire Cotton Famine) related to the world-system. The *combination* of these "causal chains" explains why the British state, by the start of World War I, was responsible for providing public health, public education, a professional civil service, and welfare policies like insurance and old age pensions. The contingency of this outcome remains a testable claim, which I cannot do without a comparative framework (certainly a "suggestion for future research"). But drawing out the cultural aspects of this process, as I've done, provides a foothold for explaining how the rise of state welfare as a response to the social problems associated with industrial capitalism is more contingent than it is often assumed to be.

Coda: The Moral Significance of Explaining Why

The discussion extends further than developing an explanatory theory explaining *how* the revolution in government happened, offering in addition a "normative case study" of social justice and its historical instantiation as a "public moral value," which then (as now) was treated as "intrinsically valuable" (Thacher 2006: 1635). The contrast between the "contingent-conjunctural" explanatory approach (outlined above) and this normative case study helps reveal the broader significance of developing a genealogy of social justice, as the latter involves an explanation *why* this set of events took place and followed this specific trajectory. I'll finish by briefly elaborating these points.

I start with witchcraft. The social anthropologist E.E. Evans-Pritchard, in his study of "witchcraft, oracles and magic" among the Zande of the Southern Sudan, makes the following point about their famous use of witchcraft:

We say that the granary collapsed because its supports were eaten away by termites. That is the cause that explains the collapse of the granary. We also say that people were sitting under it at the time because it was in the heat of the day and they thought that it would be a comfortable place to talk and work. This is the cause of people being under the granary at the time it collapsed. To our minds the only relationship between these two independently caused facts is their coincidence in time and space. We have no explanation *why* the two chains of causation intersected at a certain time and in a certain place, for there is no interdependence between them

Zande philosophy can supply the missing link. The Zande knows that the supports were undermined by termites and that people were sitting beneath the granary in order to escape the heat and glare of the sun. But he knows besides *why* these two events occurred at a precisely similar moment in time and space. It was due to the action of witchcraft. If there had been no witchcraft people would have been sitting under the granary and it would not have fallen on them, or it would have collapsed but the people would not have been sheltering under it at the time. Witchcraft explains the coincidence of these two happenings (1976[1937]: 70; emphasis mine).

Thus, the Zande are perfectly aware of how the granary collapsed and killed a specific person. But their explanation goes further than this kind of scientific account. Positing "witchcraft" moves the explanation from the realm of "how" it happened into the realm of "why" it happened. Modern science rarely makes the same transition and when it does, it does so in a strikingly non-moral (and essentially cynical) way.

For example, as Boltanski and Thevenot (2006[1991]: 340-342) argue the "missing link" is, the concept that provides the answer "why" to social processes (in contemporary social science at least) "interest," as in "the wealth make deals because they love money, just as public officials or delegates ... rule because they love power." They refer to this as the tendency toward "critical relativism" in contemporary social science; the predominance of forms of explanation that involve a "reduction to interests" constituting the "moment when science becomes autonomous with respect to values." Nietzsche (through Weber's critique of "value rationality" in social science) has the last word: "The aim is lacking; 'why' finds no answer" (quoted in Boltanski and Thevenot 2006[1991]: 341). However, this inability to explain "why" people do things, or the refusal to posit any "aim" to action (other than this

tautological usage of interest) only means that the social sciences reflect (and enhance) "moral nihilism" in the culture at large.

These larger implications, pertaining to the social scientific inability to answer "why" questions, are highly disputed. However, other scholars have recognized the same problem and mentioned the "gap" this leaves in our corpus of knowledge about social processes (Martin 2011). This gap becomes particularly glaring in conjunctural-contingent accounts like the one I give above to explain the 19th century revolution in government. The larger implication, in this respect, is that, like the unfortunate Zande who happens to be resting under a termite-infested granary when it collapses, the universe becomes one of "sheer, ineluctable chance," with colliding forces and trajectories having no particular aim and the events they cause no particular purpose. This point of view will suffice if we wish only to explain *how* the 19th century revolution in government happened, just as it suffices to explain *how* that granary fell on that Zande at that particular time and place. Indeed, as I've argued, such "chance-laden" accounts are a superior way of answering "how" questions, much more effective than resorting to universal laws. But much like the Zande contemplating her own "conjunctural-contingent" event, with questions like "Why he and not someone else? Why on this occasion and not on other occasions?" inevitably arising from a tragic granary collapse, *why* these kinds of "contingent-conjunctural" processes took place will continue to gnaw at our curiosity and, more importantly, our deeper sense of why the world seems to work in this way if these kinds of questions remain unanswered or continue to be answered through amoral or cynical means.

Thus, the point of paring a genealogy of social justice alongside the nineteenth century revolution in government (and thus "normatively resignifying" the latter) is to offer a kind of "missing link." In this sense, social justice explains *why* the social reforms involved in

the 19th century revolution in government took place and why in this particular way. Social justice, in its various meanings, was the *purpose* of undertaking this kind of social action. Social justice was the reason why the British philosophers, social reformers, MPs, and bureaucrats involved in this process *wanted* to do any of it in the first place.

Of course, wanting to realize social justice is not the same as actually realizing it, and so any account requires combination with the kind of non-"self-selected circumstances" inherited by people with these normative aims. Nevertheless, as I've argued, answering the "why" question not only recovers the normative meaning of a social process, it can also help explain *how* it took place, whether by capturing the motivating cause of a specific set of changes or by serving as a guide to push a "contingent-conjunctural" process in a specific direction. This is a primary reason to emphasize morality in explanatory theory.

As Evans-Pritchard understood, attributing witchcraft to answer a "why" question invoked a kind of "mystical causation," which remained incompatible with scientific reason. Significantly, however, witchcraft wasn't a valid explanation for all situations. For example, it was never applied to events that involved the "social exigencies expressed in law and morals" because this could result in social instability (see Geertz 1983: 78-80; see also Martin 2011: chap. 1 on the sheer annoyance factor involved in even asking a "why" question). Thus, answers to the "why" question are particularly important because when this set of meanings is invoked or made significant—as I claim they were during the events that constituted the 19th century revolution in government—this can have a significant impact on society. I'll finish by elaborating this point.

As mentioned in the introduction, the theoretical precedent for this kind of argument is Habermas' (1979; 1984) analysis of the "historical development of normative structures." Here, questions of meaning and validity are joined together as interpreters

access the (objective) "conditions for making valid statements" as they arise historically (Habermas 1984: 115). The parallel with the orders of worth framework is clear: here, interpreters also identify the conditions that make for "legitimate and justified critiques and agreements." In both cases, a similar style of historical reconstruction gives interpreters access to different modes of "critique." The main difference between the two approaches involves the mechanisms that change normative structures; where Habermas draws his model from moral developmental psychology and involves a linear process of "social learning," orders of worth identify endogenous cultural mechanisms like immanent critique and the creative deployment of cultural resources, and how these become synchronized with external (contingent) processes. This offers a way to escape extremely general categories (like "rationalization") that otherwise tend to plague this kind of analysis (see Thevenot 2001: 419). It also offers the potential to recover a broader range of critical resources, apart from simply identifying the "relations of force" that impede a single communicative rationalization process.

Thus, answering the "why" question by using orders of worth to capture the moral significance of a social (and macrohistorical) process does more than provide a kind Zandean missing link. It helps identify the conditions for making claims about social justice and helps explain why we perceive certain institutions and practices (like public health, education, health insurance) as indicators that a society is socially just. Thus, I've attempted to recover the meanings of social justice that corresponded to the set of reforms involved in the 19th century "revolution in government," which did much to shape the institutional basis of social welfare today. The key insight is that these meanings are still available as critical resources to promote institutional change and institutional stability. In a similar fashion as Habermas, whose model argues that meeting validity criteria is required for the production

of meaning, which leaves this process with a critical potential, the implication is that arguments that meet a criteria of social justice also produce meaning and, likewise, a moral standpoint that can itself be a cause of social change when the justifications are binding. Of course, for this "critical capacity" to work, actors must be able (and willing) to recognize "arguments and configurations that are legitimate" (Boltanski 2012[1990]: 45). This is not always the case, particularly when social justice finds multiple and contradictory meanings. In principle, however, the meanings of social justice can, in this way, function as instruments for social change.

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