

Restructuring Society as a Partnership of Citizens

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History is filled with horror stories of governments abusing their power. The relationship between people and governments often appears to be an abusive relationship where governments exert their power over people. This can be seen in the relationship between citizens and their own state, such as the experiences of Jewish German citizens during Nazi rule, as well as the relationship between people and other states, as we can observe throughout the history of colonialism. This abusive relationship continues to this day. Government calls for indigenous “reconciliation” in Canada in the midst of conflicts over pipeline construction as well as the riots for racial social justice seen earlier this year in the US are examples of how this abusive relationship continues to this day. Often, this results in demands for reparation from the governments involved in the abuse of their citizens.

Amid this discussion over reparations and justice, there is a general assumption, implicit within the discourse of civil society, that governments are always in possession of the central levers of power. We can see this assumption at play in the predominantly state-centric approach of international law. Governments indeed have a general level of control over the structures of society, but thinking of governments as in control causes one to miss the bigger picture. Governments are only one form of organization in society. Our planetary society can be more appropriately understood as a collection of organizations of which government-controlled states are only one of those organizations. As such, a larger systemic and structural approach is needed to determine why governments behave as they do and how we can resolve this critical issue. In this paper, I will argue that the state-centric approach to structural injustice analysis is flawed and, through a complex systems approach, take into account both individual and institutional interactions. In this discussion, we will examine the different roles people play, the rules that they follow and how the structures of society affect their interactions. I will then propose a solution to the problems I raised in the first part of the paper. Those solutions will entail a reframing of our conception of citizenship as a

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membership of society which entails forward-looking responsibility based on the obligations we have towards one another as citizens, with a common interest in creating a fair and stable society. It also entails a restructuring of society that can maintain that conception of citizenship by distributing power so that every citizen can have the capacity that they need to influence the general will of society.

Reverse Engineering the Structures of Society

We tend to think of states as independent agents who have full control over their decisions and interactions with other states. States are conceptualized as “sovereigns” possessing a “body politic” composed of all its inhabitants. The “body politic” is an anthropomorphic metaphor of the state as an individual composed of individuals (Mills pg583). The actions of the state are understood as unitary, the actions of a single mind free of contradictions. The “sovereign” thus becomes expressed as the identity of the state through the actions the state undertakes. This state-centric point of view reduces all society to a single entity. This neat conception of the state with one “mind” and one “body” fails to capture the reality on the ground, where different people within the state occupy different social positions and are able to influence the state to different degrees. In this first part of the paper, I will break down the state into structures composed of these different groups of people and show how these structures create a divided state where some people can be properly classified as citizens while others become subjugated to them.

During the Asia-Pacific War, Korean women were forced to provide sexual services to Japanese soldiers. From a state-centric point of view, the Japanese are characterized as the colonizers of Korea. Moral culpability is assigned to Japan as a state and the crimes against humanity of the Japanese state are recognized in the context of the interstate war against the two states (Catherine Lu pg264). This state-centric approach fails to capture the underlying dynamics at play. Japan and Korea don't exist as distinct agents,

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they are collections of agents that, together, form states. In this particular example, the Japanese military comfort system was an institution that combined capitalism, militarism and a sexual-cultural order (Catherine Lu pg270). From a state-centric approach, one would expect that the institution was the result of a Japanese effort to abduct Korean women and force them into sexual slavery. That is the picture that the state-centric approach creates. What that picture fails to capture is the role that different individuals within the states play in that process. The military recruitment of Korean girls did not usually involve large-scale abductions but, rather, it involved collaboration between the Japanese with the Korean colonial government as well as local Korean elites and entrepreneurs (Catherine Lu pg271). Powerful people within the colonized state helped the colonizing state create the criminal institution. It is not that one state is dominant and the other is subjugated, but rather powerful people of both states subjugate their own people as well as people from other states. This structural analysis reveals that social positioning within the structures of society is the key factor at play. While elites from both Japan and Korea worked together to build the military comfort institution, poor Korean women, who were already vulnerable within Korean society and became more vulnerable during the war, were the ones who were forced into sexual slavery. Despite this reality, the 2000 Women's International War Crimes Tribunal was focused on indicting the state of Japan for sexual violence against women, while neglecting the role individuals played within both the Japanese and the Korean state (Catherine Lu pg273). The state-centric framework absolves those individuals who are in control of states from responsibility for their actions through the state they control. The state-centric approach of the international legal order misses the impact of domestic structural injustices and the roles individuals play within those structures. This allows the perpetrators of injustice to escape justice, absolving themselves of responsibility behind the veil of the institutions that they control.

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We can thus generally identify two groups of people within each state. One group is composed of influential people who have power and who are capable of dominating others within the state through the social structures of the state. This is the group that rules society, the dominant group. In this example, political elites and entrepreneurs belong to this group. The other group is composed of vulnerable people who lack the power to influence others and the decisions that affect them, the subordinate group. This is the group that is ruled over. In this example, the poor Korean women belong to this group. Individuals occupy different positions that enable them to exercise different capacities or expose them to vulnerabilities (Catherine Lu pg269). Individuals who belong to the dominant group have more capacity and can exercise their will more freely than those who belong to the subordinate group. The social position one occupies within society determines the role they are supposed to play within the structures, empowering them or artificially limiting the options available to them. Social structural processes create channels that determine which actions are available to individuals, constraining them to a limited set of options and guiding them in specific directions (Young pg53). Those potential channels of action thus shape the will of the individuals and, collectively, the general will of society. Structural injustices are then the result of the structures that artificially limit the will of some people, the subordinate group, for the benefit of others, the dominant group. Structural injustices occur as a consequence of individuals pursuing their goals within the institutions of society while following predetermined institutional rules that shape their perspective and their will via the constraints imposed by the institutions (Catherine Lu pg268).

Structures can be defined as the collection of institutional rules and routines, combined with the mobilization of resources and physical infrastructure for the purpose of directing individual agency through predetermined channels of possible actions. Unjust structures pervert systems of norms while enabling and legitimizing individual wrongdoing (Catherine Lu pg267). Since the structures constrain people's decisions,

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they are the background from which people make decisions that affect their lives and the lives of others. In other words, the background structures of society are shaped by their rules and norms which, in turn, shape the behaviour of people within the structures. But the structures themselves are not natural phenomena, they were created by people and they are controlled by people, by the dominant group. In “Responsibility for Justice”, Iris Young describes four different kinds of relationships that people can have concerning their responsibility towards crimes. The first one involves those who are guilty of the crimes. In order to be guilty of a crime, one does not need to be directly involved with it, it is sufficient for someone to facilitate it. Young describes the story of Eichmann, a bureaucrat who worked for the Nazis. He was focused on bureaucratic tasks that had to be carried out to facilitate the mass murder of Jews, such as organizing transportation for their deportation. While he was not directly involved in the murders, he willingly accepted his role, which contributed to the machinery that carried out the mass murders. For this reason, he bears responsibility for the murders he facilitated and, thus, he is guilty (Young pg81-84). The people who operate the structures can shape the evolution of those structures and they can benefit from those structures. Since they have the capacity to change those unjust structures, they have a responsibility to do so. Insofar as they maintain those unjust structures for their own benefit, they are complicit in the injustice perpetrated by the institutions they have control over. In our previous example, an entrepreneur could have simply refused to help the Japanese army, but they had incentives to go along with their position within the structures.

Structures manifest themselves as specific institutions, which are organizations within the structures that play specific functions while following the underlying rules of the structures and controlling resources and infrastructure to realize their purpose within the larger structures. There are two predominant institutions – workplaces and governments. Within workplaces, employees sell themselves as objects through an employment contract that transfers control over their body and, thus, their will to an

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employer. The employee gives up their agency to the employer within the workplace. The prevailing metaphor of self-ownership that governs employment contracts helps obscure the subordination of the employee to the employer, as Carole Pateman discusses in her paper, "Self-Ownership and Property in the Person". The employment contract alienates the employee from their right of self-government (Pateman pg27). Employees play a supportive and subordinate function to free the time and labour of the employers, who belong to the dominant group. The subordinate group have their will restricted by the dominant group through the employment contract (Ahmed pg111-112). We can also see this relationship of subordination at play when an employer is the one who is considered responsible for implementing accommodations for people with disabilities, as the employers are the ones who have control over the workplaces within which their disabled employees work (Malhotra pg73). This control over the workplace is one way in which this relationship of subordination is manifested. Whoever has control over the structures have the capacity to control the will of others who don't have control. Within governments, the process is similar. The division between people who influence the government and people who don't brings us back to the "body politic" and the metaphor of the state as an individual composed of individuals. Not all individuals who live within a state compose the body politic. The body politic is composed only of those individuals who have rights and freedoms that are guaranteed by the state. To illustrate that, we can refer to Charles Mills' "Body Politic, Bodies Impolitic" for an example. Mills argues that the American body politic is racialized. Race is socially constructed and used to define who belongs to the body politic and who doesn't, particularly before the American Civil War. Those who were considered white were given access to rights and freedoms. They were considered citizens, as part of the body politic. Those who were not white were not given those rights and, instead, were treated as objects that were an external threat, outside of the body politic (Mills pg595-596). Those who were white were considered to be contractors, in an exclusionary racial

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social contract where whites recognized themselves as equal contractors and excluded non-whites as inferiors (Mills pg594). Whites were the subjects to whom the social contract applied, while those who were not white were considered objects, without agency, who could be manipulated by the subjects of the contract. As with the employment contract, this social contract was designed to secure the domination of one group of people over others. “What a citizen really was, at bottom, was someone who could help put down a slave rebellion or participate in Indian wars” (Mills pg596). In the same manner, non-whites were not considered citizens when they were slaves. The subordinate group, to this day, is composed of individuals who are not really citizens. There is a story that is told that everyone is a citizen, but the reality is that only the dominant group is composed of citizens whose will control the state, forming the body politic. Those who are subordinate to the dominant group may be morally equal to and possess equal rights with respect to those in the dominant group, but that is merely a formal equality that is undercut by their material inequality (Mills pg585). Through their control over the structures of society, the dominant group has a much greater influence in composing the content of the general will of society. Thus, the general will is not in actuality the general will of society as a whole but a general will of the parts who are allowed to be willing via their control over the structures.

Finally, we can look at the problem of backwards-looking responsibility. Backward-looking responsibility is used to attach wrongdoing and blame people (Radzik pg5). Responsibility within the state is often framed in terms of backward-looking justice where the focus is on blaming specific people for the circumstances of society according to their past actions within them. Those who have power hide behind the institutions they control, evading responsibility, while those who have no power within the institutions are forced to take responsibility for their circumstance even when they have little control over them. This model of personal responsibility attaches blame to those who are in a subordinate position in society, by restricting their options for the benefit

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of the dominant group. In this manner, responsibility and liability are transferred from the dominant group to the subordinate. For instance, corporations shield the liability of directors who make decisions within those corporations. When the directors of a corporation dump toxic waste in a river and contaminate the water source of a town, people get sick and have to deal with the consequences of the directors' decisions, while the directors are shielded from responsibility and liability by hiding behind the corporate structure.

Backward-looking responsibility frames the problems of justice in terms of blame and liability for past transgressions, shifting the focus of citizenship from the future to the past. The focus on individual interactions absolves institutional actors of responsibility, while the focus on the past prevents discourse on the development of alternative structures that could prevent those problems from occurring, to begin with. Meanwhile, the dominant group structures society in a way that helps them maintain control over it while preventing the subordinate group from gaining power and influence. Ultimately, citizenship is sold as a commodity and promoted as the passive act of choosing rulers to make decisions for citizens, removing citizens from the decision-making process in any meaningful way. Through this process, citizens are treated as mere consumers of public services (Magnusson pg215) with no involvement in public decision-making, giving up their will and their responsibility in the process.

The Forward-Looking Political Responsibility of Citizenship

We have established that the current structures of society are not conducive to real citizenship. Now we have to take a look at what real citizenship entails. For that purpose, we take a look at the stolpersteine, or "stumbling blocks", a German project that aims to draw attention to Nazi crimes. The stumbling blocks are stones that are placed around different locations where Nazi crimes occurred during Nazi rule (Radzik pg27). The purpose of the project is not to blame citizens for the wrongdoings of the

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past but, rather, to draw attention to the mistakes of the past so that they are not repeated in the future. The project is about the responsibilities that citizens have towards the future, it involves a forward-looking responsibility of “stepping forward to do important work”, to improve one’s society (Radzik pg30). In this respect, the project is described as a “citizen’s initiative” that involves doing work not because one has wronged in the past and has been compelled by another to take responsibility for their transgressions but, rather, because one is taking responsibility for the future of their society and willingly taking on the work that is required to improve their society. That is what citizenship is truly about.

In this context, we can refer back to Young’s four distinct categories of responsibility. Citizenship involves the last three categories. The second kind of relationship involves those who are not guilty but bear responsibility. As an example, Young argues that Nazi crimes required the mobilization of the whole society but the whole society was not directly involved in the killing machine. While they were not directly involved in it, they belonged to that society and thus, they had a political responsibility towards opposing it (Young pg84-87). By not engaging politically and openly opposing Nazi crimes, they failed on their responsibility as citizens. In the third category, people are engaged in morally praiseworthy actions. For instance, when people helped Jews by hiding them and leaving the country during the Nazi regime. While such actions are not political because they are not public, they still involve the responsibility of citizenship, of stepping forward to do important work (Young pg88). The fourth category is the one where citizens take political responsibility. The exercise of responsibility is political when it involves the active participation of citizens in collaboration with one another. Political responsibility involves the self-organization of citizens oriented towards a public goal that involves collective action (Young pg89). Political responsibility within existing structures consists of watching institutions and maintaining organizations of citizens that are involved in watching, monitoring and speaking publicly against the

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wrongdoing of unjust institutions (Young pg88). This is how citizenship is commonly characterized. I would argue that this conceptualization of citizenship still has a backwards-looking orientation because it is reactive, it involves watching over the existing institutions and reacting to their past action, attaching blame to institutions that are guilty of crimes or complicit. Such a strategy falls into the same trap as Young's first two categories of responsibility. This form of backward-looking justice doesn't resolve the underlying problems of society, it only provides some temporary redress to victims of structural injustice. For example, making certain social services available to indigenous people or even offering monetary compensation for historical wrongs does nothing to help them recover from those historical wrongs nor does it empower indigenous people to rebuild their culture and reclaim their identity. We can see this at play even in "progressive" legislation. Just last month the Canadian Federal Government proposed regulations for the introduction of proactive pay equity legislation, replacing a complaint-based regime with a proactive regime. While the new proactive pay equity regime seems forward-looking, it only helps to address systemic gender discrimination in compensation rather than changing the underlying structures that facilitate that discrimination to begin with (Canada Gazette pg3279-3280). It is not sufficient to repair the past. If institutions don't change, the mistakes of the past are bound to be repeated. This is the problem with backward-looking responsibility, it doesn't address the future. This is also the problem with government solutions that are preventative but fail to address the underlying systemic problem caused by the structures. The structures must be changed to solve the problems, and this is something that is not usually addressed in the political discourse. Even in the case of the stolpersteine, the structures that allowed the Nazis to rise to power remain, thus necessitating this constant reminder of the past. This is not a solution to the problem; it only postpones its occurrence.

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Restructuring the structures of society requires widespread collaboration between citizens. It requires citizens to take political responsibility for the creation of new structures that can address systemic issues. This requires a rethinking of citizenship in the context of their forward-looking responsibility and their interactions with one another. Back to the stolpersteine, the stones induce citizens to picture the events as they occurred at another time within that space, establishing an emotional connection with the events that transpired and, ultimately, prompting discussions between citizens, causing them to reflect on their responsibility as citizens (Radzik pg30-31). These discussions about the past serve to inform future decisions, to prevent the mistakes of the past from reoccurring and, as such, they are forward-looking. Deliberation between citizens is the foundation of the forward-looking responsibility of citizenship. Through deliberation, citizens can come to agreements that work for everyone involved. Agreements are reached when everyone involved has an opportunity to have a say in the decisions that affect them from a position of equality and mutual respect as participants in rational discourse (Habermas pg940). Through deliberation, citizens justify their positions and try to reach agreements, reaching an intersubjective validation. For justification to be legitimate it needs to be the result of the deliberation of citizens coming from a position of mutual respect and equality. When there is a commitment to engage in terms of mutual respect and equality, then citizens feel compelled to respond to each other and come to agreements. Justification in terms of mutual respect and equality consists in this commitment to engage in discursive deliberation as equally significant members of society (Habermas pg940). As long as everyone who is affected by a decision have a say in the making of that decision through a process of deliberation, then citizens can arrive at decisions that deserve intersubjective validation and are, therefore, legitimate. A political structure that involves the deliberative democracy of all citizens is thus a requirement for the

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development of a stable and just society. Such a political structure would have to be carefully engineered to facilitate the effective deliberation of citizens via a public communication structure that is inclusive, selective, relevant, informed by reliable information, rational and fair (Habermas pg941). Citizenship must thus be organized in a way that motivates deliberation and collective decision-making while ensuring that power and responsibility are distributed equally among all citizens so they can come from a position of equality and mutual respect. As such, the state, as the organization that belongs to all citizens, must be organized not as a centralized sovereign structure as it is today but, rather, as a cooperative partnership, owned and controlled by all citizens who live within it. Citizenship must be reconceptualized as a partnership between citizens in a social position of equality, with citizens having a fiduciary duty to one another and a common responsibility towards their shared future.

Our planetary society can better be described as a network of people and overlapping organizations within which people interact. Organizations play a role in structuring all decision-making as well as determining who carries out the decisions, who receive the benefits of the decisions and who carry the burdens. Different organizations have different rules they follow depending on the functions they play within society. States are one such form of organization, while corporations are another example. Those structures were created by people with a specific orientation, to achieve specific goals that they had in mind. We tend to think of those organizations as virtually immutable abstract concepts but, in fact, they are merely collections of people who act together according to a specific set of rules informed by specific values. Those rules and values are not immutable, we are capable of changing them so long as we have enough power to demand those changes. Indeed, throughout history, those organizations have gone through many changes, over long periods that tend to span entire lifetimes. It is this slow changing character of social organization that gives it this ethereal and seemingly immutable character. While internal change is difficult to trigger since it requires those

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who are subordinated by the structure to organize themselves effectively to change those structures, external pressures from alternative structures may provide us with a better strategy for achieving significant societal change. Alternative structures built by people who are currently subordinated by those in power would not only provide an alternative for those who are subordinated by the current structures but also put pressure on the existing structures to give concessions to compete against the new structures.

In order to create a stable and just planetary society, we need to find an optimal configuration of interactions between people. If society was indeed structured as a contract between citizens coming from a position of equality and with a genuine interest in the well-being of all citizens, then we could have a stable and just planetary society. This kind of relationship between citizens can best be described as a partnership, where citizens are involved in the decisions that affect them and have a fiduciary duty to one another. To achieve this goal, we would have to create organizational structures that would consistently generate the conditions required to maintain equality by distributing power and enabling citizens to have a say in the decisions that affect them. This structure would thus generate a legitimate general will. The structure will also require a culture of social responsibility, where citizens are invested in the improvement of society not only for their own sake but for the sake of society as a whole. To accomplish this, we would need an organizational structure that can distribute power equally between participants. This structure would be best described as a form of cooperative organization, where members own equal shares of the organization and make decisions together through a process of deliberative democracy. Organization structures would then be defined by the roles people play within different organizations of society, forming a co-operative network of co-operative organizations, which boundaries are emergently defined by the roles citizen partners play within the organizations.

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