

A Rawls-Sen Approach to Spatial Injustice

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Abstract

This paper outlines a guiding principle to address spatial inequalities and injustice in terms of distribution, recognition and participation. The result suggests the emergence of a contractarian principle designed to deal with geographically distributed inequalities, allowing for a monitored market economy applicable not only to cities but to all types of territory. This guiding principle is based upon the 1998 Nobel Laureate in Economics Amartya Sen's concept Capability Deprivation and a territorialisation of the liberal philosopher John Rawls' second principle for achieving Social Justice.

Keywords: regional inequalities, regional policy, spatial justice, capability deprivation, social justice

I. Introduction

The problems related to spatial inequality and injustice cover many policy areas and are of relevance to several academic disciplines in social sciences. What is needed in any approach to these issues is a *guiding principle* on how to deal with this challenge. Such a guiding principle needs to address spatial inequalities and injustice in terms of distribution, as well as in terms of need, recognition and participation.

The performance of different regions in Europe in the recent past highlights the need for such guiding principle. The crisis 2008-2009 hit regions differently (Hadjimichalis, 2011). Many regions experienced rapid growth of unemployment and lost welfare benefits (Essletzbichler et al., 2018); some regions suffered massive job destruction (Fratesi & Rodríguez-Pose, 2016). Simultaneously, a retrenchment of the public sector and a shrinking state occurred (Lobao et al., 2018). Many regions were labelled as having 'no future'; they were 'places that don't matter' (Rodríguez-Pose, 2018: 192-96). The revolt in these regions reflected in the ballot box, voting for right wing and populist parties, have strong territorial, rather than social foundations. The established political system is no longer seen to provide opportunities for people to live in these places (c.f. Essletzbichler et al., 2018; Rodríguez-Pose, 2018).

The shift in competence from national to supra-national levels has also resulted in less public intervention to support weak regions (Lobao et al., 2018). After the crisis 2008-2009, the European Cohesion Policy shifted focus from cohesion to competition and from weaker regions to cities and urban agglomerations (Faludi et al., 2015). Moreover, the *place-based* approach following the report of Barca (2009) means that local actors are given increased responsibility for the territorialised economic and social agenda, leaving the challenges of peripheries to policy responses of local authorities. Unfortunately, these actors seldom have the tools to address these challenges (Solly, 2016; Gruber et al., 2017; Isola et al., 2017; Clifton et al., 2015). Still, the place-based policy approach prevails (Camagni & Capello, 2015).

A guiding principle on how to approach and deal with the challenges discussed here could have avoided many of the reactions from 'places that don't matter'. Attempts have, however, been made to construct such guiding principle for cities over a quite long period. *Spatial justice* seeks to explain the interactions between space and society, primarily in city environments (Soja, 1989;

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Lefebvre, 1968, 1974; Harvey, 1973, 1992). An uneven spatial distribution of e.g. poverty, access to welfare services, job opportunities, discrimination, or various quality of life indicators limits the participation of the persons affected and deprives them of recognition (Mitchell, 2003; Harvey, 1973; Soja, 2009; Lefebvre, 1974; Boyne & Powell, 1991). In order to fight social injustices, social justice needs to be tied to space, and to reflect planning policies that aim at reducing them (Marcuse, 2009; Fiedler, et al., 2012; Fainstein, 2009; Mitchell, 2003; Harvey, 1973; Soja, 1989, 2010; Powell & Boyne, 2001). Seen from this perspective, the capitalist production system generates social inequalities, creating divisions between rich and poor regions, and between social classes. Hence, 'space matters' in relation to poverty, welfare and wealth (Chaney, 2013; Massey, 1995).

The concept of Spatial Justice has its ideological trajectories in Marxism. It rejects the capitalist mean of production and the redistributive systems of liberal democracies (Pirie, 1983). The influence of post-modernism is also strong (Harvey, 1992; Soja, 1989). The concept also struggles with a circular reasoning, in that 'space' is a social construction, and the 'social' is spatially constructed (Madanipour et al., 2017). The economic situation of a region in general and of peripheral and remote regions in particular, depends on the region's absolute and relative advantages (Capello, 2016). These advantages are not social constructions, but a harsh economic reality. Moreover, *absolute* (dis)advantages cannot be considered as either relative or subjective.

It is also troublesome that much of what we know about spatial differentiation of welfare implicitly takes a centralist perspective, i.e. it takes the 'urban' or 'metropolitan' as a starting point when discussing geographical inequalities (Powell & Boyne, 2001). How disrupting these problems and challenges are depends on what scale we analyse, and where we draw the boundaries between different types of territory. This leads us to the delicate question on how to define such boundaries (Bell & Davoudi, 2016). A person's life chances and quality of life depend more upon the region you grew up in than class distinctions (Andersson & Malmberg, 2016). Lastly, all citizens appear to have a right to universal equity, and this extends to a spatial perspective (Madanipour et al., 2017).

The problematisation of spatial disparities has usually gone hand in hand with the legitimisation and/or de-legitimisation of some political powers, especially when 'justice' is related to issues such as e.g. regional development, regional disparities, infrastructure, production and accessibility of services and welfare, as well as participation (Gyuris, 2014). The marketisation of services of general interest (SGI), or social overhead capital, and public sector retrenchment hit weak regions the hardest. The market cannot make profit in e.g. peripheral, remote and lagging regions; the 'third sector' cannot accumulate sufficient money for investments and hence is unable to meet the needs of the population (ESPON, 2013). If the national governments cannot level out regional disparities, who will?

This leads us to the aim of this paper: the need of a guiding principle to address spatial inequalities and injustice in terms of distribution, as well as in terms of need, recognition and participation. Three questions are addressed: (1) is a guiding principle to address spatial inequalities and injustice in terms of distribution, as well as in terms of need, recognition and participation covering all types of territories possible to construct? (2) What actor should take the lead to address spatial inequalities? and (3) What would be the policy implications of such principle be on inequalities between different types of territories?

II. Starting points

To establish how the spatial inequality and injustice conceptualised in this study, a definition is needed. Soja (2009: 2) uses a common definition of *Spatial Justice*: it is an "intentional and focused emphasis on the spatial or geographical aspects of justice and injustice". It denotes an equal and fair distribution of resources with social value and the opportunities to use them, i.e. participation within the space is a focal issue. This definition, however, says nothing about *need* and *recognition*.

Sandoval (2011: 491) argues that *Spatial Justice* contains some specific characteristics: (1) the consciousness of disparities or privileges of different geographies, and (2) the ability to change geographies. This second point can be seen as a continuation of the first in the sense that there has to be consciousness also about the fact that geographies are made and that humans are participating in the making of geographies. (3) Spatial inequalities need to be fought against as they do not change by themselves. (4) The long-term-process that is connected to it and the holistic perspective that has to be taken in order to achieve the goal. This definition is very wide and general; it includes everything. It says, however, nothing about *need* and *recognition*. To its advantage, it appears territorially neutral.

In the pioneering work of Davies (1968: 16) *Territorial Justice* is defined as follows: “In the services for which the most apparent appropriate distribution between the individuals is to ‘each according to his need’, the most appropriate distribution between areas must be ‘to each area according to the needs of the population of the area’. Since the former criterion is synonymous with social justice, we can call the latter ‘territorial justice’. Boyne and Powell (1991: 263) offer a simplified definition in “territorial justice requires that service provision is proportional to service needs at the inter-regional level”. However, the definitions provided by Davies (1968) and Boyne and Powell (1991) appears too vague and imprecise to be operational.

In this paper, spatial justice is considered as a provision of services, infrastructure and other social overhead capital or services of general interest proportional to the needs of the population regardless the territory they live in.

Three methodological considerations need to be made. Firstly, we do not see territory as a social construction. For scholars in e.g. economics such consideration is uncontroversial, but e.g. geographers may consider it bold and some even as blasphemous. The most important result of this is that we avoid any circular reasoning when we accept that territory affects social development. Secondly, the only universal claims that citizens can make are those of the first and second generation of human rights¹ (cf. Sen, 2009). Lastly, we do not reject the capitalist production mode and the redistribution systems of the liberal democracies as is done by the *Spatial Justice* advocates. The consequence of these three methodological considerations is that we open up for a liberal approach to address spatial inequalities and injustice.

III. Justice, rights and freedom

Positive freedom concerns the possibility to act in such a way as to take control of one’s life and realize one’s fundamental purposes. One has negative freedom to the extent that actions are available to one in a negative sense (i.e. the choice not to do something). While positive freedom is attributed to collectivities, and individuals are only sometimes considered as members of collectivities, negative freedom is usually attributed to individual agents (Berlin, 1969). Social liberals (e.g. Rawls and Sen) advocate positive freedom, as do communitarians and socialists. Libertarians, conservatives and market-oriented liberals all favour negative freedom. Therefore, when seen from this perspective, social justice clearly favours positive freedom (Miller, 1994).

The work of Rawls (1971) is occasionally used to strengthen the Marxist and post-modernist *Spatial Justice* argument (e.g. Peyrony, 2007; Bret, 2009). However, the usage of Rawls in this manner is questionable. Communitarianism in philosophy can be defined by its response to the philosophy of Rawls, and criticism is mainly targeted at the image Rawls presents of humans as atomistic individuals (Walzer, 1983). The social justice discussed by Rawls does indeed favour positive freedom, but this is the only similarity between Rawls’ approach and *Spatial Justice*. Contrary to a majority of the advocates of positive freedom, Rawls actually discusses ‘individuals’

¹ First-generation rights include, e.g. the right to life, equality before the law, freedom of speech, the right to a fair trial, freedom of religion, and voting rights. Second-generation human rights guarantee citizen equal conditions and treatment, e.g. rights to food, education, housing and health care, as well as social security.

- not collectivities. Moreover, Rawls' ideas are completely a-spatial in their construction. Furthermore, Rawls second principle - that "Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged, and (b) attached to positions and offices open to all under conditions of fair equality and opportunity" (Rawls, 1992: 83) - does not contradict differences for *individuals* (Rawls, 1992: 60-61). It is important therefore to recognize that Rawls focuses on individuals rather than collectivities, while in addition, noting that he does not reject the notion that an unequal distribution of wealth and income is acceptable. "While the distribution of wealth and income need not be equal, it must be to everyone's advantage, and at the same time, positions of authority and offices of command must be accessible for all" (Rawls, 1992: 61). We should have equal liberties in terms of citizenship *and* equality of opportunity. Rawls believes in a market economy, although not an unrestricted one. He favours an economic justice model based upon a government with four branches: (a) an *allocative* branch to stabilize prices and prevent unreasonable market power; (b) the *stabilisation* branch should stimulate full employment and stimulate the efficiency of the market economy; (c) the *transfer* branch provides individuals in need with the social minimum; and (d) a *distributive* branch deals with taxation and adjustments to property rights (Kukathas & Pettit, 1990: 33, 51).

However, what if the notion of equality of opportunity is linked to a spatial dimension? As Rawls does not think in spatial terms, we have to territorialise his arguments. A cornerstone of Rawls' idea of economic justice is that *full employment must be maintained, along with the efficiency of the market economy*. Based upon Rawls' arguments, we can assume that the idea of moving economic activities to geographical areas with high unemployment is a bad idea if this violates economic efficiency. Moreover, were economic efficiency to be increased by moving the unemployed from the geographical periphery to the centre, then support could be found in Rawls' reasoning. However, we cannot find support in Rawls' arguments if universal access to transport or welfare services were to violate the stabilisation of the economy and the efficiency of the market economy, whilst also disrupting the optimal allocation of resources.

Similar to Rawls, Sen (1999b) also emphasizes the need for equality of opportunity. The distribution of income and wealth may, ultimately, display differences between individuals, but all individuals need to have the same opportunities to access services such as e.g. education and health care. According to Sen (1999a), if individuals are deprived of the capability to change their situation in life, they are indeed poor. Being poor means having limited access to e.g. transport, education, health care and public areas, regardless of the nature of the geographical area in which an individual lives.

Sen (1999b) considers democracy – in a wider sense, not reduced to public balloting – as an exercise of *public reason*. As such, it has an intrinsic value because the capability to participate into the public debate is valuable in itself. Moreover, it helps people to support their claims and defend their rights more efficiently; and, lastly, it has a constructive value in that it allows people to be active participants in the overall social fabric, i.e. in the construction of social values and norms, public policies, etc. In Sen (2009), the argument of democracy as public reason is developed further. Here, he considers it to apply not only to political decision-making, but also to all exercises consisting in describing what choice and capabilities individuals have and how to assess it. This reasoning can be traced back to Rawls' ideas on public reasoning: "Citizens are reasonable when, viewing one another as free and equal in a system of social cooperation over generations, they are prepared to offer one another fair terms of cooperation according to what they consider the most reasonable conception of political justice; and when they agree to act on those terms, even at the cost of their own interests in particular situations, provided that other citizens also accept those terms. The criterion of reciprocity requires that when those terms are proposed as the most reasonable terms of fair cooperation, those proposing them must also think it at least reasonable for others to accept them, as free and equal citizens, and not as dominated or manipulated, or under the pressure of an inferior political or social position" (Rawls, 1997: 770).

In an *ideal* public reasoning, Sen (2009) argues, political participation, dialogue and public interaction form the cornerstones. Although one party concedes power to the winner in an election, it is not in line with an ideal public reasoning for the winner to deprive the loser capabilities or choice. The ideal public reasoning is also violated if the majority exploits or deprives minorities' capabilities or choice. On the contrary, to Sen democracy is a universal value. While political rights, including democracy, are a part of 'the first generation of Human Rights', access to education and medical care are components of 'the second generation of Human Rights'. To Sen, both are needed (Sen, 2009: 379-385). In order to attain *justice*, an individual needs *rights*. Rights are principles of freedom or entitlement, in other words, normative rules that can be based on legal, social or moral principles, stating what is or is not allowed to be done or owned (Simmonds, 1986).

So, what rights do individuals have regarding access to e.g. welfare services, job opportunities, a good quality of life, or transport systems? What rights do individuals have regarding participation and recognition? Are there any spatially identifiable differences in such rights? In line with the legal positivist tradition, laws are human commands and there is no connection between law and morals. Law has nothing to do with moral values, and is a closed logical system in which correct decisions can be deduced from predetermined legal rules without reference to social considerations (Hart, 1982). The legal positivist tradition does not support any rights that would allow individuals to claim second generation Human Rights. Ronald Dworkin (1977) argues against the legal positivist approach by proposing that the rights that the individual holds against the state exist outside of the written law and precede the interest of the majority. In the context of this paper, it would be possible to argue that spatially disadvantaged individuals have the right to expect action to improve their situation when it comes to e.g. welfare services, job opportunities, quality of life or transport systems, although such action may not be in the interest of the majority. Without such a right, the recognition and participation of the particular minority would be jeopardized.

Communitarians² claim that values and beliefs are formed in the public space. Central to the communitarian philosophy is the concept of positive rights, which are rights to or guarantees of certain things. These may include state subsidized education, state subsidized housing, a safe and clean environment, universal health care, and even the right to a job with a concomitant obligation on the government or individuals to provide one. Communitarians violate the negative rights of the citizens, i.e. the right not to have something done to you. For example, taxation to pay for such programmes described above can be seen as relieving individuals of property. By attributing the protection of negative rights to society rather than to the government, proponents of positive rights respond that individuals would not have any rights in the absence of societies (a central tenet of communitarianism), and thus they have a personal responsibility to give something back to it (Walzer, 1983).

The libertarian stance is simple and clear: it is not possible for individuals to claim any rights to anything if they cannot afford to pay for it (Nozick, 1973). According to him, an individual has not only the absolute right to life and liberty, but also to property. Thus, a redistributive state violates the absolute right of property by financing social transfers through taxation (Wolff, 1991).

The rights to e.g. welfare services, job opportunities, a good quality of life or transport systems are dependent on normative preferences: "The principles of entitlement and rights consist of normative rules and as such they are based upon social, legal and moral values on what is, for example, good or bad, right or wrong, excess or minimum provision. Notions of what is a just distribution of a good or service, or a fair distribution, are necessarily subject to ideologically based debate, as is the issue of whether the current or desired distribution is optimal in terms of the freedom and choice of individuals and enterprises" (Littke & Rauhut, 2013: 58).

² Communitarianism is an ideology which emphasises the responsibility of the individual to the community. Its overriding philosophy is based on the belief that a person's social identity and personality are largely made by community relationships. Individualism and the free market are considered as something negative (Sandel, 1998; Avineri and de-Shalit, 1992).

The same set of normative preferences can help us decide whether a spatially just or unjust distribution of welfare services, accessibility to transport, job opportunities etc., or recognition and participation, are acceptable or not. More, we also have to assess to what extent the outcome – spatially just or unjust – is in line with or even acceptable seen from a public reasoning perspective.

IV. Justice beyond urban areas

Generally, the focus of ‘Spatial Justice’ is on urban areas and urban problems (Harvey, 1973; Mitchell, 2003). Peripheral, mountainous or island areas also habitually face similar problems, and access levels to education, medical care, job opportunities, a good quality of life etc., are different in such territories when compared to typical levels in cities.

Peripheral regions lack accessibility to markets (Spiekermann & Aalbu, 2004). Hence, the accessibility of a region determines its absolute and relative competitiveness (Capello, 2016). The accessibility of a region consists of two functions. The first represents the activities or opportunities to be reached, while the second represents the effort, time, distance or cost needed to reach them (Spiekermann & Neubauer, 2002). Another major difference between peripheral, mountainous and island areas versus cities is their relatively low population density. The combination of low population density and huge distances makes it difficult to achieve any economies of scale in terms of service provision, transport, ICT etc. (Clifton et al., 2015; ESPON, 2013).

A lack of resources and of access to networks can also cause peripherality (Suorsa, 2007). Copus (2001) uses the concept of ‘aspatial peripherality’ to describe regions with poor knowledge resources, e.g. the poor quality of the local information technology infrastructure, and no/poor access to local, national and global institutional structures and networks. Regions that are a-spatially peripheral need their own policy measures to enhance their innovation activities, in order to prevent social and regional polarisation.

While cities have a relatively diversified economic structure – which makes them more resilient to economic and financial crises – peripheral, mountainous or island territories have less diversified economic structures. If a crisis occurs in the sector they are dependent upon, they are often heavily exposed to unemployment, poverty and social distress. In addition, such territories usually need much longer periods of time to recover from economic crises (Andreotti & Mingione, 2014; Capello et al., 2015; Hadjimichalis, 2011). Indeed, in many respects the challenges faced by such areas are even more demanding, given the basic factors relating to distance and population density (i.e. *spatial* peripherality). As such, an approach that puts the notion of justice in both spatial and a-spatial peripheries at its centre is required to enable territories such as these to survive.

V. Capability deprivation in a spatial perspective

One way of analysing welfare and inequality is to use the concept of utility, but, according to Sen (1997), this is a non-starter. Welfare and inequalities involve more than just being short of money. The problem with utility based approaches to well-being and social choice is the confusion of “well-being” with “being well off” (Sen, 1999a). According to him, social choice is based upon the actual attainment of the freedom to achieve. This leads Sen to the concept of functioning, which is defined as “an achievement of a person: what he or she manages to do or to be. It reflects /.../ a part of the ‘state’ of that person” (Sen, 1999a: 7). If a person has no functioning space, then they will not have the ability to attain the freedom to gain freedom and real opportunities to change their life will remain limited.

A second important concept is commodities: i.e. those things essential for survival, e.g. food, housing and clothing. Together with functioning, these two concepts form what Sen terms ‘capability deprivation’ and he defines it as the inability to get essential commodities and change the current situation. A person can be capability deprived due to age, gender, social roles, illness, disability and the *location of a person* (Sen, 1997). Particular he suggests that *territorial* inequalities are causal

factors in a person's ability to access the 'essential commodities' of life and to the existence of such inequalities as a primary driver in their potential inability to change their current situation. This argument is also valid when the idea on public reasoning is considered (Sen, 1999b, 2009), and this idea originates from Rawls (1997); it is against the ideal public reasoning if a majority deprives a certain population capabilities or choice due to their location.

Sen argues that in order to promote a welfare situation, which is widely, and evenly distributed across the population, and one which is specifically designed to counteract territorially produced inequalities, a truly multifaceted approach is required. The market has achieved a lot in terms mitigating poverty and inequalities, but it needs to be supplemented by fundamental social opportunities regarding social justice and equity (Rauhut & Hatti, 2005). "The market mechanism has achieved great success under those conditions in which the opportunities offered by them could be reasonably shared. In making this possible, the provision of basic education, the presence of elementary medical facilities, the availability of resources (such as land) that can be crucial to some economic activities (such as agriculture) call for appropriate public policies (involving schooling, health care, land reform and so on). Even when the need for 'economic reform' in favour of allowing more room for markets is paramount, these nonmarket facilities require careful and determined public action" (Sen, 1999b: 142-143).

If the market cannot mitigate and counteract inequalities (thus generating among some people the inability to access the essential commodities of life and rendering them unable to change their current life situation because of the disadvantages inherent in their geographical location), the situation calls for public action. Sen is not clear on where this public action should come from or what actor should mobilize it - it can be either the territory in which the population is capability deprived, the central government, or both. However, if the territory, which suffers from capability deprivation, is unable to mobilize the required public action to change the current situation for its inhabitants, it is clear that this responsibility defaults to central government.

VI. A contractarian approach to justice

The responsibilities and obligations between the state and its population needs to be defined. The idea of a social contract that identifies ideal social institutions will help us establishing such responsibilities and obligations. Throughout history, philosophers have presented numerous social contracts (Sen, 2012). Both Rawls (1992) and Sen (2009, 2012) have made contributions by formulating a hypothetical social contract, based upon a contractarian³ approach to justice. The social contracts they formulated do not explicitly deal with territorial relationships: what is the social contract between a state and a region within the state? What is the relationship between the population in a region and the region? etc. When the ideas on public reasoning and capability deprivation are added to the hypothetical social contract by Rawls and Sen, a territorialisation of their contractual approach to justice can be achieved.

One could argue that a tacit social contract exists if the population P in a defined territorial unit T pays tax, obeys the laws and votes for the legislative body in country C to which T belongs. The P in T gives consent to be a part of C and to be governed by its government; such consent is what gives legitimacy to the government in C . Thus, P is both recognized and participates in T and C .

If we assume that T is a peripheral part of C , the relationship becomes more complicated. T is a peripheral region with poor accessibility to services, an inadequate infrastructure, and suffers from

³ Contractarianism stems from the Kantian line of social contract thought and holds that rationality requires that we respect persons, which in turn requires that moral principles be such that they can be justified to each person (Narveson, 1988). Several streams of social contract thought exist. The Hobbesian line of social contract thought holds that persons are primarily self-interested (Miller, 1994), while Gauthier considers the social contract as a moral contract (Gauthier, 1986). Rawls' social contract is a hypothetical one (Kukathas and Pettit, 1990).

a lack of resources and networks. What can and should *C* and *T* expect from each other? As the population in *T* pays tax, obeys laws and votes for the legislative body in *C*, they have the right to claim something in return, otherwise *C* does not recognise them. It is surely not too much to ask if the population in *T* wants to have reliable basic services and infrastructure in respect of policing, ambulance and medical services, a fire brigade, schooling, elderly care, postal services, roads and/or railways, water and sewage, telecoms etc.? A market failure to provide such basic services is a legitimate reason for state intervention; without basic Services of General Interest (SGI), or if preferred, social overhead capital, the communities in *T* will lose vitality and languish. In other words, *P* in *T* will lose the possibilities to participate in *C* on as equal terms as the rest of *P* in *C*.

If *C* does not want to expand, or even maintain, such basic welfare services and infrastructure in *T*, an ethical problem arises: if *C* rescinds or demurs upon its obligations as defined in the constitution towards *T* in terms of practical policy outcomes, what obligations does *T* retain towards *C*? In line with Sen's reasoning, by not fulfilling its obligations towards *T*, *C* actually deprives *T* of its capabilities, and the living conditions in *T* will be worse than in other parts of *C*. Access to education and health care, as well as active measures against poverty, are integral parts of the Second Generation of Human Rights (Sen 2009).

It is a human right to access basic medical services or schooling of children; the absence of poverty and unemployment is not about a perfect society, but a just society. In a just society, based on public reasoning, the quality of the lives, what choices and freedoms the population have is in focus when the social contract is formed. Such social contract is not state-based, but global (Sen, 2012).

To Rawls, the described situation would be seen as more delicate. On the one hand, the poorer living conditions in *T* relative to *C* would be considered as unjust; his second principle - "Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged, and (b) attached to positions and offices open to all under conditions of fair equality and opportunity" (Rawls, 1992: 83) - would be violated if *C* does not want to maintain the basic SGI in *T*. On the other hand, Rawls is not willing to support *C* in maintaining basic SGI in *T* at any cost. To Rawls, market efficiency is central and so is full employment (Kukathas & Pettit, 1990). If the cost for *C* of maintaining basic welfare services and infrastructure in *T* undermines the goal of stabilising the economy and promoting efficiency in the market economy, then by interfering with the optimal allocation of resources, as we interpret the situation, Rawls would oppose it.

Would Rawls allow *T* to be 'capability deprived' by *C*? Although we have to bear in mind that Rawls' ideas on justice are a-spatial, it is possible to say something about this issue. To Rawls, a social contract is a hypothetical, not a historical contract. Thus, Rawls does not claim that people actually agree to a particular set of morally defensible principles of justice, although they may do so under some conditions (Sterba, 1990). In Rawls' scheme, justice is responsible for ensuring that individuals secure a fair share of resources. That is, justice stipulates that institutions be established and sustained that will operate in conjunction with individual choices to maximize the primary social goods holdings of those with the least. "In a nutshell, the Rawlsian idea of justice is that society is obligated to provide for individuals a fair share of opportunities and resources that correct to some extent for the natural lotteries of birth and upbringing so that the expectations of the worst off are as high as they can be made" (Arneson, 2008: 85-86). This contractarian approach has been previously discussed by other scholars (Kukathas & Pettit, 1990). As we understand his arguments and reasoning, Rawls will not allow *T* to be capability deprived by *C*, simply because *C* has to provide fair opportunities to the population in *T* due to a social contract.

The conclusion of this discussion is that there is no contradiction between, on the one hand, securing a fair share of resources for individuals, and on the other hand, violating the stabilisation of the economy and the efficiency of the market economy to secure this justice. It can be argued that securing a fair share of resources for individuals (whether a city or a peripheral region) would promote e.g. a stabilisation of the economy, the achievement of full employment, or improvements

in the efficiency of the market economy. Most important of all, through the presence of a social contract, the central government cannot escape its obligations to secure a fair share of resources for individuals, and thus in practical terms directing funding towards e.g. remote, peripheral, mountainous or island areas.

VII. Discussion

Indeed, in many respects, the challenges and problems faced in territories such as peripheral, mountainous or island areas may be more demanding, due to the distances involved and the low population density, than those faced in the cities may. This is why the aspects of need, recognition and participation have to be emphasised when addressing spatial inequalities and injustice in terms of distribution in e.g. peripheral, mountainous or island areas. However, their importance in electoral terms makes them less politically significant for the government. The tacit agreement between the state and peripherally located citizens cannot be the same as that which it has with city dwellers in the core, because mainly due to simple logistics, it is impossible to fulfil. Dworkin (1977) disagrees with this argument, and suggests that the rights the individual holds against the state exist outside of the written law, and therefore precede the interests of the majority. In the context of this paper, Dworkin's reasoning can be understood the following way: although the majority of the voters are based in cities and urban areas with no particular interests in investments that are made in peripheral areas, the political neglect of peripheral areas still cannot be justified.

When discussing these problems, John Rawls and Amartya Sen appear to provide a promising starting point. Sen argues that a multi-faceted approach is required to achieve a broader and deeper distribution of welfare for the population and the counteraction of inequality. Although the market has achieved a lot in terms of mitigating poverty and inequality, it needs to be supplemented by fundamental social opportunities regarding social justice and equity (Rauhut & Hatti, 2005). If the market is unable to mitigate and/or counteract inequality (meaning that some people are unable to access the essential commodities of life or that they are denied the opportunity to change their current personal situation simply because of their specific geographical location), then public action is required (Sen, 1999b). This public action should come from the territory where the population is capability deprived, from the central government, or from both. Thus, the responsibility for public action falls upon the central government if the territory suffering from capability deprivation is unable to mobilize the required public action to change the current situation for its inhabitants.

To Rawls, the idea of justice is based upon the notion that society is obligated to provide a fair share of opportunities and resources to each individual citizen. By so doing, society is to some extent at least able to correct for the natural lotteries of birth and upbringing, such that the expectations of the worst off are as high as they can be (Arneson, 2008; cf. Boyne & Powell, 1991). The social contract Rawls outlines is hypothetical, not historical. This does not mean that Rawls claims that people actually agree on a particular set of morally defensible principles of justice, but that they may do so under certain conditions (Sterba, 1990). Other scholars have also acknowledged the possibilities offered by this contractarian approach (Kukathas & Pettit, 1990), and a hypothetical social contract obliges the central government to provide fair and equal opportunities to the population in its peripheral as well as central regions.

By merging the propositions of Rawls and Sen, we can derive a 'principle' for dealing with inequalities and injustice between different types of territories. Rawls' second principle (Rawls, 1992: 83) needs to be supplemented by a point *c*, originating from Sen: namely that the location of an individual should not influence the individual's capabilities and definitely not lead to the capability deprivation of an individual (Sen, 1997: 212-213). The principle to achieve *Spatial Justice* would then be formulated as:

Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged, and (b) attached to positions and offices open to all under conditions

of fair equality and opportunity. They do so (c) regardless of the geographical location of an individual.

This *Principle of Spatial Justice* is not only a territorialisation of Rawls' second principle; it is also in line with the idea of public reasoning discussed by both Rawls and Sen. Moreover, this *Principle of Spatial Justice* is also in line with Sen's capability approach and his argument on freedom and choice.

VIII. Policy implications

Several policy implications can be identified from this *Principle of Spatial Justice*. The first policy implication is that it is understandable and logical that 'places that don't matter' revolt against the central government as it capability deprives the lives of the population in these places. The second policy implication shows how austerity policies after the 2008-2009 economic crisis have actually violated the *Principle of Spatial Justice*. On a European regional level, the consequences of the economic crisis are well documented in respect of the ongoing decline of service infrastructure (European Commission, 2014). Economic, social and territorial cohesion attempts, as promoted by the European Union and heavily funded via Cohesion and Regional Development Funds over several funding periods, have been interrupted and reversed (Musil, 2013). Alongside the 2008-2009 economic crisis, austerity and neoliberal policies have all posed significant challenges to the regional provision of services in the EU (Clifton et al., 2015; Andreotti & Mingione, 2014; Hadjimichalis, 2011). As a result, the EU Commission's ambition of providing high quality welfare services and infrastructure to individuals and enterprises throughout the EU is completely unrealistic and unobtainable in the medium term (ESPON, 2013).

In sparsely populated areas, the market is unlikely to find any potential profit and the third sector can only play a marginal role. Thus, the only actor with an interest in peripheral areas is the national government. It has been asked that "If national governments cannot guarantee and maintain a minimum provision of [welfare services], who can?" (ESPON, 2013: 28). Instead, a retrenchment of the public sector and a shrinking state have taken place (Lobao et al., 2018). Without a principle such as the *Principle of Spatial Justice* to deal with unequal territorial distributions in accessibility to e.g. infrastructure and welfare, weaker regions will languish. However, making such a policy choice does not come without a cost. The revolt made by these regions have come through the ballot box and in terms of populist voting (cf. Essletzbichler et al., 2018; Rodríguez-Pose, 2018).

The third policy implication deals with how regional policy is defined and designed. The EU Cohesion Policy has changed from promoting balanced development between regions in Europe, to stimulating global competitiveness in cities (Avdikos & Chardas, 2016; Faludi et al., 2015). A policy based on levelling out differences, inequalities and disparities between regions is more in line with the *Principle of Spatial Justice*, yet this shift in EU Cohesion Policy indicates a shift away from this principle.

EU policy objectives are designed to enhance regions and their cities through the improvement of their competitive capacities in the world economy. These include general economic development strategies (stressing e.g. competitiveness based on a knowledge economy), spatial models (e.g. a polycentric urban structure), urban-rural relationships, or priority territorial elements and actions (e.g. cities as engines of growth, the importance of brown-field site rehabilitation, or specific performances such as accessibility to services or infrastructure) (ESPON, 2013). Cities are considered as the drivers of economic growth (ESPON, 2010, 2012), yet the shift towards cities actually widens the gap with peripheral areas in the EU, and increasing differences, inequalities and disparities between regions is not in line with the *Principle of Spatial Justice*.

The fourth policy implication calls into question the EU focus on cities. Towns, cities and urban areas are considered powerful engines for economic growth and jobs in the EU Urban Agenda (European Union, 2016). Without this contribution, the Europe 2020 Strategy and the EU Cohesion

Policy will not be able to attain their targets. In order to be successful, towns and cities need to respond to these challenges in an integrated way, and in cooperation with other levels of administration, the private sector, and with civil society. All levels of policymaking and governance must recognize the urban dimension, and policies with an urban dimension will effectively be coordinated through the EU Urban Agenda (European Union, 2016). This means a clear policy move away from the *Principle of Spatial Justice*, and what happens to individuals and enterprises in territories other than cities appears now to be of less importance.

A fifth policy implication address the legitimacy of EU and the Cohesion Policy. Significant parts of the regional policy of the Member States have been shifted upwards to the EU-level. Hence, ‘the national institutional-administrative contexts and opportunities provided by the EU are generally decisive in sustaining SGI provision in “unfavoured areas” ’ (Borges et al., 2015: 144). The critics argue that the place-based approach and the conditionalities, thematic priorities and the performance reserve in the new Cohesion Policy actually exacerbate the already existing disparities in economic performance amongst the European Union territories and augment existing uneven spatial relations (Avdikoa & Chardas, 2016). The empirical evidence for successful place-based interventions are weak (Partridge et al., 2015). For small municipalities with limited resources in peripheral, lagging and decaying regions, the application process to various EU funded place-based development instruments requires knowledge and competence these municipalities do not always possess (Halkier et al., 2017; Tofarides, 2018; cf. Bachtler & Ferry, 2015). If funded, the projects will run for a few years and when the funding ends, things will return back to what it was before. Thus, it is very unlikely that this policy will counteract any uneven spatial distributions in accessibility to e.g. infrastructure and welfare between regions. Such policy design is not in line with the *Principle of Spatial Justice*.

IX. Concluding remarks

The *Principle of Spatial Justice* has its roots in the work of social liberal philosopher John Rawls and Amartya Sen. Rawls’ social justice and Sen’s capability deprivation principles have been discussed from a territorial perspective, and the result of the discussion suggests that the adoption of a contractarian approach to levelling out territorial inequalities through a monitored market economy may be fruitful. The *Principle of Spatial Justice* is applicable not only to cities, but to all types of territory.

The *Principle of Spatial Justice* argues that the location of an individual should not influence the individual’s capabilities, and should definitely not lead to capability deprivation. This has its roots in Sen’s reasoning on capability deprivation, and, in line with Rawls’ reasoning, society is obligated to provide all individuals a fair share of opportunities and resources. Contrary to Communitarian ideologies, this does not mean that everyone is entitled to everything, and whilst individuals should have the right to similar opportunities, what the individual actually does with these opportunities is up to them. Relative to this perspective, both Rawls and Sen focus on individuals and not collectivities.

Moreover, an important finding in this paper is that the argument against rising inequalities between different types of territories in respect of e.g. poverty, access to welfare services, job opportunities, discrimination or quality of life issues can be made from a non-Marxist, monitored market perspective. Both Rawls and Sen favour a capitalist model of production, but *not* a free-market economy. Thus, arguing in favour of monitored market principles does not *per se* imply that you favour a neoliberal or laissez-faire economic policy.⁴

While political and planning processes are slow, firms require fast decisions and that any foreign direct investment (FDI) is mobile. The result is that FDI goes to areas located close to the

⁴ For long, e.g. Sweden embraced a monitored market economy. Although ‘The Swedish Model’ is a capitalist economic model, it cannot be considered a free or laissez-faire market economy.

market, with good access to available labour of the correct type, and good opportunities for quick returns on investment. Resultantly, this tends to favour cities and urban agglomerations (Tewdwr-Jones & Morais Mourato, 2005). Unless public action is taken in peripheral areas and regions in order to uphold and improve the existing social overhead capital or services of general interest, negative differences in e.g. welfare, infrastructure or access to services will not be counteracted. Accordingly, a further concentration towards cities and urban agglomerations can be expected without the *Principle of Spatial Justice* being applied.

Lastly, the *Principle of Spatial Justice* provides us with an explanation why ‘places that don’t matter’ have revolted through the ballot box: according to the Rawlsian social contract, the central government does not fulfil its obligations towards the capability deprived regions. If the central governments stopped escaping their obligations, the ‘revolts’ would end (cf. Rodrigues-Pose, 2018).

Future studies must identify an adequate methodology for measurement of spatial (in)justice. The suggestions by Boyne and Powell (1991) may be a good point of departure in doing so. Moreover, future research also need to establish *when* the central government or regions need to become active in counteracting, mitigating or levelling out spatial injustice. Lastly, future research should develop some sort of toolbox, for instance in spatial planning, to facilitate a spatially just development.

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