The main objective of justice is to guarantee that people can take part in decision-making processes. To reach this end it is necessary to ensure that people develop the capabilities necessary to offer and accept arguments, to recognize the best argument, to express dissent, to recognize a reasonable agreement or a reasonable disagreement and so on. For a person to acquire her condition of a subject of dialogue – which is specified in reciprocal recognition autonomy and requires ensuring the practical relations-to-self of self-trust, self-respect and self-esteem – the measures required by justice will be the ones that are traditionally associated with social justice and with recognition. In order to do that, normative criteria and principles are needed that state how to enhance elementary capabilities and distribute the required means. These principles and normative criteria are much more than distributive principles; they are intended to ensure agents of justice. I have already mentioned how blunt the so-called paradigm of distribution is, because it is almost impossible to subsume under the category of distribution the social bases of self-respect or the concept of capability, for instance. I argue that the ‘displacing of the distributive paradigm’, as Young exemplarily claimed, has taken place through the ascent of the concept of capability, which has sprung from discussions within that paradigm. As stated before, the metric of capabilities is not only a distributive metric; it has also had an impact on the distributive discussion by moving the axis of the debate from the means to which someone is entitled to what someone can do with the means. This has been among the elements that support the relational perspectives of social justice, which are much more concerned with someone’s agency than with what someone can receive. The discussion about the metric of justice is central to a theory of justice because it determines the scope of that theory, and it is impossible for a
theory that assumes the metric of capabilities to be considered strictly part of the paradigm of distribution. Therefore, the very central feature that allows us to differentiate theories of justice into distributivist and non-distributivist or into agent-oriented or recipient-oriented is the metric they adopt.

Principles and normative criteria operate by using the metrics of justice through the social institutions of a society; that is, they intervene in the basic structure of a society by ensuring or distributing whatever the metrics of justice indicate. As Rawls paradigmatically established, the subject of justice is the basic structure of society; however, aspects of social life can be distinguished as being directly or indirectly guaranteed by social institutions. I will pay special attention to the latter, because self-trust and self-esteem can only be guaranteed through indirect interventions of institutions. This is so because they are associated with spaces that cannot be regulated directly by institutions, which implies recognizing that the task of justice can be influenced by aspects that are beyond the direct reach of institutions, such as the value patterns of a society or relations of affection, and this also implies that justice can intervene in them only indirectly through institutions.

In the following pages I present the scope and the principles of justice for a critical theory of justice and the scope of the distinction between choice and circumstance in constructing distributive and compensatory criteria. In sum, I will establish the adequate structure of a theory of justice and how to articulate its main elements.

III.2.1 What a theory of social justice provides

A critical theory of justice must provide a normative guide for intervening in real societies. Yet for this intervention to be effective, it should equally consider the normative justification of the principles and criteria of justice and the requirements for their successful application. In particular, the task of application raises the question about the scope of justice, because institutions have different influences in the social spaces necessary to ensure the condition of agents of justice. I will detail these points starting from a quite problematic explanation of the structure of a theory of justice, one that Sen has proposed as an alternative to the theories inspired by the Rawlsian perspective.

(1) In his book *The Idea of Justice*, Sen discusses the scope of theories of justice by introducing a distinction between two ways of addressing and explaining social justice that he calls the *transcendental institutionalism approach* and the *realization-focused comparative approach*, respectively.