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## PROCESSES, END-STATES AND SOCIAL JUSTICE

BY W. G. RUNCIMAN

The problem of "social justice" I take to be the problem of arriving at an ethical criterion by reference to which the distribution of social goods in human societies may be assessed. But this uncontroversial formulation at once raises two sociological questions which have to be answered before any ethical criterion can usefully be put forward for discussion: first, what are the social goods whose distribution is to be assessed? Second, how is the structure of the societies within which the distribution takes place to be conceptualized independently of variations in culture?

Sweeping as they are, I believe that these two questions can be answered adequately in one by saying that social goods are to be defined in terms of people's interests and these interests are to be defined in terms of an improvement in their positions in one or more of the three dimensions of social structure: economic class, social prestige and political power.<sup>1</sup> To say this is not to be committed to an empirical claim that all members of all societies at all times do in fact seek their interests in this sense. Many do not. But it is only because of the conflicts of interest among those who do that there is a problem of social justice at all; and whatever criterion of distribution is put forward, the test of it lies in its implications for the workings of whatever institutions in whatever societies determine or regulate the allocation of wealth, prestige and power.

It is not my intention in this paper to propose or defend a theory of social justice but only to advance an argument in favour of principles of distribution of a certain kind. This argument arises out of an examination of the distinction between the two kinds of principles of justice which, following Robert Nozick,<sup>2</sup> I shall call "process principles" and "end-state principles" respectively. The basis of the distinction is not hard to grasp. Process principles are principles which yield a criterion of the way in which, or procedure by which, a given distribution of social goods comes about; end-state principles are principles which yield a criterion of the justice of a given distribution as such, irrespective of how it may have been arrived at. Thus, utilitarian principles are end-state principles whereas contractarian principles are process principles. But straightforward though it appears, the distinction could turn out on a closer view to be neither unambiguous nor exclusive. Why should there not be principles which could be categorized either as both or as neither?

<sup>1</sup>See my "Class, Status and Power", in J. A. Jackson (ed.), *Social Stratification* (Cambridge, 1968), pp. 25-61.

<sup>2</sup>Robert Nozick, *Anarchy, State and Utopia* (Oxford, 1974), ch. 7.

Consider the principle that all distributions of social goods should be random. Is it process or end-state? At first sight it looks like a process principle, since whatever actual distribution may have resulted from it anyone who protests that an injustice has been done is presumably claiming that the randomizing procedure was not properly followed—the wheel did not spin true, the table used was not a table of random numbers, etc. But can it not equally well be interpreted as an end-state principle which requires any given distribution to be assessed in terms of goodness of fit to the random number table and rectified accordingly? And if so, what is the point of the distinction?

To this the answer is that randomization *can* be so interpreted; but its appeal as a criterion of social justice would only be diminished thereby. There is nothing which can be claimed to be intrinsically fair about a distribution generated by a random number table except that it has, precisely, been generated randomly. This after all is why, when the problem is one of sharing an *indivisible* desideratum, fairness is best satisfied by tossing a coin. Whatever else may be said against it as a principle of distribution, the appeal to chance has at any rate the merit of pre-empting objections which rest on the imputation of vested interest; whatever distribution results from it has to be accepted by all parties as just. The usefulness of the process/end-state distinction, accordingly, is not that it discriminates between rival principles of justice by reference to the form of the sentence or sentences in which they are enshrined, but that it discriminates between the grounds on which the appeal of the rival principles is to be seen to rest.

Then are process and end-state grounds of principles mutually exclusive? To this, the answer is no: nothing prevents a chosen principle of social justice from being defended on both grounds. Consider the principle applied in two-person games of fair division—‘I cut, you choose’. It is unmistakably a process principle. Yet it is not quite a rule of pure procedure, such as that the player on the right of the dealer must shuffle the cards before the dealer deals. Its appeal is not simply that, like randomization, it pre-empts the imputation of vested interest. It is also that it generates a particular outcome. The players could, no doubt, agree in advance to play it in such a way that it would not: if, say, the chooser is blindfolded, then the cutter’s division of the loaf will diverge from equality as an inverse function of his aversion to risk. But the reason for not playing it that way is the presumption that in the absence of special conditions (one of the players is allergic to bread, has just eaten dinner, etc.) neither ought to be able to end up with more than the other unless the other so wishes.

Two-person games of fair division cannot serve as a paradigm for the distribution of social goods in an ongoing complex society. But the example does serve to suggest that neither process nor end-state principles are likely to prove adequate by themselves. Indeed, much of the recent literature on social justice could, I believe, be cited in support of this view. The trouble

with process principles is that they license too many possible outcomes: they permit transactions which may, cumulatively, generate distributions which call for remedy. But the trouble with end-state principles is that they tacitly reject the conception of fairness altogether: if one distribution can be shown to be intrinsically more desirable than another, there is no need to talk about "justice" at all.

The only way out of this dilemma is to concede straight away that an acceptable criterion of social justice will have somehow to appeal to both justifications at once. Or to look at it the other way round, an acceptable principle must neither impose one of a too narrow range of desired distributions nor license any of a too wide range of permitted ones; instead, it must somehow constrain the range of possible end-states which might otherwise be generated by the operation of formally fair procedures. A principle which does this, accordingly, may appropriately be labelled an "end-state-constraining" (hereafter, "ESC") principle. At the macrosociological level, the kind of institutional structure which such principles imply is one in which any distribution which is the outcome of acquisitions and disposals in accordance with the institutional rules is accepted as just subject to a legal prohibition of certain otherwise possible distributions which might occur.

ESC principles are, however, themselves of several different kinds. I distinguish four main ones.

The first is a principle which enjoins a process so restrictive of the range of end-states that no independent assessment of these is called for. This is done by 'I cut, you choose' and also, for example, by the principle of "General Average" adopted by marine insurers since the 8th century B.C., whereby in the event of accident losses are borne in proportion to the parties' share by value of the goods involved. The principle does not by itself specify any actual distribution of burdens and benefits, but it strictly regulates the distribution which will eventuate under the sort of conditions envisaged by it. It works a little like a process principle; but it is not, since it builds in a substantive and not merely a procedural constraint. Conversely, it looks a little like any end-state principle which, like that of strict equality, rests on treating the application of one chosen ratio as mandatory; but it differs from such principles in accepting an initial distribution and requiring only that under certain conditions a specified process of reallocation be followed through.

The second kind is a principle which imposes a single substantive constraint but otherwise licenses any outcome of formally fair procedures. An example is the principle that when anyone is starving it is a crime to have more than enough, if it is taken (as it was not by Babeuf, to whom it is usually credited) to imply that any mutually acceptable exchanges are permissible once the constraint that nobody is to be starving has been met. Reworded in the cultural idiom of mid-Victorian capitalism, it becomes

“Keep up the laggards, but stand out of the way of the van”. Put into practice, it requires that some workable definition of minimum needs be arrived at such that only when these have been met is the net distributable surplus made available for negotiated allocation and further subsequent exchange.

The third kind is a mixed principle which requires the simultaneous operation of process and end-state criteria. The ambiguous “From each according to his ability, to each according to his needs” can be understood in this way. On this interpretation, it requires that given any initial distribution of social goods, those and only those exchanges or transfers are to take place in which the giver can give an affirmative answer to the process question “Is this as much as you are able to produce?” and the receiver can give an affirmative answer to the end-state question “Is this as much as you need?”.

The fourth kind is a two-stage principle in which an end-state requirement is justified on process grounds. An example is the maximin rule as expounded and defended by John Rawls.<sup>3</sup> Maximin is unmistakably end-state: systems of distribution are to be judged by whether they can bring about a result where the worst-off are as well off as they can be, whatever the processes by which that result is brought about. But in Rawls’ theory, maximin is socially just because it is a principle arrived at by the implementation of a fair process—the process of framing a hypothetical constitutional contract in advance of the formation of vested interests.

These four kinds of principles are neither exhaustive nor mutually exclusive. I have listed them not in order to adjudicate between them but to make the point that despite the diversity of principles which can plausibly be interpreted and classified as “end-state-constraining”, they are all incompatible with any of what I take to be the three most influential traditional conceptions of social justice—the conception of Locke, the conception of Marx and the conception of Bentham.

The conception of Locke I take to be the conception whereby social goods may be acquired to whatever extent a person is capable of acquiring them so long as nobody else’s interests are directly harmed thereby. (This is no doubt a very crude summary of what Locke himself says; but it is, in effect, how he is interpreted by Nozick and C. B. Macpherson<sup>4</sup> alike.) So worded, it may look as though it could be taken as an ESC principle. But it turns out to be a principle whose justification rests on process grounds alone. For provided that the institutional system is formally fair—acquisition is not made by force or fraud, the innocent are not penalized for offences they did not commit, etc.—whatever inequality results from it is justified. It is true that there underlies Locke’s conception the crucial empirical assump-

<sup>3</sup>John Rawls, *A Theory of Justice* (Harvard, 1971).

<sup>4</sup>C. B. Macpherson, *The Political Theory of Possessive Individualism* (Oxford, 1962), ch. 5.

tion that the least well off will be better off under such a system than they would be otherwise. But Locke is not a maximizer. He does not propose that the justice of social institutions should be assessed by reference to the degree to which the landless English day-labourer actually is better off than the savage king. Social institutions are just provided only that they guarantee that the parties to the transactions by which social goods are apportioned are, for the purposes of the particular transaction in question, "equal and independent", so that neither can claim their interests to have been harmed by the way in which the resulting distribution comes about, whatever it turns out to be.

The conception of Marx I take to be one which explicitly repudiates the reliance on processes of the Lockean conception and replaces it with an end-state principle maximizing the welfare of the working class (however defined). Admittedly, I have myself just cited the slogan of the Critique of the Gotha Programme as an example of an ESC principle of a "mixed" kind. But in the strict Marxian view, as I understand it, processes are so far subordinated to end-states that justice itself comes to be seen as a purely juridical concept which has application only within bourgeois society.<sup>5</sup> Processes do not disappear altogether from the account of the social institutions of communist society. Indeed, it could be said that these institutions will be such that whatever distribution of social goods results from them will be "just" once the transition to communism has been achieved and the inherited vestiges of the Lockean, bourgeois processes of allocation have been eradicated. But the grounds on which these new institutions are to be judged are end-state grounds. Transactions between persons or groups by which social goods are transferred are to be judged only in terms of the contribution which they can be shown to make to the furtherance of the stipulated goal of communist society.

Bentham's conception, whether in the form of "classical" or of "average" utilitarianism, I take to be one which, although in Marxian eyes as much an ideological product of bourgeois liberalism as Locke's conception, rests, as Marx's conception does, on an end-state justification alone. In Bentham's conception, social institutions are to be judged by appraisal of the distributions which they generate, not of the processes which generate them. Again it could be said that desirable distributions are the outcome of processes which must themselves be desirable given that they have generated the desirable distributions. But the justification remains the attainment of the maximum average or net sum of happiness, however arrived at. Indeed, the committed Benthamite who is taxed with the difficulty of finding any place for the notion of fair process within his conception is likely to argue that it is simply redundant: it can be reduced without remainder to the notion of impartial benevolence. That it is not in fact redundant is shown in my

<sup>5</sup>See Allen W. Wood, "The Marxian Critique of Justice", *Philosophy & Public Affairs*, 2 (1972), 244-82.

view (and in that of many others) by the implausibility of the claim which it entails: that whenever any member of a society protests against the injustice of the institutions by which his share of social goods has been allocated to him, he is doing nothing more than asking for sympathy. But whether or not that claim is defensible, the form of it serves further to demonstrate that the principle of distribution behind it is to be justified on end-state grounds alone.

It would, however, be a mistake to see ESC principles simply as the product of a compromise between process and end-state conceptions of social justice. For they share a distinctive feature over and above their common acknowledgement of the need to provide something of both an end-state and a process justification for the criteria of distribution embodied in them. All ESC principles, however diverse in other respects, have in common that they appeal to an underlying conception of natural right. To someone who asks why they are to be supposed necessarily and as such to furnish a better criterion of distribution than either end-state or process principles can, the answer is that the conception of the good which underlies them is one which gives rights priority over either goals or duties. There is a compromise between process and end-state criteria only in the sense that the rights which just institutions must concede are rights *both* to seek to acquire individually chosen goods provided that the means by which they are to be acquired are fair ones *and* to claim a redistribution of goods if and when certain constraints on peculiarly unequal distribution have been breached.

ESC principles, accordingly, can be said to be principles of justice precisely in the sense that the theory of the good from which they derive demands more of a given distribution of social goods than that it should accord with the requirements of impartiality or benevolence alone. They license claims which may be made by the members of society against each other even under circumstances where, on the one hand, liberty may be curtailed further than purely procedural fairness requires and, on the other hand, liberty may be extended further than serves to forward the goals to which the institutions of the society are otherwise directed. Since these claims are claims of individual right, they are by definition claims which seek to preserve a greater measure of individual choice and decision than do teleological conceptions; but because they have substantive as well as procedural content, they can be brought to bear on an initial distribution of social goods or chances to acquire them in a way which goes beyond the minimal obligation of impartiality.

Given that social goods are to be classified by reference to the three dimensions of social structure in which the members of any and all societies are in actual or potential competition with one another, it is not to be expected that the same ESC principle, or even kind of ESC principle, can be advanced with equal persuasiveness in each dimension. Indeed, it is, I would argue, one of the virtues of the approach set out in this paper that it

directs the search for principles of social justice not simply away from any pure process or pure end-state principle but away from any one principle of any kind. Instead, distributions of social goods should be assessed in the light of two connected questions asked separately for each dimension of social structure and therefore privilege: first, what are the institutional constraints within which wealth may be justly acquired or forfeited, prestige accorded or withheld, and power exercised or restrained? Second, what are the individual rights in each dimension which the processes of just institutions will uphold?

In the dimension of wealth, institutional constraints are necessary because even fair processes may, if unchecked, leave some people with less than their needs and, therefore, a claim on some share of what has accrued to those with more. There may be adherents of process principles who remain willing to accept as fair any imbalance in bargaining power which results from a random initial distribution of opportunities and endowments. But to anyone who does not accept that the more fortunately endowed may legitimately charge as much for meeting the needs of their less fortunate fellow-citizens as their less fortunate fellow-citizens are prepared to pay, justice requires that claims of need should be admitted as claims of right which may require a redistribution of wealth which would not otherwise take place. It is true that the concept of need is both imprecise and culturally variable. But there is no society, monetarized or not, in which it is without application at all. Under any form of social organization, there is a minimum level of material welfare below which no one should be allowed to fall, definable in terms of the total resources available and the kind of ESC principle of distribution chosen. The criterion of need can, of course, be embodied in an end-state principle, whether needs are taken simply as elements of welfare to be maximized or as wants defined relative to the wealth of the better-off. But any end-state principle will be open to the objection that it does not merely, as ESC principles do, restrict the admissible class of social welfare functions but ranks all distributions of wealth according to the extent to which the needs of all members of the society are met by them. This may be possible in principle (although I do not believe so); but it could only be put into practice at the cost of an infringement of the rights of persons freely to pursue their own welfare within predetermined limits which an ESC principle would, by contrast, preserve.

In the dimension of prestige, I have already argued in this journal,<sup>6</sup> although on slightly different grounds, for a principle which, although I did not then describe it as such, is an ESC principle: free inequality of praise, no inequality of respect. The concept of respect is notoriously problematic. But the point of contrasting it with praise is to permit as just any inequality of prestige which can be classified as an inequality of praise, but no other. To praise or dispraise other persons is to assign them a relative rank deriving

<sup>6</sup>In " "Social" Equality", *Philosophical Quarterly*, 17 (1967), 221-30.

from their individual possession (or not) of an attribute admired by the ranker; it is not to assign a higher or lower value to their title or position except to the extent that these can be seen to correlate directly with the possession of an admired individual attribute. If the distribution of prestige in any society is such that some inequalities are observed within it which fail to pass this test, the distribution is to this extent unjust. The concept of praise, admittedly, is no less imprecise and culturally variable than that of need. But again, there is no society in which it cannot meaningfully be asked whether rituals or practices ostensibly symbolic of differences in prestige do in fact express differences of praise (like applause for an entertainer) or respect (like proskynesis before a ruler) or neither (like a bow to a passing acquaintance). Unlike an end-state principle, the principle does not generate a ranking of different distributions of prestige except where one involves inequalities of respect and the other does not. But it does, on the other hand, impose this one constraint on possible end-states before licensing any outcome of the continuing processes of differentiation of role and status, and of the competition for prestige, which is procedurally fair. It gives the right of redress to any person who can show that a disparagement to which he is subjected by his superiors in prestige cannot plausibly be explained away as an expression only of dispraise; but it also preserves the right of persons both to seek praise and to accord it in terms of standards freely chosen by themselves.

In the dimension of power, the fundamental right which just institutions must uphold is the equal right of all men to be free.<sup>7</sup> A principle guaranteeing this right will not seek to regulate or curtail individual liberties in such a manner as to generate and preserve some optimal distribution of power, as an end-state principle would do. But at the same time it does impose an obligation on the members of society in their political dealings with each other which rules out certain end-states which might otherwise result from the pursuit of power by competing individuals, factions or classes even if the procedural rules of fair competition had not been breached. Like the concepts of need and respect, the concept of power is imprecise and culturally variable. But like them it has application under any form of social organization, whether or not there exists a centralized authority such as justifies the designation "state". The distribution of power can be claimed to be unjust wherever one citizen can show that the power possessed by another violates the equal right of all citizens to seek legitimately to influence the conduct of policy in the direction of their own freely chosen ends.

It goes without saying that these remarks furnish only the barest outline of what a worked-out theory of social justice based on ESC principles would look like. Not only would such a theory have to specify much more precisely the nature of the constraints to be imposed in each dimension of social

<sup>7</sup>See H. L. A. Hart, "Are There Any Natural Rights?", *Philosophical Review*, 84 (1955), 175-91.

structure, but it would also have to deal with the priority to be assigned to one ESC principle over another in the event of conflict between them. I hope, however, that I have said enough to lend plausibility to the claim that an acceptable criterion of social justice for any of the three dimensions of social structure will have to be derivable from a rule which is neither a pure process nor a pure end-state one; that such rules can be formulated without incoherence or contradiction; and that the attraction of such rules, in contrast to those of traditional theories of social justice, is that they bridge the gap between procedural and substantive justice without requiring a prior commitment to a theory of the good which would either overrule or make redundant claims of individual right.<sup>8</sup>

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<sup>8</sup>An earlier version of this paper was read to the Scots Philosophical Club at the University of Stirling in September 1975. I am indebted to several of those present, particularly Mr Michael Lessnoff, for their comments, as also to Professors Ronald Dworkin and Amartya Sen.