

Recent Theories of Social Justice

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Review Article: Recent Theories of Social Justice

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The last decade has produced a torrent of books on the general topic of social or distributive justice. When the pathbreaking works by Rawls and Nozick appeared in the early 1970s, immediate critical reaction took the form of articles in scholarly journals, soon to be consolidated into readers dedicated to the work of these pioneers. In the 1980s, these gave way to more systematic treatments in which rival theories were elaborated, either as a development of, or in conscious opposition to, this earlier work. Thus the reader searching for enlightenment on the subject of social justice is now presented with a large array of theories of justice from which to choose: monolithic or pluralistic; rights-based, meritocratic or egalitarian; Aristotelian, Hegelian, feminist and so on.

Alongside this theoretical proliferation, there is also a large and expanding body of empirical research on perceptions of justice and 'justice behaviour'.¹ One major component of this research is laboratory-based and attempts to explain, among other things, what prompts people to employ one norm of justice rather than another (for instance when members of a group have to divide up a sum of money between themselves).² Another major stream of enquiry has involved the use of questionnaires to elicit the opinions of large samples of respondents on such matters as equity in pay and the justice of redistributive welfare services.³ This approach permits sociological analysis of variations in conceptions of justice (by class, gender, etc.) as well as cross-national comparisons which pick up the effects of wider cultural differences on such conceptions. Finally in-depth interviews have been used to flesh out the data gathered by survey techniques, revealing the complexity and ambivalence of popular attitudes towards social justice, with respondents drawn towards different norms of distribution as different aspects of the issue they are being asked to consider are brought to light.⁴

Reasons of space preclude me from discussing this empirical research

* Nuffield College, Oxford. I should like to thank Bob Goodin and two anonymous referees for the *Journal* for their helpful comments on an earlier draft of this article.

¹ Indeed there is now a journal, *Social Justice Research*, devoted entirely to this subject.

² See, for instance, M. Deutsch, *Distributive Justice: A Social-Psychological Perspective* (New Haven, Conn: Yale University Press, 1985).

³ See J. R. Kluegel and E. R. Smith, *Beliefs About Inequality* (New York: Aldine de Gruyter, 1986); H. McClosky and J. Zaller, *The American Ethos: Public Attitudes towards Capitalism and Democracy* (Cambridge, Mass.: Harvard University Press, 1984).

⁴ See especially J. L. Hochschild, *What's Fair: American Beliefs about Distributive Justice* (Cambridge, Mass.: Harvard University Press, 1981).

systematically here,⁵ although I believe it is a major weakness in recent theoretical work that it pays so little attention to empirical findings that bear upon its conclusions. Of the books under review here, only one makes a deliberate attempt to bring together theoretical and empirical work on justice.⁶ Of course, it is a matter of dispute among the political philosophers as to how far their theories are supposed to match up to everyday conceptions. It is possible to take the Platonic line that popular beliefs about justice are one thing, the truth on the subject quite another. But most recent theorists would probably fall in with Rawls's notion that the aim is a 'reflective equilibrium' where firmly held beliefs are incorporated and systematized in a theoretical framework which can then give us guidance in areas where our opinions are less certain. For someone who accepts this aim, familiarity with the relevant empirical research would forestall the possibility of the theorist's own potentially idiosyncratic beliefs being passed off as 'common opinion'. At the same time, there is sufficient ambivalence and uncertainty in popular opinion that the political theorist need not fear doing him or herself out of a job.

I shall focus on one area in particular where much of the recent theorizing about justice appears to be out of step with popular opinion. Popular beliefs give a good deal of weight to the notion of desert, i.e. the idea that if someone has performed a valuable activity, they should be suitably rewarded. Such a notion finds no place in the theories of Rawls and Nozick, nor in most of the theorizing that stems from their work, whether left-wing or right-wing in political orientation. Several of the studies I shall be considering devote considerable attention to desert, but with one exception (Soltan) their strategy is to reconstruct the concept so that it converges partially with popular beliefs while abandoning what I shall call the core or primitive sense of desert. It is interesting to speculate why almost all recent political philosophers have fought shy of embracing a full-blooded desert theory.

The review that follows does not attempt to cover everything that has been written recently on justice and related topics. In particular, I have not tried to trace the various refinements that Rawls has introduced into his theory in a succession of articles subsequent to *A Theory of Justice* nor to comment on the wide-ranging debate provoked by Michael Sandel's critique of that book.⁷ Recent work on *rights* has been admirably reviewed by Peter Jones in the pages of this *Journal*.⁸ There has been a considerable body of literature

⁵ There is a helpful survey in K. E. Soltan, 'Empirical Studies of Distributive Justice', *Ethics*, 92 (1981-2), 673-91. I am currently working on a paper that reviews the body of empirical research on justice, provisionally titled 'Distributive Justice: The Facts'.

⁶ K. E. Soltan, *The Causal Theory of Justice* (Berkeley: University of California Press, 1987).

⁷ See especially J. Rawls, 'Kantian Constructivism in Moral Theory', *Journal of Philosophy*, 77 (1980), 515-72; 'Justice as Fairness: Political not Metaphysical', *Philosophy and Public Affairs*, 14 (1985), 223-51; 'The Idea of an Overlapping Consensus', *Oxford Journal of Legal Studies*, 1 (1987), 1-25. For Sandel's critique, see M. Sandel, *Liberalism and the Limits of Justice* (Cambridge: Cambridge University Press, 1982). The symposium on the Rawlsian theory of justice in the fourth issue of *Ethics*, 99 (1989) gives a good picture of the current state of 'Rawls studies'.

⁸ Peter Jones, 'Re-Examining Rights', *British Journal of Political Science*, 19 (1989), 69-96.

on the topic of *equality*, much of it stemming from two seminal articles by Ronald Dworkin.⁹ Finally, I have not touched on the growing body of literature that addresses issues of international (or global) distributive justice.¹⁰

Even with these restrictions, there is still a large body of theory to consider. It may be best to begin with two recent books that aim to guide us through the terrain; both are excellent.¹¹ Tom Campbell's *Justice* comes closer to the conventional idea of a textbook. He has chapters on Dworkin, Rawls, Ackerman, Posner, Sadurski and Marx, each chosen to illustrate a particular conception of justice and serving as a starting point for a wider discussion of the adequacy of that conception. Campbell is an admirable guide: always succinct and lucid, always fair-minded, but not afraid to land his punches when inconsistency or weak argumentation is detected. Some might challenge his choice of authors on the grounds that recent liberal theorists are overrepresented at the expense (for instance) of conservative, radical or feminist critics. On the other hand, there is little doubt that this is where the most interesting analyses are to be found (Okin's excellent feminist analysis, which I discuss below, appeared in book form too late to be a candidate for inclusion). As a general survey of recent theories of justice, aimed at students or at academics from neighbouring disciplines wanting an overview of the field, it is hard to see how the book could be bettered.

It would be wrong to suggest, however, that the book is no more than a critical introduction, for Campbell does have his own framework for thinking about justice to offer, even if here it is presented *sotto voce*. This framework is sketched in the introduction and informs all the subsequent analysis. It can be summed up in four claims. First, justice is one social value among many, and not necessarily in all circumstances the overriding value; so theories such as Rawls's, which are premised on the assumption that justice is 'the first virtue of social institutions', are criticized on the grounds that they are in danger of overexpanding the concept. Secondly, the concept should be analysed in such a way that its unifying features are exposed; merely formal definitions are not enough. Thirdly, in particular, an adequate analysis should bring out the links between legal justice and social justice, showing why the same concept is used to evaluate the structure of law and social distribution, its two main

⁹ R. Dworkin, 'Equality of Welfare', *Philosophy and Public Affairs*, 10 (1981), 185–246; R. Dworkin, 'Equality of Resources', *Philosophy and Public Affairs*, 10 (1981), 283–345. I have commented critically on Dworkin's work and some of the responses to it in 'Equality' in G. M. K. Hunt, ed., *Philosophy and Politics* (Cambridge: Cambridge University Press, 1990).

¹⁰ Important work includes C. Beitz, *Political Theory and International Relations* (Princeton, NJ: Princeton University Press, 1979); H. Shue, *Basic Rights: Subsistence, Affluence and US Foreign Policy* (Princeton, NJ: Princeton University Press, 1980); B. Barry, 'Humanity and Justice in Global Perspective' and 'Justice as Reciprocity' in *Democracy, Power and Justice* (Oxford: Clarendon Press, 1989); and the essays collected in S. Luper-Foy, ed., *Problems of International Justice* (Boulder, Colo.: Westview Press, 1988).

¹¹ Tom Campbell, *Justice* (London: Macmillan, 1988); B. Barry, *Theories of Justice* (Brighton: Harvester-Wheatsheaf, 1989).

areas of application. Fourthly, the first three aims are best achieved by a meritocratic analysis: justice is essentially a matter of ensuring that responsible individuals receive the benefits and the harms that they deserve.

I shall return to this fourth claim of Campbell's when I come to discuss desert-based theories of justice. Let me turn now to Barry's *Theories of Justice*, which is a more ambitious book than Campbell's, though narrower in scope. Barry elaborates a framework for discussing contractarian theories of justice, that is theories which specify justice as what would be agreed upon by individuals placed in appropriately specified circumstances. One of his main aims is to provide a taxonomy of such theories, allowing particular contributions to be sited in their proper places and exploring the differing logics of the various theories. However, theories of justice which do not rely on any kind of contract or agreement – Nozick's entitlement theory, say, or theories basing themselves directly on principles of desert or need – are excluded from the discussion.

Within contractarian theory broadly conceived, Barry contrasts justice understood as mutual advantage with justice understood as impartiality. The former idea is embodied in 'two-stage' theories, which present distributive justice as the outcome of bargaining among individuals starting from a suitably defined baseline or point of non-agreement; the latter is embodied in 'original position' theories, which present justice as the outcome of an agreement between individuals under hypothetical circumstances which amount to a constraint of one sort or another on the kind of reasoning they can employ. Barry's aim is to bring out the contrasting logic of these two kinds of theory (and to indicate his preference for the second), but also to uncover some of the inconsistencies that arise when elements of each are juxtaposed, as he claims happens in the two theories of justice that receive the most extensive treatment in his book, those of Hume and Rawls.

Two-stage theories allow natural advantages to be converted into justified social gains, and the basic question about them is whether they really qualify as theories of *justice*. They have most often been put forward as explanatory theories by people who are cynical about justice (for instance by Thrasymachus in the *Republic*, whom Barry cites). One may of course have the view that the naturally powerful can only be kept within the scheme of social co-operation by allocating them benefits in proportion to their advantages, but this looks like utility trumping justice. Barry tries to unearth elements of the two-stage approach in Hume and in Rawls, but in both cases the attribution is strained. Rawls is included by virtue of his claim that distributive justice has to do with dividing up the benefits of co-operation, in circumstances where everyone can gain by comparison with a non-cooperative starting point. But this claim is only used as a (partial) specification of the *circumstances* of justice, and it has no bearing on the content of the two principles of justice that Rawls endorses (as Barry notes on p. 298). In Hume's case, although justice is again conceived as a practice that permits everyone to benefit in comparison with the 'state of nature', the content of the rules of distribution is settled by conventions that naturally occur to everyone; there is no suggestion that he thinks

of the problem of allocating the benefits of co-operation as a bargaining problem.

If neither Rawls nor Hume really fits into the two-stage model, we are left, among the macro-theorists, only with David Gauthier, whose book *Morals by Agreement* develops a theory of justice as the outcome of bargaining between rational individuals to divide up the social surplus that they can produce by co-operation.¹² Gauthier's baseline is a Lockean state of nature in which individuals are endowed with rights that they may use to improve their own situation but not to worsen that of anyone else. His solution to the bargaining problem is dubbed 'minimax relative concession': each party achieves the same proportion of the maximum gain that they could possibly achieve by co-operation.

Barry is rightly critical of Gauthier's theory. As he points out in Appendix B, Gauthier's reasons for preferring his bargaining solution to the standard Nash solution (which selects the outcome in which the product of the two parties' utilities is maximized) are wholly unconvincing. If there is anything to recommend the outcome in which the gains of co-operation are divided proportionally, it is not that this is the outcome on which rational egoists would converge. Moreover, if the object is to derive a theory of justice from rational self-interest, it is not clear why the baseline should be conceived in Lockean terms, as already embodying the moral constraints of natural rights, rather than as a ruthless Hobbesian struggle in which individuals use their natural powers to threaten one another so as to improve their relative standing when bargaining begins. As Barry concludes in general (p. 304):

there is only one way of creating a theory of justice as mutual advantage based entirely on utility-maximising motivation. That is to define the noncooperative baseline as one arising from a strategic struggle for relative advantage and then move from there to the Pareto frontier via simulated bargaining over the division of the cooperative surplus.

Thus two-stage theories *either* stick consistently to a postulate of rational self-interest and produce outcomes that conflict sharply with our sense of justice *or*, in an attempt to make the outcome more ethically appealing, they introduce apparently arbitrary restrictions on the self-interest postulate. With that, we may turn to the second class of theories discussed by Barry, original-position theories, where the original position is quite deliberately chosen for its ethical appeal and self-interest plays, at most, a subordinate role.

The most famous member of this class is, of course, Rawls's *A Theory of Justice*, but ever since the publication of that book critics (including Barry himself) have argued that you cannot derive Rawls's two principles of justice by considering what principles rational individuals would choose to adopt behind a veil of ignorance in which they were deprived of all knowledge of their tastes, talents, social position and so forth. The consensus of opinion is that Rawls's original position entails the adoption of the principle of average utility, as (in particular) R. M. Hare and J. C. Harsanyi have claimed. (If,

¹² David Gauthier, *Morals by Agreement* (Oxford: Clarendon Press, 1986).

instead of considering the question from the perspective of the theory of rational choice, one asks what people actually choose when placed in a simulated original position, again it turns out that Rawls's difference principle has few takers.¹³) Barry does not dissent from this conclusion, and indeed in his chapter on the difference principle he explicitly develops an argument for that principle that does not rely on the original position. But this leaves him in the awkward position of having to say that the prime example of a theory of justice as impartiality does not really take the form that such theories are supposed to take. The original position becomes 'merely a device for representing in a dramatic form the constraints that impartial appraisal imposes on anything that can count as a principle of justice' (p. 214). But clearly we are no longer dealing here with a contractarian theory in the sense of a theory which defines justice in terms of what could be agreed upon by individuals whose beliefs and interests are potentially in conflict.¹⁴ The same can be said of Barry's preferred version of justice as impartiality, presented briefly on pp. 347–8 of the present book, with 'a complete account' promised for Volume Two. Barry invites us to ask what arrangements could reasonably be accepted by people in the absence of coercion, and he thinks this test will at least rule out such things as slavery, apartheid and genocide. The difficulty here is that what people can reasonably accept seems to depend very largely on their prior sense of justice, so as a way of *deriving* principles of justice this approach is open to the charge of circularity (although genocide is an unchallengeable case, I am not convinced either of slavery or of apartheid that these institutions could *never* be voluntarily embraced, given suitable background beliefs and circumstances).

Barry's book is masterly as a critical exposition of contractarian theories of justice. But what emerges from his analysis, contrary to his own intentions, is how poorly the contractarian method fares in this area. Where the theories are internally coherent, the answers are unappealing (except to Hobbesians and utilitarians); where the answers look attractive (as in the case of Rawls's difference principle), Barry is able to uncover a tangle of inconsistencies in the reasoning behind them. We can expect Volumes Two and Three to develop a powerful egalitarian theory of social justice; but the theory will be based on moral intuitions, not on hypothetical agreement.

¹³ See N. Frohlich, J. A. Oppenheimer and C. L. Eavey, 'Laboratory Results on Rawls's Distributive Justice', *British Journal of Political Science*, 17 (1987), 1–21; N. Frohlich, J. A. Oppenheimer and C. L. Eavey, 'Choices of Principles of Distributive Justice in Experimental Groups', *American Journal of Political Science*, 31 (1987), 606–36; N. Frohlich and J. A. Oppenheimer, 'Choosing Justice in Experimental Democracies with Production', *American Political Science Review*, 84 (1990), 461–77.

¹⁴ There is an ambiguity in 'agreement' which may help to disguise this fact. Compare 'we all agreed that the bird had orange tail feathers' with 'we all agreed that we would meet at the restaurant'. In the second case it is implicit that we would have behaved differently but for the fact of the agreement; in the first case, by contrast, 'agreement' is used to describe a spontaneous convergence of judgements. In Barry's understanding of the original position there is agreement in the first sense and hence no need and no room for 'an agreement' or anything that we could reasonably describe as a contract.

Acknowledging the limits of his 'reasonable agreement' test applied in an *a priori* manner, Barry at one point suggests looking empirically at what people will regard as just when placed in 'the circumstances of impartiality'. This is roughly the programme of Soltan's book,¹⁵ which is divided into two halves. The first half gives a general exposition of the causal theory of justice, which defines justice as whatever has persuasive force for agents in circumstances in which they are moved by impartial reasons. The idea here, then, is that we should consider people in conditions which exclude partiality (especially self-interest) and then see what does in fact persuade them to act. Soltan argues that we should focus particularly on *objections*: we should see what arrangements cause protests on the part of those subject to them. Arrangements are just to the extent that they can command voluntary compliance, with people persuaded of the principles offered in their support. The second half of the book applies this theory to the case of wage determination. Soltan studies job evaluation schemes, arguing that the job evaluator is trying to map ideas of fairness present in the work-force with the aim of creating a wage-scale that is maximally acceptable. He finds that the various schemes that have been tried out tend to converge on four factors – skill, effort, responsibility and working conditions – as justifying higher pay, with skill typically receiving the highest weighting.

Soltan brings together empirical and normative research on justice in an interesting way, and there is much to commend in this book. We may, though, question his reliance on one particular form of empirical research. He is in my view rather cavalier in dismissing evidence gained through interviews on the grounds that this technique shows that people's beliefs about justice are ambiguous and confused; also that people may be inept at finding the right concepts to express their beliefs. But ambiguity may simply point to complexity: if people give internally contradictory replies to questions, or change their replies when the framing of questions is changed, this may be because the questions invoke several norms of justice in the respondents (who are not used to giving 'on the one hand . . . on the other hand . . .' answers). As for conceptual incapacity, here Soltan seems to be on weaker ground than the research he criticizes. Interviews or survey research *may* not succeed in getting people to respond in terms of justice rather than social utility, or personal liberty or some other value, but a behavioural approach seems certain not to succeed. Even if the researcher is able to discover or construct a situation in which partiality is eliminated so that people's behaviour is guided solely by general principle, such behaviour cannot by itself reveal what kind of principle they are following. One can object to an arrangement on many grounds: that it fails to give proper incentives, that it interferes with personal freedom, etc. Soltan's avowedly broad notion of justice blurs these important distinctions.

We might also want to question the particular case study that Soltan uses to illustrate his method. Let us grant that professional job evaluators are

¹⁵ Soltan, *The Causal Theory of Justice*.

disinterested when compiling their reward schedules: their only aim is to discover the most acceptable scheme. Different groups of employees in a workplace or an industry will, however, have interests which they will be able to promote more or less successfully depending on their bargaining power. If we look at the wage determination process as a whole, the scheme that emerges is likely to amalgamate bargaining power and norms of justice in various ways.¹⁶ It seems likely that job evaluators, aiming to produce a scheme that is maximally acceptable in the sense that it arouses fewest objections, will give weight to factors of both sorts even while claiming that their scheme captures only 'fairness'. To correct for bargaining power distortions, it would be helpful to include more direct evidence about what people perceived as fair in wage determination.¹⁷

To say this is not to diminish the importance of Soltan's study, but merely to plead the virtues of pluralism when empirical research is used to illuminate normative theories of justice. Where Soltan is particularly significant is in underlining the role played by desert in his causal theory. He identifies two aspects of desert: the compensatory aspect, which has to do with making good the undesirable aspects of jobs, and the expressive aspect, which he explains as follows: 'The aim is to make the hierarchy of value of what is distributed correspond with, and therefore express, the hierarchy of value of the acts or qualities of the recipients' (pp. 154–5). He also notes that the compensatory aspect tends to become more restricted in scope and importance as working conditions improve. The upshot of his study, therefore, is that justice in wage determination is primarily a matter of finding a wage scale that expresses the value of different jobs to the organization. 'Jobs that are more important and difficult are held to deserve greater pay as a public and objective expression of a conception of the good that ranks jobs and tasks according to their importance and difficulty' (p. 157). Such a forthright endorsement of the desert principle stands in marked contrast to the conclusions reached by more conventional normative treatments of this topic in the recent literature.

We can see this by looking at two books, those of Sher and Sadurski, whose avowed aim is to rehabilitate the concept of desert.¹⁸ I shall argue that in both cases what we are finally presented with is not the genuine article but

¹⁶ See J. Elster, *The Cement of Society* (Cambridge: Cambridge University Press, 1989) for an analysis of the kind. For an interesting study of how one particular norm of justice – equal pay for men and women doing jobs of comparable worth – fared when implemented among unionized groups of public-sector workers in Minnesota, see S. M. Evans and B. J. Nelson, *Wage Justice: Comparable Worth and the Paradox of Technocratic Reform* (Chicago: University of Chicago Press, 1989).

¹⁷ Of course individuals may rationalize their superior bargaining position in terms of fairness; but this would be likely to show up in differences of perception between groups as to the fair wage for the more powerful group.

¹⁸ G. Sher, *Desert* (Princeton, NJ: Princeton University Press, 1987); W. Sadurski, *Giving Desert Its Due* (Dordrecht: D. Reidel, 1985).

a surrogate. Sher's focus is directly on the concept of desert, and he does not confine himself to uses of 'desert' that are relevant to social justice; for instance, he considers what can justify the view that the virtuous deserve happiness. Sadurski, by contrast, aims to give a general account of social justice that can bring together the concerns of legal theory and of social policy. He believes he can do so through an analysis that centres on desert. Both books are intelligent, thoughtful and sensitive to the wide variety of ways in which the concepts of justice and desert may be used.

Sher's book is indeed remarkably catholic in its approach. The only restriction that he imposes on what can count as a desert claim for the purposes of his analysis is to invoke the familiar contrast between desert, as a way of specifying the kind of treatment or outcomes people ought to receive prior to and independently of institutions, and rights as a way of specifying their claims once institutions are in place (for instance, by virtue of contracts). This breadth of approach perhaps inevitably leads to the conclusion that no single principle can serve to capture the force of all the desert judgements we find ourselves making. Instead, Sher offers a pluralistic analysis in which different kinds of judgement are accounted for in different ways.

If we confine ourselves to the parts of the analysis that bear directly on social justice, we have the following:

- (1) To explain the view that those who work hard to achieve a particular goal deserve to succeed, Sher argues that sustained effort shows a deeply entrenched ambition to achieve that goal and that in general it is valuable for such ambitions to be realized.
- (2) To explain the view that workers ought to be rewarded according to their efforts, skills and the unpleasantness of their jobs, he appeals to the principle that harm inflicted at one moment requires compensation by extra benefit at some later moment. Work is treated as a disutility on the grounds that the worker has to subordinate his purposes to those of his employer.
- (3) To explain the belief that prizes, honours and so forth ought to be awarded to the most meritorious contender(s), he appeals to the principle of veracity: in making the award we are announcing our ranking of the competitors, and we ought not to express false judgements.
- (4) To explain the belief that jobs should be given to the best-qualified candidates, he appeals to two considerations: first, that doing this best promotes the purposes of the organization doing the hiring, and secondly (somewhat obscurely) that it shows respect for all the applicants as rational and purposive agents.

What is noticeable about all these explanations is that they involve replacing a brute intuition about desert – the sense that a person ought to get a benefit simply by virtue of something they have done or some quality they now possess – with an indirect justification that appeals to a different kind of consideration. Sher resists the idea that desert is to be understood alongside so-called reactive

attitudes such as admiration and resentment as a primitive constituent of human thought; he believes this approach cannot be used to *support* desert claims but merely serves as a psychological account of how we come to make them. He is therefore willing to jettison certain widely held beliefs – for instance that ‘superior political candidates deserve to be elected, that authors of outstanding books deserve recognition, and that scientists who discover vaccines or generals who lead victorious armies deserve honours and awards’ (p. 129) – as lacking any real normative force. But, although we should expect a critical reconstruction of a concept like desert to endorse only some of our pre-reflective beliefs, are *these* beliefs among those that can be dismissed as involving a confusion between our natural inclinations and our justifiable moral attitudes?

Here we may wish to contrast Sher’s approach not only with that of Soltan but also with that of Walzer, who takes the public distribution of honours as the central case in which desert is relevant to distributive justice.¹⁹ Walzer’s view is that such honours should properly aim simply to recognize achievement in one or other sphere and that, if further considerations creep in, the practice is devalued; moreover, two of the examples he discusses are the Nobel prize for literature and the Roman ‘triumph’ offered to the successful returning general, in direct contradiction to Sher’s view that what we have here is not a justified claim of desert but something else requiring reductive psychological explanation.

The crux of the matter is whether it is rationally intelligible to believe that a valued achievement or accomplishment ought to be acknowledged in a material or symbolic manner, simply because it is that sort of accomplishment and without ulterior motive (i.e. not in order to encourage others to emulate that achievement, not to compensate the achiever for his pains, etc.). The primitive form of deserved reward is the applause that breaks forth at the end of a concert in simple recognition of the musicians’ performance. Critics of the notion would of course say that such responses are primitive in the further and derogatory sense that they are incapable of justification in rational terms. I cannot hope to resolve this deep-seated controversy here, but I can at least try to illustrate further the difficulties with Sher’s reconstructive approach by taking the example of deserved wages.

As noted above, Sher’s claim is that wages are deserved by way of compensation for the burden that is imposed on workers by having to subordinate their purposes to those of their employers. Now the compensation principle does clearly apply to work that is unpleasant or dangerous, the argument being that additional income serves to counterbalance the losses certainly or possibly borne by the worker. (I shall shortly argue, however, that this demand of justice is not strictly a matter of *desert*.) But Sher also wants to bring the criteria of effort and productivity under the rubric of compensation. He claims that the more effort the worker puts in, and the more productively he works,

¹⁹ M. Walzer, *Spheres of Justice* (Oxford: Martin Robertson, 1983), chap. 11.

the greater the gulf between the furtherance of his employer's purposes and the advancement of his own (which, it is presumed, would involve some activity other than employment) and hence the greater the burden borne by the worker.

But this claim seems very implausible. If work is burdensome, it is burdensome because it feels so to the worker himself, and this is a matter of how far his own purposes are frustrated, not of the distance that separates these purposes from his employer's. Imagine an employer saying to his employee: 'I'm moving you to a job which I know you'll like better, but because it happens that you'll be much more productive there, I'm going to have to pay you more by way of compensation.' There is no sense to this. And Sher has to engage in some fairly desperate manoeuvring to avoid the conclusion that loyal workers who identify with their firm's purposes ought to be paid lower wages than disaffected workers doing the same job.

This illustrates the difficulty of trying to capture the force of familiar desert judgements (such as the judgement that more productive workers deserve higher incomes than less productive workers) while denying what I described above as the primitive sense of desert, namely that what a person has done simply *is* (in appropriate circumstances) a reason for giving him additional benefits now. The very great merit of Sher's book is the subtlety and ingenuity with which he tries to carry through the reconstructive programme; it is unrivalled as an attempt to track desert without actually endorsing this primitive intuition.

As we have seen, Sadurski's book is more ambitious than Sher's in the sense that it attempts to discover a notion of desert that can tie together the whole range of our beliefs about justice, including beliefs that on the face of it have little to do with that notion (for instance, beliefs about the satisfaction of *needs*). He proposes a general criterion, namely that justice requires an 'equilibrium' or 'balance' among the benefits and burdens borne by different individuals. This breaks down into three more specific principles, the first requiring respect for equal liberties and rectification of any invasions that occur in violation of this principle, the second requiring equal provision for all persons of the basic conditions for a meaningful life and the third requiring that socially useful efforts and sacrifices are to be compensated by equivalent benefits in the form, say, of money rewards.

The question we must ask, however, is whether these principles can indeed be understood as manifestations of an underlying notion of desert or whether they are not in fact what they appear on the surface to be, namely elements in a theory of equality. Let us concentrate on the third, which Sadurski presents as manifesting the notion of desert directly. As the implications of the principle are spelt out, however, it quickly becomes clear that what Sadurski has in mind is compensation for past sacrifice. Insofar as work is unpleasant or burdensome, justice demands that this be rectified by providing additional benefits. On the other hand, contribution as such – undertaking work of especial social value, let us say – has no claim to reward except insofar as it imposes costs on the contributor. Sadurski is more willing than Sher to embrace the full rigours of this view. Noting that most jobs that are currently highly paid are

also psychologically more satisfying to their holders, he accepts that (at least from the point of view of justice) wage scales should probably be inverted, with manual workers being paid more than university lecturers, for instance.

Sadurski takes issue with a view that I expressed in *Social Justice*, namely that compensation in this sense has nothing to do with desert proper. There is obviously a loose sense in which 'deserves' simply means 'has a just claim to', and in this sense we can, for instance, express the claims of need in the language of desert ('Jim missed breakfast, so he deserves the last biscuit'). But there is also a strict sense in which desert is used to indicate the treatment that we regard as a fitting response to positively or negatively valued qualities, corresponding to what I earlier called the primitive notion of desert. Compensation in Sadurski's sense, by contrast, is better regarded as a part of a book-keeping exercise in which the different elements associated with a job are aggregated in order to arrive at an overall judgement about its utility. As Sadurski himself puts it, 'In typical situations effort (in either the physical or the mental sense), responsibility, burdensome job environment, monotonous and repetitious work, may be considered as burdens; salary, social prestige, degree of satisfaction, security, chances for initiative, self-development and freedom – as benefits' (p. 151). The principle is that the two columns should be added up and set against each other, with the variable elements (principally salary) being adjusted so that each person then enjoys the same net level of benefit. This is plainly a principle of equality having nothing to do with desert in the strict sense.

The problem for Sadurski is that he still wants to present his criterion as a (genuine) principle of desert. He says that desert is the central criterion of justice because 'it is only in the case of desert that moral praise for the particular individual is expressed in the act of distributive justice' (p. 156), also that justice as desert involves 'an attempt to make a person's situation dependent upon his own free choices, and to liberate, to the largest possible extent, people from the operation of uncontrollable forces in a social distribution' (p. 157). Now here we have two rather different ways of characterizing what is central to the notion of desert. Both are plausible in themselves (I have not the space here to enquire which is the *better* characterization), but neither squares with the compensation principle. Take the moral-praise characterization first. If someone incurs burdens in the course of his work, do we express moral praise when we compensate him? Surely not: compensation simply gets him back to the same position as he would have been in without the burdens. To express moral approval tangibly we would need to confer extra rewards over and above the standard level (in the same way, someone who runs into my car and then pays to have it repaired is not expressing any evaluation – either of my car or of me – at all). Next, if we look at desert as a way of capturing the moral significance of free choice, once again we do not end up with compensation. The principle is egalitarian with regard to natural factors and social contingencies but says that people should reap the benefits and suffer the losses that flow from their own voluntary choices. To choose A rather than B – this job

rather than that job – is by no means necessarily to incur extra burdens. Thus the free choice principle would, for instance, justify the payment of extra rewards to those who choose work of greater social value irrespective of the disutility of the work chosen.

At this point it may be useful to refer to Campbell, who devotes a chapter to Sadurski as standard-bearer of the meritocratic theory of justice that he himself favours. Campbell raises a number of critical questions about Sadurski, although without going so far as to say that what we are offered is not in fact a genuine desert theory. In particular, Campbell notes that for Sadurski equality of opportunity in the allocation of jobs is not a matter of justice but of utility. The reason for this is that the compensation principle would suggest giving jobs to the *least* qualified candidates, on the grounds that these are likely to be the people who have borne most burdens up to now. Sadurski appeals to social utility as an overriding reason for hiring the most competent candidate, but Campbell points out that there appears to be something unfair as well as inefficient in not giving talented people the chance to use their talents in productive work. Although this response would normally be correct, it seems not to apply to the world envisaged by Sadurski, in which all jobs would, on balance, be equally attractive to their holders. Campbell says that ‘it must be right so to arrange society so that what happens to individuals depends on how they conduct themselves in conditions where they have a chance to demonstrate their responsibility’ (p. 177), but this appeals to a principle of free choice that, as we have already seen, is simply inconsistent with Sadurski’s conception of justice as an ‘equilibrium’.

Campbell and Sadurski come together, however, in their handling of the principle of need. Both argue that needs only become relevant to justice when they can be linked in one way or another to deserts: for instance, when people are in need because they have been denied the fair rewards of their labour or when unfulfilled basic needs prevent people from competing on equal terms in the job market and so from acquiring deserts in the first place. Where there is no such link, the meeting of needs becomes a matter of benevolence or humanity (although both claim that to say this is not to downgrade the claims of need, since justice is only one among many social virtues and has no especial priority over the others).

How extensive this desert-based principle of need turns out to be depends on where you set the baseline against which deserts are to be measured. The natural answer seems to be that people have no claim on social benefits until they do something positive to make themselves deserving; in default they get nothing. But some of Campbell’s remarks imply that he sets the baseline higher than this; for instance, ‘the relief of basic need may be a matter of justice where the need is undeserved, in that it is not the result of the foolish or immoral choices of the persons in need’ (p. 158). Here the assumption seems to be that you are entitled to get something from society unless you dissipate that entitlement by making ‘foolish or immoral choices’ so that all you have to do in order to get your needs met is to show that you are not to blame

for them. But why should we accept that assumption unless we already endorse the principle of need or something akin to it?²⁰

The lesson here is that, if you are drawn both to desert and to need as criteria of justice, the only coherent option is to go for an openly pluralistic analysis of that concept and then try to identify the ranges over which the two component principles operate. Trying to incorporate need as a subcategory of desert leads *either* to a dilution of the latter notion in which its distinctive features are lost *or* to a weakening of the former principle such that only certain needs will count from the point of view of justice.

We have examined the difficulties encountered by several recent attempts to analyse justice in terms of desert without embracing the latter notion in its strong or 'primitive' form. Here it may be helpful to consider the diagnosis recently suggested by Alasdair MacIntyre in the course of a historical study of ideas of justice.²¹ MacIntyre's general aim is to contrast modern thinking about justice – which he believes is characterized by interminable conflict between rival theories such as those of Rawls and Nozick – with that contained in older moral traditions, especially those stemming from Aristotle, Augustine and the philosophers of the Scottish enlightenment. It would take us too far afield to consider the wider issues about rationality, the nature of traditions, etc., raised by MacIntyre's book, but I shall consider one specific claim, namely that modern views of justice are defective because there no longer exist the pre-conditions for a workable concept of desert.

MacIntyre spells out the contrast between ancient and modern justice early on in the book as a contrast between justice defined in terms of what he calls 'the goods of excellence' and justice defined in terms of 'the goods of effectiveness'. Ancient justice was displayed in the context of practices such as warfare, athletics, the performing arts and politics, and consisted in the reward of desert. In each of these practices there were established standards of excellence in terms of which onlookers could judge each person's performance, and justice was done when each achieved the honour and recognition he deserved and, following from this, his proper share of external goods, such as wealth, social status and power. If I understand MacIntyre correctly, the former goods alone count as goods of excellence, whereas the latter – wealth etc. – are goods of effectiveness which form a kind of extra bonus for the successful performer. In ancient justice, then, (1) actors aim to excel in some specific field of activity and do not aim directly for material rewards; (2) there are shared standards of performance in terms of which quasi-objective desert judgements can be made; (3) the *primary* reward of the deserving actor is recognition, while goods of effectiveness are only secondarily and contingently attached to successful performance.

²⁰ Assuming an equal basic entitlement to natural resources would allow some arguments of this kind to be launched, but not those referring to disabled or handicapped people, whom Campbell apparently hopes to include under his desert-based principle of need.

²¹ A. MacIntyre, *Whose Justice? Which Rationality?* (London: Duckworth, 1988).

Under modern justice, by contrast, the goods of effectiveness have become the direct object of individuals' pursuit, and justice becomes a matter of formulating rules to avoid destructive competition in the scramble for wealth, status and power. There is no place here for any notion of desert, according to MacIntyre, and justice must instead be seen as the outcome of a bargaining game, in which the rules that emerge will reflect the threat advantages enjoyed by the various parties. (Although he does not cite it as an example, Gauthier's *Morals by Agreement* would surely epitomize for MacIntyre this modern approach to justice.) Thus, under the justice of effectiveness, (1) actors' primary aim is to acquire the goods of effectiveness; (2) there are no agreed standards of performance and hence no room for notions of desert; (3) justice is understood in terms of adherence to a set of rules, these rules being designed to achieve co-operation between individuals with potentially conflicting goals.

MacIntyre presents the moral traditions he favours as engaged in the defence of the justice of excellence against its modernist rival, running from the point at which justice as effectiveness first emerged in post-Homeric Greece (in the writings of men like Thucydides) up to the point at which the Scottish tradition of moral philosophy collapsed under the assault of David Hume. Yet he ignores, or passes over without comment, evidence that participants in the chosen traditions had a wider understanding of justice that cannot easily be characterized in terms of the excellence/effectiveness dichotomy. For instance, in his discussion of Aristotle, MacIntyre ignores that part of his discussion of justice which concerns justice in exchange, where Aristotle argues that in order for exchanges to be fair, there must be some standard of value that allows the items in question to be equated, and that standard is in fact provided by demand. Here, then, we have an understanding of commercial justice with a decidedly 'modern' flavour and making no reference to desert. Aristotle evidently saw no inconsistency between holding this view and claiming that in other areas, such as musical performance and politics, the proper standard of distribution was merit. Again, when he turns to Aquinas, MacIntyre notes the presence both of a doctrine of just price and of the principle that the needy have a right to encroach on private property to gain their sustenance, but he does not consider how this can be squared with his general thesis about the justice of excellence.

So my first critical point about MacIntyre is essentially historical and amounts to the claim that we cannot observe a general shift from the justice of excellence to the justice of effectiveness even if we confine our attention to the traditions MacIntyre favours. Most of the older authors saw that justice had to cover mundane matters like transactions in the marketplace, where 'excellence' in MacIntyre's sense had no purchase. My second point relates specifically to the notion of desert. There is no evidence that desert has ceased to be central to the way in which people in modern liberal societies think about distributive justice. Indeed one could plausibly argue that the modern age has seen the apotheosis of that notion, since it no longer faces serious competition from the claims of rank or station: no one still believes that people are entitled to goods by virtue of their birth or social class, whereas Greek thinkers had

to work within an ethical vocabulary that conflated the claims of personal merit and social standing.²² Nor can desert criteria be applied only in the context of practices in MacIntyre's narrow sense. Modern societies have thrown up many institutional settings in which deserts are comparatively assessed: competitive examinations and job evaluation schemes, to name but two. Now there will undoubtedly be arguments as to whether existing practices are best adapted to measuring desert in the relevant sense (should civil service entry be governed by formal examinations?). But such arguments are fundamental to the notion itself: no doubt in ancient Greece there were fierce debates about the best way of judging the poetry contest.

MacIntyre is undoubtedly correct, however, in pointing out that desert finds little place in recent liberal thinking about justice; he cites the cases of Rawls and Nozick, but as we have seen the point can be extended more widely. What I have been arguing is that reasons must be sought within political theory itself, not within common belief or common practice, where desert is alive and well. In the case of libertarian theorists like Nozick and Hayek, desert is rejected on the grounds that it is an inherently interventionist principle; unlike their classical liberal predecessors, they do not see desert as underpinning a free market economy but as supporting programmes of social democratic, perhaps even socialist, reform. The reason for this is that principles of desert stand as critical tools for assessing social institutions such as systems of property and taxation. They invite us to ask whether existing institutions are likely to bring about the best possible correspondence between individuals' respective deserts and the resources they receive. It does not seem likely that the full set of property rights characteristic of *laissez-faire* capitalism will pass this test (to take one of the most obvious cases, it is difficult to see how the unequal inheritance of property can be squared with desert). Hence recent defenders of classical liberal ideas have preferred to by-pass the notion of desert. In Hayek's case this is done by interpreting justice in terms of the formal consistency of a set of social rules, in Nozick's by developing a historical entitlement theory embodying principles governing the legitimate acquisition and transfer of goods that (at least on the surface) make no reference to desert.

Yet it has proved difficult to provide such accounts of justice with an adequate foundation. Given that there are many different possible systems of property and taxation, why select just that one most conducive to *laissez-faire* capitalism? One area of particular difficulty has been to explain how natural resources can justly be acquired in the first place, given that one person's acquisition is liable to disadvantage others. I have argued elsewhere that Nozick can only deal with this problem by relying tacitly on a notion of desert to underpin his Lockean principle of property acquisition.²³ But if desert has to be invoked

²² See A. W. H. Adkins, *Merit and Responsibility: A Study in Greek Values* (Oxford: Oxford University Press, 1960).

²³ See D. Miller, *Market, State and Community: Theoretical Foundations of Market Socialism* (Oxford: Clarendon Press, 1989), chap. 2., where the problems with Hayek's view are also discussed.

in this context how can one avoid giving it a central role in the theory of justice as a whole?

Here we should take note of a new book by Kirzner which aims to rectify some of the weaknesses in the Nozickian theory by proposing a different account of justice in acquisition and exchange.²⁴ Like his libertarian colleagues, Kirzner is concerned that conventional desert criteria may lead to disputes about the relative shares owed to the several parties involved in production and thus to criticism of capitalist property rights. But he also recognizes that something must be done to justify both the original appropriation of property and the exchanges that characteristically occur in a capitalist economy from an ethical standpoint. He seeks to do this by invoking the 'finders keepers' rule, which states that whoever first discovers something is entitled both to keep and to benefit from that thing.

Kirzner invokes ideas from the Austrian economic tradition about entrepreneurship as a discovery procedure to establish the relevance of this rule. The entrepreneur, he claims, is the person who is alert to opportunities provided by the failure of real markets to achieve the competitive equilibria of the textbooks – for example, where multiple prices exist for the same product. Entrepreneurship is not the same as production, which involves deliberately making something by applying labour to raw materials. It is much more like discovery in the literal sense, where you simply come across some object which you perceive to have a use, say in the course of an evening stroll on the beach. (Deliberately going out to discover something – oil, for instance – on the basis of an informed guess about where it is likely to be found would on this view count as production rather than entrepreneurship.) Kirzner thinks we have a strong intuitive sense that the finder ought to keep what he has found, and he bolsters this with the claim that the finder actually *creates* the object, since what remains undiscovered is non-existent from a human point of view.

As an account of justice, this strikes me as almost wholly unconvincing. In general, I see no objection to the claim that the entrepreneur deserves his reward, where entrepreneurship has its ordinary meaning of inventing new ways of supplying the market with what it wants or will want. But by narrowing the notion as he does Kirzner appears at the same time to emaciate the demands of justice that it makes on us. We probably think that the person who finds a beautiful shell on the beach (to take one of Kirzner's cases) is entitled to keep it, but this is a weak claim and one hedged around with qualifications: if the thing that is found is scarce, or necessary to the welfare of others, the claim of the finder (who on Kirzner's account will simply have stumbled across it) is easily going to be trumped. Entrepreneurship in Kirzner's sense is too like luck to engage our sense of justice. If a £10 note is caught up in the wind and floats down into my garden, then, if no previous owner comes forward I am no doubt at liberty to pocket it, but it is hard to see that I really have

²⁴ I. M. Kirzner, *Discovery, Capitalism and Distributive Justice* (Oxford: Blackwell, 1989).

a claim of *justice* to the money or that there would be anything wrong with a rule requiring all such windfalls to be donated to Oxfam.

So much for finders keepers in general. As for economic entrepreneurship, the problem with the Austrian view is that it gives us no reason to believe that such activity will always be socially useful. Consider the following case, which is germane to Kirzner's discussion on p. 159 of the book under review. Suppose an isolated community has a medicinal use for a herb that grows nearby on common land. The herb is plentiful and has no other use, so everyone in the community can always gather as much as they need when they need it. Along comes an entrepreneur who fences the common and sells the herb to the villagers on a profit-maximizing basis. In Kirzner's terms, the entrepreneur has made a discovery – namely that there is a profit to be made from the sale of the herb – and has a just claim to the proceeds. Anyone could have fenced the common, but he alone happened to notice ... etc., etc. But how can we regard this person as anything but a parasite who has battered on to the hapless villagers?

Kirzner would rightly object that entrepreneurship is not usually like that. But in contrast to some of the other approaches that he discusses in chap. 3, the Austrian approach yields no tight conclusions about the value of particular instances of such activity. It justifies entrepreneurship only in very general terms as a force for economic dynamism. This makes it very difficult to build a theory of distributive justice on the basis of the discoverer's alleged right to what he has discovered. So it looks as though followers of the Austrian economic line will have to fall back on Hayek's view that justice is simply a matter of consistency with and among formal rules and abandon the attempt to give the rules they advocate any sort of ethical grounding.

I turn finally to a book by Susan Moller Okin that broadens the entire debate about social justice by introducing questions of gender and distribution within the family.²⁵ The book contains three main elements: a critique of standard liberal theories of justice for their failure to address these questions; a diagnosis of the way in which a gendered society creates injustice between men and women; and some policy proposals aimed at rectifying this injustice. The argument is extremely clear and persuasive throughout, and in its first two elements the book is entirely successful; the third element needs developing in certain respects, as I suggest below. The importance of the book lies not only in its conclusions but in its successful reintegration of feminism with analytical political theory: it is a shining example of feminist argument pursued with rigour and intellectual force.

I need not dwell on the first aspect of the book. Okin considers Rawls, Nozick, Walzer, MacIntyre and other recent theorists and shows, for instance, how Rawls, having initially included the family as part of the 'basic structure' of social institutions to which principles of justice apply, thereafter ignores its internal relations. Having established that domestic relations are part of

²⁵ S. M. Okin, *Justice, Gender and the Family* (New York: Basic Books, 1989).

the subject matter of justice, she goes on to analyse the way in which gender – defined as ‘the deeply entrenched institutionalization of sexual difference’ – creates a pervasive injustice between men and women.

Okin begins from the premise that the gendered family is an institution in which the man is regarded primarily as breadwinner and the woman as rearer of children and performer of domestic duties, and only secondarily as wage-earner. She looks at what happens when such a family is meshed into a conventional labour market. A number of consequences follow:

- (1) Women who share this norm have less incentive than men to acquire marketable skills in advance of marrying and/or taking up a career. So on average they will have less human capital than men.
- (2) When they do marry and have children and subsequently re-enter the labour market, they are at a disadvantage relative to men because they have fewer skills (by 1) and/or their careers have been interrupted and/or they need more flexible work. Thus typically they will earn less than men of similar age and talent.
- (3) Given this inequality in earning power, it becomes rational for the man to continue full-time work and for the woman not to work or to work part-time and to undertake domestic duties instead. This could be agreed voluntarily between the couple in the light of the higher marginal earning power of the man.
- (4) Because of the gender norm, however, one consequence is that the woman continues to do the lion’s share of domestic work even where she is doing outside work too. Okin produces American evidence which shows women performing very much more domestic labour than men in cases where both partners work, and substantially more labour overall, putting domestic and paid labour together.
- (5) The husband’s position as primary wage-earner gives him greater power within the family – partly because of the norm that the person who brings in the money should decide how it is spent but more fundamentally because the costs of quitting the relationship are far greater for the woman than for the man: she is usually given custody of children and, for reasons given above, her earning power is typically less. Drawing upon Hirschman’s analysis in *Exit, Voice, and Loyalty*, Okin argues that when exit from a relationship is very costly, voice within it tends to be stifled.

Okin thus locates the origin of inequality between the sexes at the intersection between the gendered family and the labour market. It is important to notice that her argument at no time assumes discrimination within the labour market itself; thus it goes beyond the standard liberal case for reforming the public sphere by, for instance, enacting equal opportunity legislation. However, it may appear that by the same token the problem becomes insoluble, unless Okin is prepared to contemplate drastic political intervention in the domestic sphere to eliminate the gender norm (state monitoring of the division of labour within the household?). Sensitive to this accusation, she argues for more modest

reforms that would help to erode the injustice by degrees: in particular, the public provision of child care to enable both sexes to combine paid work with raising children; changes in work practices to allow work life and family life to harmonize; gender-free education which prepares both sexes equally for work and political life; alterations to the divorce laws to guarantee equal living standards to both partners in the period following divorce; a requirement on employers that earnings should be divided equally between both partners even in cases where one partner chooses not to work.

These proposals are held together by the principle that marriage partners should be equal in power, status and living standard and by a more general vision of a society in which a person's sex plays no part in determining the kind of life that he or she enjoys. It is a weakness in Okin's account that she provides no explicit argument for the equality principle, taking it for granted that this is the appropriate conception of justice in the domestic sphere. However, there are two other criteria that also deserve consideration: *free agreement* (just arrangements are whatever members of the family freely consent to adopt) and *need*. In a gendered society these criteria may no doubt be used to legitimate domestic inequalities whose real source is the greater power of men, but if we are considering domestic justice in ideal terms some reason must be given why simple equality should be preferred to either of these alternatives. In particular, if we consider justice not only between husband and wife but between parents and children, considerations of need appear unavoidable. It is a limitation of Okin's account that she focuses exclusively on the issue of distribution between marriage partners and ignores the question of justice between different generations of family members, upwards and downwards.

Is Okin offering us a general theory of social justice, or is she giving us a specific theory of justice between men and women which would form only one part of a broader theory? On the face of it, the second alternative seems correct. Okin appears not to adjudicate as between the various general accounts of resource distribution currently on offer – egalitarian, meritocratic, Rawlsian, etc. Indeed it seems that her account of domestic justice fits most easily into a pluralistic theory of the type advanced by Michael Walzer, where different criteria of justice are seen as applying within different social spheres of distribution. Okin is saying that the principle proper to the domestic sphere is equality, without committing herself on what should govern distribution in other spheres. However, to leave matters there would be to overlook the fact that Okin's sexual egalitarianism has implications across a number of spheres – those of work, welfare and politics, for instance. Indeed in her critical discussion of Walzer she seeks to highlight the extent to which distributions in one sphere may interact with distributions in another in a way that disadvantages women (we have noted how a consensual division of labour within the family may hamper women's career prospects). So although in one respect Okin's analysis confirms the wisdom of Walzer's claim that we should not attempt to formulate a simple, monistic principle of social justice but should instead contemplate the many different sorts of goods that need to be distributed fairly, in another

respect she raises a new sort of difficulty for Walzer. Walzer is concerned at the possibility of dominance – the possibility that people who are advantaged in one sphere can use their advantage to get ahead illegitimately in another sphere (as when money buys political office or educational privilege). The solution is to ensure that the spheres remain separate. But Okin's work on gender shows that sometimes in order to obtain justice in one sphere (say the world of employment) there must also be a certain distribution of resources in another, nominally independent, sphere (say that of the family). So this would mean that the spheres were interlocking, for empirical rather than conceptual reasons, and that we cannot stand pat on the simple assertion that social justice is done when every kind of good is allocated according to its own internal criterion of distribution.

Despite this important reservation, I still believe that Walzer's *Spheres of Justice* remains the best starting point for future research in this area. Although I have focused particularly on the concept of desert in this review, I do not wish to claim that all distributive issues are to be resolved by appeal to that concept. Its scope is, I believe, rather wider than Walzer himself acknowledges. As we have seen, Walzer wants to reserve it for the distribution of honours, whereas in my view it can also be applied to the distribution of jobs and offices and to the consequent distribution of economic rewards.²⁶ Nevertheless it has its limits. Okin's work reminds us that desert is out of place in the sphere of the family, and I argued earlier that in the sphere of welfare goods needs had to be regarded as an relevant independent criterion, not reducible to a sub-category of desert. If one adopts this approach, two interesting issues emerge. One is more strictly theoretical and concerns the internal coherence of a pluralistic theory of justice. Is it in fact possible to distribute all goods in the way that the theory demands? Can one run a desert-based competitive market alongside a need-based welfare state, for instance, or are there points of collision? The other issue is whether people are able to recognize boundaries between distributive spheres such as those identified by Walzer and whether they do in fact apply different principles of justice within each sphere. Here one needs to draw on the empirical evidence referred to at the beginning of this article. If it happens that spheres collide – say, if application of the need principle within the family conflicts with maintaining equality of opportunity in the labour market – how is the conflict resolved? More generally, under what conditions can such a pluralistic outlook remain stable? Does one criterion of justice – desert, say – have a tendency to dominate the rest and to oust them from their proper spheres?

It seems safe to conclude that theories of justice will continue to proliferate, but there will be fewer that are both *comprehensive* and *simple*. Either they will involve the application of a single principle to a particular sphere of distribution (the household, the economy, international relations, etc.), or else they will be more comprehensive but pluralistic in their content.

²⁶ I have discussed Walzer's position on this issue in 'Deserving Jobs' (unpublished).