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To Each His Own

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Spheres of Justice: A Defense of Pluralism and Equality

by Michael Walzer

Basic Books, 345 pp., \$19.95

In his new book, Michael Walzer proposes a pluralistic theory of social justice which aims at what he calls “complex” equality. He rejects the goals of “simple” egalitarians who want to make people as equal as possible in their *overall* situation. He thinks they ignore the fact that the conventions and shared understandings that make up a society do not treat all goods as subject to the same principles of distribution. Our conventions, he argues, assign different kinds of resources and opportunities to different “spheres” of justice, each of which is governed by its own distinct principle of fairness. These conventions provide what Walzer calls the “social meaning” of different goods; for us it is part of social meaning, he says, that medicine and other necessities of a decent life should be distributed according to need, punishment and honors according to what people deserve, higher education according to talent, jobs according to the needs of the employer, wealth according to skill and luck in the market, citizenship according to the needs and traditions of the community, and so forth.

The theory of complex equality consists in two ideas. Each kind of resource must be distributed in accordance with the principle appropriate to its sphere, and success in one sphere must not spill over to allow domination in another. We must not allow someone who achieves great wealth in the market, for example, to buy votes and so control politics. But if we keep the boundaries of the spheres intact, then we need no overall comparison of individuals across the spheres; we need not worry that some people have yachts and others not even a rowboat, or that some are more persuasive in politics than others, or that some win prizes and love while others lack both.

This is a relaxed and agreeable vision of social justice: it promises a society at peace with its own traditions, without the constant tensions, comparisons, jealousies, and regimentation of “simple” equality. Citizens live together in harmony, though

no one has exactly the wealth or education or opportunities of anyone else, because each understands that he has received what justice requires within each sphere, and does not think that his self-respect or standing in the community depends on any overall comparison of his overall situation with that of others. Unfortunately Walzer offers no comprehensive description of what life in such a society would be like, of who would have what share of the different types of resources he discusses. (I shall try to show, later, why in fact he cannot do this.) Instead he offers anecdotal and historical examples of how different societies, including our own, have developed distinct principles for distribution in different spheres.

His aim in providing these examples is not only practical. He hopes to break the grip that the formal style has lately had on Anglo-American political philosophy. Such philosophers try to find some inclusive formula that can be used to measure social justice in any society, and that can therefore serve as a test rather than simply as an elaboration of our own conventional social arrangements. John Rawls argues, for example, that no inequality in what he calls “primary goods” is justified unless it improves the overall position of the worst-off class, and this formula takes no account of which of Walzer’s spheres such goods are drawn from. Utilitarians insist, on the contrary, that whatever social arrangement will in fact produce the greatest long-term happiness of the greatest number is just, and this means that justice might conceivably recommend violating one of Walzer’s spheres by selling political offices at auction, for example, even though our conventions condemn this. “Simple” egalitarians argue that justice lies in everyone’s having the same resources overall which might mean abandoning prizes and badges of honor, and “libertarians” argue that it lies in allowing people to buy whatever others rightfully own and are willing to sell, whether this is corn or labor or sex.

Theories like these ignore the social meanings of the goods they try to distribute. So they will inevitably be arid, unhistorical, and above all abstract. We can test them only against our private “intuitions” of what would be just in this or that circumstance, not by asking how they would strike most members of our own community, and we can argue them only through highly artificial examples tailored to bring out some stark contrast between isolated abstract principles. Such theories seem more at home with mathematics than with politics.

Walzer shows us how different, and how much more concrete, political analysis can be. His historical examples are often fascinating, and this, along with his clear prose, makes his book a pleasure to read. The examples are nicely judged to illustrate the characteristic features of each of his spheres of justice, and the persistence yet diversity of certain themes in the social meanings people give to their experience. The Greeks provided free public drama because they saw this as a social need, but they made the most rudimentary provision for the poor; the Middle Ages offered welfare for the soul but not for the body. Earlier communities provided everyone with holidays that guaranteed a public life; we have switched to vacations whose social

meaning is rather private variety and choice. Some of Walzer's examples have a different function: they illustrate the dangers of failing to protect the boundaries between spheres. George Pullman, who invented Pullman cars, built a town around his factory and tried to own his employees' lives as he owned the machines at which they worked. He tried to use his success in the market to dominate the different spheres of politics and citizenship, and this explains why society and the courts checked his ambitions. Walzer's range is admirable: we are encouraged to consider the meritocracies of China under the dynasties, a cooperative garbage collecting firm in San Francisco, the *Kula* practice of gift exchange among the Trobriand Islanders, and education among the Aztecs.

Nevertheless his central argument fails. The ideal of complex equality he defines is not attainable, or even coherent, and the book contains very little that could be helpful in thinking about actual issues of justice. It tells us to look to social conventions to discover the appropriate principles of distribution for particular goods, but the very fact that we debate about what justice requires, in particular cases, shows that we have no conventions of the necessary sort. In the US we sponsor medical research through taxes, and after long political struggles we offer Medicare to the old and Medicaid to the poor, though the latter remains very controversial. Walzer thinks these programs demonstrate that our community assigns medical care to a particular sphere, the sphere of needs that the state must satisfy. But the brutal fact is that we do not provide anything like the same medical care for the poor as the middle classes can provide for themselves, and surely this also counts in deciding what the "social meaning" of medicine is for our society. Even those who agree that some medical care must be provided for everyone disagree about limits. Is it part of the social meaning of medicine that elective surgery must be free? That people "need" heart transplants?

Our political arguments almost never begin in some shared understanding of the pertinent principles of distribution. Every important issue is a contest between competing models. Nor do we accept that everything we find valuable must be wholly subject to a single logic of distribution: if we recognize spheres of justice we also recognize the need for interaction between them. The most important way in which wealth influences politics, for example, is by buying not votes but television time. Of course those who favor restricting campaign expenses say that money should not buy office. But their opponents reply that such restrictions would violate rights to property as well as free speech, so the issue belongs to no settled sphere of justice, but is rather the subject of bargaining and compromise endlessly debated.

Walzer's response to these plain facts about political argument shows how feeble his positive theory of justice really is:

A given society is just if its substantive life is lived in a certain way—that is, in a way faithful to the shared understandings of the members. (When people disagree about the meaning of social goods, when understandings are

controversial, then justice requires that the society be faithful to the disagreements, providing institutional channels for their expression, adjudicative mechanisms, and alternative distributions.)

This passage confirms Walzer's deep relativism about justice. He says, for example, that a caste system is just in a society whose traditions accept it, and that it would be unjust, in such a society, to distribute goods and other resources equally. But his remarks about what justice requires in a society whose members disagree about justice are simply mysterious. Does "alternative distributions" mean medical care for the poor in some cities but not in others? How can a society that must make up its mind whether to permit political action committees to finance election campaigns really be "faithful" to disagreement about the social meaning of elections and political speech? What would "being faithful" mean?

If justice is only a matter of following shared understandings, then how can the parties be debating about justice when there is no shared understanding? In that situation no solution can *possibly* be just, on Walzer's relativistic account, and politics can be only a selfish struggle. What can it mean even to say that people disagree about social meanings? The fact of the disagreement shows that there is no shared social meaning to disagree about. Walzer has simply not thought through the consequences of his relativism for a society like ours, in which questions of justice are endlessly contested and debated.

Why does Walzer not recognize that his theory must be irrelevant in such a society? He does discuss a number of contemporary political issues in some detail, and these discussions suggest an explanation. He takes no position of his own about some of the issues he describes, and when he does express his own opinion he sometimes provides no argument at all for it. But when he does argue for his own views, by trying to show how these follow from the general scheme of complex equality, he reveals that he is actually relying on a hidden and mystical premise that plays no part in his formal statements of that scheme, but that helps to explain why he thinks that it can give practical advice for people in our circumstances.

What is this premise? He tacitly assumes that there are only a limited number of spheres of justice whose essential principles have been established in advance and must therefore remain the same for all societies. He also assumes that though any particular community is free to choose whether to assign some type of resource to one or another of these fixed spheres, by developing the appropriate conventions, it must do so on an all-or-nothing basis. It cannot construct new patterns of distribution that have elements drawn from different spheres. So if a community recognizes medicine as something people need, or establishes political offices, or develops institutions of specialized higher education, or recognizes some group of people as citizens, it is thereby committed to every feature of the spheres of social welfare or merit or education or citizenship as Walzer understands these. A caste system is not in itself unjust, but if it develops an official bureaucracy of civil

servants it may not restrict offices within that bureaucracy to higher castes, because the concept of bureaucracy belongs, according to Walzer, to its own sphere, the sphere of merit. A capitalist society, he argues, may, with perfect justice, assign medical care wholly to the market. Or (perhaps) it may assign only a fixed, minimum level of care to the sphere of need. But “so long as communal funds are spent...to finance research, build hospitals, and pay the fees of doctors in private practice, the services that these expenditures underwrite must be equally available to all citizens,” and there is then “no reason to respect the doctor’s market freedom.”

Once the hidden assumption—that a community must accept a preestablished sphere on an all-or-nothing basis—is exposed, the fallacy in these arguments becomes clear. We cannot just rule out, in advance, the possibility that though justice requires the state to intervene in the market for medicine in order to ensure that the poor have some care, it does not require that the poor be provided the same medical care the rich are able to buy. Walzer takes the contrary view that justice demands a full national health service. We may find this attractive but we need an argument for it, and simply constructing an ideal sphere, and calling it the sphere of need, provides no argument. The point is a crucial one, because it might be that any genuine argument for a national health service would contradict Walzer’s relativism. It might show that a rich society that leaves medical care entirely to the market would not be a just society, as he thinks, but would in fact be even more unjust than a society, like ours, that provides some but not enough free medical care.

Walzer relies even more heavily on the idea of fixed, preordained spheres in his discussion of university admission programs that give some preference to minority applicants. “In our culture,” he says, “...careers are supposed to be open to talents,” and “just as we could not adopt a system of preventive detention without violating the rights of innocent people, even if we weighed fairly the costs and benefits of the system as a whole, so we can’t adopt a quota system without violating the rights of candidates.” He knows, of course, that many people “in our culture” do not think that the affirmative action programs Walzer has in mind violate the rights of candidates. They reject the analogy to punishing the innocent. They deny that there is some canonical set of qualities, fixed in advance, such that people are entitled to be admitted to medical schools on the basis of these qualities alone, no matter what special needs a society might have for doctors or what larger needs might also be served through professional education. Walzer, on the contrary, believes that a certain conception of talent is automatically assigned to certain university places or professional offices, no matter how thoroughly the community is divided about this. So he says that any racial preference corrupts one of the spheres he has constructed—the sphere of “office”—in order to serve the sphere of welfare, and thinks he needs no better argument than that. He is bewitched by the music of his own Platonic spheres.

Criticism of Walzer’s idea of complex equality must not end here, however, because his theory is not only unhelpful but

finally incoherent. It ignores the “social meaning” of a tradition much more fundamental than the discrete traditions it asks us to respect. For it is part of our common political life, if anything is, that justice is our critic not our mirror, that any decision about the distribution of any good—wealth, welfare, honors, education, recognition, office—may be reopened no matter how firm the traditions that are then challenged, that we may always ask of some settled institutional scheme whether it is fair. Walzer’s relativism is faithless to the single most important social practice we have: the practice of worrying about what justice really is.

So a theory that ties justice to conventions would not be acceptable even if it were available to us. Walzer sometimes seems to suggest that the only alternative is the “simple” equality he dismisses, which requires that everyone have exactly the same share of everything. But no one argues for that: no one suggests that punishments or Nobel prizes should be distributed by lot. Few egalitarians would even accept simple equality in income or wealth. Any defensible version of equality must be much more subtle; it must permit inequalities that can be traced to the choices people have made about what kind of work to do, what kinds of risks to take, what kind of life to lead.*

But we need to argue for any theory of justice of that kind, by finding and defending general, critical principles of the appropriate sort. So Walzer’s book provides a wholly unintended defense of the style of philosophy he wants to banish. His failure confirms the instinct that drives philosophers to their formulas and artificial examples and personal intuitions. Perhaps we have gone too far in that direction. Mathematical preference functions, fictitious social contracts, and the other paraphernalia of modern political theory do sometimes blind us to the subtle distinctions Walzer teases out of history. Political philosophers who reflect on his historical studies—particularly his demonstration of how different societies have conceived very different resources as needs—will be more imaginative about the possibilities of social arrangements in our own society.

In the end, however, political theory can make no contribution to how we govern ourselves except by struggling, against all the impulses that drag us back into our own culture, toward generality and some reflective basis for deciding which of our traditional distinctions and discriminations are genuine and which spurious, which contribute to the flourishing of the ideals we want, after reflection, to embrace and which serve only to protect us from the personal costs of that demanding process. We cannot leave justice to convention and anecdote.

Letters

'Spheres of Justice': An Exchange July 21, 1983

* In a recent issue of this review I described a version of equality more complex than simple equality in that way: "Why Liberals Should Believe in Equality," The New York Review, February 3, 2014

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