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Principles of Social Justice

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David Miller

Social justice has been the animating ideal of democratic governments throughout the twentieth century, yet existing theories by political philosophers have failed to capture the way people in general think about issues of social justice. In this book, David Miller argues that principles of justice must be understood contextually, with each principle finding its natural home in a different form of human association and reflecting the complexity of modern society. Miller uses empirical research to demonstrate the central role of three primary principles—desert, need, and equality—in social justice. He then analyzes each concept, defending principles of desert and need against a range of critical attacks, and exploring instances when justice requires equal distribution and when it does not.

"As with all David Miller's work, a high level of scrupulousness marks *Principles of Social Justice*. He remains unswayed by ideological and philosophical background noise—no mean feat with this topic—and, as always, displays a distrust of grand generalization. The exposition, lucid and wholly unpretentious, is a model of its kind. And [illegible] is impressively sustained throughout, with some particular [illegible]arks about the role of luck in judgments of desert, and about [illegible]e of procedures to just outcomes."

—Glen Newey, *Times Literary Supplement*

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to develop a theory that should convince people that they ought to change the way they think and behave in certain respects. Although these enterprises ought to be complementary, there may also be a certain tension between them. To the extent that empirical research reveals that people are locked into beliefs about justice that they hold for bad reasons, it may come to seem somewhat pointless to develop a normative theory of justice.[39] Even if the theory is justifiable by common methods of argument, what good is that if the evidence shows us that people are in fact very unlikely to change their beliefs when confronted by the theory? Philosophers are perhaps professionally disposed to think that people hold their beliefs for reasons, and can be persuaded to change these beliefs when presented with better reasons, whereas sociologists and social psychologists are likely to see both beliefs and behavior as powerfully influenced by relatively fixed factors such as personality traits and class location.[40] Only a very strong form of social determinism, however, would make the social philosopher's task practically redundant, and the evidence does not support this. Indeed, the evidence suggests not that people are locked into fixed beliefs about justice, but that there is a very considerable degree of indeterminacy in many of their specific beliefs (they can, for instance, quite easily be triggered into aligning themselves with one or the other side of a disputed issue by the framing effect of a particular question).[41] To that extent they are ripe targets for a normative theory that works the findings of empirical research into a consistent whole.

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Distributive Justice: What the People Think

Having seen why a theory of justice needs to be grounded in evidence about how ordinary people understand distributive justice, we must now sift the evidence to see whether the theory sketched in Chapter 2 stands up. There is, in fact, a great deal of relevant evidence, which can be classified along two dimensions. Researchers may be interested in how distributive justice is understood in small-group contexts, or they may be interested in justice across whole societies (say, in the justice of the income distribution in a country such as the United States). By the same token, they may be concerned with *beliefs* about justice—what people will say is just or fair—or with people's *behavior* when asked to allocate some valuable resource. If we juxtapose these two dimensions, we create four boxes into which the existing research can be placed.

In a small-group setting, it is possible either to ask people to assess a distribution—say, a distribution of rewards following the carrying out of some task by the members of the group—or to perform the distribution themselves. On a society-wide scale, we can examine beliefs by, for instance, presenting people with different arrays of income distributions and asking them how fair they think they are, and we can examine behavior by looking at how institutions do in practice allocate resources (for instance, by considering how firms set pay scales for their employees). Each approach has its strengths and its weaknesses as a way of getting at what people really think about justice. When focusing on expressed beliefs we risk picking up what might be called "Sunday-best" beliefs, that is, the views that people think they ought to hold according to some imbibed theory, as opposed to the operational beliefs that would

guide them in a practical situation. If behavior is the focus, by contrast, then we are likely to find mixed motives at work, with the attempt to do justice contaminated, for instance, by self-interest. Thus an allocator in a small-group situation may distort justice to get more reward himself (or conversely, as some experiments suggest, he may bend justice in the other direction in order to be seen as generous to his co-members). Again pay scales in industry are likely in practice to represent a compromise between what may generally be regarded as fair reward differentials between workers with greater or lesser skills and responsibilities and the bargaining power wielded by different sections of the workforce.[1]

Turning to the contrast between justice within groups and justice across societies, small-group research gives the researcher the greatest freedom to set up the experiment so that unwanted influences are excluded, but it also raises the question how relevant distributive decisions in small groups are to wider questions of social justice: do people in fact use the same criteria when allocating resources among two or three individuals as they do when assessing, let us say, the justice of a capitalist economy?[2] On the other hand, looking directly at beliefs about macro-justice runs the risk of introducing too much contextual constraint into the answers that people give. For instance, if we ask people what an ideally fair distribution of income across society would be, their answers may be influenced by their perceptions of the current distribution; or if we ask them what responsibility society has to meet people's needs, they may draw for their answers on existing welfare practices.

Although for these reasons we should always be cautious in the inferences we draw from any particular piece of research about distributive justice, by combining the evidence we may still be able to produce a general picture. In particular, when we find convergence in the results of research that falls into different boxes in the micro-macro, beliefs-behavior matrix, we should feel confident that we have discovered something about how people understand justice that is quite general and is not tied to a particular form of investigation. My task here will be to try to unearth common elements of this kind. As I indicated in the last chapter, any undertaking of this kind depends upon some prior assumptions about which beliefs and which behavior can be regarded as expressing people's sense of justice. Having taken *principles of desert, principles of need,* and *principles of equality* to be the main constituents of distributive justice, I shall attempt to establish two claims: first, that people's views of

justice are pluralistic, and that very often people decide what a fair distribution consists in by balancing claims of one kind against claims of another; second, that the social context in which the distribution has to be made—or more precisely how that context is perceived by those making the judgment—will determine which principle stands out as the relevant principle to follow.

The review that follows does not aim to be comprehensive. In particular, it does not aim to cover two aspects of popular thinking about justice that are very important from a practical point of view. One aspect concerns the just distribution of specific goods such as housing or medical treatment. It seems likely that both people's intuitions about how such goods should be distributed, and the practices that have evolved to effect such thinking, will vary from good to good.[3] I shall focus instead on generalized resources, such as money, that do not immediately invoke any particular beliefs about how they should be distributed. Another topic that I shall neglect here is beliefs about procedural justice—beliefs about what counts as a fair procedure for deciding on the allocation of a certain good. Again, beliefs of this kind carry a good deal of weight in practice, and I shall return to them in Chapter 5. Here the focus will be on outcomes, that is, on which final distribution of resources people in different situations will regard as just.

WHEN WE COMPARE DESERT, need, and equality as criteria of distribution, we find one point of contrast between the first two and the third. Whereas appeals to desert or to need to justify a distribution must imply that these considerations carry positive moral weight, equality may be invoked on grounds of simplicity or convenience rather than because an equal distribution of resources is regarded as substantively just. We may run into difficulty when trying to determine how to divide resources in such a way as to match the different deserts or needs of several individuals. Alternatively, if we are told that several people have made different contributions to achieving some goal, but are not told how big those contributions are—or do not have much faith in the information we have been given—we may opt for equality as the fairest distribution available. Exactly the same reasoning applies in a case in which needs may be different but we do not have reliable information about what the differences are.[4] Thus, when we find people opting for equality in preference to one of the other two principles, we need to ask whether an equal

distribution is being valued positively as the fair distribution in the circumstances, or whether it is being chosen by default.

There has been much research at the micro-level on the factors influencing people's preference for distribution according to desert on the one hand or equality on the other.[5] In a typical scenario a number of people engaged in some activity have made contributions of different sizes, and respondents are asked to allocate income or other rewards, or to say what they think a fair allocation would be. Sometimes subjects are made to believe that they are participants themselves; sometimes they are simply asked to make an external judgment. Contributions may be quantified so that subjects have the option of following a proportionality rule in rewarding them. Under these circumstances the general rule is that the subjects will take account of desert in allocating rewards, but their commitment to this principle is moderated by a number of factors.

These factors appear to operate through the perceived character of the group within which the distribution is to take place. To the extent that the group is seen as made up of independent individuals whose relationships to one another are simply instrumental, the desert principle is employed. To the extent that group solidarity emerges, the preferred distribution is shifted toward equality. Some experiments contrast team activities, such as soccer, with activities involving separate individuals, such as long-distance running. Asked to allocate bonuses to successful performers, people will opt for a greater degree of equality in the team case.[6] The assumption here, presumably, is that joint activity creates a degree of camaraderie that makes greater egalitarianism appropriate. Similar results are found when subjects are given work tasks that are either competitive or cooperative in nature.[7] Moreover, it can be shown that the *experience* of working cooperatively tends to shift people who originally favor the contribution principle toward greater support for equality.[8]

Another approach is to focus more directly on the quality of interpersonal relations within the group. This can be done either by characterizing the group as a circle of friends or by providing information which suggests that members of the group share similar attitudes. Here again, respondents are drawn to equality in place of differential desert when distributing within like-minded groups (this effect is particularly marked in the case of those who have performed better than others and therefore stand to gain more from following the contribution principle).[9]

There is one qualification to this. Fairness requires that when the size of contributions depends on each person's efforts, people who make less effort should receive less reward.[10] The explanation for this is presumably that in "friendship" contexts, there is a norm that each person should exert him- or herself on behalf of the group; thus people who break the norm should be sanctioned by receiving less income. In this setting, in contrast to instrumental settings, it is not that there is something positively valuable in reward being proportional to contribution, but rather that free-riders must pay a forfeit.

Two further factors help to shift the criterion of justice from desert toward equality. One is expectations about how long the group will remain in existence. Temporary groups tend to favor the contribution principle, whereas people who expect to interact with their partners in the future are more favorably disposed toward equality.[11] The other is discussion within the group. Groups who are permitted to decide for themselves which distributive principle to adopt are more likely to favor equality.[12]

It seems fairly clear that these findings all point to the same underlying contrast, referred to above, between "groups" that are made up of separate individuals either competing with one another or having merely instrumental relations, and groups in which there is a sense of common identity and solidarity. For groups of the first kind, justice is done when what each takes out is proportional to what he or she has put in; groups of the second kind, by contrast, see equal distribution regardless of inputs as appropriate (since we have not yet considered cases in which need differences are relevant, it is not clear thus far whether equality is being valued *per se*, or whether it is being used as a proxy for distribution according to need). This general result also has an interesting converse, namely, that when asked to choose the principle of distribution they think most likely to realize specified group goals, people who are instructed to raise efficiency, productivity, and so on will suggest the contribution principle, whereas those asked to promote group harmony and good working relations will opt for equality.[13] Thus the distributive principle chosen not only *reflects* the character of group relations but also helps to constitute those relations for the future.

Thus far I have been looking at factors affecting the desert-equality choice without specifying the precise basis of desert that is being used (I have spoken about "contribution," but that is helpfully ambiguous as

between the size of the product someone creates and the part of the product for which he or she is personally responsible). Some experimental studies have, however, attempted to isolate the aspect or aspects of contribution thought to deserve reward.[14] Usually distinctions are made among ability (the talents or capacities someone brings to a performance), effort expended, and the performance itself (how much is actually produced or achieved). The upshot is that ability *per se* tends to be discounted as a basis for desert (unless the ability is seen as being a result of previous efforts, as in the case of voluntary training), whereas desert is assessed through some amalgam of performance and effort. That is, people judge that the appropriate reward depends on what each person achieves, but they qualify this to some degree when presented with data about effort so that it is possible for a person who achieves less but tries harder to deserve more than another who tries less but achieves more. Effort does not obliterate achievement, however: with effort held constant, the one who achieves more deserves more; thus presumably the view is that ability can count toward desert when it is combined with effort, but not when it stands alone.[15]

Here one is tempted to ask, which counts for more, effort or achievement, when practical desert judgments are made? I am not sure that this question can be answered sensibly, since it would first be necessary to establish comparable scales for measuring the two inputs before we could analyze their impact on judgments of desert. Moreover, even if there is some natural solution to the first problem, the answer may vary from case to case. In the first of the two experimental studies referred to above, subjects had to assign deserved rewards on the basis of performance in a high jump.[16] They were told about jump performance (high or low), effort (greater or lesser), bodily capacity (shorter or taller), and training, and could assign rewards on a scale from 0 to 100. Leaving training aside, this produced a scale running from about 95 (high jump, greater effort, shorter body height) to about 28 (low jump, lesser effort, taller body height) at the other extreme. Ratings of deservingness were affected most strongly by performance and effort, with effort slightly the more prominent—with the other factors held constant, shifting from lesser to greater effort increased the rating by about 35 points on average, while shifting from low to high jump performance increased the rating by about 27 points on average. The subjects were instructed in such a way, however, as to suggest that the rewards were also to act as incentives, which perhaps explains the weight given to the factor that was directly subject to voluntary control.

In the second experiment subjects, given information about exam performance, immediate effort, usual level of effort, and ability, had to award stars to hypothetical schoolchildren.[17] In this case exam performance had the biggest effect on the fair allocation of stars, with immediate effort second. Here the instructor's emphasis was on "conveying information back to the pupil" via the star system, and in this context it appears that the due recognition of achievement became the main priority. So, given some intuitive grasp as to how effort and achievement should be quantified relative to each other, the question "which counts for most" will be answered differently according to the context of distribution and perhaps also the nature of the stuff that is being distributed.

It is interesting to compare these empirical findings with the prevailing views of political philosophers on the subject of desert. As I note in Chapter 7, it is a common view among philosophers that people can be genuinely deserving only on the basis of features such as effort that are subject to their voluntary control. I shall defend the alternative position, that although people must be responsible for their performances in order to be deserving, the performance that forms the basis of desert may also require personal characteristics such as native ability that are not voluntarily chosen. Popular opinion seems to be pulled in two ways on this issue—in some cases people will base personal desert on the level of performance that someone achieves, in other cases they will look inside the performance as a whole in an attempt to see what was directly under the control of the performer. In other cases still, we find some compromise between the two positions.

UP TO THIS POINT I have been looking at attitudes toward desert and equality in small groups. How significantly do things change when people are asked to make judgments of fairness about society-wide distributions of resources? In such cases we find the same broad pattern of beliefs, with the principle of reward according to contribution dominant but offset to some degree by egalitarianism. For instance, when people are asked to react to the proposition "The fairest way of distributing income and wealth would be to give everyone equal shares," we find up to about one-third of respondents agreeing. Much smaller numbers opt for equality, however, when forced to *choose* between the statements

"Under a fair economic system all people would earn about the same" and "Under a fair economic system people with more ability would earn higher salaries."[18] There are several reasons people may reject equal incomes: they may believe that, as a matter of justice, people deserve unequal rewards; they may think that unequal incomes are needed to provide incentives for hard work; they may think that people have different tastes and preferences and therefore ought to have the freedom to earn the amount of income needed to meet these varying desires; or they may simply believe that because of human cupidity equality would be impossible to maintain. In fact it seems likely that these lines of reasoning will be run together, making it difficult to say unequivocally that a particular person is appealing to justice as desert as opposed, say, to a claim about the necessity of having incentives. Thus we must treat the survey evidence with caution. But it is interesting that, at least at the level of verbal responses, all these arguments are represented.[19]

In a British survey, for instance, 95 percent of respondents agreed with the proposition "People who work hard deserve to earn more than those who do not," and 84 percent with the proposition "People would not want to take extra responsibility at work unless they were paid extra for it."[20] Similar questions about the need to reward responsibility and the acquisition of professional skills asked in the International Social Survey Programme typically attracted agreement rates of between 70 and 80 percent.[21] In a Swedish survey 75 percent of the sample agreed to the responsibility proposition.[22] In an American study, 78 percent of respondents agreed that "under a fair economic system, people with more ability would earn higher salaries," and 85 percent affirmed that "giving everybody about the same income regardless of the type of work they do would destroy the desire to work hard and do a better job."[23] The third and fourth considerations referred to above are represented by propositions such as "If incomes were more equal, life would be boring because people would all live in the same way" (61 percent agree, 39 percent disagree) and "Incomes cannot be made more equal because it's human nature to always want more than others" (82 percent agree, 18 percent disagree).[24] It is clear from these responses that large majorities of people cross-nationally have a favorable attitude toward economic inequalities that serve to reward and motivate people and that recognize skill and training.

Another way of approaching this question has been to present people with a series of vignettes in which a hypothetical person is described (occupation, marital status, and so on) together with his or her income. Respondents are then asked how over- or underpaid they think that person is. By aggregating the answers it is possible to construct a picture of what, in the respondents' eyes, a fair distribution of income would look like.[25] Such studies reveal that a fair distribution would be substantially inegalitarian; in an American study conducted in 1974, the set of fair incomes for individuals ranged from $7,125 at the bottom to $18,447 at the top. (This fair range of incomes is considerably narrower than the range of incomes that actually exists, a point whose significance I shall return to shortly.) The grounds for discrimination were not always based on desert: the vignette descriptions included factors such as sex, ethnicity, and number of dependents, and so it is reasonable to assume that respondents were judging what would be a fair income for a particular individual, all things considered. Two desert-related factors—occupation and educational attainments—were included, however, and both were strongly correlated with differences in fair income, with occupation having the larger impact. Indeed, occupation was by a considerable margin the most significant factor affecting judgments of fair pay.[26]

Other studies have asked people simply to judge which pay differences between occupations are fair. A survey of leaders in American political groups produced in the aggregate a scale of fair pay running from $7,954 at the bottom (for an elevator operator) to $95,230 at the top (for a chief executive); most of the groups studied favored top-to-bottom income ratios of between 9 and 12 to 1.[27] This still represented a considerable narrowing of existing differentials as perceived by the respondents, but clearly the overall pattern is substantially more inegalitarian than that presented by the vignette studies, where the top-to-bottom ratio is less than 3 to 1. This can be explained in part by the fact that the vignette studies ask for a fair income for an *individual*, with specified needs as well as deserts, whereas the occupational studies ask simply what people in various occupations deserve to earn; in part by the fact that the top job in the former case is a lawyer whereas in the latter case it is a top executive;[28] and in part by the fact that the occupational studies ask people first about actual pay and then about fair pay, thus perhaps biasing their judgments toward the status quo, whereas the vignette studies confront people with randomly assigned incomes and ask them to make

judgments of under- or overpayment, thus perhaps biasing the final distribution toward the center point.[29]

Because of these difficulties, we cannot say definitively what range of earned incomes people would judge to be fair; indeed, it is very doubtful whether people themselves have a precise idea. We can say with some confidence that it would be substantially inegalitarian, but at the same time a good deal less inegalitarian than that which currently obtains in capitalist societies, even if we discount unearned incomes. Nor can we identify on the basis of the survey evidence the precise factors that lead people to say that one individual deserves to earn more than another. Here we need to turn to a different kind of evidence, such as that contained in Jennifer Hochschild's reports of intensive interviews with a small number of subjects.[30]

We may begin with education as a possible basis for desert, in view of the fact that it appears in the vignette studies and that several of Hochschild's interviewees mention it as a reason some people deserve more income than others. On closer inspection, however, it appears that education serves as a desert basis only at one remove, so to speak. Someone who acquires an education acquires skills that ought to find expression in more demanding and responsible work. Without that mediating factor, however, education does not entitle people to extra income. In a study conducted by James Kluegel and Eliot Smith, respondents were asked if, when two people are doing the same type of work, the more highly educated of the two should be paid more. The majority of respondents (73 percent) thought not.[31]

Of factors more directly related to work, we may single out occupation, effort, and results achieved. Hochschild's interviewees shift among these possibilities. Maria, a cleaner, "insists that hardworking janitors deserve more than lazy ones, but even lazy doctors deserve more than both."[32] Vincent, a factory worker, thinks that foremen should earn more than unskilled workers, but he also thinks that all workers on the same job should earn the same: "this one will do a little more than this one, and yet this one is still doing his best that he can do. You can't knock a guy for not putting out as much production as the next guy. Because everyone is not alike."[33] Pamela, a secretary, in rapid succession "invokes compensation, skill, responsibility, effort, and training as justifications for a large reward. But if these criteria clash instead of concurring, productivity supersedes effort in her eyes."[34] Such shifts appear to confirm

the conclusion that people are torn between the view that we deserve reward for what we achieve and the view that we deserve reward only for what is within our control, that is, our efforts and choices.

So far we have been exploring the nature and extent of popular commitment to desert criteria in judgments of social justice. But there is also a tendency to equality even in judgments about the overall pattern of economic distribution. This tendency manifests itself in two main ways: first, in the view that the current spread of incomes is too great, and that a fair distribution would compress this range somewhat; and second, in the concern that people at the bottom end of the scale are not earning a "living wage," that is, a wage adequate to maintain a decent standard of living.

The first view is not so much a challenge to the idea of desert as an opinion about the extent to which people do in reality differ in their deserts. I noted above that both the vignette studies and to a lesser extent the studies of occupational pay produce a narrower range of "fair" incomes than the existing range. Support for this conclusion can also be found in the attitude surveys. When a sample of Americans was asked to choose not simply between equality and inequality in income, but among "complete equality," "more equality than now," "the same as at present," and "more inequality," "more equality than now" finished a close second (38 percent) to the status quo (52 percent).[35] The broader proposition "Efforts to make everyone as equal as possible should be increased" attracted the support of 57 percent of respondents, as compared with the 10 percent who thought they should be decreased.[36] In a British study, the proposition "Differences in pay between the highly paid and the lowly paid are too great" was assented to by 76 percent of respondents.[37] At the same time, however, the idea of a politically determined ceiling on incomes attracts little support in these countries.[38] This suggests that what is fueling moderate egalitarianism of the kind we are now considering is not the idea that no one could conceivably deserve, say, $250,000 a year, but rather the belief that most of those who now earn very high salaries do not in fact deserve to be paid as much as they are. Confirmation of this suggestion can be found by looking at the occupations whose pay was felt to be unfairly high or low. Groups generally thought to be unfairly overpaid included government officials, landlords, corporate executives, doctors, professional athletes, and movie stars. Groups thought to be unfairly underpaid included white-collar

workers, nonunionized factory workers, teachers, and professors.[39] Together these beliefs point to a somewhat more compressed income distribution than that which currently obtains.

I have suggested that this very modest degree of egalitarianism may stem not from abandoning desert criteria but rather from applying them to a situation in which the economic system is seen to over- and underreward various occupational groups. There is, however, another strand to this argument that appears when people are asked about various possible benefits of equality. The only proposition of this kind in the Kluegel and Smith study to attract majority assent is that "more equality of incomes would lessen social conflict between people at different levels."[40] Here, then, we see reproduced at the macro-level the connection we discovered at the micro-level between group harmony or solidarity and equal distribution. But it is hardly surprising that this fails to become a major theme in discussions of income inequality (it surfaces only occasionally in Hochschild's interviews, for instance). Income is primarily earned in the economy, and the economy is predominantly a sphere of instrumental and/or competitive relationships. Thus if we are to discover support for egalitarianism at the macro-level, we must look for it in a different place.

Let me turn now to the question of low incomes. There is a common view that people at the bottom of the income scale are somehow being prevented from receiving what they deserve. For instance, the proposition "Most of the people who are poor and needy could contribute something valuable to society if given the chance" attracts overwhelming support (78 percent in favor, 7 percent against).[41] Alongside this we should put the finding from the vignette studies that the floor for perceived fair pay was considerably higher than the actual floor; that is, that occupations at the bottom of the income scale would be perceived as substantially underpaid if the facts were known.[42] Putting these two beliefs together, we can derive the conclusion that if everyone got what he deserved—if everyone had a fair chance to enter the labor market, and then was paid a fair rate for work performed—all workers would be in a position to earn an income that was adequate to meet their routine needs.[43] (One practical manifestation of this is the widespread support for government-sponsored job-creation schemes, which are far more popular than, for instance, guaranteed-income schemes.)[44] This attitude, which entails that following desert principles would eliminate a major cause of poverty, does seem to coexist alongside the attitude that the poor are to blame for their own predicament, and that is influential in perceptions of welfare provision. Thus beliefs here are somewhat ambivalent.[45] But it is important to note, in concluding our discussion of desert and equality, that applying desert criteria to current income distributions would in most people's eyes not only compress the range somewhat but also raise the floor quite sharply.

SOCIAL PSYCHOLOGISTS HAVE DONE far less research on need-based principles of justice than on the desert-based principles considered thus far.[46] As noted, when an equal distribution of resources is preferred to some alternative, it is often unclear whether equality is being valued for its own sake, or as a proxy for another principle. Thus if people choose equality over contribution as a mode of distributing money rewards, they may be exhibiting a concern that people's needs should be satisfied equally. But this could only be a tentative hypothesis: only an experiment in which equality and distribution according to need were presented as *alternatives* would give us decisive proof. Few experiments have addressed this question.

How might we separate social contexts in which need is the preferred distributive principle from those in which equality is favored?[47] In order for need to be used as the criterion, people have to be prepared to reveal enough about themselves to allow relative needs to be assessed, and others have to be confident that what has been revealed is reliable. This suggests that a fairly high degree of trust is usually required before need criteria can be used effectively. As Gerold Mikula and Thomas Schwinger have pointed out, by revealing himself to be in need, a person runs the risk of lowering his standing in the eyes of the group, and also of acquiring an open-ended obligation to reciprocate by helping other members of the group when they in turn are in need.[48] The implication is that greater solidarity will usually be required to underpin the need principle than the equality principle. If competitive or instrumental relationships encourage the use of desert criteria of distribution and highly cooperative or solidaristic relationships provoke the use of need criteria, equality may be appropriate to groups that display enough solidarity to make their members forgo claims based on differential contribution, but not so much that they are willing to go beyond mechanical equality to take account of individual circumstances.

There is limited evidence to support this last conjecture directly. In one experiment, subjects were asked to divide a monetary reward between two students who had contributed equally to a common task; one of the students was described as needing extra money to buy books for a course.[49] A few subjects advocated equal distribution, but most favored giving the needy student the money he required before distributing the surplus.[50] This, of course, shows a general willingness to take need into account when distributive decisions are made. Of particular relevance to our conjecture, moreover, is the fact that describing the students as like-minded and friendly, rather than as distant associates, increased respondents' willingness to shift from equality to need as the distributive criterion. Although they were being asked to apply a rule from outside, as it were, they were presumably choosing the rule that they thought appropriate to the situation of the people between whom they had to achieve justice.

Does it matter that the relevant difference was a difference in *need* as opposed to simply a difference in preference or utility? Here it is possible to cite some research that demonstrates quite clearly that popular belief embodies such a distinction.[51] Subjects were asked to distribute a dozen grapefruit and a dozen avocados between two individuals, Smith and Jones. In one variant they were told that Smith and Jones were interested solely in deriving a certain vitamin from the two fruits, but were able to convert grapefruit and avocado into the vitamin at different rates. Presented with a number of assignments representing different possible distributive criteria, respondents overwhelmingly selected the one that gave the respondents the highest equal amount of vitamin—as opposed, say, to an equal assignment of *fruit*, or an assignment that maximized the overall amount of vitamin extracted.[52] In a second variant, the numerical values remained the same, but subjects were told that Smith and Jones derived different amounts of utility from the fruit, as represented by the amount of money they were each prepared to pay for a grapefruit and an avocado. The pattern of responses was radically different in this scenario. The proportion favoring equal welfare fell from 82 percent to 28 percent, and the most favored option was now that which maximized overall utility. We can sum up this finding as follows: wherever needs are at stake, people will aim to equalize degrees of unmet need, which means distributing in favor of those in greater need until they are brought up to the same level as others; wherever tastes are at stake, they are much more

inclined to favor individuals who can derive the most utility from the item in question at the expense of equality of welfare.[53]

In micro-contexts, as we have seen, people are willing to allocate according to need when they have the opportunity to do so; they draw distinctions between needs and tastes or preferences; and there is some evidence to back the conjecture that the group context most favorable to this distributive principle is one characterized by a high level of mutual sympathy and trust. One issue left unresolved is whether distribution according to need is regarded as a matter of justice or as a matter of generosity or humanity. In most of the research in this area, people are simply asked to express allocation preferences; they are not asked to say whether their preferences are governed by fairness or by humanitarianism. Indeed, there is a tendency on the part of the researchers to conflate these two motivations.[54] A variant of the student-book experiment described above, however, tried to isolate the role played by justice.[55] One group of subjects was asked to allocate resources between the two students in as just a way as possible, whereas a control group was asked simply to recommend an allocation with no mention of justice. Interestingly, when the students were described as distant associates, the justice group gave greater weight to need than did the control group, whereas when the students were described as close friends, the justice group gave *less* weight to need than did the control group. One possible interpretation is as follows. The first finding confirms that unequal distribution on the basis of need (giving more to the needier student) may be seen as required by justice, so that introducing the imperative to act justly brings this norm into play even when relationships are primarily instrumental in character. The second finding suggests that in contexts of friendship or solidarity, the need principle may reach beyond justice in the direction of generosity; here introducing a justice motif caused the subjects to balance the fact that the students had unequal needs against the fact that they had made equal contributions to the task at hand. In this case their generosity was reined back and they gave the needier student more than half the fee, but less than was required to satisfy his needs in full.

If this interpretation is correct, people distribute on the basis of need partly for reasons of justice and partly for reasons of generosity and humanity, and their preferences and allocation behavior are both likely to be ambiguous. This ambiguity has been reflected in the literature of political philosophy, where some have argued that the claims of need are

claims of humanity or benevolence rather than of justice; others have taken the opposite view.[56] The research considered thus far does not allow us to say which view is closer to popular opinion.

One test of the distinction between justice and humanity is whether those in need are regarded as having enforceable claims to the resources that will meet their needs, and correspondingly whether potential donors are regarded as being under enforceable obligations to provide those resources. With this test in mind I turn now to macro-beliefs: must a society provide for its needy members in order to count as just? Provisional answers to this question can be found by looking at attitudes toward public welfare provision. A large proportion of the population supports such provision, at least in the case of certain needs. For instance, American respondents (whom, because of their generally individualistic outlook, one would expect to be the least favorable to welfare measures) supported by large majorities government provision of pensions, health care, and relief for those unable to support themselves.[57] Similar attitudes are displayed by British respondents.[58] Two caveats must immediately be added, however. First, support for state provision is consistent with the belief that people should be able to make private provision for pensions, health care, education, and so on.[59] Thus what we have here is not necessarily the view that certain goods and services *must* be distributed on the basis of need, but rather the view that society has a responsibility to meet needs up to a certain level, while there is nothing wrong with some people's choosing to buy superior provision.

Second, people tend to be strongly concerned that the needy not be responsible for their neediness, either in the sense that they have brought their needs upon themselves, or in the sense that they could escape them with a little effort. This concern lies behind skepticism about welfare payments, which manifests itself in the view that too much money is going to people who are needy only because of their own laziness or fecklessness.[60] Thus, as a number of authors have observed, the nineteenth-century distinction between the deserving and the undeserving poor is still alive and well. Putting the point more formally, we see desert criteria taking a certain precedence over need criteria, not in the sense that the distributive claims of desert must necessarily outweigh those of need, but in the sense that people must show themselves to be sufficiently deserving before their needs are allowed to count from the point of view of justice.

Is there agreement about what should count as a need? Old age, disability, and sickness provide uncontroversial cases, but can need be extended to other factors less tied to physiological criteria? In their study of poverty in Britain, Joanna Mack and Stewart Lansley approached this question by asking people to divide a list of items into those that were "necessary" and that adults "should not have to do without" and those that were "desirable but not necessary."[61] The results showed that the distinction was not hard and fast. At one end there was overwhelming consensus that such things as a heated house, a bath, and a bed were necessities; at the other end there was a general view that a car and a night out once a fortnight were not. In between opinion was evenly divided on the question whether a television set was a necessity or a luxury. For the most part these responses were independent of the subject's own standard of living and possession or nonpossession of the particular item in question. Thus even if we do not find a hard and fast definition of "need," there is at least a consensus about a spectrum that runs from indisputable needs through borderline needs to indisputable desires.[62]

Given that people believe (with some important qualifications) that a society's public arrangements should ensure that needs are met, and there is reasonable agreement about what counts as a need, can we say with confidence that the meeting of needs is regarded as a matter of social justice? Some doubt emerges when people are asked whether they are prepared to carry the tax burden of helping the needy. Here the generally favorable attitudes toward welfare provision noted above are counterbalanced by a reluctance to bear any significant increase in taxation. For instance, Mack and Lansley found widespread support for the general proposition that it is important to increase government spending to tackle poverty. They then went on to ask a more revealing question, namely, how big an increase in the standard rate of income tax respondents would be willing to accept if this would enable everyone to afford the items they themselves had listed as necessities. Seventy-four percent said they would accept a rise of 1p on the pound, and 20 percent said they would not. When asked about a rise of 5p on the pound, however, respondents showed a sharp reversal of opinion, with only 34 percent in favor and 53 percent against.[63]

This very marked sensitivity to the cost of welfare provision is precisely what one would expect if popular opinion were grounded in altru-

ism rather than in social justice. People are trading off concern for the deprived against personal consumption, and are showing some reluctance to cut back significantly on their own consumption to provide for others' needs. If, by contrast, welfare were thought of as a demand of justice, then people should be willing to support tax increases up to whatever level proved to be necessary to provide it, subject only to constraints of feasibility.

One reason that it is easier to get unequivocal commitment to need criteria of justice in small-group settings than in macro-judgments about social justice may be that the character of small groups is more easily manipulable. We can arrange things so that the participants enjoy, or believe that they enjoy, a high degree of solidarity. When people make social judgments, their feelings of solidarity toward their fellow citizens are inevitably compromised by the co-presence of the prominent instrumental relationships that prevail in a market economy. Thus the claims of need will always be vulnerable to challenge by the claims of desert once we move outside a small-group context (we have already seen, in the case of welfare provision, how this challenge may make itself felt in practice). One way of avoiding the ensuing conflict of principles is to downgrade the claims of need so that they are no longer seen as claims of justice. This may explain the ambivalence we have unearthed in popular opinion. The needy have a fair claim to be helped, and I can help them. But wait, I also have a fair claim to the resources I have earned in the marketplace. So perhaps the needy can only call on my generosity.[64]

UP TO NOW I have been looking at how people switch among principles of desert, need, and equality when asked about fair distribution in different contexts, and also at how they balance the principles against one another when, say, both desert and need considerations are made relevant to a particular decision.[65] Popular conceptions of justice turn out to be pluralistic in both these senses: no single principle seems able to capture all the judgments people make or the distributive procedures they follow. How, then, should we assess Rawls' claim that the distribution of income and wealth should be governed by the difference principle—that is, the principle that social and economic inequalities are fair insofar as they act to the greatest benefit of the least advantaged members of society? This principle is equivalent to the injunction to maximize the level of primary goods (such as income) enjoyed by those who hold the smallest share of such goods.[66] Does this principle find any support in popular opinion?

Rawls argues that people will select the difference principle from behind a "veil of ignorance" that deprives them of knowledge of how they in particular will fare under alternative distributive schemes. Early evidence suggested that placing people behind such a veil increased their readiness to support redistribution from more advantaged to less advantaged people.[67] More recently, Norman Frohlich and Joe Oppenheimer have conducted a series of experiments in which subjects ignorant of their own likely place in the reward schedule are asked to choose among four alternative principles for distributing income: maximizing the minimum income, maximizing the average income, maximizing the average income subject to a floor constraint (no income to fall below X), and maximizing the average income subject to a range constraint (the gap between top and bottom incomes not to exceed Y).[68] These principles were illustrated by different schedules for distributing annual income, and the participants were then set to work on a specific task whose remuneration was fixed according to one or another schedule. Thus the judgment they were called on to make combined the narrower question "Which scheme would you prefer to work under?" with the broader question "Which scheme is fairest for society as a whole?"

Besides asking for individual rankings of the four distributive principles, the experimenters placed subjects in groups of five and asked them to reach agreement on a preferred principle (in order to simulate Rawls' notion of agreement in the original position). This produced the quite striking finding that although the difference principle (maximizing the minimum income) was the first choice of a very small minority of individuals (about 4 percent of the total sample), it was *never* selected as a group choice.[69] Instead, the overwhelmingly popular choice was to maximize the average income subject to a floor constraint. This was the individual first choice of two-thirds of the participants, and was selected by more than three-quarters of the groups. The second choice, but trailing far behind, was to maximize the average social income without either a floor or a range constraint.

The authors of these studies present their findings as confirmation of pluralism in beliefs about justice. Subjects were concerned on the one hand with ensuring that no one lived in poverty; on the other hand they wanted to ensure that the able and hard-working had a chance to reap

large rewards. These two concerns were best met by imposing an income floor and then maximizing the average salary that individuals could receive above it. The difference principle was rejected because it emphasized the first concern to the entire exclusion of the second. Moreover, "groups spent *considerable* time discussing the trade-offs between setting higher constraints on the floor (and thus lowering their total income) and setting lower constraints on the floor (and thus hurting those in the lower class). Most individuals wanted to balance the security of a higher floor with the possibility of increasing the average income in the hope that they might fall into one of the higher income classes."[70]

In a further variation of the experiment, Frohlich and Oppenheimer checked to see whether people's attachment to their principles was stable in the sense that they would continue to affirm them after experiencing their effects in practice (this addresses Rawls' concern about what he calls "the strains of commitment"). In this study, subjects performed their tasks, and income was redistributed through a tax and benefit system according to the principle that had been selected. The outcome was that subjects' commitment to their principles remained undiminished; in particular, belief in the desirability of an income floor was not weakened by having to pay a "tax" to maintain it for those who earned less.

How damaging are these findings to Rawls' attempt to justify the difference principle as a principle of justice? Broadly speaking, there are two strategies that a Rawlsian might pursue given this evidence. One is to challenge the use of laboratory simulations to represent the original position. The chief argument here is that the experiments do not place people in a real situation of risk, since the amounts they stand to gain or lose by adopting the various reward schedules are relatively trivial, whereas it is integral to Rawls' argument for the difference principle that it will be used to determine people's overall life chances.[71] If one followed this argument, however, it would be difficult to explain the strong preference for having a floor constraint as opposed simply to maximizing the average income, or indeed to explain the exchanges that took place in group discussion, where participants were expressing their concern for the life chances of different groups in society. It appears that the experiments did in fact succeed in inducing the relatively conservative disposition that Rawls thinks appropriate to the making of choices of this sort, but that this expressed itself in support for an income floor rather than

for the difference principle. The virtually unanimous rejection of the latter principle is arresting, and may perhaps confirm the view that such *prima facie* plausibility as it may have arises from a failure to distinguish between setting an income floor and maximizing the minimum level of income regardless of where that minimum falls. By presenting these as clear alternatives, Frohlich and his collaborators demonstrate that people's concern is to avoid the chance that they or others will experience serious deprivation, not to improve the position of the worst-off without qualification.

The other strategy open to a Rawlsian is to offer a defense of the difference principle that does not rely on the claim that it would be chosen by people ignorant of their personal characteristics and their place in society. As noted in the last chapter, Rawls has dissociated himself, in writings subsequent to *A Theory of Justice*, from an interpretation of the original position that would seek to generate principles of justice entirely from rational choice under conditions of uncertainty. Instead, he now regards the original position as a "mediating idea" that helps to bring our considered judgments into reflective equilibrium. The argument that he now offers in favor of the difference principle is "intuitive" and rests on the claim that departures from equality have to be vindicated to those who gain least from them.[72] Clearly the experiments of Frohlich and Oppenheimer become less relevant if such a strategy is adopted—though it is worth stressing their finding that the distributive scheme that maximizes average income subject to a floor constraint remains stable when people experience its results in a small-group setting, since this bears upon Rawls' claim that an adequate principle of justice must survive "the strains of commitment." More generally, the evidence surveyed throughout this chapter highlights popular attachment to desert as a major criterion for income distribution, and suggests that a distribution centered on this criterion is potentially more stable than one that aims to raise the position of the worst-off group regardless of considerations of desert and need.

ONE QUESTION THAT IS OFTEN ASKED about popular conceptions of justice is whether there is a broad consensus on what justice consists in (with, inevitably, a small amount of individual variation), or whether we find systematic differences emerging according to the subject's characteristics and background. If the latter is true, it might seem to throw in

doubt the project of building a theory of justice out of the materials supplied by popular beliefs. In this concluding part of the chapter, I will investigate two claims: that popular conceptions are driven by self-interest, and that such conceptions are adaptive, in the sense that they merely reflect the existing distribution of social advantages. The first claim is most easily examined by looking for occupational and class differences in beliefs about social justice; the second by looking at cross-national differences, to see how closely beliefs in country X mirror the status quo in country X.[73]

In its starkest form, the self-interest hypothesis would assert that people select whichever conception of distributive justice best serves their material interests. How might we test this hypothesis? Two places we might look are studies of wage bargaining and class differences in attitudes toward social inequality. When groups of workers negotiate with their employers over levels of pay, we do indeed find some evidence that the criteria of justice to which they appeal are affected by the collective self-interest of the group. Thus studies of the Swedish wage-negotiation system in its corporatist heyday reveal that the Lands Organisationen (LO) representing blue-collar workers favored norms of equality, arguing that wage policy should aim to reduce the range of differentials among different groups, and appealing to a concept of "difficulty" that incorporated risk and hardship as well as skill to set wage rates for particular jobs. The white-collar union organizations (TCO and SACO/SR) argued, by contrast, that incomes should depend on criteria of desert such as an employee's productivity, his or her level of responsibility, educational qualifications, and so forth.[74] In Norway we find a similar contrast between the egalitarianism espoused by the Norwegian Federation of Trade Unions and the appeals made by the Federation of Norwegian Professional Associations to the differential importance of different jobs.[75] Studies of the rationale advanced for wage claims by unions representing skilled and unskilled workers in Britain and Ireland reveal a similar pattern.[76] Thus we might be tempted to conclude that in such cases groups of workers are simply deciding the amount of pay their bargaining power will allow them to extract from their employers, and then looking around to find a norm of justice that supports their claim.

Such a conclusion would be premature, however. There is considerably more normative consensus about wage justice than there might appear to be at first sight, and self-interest makes its impact at a different point. Let me propose three norms that I believe would command near-

universal agreement. The first is that jobs with equivalent content should receive equal pay, regardless of who does them or in which economic sector (public or private, for instance) they work. The second is that every job should provide its holder with "a living wage," that is, sufficient income to allow the job-holder to meet a set of (conventionally defined) basic needs. The third is that jobs should be paid at significantly different rates on the basis of a range of desert criteria such as skill and responsibility, and also should provide compensation for factors such as physical hardship and danger. Indeed, there is sufficient agreement on this point to allow people, whatever their own jobs, to produce consensual rankings of jobs requiring different levels of skill and so forth in order of the incomes they ought to command, from unskilled workers at the bottom to doctors or company chairmen at the top.[77]

People disagree little about what justice requires at this general level. Differences begin to appear when they are asked to say *by how much* the income of the higher-ranked jobs should exceed that of the lower-ranked. Within countries we find small but significant disagreements on this issue in the direction the self-interest hypothesis would predict—the better-off favor higher differentials and the worse-off lower ones. This difference appears specifically as a difference about fair pay for jobs in the upper reaches of the range. As Jonathan Kelley and M. D. R. Evans put it, "We find substantial consensus on the legitimate pay of low-status occupations and on the legitimate hierarchy of occupational earnings. But, contrary to the consensual image, we also find socially and politically structured dissensus about the legitimate pay of high-status occupations and hence about the legitimate magnitude of inequality."[78] To give some idea of the magnitudes involved, Kelley and Evans compare an ideal-typical sixty-year-old business executive with an ideal-typical twenty-year-old unskilled worker: the executive believes that top jobs like doctor or company chairman should be paid seven times what an ordinary worker earns; the worker thinks that this differential should be only three to one.[79]

I shall return shortly to the general effect of class differences on attitudes toward social inequality. In relation to fair incomes, there is a second and possibly more significant way in which self-interest may influence judgments of justice. When deciding what counts as fair pay for those in their own occupational group, people have a marked tendency to inflate the desert-related characteristics of their jobs, and to draw comparisons with other groups who are currently better-paid on

the grounds that in relevant respects the jobs these groups are performing are similar.[80] (This presumably also accounts for the much larger number of people who say that their income is less than they deserve than who say that it is more.)[81] There are many examples in the literature on wage bargaining, and in particular in discussions of "comparable-worth" policies, whereby, in an attempt to overcome gender inequalities in pay, different occupational groups submit evidence comparing the work they do with that of other groups.[82] Two things seem to be going on here. First, given that economic desert is invariably a composite of different factors such as effort, skill, and responsibility, there is scope for weighting these factors differently. For instance, "The elements of a job which a clerk considers particularly deserving of reward are unlikely to be precisely those which have greatest significance for a manual worker. And even among manual workers, different elements may 'stand out' according to the nature of the work: steel process workers may emphasize responsibility; instrument workers, skill; foundry workers, physical effort and conditions."[83]

Second, people tend to exaggerate how much skill, responsibility, and so on, their own jobs require. Thus when, under comparable-worth policies, job-evaluation schemes have been applied to different jobs in the public sector, we find each group attempting to boost its score on the criteria being used. For example, in one scheme that gave points for "stress and hazard," nurses complained that not enough weight was given to the risk they ran of catching communicable diseases such as AIDS; fire-fighters complained that their rating was no greater than "secretaries with deadlines to meet"; a librarian argued that it was "tiring to deal with the public" and be "constantly interrupted."[84] Each group, in other words, focused on the stressful aspects of its own work and played down the difficulties faced by others. My point is that the impact of self-interest here is not so much on which principles of justice someone endorses in general, but on how these principles are applied in particular situations. The effect is more *cognitive* than ethical: self-interest biases a person's conception of the job he or she is doing—how much responsibility or stress it involves, for instance—more than it affects conceptions of what a fair reward for a job with a given specification would consist in.

Let me turn now to the wider issue of what effect a person's class membership has on his general attitude toward social inequality. A crude self-interest hypothesis would suggest that people in the bottom half of the income distribution would support ideals of economic equality,

whereas those in the top half would support ideals of justified inequality. Any such crude hypothesis can be dismissed at once. If we examine people's responses to statements justifying inequality such as "People who work hard deserve to earn more than those who do not" we find at most weak class differences in beliefs. Although nations differ somewhat in this respect—the United States, for instance, having an unusually high degree of cross-class consensus on legitimate inequality—the finding appears to hold good across borders. In a recent study James Kluegel and Petr Matějů constructed an inequality index using the above statement plus two others: "People are entitled to keep what they have earned—even if this means some people are wealthier than others" and "People are entitled to pass on their wealth to their children."[85] The correlation between this index and occupational status was not sufficiently high to be statistically significant; there was a stronger correlation with income, but this only reached significance in some countries, most notably in postcommunist Eastern Europe. The main point to keep in mind is that a substantial majority (up to about 75 percent) of lower-class respondents continue to endorse statements like "People with more ability should earn higher salaries."[86]

Kluegel and Matějů also suggest that class differences in attitudes toward *equality* are bigger than class differences in attitudes toward (justified) *inequality*. This might appear paradoxical until we recall my earlier suggestion that these may not be simply the contraries of each other: it is not inconsistent to believe that inequalities are justified on grounds of desert, say, while at the same time wanting the overall spread of incomes to be smaller than it now is. So, do we find that manual workers and/or people on low incomes are more likely than others to endorse ideals of equality? Adam Swift and his collaborators have constructed an equality index from the following three items:

1. "The fairest way of distributing wealth and income would be to give everyone equal shares."
2. "It is simply luck if some people are more intelligent or skilful than others, so they don't deserve to earn more money."
3. "The government should place an upper limit on the amount of money any one person can make."

They examine data for Britain, the United States, and West Germany. In Germany the effects of class on belief in equality are trivial. In Britain a significant correlation can be found when education level and class

are combined, and in the United States class alone has a significant effect.[87] These last two cases bear out Kluegel and Matějů suggestion that in capitalist societies higher- and lower-class respondents are closely aligned in their beliefs about justified inequalities, but further apart in their enthusiasm for equality itself. Once again, however, it is important not to overstate working-class egalitarianism. Strong egalitarian claims such as "Under a fair economic system all people would earn about the same" are endorsed only by a small minority.[88]

What of class differences in relation to the principle of distribution according to need? If we look, for instance, at attitudes toward welfare provision, we find once again that the differences are quite weak.[89] A British study using a social welfare index that aggregated attitudes toward spending on social services, welfare benefits, poverty, and the National Health Service (NHS), as well as the redistribution of wealth, found overall a small but significant relationship between pro-welfare attitudes and low occupational status.[90] When a tripartite distinction among managers, nonmanual workers, and manual workers was drawn, however, the intermediate group had attitudes similar to those of the managers, and in some cases—for instance, in their attitude toward increased spending on social services—they were a little more opposed to welfare provision. Interestingly, beliefs about expenditure on the NHS showed no significant class differences. This corresponds broadly to the findings of a second British study, which asked respondents specifically about their willingness to be taxed to finance a range of welfare services.[91] In a few cases—for instance, pensions—the manual-nonmanual divide was significantly correlated with pro-welfare beliefs, but in the case of the overall index the relationship was very weak: 52 percent of manual workers and 48 percent of nonmanual workers were classified as generally supporting more expenditure on welfare. The relationship with income level was weaker still.

Finally, we may refer to vignette studies that provide information on how respondents balance desert- and need-related factors against each other when asked to make overall judgments of fair pay. The desert-related factors were education and occupation, the need-related factors marital status and family size. It is interesting to note that lower-class respondents particularly play down educational level (and to a lesser extent occupation) as a determinant of fair income; by contrast, they give greater weight than high-class respondents to number of dependents.

These differences are significant whether class is measured by income or by occupational prestige.[92]

To sum up, there is no good reason to write off popular beliefs about social justice as mere rationalizations of self-interest. There is a high degree of agreement in those beliefs even over questions where the interests of different sections of society appear to diverge quite sharply. Where significant divergence occurs, it is less over the principles of justice themselves than over the way they are applied in concrete situations. The direct effects of self-interest, I have suggested, are more likely to be cognitive than ethical: interests tend to bias the way in which we see the world rather than the principles we apply to it. The ethical effects are secondary. It is well known, for instance, that there are significant class differences in *explanations* of wealth and poverty—those who are better off themselves tend to prefer explanations in terms of individual responsibility, whereas those who are worse off point to structural features such as unequal opportunities.[93] These differences will affect the verdict people return on the justice of present social arrangements, but not the principles they use to reach that verdict.

AS INDICATED EARLIER, another reason is sometimes given for lending little credence to popular beliefs about social justice. It is claimed that such beliefs are to a very considerable extent adaptive, in the sense that they merely reflect the existing distribution of social advantages. People do not use independently grounded principles to assess the way their society allocates its resources; rather, their beliefs are molded so that they come to mirror that allocation: something is deemed unfair simply if it departs from the usual way in which advantages are allocated in the society in question.

This adaptation hypothesis is quite hard to test. Suppose we find that people's judgments of justice closely track their perceptions of existing social distributions. Two explanations are possible. One is that their judgments are adaptive and would change as real-world distributions changed. The other is that the distributions in question are the result of people's putting their (independently derived) principles of justice into effect. For example, a study of group leaders in the United States, Japan, and Sweden asked about occupational pay differences and found that the inequalities that the subjects regarded as fair were strongly correlated with prevailing inequalities of income. Thus, whereas the American re-

spondents perceived the existing top-to-bottom income differential (between a top executive and an elevator operator) to be 29 to 1 and regarded a differential of 15 to 1 as fair, the Swedish respondents estimated the existing differential (in this case between a top executive and a dishwasher) to be only 3.4 to 1 and wished to reduce this marginally to 3.1 to 1. (The Japanese respondents held views somewhere in between.)[94] At first sight it might seem that subjects in each country were making their fairness judgments simply by taking their cue from the existing pattern of income distribution and compressing it somewhat. But suppose instead that Americans have a rooted sense of justice that tells them that executives deserve around 15 times more income than unskilled workers, while the more egalitarian Swedes believe a much smaller differential is fair. These beliefs will affect the way pay scales are set in companies and the kind of wage demands individuals and groups think it legitimate to make. So perhaps the causal arrow runs mainly in the other direction, from beliefs about justice to the distributive outcomes we observe in the real world.

Even if beliefs about distributive justice corresponded exactly to prevailing practice, therefore, the adaptation hypothesis would not be conclusively verified. But in fact the correspondence is a good deal less than exact. We can see this if we look at an international study of beliefs about justice carried out in 1991 that included both Western and ex-communist states. If the adaptation hypothesis were true, we would expect to find significant contrasts between these two groups of countries, reflecting the different ways in which capitalist and communist systems allocated income and other resources to their members. Broadly speaking, we would expect people in ex-communist states to have a greater belief in material equality than people in Western states, and a lesser inclination to justify inequalities by reference to the kinds of desert displayed in market economies.

Clearly there are differences between countries, but very often not of the kind one would expect if the adaptation hypothesis were true.[95] There are also some surprising similarities. For instance, Americans and Russians, whose beliefs we might have expected to stand at opposite ends of the spectrum, registered almost identical degrees of agreement with the propositions "It's fair if people have more money or wealth, but only if there are equal opportunities," "People are entitled to keep what they have earned—even if this means that some people will be wealthier

than others," and "People who work hard deserve to earn more than those who do not." Or to take a different pairing, East Germans ran a little ahead of West Germans in their endorsement of these statements. By contrast, people in ex-communist countries tended to respond somewhat more favorably than people in capitalist countries to the proposition "The fairest way of distributing wealth and income would be to give everyone equal shares," though there were larger variations within the two groups than between them, and the highest agreement rating was found in Japan, not a country with a history of egalitarian practice. The apparent incongruity here—if citizens of different countries hold broadly similar views about deserved inequalities, why do pro-equality statements attract more support in some places than others?—can perhaps be explained by different expectations about the role of the state. In 1991 people in ex-communist countries still looked to the state to offset the effects of market competition by providing jobs, guaranteeing a minimum income, and holding down high salaries; the statement "The government should place an upper limit on the amount of money any one person can make" tended to attract higher levels of support in these countries than in Western countries.[96] They also expected need considerations to weigh more heavily in public policy than did their Western counterparts.[97] The adaptation hypothesis seems to apply much more to policy questions such as these than it does to the justice beliefs that lie behind them. People's basic sense of justice may be quite similar cross-nationally—particularly if we confine our attention to the inhabitants of modern industrial societies—but when we ask about the institutions and policies that might implement social justice, judgments are then affected by what already exists, or has existed in the recent past.

There are also differences in the cognitive schemes used to decide whether existing practices are fair or unfair—for instance, explanations of why people become rich or poor. Thus if we take the International Social Justice Project (ISJP) findings on capitalist and postcommunist countries (but set aside East Germany), we find that people in capitalist countries are somewhat more likely to explain the possession of wealth by reference to personal ability, and considerably more likely to explain it by reference to hard work, than members of postcommunist societies, whereas the latter regard dishonesty as the leading cause of wealth.[98] When it comes to explaining poverty, people from the latter societies give much greater weight, somewhat paradoxically, both to the lack of oppor-

tunities for the poor *and* to their "loose morals and drunkenness."[99] Without judging the validity of these explanations, we can say that the perceptions on which they rest are adaptive in the sense I am considering; they are the products of prevailing practice. The point I want to insist on, however, is that this cognitive adaptation does not seem to affect people's basic beliefs about justice. Even if Russians are considerably less likely than Americans to think that those who now possess wealth deserve it on the basis of ability and/or hard work, they are no less likely to think that this is how the possession of wealth *should* be justified.[100]

FROM THE EVIDENCE DISPLAYED THUS FAR, we can draw several conclusions about popular conceptions of social justice. First, people seem to be perfectly at home with the notion of social justice itself: they are prepared to apply criteria of distributive justice to existing social arrangements, and to say in broad terms what a just society would look like (even if they are skeptical about the chances of achieving one). The views of thinkers such as Friedrich Hayek who argue that the whole notion of "social justice" is fundamentally misguided find very little resonance in popular beliefs.[101]

Second, people's thinking about distributive justice is pluralistic in the sense that they recognize several different criteria of justice: depending on the issue they are being asked to address, they may either apply a single criterion to determine what justice requires or look for a compromise solution that invokes two or more. Their thinking is also contextual, meaning that the favored criterion or criteria will vary according to the social background against which the distributive decision is being made—especially the character of the group within which the allocation will take place. In both these respects, popular understandings of justice conform to the sketch provided in Chapter 2.

Third, desert and need criteria feature prominently in this thinking. In the case of desert, we saw that it is often difficult to disentangle beliefs about rewarding desert from beliefs about the necessity of giving people incentives and allowing for diversity; nevertheless, we cannot make sense of the evidence unless we assume that for most people the backward-looking idea of desert carries weight apart from these other considerations. We also found some uncertainty about what should be the proper basis for desert in cases in which it was possible to separate the

voluntary aspects of people's behavior from their performance as a whole.

In the case of need, there was clear evidence that people see an important distinction between genuine claims of need and mere wants or preferences. There is a reasonable degree of consensus, for instance, about which items of current consumption are to be regarded as necessities. When people think about need at the social level, they see it as setting a floor or baseline below which no one should be allowed to fall, rather than as making a claim on all of society's resources. This is reflected in a strong preference for schemes that specify a minimum income, as against the Rawlsian idea that one should try to improve the position of the worst-off group to the greatest extent possible.

What of situations that bring both desert and need principles into play? We have found that in these cases subjects try to balance the two sets of criteria, endorsing distributions that reflect a composite of desert and need. This is true even where the context might appear decisively to favor desert: it is interesting that people think justice requires employers, for example, to take some account of their employees' needs when setting wages and implementing layoffs.[102] (This suggests that firms are seen not purely as instrumental associations, but as embodiments of at least a small degree of solidarity—or perhaps the view is that employers are also *citizens* with social responsibilities.) But we have also seen how desert may displace need, in cases where people feel that a person who is in need thereby reveals himself to be undeserving (for example, through having failed to look for a job).

The third principle I have been considering after need and desert is equality. Its role in popular thinking about distributive justice is not straightforward. Sometimes equality seems to be favored on grounds of simplicity, or because of lack of evidence about people's different deserts or needs. Here it carries no independent moral weight. But we have also found, in people's thinking about social distribution, a tendency to favor more equality than presently exists in liberal democracies. This is partly to be explained by considerations of desert and need: people do not regard income inequalities of the size that currently obtain as deserved, and at the bottom of the scale they think it unfair that people cannot earn enough to meet their needs. At least some subjects, however, seem to hold the view that the quality of life in contemporary societies would be improved if the differences between rich and poor could be narrowed. As

suggested in the last chapter, this should perhaps be interpreted as a commitment to social equality that is independent of justice, though for the reasons given not in practical conflict with it.

According to the theory of justice sketched in Chapter 2, to find equality defended on grounds of justice, we should look primarily to the sphere of citizenship. I have not paid much attention to this sphere in my discussion, although it is not hard to find evidence to show that people believe citizenship rights should be equally distributed as a matter of justice. Hochschild's investigation, for instance, reveals a strong attachment to ideals like equality before the law and equal access to political decision-makers.[103] She also brings out the tensions that exist between these commitments to equal citizenship and people's willingness to allow desert criteria to govern the allocation of advantages in the economic domain. Thus on questions such as the funding of political parties or the progressive taxation of income, people tend to move back and forth between ideas of equality and ideas of deserved inequality. This research tends to bear out my earlier claim that citizenship and its demands are not well understood, and thus people have difficulty in deciding at what point equal citizenship should trump the principles of desert that are appealed to in order to justify the inequalities generated by a market economy.

Besides showing how popular understandings of justice correspond in their substance to my proposed theory, I have tried to show that they cannot be dismissed simply as rationalizations of self-interest or as adaptive responses to prevailing patterns of distribution. They deserve to be taken more seriously than that. But this is not, of course, sufficient to show that popular beliefs are defensible. For that we need to look more closely at the concepts and principles that underpin these beliefs.

5

Procedures and Outcomes

Societies are just, I have argued, to the extent that their major institutions conform to principles of need, desert, and equality—principles that together specify an overall allocation of advantages and disadvantages to individual members. But this picture has been fiercely criticized by those who hold that justice must be understood as a property of *procedures* rather than of *outcomes*, and who therefore reject wholesale the notion of social justice as understood in this book. To assess this criticism we must first clarify the distinction between procedures and outcomes. A procedure is a rule or mechanism whereby one agent—an individual or an institution—assigns benefits (or burdens) to a number of others. The focus here is on the actual process whereby people come to have entitlements to benefits of various kinds. Thus examples of procedures might be an employer's paying wages to his employees using a fixed salary scale, or a hospital administrator's assigning beds to patients by following some priority rule. An outcome, by contrast, refers to the state of affairs whereby at any time different individuals enjoy various resources, goods, opportunities, or entitlements. Among outcomes we might include the overall distribution of wealth in a particular country at any moment, or the types and quantities of medical treatment received by people with a specified range of illnesses, or the set of degree classes received by students graduating from the University of Oxford in 1998.

In terms of this distinction, it is evident that the three criteria of social justice we have been exploring so far—need, desert, and equality—apply to outcomes. When we ask whether people have what they deserve, or

ford: Clarendon Press, 1995) as the best explication of the contractarian motif in Rawls. My view, in contrast, is that testing principles by applying a reasonable rejection test is not genuinely contractarian. There is an ambiguity in the test that obscures this. On the one hand, we could envisage people objecting to principles of justice according to how they personally would fare if the principles were implemented. Suppose that applying a particular principle of justice would leave a few people very badly off. If there are feasible alternative principles that do not have this consequence, it would be reasonable, on this first interpretation of the test, for the losers under the original principle to reject it. So it looks as though individuals are being given a veto on principles under which they would do very badly (relative to some alternative), and we appear to have an independent contractarian test of the validity of principles of justice that does not depend on our already embracing any substantive notions of justice.

On the other hand, consider someone whose well-being depends chiefly on carrying out activities that are damaging to others—a pedophile, for instance, or someone who takes great delight in destroying works of art. A rule prohibiting these activities lowers that person's welfare very considerably, perhaps leaves it very low in absolute terms. Can such a person reasonably reject the rule? To avoid answering this question in the affirmative, we need to switch to a different and moralized sense of "reasonableness" according to which rejection of the rule would not be reasonable no matter how bitterly the person in question might complain. But on this second version of the test independent moral criteria are being used to determine what counts as reasonable rejection and what does not. It may for certain purposes be illuminating to say that valid principles of justice are those that no one who was going to be subject to them could reasonably reject as a basis for cooperation, but because "reasonableness" here already embodies substantive moral criteria it is misleading to present this as a contractarian account of justice. I have discussed Barry's use (or misuse) of Scanlon at greater length in "The Limits of Cosmopolitan Justice," in D. Mapel and T. Nardin, eds., *The Constitution of International Society: Diverse Ethical Perspectives* (Princeton: Princeton University Press, 1998).

33. Cf. Barry: "[The original position] is 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" (*Theories of Justice,* p. 214).
34. Rawls, *Political Liberalism,* p. 26.
35. I am not alone in thinking this. For a discussion that focuses attention on the divergence between the priority assigned to basic liberties in Rawls' principles of justice and what we know about the public culture of the society for which he is primarily writing, see G. Klosko, "Rawls' 'Political' Philosophy and American Democracy," *American Political Science Review,* 87 (1993): 348–359.
36. More precisely, this is what Walzer's approach requires of him, even though the account of justice that he actually gives is derived somewhat impressionistically from the shared meanings that he claims are embodied in different social goods.
37. See R. Nozick, *Anarchy, State and Utopia* (Oxford: Blackwell, 1974).
38. The research project that has come closest to meeting these desiderata is the International Social Justice Project, findings from which are presented in J. R. Kluegel, D. S. Mason, and B. Wegener, *Social Justice and Political Change: Public Opinion in Capitalist and Post-Communist States* (New York: Aldine de Gruyter, 1995). I discuss some of the evidence generated by this project in the following chapter.
39. I assume here that political philosophy has a practical aim: its purpose is not only to get at the truth, but to improve the thinking of those who are not professional philosophers.
40. I take this suggestion from Swift, "Public Opinion and Political Philosophy," pp. 4–6.
41. See C. Burgoyne, A. Swift, and G. Marshall, "Inconsistency in Beliefs about Distributive Justice: A Cautionary Note," *Journal for the Theory of Social Behaviour,* 23 (1993): 327–342.

4. Distributive Justice: What the People Think

1. See J. Elster, *The Cement of Society: A Study of Social Order* (Cambridge, England: Cambridge University Press, 1989), for an analysis of this kind.
2. More generally it has been suggested (see P. Brickman et al., "Microjustice and Macrojustice," in M. and S. Lerner, eds., *The Justice Motive in Social Behavior* [New York: Plenum Press, 1981]) that people may apply one criterion of justice when considering how resources are allocated individual by individual, and another criterion when looking at the overall distribution that results (for example, an allocation that gives each person what he or she deserves may be judged to be excessively inegalitarian overall). The macro-considerations at stake here may not necessarily be considerations of *justice,* however; they may, for instance, involve an ideal of social equality that is independent of justice, as I suggested in the last chapter.
3. See the general claim to this effect in M. Walzer, *Spheres of Justice: A Defence of Pluralism and Equality* (Oxford: Martin Robertson, 1983), and the copious evidence collected in J. Elster, *Local Justice: How Institutions*

Allocate Scarce Goods and Necessary Burdens (Cambridge, England: Cambridge University Press, 1992).

4. I examine the rationale for choosing an equal division of resources in circumstances of uncertainty more fully in Chap. 11.
5. Helpful reviews include G. Leventhal, "Fairness in Social Relationships," in J. Thibaut, J. Spence, and R. Carson, eds., *Contemporary Topics in Social Psychology* (Morristown, N.J.: General Learning Press, 1976); G. Mikula, "On the Role of Justice in Allocation Decisions," and T. Schwinger, "Just Allocations of Goods: Decisions among Three Principles," in G. Mikula, ed., *Justice and Social Interaction* (Bern: Hans Huber, 1980); K. Törnblom, "The Social Psychology of Distributive Justice," in K. Scherer, ed., *Justice: Interdisciplinary Perspectives* (Cambridge, England: Cambridge University Press, 1992).
6. See K. Törnblom and D. Jonsson, "Distribution versus Retribution: The Perceived Justice of the Contribution and Equality Principles for Cooperative and Competitive Relationships," *Acta Sociologica,* 30 (1987): 25–52. One should note, however, that switching to a team context may also imply that individual contributions are harder to disentangle, so that equality may be preferred not so much as an expression of group solidarity but by default (see above). In the Törnblom and Jonsson experiment, the contribution principle was operationalized in the proposal that bonuses should be allocated to goal-scorers, but people who know about soccer might reasonably think that winning depends on the whole team's performance, while who scores the goals is largely a matter of chance (and assigned position). There is less ambiguity in the work experiments referred to below.
7. See W. I. Griffith and J. Sell, "The Effects of Competition on Allocators' Preferences for Contributive and Retributive Justice Rules," *European Journal of Social Psychology,* 18 (1988): 443–455; M. Lerner, "The Justice Motive: 'Equity' and 'Parity' among Children," *Journal of Personality and Social Psychology,* 29 (1974): 539–550; Schwinger, "Just Allocations of Goods."
8. See M. Deutsch, *Distributive Justice* (New Haven: Yale University Press, 1985).
9. See Ibid., chap. 11; Mikula, "On the Role of Justice in Allocation Decisions," pp. 153–154.
10. See E. Kayser and H. Lamm, "Causal Explanation of Performance Differences and Allocations among Friends," *Journal of Social Psychology,* 115 (1981): 73–81.
11. See Mikula, "On the Role of Justice in Allocation Decisions"; E. G. Shapiro, "Effect of Expectations of Future Interaction on Reward Allocation in Dyads: Equity or Equality," *Journal of Personality and Social Psychology,* 31 (1975): 873–880.
12. See Deutsch, *Distributive Justice,* chap. 10.
13. See G. Leventhal, "The Distribution of Rewards and Resources in Groups and Organizations," in L. Berkowitz and E. Walster, eds., *Advances in Experimental Social Psychology,* vol. 9 (New York: Academic Press, 1976).
14. See G. Leventhal and J. Michaels, "Locus of Cause and Equity Motivation as Determinants of Reward Allocation," *Journal of Personality and Social Psychology,* 17 (1971): 229–235; S. Rest et al., "Further Evidence Concerning the Effects of Perceptions of Effort and Ability on Achievement Evaluation," *Journal of Personality and Social Psychology,* 28 (1973): 187–191; K. Y. Törnblom and D. R. Jonsson, "Subrules of the Equity and Contribution Principles: Their Perceived Fairness in Distribution and Retribution," *Social Psychology Quarterly,* 48 (1985): 249–261.
15. I say "presumably" because if achievements differ while effort is held constant, the only explanations available are that performers differ in ability or that external factors are affecting the outcome. Since I assume that no one would regard the latter as relevant to desert, it follows that ability is being allowed to count. The only other way of interpreting the results would be to argue that "achievement" is somehow picking up an additional aspect of "trying" besides that represented by "effort" (for example, that over and above physical effort achievement depends on something like concentration). I can see no reason for adopting such a forced reading of the data, however.
16. Leventhal and Michaels, "Locus of Cause and Equity Motivation."
17. Rest et al., "Further Evidence Concerning the Effects of Perceptions."
18. Presented with this choice, 78 percent of American subjects preferred income inequality and only 7 percent preferred equality. (See H. McClosky and J. Zaller, *The American Ethos: Public Attitudes toward Capitalism and Democracy* [Cambridge, Mass.: Harvard University Press, 1984], p. 84.) In contrast, 19 percent of Americans agreed strongly or somewhat with the first statement about equal shares. (See *International Social Justice Project: Documentation and Codebook* [Ann Arbor: University of Michigan Institute for Social Research, 1993], p. 171, which gives comparative figures for thirteen countries.) Notice that in addition to not being presented in the form of an either/or choice, this statement refers to the distribution of *wealth* and income, and one may speculate that people are more likely to believe that wealth (which suggests fixed holdings of capital assets) should be equally distributed than that income (which suggests a flow of money from work, primarily) should be.
19. A good sample of the reasons offered spontaneously by American work-

ing men for rejecting material equality can be found in R. Lane, *Political Ideology* (New York: Free Press, 1962), chap. 4.

20. A. Swift, G. Marshall, and C. Burgoyne, "Which Road to Social Justice?" *Sociology Review,* 2 (1992), p. 29.
21. T. W. Smith, "Social Inequality in Cross-National Perspective," in D. Alwin et. al., *Attitudes to Inequality and the Role of Government* (Rijswijk: Sociaal en Cultureel Planbureau, 1990), p. 25. The countries surveyed were the United States, Britain, Hungary, West Germany, Australia, Holland, and Italy. Of these only the Dutch stood out against inequality, with agreement rates averaging less than 50 percent.
22. S. Svallfors, "Dimensions of Inequality: A Comparison of Attitudes in Sweden and Britain," *European Sociological Review,* 9 (1993), p. 272.
23. McClosky and Zaller, *American Ethos,* p. 84.
24. J. Kluegel and E. Smith, *Beliefs about Inequality: Americans' Views of What Is and What Ought to Be* (New York: Aldine de Gruyter, 1986), p. 107. Note that the propositions here refer to *greater* equality; one may surmise that analogous propositions about *complete* equality would attract still higher degrees of support.
25. See G. Jasso and P. Rossi, "Distributive Justice and Earned Income," *American Sociological Review,* 42 (1977): 639–651; W. Alves and P. Rossi, "Who Should Get What? Fairness Judgments of the Distribution of Earnings," *American Journal of Sociology,* 84 (1978): 541–564; W. Alves, "Modeling Distributive Justice Judgments," in P. Rossi and S. Nock, eds., *Measuring Social Judgments* (Beverly Hills: Sage, 1982).
26. Alves, "Modeling Distributive Justice Judgments," pp. 216–217.
27. S. Verba and G. Orren, *Equality in America: The View from the Top* (Cambridge, Mass.: Harvard University Press, 1985), chap. 8.
28. In the Verba and Orren study, a fair income for an executive was judged to be $95,320, but for a doctor only $52,798. Removing executives from consideration almost halves the range of fair incomes.
29. The reason for thinking this is that respondents tended to be "tolerant" in the sense that they were biased toward judging the randomly assigned incomes fair rather than too high or low.
30. J. Hochschild, *What's Fair: American Beliefs about Distributive Justice* (Cambridge, Mass.: Harvard University Press, 1981).
31. Kluegel and Smith, *Beliefs about Inequality,* p. 113.
32. Hochschild, *What's Fair,* p. 112.
33. Ibid., p. 115.
34. Ibid., p. 118.
35. Kluegel and Smith, *Beliefs about Inequality,* p. 112.
36. McClosky and Zaller, *American Ethos,* p. 91. This proposition does not refer specifically to equality of income, and so it may be picking up commitments to equality of opportunity, for example, alongside belief in the desirability of a narrower income range.

37. J. Mack and S. Lansley, *Poor Britain* (London: Allen and Unwin, 1985), p. 223. For figures for other countries, see T. Smith, "Inequality and Welfare," in R. Jowell, S. Witherspoon, and L. Brook, eds., *British Social Attitudes: Special International Report* (Gower: Aldershot, 1989).
38. As I will show later, there is a contrast here with ex-communist states.
39. Kluegel and Smith, *Beliefs about Inequality,* p. 120. Very similar opinions can be found in Verba and Orren's study of group leaders.
40. Kluegel and Smith, *Beliefs about Inequality,* p. 106. The majority was, however, a fairly slim one—55 percent in favor, 45 percent against.
41. McClosky and Zaller, *American Ethos,* p. 66.
42. In Verba and Orren's study, only business leaders were against raising the pay of the worst-paid occupation: see *Equality in America,* p. 160.
43. This conclusion is well represented in the interview material presented in L. Rainwater, *What Money Buys: Inequality and the Social Meanings of Income* (New York: Basic Books, 1974), esp. pp. 178–184.
44. The precise figures depend on how the question is put. There is somewhat greater support for the proposal that government should require firms to take on unemployed workers and then subsidize their wages than for the proposal that everyone who wants to work should be guaranteed a job, but both proposals get majority assent (see McClosky and Zaller, *American Ethos,* p. 276, and Kluegel and Smith, *Beliefs about Inequality,* p. 153). By contrast, the proposition that everyone who works should be guaranteed an income above the poverty line is considerably more popular than the proposition that everyone, regardless of employment status, should have a guaranteed minimum income, but neither attracts majority support (see Kluegel and Smith, *Beliefs about Inequality,* p. 153, and McClosky and Zaller, *American Ethos,* p. 275).
45. See especially Rainwater, *What Money Buys,* pp. 179–182.
46. See T. Schwinger, "The Need Principle of Distributive Justice," in H. W. Bierhoff, R. L. Cohen, and J. Greenberg, eds., *Justice in Social Relations* (New York: Plenum Press, 1986).
47. Deutsch, who was the first social psychologist to distinguish equity, equality, and need as principles of justice, proposed that equality would be favored in relationships in which "the fostering or maintenance of enjoyable social relations is the common goal," whereas need would be favored when "the fostering of personal development and personal welfare is the common goal." See M. Deutsch, "Equity, Equality and Need: What Determines Which Value Will Be Used as the Basis of Distributive

Justice?" *Journal of Social Issues,* 31 (1975), p. 143. It is difficult, however, to see how these alternatives could be distinguished experimentally.

48. G. Mikula and T. Schwinger, "Intermember Relations and Reward Allocation: Theoretical Considerations of Affects," in H. Brandstatter, J. Davis, and H. Schuler, eds., *Dynamics of Group Decisions* (Beverly Hills and London: Sage, 1978).
49. H. Lamm and T. Schwinger, "Norms Concerning Distributive Justice: Are Needs Taken into Consideration in Allocation Decisions?" *Social Psychology Quarterly,* 43 (1980): 425–429.
50. Some divided the surplus equally between the two students, others gave the whole of the surplus to the one who had not yet received any money. The latter option represents a kind of compromise between need and equality.
51. M. Yaari and M. Bar-Hillel, "On Dividing Justly," *Social Choice and Welfare,* 1 (1984): 1–24.
52. Yaari and Bar-Hillel refer to this as the "maximin solution," whereas I am taking it to represent the principle of distribution according to need. In a case such as the one described, where it is a question of dividing a fixed stock of goods between two individuals with the same basic needs, these two principles are bound to coincide. In defense of my interpretation, I would point out that if maximin were the fundamental principle at stake here, it would be difficult to explain why respondents shifted their ground so radically when needs were replaced by tastes. The rule "maximize the welfare of the worse-off individual" makes no distinction between differences in need and other kinds of utility difference.
53. Interestingly, however, there is a limit to this. In one variant, Smith was described as being very poor at converting fruit into vitamin, so that to achieve equal vitamin levels almost all the fruit had to be given to him, and of course the level of vitamin achieved by both parties was low. Although equality of need fulfillment remained the most popular option, there were many defections in favor of more efficient outcomes giving Jones a higher proportion of fruit. This is the equivalent of the battlefield policy of triage, whereby scarce medical resources are allocated to those they can help the most, at the expense of very seriously injured combatants who would require extensive treatment to have any chance of recovery. See further my discussion in Chap. 10.
54. See, for example, S. Schwartz, "The Justice of Need and the Activation of Humanitarian Norms," *Journal of Social Issues,* 31 (1975): 111–136.
55. H. Lamm and T. Schwinger, "Need Consideration in Allocation Decisions: Is it Just?" *Journal of Social Psychology,* 119 (1983): 205–209.
56. See, for instance, T. Campbell, "Humanity before Justice," *British Journal of Political Science,* 4 (1974): 1–16. I criticize Campbell's argument in Chap. 10.
57. McClosky and Zaller, *American Ethos,* p. 272.
58. P. Taylor-Gooby, "Citizenship and Welfare," in R. Jowell, S. Witherspoon, and L. Brook, eds., *British Social Attitudes: The 1987 Report* (Gower: Aldershot, 1987).
59. P. Taylor-Gooby, *Public Opinion, Ideology and State Welfare* (London: Routledge and Kegan Paul, 1985), chap. 2.
60. See N. Jaffe, "Attitudes toward Public Welfare Programs and Recipients in the United States," appendix to L. M. Salamon, *Welfare: The Elusive Consensus* (New York: Praeger, 1978), and Kluegel and Smith, *Beliefs about Inequality,* pp. 152–158, for American evidence; Mack and Lansley, *Poor Britain,* pp. 209–221 for British evidence.
61. Mack and Lansley, *Poor Britain,* chap. 3.
62. The spectrum shifts with time, as certain items previously considered luxuries come to be counted as necessities. This process reveals itself, too, in changing perceptions of the minimum income needed to avoid poverty. See Rainwater, *What Money Buys,* chap. 3.
63. Mack and Lansley, *Poor Britain,* p. 258.
64. There are many examples of reasoning along these lines in Hochschild, *What's Fair,* esp. chaps. 6 and 8.
65. Few studies explicitly investigate the way people aggregate justice concerns of different kinds into an overall judgment, but for a micro-experiment see G. Elliot and B. Meeker, "Achieving Fairness in the Face of Competing Concerns," *Journal of Personality and Social Psychology,* 50 (1986): 754–760.
66. This is not the place to consider the various slightly different interpretations that can be given of the difference principle, since they do not bear on the main conclusion reported below.
67. See P. Brickman, "Preference for Inequality," *Sociometry,* 40 (1977): 303–310.
68. See N. Frohlich, J. Oppenheimer, and C. Eavey, "Choices of Principles of Distributive Justice in Experimental Groups," *American Journal of Political Science,* 31 (1987): 606–636; N. Frohlich, J. Oppenheimer, and C. Eavey, "Laboratory Results on Rawls's Distributive Justice," *British Journal of Political Science,* 17 (1987): 1–21; N. Frohlich and J. Oppenheimer, "Choosing Justice in Experimental Democracies with Production," *American Political Science Review,* 84 (1990): 461–477; N. Frohlich and J. Oppenheimer, *Choosing Justice: An Experimental Approach to Ethical Theory* (Berkeley: University of California Press, 1992).
69. This is true of all the original North American experiments. When the

project was replicated under slightly different conditions in Poland, one solitary group appears possibly to have opted for the difference principle, although other evidence suggests that this may have been a recording error. See Frohlich and Oppenheimer, *Choosing Justice,* pp. 58–59, 79.

70. Frohlich, Oppenheimer, and Eavey, "Choices of Principles of Distributive Justice in Experimental Groups," p. 630.
71. More radically still, it might be claimed that Rawls is specifying *what it would be rational to choose* under certain circumstances, and so his argument cannot be defeated by observations about what people do in fact choose in these circumstances. We may note, however, that Rawls wisely eschews any attempt to show that maximin is in general the rational strategy for choosing under uncertainty (J. Rawls, *A Theory of Justice* [Cambridge, Mass.: Harvard University Press, 1971], sect. 26). Instead, he appeals to certain empirical features of the original position as he has identified it that, he claims, make it reasonable to adopt such a conservative strategy. This seems to me to involve an empirical claim about how human beings will in general respond to uncertainties of the kind described, and so is open to empirical confirmation or falsification. (I am grateful to Andrew Williams for bringing this possibility to my attention, even though it is not one he would endorse himself.)
72. J. Rawls, *Political Liberalism* (New York: Columbia University Press, 1993), p. 282. Another change in Rawls' thinking concerns the status of the difference principle, which he no longer regards as a "constitutional essential" but as a principle whose validity is open to political discussion. Interestingly, the principle that there should be "a social minimum providing for the basic needs of all citizens" *is* taken to be a constitutional essential (see pp. 227–230). Whether this constitutes a weakening in Rawls' attachment to the difference principle is more moot. The case to the contrary is well put in D. Estlund, "The Survival of Egalitarian Justice in John Rawls's *Political Liberalism,*" *Journal of Political Philosophy,* 4 (1996): 68–78.
73. Constraints of space mean that I have had to exclude another issue that merits investigation, namely, differences between men's and women's conceptions of justice. I discussed this briefly in the paper upon which this chapter is based, and concluded that men and women held broadly similar beliefs about distributive justice, though there were some significant differences in justice behavior. See D. Miller, "Distributive Justice: What the People Think," *Ethics,* 102 (1991–1992), pp. 581–582, and the references cited there.
74. See Elster, *The Cement of Society,* chap. 6.
75. See G. Høgsnes, "Wage Bargaining and Norms of Fairness: A Theoretical Framework for Analysing the Norwegian Wage Formation," *Acta Sociologica,* 32 (1989): 339–357.

76. See R. Hyman and I. Brough, *Social Values and Industrial Relations* (Oxford: Blackwell, 1975).
77. See J. Kelley and M. D. R. Evans, "The Legitimation of Inequality: Occupational Earnings in Nine Nations, *American Journal of Sociology,* 99 (1993): 75–125.
78. Ibid., p. 116.
79. Ibid., p. 107. These figures are averages for nine countries covered by the International Social Survey Programme (ISSP) and equivalent surveys: Australia, Austria, Britain, Hungary, the Netherlands, Poland, Switzerland, the United States, and West Germany.
80. See the general discussion in M. Dornstein, *Conceptions of Fair Pay: Theoretical Perspectives and Empirical Research* (New York: Praeger, 1991), chaps. 6–7.
81. In the ISJP survey 68 percent of respondents thought that they were paid much or somewhat less than they deserved, as compared with 2 percent who thought they were paid more than they deserved. There was not much variation among countries in the latter figure. In relation to the former, people in the economically advantaged capitalist countries were more likely than those in ex-communist countries to say that they were paid about what they deserved. See *International Social Justice Project: Documentation and Codebook,* p. 139.
82. On comparable-worth policies, see S. M. Evans and B. J. Nelson, *Wage Justice: Comparable Worth and the Paradox of Technocratic Reform* (Chicago: University of Chicago Press, 1989); S. E. Rhoads, *Incomparable Worth: Pay Equity Meets the Market* (Cambridge, England: Cambridge University Press, 1993).
83. Hyman and Brough, *Social Values,* p. 37.
84. Rhoads, *Incomparable Worth,* pp. 83–84.
85. J. R. Kluegel and P. Matějů, "Egalitarian vs Inegalitarian Principles of Distributive Justice," in J. R. Kluegel, D. S. Mason, and B. Wegener, *Social Justice and Political Change: Public Opinion in Capitalist and Post-Communist States* (New York: Aldine de Gruyter, 1995).
86. McClosky and Zaller, *American Ethos,* pp. 154–156.
87. A. Swift, G. Marshall, C. Burgoyne, and D. Routh, "Distributive Justice: Does It Matter What the People Think?" in Kluegel et al., *Social Justice and Political Change.*
88. In McClosky and Zaller's survey only 9 percent of low-income Americans assented to this proposition. See McClosky and Zaller, *American Ethos,* p. 156.