

## A PLURALIST THEORY OF JUSTICE: WALZER'S SPHERES OF JUSTICE

Ali Şafak BALI\*

### Introduction

In this study, we will argue that a successful theory of justice should not be abstract in the sense that an abstracted single principle (or a set of interconnected principles) of justice applies to the distribution of all (basic or primary) social, economic and political goods across spheres and should not be universal in the sense that a single criterion (or a single set of criteria) applies across all societies regardless of cultural differences, but must be pluralistic in both aspects. This is, not only because of the cultural diversity displayed by history but also because there are, as Walzer successfully points out, different spheres of distribution to which different distributive principles of justice should apply. However, our position is neither to fully accept nor to deny the pluralist perspective that rejects the existence of any such fundamental principle or criterion. This means that we do not maintain a pluralist approach that may only be constructed as oppose to universalism or rational theorising. We think justice is complex and, thus, principles of it must be pluralist in nature, but this does not require us to deny the principles of justice suggested by the abstract and universal theories of justice altogether. What it does mean is that, firstly, each principle introduced by a different abstract theory of justice may still apply across spheres, spheres as characterised by Walzer. This implies that each specific good is not necessarily distributed according to a different principle of justice, but a set of (a certain category of) goods, for example the goods that are relevant to satisfy the basic human needs, may be distributed according to a single principle. Secondly, a distributive criterion can still remain universally applicable in that it may be applicable across societies although as intrinsic to a certain distribution sphere. Taken together, an *equality principle based on the need criterion* can be universally applicable within the sphere of medical care in the sense of Walzerian spheres across communities and societies. Miller believes that Walzer's theory of justice can best be used as a departing point for developing a pluralist approach to social justice. Therefore, the following subsections will explore Walzer's pluralist or, in other words, multi-criterial theory of social justice.

### 1. A Multi-Criterial Theory of Justice: Walzer's Spheres of Justice

Walzer, in the book called *Spheres of Justice* (1983) (henceforth, *SJ*), develops a pluralist or a multi-criterial theory of justice constructed on the ideas of *plurality of spheres* and *complex equality* –that, in short, refers to “the diversity of

---

\* Research Assistant, Philosophy and Sociology of Law, Selçuk University Law Faculty at Konya

distributive criteria that mirrors the diversity of social goods"<sup>1</sup>— as opposed to the theories of justice based on a single distributive criterion. Walzer's theory, in his own words, is '*radically particularist*'<sup>2</sup> and thus an alternative to both the abstract and the universal theories of distributive justice; in particular, an alternative to the utilitarian and rights-based distributive theories of justice,<sup>3</sup> more specifically to "the predominant liberal (and potentially also socialist) trend in recent American political philosophy represented by the highly influential works of John Rawls and Ronald Dworkin."<sup>4</sup> Canovan states,

Although Walzer sets out to describe a just society, this is not intended as a utopia, equally relevant everywhere and nowhere. On the contrary, it is meant to be practical possibility in the USA now [in the 1980's], resting on principles already latent in citizens' 'shared understandings of social goods.'<sup>5</sup>

Walzer's major objection to universal and abstract theories, particularly to Rawls' theory, may be summarised as follows: he argues that democratic, egalitarian, and liberal ideals are incapable of being fulfilled by institutional arrangements.<sup>6</sup> Walzer criticises Rawls (though without mentioning his name) by accusing him of believing that there is a single system of distribution, "the one that ideally rational men and women would choose if they were forced to choose impartially, knowing nothing of their own situation, barred from making particularist claims, confronting an abstract set of goods." Walzer believes that

It is surely doubtful those same men and women, if they were transformed into ordinary people, with a firm sense of their own identity, with their own goods in their hands, caught up in everyday troubles, would reiterate their hypothetical choice or even recognize it as their own. The problem is not, most importantly,

---

1 Walzer, M (1983), *Spheres of Justice: A Defence of Pluralism and Equality* (Oxford Basil Blackwell), p. 18

2 Walzer (1983) SJ, p. xiv

3 See Ignatieff, M. (1985), "Spheres of Justice: A Defence of Pluralism and Equality. By Michael Walzer" (Book Review), *Political Quarterly*, Vol. 56, No.1, p. 91

4 Dunn, J.(1983), "Spheres of Justice: A Defence of Pluralism and Equality. Michael Walzer", *New Society*, Vol.66, No. 1100, p.453; Nancy Rosenblum, in her review article of Walzer's *Spheres of Justice*, writes that "the book is 'a declaration of distributive independence' that differentiates him from socialists and egalitarians ...also ... from libertarians." (1984), "Moral Membership in A Post Liberal State", *World Politics*, Vol. 36, No. 4, p. 581; Like the others, Michael Rustin says that the "book seeks to move argument about justice away from the individuals and contractual foundations which it has been given by ...Robert Nozick and John Rawls." (1985), *For a Pluralist Socialism* (London: Verso), p.77

5 Canovan, M. (1983), "Sharing Walzer's Understandings", *Government and Opposition*, Vol. 18, No. 4, p. 491

6 See Rosenblum, M. (1984), "Moral Membership in A Post Liberal State", *World Politics*, Vol. 36, No. 4, p. 589

with the particularism of interests, which philosophers have always assumed they could safely –that is, uncontroversially– set aside.<sup>7</sup>

However, Walzer assumes that ordinary people may also disregard their own interest for the sake of higher interests, for example, of the public interest or of the common good. According to him, the greater problem is with historical and cultural particularism and with membership in a political community. Even in that case, the question which would arise in the minds of members of a political community is not “What would rational individuals choose under universalising conditions of such-and-such sort? But rather, What individuals like us would choose, who are situated as we are, who share a culture and are determined to go on sharing it? And this question that is readily transformed into, What choices have we already made in the course of our common life? What understandings do we (really) share?”<sup>8</sup> These are the questions that determine the scope of Walzer’s book, *SJ*

### 1.1. A Communitarian Account of Justice: Historical and Cultural Particularism in Walzer’s Theory of Justice

Walzer presumes that ‘justice is a human construction.’ He believes that there are many different way of living, shaped by different cultures, religions, political arrangements, geographical conditions, and so on. Therefore a particular society is just if and only if its substantive life is lived in a certain way that is faithful to the shared understandings of the members of that society.<sup>9</sup>

His book, *SJ*, an account of the spheres, principles, and the criteria of distributive justice, primarily relies “on a wide anthropological and historical investigation”<sup>10</sup> alongside the interpretations of the contemporary patterns of distribution in his own society and in some others.<sup>11</sup> He argues that “history displays a great variety of arrangements and ideologies” of distribution of social goods, but philosophers impulsively resist this ‘world of appearances’, and “search for some underlying unity: a short list of basic goods, quickly abstracted to a single good; a single distributive criterion or an interconnected set,” as they, at least symbolically, stand at a single decision point. Walzer accepts that a philosophical impulse of this kind is unavoidable, for, even when we attempt to produce a pluralist theory of justice, we still need to provide a coherent defence in the sense that the principles that such theory proposes must justify our choice and set limits to it. This is be-

<sup>7</sup> Walzer (1983) *SJ*, p. 5

<sup>8</sup> Walzer (1983) *SJ*, p. 5

<sup>9</sup> Walzer (1983) *SJ*, p. 313

<sup>10</sup> Ignatieff (1985), p. 91; also see Galston, W. A. (1984), “Walzer, Michael. Spheres of Justice: A Defence of Pluralism and Equality.” *Ethics*, Vol. 94, No. 2, p. 329

<sup>11</sup> Walzer (1983) *SJ*, p. xiv

cause, he believes, "pluralism does not require us to endorse every proposed distributive criteria or to accept every would-be agent." He claims that to search for unity is to misunderstand the subject matter of distributive justice:

Conceivably, there is a single principle and single legitimate kind of pluralism, but this would still be a pluralism that encompassed a wide range of distributions. By contrast, the deepest assumption of most of the philosophers ... from Plato onward is that there is one, and only one, distributive system that philosophy can rightly encompass<sup>12</sup>

According to him, there are no universal laws of justice; rather justice is a product of a particular community at a particular time, the account that must be given from within such a community.<sup>13</sup> In different historical and cultural settings, political arrangements enforce and ideologies justify different distributions of social goods such as membership, security and welfare, political power, social office, honour, kinship and love. There is no single point of access to this world of distributive arrangements and ideologies: neither a single universal medium of exchange, nor a single decision point, nor a single set of agents making these decisions. Moreover, "no state power has ever been so pervasive as to regulate all the patterns of sharing, dividing, and exchanging out of which a society takes shape", and furthermore, "there has never been a single criterion, or a single set of interconnected criteria, for all distributions." What abstract theories suggested as single distributive criterion (desert, qualification, need, or free exchange are among them), Walzer asserts, "each has had its place, along with many others uneasily coexisting, invoked by competing groups, confused with one another." The questions that the theories of distributive justice must deal with admit a range of answers, and Walzer believes that there is room within the range for cultural diversity and political choice. It is not only a matter of implementing some singular principle or set of principles in different historical settings, yet no one would deny, in Walzer view, that there is a range of morally permissible implementations.<sup>14</sup>

Carens questions whether this picture drawn by Walzer, —of the moral autonomy of political communities— is true to the moral standard that Walzer himself invokes, namely our shared understanding of justice. He raises two major arguments. The first is related to "the kinds of judgements we make regarding justice." The second is the question: "who constitutes 'we' making the judgements"? Regarding the first, he points out that our understanding of justice sometimes requires us to criticise, as well as to respect, the institutions and policies of political communities to which we do not belong. Regarding the second, he argues that the

---

12 Walzer (1983) SJ, pp. 4-5

13 Miller, D. (1995), "Introduction", in *Pluralism, Justice and Equality*, Ed. by D. Miller and M. Walzer (Oxford University Press), p. 2

14 Walzer (1983) SJ, pp. 4, 5-6

'we', who make these judgements, may correspond to the members of a political community, but sometimes they may also constitute a moral community, wider or narrower than our political communities assumed as nation-states."<sup>15</sup> As we will discuss below, we agree with Carens on the latter point but we do not think that Carens is right in relation to the former view. Like Miller, we believe that "Walzer's general approach to justice ... does not mean that a philosopher may not also be critic of his society. What it does mean is that he or she must be a 'connected critic', a critic who attacks existing institutions and practices not by invoking some abstract principles but by highlighting the divergences between the ethical code espoused by his or her society and what actually takes place there."<sup>16</sup> In other words, a philosopher must try to remove the inconsistencies between the normative ideals and the practices of a society at a certain time instead of proposing *new* ideals that are alien to the cultural values and shared understandings of that society.

## 1.2. Plurality of Distributive Spheres

Walzer's account of distributive justice is not only a reflection of the cultural diversity and moral autonomy of political communities but is also pluralist in the sense that, even in the same society, there are many different distributive spheres deriving from a shared understanding of the social goods in question. Different social goods each embodied in a different distributive sphere "ought to be distributed for different reasons, in accordance with different procedures, by different agents."<sup>17</sup> For example, "the criteria used to determine who should get public honours, say, will not be the same as the as the criteria used to determine who should get medical care."<sup>18</sup>

In *SJ*, although not intending to provide a complete list, Walzer introduces eleven such spheres and tries to identify what their common meaning and correspondingly their *internal* criteria, which govern the distribution within each sphere, are or should be in the United States at the time in which he lives. We will not take up and describe all these distributive spheres in detail, but briefly explore some and simply name the others and their distributive criterion (or criteria).

**The sphere of *membership*:** Walzer thinks that a theory of social justice should begin with an account of membership rights<sup>19</sup> for its primary good is membership in some human community. He assumes that "the idea of distributive justice presupposes a bounded world within which distributions takes place: a group

---

15 Carens, J. H. (1995), "Complex Justice, Cultural Difference, and Political Community", in *Pluralism, Justice and Equality*, Ed. by D. Miller and M. Walzer (Oxford University Press), p. 45

16 Miller (1995), p. 3

17 Walzer (1983) *SJ*, p. 6

18 Miller (1995), p. 2

19 Walzer (1983) *SJ*, p. 63

of people committed to dividing, exchanging, and sharing social goods, first among themselves." Walzer believes that this distributive world is the political community whose members distribute power to one another and avoid sharing it with anyone else.<sup>20</sup> He says that "membership as a social good is constituted by our understanding; its value is fixed by our work and conversation; then we are in charge ... of its distribution." Walzer claims that membership in a political community must be equally open to those who live within its territory or, at least, work in the local economy and are subject to local law.<sup>21</sup> However, the distribution of membership is not pervasively subject to the constraints of justice. States are free to take in strangers (or not), since the right to choose an admissions policy is more basic than, say, the choice to share its wealth with foreigners or to honour the achievements of foreign artists, scholars and scientists. Therefore admission and exclusion, according to Walzer, are at the core of communal independence, for these suggest the deepest meaning of self-determination. He does not think that self-determination is absolute: "It is a right exercised, most often, by national clubs or families, but it is held in principle by territorial states. Hence it is subject both to internal decisions by the members themselves (all the members, including those who hold membership simply by right of place) and to the external principle of mutual aid."<sup>22</sup>

**The sphere of *security and welfare*:** According to Walzer, what the members of a political community owe to one another (but to no one else in the same degree) is the communal provision of security and welfare that is provided on the basis of need with a level of welfare chosen by the members of the political community. The survival and then the well-being of the members of community "require a common effort: against the wrath of the gods, the hostility of other people, the indifference and malevolence of nature." According to Walzer, this common provision is both general, in the sense that funds are spent so as to benefit all or most of the members regardless of individual distributions, and particular, in the sense that goods are actually handed over to all or any of the members.<sup>23</sup> Walzer explains,

Distributive justice in the sphere of welfare and security has a twofold meaning: it refers, first, to the recognition of need and, second, to the recognition of membership. Goods must be provided to needy members because of their neediness, but they must also be provided in such a way as to sustain their membership.<sup>24</sup>

---

20 Walzer (1983) SJ, 31

21 Walzer (1983) SJ, pp. 35, 60

22 Walzer (1983) SJ, pp. 61-62

23 Walzer (1983) SJ, pp. 64-66

24 Walzer (1983) SJ, p. 78

**The spheres of *money and commodities*:** Money and commodities, in Walzer's view, are distributed by the market (or economic system) according to the skill and luck of those who take part in it.

**The sphere of *office*:** "Citizenship is the first office, the crucial social and political 'place' and the precondition of all others."<sup>25</sup> In the sphere of office, Walzer argues, equal consideration should apply in every point of selection, not only among candidates, but also among candidates for training. According to him, offices and public honours must be distributed on the basis of talent for the task to be performed. He says that "distribution of offices is not a matter of individual or small group discretion. Offices cannot be appropriated by private persons, passed down in families or sold on the market."<sup>26</sup> Rather, committee work is essential in distribution of offices, and "that work is subject to legal constraints aimed at ensuring fairness and something like objectivity: equal consideration to equally serious candidates." In order to fulfil this task, committees are constrained in two ways. First, they must give equal consideration to every qualified candidate, and, second they must take into account only the relevant qualities of candidates.<sup>27</sup> In short, in the distribution of offices communal control and individual qualification are necessary and the basic principle is fairness. Walzer claims we must therefore endure the rule of majorities and then of state officials and the authority of qualified individuals. Here, the principle of equality of opportunity is a standard in the distribution of most jobs but not of all jobs; there are some desirable jobs that fall outside this system and that are controlled by private individuals and groups. The existence of such jobs opens the way to a kind of success for which individuals do not need to qualify, and these jobs do not have to be distributed 'fairly'<sup>28</sup> but are distributed on the basis of some other criteria.

**The sphere of *hard work*:** Walzer claims that hard work is distributed in accordance with the basic redefined criteria, such as worker participation and management, higher wages, or national conscription, to add to societal respect for such tasks. He says, "we can share and partially transform hard work through some sort of national service; we can reward it with money or leisure; we can make it more rewarding by connecting it to other sorts of activity – political, managerial, and professional in character. We can conscript, rotate, cooperate, and compensate; we can reorganise the work and rectify its names ... but we will not have abolished hard work; nor will we have abolished the class of hard workers."<sup>29</sup>

---

25 Walzer (1983) SJ, p. 144

26 Walzer (1983) SJ, p. 129

27 Walzer (1983) SJ, p. 142

28 Walzer (1983) SJ, pp. 163-164

29 Walzer (1983) SJ, p. 183

**The spheres of free time, kinship, love, and Divine Grace:** These are distributed, respectively, on the basis of free choice, loving and familial ties, and respect for God, in order to be experienced and enjoyed by the members of a free society as individuals, families, and ecclesiastical bodies, with minimal or no interference by the political community.<sup>30</sup>

**The sphere of education:** Walzer believes that education must be formed to the interests and capacities of individual recipients or students.<sup>31</sup> On the one hand, basic education (that is, at a level high enough to prepare everyone for citizenship) should be distributed according to simple equality. On the other hand, higher education and specialised education must be distributed according to capacity and talent and must be available to all that have the capacity to benefit from it.<sup>32</sup>

**The sphere of recognition:** Walzer says that "honors are like commodities; they circulate among individuals through exchange, extortion, and gift; supply is only clumsily and inadequately responsive to demand. There is no welfare state, no redistribution of wealth, no guaranteed minimum. ... And this appears to be the best possible arrangements." However, he believes that this "is only a part of the truth. For alongside the individuals distributions, there are variety of collective distributions: reward, prizes, medals, citations, wreaths of laurel" that must be distributed in accordance with desert and by both state officials and privately organised societies, foundations, and committees. He goes on to say,

All sorts of achievements are or can be honored; those that are useful to the state, those that are socially useful, and those that are simply memorable, superior, distinguished, or exciting. So long as the choice conforms to some objective measure; so long as it isn't a matter of individual will or whim, we can properly think of it as a form of public honoring. The standard is desert, and what is being rewarded is merit: this or that performance, accomplishment, good deed, job well-done, fine piece of work attributed to an individual or a group of individuals.<sup>33</sup>

**The sphere of political power:** Political power is the most significant and also the most 'dangerous' sphere, in that coercive power is distributed by arguing and voting, by election of those who are skilled to debate and, or at least, to build coalitions.<sup>34</sup> Walzer argues that "this [political power] is not one among the goods that men and women pursue; as state power, it is also the means by which all the different pursuits, including that of power itself, are regulated. It is the crucial

---

30 Kahn, R. (1984), "Spheres of Justice: A Defense of Pluralism and Equality" (Review Article), *American Political Science Review*, Vol. 78, No. 1, p. 289

31 Walzer (1983) SJ, p. 207

32 See Kahn (1984), pp. 289-290

33 Walzer (1983) SJ, pp. 259-260

34 Walzer (1983) SJ, p. 305; Kahn (1984), p. 290



agency of distributive justice; it guards the boundaries within which every social good is distributed and deployed.”<sup>35</sup> In Kahn’s words, for Walzer, the sphere of political power is the forum to decide the distributive criteria in all spheres of distribution. However, it is limited by constitutional principles and by social convention that require a public-private distinction, for example in the spheres of kinship and love and Divine Grace.<sup>36</sup>

Walzer acknowledges that political power can be used to prevent tyrannies but it may also be used to establish them. In his words, “political power protects us from tyranny ... and itself becomes tyrannical. It is for both these reasons that power is so much desired and so endlessly fought over.”<sup>37</sup> Therefore, he believes that there must be limits on the use of state power: what he calls *blocked uses of power* that can be presented in the form of a list in a particular society at a certain time.<sup>38</sup> Walzer says that we usually think of these limits in terms of freedom, but they also have powerful egalitarian effects. According to him, these limits fix the boundaries of the state and of all other spheres vis-a-vis sovereign power. However, Walzer argues, limited government does not tell us who governs. It might be a king, a despot or a capitalist executive committee. For he thinks that power is not something that one can keep to oneself or admire in private; it should be possessed by those who best know how to use it or those who most immediately experience its effects.<sup>39</sup>

What can be drawn from such an approach is that, in short, Walzer holds that the best account of distributive justice is an account of its parts, that is, of the *social goods* and their distinct *spheres of distribution* just sketched.<sup>40</sup> Tyranny and injustices occur when, in a certain sphere, criteria of distribution other than those that are internal to that particular sphere are used.

As was briefly mentioned above, we agree with Walzer that no single principle or set of principles of justice alone can be set precisely for all the distributions of goods throughout the whole distributive world. There must, as he insists, be different spheres to which different principles apply. However, unlike Walzer, we do not intend to claim that each principle of justice and/or distributive criterion must necessarily be dependent on the meanings of particular social goods in a particular society and at a given time and must differ from one society to the next society. For example, although we agree that we may not find any single principle for (or un-

---

Walzer (1983) SJ, p. 281

Kahn (1984), p. 290

Walzer (1983) SJ, p. 281

Walzer (1983) SJ, p. 283

Walzer (1983) SJ, pp. 284-285

Walzer (1983) SJ, p. 312

derstanding of) money and commodities for distributing, or say, limiting, or taxing wealth, we believe that there might be some such principles. For example, "an equality principle based on the basic human needs" (which is, we believe, intrinsic to human nature, not dependent on the meaning of any particular good it creates) can be assumed, in a sense, as a universal distributive principle of justice. That is to say that the spherical diversity plays a role, but a smaller role than Walzer seemingly allocates to it. In short, as Gutmann points out, "although a just society would not distribute social goods according to a single master principle, it would not do so according to the standards of complex equality either. Social justice is more complex than complex equality admits."<sup>41</sup>

### 1.3. Distributive Justice as 'an Art of Differentiation'\*

We have seen that, in Walzer's view, justice is entirely contextual and specific to the meaning of a particular good, and indeed to an ethic arising from the meanings of social goods. The relativity of it, he asserts, follows from the classic non-relative definition, *giving each person his due*, as much as it does from his proposal, distributing goods for *internal* reasons. These formal definitions, according to him, should historically be completed<sup>42</sup> and filled because "[d]istributions are just or unjust only in a particular setting, with regard to particular people who share an understanding of goods and purposes."<sup>43</sup> He says that "there cannot be a just society; until there is a society,"<sup>44</sup> that is, a just society cannot be worked out as a philosophical artifact, because, if no such society already exists, he believes, no one will ever know it concretely or realise it in fact.<sup>45</sup> In this sense, on the one hand, unless we begin from a society with a determinate mem-

---

41 Gutmann, A. (1995), "Justice Across Spheres", in *Pluralism, Justice and Equality*, Edited by D. Miller and M. Walzer (Oxford University Press), p. 99

\* In Walzer's view, the art of differentiation means that "the idea of distributive justice has as much to do with being and doing as with having, as much to do with production as with consumption, as much to do with identity and status as with land, capital or personal possessions. Different political arrangements enforce, and different ideologies justify different distributions of membership, power, honor, ritual eminence, divine grace, kinship and love, knowledge, wealth, physical security, work and leisure, rewards and punishments, and a host of goods more narrowly and materially conceived - food, shelter, clothing, transportation, medical care, commodities of sort, and all the odd things (paintings, rare books, postage stamps) that human being collect. And this multiplicity of goods is matched by a multiplicity of distributive procedures, agents and criteria. There are such things as simple distributive systems - slave galleys, monasteries, insane asylums, kindergartens (though each of these, looked at closely, might show unexpected complexities); but no full-fledged human society has ever avoided the multiplicity. We must study it all, the goods and the distributions, in many different times and places." Walzer (1983) SJ, pp. 3-4.

42 Walzer (1983) SJ, p. 312

43 Rosenblum (1984), pp. 582-583

44 Walzer (1983), p. 312

45 Walzer (1983) SJ, p. xiv

bership, there will be neither social goods nor shared understandings, because both are relevant to the social world in which they were created and achieved but not to the whole social world. On the other hand, if a society is not politically organised, the study for a theory of distributive justice is a meaningless activity, since the state (in the modern sense) is the only organisation to maintain the boundaries of distributive spheres of justice.<sup>46</sup>

As has already been indicated, although Walzer rejects an exclusively libertarian, meritocratic, or socialist (need-based) solution to the problem of distributive justice, he presumes that each of these approaches can be appropriate to a particular distributive sphere. For example, he asserts that, in his own society, *free exchange* is appropriate within the sphere of commodities, as is merit within the sphere of specialised or professional education and need within the sphere of security and welfare.<sup>47</sup>

As he appeals to the classic non-relative definition, he refers to the idea that a society is just when specific human qualities obtain the respect due to them, through the autonomy of each sphere. Men and women create and inhabit meaningful worlds. We should therefore introduce justice to them by respecting their particular creations. And they should be able to claim justice and resist injustices and tyrannies by insisting on the meaning of the social goods they create, possess and distribute. This means that

Justice is rooted in the distinct understandings of places, honors, jobs, things of all sorts, that constitute a shared way of life. To override those understandings is (always) to act unjustly.<sup>48</sup>

Tyranny and injustice arise when one sphere of values invades another's domain, in particular when a single dominant one-dimensional system invades the autonomy of many spheres,<sup>49</sup> as claimed by the universal theories. When some people who have established a monopoly in a certain sphere achieve the dominance of their good over other social goods—for example, the wealthy convert their money (dominant in the market) into other opportunities and privileges, say, to acquire political power, to buy public office or to purchase honour—Walzerian distributive justice as complex equality come into play to neutralise these sorts of dominance.

Social justice should be considered, in Walzer's view, as the respect due not only to individual human qualities but also to the virtues embodied in different

(1985), p. 4

(1984), "The Limits of "Complex Equality"", *Harvard Law Review*, Vol. 97, No. 7, p

(1983) *SJ*, p. 314

(1980), p. 76

ways of life. Each political community creates its own social goods whose meanings differ from one to the next. In a just society, then, according to Walzer, the autonomy of these different spheres and their own distinctive meanings must be respected, and they should not be subject to invasion or contamination from other spheres of distribution.<sup>50</sup>

Walzer's proposition is that the principles of justice must be pluralistic in terms of the idea that "different social goods ought to be distributed for different reasons, in accordance with different procedures, by different agents." As has been noted earlier, Walzer presumes that "all these differences derive from different understandings of the social goods themselves –the inevitable product of historical and cultural particularism."<sup>51</sup> It is obvious that in Walzer's account of distributive justice, the meanings of the social goods play the most determinative role, and therefore he introduces a theory of goods.

Before going into his specific theory of goods, let us make a general remark concerning the main idea just outlined. As Walzer himself clearly indicates, his argument should be taken as 'radically particularistic,'<sup>52</sup> rejecting any kind of universal claims about principles of justice. However, it seems to us that his project is indeed extremely particularist when he refuses to search for any fundamental single principle of justice –in other words, when he considers different distributive criteria for different distributive spheres– but we doubt if he is so when he makes a general claim that there is a crucial relationship between the meanings of social goods and their distributive criteria. We do not claim that there is no relationship between the meanings of goods and their distributive criteria, but we wonder if that is all. We agree with Gutmann when she says that the meanings of many social goods are multiple, and that these multiple meanings can sometimes conflict and can lead us to look for moral considerations that are not internal to spheres. It is arguable that many relevant considerations cut across distributive spheres. For example, individual responsibility and equal citizenship are both relevant considerations in distributing medical care, but neither is specific to that sphere. We should accept that there may be some moral considerations relevant to distributive principle but not internal to any specific sphere, which must be taken into account before deciding how to distribute these social goods.<sup>53</sup> So, in our perspective also, distributive justice is complex, but its complexity is not limited to meanings of social goods specific to each sphere. In his recent article, Walzer also clearly admits that 'spheres' is a metaphor. There is not one social good to each sphere, nor one sphere

---

50 Rustin (1985), p. 79

51 Walzer (1983) SJ, p. 6

52 Walzer (1983) SJ, p. xiv

53 Gutmann (1995), p. 99-100

to each good.<sup>54</sup> According to him, a complete autonomy among distributive spheres is impossible: “What happens in one distributive sphere affects what happens in the others; we can look, at most, for a relative autonomy.”<sup>55</sup> However he holds that even though the theory derives from moral considerations (i.e., from a view of persons rather than of the things they make) and establishes limits on how these persons may be treated, this may still take different forms concerning this or that good in this or that place, with different consequences for distributive arrangements. In short, although Walzer accepts that “ideas about personal responsibility play a part in all ... distributive decisions,” he denies that they may serve as general principles of distribution.<sup>56</sup>

### 1.3.1. Theory of goods

We now turn to Walzer’s particular theory of goods. He begins by taking the classical proposition –the social process focused by the theories of distributive justice: ‘*people distribute goods to (other) people.*’ Walzer presumes that this is too simple an explanation and understanding of what happens in real world and is likely to lead us too quickly to make large assertions about human nature and moral agency. He therefore formulates, in his terms, “a more precise and *complex* description of the central process”, which is, “*people conceive and create goods, which they then distribute among themselves.*” According to this proposition, the social goods with their meaning –and only because of their meaning- are the crucial medium of social relations:

They come into people’s mind before they come into hands; distributions are patterned in accordance with shared conceptions of what the goods are and what they are for. Distributive agents are constrained by the goods they hold; one might almost say that goods distribute themselves among people.<sup>57</sup>

Walzer rejects the idea that there might be such things as *primary goods* that can be abstractly desired and distributed to different spheres regardless of the specific society. However, he maintains that each social good should be distributed according to its own distributive principle arising from a common understanding of the good in a given society. By claiming so, as we have seen, he does not deny the importance of human agency, but wishes to “shift our attention from distribution itself to conception and creation: the naming of goods, and the giving the meaning, and the collective making.” Walzer says, “What we need to explain and limit the

---

<sup>54</sup> Walzer (1995), p. 282

<sup>55</sup> Walzer (1983) SJ, p. 10

<sup>56</sup> Walzer (1995), pp. 293-294

<sup>57</sup> Walzer (1983) SJ, pp. 6-7

pluralism of distributive possibilities is a theory of goods."<sup>58</sup> He summarises the theory of goods in six propositions:

(1) All the goods with which distributive justice should be concerned are created socially and differ from one community to the next. (2) People acquire concrete identities because of the way they conceive, create, possess and employ social goods. (3) No single good or set of primary or basic goods is conceivable across all moral and material worlds. (4) The meaning of the goods shared by the agents involved determines the movement of the goods, thus, just and unjust distributions are relative to the social meanings of the goods in question. (5) The social meanings of goods are historical in character, and therefore just and unjust distributions change over time. (6) Because meanings of goods are distinct, distribution of them must also be distinct and thus autonomous. Each social good or set of goods creates its own distributive sphere within which only certain criteria and arrangements are appropriate.<sup>59</sup>

The main claim here is that once we know which social good is to be distributed, then we also know how we should distribute it: to whom and by what means. For instance (if we return to examples some given above), when we know that something is a *commodity*, we also know that we should distribute it according to *free exchange* through the market, if *medical care* is the social good to be distributed, the criterion should then be *need*; or in the case of *education*, the distributive criteria are simple *equality* at the basic level and *capacity to benefit* at a higher level. If there is a conflict or disagreement about a distributive criterion, this in fact reflects the disagreement about the nature of the social good itself; so we should settle the latter issue first, in order to solve distributive question.<sup>60</sup>

### 1.3.2. Dominance and monopoly

As we have seen above, Walzer admits that, when we look at actual societies, what we will see is that there is no society today in which social meanings are exclusively distinct:

What happens in one distributive sphere affects what happens in the others; we can look, at most, for relative autonomy. But relative autonomy, like social meaning, is a critical principle, ... indeed ... a radical principle. It is radical even though it doesn't point to a single standard against which all distributions are to be measured. *There is no single standard. But there are standards ... for every social good and every distributive sphere in every particular society; and these standards are often violated, the goods usurped, the spheres invaded, by powerful men and women*<sup>61</sup> (italics added).

---

58 Walzer (1983) SJ, p. 7

59 Walzer (1983) SJ, pp. 7-10, and also see Mullenix (1984), pp. 1803-1804

60 Miller, (1995), p. 5

61 Walzer (1983) SJ, p. 10

When we respect social meanings, says Walzer, distributions can not be coordinated, either with reference to the general happiness or with reference to anything else.<sup>62</sup> In this sense he argues against and rejects monopoly and dominance.<sup>63</sup> Walzer asserts that dominance is a basic feature of tyranny and can be “ruled out only if social goods are distributed for distinct and ‘internal’ reasons.”<sup>64</sup> The absence of domination, he believes, is freedom—the principle of relevant reason.<sup>65</sup> He outlines three types of criticism of existing distributions: The first, which we may call *the critique of monopoly*, claims that whatever the dominant good is, it “should be redistributed so that it can be equally or at least more widely shared”; that is a way of saying that ‘monopoly is unjust.’ The second critique, which can be called *the critique of dominance*, is that “the way should be opened for the autonomous distributions of all social goods”; that is a way of saying that ‘dominance is unjust.’ The third critique, the *critique of the existing pattern of monopoly and dominance*, is that “some new good, monopolised by some new group, should replace the currently dominant good” that is to say that “the existing pattern of dominance and monopoly is unjust”<sup>66</sup>.

### 1.3.3. Single equality

Walzer primarily focuses on the second claim, for he thinks that this claim best captures “the plurality of social meanings and the real complexity of distributive systems.”<sup>67</sup> In Walzer’s view, simple equality is, in Galston’s words, presumably unattainable, but definitely unsustainable, and the quest for it generates into dangerous tyrannies.<sup>68</sup> In order to show why the idea of *simple equality* does not work as a distributive principle of justice in free societies and how it would invite tyranny, Walzer asks us to

imagine a society in which everything is up for sale and every citizen has as much money as every other. I shall call this the “regime of simple equality.” Equality is multiplied through the conversion process, until it extends across the whole range of social goods. The regime of simple equality won’t last for long,

---

2 Walzer (1983) SJ, p. xv

3 Walzer distinguishes between monopoly and dominance. According to Walzer “*dominance* describes a way of using social goods that isn’t limited by their intrinsic meanings or that shapes those meanings in its own image. *Monopoly* describes a way of owning or controlling of social goods in order to exploit their dominance.” Walzer (1983) SJ, pp. 10-11

4 Walzer (1983) SJ, p. xv

5 Galston (1984), p. 330

6 Walzer (1983) SJ, p. 13

7 Walzer (1983) SJ, p. 13

8 Galston (1984), p. 330

because the further progress of conversion, free exchange in the market, is certain to bring inequalities in its train<sup>69</sup>.

In such societies, says Walzer, although a continual state power can break up or constrain incipient monopolies and repress new forms of dominance, the power itself can be monopolised by the those people who want to consolidate their control of other social goods and can become the central object of competitive struggles. Or it is likely that the state can be monopolised by its own agent due to *the iron law of oligarchy*. Politics, says Walzer, "is always a direct path to dominance and political power ... is probably the most important, and certainly the most dangerous good in human history."<sup>70</sup> To handle this dilemma, Walzer suggests a 'complex egalitarian society' that divides the spheres of control by narrowing "the range within which particular goods are convertible" into power in other spheres. He acknowledges that *small inequalities* may remain, but "inequality will not be multiplied through the conversation process." The result, as Mullenix asserts, "should be greater equality with no accompanying abridgement of individual liberty. Instead of seeking to control human behaviour, Walzer argues, we need only respect the boundaries between spheres."<sup>71</sup> That is what the *regime of complex equality* is for.

#### 1.3.4. Complex equality

*Complex equality*, as was mentioned, is opposed to the idea that social justice consists of a single master principle, one whose application determines the distribution of all social goods.<sup>72</sup> The argument of complex equality, Walzer says, begins from our actual, concrete, positive, and particular understanding of various social goods. Since he views complex equality as complex relations among persons mediated by social goods, he thinks that distributive criteria must reflect this existing diversity both of individuals and of social goods.<sup>73</sup> Walzer assumes that "there are ready and natural conversations that follow from, and are intuitively plausible because of, the social meaning of particular goods." The appeal should be to our ordinary understanding as it is, against our *common acquiescence* in illegitimate conversion patterns. When we consider the need criterion as a single distributive principle, Walzer says, it is odd to think that political power, offices, and honour can be distributed according to need of candidates: for instance, to ask a search committee looking for a hospital director to make its choice on the basis of

---

69 Walzer (1983) SJ, p. 14

70 Walzer (1983) SJ, p 15

71 Mullenix (1984), p. 1805

72 Gutman (1995), p. 100

73 Walzer (1983) SJ, p. 18



the needs of the applicants.<sup>74</sup> However the need criterion makes moral sense when it is applied to the distribution of health care, social security, and some other welfare measures. If its application is extended to all social goods, the principle of need would establish a kind of tyranny in society, the tyranny of needy; but its application within a more specific sphere –namely the sphere of welfare– would help to achieve justice, not tyranny.<sup>75</sup> So the disregard of the principles internal to each distributive sphere causes tyranny that is opposed to what Walzer calls “the regime of complex equality.”<sup>76</sup> The role of the regime of complex equality is, then, to establish a set of relationships such that domination by any single good or principle is impossible. Walzer thinks that tyranny is always specific to a particular boundary that is crossed, a particular violation of social meaning, and asserts that complex equality should rather mean defence of the boundaries:

It works by differentiating goods just as hierarchy works by differentiating people. But we can only talk of a *regime of complex equality* when there are many boundaries to defend.<sup>77</sup>

What complex equality should mean, in practice, is that “any citizen’s standing in one sphere or with regard to one social good cannot be undercut by his standing in some other sphere, with regard to some other social good.”<sup>78</sup> That is, those who succeed in one sphere, in relation to the internal criteria, will not necessarily be the same individuals who succeed in any other.<sup>79</sup> However, monopolies may be appropriate within a particular distributive sphere. The idea is not so much to prevent them as to prevent political power, wealth and office from carrying all the other social goods in their train.<sup>80</sup>

Walzer says that this way of assuming dominance and domination points toward an open-ended distributive principle: “no social good *x*, should be distributed, to men and women who possess some other good *y* merely because they possess *y* and without regard to the meaning of *x*.” He takes into consideration the three such criteria -three traditional methods of distribution- that, it seems to him, “appear to meet the requirement of this open-ended principle, and have often been de-

---

<sup>74</sup> Gutmann (1995), p 100; Walzer (1983) SJ, p. 25

<sup>75</sup> Gutmann (1995), p. 100

<sup>76</sup> Walzer (1983) SJ, p. 19

<sup>77</sup> Walzer (1983) SJ, p. 28

<sup>78</sup> Walzer (1983) SJ, p. 19; This means that even if citizen *X* has been chosen over citizen *Y*, say, for political office, this does not (or should not) give him any advantages over *Y* in any other sphere –superiority in receiving medical care, or access to better schools for his or her children, or entrepreneurial opportunities, and so on.

<sup>79</sup> Teuber, A.(1984), “Spheres of Justice: A Defense of Pluralism and Equality” (Review Article), *Political Theory*, Vol. 12, No. 1, p. 118

<sup>80</sup> Teuber (1984), p. 119

fended as the beginning and end of distributive justice": free exchange, desert, and need<sup>81</sup>.

Having examined these three criteria he points out that, as we have seen in the case of the need criterion, each criterion meets the general rule within its own sphere, and not elsewhere, According to Walzer, "this is the effect of the rule of complex equality: *different goods to different companies of men and women for different reasons and in accordance with different procedures*"<sup>82</sup>(italics added).

Walzer asserts that the concept of simple equality is easier to accept than that of complex equality because, in the former case, one dominant good, widely distributed, makes a society egalitarian, with complex equality, on the other hand, there is no certain answer to the question: "How many goods must be autonomously conceived before the relations they mediate can become the relations of equal men and women?" Therefore Walzer believes there is no ideal regime. However, he offers a special way of setting about an egalitarian enterprise, which is, as we know, to distinguish the meanings of social goods and to specify the different distributive spheres. To begin his enterprise, he takes up the political community as a model conception of his distributive community and says that

the political community is probably the closest we can come to a world of common meanings. Language, history, and culture come together (come more closely together here than anywhere else) to produce a collective consciousness. National character, conceived as a fixed permanent mental set, is obviously a myth; but the sharing of sensibilities and intuitions among the member of a historical community is a fact of life.<sup>83</sup>

However, Walzer is aware that political and historical communities are different species, and he accepts that "there may well be a growing number of states in the world today where sensibilities and intuitions aren't readily shared, the sharing takes place in smaller unit." If this is the case (and we believe it is), he is ready to "look for some way to adjust distributive decisions to the requirements of those units."<sup>84</sup>

But this adjustment must itself be worked out politically, and its precise character will depend upon understandings shared among the citizens about the value of cultural diversity, local autonomy, and so on. It is to these understandings that we must appeal when we make our arguments<sup>85</sup>.

---

81 Walzer (1983) SJ, p. 21

82 Walzer (1983) SJ, p. 26

83 Walzer (1983) SJ, p. 28

84 Walzer (1983) SJ, p. 28

85 Walzer (1983) SJ, p. 29

One of the reasons for focusing on the political community is that, in his view, citizens of a political society should be able to recognize the leaders as their own." If they do not, all or some of them will try to replace the leaders by "fighting over the distribution of political power." The fight will, according to Walzer, be shaped by the institutional structures of the community, because he believes that this is the outcome of previous fights, and so present politics is a product of past politics. The only plausible alternative to the political community, he asserts, is humanity itself, a society of nations, the entire globe<sup>86</sup>.

But were we to take the globe as our setting, we would have to imagine what does not yet exist: a community that included all men and women everywhere. We would have to invent a set of common meanings for these people, avoiding if we could the stipulation of our own values. And we would have to ask the members of this hypothetical community ... to agree among themselves on what distributive arrangement and patterns of conversion are to count as just. Ideal contractualism or undistorted communication, which represents one approach ... to justice in particular communities may well be the only approach for the globe as a whole<sup>87</sup>.

However, Walzer thinks that, whatever the hypothetical agreement is, it could make only for simple equality, but not for complex equality. Thus, in seeking for the principles of justice, Walzer limits himself to cities, countries, and states, which have shaped their internal life, he thinks, so as to provide common understandings of social goods. Meanwhile, he is optimistic that his theory of complex equality can, in a limited way, be extended from particular communities to the society of nations. The advantage he believes this extension will have is that "it will not run roughshod over local understandings and decisions. Just for that reason, it also will not yield a uniform system of distributions across the globe, and it will only begin to address the problems raised by mass poverty in many parts of the globe."<sup>88</sup>

## 2. Interpretations of Complex Equality

Walzer's theory of distributive justice has recently been reviewed, criticised and re-interpreted by some influential political theorists and philosophers, and correspondingly revised by Walzer, although in a limited way, in the book called *Plurality, Justice and Equality*. We will not discuss each chapter and each critique here separately, but will try to focus on three main objections to the general idea of complex equality. The first relates the scope of distributive society, the second is about the conception of the person, and the last one concerns the relativity of distributive spheres and their criteria.

---

86 Walzer (1983) SJ, p. 29

87 Walzer (1983) SJ, pp. 29-30

88 Walzer (1983) SJ, p. 30

## 2.1. Cultural Diversity and the Political community

As Miller points out, "on Walzer's view, questions of justice always arise within a bounded political community."<sup>89</sup> We wonder what role Walzer then gives to "different political arrangements and ideologies" when he defines the distributive world as a particular political community—in a sense, as a nation-state. His justification for doing so is that the political community with its national character is the closest we can come to a world of common meanings.

Like Carens, we believe that Walzer is right in drawing our attention to the fact that cultures vary and that justice is a cultural creation.<sup>90</sup> As has been mentioned before, Walzer says that

There are an infinite number of possible lives, shaped by an infinite number of possible cultures, religions, political arrangements, geographical conditions, and so on. A given society is just if its substantive life is lived in a certain way—that is, in a way faithful to the shared understandings of the members.<sup>91</sup>

Nevertheless, the problem is that it is unclear, in Walzer's theory, how much of a role should be given to cultural and ideological differences in a *political* theory of social justice. In our reading, Walzer does not, in fact, clearly answer this question. As we have seen, what he offers is to look at actual societies and interpret the different meanings of the social goods that are created, produced, and distributed by those who live, or at least work, in each particular political society. However, as we will try to show, he fails to show why we have to look particularly at political and not at historical communities, each of which may have a different set of distributive patterns that may be incompatible one another within the same political community. In other words, Walzer does not show us why the cultural diversity should occur only across political societies and not also within them. In short, the main problem of Walzer's pluralist theory of justice is his conceptualisation of the basic distributive sphere, that is, the *political community* itself. In his theory, 'culture' refers falsely to the shared understandings of the citizens of a particular political community, when, in fact, there are an enormous number of conflicting ideological (or, in Walzer's sense, cultural) differences deriving either from local understandings or from universal ideologies belonging to what Walzer calls historical communities smaller or larger than the political community.

Thus, when we define the main distributive society as a political community and do not clearly distinguish between the concepts of nationality and citizenship—in particular, between membership in different historical and cultural groups and

---

89 Miller (1995), p. 4

90 Carens (1995), p. 61

91 Walzer (1983) SJ, p. 313

citizenship of a state— our approach cannot be a pluralist one. Perhaps it could be a *new form of monism*: in Parekh's words, '*limited-localised universalism*.'<sup>92</sup>

We now know that, as Walzer was also aware, that there are growing number of political communities (nation-states) in which "sensibilities and intuitions are not readily shared, and sharing takes place in smaller units," in what he calls 'historical communities.' It seems to us that 'the sharing of sensibilities and intuitions' among the members of historical communities (including ethnic, religious, and other sorts of cultural communities), as Walzer himself admits, 'is a fact of life' in our democratic societies. From this point of view what logically should have followed, in such a pluralist theory, is to take these smaller units more seriously than Walzer does.

We therefore think that a distributive community, in such a pluralist approach, should not be a political community (as it is in Walzer's understanding) exhausted by the notions of citizenship or nationality.<sup>93</sup> In many political communities or independent nation-states there are several historical moral communities such that the meanings of certain social goods they share—for example family ties, love, divine grace and so on—, differ from the common understandings of the goods held by the majority of the citizens in the same political community as well as from the meanings held by the members of other historical communities. As Teuber rightly points out, "since most of us who live in a modern society inhabit not one but several communities, our perceptions of social goods may indeed be shared, but only within and through these smaller communities. Our society may have nothing quite like a collective consciousness and insofar as it does, the collective sensibility may be so thin that it cannot constitute a world of common meanings rich enough to provide the kind of guidance Walzer's view requires."<sup>94</sup> Walzer indirectly answers this question:

when people disagree about the meaning of social goods, when understandings are controversial, then justice requires that the society be faithful to the disagreements providing institutional channels for their expression, adjudicative mechanism, and alternative distributions<sup>95</sup>.

However, Walzer never offers an account of such a process. We acknowledge that it is very difficult to describe and draw lines between such historical or cultural communities, each of which holds a different moral value either universal or specific to the political community in which they exist, or involves a different way of life, cultural background, history, language, or tradition, or constitutes a

---

<sup>92</sup> Parekh, B. (1996), "The Politics of Multiculturalism" (unpublished paper), delivered at the SPT seminar, Sussex University, 16 October 1996.

<sup>93</sup> See Rosenblum (1984), p. 585

<sup>94</sup> Teuber (1984), p. 120

<sup>95</sup> Walzer (1983) SJ, p. 313

distinct ethnic identity, and so on. But this difficulty should not mean that we disregard these cultural settlements as if they did not exist. We all are in fact well aware that they exist, but the dilemma is that, today, we do not know how to determine, differentiate and then respect them (as they are) and their conflicting world-views and traditions in a single society. Although all communitarians and now some liberals agree that these communities with their conflicting ideologies must equally be respected in a just society, there is no agreement on the way how this must be done.

For example a liberal, Kymlicka<sup>96</sup> recognises cultural diversity and distinguishes between multi-nation states and polyethnic states. According to him, cultural diversity arises first from the incorporation of previously self-governing, territorially concentrated cultures into a larger state, which constitutes what he calls the '*national minorities*,'<sup>97</sup> and second, from immigration that constitutes '*ethnic groups*.'<sup>98</sup> He claims that such minorities must be recognised as distinct identities and also be given collective rights and liberties. Kymlicka distinguishes three different sorts of rights: *self government rights*, *polyethnic rights*, and *special representation rights*. However, not every minority, according to Kymlicka, has these three rights, and thus different distribution principles are appropriate for different kinds of minorities. For example, he claims national minorities have a right to self-determination, i.e., to share political power, but polyethnic minorities do not have such rights.<sup>99</sup>

## 2.2. The Conception of Person in a Pluralist Theory of Justice

One of the distinctive feature of Walzer's general approach to justice is that, as Miller points out, his account is closer to the beliefs and understandings of ordinary people than to liberal theories. The liberal conception of the person is an abstract and unrealistic account of men and women in actual societies, in particular, of those who live in a multicultural society. Liberal-universal theories, for the most part, disregard persons' moral attitudes and loyalties as members of moral and cultural communities or do not distinguish them from their allegiances as citizens of political communities, and they detach them from their own cultural experiences. On the contrary, Walzer's conception of the person considers them in their original (social and cultural) contexts, as belonging to a particular culture with shared understandings of social goods and their distributive criteria. Liberal accounts of the person are not appropriate to characterise individuals in our modern multicultural societies. We here argue that the communitarian conception of the

---

96 See Kymlicka, (1995), *The Rights of Minority Cultures*; and (1995), *Multicultural Citizenship*

97 Kymlicka, (1995), MC, p. 10

98 Kymlicka (1995), MC, pp. 10-11

99 Kymlicka (1995), MC, pp. 6-7 and specifically see Chapter 6 for a further argument on these rights.

person is also not an accurate account of individuals in a pluralist society. We claim that each of these conceptions refers to only a part of the self but not the whole. Liberals are concerned with the part of the self that is not socially or culturally shaped, while communitarians give priority to the socially determined part of the self. We believe that these two parts, only when taken together, make an individual a political entity and a social and moral being. We do not live alone in our islands as isolated individuals, but live together with others in a society. It is also true that *not* all our qualifications are intrinsically social and inalienable. We have some common characteristics that do not derive from our particular culture but derive from our nature, because we are natural and physiological beings as well as social beings and culture creators.

Moreover, we also believe that the liberal conception of the person would, as Rosenblum rightly indicates,<sup>100</sup> be an appropriate account of individuals if we all live in a capitalist society and believe in liberalism as a way of life. Nevertheless, there is no society in the world today in which everyone is committed to liberalism as a way of life or enjoys liberal ideals as their own particular private and common ends. There are individuals that belong to different social groups each reflecting the values of a particular culture, religion or ideology, which may or may not be incompatible with liberal culture and its values. However, this does not mean that we have to reject the liberal conceptions of the person altogether. On the contrary, we must take it seriously and understand that a just society is one that satisfies both parts of the self. In other words, individuals as separate entities must be able to achieve their own particular ends while also pursuing their collective ends as particular community members.

Therefore, even in a particularist approach to justice, we should discuss and try to find out if there are any universal (or not socially determined) qualifications of persons and, accordingly, universal rights and liberties. Walzer does not deny that there are at least "two most basic and widely recognised rights of human beings," namely *life and liberty*, although he ignores their importance "in thinking about distributive justice."<sup>101</sup> We believe that each individual must, although in a limited sense, have certain universal rights and, accordingly, claims on justice. According to this view, each individual has certain qualities that are independent of cultural particularities and derive from human nature: for example, the requirement of certain material necessities in order to survive. (we hope everyone would agree that to help survivors of a disaster or to provide food or medical help to one who would not survive long otherwise is, at least, not unjust, even if this may not be assumed as the requirement of justice, although, we think it is one). Walzer in fact does not deny this view; he argues that a state, first of all, must guarantee the

---

<sup>100</sup> Rosenblum (1984), p. 585

<sup>101</sup> Walzer (1983) SJ, p. xv

physical and cultural survival of its members, and he adds that after survival we have to distribute political power. Following this, we argue that a just society must respect the basic individual rights and liberties to the extent that given these rights everyone must be able to survive. Moreover, we also claim that a just state must leave room for the members of cultural communities to achieve their collective ends.

We think that being a particular community member should not (indeed in the case of most communities, cannot) restrict individual identity to membership in that particular community for two reasons. First, any individual, as a human being, should still have certain basic human rights deriving from human nature, such as the right to live. Second, being a member of one particular community may not prevent one from being a member of any other community. This can, although rarely, be extended to the membership of political communities, for example, when an individual carries two passports issued by two different countries; or, in a sense, as is the case among the members of the EU countries now.

Any theory of social justice should then be concerned with human being not only as socially constituted self, but also as free, equal and autonomous individual having the capacity to self-determination and to choose between good lives. We assume that in a pluralist approach to justice the role of the liberal conception of justice is to provide all the capacities that make individuals fully participating members of cultural and/or political communities. Once they have chosen their particular ends, liberal or non-liberal, we have to respect their rational choices. That is to say that, on the one hand, individuals must have certain basic human rights simply because they are human being, and on the other hand, they must be respected as members of cultural communities. This is, first, because we have no alternative but to live in a given community in accordance with its shared morality, and, second, because, as free individuals, we have a right to choose to join or to become members of such communities.

Walzer also considers these different aspects of persons when he discusses the refugee status in modern societies. However, since he defines individuals as only the 'citizens of a political community,' he has nothing to offer to those who do not belong to the nation of that political community. He admits that his argument "does not suggest any way of dealing with the vast numbers of refugees.... On the one hand, everyone must have a place to live, and a place where a reasonably secure life is possible," but surprisingly he also says that "on the other hand, this is not right that can be enforced against particular host states."<sup>102</sup> Rosenblum rightly points out that, in Walzer's view, "there is almost nothing about human rights in his discussion of domestic justice, and Walzer summarily rejects international distributive justice as impracticable." Rosenblum argues that

---

102 Walzer (1983) SJ, p. 50



It is as if a world of sovereign states were so much the only imaginable one that debate with universal socialists, say, was irrelevant; as if the range of international distributive theories currently debated as well as the range of actual international practices -from commerce to charity and scientific exchanges- did not have a significant bearing on a community's own internal distributions. Walzer is able to disregard these matters because of his conviction that moral membership in a community is the greatest good, and that the overriding concern of the community is with its own members.<sup>103</sup>

### 2.3. Relativity of the Meanings of Social Goods and the Distributive Criteria

As we have seen, in Walzer's theory, justice is relative to the meaning of social goods; that is, each social good -because of its meaning shared by the members of society- has its own distributive sphere and the criteria internal to that particular sphere.

Rustin argues that 'a strong programme' for complex equality cannot depend merely on the existence of shared meanings, for both logical and factual reasons. He argues that, for example in USA today, the scope of a sphere depends "on contrasting and conflicting belief systems, not merely on negotiating minor boundary adjustments between existing spheres."<sup>104</sup> Partly, as a response to this claim, Miller suggests that, in Walzer's theory, the claim of "the relationship between the meaning of the good and the distributive justice should not be taken in its strongest and most literal sense. ... We still face the injunction to begin our thinking not with general principles like equality or desert but specific goods like money or education and works upwards from here."<sup>105</sup>

We agree with Rustin on the idea that distinct spheres of justice cannot be determined according to the meaning of social goods solely, which Walzer assumes is the common consciousness of the citizens of the particular community. Miller asserts that "to understand this claim that distributive criteria are intrinsic to social goods, ... [t]he strongest interpretation would be that there is a conceptual link between the meaning of the good and its principle of distribution." Meanwhile, he also states that among "the goods in Walzer's lists, only love, divine grace, and recognition seem clearly to embody such a link" but this "does not seem to be true for money, or medical aid, or education, or political power."<sup>106</sup> we assume that there can be common understandings of social goods, but this does not necessarily

103 Rosenblum (1984), pp. 583-584

104 Rustin, M. (1995), "Equality in Post-Modern Times" in *Pluralism, Justice and Equality*, Ed. by D. Miller and M. Walzer (Oxford: O.U.P), p. 37

105 Miller (1995), pp. 6-7

106 Miller (1995), p. 5

require to believe that there are internal distributive principles for each different social good and *visa versa*.

Furthermore, as Miller argues, it would still be possible to establish a separate distributive criterion for each social good without the requirement of the idea that the criterion should be directly determined by the meaning of that particular good.<sup>107</sup> For example, in the case of medical help, although the principle that medicine should be distributed according to need may be suggested by the nature of medicine itself, Miller believes, it is not entailed by it: "It seems rather that we see medical aid as falling within a class of essential life-supporting goods about which people in contemporary democracies have a strong belief that they should be available to all who need them." Here the relationship between the distributive principle and the meaning of social good is not a conceptual one; "rather it is that once we see what kind of good medicine is, this immediately triggers a particular distributive principle that we see as applying to all goods of that sorts."<sup>108</sup> This last point lead us to believe that the Walzerian determination of spheres is, on the one hand, narrower than necessary in the sense that the idea that 'each good must be distributed according to the meaning of that particular good' unnecessarily limits the scope of distribution to the unworkable pattern of social goods rather than the more general moral standards of justice that may vary within and between societies. On the other hand, it is not in fact faithful to cultural difference in the sense that assuming that each particular good has exactly the same meaning in the entire society disregards the cultural difference between the smaller cultural communities within that particular society.

---

107 Miller (1995), p. 222

108 Miller (1995), p. 6