

## CHAPTER 10: WALZER'S COMPLEX EQUALITY

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### 10.1. INTRODUCTION

Walzer's theory is radically different from the preceding theories in that he eschews an abstract or purely philosophical approach to distributive justice, which he rejects because a theory of distributive justice must be situated within a particular social context. Although his approach to justice is commonly held to be communitarian because of its "sociological" bias, it has strong liberal, some would say libertarian, elements. Walzer's theory is of value mainly because of his emphasis that the social ideal of equality is best served when distinct goods, such as money, are not allowed to dominate the distribution of other goods, such as public office or the political process. Walzer urges us to conceive of equality as a plural conception with many different inequalities cancelling each other out so that overall people are equal even as they are unequal in specific respects. This notion Walzer calls "complex equality", which, according to him is preferable over traditional conceptions of equality, which he calls "simple equality".

In the section that follows the main aspects of Walzer's theory of complex equality is presented as a novel alternative to political theories in general, and Rawls's political theory in particular.<sup>1</sup> This is followed, in Section 10.3., by a discussion and an assessment of the main attributes of the theory. In Section 10.4. the main differences between the theories of Rawls and Walzer are noted and in Section 10.5. Walzer's conception of equality is discussed. As usual, this chapter is concluded with a discussion of the relevance of Walzer's notion of "complex equality" for the CEOP model (Section 10.6.).

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<sup>1</sup>Walzer M. (1983): *Spheres of Justice: A Defense of Pluralism and Equality*, New York: Basic Books.

## 10.2. OVERVIEW OF WALZER'S THEORY OF COMPLEX EQUALITY

Although Walzer's theory is called "complex equality", the main focus of his theory is on the social meaning of goods, which are, according to him sphere-specific and culture dependent, and which determines the appropriate distributive principles. Walzer's argument for his approach to distributive justice is best summarized in his own words:

"Different social goods ought to be distributed for different reasons, in accordance with different procedures, by different agents; and all these differences derive from different understandings of the social goods themselves -- the inevitable product of historical and cultural particularism."<sup>2</sup>

It is therefore, according to Walzer, the cultural meaning of goods, that determines the just distribution for those goods, and, because these goods can have different meanings, different distributional principles and procedures may be necessary, each autonomous from the other, for:

"when meanings are distinct, distributions must be autonomous. Every social good or set of goods constitutes, as it were, a distributive sphere within which only certain criteria and arrangements are appropriate. Money is inappropriate in the sphere of ecclesiastical office; it is an intrusion from another sphere. And piety should make for no advantage in the marketplace, as the marketplace has commonly been understood"<sup>3</sup>

Therefore, Walzer makes three claims regarding distributive justice:

- (i) Different goods have different social meanings and their respective distributions must be done in accordance with these different meanings.
- (ii) Any good belonging to one sphere of life should not be allowed to dominate the distribution of a good belonging to another sphere. For example, a distribution that gives dominance in the political sphere to Person A, should not result in Person A also achieving dominance in the economic sphere. Another way of putting this is that distributions between different spheres should take place independently of each other.
- (iii) It is the history and culture of a particular community that determine the meaning of social goods. Walzer therefore objects to two kinds of abstraction in political theorizing

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<sup>2</sup>Walzer (1983): p. 6.

<sup>3</sup>*Idem*: p. 10.

and suggests that two kinds of particularity should be kept in mind when talking of justice, namely that distributive principles must be good-specific and, secondly, that these good-specific principles must be culture-specific.<sup>4</sup>

What are the implications of this conception of distributive justice for his conception of equality? For Walzer, inequalities are not wrong as such, it is when inequalities in one sphere are allowed to lead to inequalities in another sphere, that our socio-political arrangements should guard against. This is where Walzer's distinction between "dominance" and "monopoly" is important, which he describes as follows:



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<sup>4</sup>Walzer claims that Rawls fails on both these counts.

"I call a good dominant if the individuals who have it, because they have it, can command a wide range of other goods. It is monopolised whenever a single man or woman, a monarch in the world of value -- or a group of men and women, oligarchs -- successfully hold it against all rivals. 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 social goods in order to exploit their dominance."<sup>5</sup>

This distinction allows him to contrast two sorts of demand for egalitarian justice: first, the claim that the dominant good,<sup>6</sup> whatever it is, should be redistributed so that it can become equally or at least more widely shared (this amounts to saying that monopoly is unjust); and second, the claim that the way should be opened for the autonomous distribution of all social goods (this amounts to saying that dominance is unjust). Walzer's argument is for the latter rather than for the former, that is for the autonomous distribution of goods, distribution in accordance with the good-specific meanings of each, rather than for the more equal distribution of whatever good happens to be dominant in a particular sphere. It is the prevention of exchanges between distinct spheres that is the focus of Walzer's notion of complex equality.<sup>7</sup>

This distinction between monopoly and dominance leads to a distinction between 'simple' and 'complex' equality. To explain this distinction, Walzer asks us to imagine a society in which everything is up for sale and every citizen has as much money as every other. Under these circumstances equality is multiplied through the conversion process, until it extends across the full range of social goods, for money is the only good and dominates all spheres through the conversion process, and it is equally distributed. This is what Walzer calls a case of "simple equality". This is not bad as far as it goes, but the problem is that this is an unstable situation that will quickly deteriorate, through market exchanges, into new inequalities unless unacceptably strong state intervention is used to break up incipient monopolies and forms of dominance in various spheres. Walzer proposes that a better strategy is to use the conception of "complex

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<sup>5</sup> *Idem*: pp. 10-11.

<sup>6</sup> The "focal variable" in Sen's terminology – see Chapter 9 *supra*.

<sup>7</sup> "So, whilst there remains, of course, a concern that goods be distributed in accordance with their own meanings, the thrust of Walzer's theory is such as to focus attention not so much on the distribution of goods considered one by one as on the prevention of exchanges between them. Thus, putting it very crudely, what is unjust about capitalist society is not so much the unequal distribution of money as the fact that money is able to bring its possessor goods, such as health care or education, that properly belong to different distributive spheres. In Walzer's terminology, what is wrong is that money is a 'dominant' good, one that 'tyrannizes' over others. And the mistake in focusing on the more equal distribution of money rather than the prevention of exchanges between it and other goods is that of pursuing 'simple' rather than 'complex' equality" [Mulhall & Swift (1994): p 147].

equality”, for which he offers the following motivation:

“I want to argue that we should focus on the reduction of dominance -- not, or not primarily, on the break-up or constraint of monopoly. We should consider what it might mean to narrow the range within which particular goods are convertible and to vindicate the autonomy of distributive spheres... Imagine now a society in which different social goods are monopolistically held — as they are in fact and as they always will be, barring continual state intervention — but in which no particular good is generally convertible... This is a complex egalitarian society. Though there will be many small inequalities, inequality will not be multiplied through the conversion process. Nor will it be summed across different goods, because the autonomy of distributions will tend to produce a variety of local monopolies, held by different groups of men and women.”<sup>8</sup>

From this perspective inequality as such is not wrong (for monopoly is not inappropriate within the spheres), what is wrong is what Walzer calls “tyranny”, that is the disregard of the distinctness of the principles internal to each distributive sphere. The regime of complex equality

“is the opposite of tyranny. It establishes a set of relationships such that domination is impossible. In formal terms, complex equality means that no citizen’s standing in one sphere or with regard to one social good can be undercut by his standing in some other sphere with regard to some other good. Thus citizen X may be chosen over citizen Y for political office, and then the two of them will be unequal in the sphere of politics. But they will not be unequal generally so long as X’s office gives him no advantages over Y in any other sphere — superior medical care, access to better schools for his children, entrepreneurial opportunities, and so on.”<sup>9</sup>

In short, the way to achieve justice is vigilantly to patrol the borders between spheres, preventing conversions between goods whose meanings, and hence principles of just distribution, are distinct. From the preceding, Walzer proposes the following general distributive rule:

“[N]o 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.”<sup>10</sup>

Justice requires that each good be distributed in accordance with its own sphere-specific principles, which are discovered through interpretation of its social meaning. A society is tyrannical if one good dominates others, if it violates those meanings.

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<sup>8</sup>Walzer (1983): p 17.

<sup>9</sup>*Idem*: pp 19–20.

<sup>10</sup>*Idem*: p 20.

Walzer provides a further argument in favour of complex equality, namely that it is already practiced in any society which prohibits exchanges between different spheres, by, what he calls, “blocked exchanges”. Walzer provides many examples of “blocked exchanges”,<sup>11</sup> which are a source of greater equality (by preventing inequality in one sphere to lead automatically to inequalities in other spheres) as well as a bulwark against tyrannical tendencies (by preventing dominance in one sphere to spill over to other spheres), while simultaneously fostering social diversity between and within groups by ensuring that control over individuals in one sphere of life does not automatically mean control within the context of another sphere, at any rate not by the same person or agency. A “blocked exchange” is the rules which in practice maintain boundaries between social institutions and practices. Examples of blocked exchanges are those market rules proscribing the trading in votes, persons, judicial verdicts, etc on the free market; the rules relating to kinship that prohibit the extension of favour to kin outside the sphere of family life; and the rules governing the exercise of political power, and so forth. The “spheres of justice”, according to Walzer, include: membership itself (i.e. citizenship or community membership), security and welfare, money and commodities, office, hard work, free time, education, kinship and love, divine grace, recognition and political power.



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<sup>11</sup> *Idem*: pp 282 -- 284.

For Walzer the recognition of different spheres and of the proper boundaries between spheres is a necessary but not sufficient precondition for justice.<sup>12</sup> Walzer seems to postulate a positive relationship between the number of distinct spheres a society recognizes and maintains and the likelihood that it will be a just society. Intuitively this seems accurate. For example, a medieval society where the king's dominance extended over political power, wealth, choice of wives, the church and so forth, appears, to the modern western eye at any rate, as more illiberal and unjust than a society where the ruler's monopoly is circumscribed, for example, by confining it to the sphere of politics. However, this example and the conclusion drawn, may not be apposite from a Walzerian perspective, for Walzer seems to argue that the illiberal monarchy will meet the "internal standards of justice",<sup>13</sup> if all, or most of its members, accept as just the unequal division of power, prerogatives and wealth.<sup>14</sup> The logic of Walzer's theory demands that one should accept this conclusion but it can certainly be called into question. Walzer argues that the history and culture of a given society may have caused unequal distributions to be generally regarded as just and hence, that it is just, because the distributive principles are in accord with the social meaning of the goods to be distributed. But pulling this normative rabbit out of the empirical hat of shared understandings leaves one with a sense of unease. Maybe the easiest resolution to this counterintuitive dilemma is to assume, for the purposes of this thesis at any rate, that situations which appear unjust to us, in all likelihood will, if tested properly, reveal that the necessary shared understandings do not prevail in society at large. Whether it is a case of false consciousness or fear of reprisal or repression, one cannot seriously accept that an "untouchable" will declare the caste system in India to be just. Even if he did so, one may argue that for the untouchable to make an informed judgement on this matter, he or she must first be provided with adequate resources to make an "authentic choice" (see Chapter 8 on the issue of "authentic choice"). By the same token, while it may have been that the most white South Africans accepted apartheid's distributive rules as just and that certain blacks concurred, a valid testing of the populace at large would have shown that the majority of people did not share this understanding. The fact that a powerful and despotic agency claims that something is just and supported by most people, does not make it so – for it to be just, in the Walzerian sense, one will first have to determine (empirically) whether most people indeed regard it as just, in which event it will be just with no further appeal possible to any abstract notions of justice. A possible further solution to the problem is to make use of Walzer's idea of a "thin morality", which peoples across cultures share and which he contrasts with the "thick morality" members of the same community share.<sup>15</sup> Based on this contrast between the minimalist (or thin theory) and the maximalist (or thick theory) one may postulate (I do not know whether Walzer would have agreed with my extrapolation) that in a plural society, such as ours, a minimalist conception of justice between

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<sup>12</sup>"The theory of justice is alert to differences, sensitive to boundaries. It doesn't follow from the theory, however, that societies are more just if they are more differentiated. Justice simply has more scope in such societies, because there are more distinct goods, more distributive principles, more agents, more procedures. And the more scope justice has, the more certain it is that complex equality will be the form that justice takes" [*Idem*: p 315].

<sup>13</sup>Walzer (1983); p 315.

<sup>14</sup>*Idem*: pp 313 – 315.

<sup>15</sup>Walzer M. (1994): *Thick and Thin: Moral Argument at Home and Abroad*, London: University of Notre Dame Press.

racial and ethnic groups is the best one can aspire to. From this postulate one may further conjecture that in cases of great disparity between racial or ethnic groups in a particular sphere over the social meaning of goods (and hence a great polarization of positions regarding the appropriate distributive rules to be applied in that sphere), an egalitarian distribution should be the starting point with the onus on the opponents of this to prove their case to the egalitarians.

### 10.3. COMMENTARY ON WALZER'S THEORY

#### 10.3.1. Introduction

The idea that different goods should be distributed for different reasons, and that we should discourage conversions between goods whose meanings are distinct, has a great deal of intuitive appeal, because many examples of prohibited conversions already exist in societies. For instance, we do not allow the selling or buying of votes or the commodification of public offices. Similarly, various goods, collectively known as social welfare benefits, are distributed in accordance with different rules than those applicable to ordinary commodities exchanged in the open market. For example, health care is distributed differently from employment, and education is distributed differently from religion, and, furthermore, there is no requirement that within any of these spheres, the distributive principles should result in equal allocations. This much must be clear: although each sphere will be defined by a focal variable (e.g. health care or education), nothing in Walzer's theory prescribes that these variables, whatever they may be, must be distributed equally, for the whole point of his notion of "complex equality" is that the many inequalities will result in complex or overall equality.<sup>16</sup> Likewise, the distributive rules applicable within the sphere of the family are prohibited when applied in the sphere of public life or in the private sphere of employment: favouring one's children or siblings over outsiders in distributing family goods, such as love and affection and the general means of living, within the family is allowed, even expected, whereas distributing goods such as jobs in the spheres outside the family to those nearest to one, is either prohibited or at least frowned upon as "nepotism" or "favouritism".

Walzer's work is remarkable for its commitment to actually trying to understand and describe the diverse ways in which human lives are actually lived and in this sense comes nearest to the idea of value

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<sup>16</sup> Compare the following passage, especially the words I emphasised: "If this is right, then we would have to pay a price for complex equality: the refusal to assign the full range of social goods on the basis of a single talent or a single achievement, in the state or the market or the arts and sciences, would deprive us of some great and glorious achievements. But it would also free us from the domination of tyrannical selves. I suppose that tyrannical selves have a relatively easy time planning their careers. Unjust societies make for simplified projects, since they hold forth the promise that success in winning one social good can be converted into general success – a triumphant parade through all the spheres. But this triumph can only be achieved at the expense of other people seeking other, valued but non-dominant, goods. A just society, by contrast, makes for complicated life plans, in which the self distributes itself, as it were, among the spheres, figuring simultaneously as a loving parent, a qualified worker, a committed citizen, an apt student, a discerning critic, a faithful member of the church, a helpful neighbor. No doubt, it is easy to imagine people **distributing themselves in this way and earning, as it were, less complementary adjectives**. I mean only to argue that we are more likely to aim at these different qualities if we are sure that intrinsic or at least different rewards are available for each of them—and no single convertible reward available for any one of them" [Walzer (1994): pp 37 – 38]. From the words in bold it is clear what Walzer had in mind: I may be a loving parent but an uncommitted citizen or an apathetic member of my church while at the same time being an apt student. In a word, excelling in one sphere does not translate into excellence in another sphere.

pluralism (that is, the idea that society should be tolerant of different conceptions of the good). It treats plurality of ends as a cornerstone of its theory, both in principle and in substance where other liberal theories endorse it in a highly abstract form as of normative importance for a theory of justice. The triumph of liberal western doctrines over that of communism and the increased affluence in the western world and the concomitant ability of each person to give expression to individual choice, have attenuated the idea of equality as an organizing principle, at any rate in its simple form. By proposing a theory that explicitly focuses on the social meaning of institutions and diverse ways of life, Walzer tries to reconcile the ideas of a plurality of choices with that of equality. His foundational premise is that it is the social meanings attached to goods that determine their fair distributional rules. His historical methodology is grounded in the notion that cultural interpretation is the best way to determine what will constitute social justice for a specific culture, at a specific time and in respect of specific spheres of life lived in that particular culture.

Despite its intuitive appeal, Walzer's theory has attracted considerable critical comment, some of which is attended to in the paragraphs that follow. In Section 10.3.2. I try to answer the question whether Walzer's complex equality is a feasible theory and I conclude that, while it may not be perfectly realizable, there is enough evidence to at least point the way in which a society may move towards the Walzerian ideal. In Section 10.3.3. the charge that Walzer's theory espouses a type of moral relativism is discussed. I conclude that Walzer cannot be interpreted to have meant that the community's shared understanding is the ultimate arbiter of moral worth and that a more proper interpretation will be to see Walzer as making an appeal for cultural tolerance and against xenophobia and cultural superiority. Section 10.3.4. deals with the value of membership to a community and concludes with the observation that social forces will subvert efforts to erode cultural groups. The danger that money and commodities pose to the independence of other spheres is the topic of Section 10.3.5. In the sphere of employment Walzer makes an interesting distinction between petty bourgeoisie employment and employment in larger organizations. These and other issues relating to the sphere of office and employment are covered in Section 10.3.6.. In Section 10.3.7. I come to the conclusion that Walzer's theory suffers from some incoherence in that Walzer claims that complex equality avoids massive state intervention to preserve equality but that in practice his theory may well require just such state intervention to protect the integrity of distinct spheres of life. Section 10.3.8. deals with the important role that equal citizenship plays in Walzer's conception of equality as complex equality, and in Section 10.3.9. Walzer's response to his critics is summarized.

### **10.3.2. Is It a Feasible Theory?**

Rustin<sup>17</sup> questions whether Walzer's idealist assumption that dominant spheres should not dominate subordinate spheres, is tenable. For Rustin a theory of "complex inequality" that gave proper recognition to the fact that in all societies there are spheres that carry more weight, such as money, kinship or politics that dominate other spheres and hence society as a whole, while showing how some autonomy could be

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<sup>17</sup>Rustin M.: "Equality in Post-Modern Times", in David Miller & Michael Walzer (Eds), (1995): pp 17 -- 44.

preserved for the other, non-dominant spheres, would have been a more useful approach to social justice. For example, private property and wealth in capitalist societies dominate or distort the distributive rules applicable to the sphere of health, rendering the normative criteria of health goods, an ambivalent mixture of distributive rules based on individual need and as a legitimate object of commodity exchange. In a capitalist society spheres are ranked in terms of their respective power to shape society and the dominance of private property and wealth in this respect cannot be refuted. Neither can the recognition of boundaries and blocked exchanges between spheres establish parity between competing spheres.<sup>18</sup>



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<sup>18</sup> *Idem*: p 35.

The critique therefore is that Walzer's theory is based on unrealistic assumptions about social reality in assuming that the dominance of certain goods may be tamed by keeping it in its appropriate cultural corral. This is certainly true for society as it is at present, but ignores the fact that it is possible for societies to change over time. This static model of society is refuted by many historical examples, such as the disappearance of feudal lords and the hereditary power of royals. In the sphere of employment the steady erosion of managerial prerogative, by limiting it to the sphere of employment,<sup>19</sup> is another illustration that society does change its distributive rules to conform more closely with changes in societal conceptions of justice. To state that societal institutions, as these are presently constituted, do not conform to the Walzerian ideal is totally uninteresting, the interesting part is to assess how likely it is for society to change in important respects to make it possible for Walzer's model to become a reality. By necessity, such a discussion will have to be culture- and sphere specific, for Walzer's precepts dictate that one must evaluate these matters in an historical and particularist manner. Taking the sphere of money (or commodities) as an example, one may readily identify a number of instances where the present South African government has strengthened the boundaries between, for example, the commodity sphere and the spheres of education and health. In education, government funding of schools is strongly skewed in favour of poor communities and schools are not allowed to turn a pupil away because of the inability of his parents or guardian to pay the school fees. Measures such as these obviously do not obliterate the influence of wealth in the sphere of education, but it does lessen, to some extent, the dominance of wealth in that sphere. Who is to say that this process will not continue? Likewise, in the sphere of health, government has, in the past, prohibited expensive operations in state hospitals and has, through legislative measures, reduced the ability of medical aid schemes to control entry to their medical aid schemes. Also, the rates for medical care at state hospitals had been reduced. Once again, these measures are imperfect obstacles to the intrusion of wealth into the sphere of health, but it certainly may be interpreted as the start of constructing a fence between the spheres of commodity and that of health. The fact that the present fences and the guards patrolling these fences (for example the office of the auditor-general and the Heath Commission) do not constitute impermeable barriers to the corrosive effects of money, does not mean that it is impossible, over time, to strengthen these institutions. Note that I am not saying that I necessarily agree with all the aspects of educational and health reform taking place in South Africa, I am simply using these as examples of how fences may be (and are) erected between the sphere of commodity and these two spheres. It is of course perfectly possible that the movement may be in the opposite direction (i.e. to an increase rather than a decrease in the commodification of non-commodity spheres). Who is to say whether the internet and other technologies may not have this effect (by, for example, reducing central governments' ability to regulate private commercial activities)? We simply do not know what the affects of these rapid technological changes will turn out to be (could the first users of the printing press have foreseen what profound influence that technological advance will come to have on societies world-wide?). I do not intend to pursue this point further, but I hope that the examples provided

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<sup>19</sup> In medieval times an employer was responsible for the physical, moral and religious well-being of the employee and therefore was entitled to discipline employees for what he considered to be transgressions in these spheres. Modern labour law limits the employer's jurisdiction to the sphere of employment and generally outlaws any intrusions on the part of the employer into the employee's activities in the non-employment spheres.

illustrate the point that the *status quo* cannot be used as an adequate argument against the feasibility of Walzer's theory.

### 10.3.3. Moral Relativism and Complex Equality

Various writers accuse Walzer of propounding a form of moral skepticism and that it is wrong to infer from the fact that something has social meaning, even if this meaning is widely accepted within a society, that, because of its universal social endorsement, it is morally justified. The fact that a coherent caste system exists and is supported by a community, does not automatically make it a morally just system impervious to outside critique.<sup>20</sup>

Carens and Rustin<sup>21</sup> accuse Walzer of professing to be a moral relativist but that in his practical examples he uses universal/abstract normative arguments and principles in support of his theory. Chief amongst these is Walzer's assumption that all societies have distinct spheres and that this is therefore a universal norm. My anthropological knowledge is inadequate, but I will be surprised if there does not exist a society or a tribe somewhere which, maybe because of an extreme form of collectivism and communal life, does not recognize distinct spheres.



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<sup>20</sup> *Idem*: pp 49 -- 51.

<sup>21</sup> Rustin M.: "Equality in Post-Modern Times", in David Millar and Michael Walzer (Eds) (1995): pp 17 – 44; and Carens J.: "Complex Justice, Cultural Difference, and Political Community", in David Millar and Michael Walzer (Eds) (1995): pp 45 – 66.

The idea of moral relativism may be illustrated by the following example. I sometimes suspect that in traditional African culture the meaning of holding political power differs from that of the traditional western conception in that holding political office confers rights and duties on the incumbent that is much nearer to that of a father or parent in the sphere of the family. A father has a duty to protect his family members against outside dangers and must guard against a family member being excluded from the family circle, even if that person has done something wrong. Now, if I am right about the traditional African conception of being a political leader, this has obvious implications for what will be considered the duties of a leader and what will constitute proper conduct by the leader – and these may, to the western eye, border on nepotism, favouritism and a failure to exercise proper party discipline in the face of transgressions by lesser political party functionaries. However, the social meaning of political power and high office can only be determined by sociological and anthropological research and I admit that this example is speculation on my part.<sup>22</sup> An example of the particularist nature of social meanings that is less speculative, it being based on empirical research, is the following regarding the correlation between the cultural variable “collectivism” and national wealth. Collectivism is one of the cultural variables which differs systematically and significantly between different cultures and thus is used, together with other significant discriminant variables, to define cultural distinctness. Of interest is that there seems to be a strong positive correlation between the collectivism variable and national wealth.<sup>23</sup> But the more interesting finding is the direction of causation rather the fact that these two variables tend to co-vary. It is not the case, as libertarians would like to assert, that collectivistic values cause economic inefficiencies whereas individualistic values and the business practices emanating from these result in economic efficiencies, and therefore that it is a matter of mere common sense that individualistically inclined cultures will generate more wealth than do collectivistic societies. The exact opposite is true: as a society's wealth increases, its members' value systems become more individualistic. It is wealth that causes individualism rather than individualism that creates wealth. The members of poor communities are, maybe as an expedient of daily survival, committed to collectivist values, whereas the members of wealthy societies hold individualistic values. An agency analysis provides a ready answer to this counter-intuitive empirical finding: the poor will hold more basic survival-related conceptions of the good and, as rational agents will use those means best suited and available to them in pursuit of these ends, which more often than not, will be that of comity and reciprocal and communal assistance to one another. This is the best, if not the only, way that the end of survival can be pursued in a world of acute scarcity. Not so in the case of the wealthy, where survival issues are not at stake. In this case the agent's ends may be more

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<sup>22</sup>The following interesting analogous example is provided in the *Routledge Encyclopaedia of Philosophy*: “Against this background, it is possible to understand the ethical crises associated, on the one hand, with the growth of literacy, the development of the African novel, and access to Western literary forms, and on the other, with urbanization and the growth of commodity production and wage labour. Each of these changes contributes to undermining the compatibility of traditional ethical ideas of kinship and community and contemporary practical life. The problem of political corruption in many African states has arisen in part from the fact that state officials in the modern sector are paid salaries intended to support a family unit closer to a Euro-American nuclear model. These officials inherit obligations to corporate groups, such as lineages and places of origin, that they cannot sustain. Similarly, the question of nepotism or tribalism in the state bureaucracy should be seen in the context of a conflict between formal rights-based notions of the role of state agents and traditional corporate obligations” [Appiah K.A.: “Ethical Systems, African”, in *Routledge Encyclopaedia of Philosophy*, Edward Craig (General Editor), New York: Routledge (1998), pp 430 – 435: pp 433 – 434].

<sup>23</sup>Hofstede G.(1980): *Culture & Consequences: International Differences in Work-Related Values*, Newbury Park, California: Sage Publications, Inc: pp 231 – 233.

directed towards individual self-realization rather than towards basic survival issues; ends that require, for their most effective pursuit, maximum control over the use of resources directed at the individual's idiosyncratic conception of the good. For the rational and wealthy agent it simply would be counter to his interests to support a social arrangement in which he must part with some of his resources for egalitarian purposes, because this will diminish his ability to pursue his own ends. All this implies that the social meaning of goods (and hence their appropriate or just distributive principles) may, and will, differ in accordance with cultural values, such as the variable defined by the individualism-collectivism continuum.

Carens also questions the appropriateness of Walzer's critical judgements of historical societies:

"Walzer's frequent use of historical examples evokes, without directly addressing, the question of the relationship between contemporary moral standards and the past. One of Walzer's goals seems to be to make us aware of differences in social understandings of goods without arousing the urge to judge these differences because moral criticism would be anachronistic."<sup>24</sup>

Against this charge of cultural particularity leading to moral skepticism, Stassen argues that critics who accuse Walzer of moral skepticism misread Walzer.<sup>25</sup> According to Stassen, Walzer's method of "deep interpretation" is grounded transculturally by affirming two universal principles (mutual respect for all persons and their communities and opposition to domination) and three universal sets of rights (right to life, to liberty and to community, each in its positive as well as negative sense). Although the substantive form and content in which these two principles and three rights are expressed may differ from society to society, due to historical and cultural differences, their essence is present in all societies. Thus even if at a particular time and historical moment in a society's history, the majority of its members adhere to laws and practices that are in breach of these transculturally valid norms, we can express judgement over the justness of that society by reference to these norms. In this sense Walzer's theory is not a morally relativistic theory. Walzer's idea of a thick and a thin morality may also be brought into play here (in the following passage Walzer criticizes "simple equality"):

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<sup>24</sup> *Idem*: p 58, n 15.

<sup>25</sup> Stassen G.: "Michael Walzer's Situated Justice", in *Journal of Religious Ethics*, Vol. 20, No. 4, 1994: pp 375-399.

“No one good rules over all the others, such that possessing it brings everything else in train. Justice requires the defense of difference – different goods distributed for different reasons among different groups of people—and it is this requirement that makes justice a thick or maximalist moral idea, reflecting the actual thickness of particular cultures and societies. Simple and straightforward equality is a very thin idea, reiterated in one form or another in (almost) every distributive system, and useful in the criticism of certain gross injustices, but quite incapable of governing the full range of distributions. It serves more as a constraint, a kind of critical minimalism—as when we say that someone is not being treated “like a human being” or when we condemn racial discrimination. Any effort to enforce equality across the board is immediately self-contradictory for the enforcement would require a radical concentration, and therefore a radically unequal distribution, of political power. A simple and straightforward hierarchy—the old over the young, the educated over the ignorant, the well-born over the low-born—makes even more directly for domination; it is simply the triumph of one good over all the others. Each of the goods that have shaped conventional hierarchies can play its part in a complex distributive system: seniority in the management of a factory or company, for example, learning in the organization of a school or academy, familial reputation in the social register and the gossip column. But a society in which any one of these was effectively dominant would be a one-dimensional, a frighteningly thin, society”.<sup>26</sup>

Walzer cannot be interpreted to have meant that the community’s shared understanding is the ultimate arbiter of moral worth, for such an interpretation will have Walzer endorsing the practices of Nazi Germany or apartheid South Africa. A better interpretation will be to see Walzer as making an appeal for cultural tolerance and against xenophobia and cultural superiority. Critics of Walzer frequently rely on his statement that every “substantive account of distributive justice is a local account”,<sup>27</sup> to ascribe just such a “society as moral supremacist” accusation against Walzer. However, these critics want to pull a normative rabbit out of a descriptive hat. Having mistakenly concluded that Walzer’s theory will lead to unacceptable consequences they ascribe normative value to what is an unexceptional observation. They are correct in the limited sense that Walzer does say that we cannot start with absolute universal norms for distributive justice, because there are none. But his starting place, “the local account” is not the final destination. Starting with the particular account of distributive justice held by a specific community, nothing in what Walzer says limits us in accepting that account as the morally correct or final account. At most Walzer can be read as warning us to respect diverse accounts of distributive justice and to afford them at least presumptive moral validity.

Support for the interpretation that Walzer does not rule out universal norms, may be found in the cautionary footnote he appended to the previously cited sentence:

“At the same time, it may be the case, ... that certain internal principles, certain conceptions of social goods, are reiterated in many, perhaps in all, human societies. That is an empirical matter. It cannot be determined by philosophical argument among ourselves – nor even by philosophical argument among some ideal version of ourselves.”<sup>28</sup>

One could of course quibble that this does not qualify as a universal norm because it derives its

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<sup>26</sup>Walzer (1994): pp 32 – 33.

<sup>27</sup>Walzer (1983): p 314.

<sup>28</sup>*Idem*: p 314.

justification from an empirical rather than a normative base. However, following Rawls's technique of reflective equilibrium it is difficult to envisage a situation where a person could convincingly argue that, despite universal adherence, something is normatively abhorrent. Maybe this is putting it too strongly, for as it stands, this view will cloth slavery in moral respectability in a world where slavery is universally endorsed and practised as morally right. A more defensible principle would be that it would be very difficult, given such empirical circumstances, to show, by way of reflective equilibrium, that the practice of slavery is morally wrong.

#### 10.3.4. The Value of Community

Walzer attributes to persons the right of membership, which, in its negative form, is the right not to be excluded or deprived of community, and in its positive form, expresses the right of persons to establish and preserve distinct communities that command the respect and recognition of others. From this it follows that particular historical communities have a positive right to preserve their ways of life and shared understandings, which is likened to an individual's consent and must be respected as such.<sup>29</sup>

Walzer in fact says that we are one another's equals because we are all

“culture-producing creatures; we make and inhabit meaningful worlds”,

and that

“we do justice to actual men and women by respecting their particular creations ... 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>30</sup>

Walzer therefore affords priority to the value of community and gives a number of reasons for doing so, some of which are:

- (i) That distributive justice depends on the existence of “independent cities or countries capable of arranging their own patterns of division and exchange ...”.<sup>31</sup>
- (ii) “The primary good that we distribute to one another is membership in some human community”.<sup>32</sup>

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<sup>29</sup> Stassen (1994): pp 375-399: p 384.

<sup>30</sup> Walzer (1983): p 314.

<sup>31</sup> *Idem*: p 31.

<sup>32</sup> *Op cit*.

- (iii) The choice of membership structures determines “all our other distributive choices: ... with whom we make those choices, from whom we require obedience and collect taxes, to whom we allocate goods and services”.<sup>33</sup>

Of particular interest is Walzer’s argument that at some level, be it state or local, communities will exercise an admissions policy. Indeed, if the state does not fulfil this function the local community will, for



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<sup>33</sup> *Op cit.*

“the distinctiveness of cultures and groups depends upon closure, and, without it, cannot be conceived as a stable feature of human life.”<sup>34</sup>

This insight into the importance of cultural communities is of particular importance in plural societies, such as ours. It implies that social forces will undermine any efforts to erode cultural distinctiveness, which at best, if it were successful, would yield deracinated individuals. As Stassen puts it:

“[P]olitical scientists have learned that neighborhoods demand their own distinctive community and that such distinctiveness depends on restricted membership. If the state does not restrict immigration, neighborhoods will – thus becoming ethnic, class, or religious ghettos.”<sup>35</sup>

### 10.3.5. Money and Commodities

Provided that effective blocks are in place, Walzer does not regard the unequal distribution of money and commodities as unjust in itself:

“Once we have blocked every wrongful exchange and controlled the sheer weight of money itself, we have no reason to worry about the answers the market provides ... given the right blocks, there is no such thing as a maldistribution of consumer goods. It just doesn’t matter, from the standpoint of complex equality, that you have a yacht and I don’t, or that the sound system of her hi-fi set is greatly superior to his, or that we buy our rugs from Sears Roebuck and they get theirs from the Orient. People will focus on such matters, or not: that is a question of culture, not of distributive justice. So long as yachts and hi-fi sets and rugs have only use value and individualized symbol value, their unequal distribution doesn’t matter.”<sup>36</sup>

Barry, while being critical of Walzer’s depiction of the social origins of the criteria for distribution in the sphere of money, endorses the importance that social meanings can play in determining the just distributions in other spheres. However, according to Barry, the social meaning of goods is a necessary but not a sufficient condition for determining the just distribution of goods even in these cases.<sup>37</sup>

However, for Walzer’s conception of justice it is crucial that social and political arrangements should

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<sup>34</sup> *Idem*: p 39.

<sup>35</sup> Stassen (1994): p 387.

<sup>36</sup> Walzer (1983): pp 107 – 108.

<sup>37</sup> Barry B.: “Book Review: Intimations of Justice”, in *Columbia Law Review* Vol. 84, 1984, pp 806-815: pp 810 – 812.

block money's domination of other spheres. Justice (and liberty) requires that other spheres be protected against the tyranny of money:

“A radically *laissez-faire* economy would be like a totalitarian state, invading every other sphere, dominating every other distributive process.”<sup>38</sup>



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<sup>38</sup>Walzer (1983): p 119.

Where the accumulation of money in the hands of one institution, such as in the commodities market, becomes so vast that individuals cannot be said to bargain freely and fairly as equals, Walzer proposes a number of measures to guard the right to liberty: the welfare state must guarantee the basic needs of life; union organization and collective bargaining must be promoted and protected by the law; powerful corporations<sup>39</sup> must be subjected to some form of democratic participation in decision-making;<sup>40</sup> a progressive income tax scheme may be needed; and a limit placed on the inheritance of large fortunes.<sup>41</sup> These Walzerian prescriptions for a more just society is strongly reminiscent of Rawls's argument that the concentration of vast wealth in a few hands distorts the democratic process. Dworkin also points out that a comprehensive theory of equality of resources will have to incorporate an account of the political process and the legal system.<sup>42</sup> However, like Rawls and Dworkin, I do not propose to go into these matters in the presentation of the CEOP model, although I accept the validity of their comments in this regard.

### 10.3.6. The Sphere of Office or Employment

Walzer argues that in Western cultures the social understanding of the distribution of jobs is that this must be done in accordance with a person's ability to do the job. He argues this on the basis of human needs having to do with life goods and self-respect: (i) the needs of "consumers of goods and services who

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<sup>39</sup> When corporations become so huge that they exercise an illegitimate kind of power over the lives of their employees and their fellow citizens, they are no longer called private commodities, 'any more than the irrigation system of the ancient Egyptians, the roads of the Romans or the Incas, the cathedrals of medieval Europe, or the weapons of a modern army are called commodities, for they generate a kind of power that lifts them out of the economic sphere'" [Stassen (1994): p 391; the quotation cited by Stassen is from Walzer (1983): p 122].

<sup>40</sup> Walzer justifies workplace democracy in terms of our understanding of power. For a critique of this defence of workplace democracy, see: Cohen J.: "Book Review: Spheres of Justice: A Defense of Pluralism and Equality", in *The Journal of Philosophy* Vol. 83, 1986, pp 457-468: p 465.

<sup>41</sup> Walzer (1983): pp 119 - 127.

<sup>42</sup> Dworkin (2000): pp 65 - 66.

depend upon the competence of office holders”<sup>43</sup>; and (ii) the need for self-respect, which depends on job incumbents to have been selected for a job “because they really possess ... the talents ... necessary to the office.”<sup>44</sup>

Walzer makes a telling distinction between “offices” and “petty bourgeoisie employment”. The former is restricted to employment in large institutions where the relationship between employee and employer is formal and impersonal, as opposed to the small family type of business or small shop or service. Walzer first cautions generally that in the sphere of offices:

“The inevitable tendency of all efforts to achieve political control and equality of opportunity is to reinforce and enhance centralized power. As in the other areas of social life, the attempt to defeat tyranny raises the spectre of new tyrannies.”<sup>45</sup>



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<sup>43</sup> *Idem*: p 131.

<sup>44</sup> *Idem*: p 152.

<sup>45</sup> *Idem*: p 160.

He secondly argues that equality of opportunity should not be imposed on the petty bourgeoisie type of employment, firstly because it is impractical; secondly it would require too much centralized control; and lastly, it would entail too much stifling of liberty in relation to the small gain in equality of life goods.<sup>46</sup> Furthermore:

“We should not prohibit small businesses from hiring friend and family; neither should we prevent commune-based factories from favouring relatives, friends, members of this or that ethnic, religious, or political group – because they are choosing not merely workers but members of their *community*.”<sup>47</sup>

Lastly, speaking of the American society, Walzer argues that while affirmative action is in accord with their social understanding and history, the imposition of quotas would not be, for it would violate rights.<sup>48</sup> <sup>49</sup> This is an interesting observation in that one may speculate to what extent this shared social meaning of the good of jobs, is mirrored in contemporary South African society. Certainly it seems likely that our Courts will find that a strict quota system will amount to unfair discrimination, for, given our history, a resurrection of the much hated “job reservation”, albeit in favour of the previously disadvantaged, is unthinkable. It is also almost certain that the purpose of the legislator in passing the Employment Equity Act, Act 55 of 1998, was not to allow for quotas. However, as remarked previously, the Walzerian logic requires of us to assess the widely held shared understanding and not be satisfied by the *ipse dixit* of agencies of authority, such as Parliament and the courts. My informal observations lead me to suspect that one may find considerable support amongst the previously disadvantaged for the notion that the strongest forms of affirmative action measures, such as quota systems, are just because of our apartheid past. I do not agree with this normative claim, but leave this topic here, it falling to be decided by the political process, the courts’ determination of the *boni mores* of society and primarily by empirical research.

### 10.3.7. The Coherence of Complex Equality as a Conception of Equality

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<sup>46</sup> *Idem*: p 161.

<sup>47</sup> Stassen (1994): p 392.

<sup>48</sup> Walzer’s discussion of quotas is on pp 148 – 154 [Walzer (1983)].

<sup>49</sup> On “hard work”, see Walzer (1983): Chapter 6; and Stassen (1994): pp 393 – 394.

Barry<sup>50</sup> argues, first of all, that if it is true that “once the meaning of a good has been established, the appropriate criteria of distribution follow directly”, then justice is consistent with any distribution of money, because the meaning of money carries no implications for its just distribution.<sup>51</sup> Barry’s critique on this score is mistaken, for while Walzer will agree with him that money has no distributive criterion, this is to miss the point; what is wrong with money, is not its unequal distribution, but the fact that it is allowed to migrate from the sphere of commodities to other spheres, such as the political sphere.

Barry further charges Walzer that his theory is incoherent because it professes not to use universal abstractions. But his two ideas (that separate spheres and meaning determines distributive justice) may be subversive of each other in that it may be that some tribe’s meaning of justice requires a single sphere. This will lead to the idea that separate spheres must be a universal abstraction, something that Walzer would not like to admit.<sup>52</sup>

Thirdly, Barry rejects Walzer’s theory as “self-refuting” for holding that there can be no such thing as international distributive justice, while the world is manifestly unjustly divided between rich and poor countries, with the former consuming the vast majority of goods while the latter’s inhabitants go without the most basic necessities of life.<sup>53</sup>

It has to be admitted that complex equality, as exemplified by Walzer’s open-ended distributive principle, has no obvious egalitarian content.<sup>54</sup> Swift discusses four possible meanings of “equality” that can be derived from Walzer’s *Spheres of Justice*:<sup>55</sup>

- (i) The notion of equal respect for the capacity of all human beings to create culture.<sup>56</sup>
- (ii) The notion that equality is to be equated with the absence of domination.<sup>57</sup>

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<sup>50</sup> Barry B.: “Spherical Justice and Global Injustice”, in Miller & Walzer (Eds), (1995): pp 67-80.

<sup>51</sup> *Idem*: pp 67 -- 70.

<sup>52</sup> *Idem*: pp 72 -- 75.

<sup>53</sup> *Idem*: p 79.

<sup>54</sup> Swift A.: “The Sociology of Complex Equality”, in Miller & Walzer (Eds) (1995), pp 253 -- 280: p 256.

<sup>55</sup> *Idem*: p p 256 – 261.

<sup>56</sup> Based on the following quote from *Spheres of Justice*: “By virtue of what characteristics are we one another’s equals? One characteristic above all is central to my argument. We are (all of us) culture-producing creatures; we make and inhabit meaningful worlds. Since there is no way to rank and order these worlds with regard to their understanding of social goods, we do justice to actual men and women by respecting their particular creations. And they claim justice, and resist tyranny, by insisting on the meaning of social goods among themselves. 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” [Walzer (1983): p 314].



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<sup>57</sup> “The root meaning of equality is negative; egalitarianism in its origins is an abolitionist politics. It aims at eliminating not all differences but a particular set of differences, and a different set in different times and places. Its targets are always specific: aristocratic privilege, capitalist wealth, bureaucratic power, racial or sexual supremacy. In each of these cases, however, the struggle has something like the same form. What is at stake is the ability of a group of people to dominate their fellows. It’s not the fact that there are rich and poor that generates egalitarian politics but the fact that the rich ‘grind the faces of the poor’, impose their poverty upon them, command their deferential behavior. Similarly, it’s not the existence of aristocrats and commoners or of office holders and ordinary citizens (and certainly not the existence of different races or sexes) that produces the popular demand for the abolition of social and political difference; it’s what aristocrats do to commoners, what office holders do to ordinary citizens, what people with power do to those without it. The experience of subordination—of personal subordination, above all—lies behind the vision of equality. Opponents of the vision often claim that the animating passions of egalitarian politics are envy and resentment, and it’s true enough that such passions fester in every subordinate group. To some extent they will shape its politics: thus the ‘crude communism’ that Marx described in his early manuscripts, and which is nothing but the enactment of envy. But envy and resentment are uncomfortable passions; no one enjoys them; and I think it is accurate to say that egalitarianism is not so much their acting out as it is a conscious attempt to escape the condition that produces them. Or that makes them deadly—for there is a kind of envy that lies, so to speak, on the surface of social life and has no serious consequences. I may envy my neighbor’s green thumb or his rich baritone voice or even his ability to win the respect of our mutual friends, but none of this will lead me to organize a political movement. The aim of political egalitarianism is a society free from domination. This is the lively hope named by the word *equality*: no more bowing and scraping, fawning and toadying; no more fearful trembling; no more high-and-mightiness; no more masters, no more slaves. It is not a hope for the elimination of differences; we don’t all have to be the same or have the same amounts of the same things. Men and women are one another’s equals (for all important moral and political purposes) when no one possesses or controls the means of domination. But the means of domination are differently constituted in different societies. Birth and blood, landed wealth, capital, education, divine grace, state power—all these have served at one time or another to enable some people to dominate others. Domination is always mediated by some set of social goods. Though the experience is personal, nothing in the persons themselves determines its character. Hence, again, equality as we have dreamed of it does not require the repression of persons. We have to understand and control social goods; we do not have to stretch or shrink human beings” [Walzer (1983): pp xii – xiii].

- (iii) Miller's idea that complex equality is best understood as equality of status.
- (iv) Swift's idea that goods should be commensurable, in opposition to Miller's premise, in the sense that a high ranking in one distributional sphere can be offset by a low ranking in another distributional sphere. The idea being that there will be a low correlation between rankings in different spheres if distributional autonomy is preserved.<sup>58</sup>

Swift also argues that advantages are inherently convertible:<sup>59</sup> "If advantage is Protean, then the task of fettering it is Sisyphean."<sup>60</sup> Therefore, the regulation of the conversion of advantages through commodification and individual freedom, would need massive state intervention to block conversions.<sup>61</sup> For example, restrictions will have to be tightened on the ownership and transfer of newspapers and other forms of mass media; donations to political parties and the permissible amounts that these parties may spend on campaigns will have to be regulated; private schools and the amounts spent by parents on the education of their children will have to be strictly circumscribed; and so on and so forth. The fact that in some countries legislation with the aim of regulating some of these transfers from one sphere to another (for instance donations to political parties and caps on campaign spending) already exists, does not alter the fact that such legislation (and the regulating authorities necessary to ensure compliance) amounts to state

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<sup>58</sup> "Imagine now a society in which different social goods are monopolistically held—as they are in fact and always will be, barring continual state intervention—but in which no particular good is generally convertible. As I go along, I shall try to define the precise limits on convertibility, but for now the general description will suffice. This is a complex egalitarian society. Though there will be many small inequalities, inequality will not be multiplied through the conversion process. Nor will it be summed across different goods, because the autonomy of distributions will tend to produce a variety of local monopolies, held by different groups of men and women. I don't want to claim that complex equality would necessarily be more stable than simple equality, but I am inclined to think that it would open the way for more diffused and particularized forms of social conflict. And the resistance to convertibility would be maintained, in large degree, by ordinary men and women within their own spheres of competence and control, without large-scale state action" [Walzer (1983): p 17].

<sup>59</sup> Swift (1995), pp 253 -- 280: p p 261 – 267.

<sup>60</sup> *Idem*: p 263.

<sup>61</sup> *Idem*: pp 266 – 267.

interference in the private sphere. In this sense, Walzer's theory is incoherent because it purports to prevent direct state intervention in the distribution of social goods, yet, if Swift is correct, his theory will require considerable and ongoing state intervention.

### 10.3.8. Complex Equality and Equal Citizenship

Miller shows the pivotal role that the notion of "equal citizenship" plays in Walzer's theory. According to Miller, Walzer regards citizenship as much more than merely a formal status. The notion that everyone has some say, however small, in one or another sphere, should engender some sense of equal citizenship in the individual. This conclusion is based on the assumption that if complex equality prevails each person will enjoy a relatively high rank in one or more sphere while ranking relatively low in others, and the fact that an individual has this high status in at least some social institutions will engender a sense of participation in, and being a valued member of, civil society. Now, because, under complex equality, individuals' differential rankings in different spheres will cancel each other out, so that their aggregate standing in society will be equal, they should have a sense that they are equal citizens. In contrast, under simple equality, the oppressed and disadvantaged are uniformly oppressed and at a disadvantage across spheres, which leads to alienation from civil society and a sense of being not valued as a citizen. This value, of providing everyone with some sense of equal citizenship, guides us towards preserving as many distinct spheres of justice as possible (because the more spheres there are the greater is the scope of complex equality to flourish), and to promote those spheres which are in danger of disappearing from social life.<sup>62</sup> An example of what Miller has in mind could be the disappearance of the National Symphony Orchestra in February 2000, owing to the withdrawal of funding by the SABC. Certainly the supporters of classical music may feel that they are being marginalized by this move. If we allow medical treatment to become a commodity like any other (for example, by allowing private hospitals), we are enlarging the market economy as a sphere of life while diminishing another sphere (in our example, the provision of public health care services). On the other hand, if we recognize medicine as a good to be provided on the basis of need outside the market economy, we reinforce equal citizenship between persons who may be highly unequal in the market sphere. Miller suggests:

"We may appeal to the principle of citizenship in cases where goods already have distributive criteria attached to them, but these criteria are in dispute: some people favour one mode of distribution, others another – or perhaps all of us feel some pull in both directions and are unsure about the right answer. In these circumstances it makes sense to take a broader view, to ask not only 'how will implementing different

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<sup>62</sup> Miller D.: "Introduction", in Miller & Walzer (Eds), (1995), pp 1 -- 16: p 12.

answers to *that* question influence our standing as equal citizens’.”<sup>63</sup>

Swift argues that status as a citizen may be universally accepted as the basis for equal distribution of some goods, thereby offsetting the distribution of resources resulting from the occupational structure of society.<sup>64</sup> Scales of occupational status represent people’s synthetic judgements about the general desirability of occupations: standard of living; power and influence over other people; level of qualifications; and value to society:<sup>65</sup>

“[W]idespread agreement that occupational prestige is not autonomous of the distribution of material resources in society.”<sup>66</sup>



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<sup>63</sup> *Idem*: p 13.

<sup>64</sup> Swift (1995): pp 275 – 280.

<sup>65</sup> *Idem*: p 270.

<sup>66</sup> *Idem*: p 271.

The question is whether those aspects of a job that are rewarded with prestige can be separated from those that receive more material returns. In the Eastern Bloc countries this was done to some extent by importing the idea of “value to society”: manual labour was needed and was ideologically praised, but it also attracted rewards (if not money, then other material rewards).<sup>67</sup>

Swift seems to indicate that citizenship should qualify one for substantive material rewards, and cites the opinion that support for this view can be found in Rawls’s theory, presumably in the priority of certain basic primary goods. However, we must take into account the issue of relativities when formulating a policy to regulate the public provision of certain goods to persons *qua* citizens. Does the fact that a person uses his market power to procure for himself more of a particular “citizen good”, mean that others are denied that which they are entitled to as citizens?<sup>68</sup> Swift uses the example of equality of opportunity as such a citizen good. In the case of education, the ability to buy better education may be objected to on the basis that equal education is closely linked to equality of opportunity. On the other hand, no such close link exists between health services and equality of opportunity and hence no such objection can be raised if a particular individual were to buy additional health care over and above that what he is entitled to by virtue of his citizenship.<sup>69</sup> Swift would therefore block the conversion of market power or advantage into educational advantage. Swift would restrict Walzer’s

“... quite general claim about the injustice of conversions to cases where to permit them would be to deny the equality of people as citizens.”<sup>70</sup>

But what goods can be identified for this (apart from the rights mentioned by Rawls)?

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<sup>67</sup> *Idem*: pp 272 – 275.

<sup>68</sup> *Idem*: pp 279 – 280.

<sup>69</sup> Swift attaches two conditions to this: first, the assumption is that health care is a resource whose supply is not restricted so that me buying more health care does not reduce the provision of public health care services to others by virtue of their citizenship rights; and, secondly, that the provision of private (or commodified) health care services should not result in the deterioration of public health care services over time. He suggests that should this happen, it would be justified to force the better off to participate in the public health care system, if this is the only way of ensuring that citizenship needs are properly met [Swift, in Miller & Walzer (1995): p 280, notes 34 and 35].

<sup>70</sup> *Idem*: p 280.

### 10.3.9. Walzer's Reply to His Critics

In replying to some of the criticisms levelled at his theory, Walzer raises the following points:<sup>71</sup>

- (a) Walzer argues that complex equality is future-directed, rather than an ideal for the here-and-now. In present societies simple equality is the logical answer due to historical unfair discrimination which gave rise to present inequalities. However, this does not mean that we should not strive to reform our political and social institutions to prevent or reduce the dominance of one sphere over another.



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<sup>71</sup>Walzer M.: "Response", in Miller & Walzer (Eds), (1995): pp 281-297.

- (b) In defending complex inequality against the notion of simple equality, Walzer points out that in the latter the same people win out in every sphere *for the same reason*, while in the former the same people may also win out in every sphere *but for different reasons*. If, in complex equality a underclass will develop then it will be because they had a fair chance in every sphere but were rejected in every sphere without having been discriminated against. The present underclass bears no resemblance to this hypothetical group of people, because of the pernicious effects of racism and sexism, amongst other things.<sup>72</sup>
- (c) Morality has a role to play in distributive justice in that it sets the basic parameters within which distributions take place, but in a moderating way, rather than being directly implicated as a distributive justice principle. For example, the idea of individual responsibility will play an important role in the sphere of criminal justice distribution but not in the sphere of health care [i.e. although a person may be responsible for his own illness he will nevertheless still receive health care].
- (d) Walzer argues that an historical account of the development of society will show that complex equality should at least be considered as a plausible alternative to simple equality as a social ideal.<sup>73</sup> It is only when we include other values in our conception of

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<sup>72</sup> *Idem*: pp 290-291.

<sup>73</sup> "I am inclined to think that Michael Rustin is right to argue that the theory of complex equality needs, and lends itself to, a historical account of social differentiation. He is not suggesting that we repeat the progressist and Marxist mistake of valuing the future because it is, or will be, *there*. Indeed, on some accounts, we are moving toward a less differentiated society where numeral literacy and technical intelligence, and the education that provides or certifies them, will dominate over all other talents and goods. The point of a Rustin-

distributive justice, such as freedom, mutual respect for each other and our different cultural communities and needs, that complex equality can be realized fully:

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like story would be to show how complex equality arises out of or fails because of actual social processes and conflicts. Its categories reflect real talk in the real world, and their use requires us to take sides in actual conflicts. Complex equality answers to questions asked with increasing urgency in the course of modern history. Certainly, it seemed for a long time (and the case might still be made) that social differentiation was the decisive fact about modernity. It would be possible to give a historical account of each of the spheres along these lines: the liberation of the market from religious control (the just price, the ban on usury) and political control (mercantilism), the separation of workplace and household (the factory system), the walling off of church and state (religious toleration, autonomy of politics), the creation of independent schools and universities (academic freedom), the barring of kinship considerations (nepotism) from professional life and the civil service, the ban on the sale of offices and public services (simony, bribery), and so on. It is important to stress that none of these were absolute achievements; nor can they plausibly be described as a simple linear process. But they do hang together so as to constitute a recognizable way of life, within which men and women inhabit many different spheres, adapting themselves to different roles, observing different rules, exercising different talents, even fashioning different identities. Hence, at least, the possibility of complex equality. ... Merit may well be the coming distributive principle, the goods that it best fits increasingly dominant over all others. And the local inequalities that differentiation allows are large enough and significant enough *right now* to make simple equality an entirely comprehensible choice. Complexity also has to be a choice, which is why I have treated its historical examples as exemplary rather than directional in character. None the less, the history that Rustin would tell is the history of *our* way of life, and it can also be read as the gradual enactment of a set of values that we have good reasons to defend: freedom, individual autonomy, mutual respect, something like Miller's equality of status, and pluralism itself, which seems to me the condition of all the others. It is when we reflect on distributive justice in its largest sense, and on the values that we would like to see realized in all the spheres, that complex equality comes into its own" [*Idem*: pp 296-297].

“It is when we reflect on distributive justice in its largest sense, and on the values that we would like to see realized in all the spheres, that complex equality comes into its own.”<sup>74</sup>

#### 10.4. WALZER CONTRA RAWLS

Like Sen, Walzer clearly had liberal theories in general,<sup>75</sup> and Rawls’s theory in particular, in mind in much of what he wrote and in the development of his theory of complex equality. It is therefore instructive to look at some of the similarities and differences between the two theories. These are listed below, followed by some commentary.

- (a) First of all, Walzer can be distinguished from the other communitarian<sup>76</sup> critiques of Rawls in that his critique is goods-based rather than being directed at Rawls’s purported mistaken conception of the person and the person’s relation to his community.

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<sup>74</sup> *Idem*: p 297.

<sup>75</sup> I should hasten to add that Walzer cannot be regarded as “anti-liberal”, as is clear from the following comments by Mulhall and Swift: “If anything, what emerges is an impeccably liberal emphasis upon the need to respect alien cultures and to give priority to persuasion rather than force when political disputes arise — an attempt to create a space for tolerance without allowing that tolerance to paralyse action on truly fundamental matters” [Mulhall & Swift (1994): p 146]; and “It may, however, be worth pointing out that Walzer’s criticisms of Rawls do not entail that he opposes liberalism *per se*, or at least does not entail that he is hostile to certain central strands of typically liberal political thinking. Walzer is clearly opposed to political theories that give *undue* emphasis to enshrining individual rights in law in a way that seriously encroaches upon the democratic process; and in so far as the Rawlsian emphasis upon primary goods is a manifestation of the general liberal attempt to be maximally neutral between competing conceptions of the good, Walzer is opposed to that attempt. On the other hand, his demand that the political theorist attend to the particularity of social meanings reflects a commitment to the values of tolerance and respect for alien cultures that is impeccably liberal; and in so far as liberal ideas and values have permeated the institutions and practices of our society, then a Walzerian respect for the social meanings that our goods now carry may well result in recognizably liberal conclusions. After all, although his emphasis upon preventing conversions between goods seems to conflict with Rawls’s attempt to give absolute priority to individual freedom, the general idea of a separation of spheres has a respectable liberal ancestry. It is, after all, liberals who are keen to insist on the separation, and separability, of church and state, of the economic and the political, and, more generally, of private and public” [Mulhall & Swift (1994): p 155].

<sup>76</sup> But see text below, where I point out that Walzer’s “communitarianism” is of a special kind.

Nevertheless, Walzer's focus on goods and their appropriate distributive principles does involve

“a claim about the importance of the community as the repository of value and thus, implicitly, about the priority of the community over the individual; and the key elements of his critique can be restated in terms that relate them more directly to a conception of the person and of what is in their interests or constitutes their well-being. Moreover, it will also become clear that the presuppositions of Rawls's approach to distributive matters to which Walzer takes exception are in fact a consequence of the distinctive Rawlsian concern for the freedom of the individual -- as epitomized in his prohibition on the invocation of conceptions of the good in the sphere of politics.”<sup>77</sup>



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<sup>77</sup> Mulhall & Swift (1994): p 129.

- (b) Secondly, Walzer rejects Rawls's methodology as being too abstract<sup>78</sup> to account for the cultural meaning of goods. Walzer rejects Rawls's conception of primary goods, because: (i) the Rawlsian list of 'basic' goods that can be applied cross-culturally fails to respect cultural difference and seeks an abstraction from meaning that renders goods meaningless; and (ii) this list ignores the fact that even within the same cultural community, different goods should be distributed for different reasons.
- (c) Thirdly, for Walzer, unlike Rawls, the case for the welfare state begins with a theory of membership, not rights:

"Welfare rights are fixed only when a community adopts some program of mutual provision. There are strong arguments to be made that, under given historical conditions, such- and-such a program should be adopted. But these are not arguments about individual rights; they are arguments about the character of a particular political community."<sup>79</sup>

- (d) In the fourth place, Walzer's conception of the person differs markedly from that of Rawls and provides the basis from which to see how his approach to equality differs from that of Rawls:

"By virtue of what characteristics are we one another's equals? One characteristic above all is central to my argument. We are (all of us) culture-producing creatures; we make and inhabit meaningful worlds. Since there is no way to rank and order these worlds with regard to their understanding of social goods, we do justice to actual men and women by respecting their particular creations. And they claim justice, and resist tyranny, by insisting on the meaning of social goods among themselves. 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>80</sup>

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<sup>78</sup> "... what he identifies in Rawls and condemns in general is any mode of political theorizing that fails to pay attention to the cultural particularity of the contexts within which such theorizing must have application. In brief, it is Rawls's emphasis upon primary goods and the resulting appearance of universal scope attaching to his conclusions that falls foul of Walzer's claim that any theory of justice must base itself upon a careful reading of the particular social meanings of the goods whose distribution is at issue, on pain both of failing to respect democratic values and of failing to be utilizable in any concrete social circumstances" [*Idem*: p 154].

<sup>79</sup> Walzer: "Welfare, Membership and Need", in Sandel (Ed) (1984): *Liberalism and Its Critics*, pp 200 – 218: p 204.

<sup>80</sup> Walzer (1983): p 314.

Under point one I grouped Walzer together with the communitarian school of thought. This classification needs clarification because in certain respects Walzer may be viewed as being more of a liberal (or even a libertarian) than a communitarian. Walzer's communitarianism resides in the emphasis that he places on community values and cultural variables as the arbitrators of the social meaning of goods. In this sense, the community is prior to the individual and hence Walzer's classification as a communitarian. Additionally, Walzer's emphasis on the particularity of social meanings and his consequent rejection of highly abstract notions of justice align him with the communitarian school. However, in his understanding of sphere-specific equality, Walzer's liberalism comes to the fore. Once the social meaning of goods has determined the distributive rules appropriate for a particular sphere, the individual's autonomy and rationality is given free reign and inequalities resulting for this must be tolerated. On a different interpretation one may argue that this "liberalism" is rather superficial because the rules within which inequalities are permitted are embedded in cultural meanings and shared understandings, which once again lead to the conclusion that the community is prior to the individual and that Rawls's individuated self, unencumbered by social and cultural baggage, cannot easily find a home in Walzer's conception of justice.

In summary, one may say that Walzer and Rawls has this in common: both support the idea that basic civil and political rights and liberties should be equally distributed; both argue that the principle of equal opportunity should regulate the distribution of jobs; both support the principle that educational opportunities should not be dependent for its distribution on the arbitrary variables of the circumstances of birth and the natural lottery but should be allocated on the basis of capacity to benefit from it; and both oppose the concentration of wealth on the basis that this may lead to distortions of the political in a democracy.<sup>81</sup> Where Walzer and Rawls differ is that Rawls is able, because of the level of abstraction of his theory, to advance principles (such as the difference principle) of justice that may be justified and articulated without recourse to controversial sociological assumptions which can only be verified by extensive empirical research. I am not sure that this fact necessarily reflects negatively on Walzer's theory because the price one has to pay for moving from the more abstract to the more particularist is exactly that one has to abandon the purity of normative reasoning for the confusing and often contradictory world of the sociological. Rawls avoids this sociological swamp by deftly announcing that the appropriate time to deal with these issues is at the constitutional, legislative and administrative phases respectively. Walzer, in contrast, endeavours to work from the start with a thick conception of the good and this unavoidably makes his theory vulnerable to sociological doubts and attack. However, one may be pretty sure that had Rawls ventured beyond the abstraction of the agreement reached in the original position, he would have encountered similar problems of an empirical nature. When the normative blends with the empirical things become messy and a theorist who dare to venture that far should accept that doubts regarding the feasibility and coherence of his theory come with the terrain. Certainly Walzer's theory is in need of some refinement and much sociological backing but this does not mean that he did not make a valuable

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<sup>81</sup> Also see Barry, in Miller & Walzer (1995): p 79.