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Justice in the community
Walzer on pluralism, equality and democracy[1]

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Justice is conventionally portrayed as blindfold. According to this standard image, fairness and impartiality are guaranteed by the rigorous application of universal and general norms, without regard to the particular status or context of the persons concerned, or the good or bad being distributed. Indeed, many philosophers have argued that the avoidance of self-serving bias or prejudice requires that the very formulation of principles of justice must be undertaken, as it were, in the dark, and in ignorance of our own capacities and circumstances.[2]

Michael Walzer's *Spheres of Justice* challenges this approach.[3] He believes that the diversity of social norms, and related variations as to what count as goods, undermine the possibility of universal or generalisable rules of justice. It is impossible to abstract from either the particular persons to whom justice is to be applied, or the specific social settings within which judgements take place. Equitable treatment, on this view, requires that justice removes her blindfold and pays attention to the plurality of goods and principles operating both within and between different communities. If justice and equality are linked, in the sense that the former turns on treating like cases alike and dissimilar cases differently, then we need to drop a universalist for a particularist perspective which respects the importantly diverse ways in which people and societies conceive of the just and the good. Within a particularist understanding of the nature of our moral rights and obligations, the goals of fairness and impartiality come to be incorporated within, and to some degree strengthened by, a practice of reciprocity. For the tensions between one's personal standpoint and the claims of the collectivity are lessened when one is asked to identify with the particular goals and values of the community or associations to which one belongs, rather than with some set of abstract universal ideals that are said to apply to humanity as such.[4]

Walzer contends that this communitarian account of justice builds on a defence of pluralism and equality. Furthermore, he holds this view to be profoundly democratic. For it turns on taking seriously the conceptions and assumptions of ordinary people. In what follows, these contentions will be explored and to a large extent questioned. After an exposition of Walzer's thesis in Section I, Section II argues that his communitarian approach fails to offer a full account of either pluralism or equality, whilst Section III disputes the democratic credentials of his theory. The attempt to compartmentalise the different spheres of justice is

not only in tension with his insistence on the socially relative nature of justice, but also incoherent and undesirable in its own terms. Pluralism, equality and democracy all have a universalist dimension that is a vital aspect of any defence of their particular manifestations. Justice may need to see and be seen in order to be done, making a contextual and more political approach desirable. However, that is at least partly because there are rival universalisms in play that operate across spheres and cannot be blocked off into discreet units.

I
SPHERICAL JUSTICE

The social thesis

The central thesis of Walzer's theory of justice is that goods are conceived of, created and distributed within a social context. Goods do not have fixed and inherent 'natural' or 'ideal' meanings that are prior, and hence common, to all communities. All goods are the product of particular social relations and have no existence or value apart from the men and women who employ and fashion them.[5] Even goods that appear to have a private significance, such as a family heirloom, a pint of beer, or an esoteric invention, form part of a public culture that makes such personal appreciation comprehensible and possible. Indeed, personal identity is in crucial respects socially constructed through the use and pursuit of social goods.[6]

Because goods and their meanings are socially constituted, Walzer concludes that 'distributions are patterned in accordance with shared conceptions of what the goods are and what they are for'.[7] However, social meanings are neither immutable or universal. They change over time and differ between, and in certain cases within, societies.[8] Walzer draws a number of important consequences from this alleged fact. First, and in contrast to Rawls,[9] he insists that because societies value different goods and alter their own evaluations during the course of history, there can be 'no single set of primary or basic goods conceivable across all moral and material worlds'.[10] Some goods may be highly favoured in certain societies and marginalised or absent from others. While many categories of goods will have analogues across most societies, they will usually not be understood in exactly the same way everywhere. Much of Walzer's study is devoted to tracing these differences, notably by comparing contemporary American ideas of education, leisure, office and similar goods with those found in other places and at other times. He notes how even such a basic necessity as food can have different meanings in different contexts. Thus, 'bread is the staff of life, the body of Christ, the symbol of the Sabbath, the means of hospitality, and so on'.[11] Nor will it be clear which meaning has primacy. A group of starving devout Christians might still choose to place the religious usage over the nutritional one, for instance.

Second and relatedly, the same good will be distributed in different ways in different contexts according to how it is understood by those concerned.

'Distributive criteria and arrangements are intrinsic not to the good-in-itself', which for Walzer does not exist, 'but to the social good.'[12] He claims that 'if we understand what [a good] is, [that is] what it means to those for whom it is a good, we understand how, by whom, and for what reasons it ought to be distributed'.[13] If I wish to know how to dole out the bread, for example, I must first discover how it is valued by those concerned. When it is the 'staff of life' certain criteria will apply, when it is the 'body of Christ' others will be appropriate, and so on. Although many categories of goods will have analogues across most societies, therefore, these goods will usually not be understood in exactly the same way everywhere.

Third, universalist theories that seek to apply a single distributive principle or set of criteria across all goods and societies are doubly misguided.[14] Different communities apply different meanings to a given good, even value a good differently in different contexts and at different times, as in the case with bread in the example above, and prioritise different sets of goods. Distributive principles vary both between societies and within them, according to the good concerned, and cannot be abstracted from these specific contexts.

Fourth, and once again taking issue with Rawls, he disputes that there can be an Archimedian point, such as Rawls' Original Position, for the evaluation of any given society's distributive criteria. For 'the question most likely to arise in the minds of the members of a political community is not, What would rational individuals choose under universalising conditions of such-and-such a sort? But rather, What would individuals like us choose, who are situated as we are, who share a culture and are determined to go on sharing it? And this is a 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?'[15] Any critique must be an immanent criticism based on the traditions and practices people are engaged in. The hypothetical arrangements of idealised agents who have been artificially shorn of their identities and allegiances have no relevance for actually existing people and societies.

Finally, any theory of justice must assume a certain political as well as a social context. Walzer believes the bounded political community constitutes the best approximation 'to a world of common meanings', which, on his view, any account of goods and their appropriate distribution necessarily presupposes.[16] Within the nation state, in particular, 'language, history and culture come together…to produce a common consciousness', at least to a greater degree than anywhere else.[17] As a result of this common culture, its members identify with each other and are 'committed to dividing, exchanging, and sharing social goods' amongst themselves.[18] States also possess a set of political mechanisms for this purpose, that are capable of arranging and securing distributions according to the criteria agreed on by the group. There would be little point in elaborating principles of justice without such institutions and a commitment to them on the part of those involved.

Walzer derives two general and related norms from the above largely descriptive claims, which should guide how we think about distribution. First, he contends

that since 'justice is relative to social meanings…a given society is just if its substantive life is lived…in a way faithful to the shared understandings of its members', so that 'all distributions are just or unjust relative to the social meanings of the goods at stake'.[19] Indeed, 'to override those understandings is (always) to act unjustly'.[20] Second, he argues that '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 are appropriate.'[21] Consequently, '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'.[22] Walzer sees the second principle as following from the first. However, as I shall show in later sections, the relationship between the two is a contingent rather than a necessary one. His prioritising of the first over the second undermines the pluralist, egalitarian and democratic credentials of his theory. Unfortunately, the second principle is unable to sustain them either.

At one level, Walzer presents his principles as simple logical entailments of the social thesis and the purported intrinsic relationship between the shared meanings of goods and the criteria for their distribution. Justice, on this view, cannot be other than what a given society understands it to be. To the extent that understandings of goods and their distribution differ amongst both societies and their spheres, there are different possible accounts of justice and no way of ranking them.[23] Indeed, Walzer's thesis makes it not only unjust but also nonsensical to distribute goods in any way other than according to their relative social and spherical meanings.

Some instances of such intrinsic links between spherical justice, distribution and social understandings certainly do exist. Thus, if a prize has been established for the Politics candidate scoring the highest marks in finals, it could not be awarded to any one but the person with the best scores without changing the nature of the award. Of course, there are equally plausible criteria one might adopt, such as giving it to the individual who had tried the hardest or improved the most over the year. Choosing between them on the grounds that there exists a 'natural' or 'most just' criterion for the award of university prizes would be slightly absurd, however. It all depends on what qualities a given department or university values or is seeking to promote. In this sort of case, a just distribution is clearly relative to the social meaning of the good.

The prize example also illustrates Walzer's point about preserving the autonomy of distributional spheres. Walzer is particularly concerned at the way money invades all spheres, enabling individuals to buy goods to which they are not entitled.[24] The prize cannot be legitimately bought and sold, however, for it would be not simply unjust but ultimately meaningless to commodify it in this way. The only reason a less able student could have for bribing the examiners to give him the award, would be so he could pass himself off as the most successful candidate. The open sale of degrees is pointless for analogous reasons, since it would so undercut their social purpose as symbols of a certain level of academic

achievement as to render them valueless. The difficulty, explored below, is that money is now the chief prize.[25]

At another level, a more substantive argument underlies Walzer's normative claims. He argues that persons should be equally respected in their capacity as 'culture-producing creatures', who 'make and inhabit meaningful worlds' involving 'distinct understandings of places, honours, jobs, things of all sorts, that constitute a shared way of life'.[26] Outsiders can never amend what they believe to be the unjust arrangements of another community without committing an even graver injustice. For the human ability to invent a variety of different cultures and social identities means there is no external and universal view of justice to which one might appeal to justify such interference. As with missionaries, attempts at conversion to one's point of view show contempt for people's self-understanding and tend to slide into coercion. No matter how well-intentioned, such exercises are always paternalistic, and end up offering a spurious ideological cover for some form of neo-colonial domination. The only legitimate criticism comes from inside a society in the form of an immanent critique of that society's own standards by its members.[27]

In recent writings, Walzer has conceded that this argument for particularism involves a universalist dimension that stresses the importance of communal self-determination.[28] However, he couches this thesis in communitarian/ descriptive terms as a claim that certain minimal moral requirements *are* reiterated within all cultures, not as a universalist/prescriptive argument that certain conditions *ought to be* recognised, whether they are or not.[29] The assumption that all societies value some degree of individual and collective autonomy is empirically dubious, though, and at best offers a contingent defence of pluralism, equality and democracy within communities. Nor is it clear that all societies would accept that principles of justice are relative to the understandings of the people who employ them and the goods that they are applied to. For example, it is arguably a deep assumption of Western societies that correct notions of justice are objective and capable of being justified independently of any particular groups beliefs about them. We shall return to these points below.

Similar reasoning underlies his case for preserving the autonomy of different spheres. Human creativity not only gives rise to diverse cultures but also to a variety of goods within them, which reflect in turn the wide range of human talents and abilities. Just as the attempt to impose a particular view of justice across different societies involves a lack of equal respect that ultimately proves tyrannous, so too does the attempt to apply a single distributive principle across all goods within a society. Inevitably it leads to the monopolists of a particular good exploiting their advantage so as to dominate all other areas. This argument rather begs the question that people actually do perceive goods in this sphere specific manner. I shall challenge this assumption below. The contention that they can and should do so, however, is crucial to the radical political claims Walzer wants to draw from his theory.

A radical liberalism

Walzer regards the argument for different spheres of justice as 'a radical principle'.[30] He traces the respective shortcomings of capitalism and state socialism back to their failure to respect it. Capitalism allows the sphere of money to dominate, whilst socialism gives excessive weight to those who control the sphere of political power. Both systems also work with a related and defective account of equality. The former employs a purely 'formal' view, which involves merely treating everyone the same in certain specified respects. The latter advocates a 'simple' egalitarianism, that seeks to render everyone the same in respect of some good or goods. In each case, these approaches to equality merely serve to promote the tyranny of the dominant good, leading to highly inegalitarian results of an unjustified nature.

Walzer's critique of the formal equality of capitalist societies is most clearly expressed in an earlier essay, 'In Defense of Equality', that rehearses many of the central themes of *Spheres of Justice*.[31] Walzer criticises an argument by Irving Kristol to the effect that the inegalitarian 'bell-shaped' distribution of wealth and power in contemporary capitalist countries echoes the similarly 'bell-shaped' distribution of talents and abilities amongst human beings. Walzer counters that to get the full picture one needs to have a separate curve for each of the many human capacities: from intelligence, physical strength, agility and grace through to artistic creativity, mechanical skill, leadership, endurance, memory, psychological insight and so on. He contends that the ability to make money is but one more talent to place alongside these. He thinks it highly unlikely that any individual will consistently show up on the same place on each of these curves. To be consistent, Kristol ought to admire the whole range of human talents and abilities. A true meritocracy would involve valuing each of them for their own special qualities rather than for other, irrelevant, reasons. The trouble with a system of purely formal equality is that it fails to distinguish adequately between the various substantive criteria appropriate to different goods, and allows individuals or groups to exploit their success in one sphere to gain an undue advantage in another. In particular, if certain talents come to attract greater financial reward than others, the beneficiaries can 'buy' into another sphere even if they lack the appropriate qualities. Millionaires may lack good looks or a scintillating personality, features that normally are needed to attract friends and lovers, yet prove attractive to others and even be praised for their beauty and wit on account of their wealth alone. Likewise, though by and large less in need of health care than the poor, the rich can jump hospital queues and purchase immediate treatment even for relatively trivial complaints. When talent really gets its just deserts then 'many bells ring'. Money reduces this pluralism to the monotone of the cash register by acting as a universal medium of exchange that allows its possessors to purchase virtually every other sort of social good. Walzer provocatively concludes that 'a radically *laissez-faire* economy would be like a totalitarian state', since it would involve both the market and money 'invading every sphere, dominating every other distributive process.'[32]

Walzer thinks that this line of attack offers a way of rehabilitating the socialist ideal of egalitarianism by avoiding the two classic weaknesses targeted, he believes with some reason, by conservative critics such as Kristol.[33] Namely, that it involves levelling down to the lowest common denominator, replacing meritocracy with mediocrity, and requires the state constantly to deploy huge coercive power so as to check those with superior personal skills or attributes gaining any advantage from them. The pursuit of simple equality results in the tyranny of money giving way to what Walzer concedes to be the far greater, because more direct, tyranny of the state. Political power, no less than economic power, needs to be kept in its place, and Walzer endorses all the usual liberal constitutional checks and balances designed to do so.[34]

Walzer holds that his own position of 'complex equality' avoids these pitfalls whilst remaining socially egalitarian. This notion does not require either that all people be treated according to the same rules across all distributions, as formal equality demands, or that we try and realise equality in some important area by ensuring everyone receives the same shares of some favoured quality or good, as 'simple' egalitarians advocate. Rather, he argues that we should allow different goods to be distributed by different criteria, some of which will be substantive but most of which will be largely formal. Consequently, distributions will be inegalitarian so far as each good is concerned, and in most cases so will be the results.[35] However, no person or group will be allowed to use their monopoly or dominance with regard to any given social good to tyrannise over all other distributive spheres. Walzer contends that the social equality desired by the egalitarian arises as an indirect product of this scheme. No person or group of people is likely to excel in all things. So long as the distributive spheres remain autonomous, therefore, we will come to respect not only a wide range of personal qualities but also a broad spectrum of different people. Within such a system, power and status are far more likely to be equally distributed amongst the population as a whole, with all persons being valued and valuing others in turn according to their distinctive attributes. He speculates that 'complex equality' is most likely within a democratic market socialist society consisting of workers cooperatives, which disperse political and economic power.[36]

His communitarian starting point and socialist preferences notwithstanding, Walzer offers his theory as a defence and development of a prime liberal practice: what he calls 'the art of separation'.[37] He contends that his argument for the separation of spheres of justice carries forward the logic of liberal calls for the separation of powers, of state and civil society, of church and state, and of public and private life. In particular, he insists that the traditional liberal separations designed to limit state power are likely to be undermined unless the economic and social power of the market and wealth are kept to their proper sphere in the manner he proposes. In what follows, it will be argued that these conclusions can only be sustained if Walzer is prepared to take a general, society-wide perspective that challenges at least some of these distinctions.

II
PLURALISM AND EQUALITY

Walzer's theory of justice aims to connect pluralism and equality. The plurality of goods and their different social meanings are linked to a conception of complex equality that aims to secure equal respect for the whole gamut of human qualities and forms of life. This section will dispute both the pluralist and egalitarian credentials of his thesis. I shall argue that both involve considerations that cut across the different spheres of justice as opposed to keeping them distinct, as he maintains.

Pluralism

Pluralists contend that human beings pursue a wide range of forms of life. These emphasise different goods, interests, goals and values, often involve differing sorts of moral claim, and reflect divergent world views or conceptions of human flourishing. These differing goods, ends, outlooks and evaluations are held to be not simply diverse but incommensurable, rendering conflicts between logically or practically incompatible goods, interests or ideals highly problematic. For pluralists argue that such clashes cannot be resolved by appealing to a common denominator or single scale against which all values or points of view might be measured.[38]

How pluralist is Walzer's argument when set against this standard account of pluralism? Walzer claims to be a radical pluralist who believes 'that the principles of justice are themselves pluralistic in form; that different social goods ought to be distributed for different reasons, in accordance with different procedures, by different agents; and that all these differences derive from different understandings of the social goods themselves—the inevitable product of historical and cultural particularism'.[39] However, his whole approach is designed to short circuit the potential for conflict between incompatible and incommensurable goods and moral codes. Each good is assigned its distinctive sphere with its corresponding distributive principle. Differing moral systems are allocated to different nation states, whose cultural homogeneity can be protected by an appropriate membership policy. As a result, conflicts between differing goods or conceptions of the good become a matter of boundary disputes. The trick is to isolate the sphere or social system within which a given principle or set of values may be said to operate.

Unfortunately, this avoidance of the prime difficulty of a pluralist perspective fails to work. As we noted above, Walzer's central thesis is that distributive principles are relative to the social meaning of goods. However, in all but the most homogeneous of societies, there are likely to be a variety of social meanings available. Moreover, what motivates such differences is unlikely to be a disagreement about the true social meaning of the good in question, but moral considerations that apply across spheres. For the moral concerns that theories of justice seek to articulate regarding equality of opportunity, individual responsibility, autonomy, harm, well-being and the like are not sphere specific,

but refer to human and social relations generally. Indeed, because distributions in one sphere tend to have knock on effects for distributions in others, such general considerations are likely to prove necessary to help resolve conflicts between spheres.

These points are best illustrated by looking at a few examples. Walzer suggests that need forms the socially recognised criterion for apportioning health care resources within modern welfare states[40]. One might broadly accept this position, however, and yet believe that a number of other considerations ought none the less to be taken into account. 'The nature of a need', as Walzer admits, 'is not self-evident.'[41] Any conception of health needs or account of the relative ordering of different such needs will draw on wider social and ethical doctrines that are not themselves specific to the sphere of health.

Some theorists seek to circumvent this difficulty by sharply distinguishing needs from mere wants or desires and regarding need as a minimal requirement. Unfortunately, as Shakespeare's Lear famously observed, the 'natural' needs of human beings are indistinguishable from those of beasts, and do not offer a justification for anything like the range of care offered by a modern health system. Nor is it clear that one can have a purely 'medical' definition of need, related to the level of existing health technology. Are those with critical conditions necessarily more needy than those suffering from chronic complaints, for instance? In a world of limited budgets, to say both types of medical need ought to be satisfied simply side-steps the issue. All health-systems are forced to cash limit certain treatments. Whilst the grounds for choosing which patients to treat may be roughly medical, such as likelihood of success, they tend to be mixed with other considerations, such as favouring the young over the old, which reflect wider moral notions such as utility, fairness, autonomy and the like. Similar issues arise when weighing up the amount of the health budget which should go on heart and kidney transplants, dialysis or prolonged courses of chemo-therapy, as opposed to the removal of piles, or hip operations. The former may be more urgent for the individuals concerned, but the treatments are highly expensive, may have less chance of success and benefit relatively few people. By contrast, the latter are more common, often cause people persistent, if not life threatening, pain over many years, their treatment is more sure, and the quality of life of those concerned may well in the long run be greatly improved. Limited resources mean such choices have to be made, yet here too reference to health care need alone does not get you very far. Purely medical reasoning has to be supplemented by broader ethical judgements.

Walzer implies that we can avoid these sorts of problems with a more socially relative understanding of health need.[42] This solution offers a sleight of hand that allows Walzer to hide the fact that any social definition already incorporates a number of non-sphere specific moral considerations of the sort discussed above. As Walzer himself points out,[43] it necessarily involves a reference to the sphere of membership, which connects up in turn to the whole range of social goods. Consequently, any social definition of need will turn on how medical care relates to all the other spheres connected to citizenship, such as education, voting,

employment and the like. A social understanding of 'need' will also involve some judgement as to the relative importance of health care *vis à vis* these other goods. For health provision not only supports access to them, but also potentially detracts from them. Health care advances are now such that apportioning resources on the basis of 'need' alone may well be tantamount to writing a blank cheque that will leave no money to do anything else. Spending on health, therefore, will have to be compared and weighed against the financing of other important public services, such as education. This balancing, in its turn, will necessarily involve further crosssphere moral arguments, such as Aristotelian or utilitarian versions of the relative importance of different goods to human or social well-being. Thus, the debate will switch from an enquiry into the social meaning of a specific good, to a disagreement over which moral theory best captures the relative distribution of the whole range of goods.

Note that not only meta-ethical judgements, but also self-standing ethical values of independent weight are involved in these deliberations. Amy Gutmann has observed,[44] for example, that many would regard individual responsibility as having some bearing on the issue of how someone should be treated. Thus, those engaging in 'dangerous' sports are usually required to take out special insurance rather than relying on the public health system to pay the full amount for tending any injuries that might result. Some theorists regard heavy drinkers and smokers as similarly responsible for the increased probability of their requiring medical attention. Just as private insurers would charge them higher premiums, so, it is argued, they ought to contribute more to public funds. Analogous reasons lead Gutmann to dispute Walzer's apparent veto on people prudentially seeking to supplement state health provision by taking out private policies that allow them to queue jump and so on, on the grounds that this involves an inappropriate invasion of money into the sphere of health. Her point is that certain general moral principles, in this case the view that people ought to be partially responsible for their voluntary behaviour and reap the rewards and penalties as the case may be, influence how we think goods ought to be distributed. They belong to no particular sphere and are attached to no given good, but rather form part of the public moral culture of a community. Yet another consequence of pluralism, of course, is that these too may be contested—producing a further dimension of complexity missed by Walzer's analysis.

Health care, then, is not simply an issue of medical need alone. Other moral and social concerns provide a context within which we can evaluate different types of medical need and situate them within the general pattern of goods and values. Two important criticisms of Walzer's position emerge from the above. First, the social meaning of any good turns out to be itself more complex, and hence more likely to be contested, than Walzer appears to appreciate. Second, even where an agreed meaning exists, that in itself may not be sufficent to justify a particular mode of distribution. It is one thing for people to recognise that health care is a human need, quite another for them to believe that it must therefore be publicly provided on a non-market basis.[45] After all, food and clothing are also needs but Walzer does not argue that they should only be available

on the basis of some form of public rationing scheme in state department stores and supermarkets. The reasons for having a welfare state that offers an extensive national health service that covers everyone but only provides food, clothing and housing for those on the bread line, for example, will turn on a wide range of arguments, some of which will be directly related to health and the particular type of need it represents and others (perhaps the majority) to general issues of social justice.

Walzer ignores these difficulties because his communitarianism tacitly solves them. The fact that each good is socially constituted inherently relates it to other spheres and ideals. Walzer assumes such connections so that he does not have to tackle explicitly the tricky problem of conflicts between spheres. However, this social view of goods implicitly threatens the idea of their operating within separate spheres. Moreover, the assumption of an already existing social meaning for goods also pushes pluralism to one side. The disputes across and within spheres to which it gives rise are simply taken as solved.

Equality

Keeping the spheres distinct is central to Walzer's account of complex equality. If the above argument is correct, however, this will prove impossible. Even if it was possible, this arrangement is only contingently egalitarian in the conventional sense. A great deal turns on Walzer's claim that talents are roughly evenly distributed throughout the population—that there are no renaissance men and women who happen to excel at most, if not all, things, or any complete duffers who are no good at anything, or whose only talent lies in a somewhat trivial sphere, such as the ability to recite the whole railway timetable from memory. He also assumes that by and large inequalities within each sphere will not be too great. In the event that few or none of these assumptions turn out to be true, then the relationship between people would be best described as one of complex inequality rather than equality. In this case, Walzer simply accepts that his theory would allow 'for an inegalitarian society' but concludes 'it would also suggest in the strongest way that a society of equals was not a lively possibility'.[46] The egalitarian credentials of complex equality, therefore, rest on the largely unsupported empirical assertion that inequalities will be 'small' and 'will not be multiplied through the conversion process' or 'summed across different goods',[47] although these are all theoretical possibilities of his thesis—even if the spheres remain formally separated.

Of course, Walzer's argument is that something other than the 'simple' equalising of conditions underlies the notion of equality. He contends that 'the aim of political egalitarianism is a society free from domination',[48] by which he means individuals and groups employing their monopoly of one good to control access to another. Separating the spheres supposedly achieves this goal. His underlying purpose appears to be to engender equal respect for the manifold talents human beings possess as a whole—a view, as David Miller has recently pointed out—best captured by some notion of 'equality of status'.[49] In Walzer's

words, equality on this definition means 'no more bowing and scraping, fawning and toadying; no more fearful trembling; no more high-and-mightiness; no more masters and slaves'.[50] Unfortunately, his argument for complex equality ultimately collapses because, for reasons already partly rehearsed above, the spheres cannot be kept distinct in the way Walzer desires. Although he rightly believes that equal status forms an important aspect of egalitarianism, it cannot be totally distinguished from equality of condition.

Note first that equality of status is as socially contingent on Walzer's account as rough equality of condition. He admits that in some societies social meanings may be 'integrated and hierarchical', and so 'come to the aid of inequality'.[51] Once again, his communitarian starting point can subvert the very defence of pluralism and equality it is supposed to support. Where a belief in the complete autonomy of different spheres forms no part of the public culture, insistence on the socially relative character of justice undermines the spherical separations his argument requires. Even then, as we have seen, it remains unclear quite how sharply such distinctions could (or should) be made. Walzer treats this problem as a peripheral one, citing caste societies as a singular instance of a society where the dominance of a group has been incorporated into the social meaning of goods. If gender is substituted for caste, however, then the difficulty emerges as far more pervasive and pernicious. As Susan Moller Okin remarks, 'like the hierarchy of caste, that of gender ascribes roles, responsibilites, rights and other social goods in accordance with an inborn characteristic that is imbued with tremendous significance. All the social goods listed in Walzer's description of a caste society have been, and many still are, differentially distributed to the members of the two sexes.'[52] So far as gender is concerned, social meanings infringe the autonomy of different distributive spheres to some degree in all societies. Within a gendered society, all distributive criteria are likely to have a discriminatory bias built into them in the form of a 'male comparator' test. Keeping the spheres distinct will have no critical purchase on such discrimination—only a global onslaught on the broader social context within which particular meanings are framed. That involves thinking about justice and equality in general and not merely socially and sphere specific terms.

According to Walzer, preserving equality of status merely involves preventing advantages (or disadvantages) in one sphere passing over into others. In spite of the high degree of social differentiation and stratification within modern societies, however, there tends to be a significant correlation and convertability between different modes and forms of power and position.[53] Take employment, which Walzer believes ought to be distributed according to fitness for the job. For a start, having a job of any kind in itself tends to confer a certain social status *vis à vis* the unemployed for fairly widespread general moral reasons, such as the importance of making a contribution to society and of earning one's own living to some extent. These often make it hard for the unemployed to attain much self-respect let alone that of others. Then there are the different statuses attached to different kinds of work. Walzer suggests that we can somehow compartmentalise these. We can give each person his or her due as a refuse collector, bank manager

or academic, rank them against other members of their respective professions, yet not make comparisons between these different jobs when it comes to those persons having access to other goods. However, certain forms of work will, by their very nature, extend into more fields than others, giving people some advantages in those spheres. Indeed, in many cases there may be an inherent link between success and standing in certain jobs and high status in other areas. In part this arises because the qualifications necessary for some types of work necessarily involve a high degree of attainment in other spheres. Indeed, sociologists have noted causal links between distributions of some goods and those amongst others. Education, for example tends to give people access to better jobs generally, not simply academic ones, and operate as a positional good in all sorts of spheres. To preserve 'complex equality' by blocking either the possibilities for conversion or the causal linkages between the distribution patterns of different sorts of goods, would require just as much, if not more, intervention on the part of the state as the 'simple' egalitarian policies Walzer criticises on just these grounds. As Adam Swift has observed, the former Eastern bloc did achieve some elements of the separation of spheres Walzer desires, with correlations between education, income and prestige apparently lower there than in Western capitalist countries. Yet these were achieved at a high price so far as personal liberty was concerned, and even here elements of convertability took place in the form of Party contacts and political influence.[54]

In fact, the best way of ensuring 'equality of status' almost certainly remains ensuring equality of opportunity to different positions for all social classes and groups, and reducing financial differentials between different forms of employment. However, Walzer has difficulties with countenancing the forms of affirmative action programme that may be required to support the first strategy, or the redistribution of wealth necessary for the second. The first conflicts with his view that only suitability for the post fits our social understanding of office.[55] Yet bias does not result solely from external incursions into a given sphere. As feminists have pointed out, it is frequently internally present in the way certain good-specific criteria get formulated in the first place so as to reflect biases within society at large.[56] The point of affirmative action is at least partly to change the criteria we employ in selecting for certain spheres in ways that render them less discriminatory and more inclusive of difference.

The second strategy poses comparable problems, since it seems to involve allowing the sphere of money to encroach outside its realm. Walzer regards money as the chief culprit in undermining the autonomy of spheres and, in the process, complex equality. It destroys the inherent link between the meaning of a good and its criteria of distribution. Whilst it would be meaningless to steal your degree certificate unless I could convince someone I was entitled to it, your cheque for the best essay can be put to any use I please. Walzer draws two propositions from this quality of money, both of them misguided. On the one hand, it should be excluded, or 'blocked', from influencing decisions outside its sphere. On the other hand, he suggests that money itself has no determinate social

meaning and hence that it is senseless to seek to redistribute it. 'Given the right blocks', he argues, 'there is no such thing as the maldistribution of goods.'[57]

With regard to the first, Walzer's analysis is too crude.[58] His main target is the commodification of goods. True, it seems perverse to think that certain goods are obtainable for money—as the Beatles memorably put it, 'money can't buy me love', although it can purchase sex. However, human beings cannot live on love alone, and even the most collective and non-monetary organisations, such as families, will need to reflect the restrictions of limited resources in budgetary terms when identifying their priorities. The problem with 'market imperialism' lies not so much in the extension of the sphere of money and commodities, inappropriate though this is in certain limited areas, as in the dominance of the market ethos. Like other supporters and critics of the market, Walzer tends to conflate the two issues. But one can clearly acknowledge the need for budgets without believing they must or should be set in a market manner.

Worries about the imperialism of the market are best seen in terms of a fear that its ethos distorts the incentive structure and nature of certain practices. Games offer a good illustration of this point.[59] Success and enjoyment can only follow from adopting a point of view that is internal to the given game. External goods and especially financial rewards may play a part in people's involvement, especially if that is how they earn their living, but the pursuit of these rewards must not come to dominate if the spirit of a game is not to be destroyed. Concern about the commercialisation of sport, for instance, has less to do with paying tennis or football players large amounts of money than with the way these games get altered to enhance their commercial value so that these fees can be paid—say by increasing their 'entertainment' qualities or by retimetabling and adding extra rest periods to fit in with television schedules and advertising breaks. Similarly, and more importantly, those who complain about the way successive Conservative governments introduced the market into the provision of certain public services over the past decade and a half, such as health and education, do so not because they spurn value for money or accountability in the delivery of these goods, but because they fear that the market ethos will destroy the internal connection between standards of performance and the type of good being delivered by focusing the attention of service providers on the acquisition of the external good of money. Pure academic research will give way to the pursuit of lucrative grants and careerism, managers will supplant doctors in the setting of priorities in the health service and so on. Non-monetary incentives, such as more research time in academia, may be more appropriate in promoting the pursuit of the good concerned.

Naturally, this does not mean that decent salaries are not important— academics have food and housing bills to pay like everyone else. Moreover, many jobs do not possess the sort of intrinsic satisfactions that research and scholarship bring, and almost all generate 'bads' as well as 'goods'. Thus, we might also think it right to compensate someone who works particularly hard not simply with greater job satisfaction but say with longer holidays and higher pay so that they can find

fulfilment in other areas. Money, in other words, has a role to play in non-market spheres, even if the market ethos does not.

The market ethos proves damaging to pluralism because it renders all moral motivations the same. This aspect is reasonably well captured by Walzer's argument for different spheres of justice. However, blocking exchanges to preserve complex equality provides no answer to this situation, for the problem is not commodification or money *per se* but inequality of resources. In this respect, his second view regarding money—that it has no intrinsic value of its own to justify its distribution—simply misses the point. For a prime feature of market distributions is their tendency to generate highly inegalitarian results that need not even guarantee certain groups and individuals the most basic goods. It proves necessary, therefore, to have some method of globally distributing resources across spheres on such general grounds as fairness. Complex equality thereby comes to depend on considerations relating to equality of condition.

It will be recalled that Walzer feared that this approach would lead to undue political intervention with individual liberty. Here, as elsewhere in his discussion of the market, his argument has a tendency (contrary to his broader aims) to mirror that of the New Right. However, whereas patrolling the borders of different spheres would require both eternal vigilance and constant interference, redistribution through progressive taxation can be achieved in an entirely rule-governed and generalised manner. What becomes important in this approach is the justice of the background conditions against which individual activity, including that of the market, takes place. A concern with the justice of what John Rawls has called the 'basic structure of society' usually takes the form of state support for a number of public and cultural goods deemed necessary for different sorts of human endeavour.[60] The state steps in because the market either erodes or cannot be guaranteed to support these goods due to the absence of appropriate economic incentives, or would only make them available to those able to pay for them.

Walzer rightly reflects that societies will differ over which goods warrant public provision, although he down plays the degree to which there will be intra-societal disagreements as well. Such discussions, however, concern the justice of society as a whole rather than an enquiry into the internal meanings of different goods. Equality figures in such debates not as a matter of avoiding domination, or not directly that. The equal status of those involved is already assumed, since some recognition of the importance of certain goods to all citizens forms at least part of the justification for their public regulation or provision in the first place. Such reasoning underlies the extensive welfare provision in the fields of education, health, housing and social security of most advanced industrial societies, for example.[61] Thus, it is the simple equality of citizens as members of society that entitles them, as a matter of supraspherical social justice, to a complex array of goods, rather than the complex equality of different spheres of justice that produces the equal status of members of the community. Walzer's argument is back-to-front.

III
DEMOCRACY AND THE SEGREGATION OF POLITICS

The demands of equal citizenship brings us to the role of democracy in Walzer's argument. Walzer associates his theory with a broadly democratic vision of society and of value. It is socially democratic because complex equality supposedly replaces social tyranny with a world in which citizens rule and are ruled in turn, according to their ability in the given sphere of activity in which they are engaged.[62] It is epistemologically democratic because the principles of justice are said to reflect the views of those involved in exchanging the goods that give rise to them.[63] He advocates political democracy as involving both these dimensions within a form of government in which advantages in one sphere do not give domination over others. 'Every extrinsic reason is ruled out… Citizens come into the forum with nothing but their arguments. All non-political goods have to be deposited outside: weapons and wallets, titles and degrees.'[64]

In spite of these claims for his theory, the democratic credentials of Walzer's position can be questioned on each of these three counts. We have already noted that 'complex equality' is only contingently socially egalitarian. Indeed, it cannot even be guaranteed to promote equality of respect. Similarly, his theory will only prove epistemologically democratic when the authority of the people is socially recognised. If priests, mandarins or an all powerful leader are regarded as the authoritative interpreters of social meanings, then the people will have at best a subordinate place in interpreting shared meanings. Moreover, where power is organised hierarchically it is highly likely that meanings will be too.

Walzer's defence of democracy as '*the political way* of allocating power'[65] seems at first sight unequivocal. Closer investigation reveals a certain ambiguity in his account. Not only does Walzer wish to keep politics to its sphere, but he is also clearly exercised by the fact that democracy does not enjoy universal support amongst all nations of the world. Both worries serve to undermine his case.

The first concern is motivated by his fear of tyranny. Walzer accepts that the boundaries of the different spheres have to be policed and defined by politics. 'Political power', therefore, 'is always dominant—at the boundaries, but not', he wants to argue, 'within them. The central problem of political life is to maintain that crucial distinction between "at" and "in".'[66] Because the various spheres cannot be kept as separate as Walzer wishes, however, this distinction also collapses. As we have seen, a sphere's meaning and hence its boundaries are tied up with general moral issues that cut across spheres and serve to define how, when and to whom goods ought to be distributed. Goods and their distributional principles have only a very limited autonomy, and are defined as much from without as from within. Walzer appears to suggest that such matters might nevertheless be discussed in terms of 'pure' political arguments, such as liberty rights, shorn of 'every extrinsic reason'— a position reminiscent of Rawls' theory of 'public reason'.[67] Yet to fully appreciate the force of the various moral considerations and interests relating to and across different spheres, they need to

be voiced directly. He also tries to minimise the extent of such generalised disagreements by assuming relatively homogenous communities. However, pluralism makes this assumption unlikely in all but the most ethnically cleansed and authoritarian regimes. To the extent that democratic politics offers the means whereby these different general views can be voiced and balanced against each other, it must necessarily operate within and across as well as at the borders of the spheres.

Keeping politics 'at' the borders also overlooks the extent to which oppression operates 'within' them and may require political rectification. Feminist complaints prove instructive once more, since Walzer's argument reflects a typical ambiguity in the liberal distinction between the public and the private that they have done most to highlight. The absence of personal space may be the mark of a tyrannous regime, but unregulated that space can also be the locus of private forms of tyranny that are every bit as oppressive as those of the state. Moreover, discrimination and subordination within the private sphere can distort in their turn the character of the public. The type of influence exercised within their spheres by employers, family, friends, fellow members of a club or church and the like is a political matter, therefore, both in itself and because of its external effects. Walzer's remarks on 'The Woman Question' show up this problem in his argument well.[68] In keeping with his spherical demarcations, he contends that 'the real domination of women has less to do with their familial place than with their exclusion from other places'.[69] Yet elsewhere, in the context of a discussion of nineteenth-century China, he acknowledges that liberation from 'political and economic misogyny' may require that 'the family itself must be reformed so that its power no longer reaches into the sphere of office'.[70] In this case, however, as well as in the tantalising hints he offers with regard to reforming the contemporary organisation of families,[71] 'social meanings' have to be challenged and a commitment to equality imposed across spheres. This may have the effect of preventing domination in the domestic sphere spilling over into others as well, and so prove consistent with Walzer's separation of spheres. But that entails prioritising his second over his first principle—something he is reluctant to do. Indeed, the autonomy of the different spheres could not provide the main rationale for this policy—more general egalitarian considerations that apply to some degree within as well as between all spheres do.[72] Nor are such changes likely to occur without the political will to politicise the personal, at least in part. Segregating politics to its own sphere cuts off these all important issues. In any case, it is doubtful that a hard distinction can be drawn between inter-spherical boundary drawing and intra-spherical interference. The outer contours of a sphere will almost certainly have some bearing on its inner character as well.

Politics assumes a public culture concerning the rights and duties of citizens. Walzer's second worry comes in here. As I noted in Section I, at least one universal principle seems to run through Walzer's argument: namely, that we should respect the cultural creations and choices of different human beings. In earlier work, he linked some such idea to the need for all social arrangements to be based on consent—a thesis that would appear to point straightforwardly to

democracy.[73] Recently, however, he has been reluctant to draw this conclusion. The only valid universalism, he now contends, is the 'thin' reiterated product of numerous 'thick' particular moralities, and always bears the peculiarities of its local manifestations. From this perspective, discussion of the preconditions of democracy gets matters the wrong way around. If and when democratic principles emerge, they will be the distinctive products of the societies which give them birth. There are 'a number of different "roads to democracy" and a variety of "democracies" at the end of the road'.[74]

Quite how the 'collective' and uncoerced reflection necessary to generate such moves towards democracy could get going in the absence of certain general preconditions remains something of a mystery. After all, there are societies where it is part of the meaning of citizenship and political power that it be distributed unequally—feudalism being an example. Walzer's solution to this problem has been that societies always possess the resources for immanent self-criticism. Inside every 'thick' reactionary regime, it seems there is a 'thin' liberal one waiting to get out. This belief can best be described as a pious hope. As Joseph Raz has observed,[75] the thesis that existing morality can be interpreted so as to provide a moral criticism of itself proves incoherent. It implies the paradox that the prevailing morality contains both true and false moral propositions. Yet if morality is simply the existing morality it cannot be a source of moral error, only of truth. Likewise, any radical overhaul or even any change of the existing morality would imply that it was or had somehow become wrong. This proposition too is logically absurd, since once again the only ground for moral correctness is that self-same morality. The only possible immanent moral critique, therefore, consists of pointing out false deductions from accepted premises, uncovering duplicity and the like—a point that Walzer sometimes appears to concede.

Such reasoning may not produce the radical conclusions Walzer desires, however. As Raz pointedly remarks, neither the protestors in Tienanmen Square nor their foreign supporters, with the apparent exception of Walzer,[76] based their condemnation of the Chinese government on arriving at the correct interpretation of the relevant cultural discourse. It may well be that according to Chinese political traditions the massacre was justified. Critical purchase on this event derives from invoking principles that have a wider and not just a parochial relevance, whereby certain forms of behaviour are condemned as simply wrong.

Walzer's invocation of a 'thin' universalism was an attempt to block this line of criticism. To do any work, though, universalism has to be more than purely formal—otherwise Walzer risks the slide into relativism, the avoidance of which motivates this new twist to his thesis. However, if local cultures are to remain consistent with a more substantive universalism, they are likely to simply offer a particular 'thin' elaboration of 'thick' universal concepts, rather than differing totally from them in the way Walzer supposes.[77] Britain, France and Italy, for example, all have recognisably liberal democratic political systems that are informed by certain common 'universal' principles, such as a respect for human rights. Yet there are considerable differences in the political and legal procedures they adopt for realising them that reflect important local historical differences.

Thus, Walzer is undeniably correct to say the Chinese should seek to construct a democratic system suited to China rather than simply importing American institutions. But this need not involve studying Confucian or Mandarin traditions, let alone Maoist-Leninist vanguard doctrines, for an elusive Chinese conception of democracy, as he proposes.[78] To the extent that democracy possesses certain intrinsic merits, it can be justified independently of the existence of any indigenous form. Its introduction merely entails adapting the democratic ideal and its associated rights to Chinese circumstances. That this task will be probably better performed by the Chinese than others, no matter how well-intentioned, is in most cases no doubt also true. Walzer suggests that such regard for the self-determination of peoples only proves consistent for an 'intepretative' approach that respects the 'thick' local moral views of others.[79] But 'thick' universalists need not be paternalistic imperialists, as Walzer fears.[80] They can believe that China will have to embrace democratic practices of its own accord for largely pragmatic reasons, such as that it will probably be more enduring and successful in that case, or because they value autonomy as an inherent aspect of democracy.

The only ways Walzer can consistently hold to an interpretative morality based on a purely immanent critique is for him either to adopt some form of progressive immanent teleology, whereby existing morality is seen as the evolution of some inherent principle that must gradually work through various stages with all their contradictions. Or he has to argue that existing 'thick' moral systems involve far more 'thin' universal elements than he usually wants to admit, but that these are shockingly poorly observed by many of those who claim to profess them.[81] On occasion, he appears to adopt the former course, as when he argues that the modern view of human equality 'grew out of the critique of a failed hierarchy' during the feudal era, and that progressive interpretations will culminate in the acceptance of egalitarianism.[82] This view, however, is hopelessly optimistic. For example, far from adopting the radical welfare and democratic socialist measures that Walzer contends are at the heart of Western liberal values,[83] the general trend is towards the ever greater extension of the market—a development for which libertarian thinkers can provide a perfectly coherent rationale. This fact does not mean that radical views cannot be defended or libertarian ones criticised, merely that appeals to contemporary *mores* are unlikely to prove the best ground for conducting a debate between these positions. In contrast, Walzer's frequent complaint that many philosophers fail to recognise the degree to which ordinary people's beliefs are moral points in the direction of the second course. However, this strategy fits ill with his assertions about the variety of moralities. Either way, he cannot avoid offering some criteria for sorting out the wheat from the chaff in any tradition.[84]

Walzer's argument here (as elsewhere) trades on confusing two levels of pluralism: namely, differences of view over the universal rules, on the one hand, and disputes as to the interpretation of those rules, on the other.[85] Certain debates of the first kind will concern differing justifications for democracy—such as discussions between utilitarians and Kantians. Moreover, both camps allow for plenty of room amongst their adherents for disagreements of the second kind. Within this range one can talk of different paths and kinds of democracy, and a

diversity of policies on matters such as welfare, employment and the like. But some putatively universal moralities simply deny democracy along with any, or only minimal, concessions to pluralism and equality. At the local level, Walzer's arguments have no purchase so far as they are concerned. They can be challenged only in universal terms. Thus, it is the differences between and within a number of thick and broadly democratic universal moralities that allows for a thick politics with numerous thin local variations, not the reverse as Walzer contends. Neither the justification or sphere of operations of democracy is totally particularist, therefore. Rather, to a large degree its rationale and purpose lies in the equitable weighing of universal positions and applying them in given contexts. To fulfil this task politics cannot be squeezed into an elusive space between the spheres.

CONCLUSION

Walzer believes that the democratic socialism he supports is implicit in the public culture of modern industrial societies and develops out of the complex equality they favour. This chapter has disputed both these contentions. Contemporary societies are more plural and the meanings of goods more contested than he appreciates. The resulting fragmentation of traditional societies means that social solidarity cannot be assumed, as he does, but needs to be politically constructed. Complex equality tends to reinforce rather than challenge the social divisions between rich and poor and their tendency to live in such different spheres that the former are largely ignorant of and indifferent to the latter. In this context, arguments for social justice have to be made across and not only between spheres. Indeed, given the poverty of the third world, they increasingly need to be made across societies as well. Walzer's desire to compartmentalise different spheres of justice, and the resulting limitation of democracy, denies his approach the resources for this task.[86]

NOTES

1 I am grateful to Andrew Mason and Paul Kelly for their helpful comments on an earlier draft of this chapter.

2 A thesis encapsulated in Rawls's device of the 'original position' in his *A Theory of Justice,* Oxford, Oxford University Press, 1971.

3 M.Walzer, *Spheres of Justice: A Defence of Pluralism and Equality,* Oxford, Martin Robertson, 1983.

4 Walzer, *Spheres,* p. 5. David Miller has recently developed this point in his *On Nationality,* Oxford, Clarendon Press, 1995, pp. 49–58, where he offers a clear account of the differences between ethical universalism and particularism and their relationship to partiality and impartiality.

5 Walzer, *Spheres,* p. 7.

6 Walzer, *Spheres,* pp. 7–8.

7 Walzer, *Spheres,* pp. 6–7.

8 Walzer, *Spheres,* p. 9.