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Heiko Schrader

**SOCIAL EQUALITY
AND SOCIAL JUSTICE
A SUMMARY OF THEORETICAL AND
EMPIRICAL APPROACHES**

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*Redaktion: Prof. Dr. Barbara Dippelhofer-Stiem
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Introduction¹

Social equality is an ancient topic of sociology. It flourished with the emergence of class society and rapid industrialization. A couplet to social equality is social justice, which was less discussed in sociology than in social philosophy. With the advent of the social market economy and the emergence of a large middle class in Western Europe sociological interest in this couplet decreased. The argument of well-known sociologists was that class-society (in the Marxian sense) had been transgressed by individualization and pluralism of life styles of the masses (Beck 1983; Beck 1986; Beck 1994; Beck, Giddens and Lash 1994).

Of course, not every social scientist accepted this generalization, although the mainstream of social science research has turned from class/stratum to the individual and its ways of life. In 1980 Western Europe the typical workers' milieus did no longer exist; and if class structures were to be discovered by social scientists, people no longer felt as belonging to classes; society had continuously been differentiated and engendered a subtle hierarchy that no longer allowed for class antagonism and class consciousness. During this period the character of inequality changed. While the former distinction was between 'haves' and 'haves not', the more appropriate distinction was now between 'haves' and 'haves more' (or, as Berger/Hradil (1990) expressed in 1990, between 'inequality of scarcity' and 'inequality of abundance'). Inequality and poverty have no longer a class character but become visible in individual biographies (Müller and Wegener 1995: 7-8).

Other scholars even go further by postulating a development from class society to 'event society' (Schulze 1992). The argument brought forward is that society no longer experiences scarcity and resulting problems, but abundance, engendering problems with a totally different character. The program is no longer the 'good life' but an expression of one's individuality and an outliving. In short: In German (and to a minor degree Western European) sociology of the 1980s the question of equality and justice was beyond the scope of mainstream consideration.

¹ This text was written as a background paper for my seminar on "Equity and Justice", held at the Univ. of Magdeburg in summer 2006. In the introduction I follow Müller/Wegener 1995.

Those sociologists who dared looking beyond the boundaries of Germany or Western Europe, however, were still concerned with a structural inequality between industrialized countries and developing countries, the centre-periphery structure of global capitalism which could still aptly be described by neomarxist theories (Wallerstein, Frank). They held that the problem of inequality could be solved only with a transgression to a just world socialist order. But the restructuring of the world order that occurred during the 1980s – developing countries in East and Southeast Asia, as well as Latin America experiencing enormous growth rates although being dependent - did not fit the theoretical foundations of ‘dependencia’ and world-system theory and instead supported the more conventional modernization theory of the 1960s.

The 1989/1990 political events in Europe supported this new change to the old paradigm. Both on an international as well as a regional scale the last neomarxist theories and the vision of socialist alternative ideology lost their creditability, and it seemed that not only capitalism but also modernization theory proved to be the best and only alternative left. Both the former socialist world as well as the developing world was considered to be latecomers who sooner or later would keep pace with the industrialist world. The fall of the iron curtain caused a widening of Western German sociologists’ scope, when scarcity situations returned with the unification of Germany and opening of Eastern Europe. They were initially considered to be of temporary nature only, but it became obvious immediately, that the ‘flourishing industrial landscapes’ of Eastern Germany were a myth, and also the transformation of Eastern Europe into capitalist market societies was not so easy and takes longer than assumed.

With this heterogeneization within Europe the question of distribution and allocation between East and West came to be reconsidered. With the restructuring of East Germany after 1989 the problem of unemployment severely increased, but significant differences in East and West Germany occurred. The problem and topic of social justice has returned – not only as an empirical fact (lower incomes, legitimized by different productivity levels, much higher unemployment rates, migration of younger people and aging of Eastern German society, structural disadvantages, transfers to Eastern German states), but also as a psychological disposition. After unification (which in fact constituted a system transfer) East German citizens often have a feeling of inferiority to West German citizens (“Wessis”, “Ossis”). The South-North slope in incomes and productivity in West Germany got an additional dimension of West-East decrease. However, also now the emergent social structure does not go along with class-structures.

The expansion of the European Union also increased the income, wage and welfare differential in Europe, causing new questions of transfers and allocations on a supra-state level. The question of citizens' rights and liabilities transgresses the nation-state. Many formerly nationally approached economic and social problems now become a matter of interregional policy. Europe shows a North-South and West-East slope of incomes, wages and welfare; the questions of equality and justice have got a European dimension in addition to a national one.

Social justice is a very general term which has multiple, heterogeneous and often diffuse meanings. The mainstream understanding of social justice refers to questions such as human-rights as well as civil rights, which concern general rights and freedoms of citizens, political participation and economic and social distribution. Paradoxically these different aspects refer to both a universalistic interpretation of justice (human rights), as well as particularistic one that refers to different conceptions of justice in different spheres of life.

This article starts with a discussion of social justice in classical sociology and social philosophy and then turns to contemporary concepts of social justice and empirical research on social justice. It shows a wide field of possible research topics.

Disagreement on justice in classical macro sociology²

The modern ideal of justice emerged during Enlightenment. Modern consciousness of morality and European nation-states ethics relate to freedom, equality and equity of the people, while slavery and feudal relations were rejected as unjust and pre-modern. Severe inequalities between people were no longer considered to be an outcome of natural conditions (race, geography) but man-made, historically engendered, and therefore had to be legitimized or abolished. The aspect of 'brotherhood', which came up during the French Revolution, transgressed the pre-modern, local and kin community, referring to an 'imagined community' of citizens. It became a decisive element of nation-state ideology, setting the boundary between "insiders" and "outsiders", and defining their rights, non-rights and obligations. In contemporary Western societies social inequalities are only considered to be legitimate, when the proof is given that they are based on different contributions of the citizens to society

² In the summary of classical sociology and justice, I follow Müller et al. (1995); Arts (1995).

(equity principle) and cause a welfare increase for entire society (cf. Koller 1995). Social justice is therefore a relational concept. It forms a bridge between values, principles and rights on the one hand and social inequality on the other.

In classical sociology social inequality became a key issue and class society its central topic without explicitly referring to social justice. As one of the most prominent proponents of crisis theory, Karl Marx considered social inequality as the motor for societal development. However, he was suspicious about the bourgeois discourse on justice. He thought that the call for justice is a dangerous ideology, because claims on justice conceal the political and cultural hegemony of bourgeois violence and impede the revolution from capitalist to socialist society. He assumed that the fully developed communism abolishes all forms of economic and cultural division which caused the distinction of men and alienation. In the communist society claims on justice do no longer occur. All problems of inequality and injustice can be solved by a resolute way to the final stage of communism.

Marx and Marxists believe that - like all aspects of superstructure - moral principles and moral sentiment are grounded in the material conditions of a society. Common values are always related to class interests. The capitalist class, however, dictates the value system of society. Some Marxists differ here in so far that they explain the flourishing of capitalism as the result of a value consensus between capitalist class and labourers who are not able to develop a class consciousness. Other Marxists hold that this value consensus only exists between the upper-class and middle-class. This has been further developed into the dominant-ideology-hypothesis, which in Parkin's (1971) version distinguishes dominant from subordinate values. The hypothesis is that two value systems exist side by side. In general, people tend to take up the dominant value system for reasoning. Only in concrete situations where they are personally affected they favour the subordinate value system. So we can summarize that Marx saw no necessity to discuss the question of distributive justice, because he considered it to be secondary to the mode of production question.

Emile Durkheim is the prominent figure for the tradition of sociology, considering social change as a smooth process of differentiation and therefore juxtaposes Marx. He considers justice as the primary ethical value in a modern society and sociology as the science of moral conditions. Standards determine all spheres of social life. These consist of moral rules and institutionalized regulations. The task of sociology is identifying and classifying these rules, to assess the structure and functioning of modern society

(diagnosis) and suggest reforms for the amelioration of social life (therapy). Result of this project is a concise proceeding to find out the rules, for which we can assume that they basically constitute the moral code of modern society.

Durkheim assumes that citizens consider society as just, when the forms of division of labour and corresponding institutional rules more or less reassemble the moral code of conduct of society. Injustice is then a moral disequilibrium, which can be recognized in public discourse. Basic in Durkheim's thought is the idea of freedom and equality. The societal idea of brotherhood puts a permanent pressure in the direction of equality. Social justice is the relational term between injustice in reality and the ideal of justice and equality. Discriminating differences of social injustice can be scandalized by public opinion and take different forms of protest. To conclude, from Durkheim's perspective justice, or more generally: morality, is decisive for the condition of societal equilibrium - a dynamic equilibrium as justice, division of labour, technology, science and economy are important sources of social change.

Most modern structure-functionalists follow Durkheim's view. Parsons, Davis and Moore develop a functional theory of stratification based on Durkheim's ideas. The starting point is an all present social inequality, which cannot be abolished but is intrinsic to every modern society. Its evolution requires a differentiation of roles and professions to guarantee an efficient allocation of function holders. Professions have a different importance in contributing to society and from such a perspective can be ordered hierarchically. This legitimizes different rewards for the function holders. In modern societies different distribution and allocation mechanisms exist side by side: market processes and political processes, rules and traditions, rewards and punishments. Legitimate claims on rewards are transformed into rights, and these are linked to professions.

Functionalist assume a more less complete consensus between all segments of society with regard to the functional importance of different professional roles and the legitimization of an unequal division of rewards. Reward does not only mean money and income, but also prestige and status, and other forms of non-monetary reward.

Parsons further assumes a direct relation between the institutions of society and the way of how people think about justice. With an increasing differentiation of labour perceptions of distributive justice also change. With the transformation of traditional to modern society we experience an expansion of institutions, bureaucratization and procedural regulations, as well as a changing value orientation away from particularistic

norms to universalistic ones. Modern societies are more egalitarian in that sense that injustice and inequality have to be legitimized. While traditional societies were organized around ascriptive principles, modern ones are organized around the performance (equity) principle. They can no longer waste human resources as it occurred in the status societies, rigid caste and class structures, where mobility for the best was blocked. The relational equity principle of distributive justice has become an unquestioned standard in Western society.

Of course Max Weber is not as prominent for a theory of justice as Marx and Durkheim. But when we keep in mind that classical sociology more addresses inequality rather than justice, it makes sense to study Max Weber. He is in line with Marx that capitalism is an 'iron cage' that causes mechanization and alienation, but he does not agree to his exit option to capitalism: the revolution. He investigates the secularization process in the course of individualization and rationalization, the disenchantment of the world, and particularly religion. In this process the overarching religious value system gets lost. Religion becomes one sphere of social life among others, every sphere developing its own codes of conduct, logics and standards. Therefore, Weber rejects Durkheim's perspective that justice is the highest value standard of society, under which all collective and individual efforts are subsumed, and a mechanism to make society function. Like Hayek and Nozick he considers justice functionally and strictly on the level of individual action, not, however, on the level of institutions or even society as a whole. He believes that in interpersonal relations justice is frequent and necessary, and formal justice a mechanism which helps any citizen to get his right.

Although Max Weber does not directly address the question of social justice, his overall perspective is characteristic for contemporary social science. There is no one single societal value system in society, and there is no one single system of justice. Principles, mechanisms and perceptions of justice are sphere and context dependent. The Weberian approach can therefore be considered as particularistic.

Social philosophy on justice³

In philosophy the principles and basic arguments of social justice are well known since Aristotle. Classical social philosophical approaches all refer to the societal level. The older approaches of contract theory (Hobbes, Locke, and Rousseau) were revolutionary in so far that they linked their view of the state with the idea of freedom and justice found in natural law. They all drew upon the construct of the original condition and a societal contract that hypothetical free individuals would have chosen to engender a peaceful coexistence. The outcome is a renunciation of individual violence and introduction of state monopoly of violence as the basics for a societal constitution and the nation-state. Contemporary theories on justice and equality have revived the idea of societal contract to explain how a discourse between free and equal individuals leads to a societal constitution. How this constitution looks like depends very much on the type of ideology (liberal, libertarian, social-liberal, etc.). The most important contemporary theories in social philosophy which impact on social science are John Rawls's 'Theory of Justice' and Michael Walzer's 'Spheres of Justice'. They characterize two opposite positions: The first theory emphasizes justice as fairness, the second justice as complex equality. Let us consider these theories in more detail.

Rawls (1971) took the old idea of societal contract and shifted it to a higher, more abstract level. He constructed the hypothetical natural condition, the 'original position' that provided for the selection of freedom and equality as principles of 'justice of fairness'. The basic idea was that free and equal individuals congregate to jointly engender their societal constitution. In this situation they neither know their future position of society nor do they have a predefined conception of a good life. They live under this 'veil of ignorance'. Under such hypothetical assumptions they would develop a normative core of just society with the following principles: (1) Everybody has the same right to an identical system of the same basic rights and freedoms, which has to be compatible with the same system for other individuals. (2) Social and economic injustice must fulfil the two following conditions: they must be linked with tasks and positions in societies, which are open to everybody under conditions of fair equality of chances, and they must offer the highest advantage for those who are most disadvantaged. These are the two basic principles of justice. The first one is based on

³ Here I follow Müller (1995), Ritsert (1997); Desai (1997); Koller (1995), Wegener (1992; 1995).

the principle of freedom; the second one involves the principle of equality. Inequalities are only acceptable, where they bring advantages for the worst off. This would legitimize state redistribution for the sake of the least advantaged. In research on social justice the two principals reflect the positions of individualism and etatism. Individualism is related to the principle of equity, the Aristotelian principle of distribution that follows the rule of proportionality as a standard for justice. Outcomes can be considered to be just when they are proportionate to inputs. Resulting inequalities therefore depend on a free decision of individuals concerning their input. Etatism is just the opposite principle. The state interferes in the distribution of goods and allocation of liabilities for the sake of the disadvantaged. Its primary goal is then to increase equality.

Rawls's principles do not presuppose a certain conception of a good life or a basic ethics, but open opportunities for pluralism of different ways of life. His approach taken in his 'Theory of Justice' is universalistic and, as he argued, can be applied to all modern societies. In spite of this general openness it particularly fits for liberal market democracies, linking the principles of freedom and justice.

Rawls's theory of justice was heavily attacked. For one group of opponents his ideas were not liberal enough, so that this group suggested a more libertarian solution dropping the idea of material redistribution, be their conception more on the basis of Hobbes (Buchanan) or Locke (Nozick). These two approaches emphasized freedom and individual rights even more than Rawls with his hierarchy of principles: The first being above the second. The other group of opponents in turn believed that the idea of redistributive justice was not strong enough in Rawls's approach. The suggestion was to reverse the two principles in their hierarchy. Redistribution should dominate the freedom ideal. Proponents argued that society always constitutes a community of values, ethics, production and distribution. Every approach which does not consider this task has an insufficient understanding of the conception of citizenship, civil society and patriotic community and therefore is 'undersocialized'. The group favouring this approach emerged in the United States and was labelled "Communitarists". Communitarism attacks both an abstract liberal individualism as particularly found in the American Constitution, and a conservative ideology of community, but it opts for revitalizing the Republican tradition, the strengthening of civil society, the establishment of intermediary associations and communities and for democratic participation in public and political affairs. Well-known proponents of this direction are Taylor, Walzer, Barber, Etzioni, Selznick, Bellah and others.

Rawls himself took the critique very serious and modified his theory of justice by leaving the universal level and contextualizing political liberalism for Western European modern society (Rawls 1993). The individual is then no longer an abstract subject but a citizen with a moral capacity, which is related to his sense of justice and his understanding of good life. Society, on the other hand is then a system of fair cooperation of free and equal people. It is touched by social justice only in its basic structure, on the level of procedures such as the majority principle, the principle of voting, division of violence, etc. and by a list of basic goods such as basic freedoms, free choice of profession, positions, income and property, or self-respect. Rawls continues that the two principles provide the minimum basis for democracy. The first principle refers to the constitutive level of political constitution as a system of highest rules (the basic rights and freedoms), the second principle concerns the regulated level for the distribution and allocation of economic and social goods.

When one considers this modification of his theory, the result seems doing the splits. On the one hand, he makes concessions to Communitarism by politically contextualizing his theory, on the other hand to liberalism by emphasizing pluralism. Indeed, when one drops the universal level and relates this theory to Western democratic society, one can admit, that the basic rights and freedoms he refers to are an inherent ingredient of all Western ways of life. However, this does not necessarily hold true for every society.

Let us now turn to Michael Walzer. As belonging to the Communitarist camp he neither believes in liberalism, nor in the idea that universal principles of justice fit for complex societies. This makes him close to Max Weber's thought, although he does not refer to him. He also denies one overarching superstructure of justice, he also rejects egalitarianism with the idea of a simple equality.

Following Müller,⁴ Walzer's conception of moral society is a distributive community. "We come together to share, divide and exchange (...and) the idea of distributive justice has as much to do with being in doing as with having, as much to do with production as consumption, as much to do with identity instructors as with land, capital, or personal possessions" (Walzer 1983: 3). He argues in favour of a large number of different institutions and mechanisms of distribution, diversity of distribution

⁴ The passage on Walzer is a summary of Müller (1995). The quotations of Walzer are from the same text.

criteria and a large number of goods and resources to be distributed. “The search for unity (...) is to misunderstand the subject matter of distributive justice (... -) distributive justice is not what utilitarianism is - an integrated science, but an art of differentiation” (Walzer 1983: 4, XV). He even considers Weber’s position of social differentiation as a necessary precondition for justice as complex equality. First of all one has to realize that there is no one single hegemonial medium of distribution like “money”, but there are many different ones, such as membership as a mechanism of inclusion and exclusion, social security and welfare, commodities, duty, labour, free time, education, kinship and love, mercy, recognition and political power. All these phenomena are distributed within society.

Now Walzer does not start like many political philosophers with basic principles of justice and how they can be realized in a fictitious societal contract. Such an approach, he argues, would lead to a universal and deductive moral hierarchy of rights and obligations, of institutions and procedures – one single system of distributive justice. However, ideas of justice are always related to the shared meaning of social goods which a political community distributes, and they are diversified and pluralistic. These shared visions of people in modern Western societies have to be understood and systematized to get an image of the moral world in which we live. This means that from the beginning Walzer does without a universal standard of just society and instead takes the position of moral relativism.

In his conception membership becomes now a primary and hegemonial good. It opens and denies access to a political community, which plans and guarantees security and welfare. “Distributive justice in the sphere of welfare and security has a twofold meaning: it refers, first, to the recognition of need, and, second to the recognition of membership. Goods must be provided to needy members because of their neediness; but they also must be provided in such a way as to sustain the membership” (Walzer 1983: 78). Walzer argues in favour of a solid welfare state. The stronger the welfarist debate, the more integrated and inclusive is the political community. His dictum is: “from each according to his ability (or is resources), to each according to his socially recognized needs” (Walzer 1983: 91).

An interesting aspect in his argumentation is the idea of “blocked exchange” processes. This means that he supports public goods being taken out of the market. They cannot be purchased, so that this “blocked exchange” is a limitation of commodification of everything, so that the logic of the market expands into all spheres

of life. Such blocked exchanges are, for example, the abolition of slavery, anti-corruption laws and an independent judicial system, or the rejection of the purchase of friendship and love. “A radical laissez-faire economy would be like a totalitarian state, invading every other sphere, dominating every other distributive process. It would transform every social good into a commodity. This is market imperialism” (Walzer 1983: 120). Against this hegemony Walzer suggests three distributive principles, which determine the relation between economy and polity: (1) the redistribution of market power to block unfair encroachment and strengthening the labour unions; (2) the redistribution of money by the mechanism of taxes; and (3) the reallocation of property rights in favour of a cooperative control of means of production.

Since Walzer rejects the universal concept of justice, he has to relate conceptions of justice to historical and present real societies. Complex equality is then the result of a pluralistic society. Beyond these basic ideas he seems to have in mind a conception of justice that has a quantitative and qualitative dimension. The quantitative dimension relates to the degree of social differentiation. The higher social differentiation the more in number the arenas of distribution and the better the chances for social justice. He expresses this as follows: “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 there are more differentiated. Justice simply has more scope in such societies, because there are more distant 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 justice takes” (Walzer 1983: 315). The qualitative dimension relates to the maintenance of social differentiation. The more social differentiation can be maintained, the more blocked exchange processes occur. However, the different spheres of justice are threatened by the property-power-complex. It takes the form of plutocracy in capitalist societies and political tyranny in socialist and some other non-Western societies. Nevertheless, his conclusion is quite optimistic: “The community's cultural is the story its members tell so as to make sense of all the different pieces of the social life - and justice of the doctrine that distinguishes the pieces. In any differentiated society, and justice will make for harmony only if it first makes for separation. Good fences make a just societies.” (Walzer 1983: 319).

On the whole Müller criticizes Walzer's conception as remaining very vague. When justice is linked to a shared understanding of members, then distributive justice cannot indeed transgress the boundaries of the political community. This is the problem of all ethnomethodological approaches. From such a perspective, bribery and corruption, for

example, can be considered to be just when they are social practice. However, beyond this level of relativism of micro agents there are also perceptions that are shared on a much higher level. Otherwise we could not explain globalized social movements against injustice of WTO agreements like TRIPS⁵, Amnesty International, insisting on human rights, or global women's movements, insisting on equal rights of women and men. And, without universal standards one cannot consider different societies in comparison, naming one more just than another, or accuse the United States for offending human rights in their ways of imprisonment of potential terrorists. We have to admit that the conception of social differentiation and processes of pluralization of justice – as suggested by Walzer - can perfectly conceal, if not even legitimize injustice by drawing on different principles of justice for achieving different goals.

Müller/Wegener (1995) conclude that Walzer's position is defensive and minimal. He believes in system adequacy by arguing the only thing we have to protect is that no sphere colonizes another. Although he emphasizes that all the spheres, the moral norms and mechanisms of distribution have to be autonomous, there are two spheres of particular importance: the political sphere and the state on the one hand, both defending the highest good in society: citizenship; and the market on the other hand which distributes material resources and goods of the society. He names these two central spheres power-property-complex.

Now we have the following different positions in classical sociology and social philosophy: universalistic versus particularistic/sphere models, and liberal reverse communitarian models. Weber and Rawls share the liberal position, Durkheim and Walzer the communitarist position. Both Durkheim and Rawls adhere to a universalist position (whereas the later Rawls constrains the reach of his theory), while Weber, Walzer and Elster share the relativist, sphere position.

We can summarize the macro positions according to the two axes universalistic – particularistic and liberal - communitarian:

⁵ TRIPS: WTO agreement on intellectual property rights, which the United States and other industrial countries have used not only to defend their patents, but also through patent piracy.

	<i>Universalistic</i>	<i>Particularistic</i>
<i>Liberal</i>	Rawls	Weber
<i>Communitarian</i>	Durkheim	Walzer

Empirical research on social justice

While the theorizing on social justice so far discussed took the deductive way, starting from hypothetical assumptions of original condition of society or meta processes accompanying social change and relating them to aspects of equality, justice and a ‘good life’, the empirical research on justice is not normative, since it does not aim at constructing a better world, but is mapping norms and mechanisms of distribution, allocation and regulation in the empirical life world. It investigates people’s and institutions’ perceptions and practices of justice in different spheres of life.

In general, one can distinguish aspects of micro-justice, referring to individuals and small groups, and aspects of macro-justice, referring to society as such and large sub-groups. As a matter of fact, both approaches lead to different results what concerns justice. According to Müller/Wegener (1995) empirical research on macro-sociological aspects supports Walzer’s position of spheres of justice. When one considers distribution processes, not only the results but also the mechanisms have assessed as just or unjust.

The tradition of micro-sociology has its own way of coping with justice and equality.⁶ Here the ethnomethodological perspective, the assessment of the agents - individuals and small units such as groups - concerning justice and equality is important. Some scholars (e.g. Homans, Lerner) argue that individuals have an intrinsic motive of justice. However, they do not agree of whether this motive is biological, a result of cultural evolution or socialization. In practice three distribution principles are frequent: equity, equality and needs. Which principle is chosen depends on the context

⁶ In the discussion of micro-sociological approaches I follow Müller/Wegener (1995); Wegener (1992; 1995) and Liebig (2002; 2004a; 2004b).

and situation. If the primary aim is an increase of productivity the equity principle is common. This applies, for example, to economic considerations. If a harmonization of the particular group is intended, the equality principle is selected. The needs principle in turn is usually chosen when welfare of a subgroup of society is aimed at.

People assess a situation less on the basis of objective factors rather than on a subjective consideration of the situation, particularly in highly complex contexts. The matter is even more complicated insofar that in addition to situation and subjective interpretation socialization of the respective person or group comes in. People with similar historical, social and cultural background have similar principles of justice. However, when assessing social justice we also have to consider that people compare their situation with those people to whom they have close social relations and who share a similar social background. In the same way they tend to share principles of justice, norms and values with people belong to the same network. Taking the perspective of Mark Granovetter (1992) we can argue that assessments of justice are embedded in networks of social relations. Such a conception is not very easy in taking a stance of universal principles of justice, but favours the Weberian or Walzer's approach of simultaneous existence of spheres of social justice. While, however, in their view these reflect macro-spheres of social life (economy, polity, religion, science, etc.), the micro-sociological conception anchors these spheres to ego: the subjective view of the micro-agent or institution.

Therefore, micro-sociological empirical research on justice supports the relativist view just described. Theories were developed in the opposite way than the macro theories discussed. Subject related empirical research inductively led to the theory of relativity deprivation (Merton/Rossi et al.) and equity theory (Homans et al.). The theory of relativity deprivation relates justice perceptions of individuals to relevant reference groups. Equity theory takes proportionality between input and output on a comparative level as its decisive criterion of justice.⁷ Another micro approach to justice is the status value theory. The theory argues that the individual's point of reference for justice considerations is one's own status: one considers a distribution/allocation as just when on average somebody with a similar social/professional status gets the same good or burden. In social anthropology we find the approach of resource theory, considering

⁷ Equity theory, for example, considers labour input and salary of person A in relation to person B.

aspects of equivalency in exchange relations. Here not only material goods are considered, but also immaterial ones. Distinct spheres of exchange and “blocked exchanges” between the spheres occur, while certain conversions are allowed (Bohannon and Dalton 1962). Again another approach is research on reciprocity and altruism. What is common among the theories mentioned here is the assumption that justice is a subjective phenomenon. However, also here intersubjectivity comes in in so far, were people (in a given group, society, culture etc.) share certain conceptions.

John Elster on local justice

Perhaps the most sophisticated empirical research on justice is John Elster’s book on ‘Local Justice’ (1992), which is in line with Walzer’s conception. While the philosopher Walzer provided a deductive theory that he later on linked with the empirical Western democratic society, Elster takes another approach. Rather than attempting to construct a theory he is interested in the empirical distribution practices and mechanisms of institutions in contemporary societies. The institutions he is concerned with are operating in local contexts. They are, for example, admission offices at universities or kindergartens providing only a limited number of places to applicants so that they have to take a selection, or medical centres deciding on who gets an organ for transplantation. Elster opposes ‘local’ to ‘global’ i.e. macro justice on the societal level,⁸ because distribution/selection mechanisms and principles of justice on both levels work differently. The level of ‘local justice’ is neither micro nor macro, but meso. Here decisions take place by relatively autonomous institutions that have a certain margin to decide even if the guidelines for decision have been made on the ‘global’ level. Contrary to the ‘global’ level, they are predominantly not compensatory. What is distributed/allocated here is kind (rights and goods), not money. The problem of local justice only arise in situations of scarcity (there are less goods or rights to be distributed than applicants) or heterogeneity (there are enough goods to be distributed; however, the quality of the goods is heterogeneous).

⁸ His term ‘global justice’ refers to political, economic and judicial decision-making on the macro level. Elster argues global redistributive politics are characterized by three features: a central decision unit (the national government), the intention to compensate people for various sorts of bad luck, and the application of the principles of cash transfer.

Which are the distribution problems of local justice in everyday-life that John Elster refers to? They concern questions like: Who gets an available kidney for transplantation? Who is chosen for military service or recruited in times of war? Who shall be allowed to get a 'Green Card' for immigration? Who may adopt children? As a matter of fact neither economic theory nor political or social science say anything to these questions. What is usually addressed under the topic of justice is the distribution of commodities or the issue of societal welfare. However, we neither solely depend on the market, nor on government distribution/allocation, but there are various institutions on the meso level acting rather autonomously. While a number of decisions taken are insignificant for an individual and only indirectly touch it, others are not, because they concern life and death, as the issues of the kidney or heart transplantation shows, or at least they decide on a better life, like in the case of immigrations, adoptions or access to a better educational institution.

Elster's argument is that from the existing mechanisms and principles of 'local justice' in everyday life, we can learn about perceptions of justice in society and agents being concerned with decisions. Therefore one has to study these mechanisms and then can conclude on abstract principles and at best theorize (Elster himself does not yet take that last step because further research is required). To put it another way, on the level of local justice both 'objective' macro criteria of justice (to be found in administrative guidelines) and 'subjective' perceptions of agents/institutions crisscross each other.

Let us have a short look into three examples of John Elster's empirical research on justice: The first one is the case of kidney provision. In the United States and most European countries a point system is applied. First, patients receive points for the time on the waiting list. Second, they receive points corresponding to the number of anti genes matches. Third, they receive points for high panel reactive antibody formation. The point system is used on three levels, the national, regional and local level. For perfect matches the national waiting list is at work, for less than perfect matches, a regional waiting list is used. Sometimes, the transplantation team can, however switch, to a local waiting list.

Access to higher education depends on a number of criteria, subject, sex, ethnicity, qualification (scientific and non-scientific such as social or artistic), and so on. In all countries investigated some institutions of higher education are based on selective admission. The placement system occurs, where there are nationally sufficient places, so that everybody will get a place, but not necessarily in the location where he wants. A

typical example is the central distribution system of university places in Germany. As criteria for selection test scores, high school grades, living place, etc. are applied, often in combination with each other. In other educational systems, sometimes social background is also included, promoting children from lower social strata.

The distribution of household tasks can be done according to the equality criterion (labour input) or to the efficiency criterion. However, some tasks are less desirable than others. One solution is rotation at the expense of efficiency, another solution based on the principle of comparative advantage is to distribute the tasks according to ability of the household members, and again another solution is to weigh the tasks according to desirability. But also the relationship between work in the household and work outside is important.

Typical of the situation of local justice is that a good or burden to be distributed is not divisible. An example is Solomon's (second) judgment and the paradox of his first judgment to divide the baby. A unique good, once distributed, it is no more available. A 'yes' to one person therefore means a 'no' to any other person. In normal scarcity situations the problem is less severe. The situation is different with the allocation of scarce, divisible goods. Quotas regulate such cases. Here the problem often turns up that the good to be distributed is heterogeneous.

Which are the typical distribution processes that occur under the premise of local justice? The selection process compares individuals, usually producing a ranking list and working it down from top to bottom until the good to be distributed is finished. In the case of a transplantation, the heart is given to the person on top of the list, while everybody else comes away empty. An admission procedure compares individuals against an absolute threshold and offers the good to all those who exceed it. The placement procedure regulates the allocation of non scarce, heterogeneous goods, and tries to ensure that every individual ends up with some unit of the good, which from the agents' perspective means that not everybody is similarly satisfied and considers the distribution as equal.

Empery shows that the distribution principles by secondary actors can be categorized as follows: egalitarian principles, time-related principles, status principles, power and other principles not fitting into the other categories. Egalitarian principles are: (a) Absolute equality, which means, that when the good is not divisible and there are more

than one potential recipient, the good is not given to anybody; (b) The lottery, which occurs in cases where the goods cannot be divided without great loss of value;⁹ (c) The base-line principle, only providing goods to those who do not meet the base line (for example, undernourished children identified by a weight/age/size ratio who get supplement nutrition); (d) Rotation, being egalitarian in the longer run, because everybody once gets a good or has to take a burden, and after one cycle equality is achieved.

Time-related principles observed in local justice are: (a) Queuing, goods being distributed on the first-come, first-served basis;¹⁰ (b) Waiting lists that largely exclude this selection process;¹¹ (c) Seniority, which differs from queuing and waiting lists in so far that one achieves it as a by-product of another activity, for example, years having been employed in an enterprise.¹²

Principles defined by status are age, gender, sexual orientation, ethnicity, religion, physical features, mental features, societal rank, caste, civil status, family status, residential status, occupational status or literacy. Age, for example, can be used as a positive or negative criterion, the marker of discrimination or advantages. The same holds true for most other criteria mentioned – depending on whether a minority status provides political advantages or discrimination.

Mechanisms based on power are physical capital/money, social and cultural capital (including *blat*, and other forms of favour). Here Elster comes close to Bourdieu's (1979) understanding of interrelatedness and convertibility of power, capital and influence.

⁹ Characteristic of lotteries is that everybody has an equal chance of winning (and losing). Another advantage of lotteries is that they work against corruption, because they create uncertainty.

¹⁰ Queues are themselves selection processes, because joining the queue requires time, which is a scarce good itself. From the people's perception queuing is often ranked highly on grounds of fairness. More rich people cannot convert their money into a front place in the queue. Even the other way around, they have even more sparse time, so that only those can afford waiting who really need the good distributed.

¹¹ Typical examples are the provision of housing or cars in former socialist countries, bypass operation in Norway or places in kindergartens in various countries.

¹² Seniority is a widely accepted selection concerning works. Seniority like queuing also reflects desert and reward. It is also a security mechanism not to be dismissed.

Principles defined by other properties are the individual level of welfare, need, efficiency, contribution, character, and so on. Often these criteria are based on the idea of diminishing marginal utility. This means that more needy persons have a larger benefit from a unit of the good than better off.

The selection principles so far mentioned are the elementary building blocks of local justice. In everyday life, usually mixed systems occur, combining different principles. (a) In the first kind of mixed systems, several criteria are considered simultaneously and aggregated to get one single overall score for each applicant or potential recipient, like in the case of kidney transplantation. (b) In the second kind, several principles are applied in succession, either to reduce the number of recipients or to improve the match. An example is setting a quota for Indian immigration. Then a raking of required professions is introduced. (c) In the third kind, impersonal mechanisms and individual criteria are fused into one overall system.

The empirical selection principles Elster discusses are as follows. Point systems are very rigid because of their linear, additive form. Conjunctive systems evaluate applicants by the weakest feature, while disjunctive systems evaluate applicants by the criterion on which he scored highest. Lexicographic principles are such, where the secondary criterion is used as the tiebreaker. An example provides the women's quota (the choice of a woman when she's equally judged as the male candidate). Selecting from a pool of eligibles means to use the criterion of equality, but provide certain exemptions. Typical is the situation of ancient sailors who determined by lot who will be eaten up after all stocks were finished, but excluding those who were married. Intuitive trade-offs are situations, where we have multiple objectives and some scope for intuition of the institutional agent for the final choice. Post-allocation trade restricts or opens the possibility to purchase/sell an assignment. In weighted lotteries the weights depend on substantive criteria. In principle everybody who graduated of a secondary school has the chance to get a place for medicine at the university, but additional criteria are introduced, for example the average of school notes or a weighted note emphasizing subjects like biology and chemistry. Multiple queues means, that in principle everybody has to queue, but there are different queues for people matching different criteria. For example there are different queues at passport controls for EU citizens and non EU citizens, or for business class and economy class passengers.

Interesting from the empirical sociology point of view is why allocators, authorities, recipients and public opinion develop certain preferences for particular allocative

schemes. Elster distinguishes three main kinds of explanation: causal, intentional and functional. Political first-order actors (i.e. actors like lawyers, economists and politicians on the level of 'global justice') are motivated by efficiency concerns. Self-interest is rather unimportant on that level, except that politicians aim at being re-elected and therefore seek acceptance by the public especially before elections. Second-order actors (i.e. actors in the position of distributive local justice such as doctors or admission officers) are motivated by equity as well as efficiency criteria. The concept of efficiency is different from first-order actors, because it is local efficiency. They aim at incremental welfare of the particular recipient, not at social welfare of the entire society. The third-order actors (i.e. the recipients and their organizations) are typically moved by self-interest - they lobby, buy a gain, or vote for principles that favour the subgroup of potential recipients to whom they belong. When they opt for equity or efficiency, it is usually self-interested. Public opinion may exercise pressure on decision-makers of both the 'global' and the 'local level'. It works via scandals: for example, the publishing of allocative episodes documenting waste, inefficiency and injustice. Elster reports a case from the United States where one patient got various organs transplanted where one would have been able to save the lives of different people. On the other hand, an utilitarian cost-benefit analysis in life-death situations is morally not acceptable for public opinion (even if indeed such calculations already occur in British hospitals). In a very provoking article, the 'Survival Lottery', John Harriss harshly attacked utilitarianism by proposing an allocation scheme of organs that would maximize total welfare by killing some people drawn at random and using the organs to save the lives of others...

Interdisciplinary empirical research on justice

The discussion so far shows that social justice is closely related to economics, social and political science, philosophy, and even psychology. Müller/Wegener (1995) therefore suggest doing interdisciplinary research on justice. Key questions are: what does justice mean in the contemporary society? Where do norms of justice come from and how did they historically develop in different societies and cultures? Why and how did different spheres of justice emerge? What are the consequences of justice and injustice for social structure, individuals, groups, organizations, and societies?

John Elster admits that his research has remained so far incomplete because it was limited to certain aspects of social life. In his examples he neglected the time aspect, or more concretely, the life chances and lifecycle, for example, the question of whether

very old-aged patients should achieve transplantations at all. Furthermore, the investigated cases concentrated on indivisible objects. More often in practice, however, the question is raised, how much somebody should receive from a scarce item, for example how much of scarce medicine in relation to life expectancy. Also neglected is the sociology of complex organizations. In the examples the allocating institution was considered as unit, a black box that takes a decision like an individual. Institutions, however, have their own rationale; they are also under fire from first-order and third-order actors. Furthermore, institutions have to pursue goods in an efficient way if they are not even required to make profits. Many of the institutions working in the medical market are private enterprises.

Theoretical work has to refer to the term and the principles of justice. What does the term 'social justice' mean? Which forms of justice can be distinguished? In philosophy one seems to think that with an increase of justice injustice will decrease in society. Sociology often takes a similar approach thinking that the decrease of inequality causes an increase of equality. Although this seems logical, such a zero-sum-game assumption cannot be supported by quantitative nor qualitative analysis. Principles of justice only refer to a small, selective part of distribution, namely the distribution of central goods and liabilities in society. However, empirically even the most just societies have various aspects of injustice. It sounds like a paradox that justice always has an aspect of injustice. The same holds true for equality and inequality. Not all inequality is considered to be social inequality, but often perceived as a dissimilarity/ heterogeneity of people and situations compared. When we talk about injustice in sociology, we always refer to social relations and social structure, which are human-made and therefore can be changed. However, we also have to take destiny, accidents, disasters and the like into account. Shall people suffer their whole life because they experienced a misfortune in the past, or because they were simply born in the wrong family at the wrong place in the wrong time?

This question becomes relevant concerning compensations. Somebody, who has been imprisoned and later proves innocent, will receive compensation. More complicated is the matter when different generations are involved. Whole ethnic groups e.g. experienced victimization and injustice (the blacks and the issue of slavery, the Jews and the issue of Holocaust). Should their ancestors nowadays be compensated for state-supported crimes against their forefathers? This position, for example, takes Nozick (1974) in his libertarian approach, when his logic suggests that they should be compensated in such a way that they should get now what they would have had if they

had not been discriminated. This is theoretically highly interesting but practically irrelevant/impossible. Other cases, however, suggest that such principles are indirectly applied. For example, Russian Jews with German forefathers get a privileged migration to Germany. Or West German kids can reclaim their parents' property in Eastern Germany that was nationalized by the GDR government. John Elster argues that such a position is not only reparation of past injustice; it also means that the sons or daughters are held responsible for sins of their forefathers. This perception of justice would treat several generations as one single life. The counter position is that compensations can occur only over a single life span. This is the mainstream of present-day thinking concerning the time aspect of justice.

All the topics addressed in the last paragraphs have not been approached by research on social justice and suggest that there is much room for empirical research on social justice, addressing present-day problems and practices of everyday-life. By mapping the mechanisms and principles of justice at work, the macro and micro perceptions concerning these and the matter of justice in general, we might get an understanding of deeper structures of thinking and morality in the particular society and specific spheres of life. Once we have understood the basic principles we can use these as the starting point for building an inductive theory of social justice. From my perspective it is self-evident that such a theory can only be particularistic, addressing certain time and space dependent 'spheres of justice'/mechanisms of 'local justice', but nevertheless draw upon human-rights criteria in certain spheres of life.

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