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WORK AS A PROBLEM OF DISTRIBUTIVE JUSTICE

by

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## Abstract

This thesis tackles a problem of contemporary society: *What constitutes a just distribution of work?* After an analysis of "work" as a family resemblance concept in the manner of Wittgenstein, I discuss the dual nature of work as both a benefit and a burden, a benefit because it can provide a livelihood, comfort, prestige, power, social contacts, self-esteem and self-realization, a burden because it can involve toil, tedium, danger, humiliation and dehumanization. I appraise some important value judgments about work - that it has dignity and spirituality, that it contributes to society, that it is a duty, a right, a privilege, a necessity.

Reflecting on the nature of distributive justice, I criticize four distinct approaches: moral skepticism, the confusion of law and justice, a number of influential stipulative definitions of justice which are either blatantly arbitrary or insufficiently general, and three attempts to derive the principles of justice from less controversial assumptions. I try to show that an understanding of justice is best elicited in paradigm situations of injustice, and that principles of justice can be extracted, although imperfectly, from such situations and applied to more or less analogous situations.

The principle of justice I apply to the distribution of work requires that no citizen be discriminated against, on irrelevant grounds, in the distribution of social benefits and burdens. Although no explication of "irrelevant grounds" seems generally sound, I argue that there is a strong presumption of discrimination on irrelevant grounds whenever people are put at a serious disadvantage through no fault of their own by modifiable social arrangements.

After explaining why no single, society-wide distribution of work can be generated simply by an appeal to justice, I focus on the existing work allocation process and identify ways in which it puts people at a serious disadvantage through no fault of their own. Examples are the prevalence of favoritism, the inflation of formal job requirements, lack of access to training and job vacancy information, and work monopolies protected by sheltering mechanisms.

I conclude with a brief survey of reform proposals, such as worksharing and job creation, as well as the twofold role of a guaranteed income in relieving pressure on the job market and compensating victims of social injustice.

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## Introduction

Unemployment in contemporary Western society has given rise to the demand, urgently voiced by youth and other affected groups, for a "new and just distribution of work". Though unemployment has been a perennial worry, complex economic changes and especially the rapid spread of automation are making it particularly acute, displacing workers on a massive scale and creating new poverty and explosive social tension along with new wealth.

To allege injustice in the existing distribution of work is one thing; to explain how justice could be done quite another. What constitutes a just distribution of work? What, first of all, is work and what makes it so valuable to people? What are the principles of justice, what is their rational basis, and how can they be applied to work? And if serious injustices in the distribution of work exist, how can they be remedied or at least mitigated?

These are the conceptual and moral problems I want to discuss, but I hope to discuss them with far greater detachment than most of those who debate them in the public forum today. I do not presuppose any ideology, but only that we face up to normative problems, and that we can make sense of the notion of justice. My primary purpose is to examine concepts and arguments and to clarify the difficulties involved in applying considerations of justice to the distribution of work, rather than to accuse and convict. (I shall not, however, gloss over unpleasant truths.)

I view my efforts as a contribution to a much neglected branch of social philosophy, the philosophy of work. The bulk of writings in this field comes from Marxist and Catholic philosophers. I have tried not to follow in the conceptual footsteps of Marxists because

(1) I do not share the belief that one's position in the process of economic production *necessarily* determines all important facets of one's life;

(2) I am not convinced that using a person's work for other people's benefit without paying him "full value" necessarily exploits that person; and

(3) I have found much of Marxist labor theory a quagmire of dead abstractions which fail to address the problem of a just distribution of work.

I have also bypassed the Catholic analysis of work because the views that work is God's punishment, or a means to curb the evil bent of man, or the best way to serve God and establish His kingdom on earth, hold no rational appeal for me whatever.

This is not to deny that there is much of interest in Marxist and Catholic thought, but what there is can also be obtained, in less dilute form, from studies in labor economics and the psychology and sociology of work.

In a field already tilled by social science, what is the distinctive task of a philosophy of work? Here as everywhere it remains for philosophers, I believe, (i) to give an analysis of how key concepts function in our language; (ii) to criticize the categories offered by scientists and others as models of reality; (iii) to examine value judgments and expose dubious assumptions and contradictions; and (iv) to bring an understanding of ethics to bear on important social problems, articulating these problems in the clearest possible terms and pointing the way to morally defensible solutions.

## I. THE CONCEPT OF WORK

What is work? What is the best way to think about work? What do we mean by "work"?

"Work" is one of the most common terms in everyday use, and full of subtle shades of meaning and conflicting normative assumptions. Since ordinary usage is our only *access* to the meaning of a term, let me, prior to attempts at definition, assemble "reminders" of ordinary usage. This way we shall be less tempted to fix upon a stipulated meaning which would lead straight into a quagmire of abstractions.

### A. DIMENSIONS OF ORDINARY USAGE

While some people do honest work from nine to five, others work on their sun tan on the beach. Some work downtown streets at night, others work out in the gym, and a few work at improving society. Housework has always been women's work, but now, in many families, both husband and wife work. Most working couples succeed, against considerable odds, in making their marriages work. Some people live for their work and some live off the work of others. Those who have worked for the same outfit all their working lives often worked themselves up and proudly look back upon a life's work. They go to work, often only to work again around the house after work, or to moonlight in the neighborhood. Workaholics never enjoy the fruits of their work. Although they seldom complain of overwork - well, sometimes they do - they may work themselves into a rage when a playboy like Trudeau, who hasn't worked a day in his life, gets elected prime minister.

Many workers are out of work and are told to work hard at finding work. Working one's connections is one way to secure work. Often, in our work-oriented society, there is no work to be had when there is plenty of work to be done. Perhaps the labor market isn't working the way it should.

Whether or not the shortage of work is the work of technology, it is clear that technology, while putting some people out of work, creates work for others who know how to work with technology. If expert predictions work out, most human work will soon be done, and done much better, by robots. Then even the mysterious workings of nature will pale into insignificance beside the truly magnificent works of man.

These examples, culled from newspapers and other sources, indicate the tremendous scope of the term "work" in ordinary language.

To keep our gaze fixed upon the place of "work" in our language - and upon the patch of *reality* it denotes - I want to list its common attributes and

partial synonyms as well as antonyms.

We say that work can be manual or intellectual, skilled, unskilled or semi-skilled, sedentary, light or heavy, productive or unproductive, well-paid, underpaid or unpaid, clean or dirty, safe or dangerous, legal or illegal, enjoyable, congenial and challenging or unpleasant, stultifying and boring, fulfilling or alienating, respected or despised, meaningful or meaningless, interesting or distasteful, ennobling or degrading, honorable or humiliating, humanizing or dehumanizing, and a great many other things. Philosophers like to distinguish *exotelic* and *endotelic* work - work done primarily for some purpose and work done primarily for its own sake. The dualistic nature of many qualifying attributes of "work" tend to set up sharp linguistic contrasts where, in reality, there are seamless gradations.

A host of other terms overlap the meaning of "work" at least partly. Not only are there concepts to classify work into occupational types - of which the already obsolete *Dictionary of Occupational Titles* lists over thirty thousand<sup>1</sup> - but also concepts to express the intrinsic qualities of the work experience. Examples are "labor", "toil", "task", "employment", "job", "position", "post", "station", "role", "occupation", "career", "profession", "vocation", "calling" and others. Many of these concepts are just as hard to define as "work" and give rise to circular definitions, as for example when "work" is defined as "paid employment" and "employment" is defined as "work for pay".<sup>2</sup>

A *theory of work*, that is, "adequate conceptual categories for thinking about work"<sup>3</sup>, has sometimes been thought to consist in dividing work into categories like labor, workmanship and calling, a division intended to mark differences in the satisfaction potential of different types of work.

Subdivisions of the world of work into "occupations", as the *Dictionary of Occupational Titles* shows, have become numerous. In the good old days of Socrates, there were a few dozen trades and callings to which Socrates fondly refers: the

shepherd, the carpenter, the blacksmith, the shoemaker, the trader, the soldier, the statesman, the public gadfly and a few more. In our time, skimming the employment section of the newspaper reveals puzzling occupations like "business data processing engineer", "intelligence research specialist" or "cytotechnician". A great many grand schemes exist to divide and subdivide the world of work into categories like farm work, office work, sales work, professional work, many types of service work, industrial work in primary, secondary and tertiary industries, and so forth. These categories, though fascinating, seem of limited help for our purpose: understanding what work is.

"Work" is a polar concept. It gets its meaning partly by contrasting it with various forms of non-work, such as rest, retirement, unemployment, play, free time, leisure or idleness. There are at least seven ways, then, in which the question "I assume Dr. Jones is at work?" could be answered in the negative. He could have taken a day off to rest, he could be retired, or unemployed, or playing golf, or have free time on his hands, enjoy a bit of leisure or idle away his best years. It is not always contradictory to say, however, that a person who doesn't work is working. For example, we often say, "Harry has retired from work, but he can't stop working" or "After work he played tennis and worked his ass off to win." Any plausible conceptual analysis will have to account for such seemingly contradictory uses of "work".

## B. THE PROBLEM OF DEFINITION

After amassing raw material in the form of examples from ordinary usage, we can turn the machinery of analysis loose on the concept of work.

Conceptual analysis is generally taken to be the distinctively philosophical task of finding the *truth conditions* of a concept: those conditions which, if substituted for the concept in most types of statements, will preserve a statement's truth value.<sup>4</sup> Ideally, finding the truth conditions for "work" should enable us to say

*Something is work if and only if X*

where X is the necessary and sufficient condition (or a set of individually necessary and jointly sufficient conditions) such that, whenever the concept "work" is used in a statement, these conditions could be substituted without change in meaning or at least in truth value.

Let's see how close to this ideal three approaches to conceptual analysis take us.

### 1. THE SOCRATIC APPROACH TO CONCEPTS

We cannot help doing most of our thinking by means of concepts we find, more or less ready-made, in language. Untutored common sense constructs for itself a reality out of these concepts and simply assumes that for every concept there is something it stands for. Socrates, too, seems to have thought that there is a one-one correspondence between facts or things and concepts like justice, virtue, courage, piety and beauty. Realizing, however, that despite our familiarity with these concepts their meaning is seldom beyond dispute, he sought to clarify them by searching for some essential feature which makes justice, virtue, courage, piety and beauty what each is. This search was conducted by his famous method. Professing ignorance, he would elicit the cocksure beliefs of others and, tracing out implications, he would expose confusions and contradictions. At long last he sometimes reached beliefs which seemed immune to objections and could provisionally be accepted.

Most writers on work accept the Socratic theory of meaning: that giving the meaning of a concept consists in stating the essential feature of whatever the concept stands for. They have answered the question, "What is work?", by stating some feature or features they consider essential - but all too often without subjecting their answer to Socratic criticism.

Let us look at examples:

- (1) "Work is the process of giving human energy to a desired end." (Fraser, 247)
- (2) "Work is the means through which human beings have conquered an inimical environment." (Neff, 15)
- (3) "Work is the creation of an available world." (Kwant, 6)
- (4) "Work is a social activity with the two main goals of producing the goods required by society and binding the individual into the pattern of interrelationships from which society is built up." (Brown, quoted by Roadburg, 92)
- (5) "Work is purposeful human activity directed toward the satisfaction of human needs and desires." (Best, 2)
- (6) "Work is employment for pay." (Lutz, 141)
- (7) "Work is love made visible." (Gibran, 28)
- (8) "Work is effort or exertion done typically to make a living or keep a house." (de Grazia, 246)
- (9) "Work is purposive activity that gives form to matter." (Attributed to Aristotle and Marx; cf. Gould, 144)
- (10) "Work is the social utilization of aggressive impulses." (Marcuse, 84)
- (11) "Work is a uniquely creative act through which man becomes one with himself, society and nature." (Miller, 222)
- (12) "Work is overcoming necessary obstacles." (Rives, 621)
- (13) "Work is physical or mental effort exerted to do or make something." (Webster's New World Dictionary)

Examples of such ingenious attempts to get to the bottom of "work", to define its true essence, could obviously be multiplied, but to what avail? My point is that, in the case of work, the Socratic approach to concepts runs headlong into trouble. It may (seem to) succeed in some cases, but every definition of the essence of work yet proposed has the defect that it is either too broad or too narrow to capture ordinary usage.

If it is too broad, it is vulnerable to counterexamples which show that it does not give a sufficient condition for something to count as work. For example, to say that "work is the process of giving human energy to a desired end" does not express a sufficient condition because anything anyone ever does for whatever reason – such as throwing a basket ball into the hoop after work – gives human energy to a desired end.

Whenever a definition seems to give a sufficient condition, it becomes too narrow, because many different conditions seem equally sufficient. For example, the fact

that something is "employment for pay" is sufficient to call it "work", but so is "overcoming necessary obstacles" or "effort or exertion done typically to make a living or keep a house". And how, if work has one and only one essence, could such a thing happen?

But even if we found one and only one sufficient condition, would that reveal the true essence of work, a one-one correspondence between a concept and what it stands for in reality - *or only how this concept is related to other concepts?*

Most Socratic definitions of "work" have additional defects. Vague definitions, like "work is a uniquely creative act through which man becomes one with himself, society and nature", obscure rather than illuminate. Some, like "work is love made visible", are suggestive poetry, but so idiosyncratic as to be unrecognizable as definitions of work. Others, like "work is the social utilization of aggressive impulses", presuppose a controversial ideology or background theory like psychoanalysis. Finally, many definitions shift the burden of elucidation to concepts which badly need elucidation themselves, like "employment", "social activity", "purposive" or "the goods required by society".

## 2. PUTNAM'S APPROACH TO CONCEPTS

In contrast to Socrates for whom meaning was all of one piece, Hilary Putnam represents the modern school of meaning-splitters. Socrates thought that a concept's meaning is simply what the concept stands for (what it denotes, refers to, is true of or includes in its extension). Examples like "creature with a heart" and "creature with a kidney" show convincingly, however, that two concepts may be true of the same things and yet, in some striking way, differ greatly. The way in which they differ was called "sense" by Frege.<sup>5</sup> For him, sense and reference together made up meaning, and ever since philosophers have busily subdivided meaning further.

Putnam, in "The Meaning of 'Meaning'", splits meaning into four components: *syntactic markers* (which describe a concept's grammatical function); *semantic markers* (features which all things of a kind must have to be things of that kind); *stereotypes* ("features which in normal situations constitute ways of recognizing if a thing belongs to the kind"<sup>6</sup>); and *extension* (the set of things the concept is true of – which, according to Putnam's *hypothesis of the division of linguistic labor*, is usually determined by scientific experts).

Using the example of "water", Putnam offers the following conceptual analysis:

*Syntactic markers*: mass noun, concrete.

*Semantic markers*: natural kind, liquid.

*Stereotypes*: colorless, transparent, tasteless, thirst-quenching etc.

*Extension*: the set of things scientists identify as H<sub>2</sub>O (give and take impurities).

Let us try an analogous analysis for "work":

*Syntactic markers*: mass noun, also exists as verb; also adjectival and adverbial forms. Can be abstract or concrete.

*Semantic markers*: activity? time? situation? object? experience? process? state of being?

*Stereotypes*: pleasant, unpleasant, useful, useless, paid, unpaid, voluntary, forced, done by humans, done by machines, strenuous, effortless, etc.

*Extension*: the class of things or facts correctly called "work".

Reflecting on Putnam's scheme as applied to "work", several problems emerge:

(1) Syntactically the concept has diverse functions in a sentence: as a noun, a verb, an adjective ("workable") or an adverb ("at work").

(2) "Work" does not seem to have well-defined semantic markers. Mental or physical activity would perhaps seem to be required, but in perfectly intelligible uses ("Let your money work for you") no such activity is involved. Attempted definitions

show that work has variously been regarded as a kind of activity, a kind of time, a kind of process, a state of being and a certain situation, experience or object. This means that, although not everything is work in any given context, almost anything could be work in some context.

(3) "Work" seems to have an immense number of stereotypes, and what is even more remarkable: for every attribute that can be applied to work, its contrary can also be applied without straining ordinary usage. This certainly seems inconsistent with Putnam's idea of what stereotypes are.

(4) Another striking observation: "work" does not have a fixed extension. People disagree, and sometimes vehemently, about whether something deserves to be called "work" (must it involve effort, or be legal, unpleasant, socially useful or performed by conscious beings?), and contrary to Putnam's *hypothesis of the division of linguistic labor*, no scientific experts can help out. There are no experts who know the correct criteria for calling something "work".

"Work", it seems, can neither be defined intensionally, by enumerating a conjunction of essential features, nor extensionally, by enumerating the things the concept stands for. What promising options remain?

### 3. WITTGENSTEIN'S APPROACH TO CONCEPTS

In *Philosophical Investigations*, Ludwig Wittgenstein writes:

66. Consider for example the proceedings that we call "games". I mean board games, card-games, ball-games, Olympic games, and so on. What is common to them all? - Don't say: There *must* be something common, or they would not be called 'games'" - but *look and see* whether there is anything common to them all. - For if you look at them you will not see anything that is common to *all*, but similarities, relationships, and a whole series of them at that. To repeat: don't think, but look! - Look for example at board-games, with their multifarious relationships. Now pass to card-games; here you find many correspondences with the first group, but many common features drop out, and others appear. When we pass next to ball-games, much that is common is retained, but much is lost. - Are they all 'amusing'? Compare chess with noughts and crosses. Or is there always winning and losing, or competition between players? Think of patience. In ball games there is winning and losing; but when a child

throws his ball at the wall and catches it again, this feature has disappeared. Look at the parts played by skill and luck; and at the difference between skill in chess and skill in tennis. Think now of games like ring-a-ring-a-roses; here is the element of amusement, but how many other characteristics have disappeared! And we can go through the many, many other groups of games in the same way; we can see how similarities crop up and disappear.

And the result of this examination is: we see a complicated network of similarities overlapping and criss-crossing: sometimes overall similarities, sometimes similarities of detail.

67. I can think of no better expression to characterize these similarities than "family resemblances"; for the various resemblances between members of a family: built, features, colour of eyes, gait, temperament, etc. etc. overlap and criss-cross in the same way.

What Wittgenstein concludes about the concept of "game", does it not apply strikingly to the concept of "work" as well? In answering the question, "How is work best defined?", we cannot point out a defining feature which *all and only* types of work possess; we cannot even point out a set of interesting *necessary* features; but only an indefinite number of features each of which is possessed by *several* types of work and at least one of which (but not always the same one) is possessed by *any* type of work.

Such family resemblance features of work are, for example, that something is purposive or without purpose, engaged in for pay or for fun, exists in space and time, sustains human life on this planet, improves upon nature or destroys it, reshapes materials, builds companionship, allows or frustrates self-expression, and literally thousands of other features.

Wittgenstein's family resemblance features may, at first glance, seem akin to Putnam's stereotypes, but the virtues of Wittgenstein's approach are impressive. It can easily accommodate seemingly contradictory features of the concept "work". It alone explains the *open-texturedness* of "work": the fact that there is no fixed extension and that no scientist can help us decide if something is "really" work. And finally, it alone explains why using one name, "work", for a seemingly disjointed jumble of activities, objects, experiences, processes or situations is nevertheless intelligible: because the features of these things are related by countless partial overlaps.

Yet if the family resemblance approach to meaning is correct, no conceptual analysis in terms of necessary and sufficient conditions is possible. If conceptual analysis is to give insight into the ordinary meaning of a concept and not to legislate some "proper" or "essential" meaning, analytic philosophers must pay close attention to usage in everyday contexts. Only the actual use of a concept in everyday contexts (and in descriptions of such contexts) makes more or less clear which particular features of a family resemblance concept are to be grouped together on any particular occasion.

Almost all writers on work, whether they accept Wittgenstein's approach or not, agree that work is a complex phenomenon, has multiple meanings and is a particularly open concept. A serious problem arises: for normative purposes, a concept should be univocal; but work is not a univocal concept; therefore, it should not be used for normative purposes. But it is, in fact, constantly used for normative purposes.

Our conceptual dilemma is this: either we retain the ordinary meaning of "work" and stop employing the concept for normative purposes; or we keep employing "work" for normative purposes and radically restrict the concept's ordinary meaning.

The first alternative is out of the question, because the normative and descriptive meanings of work are inextricably combined in ordinary usage. The second alternative is also unpalatable, because whenever someone's use of a concept is out of keeping with ordinary usage, it almost always gives rise to misunderstandings.

Some argue that, luckily, we need not do either: when "work" is used in context, the particular context always makes its meaning univocal.<sup>7</sup> Others would claim – myself included – that, on the contrary, many of the conflicting meanings of "work" have become so tangled up in people's minds as to lead to serious normative confusions in everyday contexts.

Without prejudging the issue, let us examine a sampling of common value judgments about work.

## II. VALUE JUDGMENTS ABOUT WORK

What value do people attach to work? And what is its true value, if there is such a thing?

The answer is a matter of description and appraisal. First, to illustrate the value-ladenness of "work", let me list a few proverbs, because most minds are filled with these sorts of thoughts:

- "Them that don't work shan't eat."
- "An honest wage for an honest day's work."
- "A little hard work never hurts."
- "Your work is who you are."
- "Work shapes character."
- "We work hard and play hard."
- "The devil finds work (or mischief) for idle hands."
- "A woman's work is never done."
- "Work expands to fill the time available."

Important normative dimensions of work are also disclosed in these common value judgments:

- A. Work has dignity and spirituality.
- B. Work contributes to society.
- C. Work is a benefit. Work is a burden.
- D. Work is a duty.
- E. Work is a right.
- F. Work is a privilege.
- G. Work is a necessity.

Let me briefly discuss these value judgments.

### A. WORK HAS DIGNITY AND SPIRITUALITY

Manual work, some people stress, has just as much dignity as intellectual work. "Dignity" normally indicates a high degree of value which only human beings have: the queen has dignity; a doomed man should be left to die in dignity; we must respect human dignity. Human life is considered to have intrinsic value, whereas the

value of most work is (largely) instrumental. Perhaps talk of the dignity of work is a way of reminding us that, though the value of work is instrumental, the value of the worker is not? Or perhaps it is to remind us that work is not purely a means to other ends, but often also an end in itself, a special form of human excellence, a challenge mastered or a task well done which transforms the doer and gives him a sense of worth.

Some work, but clearly not all work, has dignity in this sense. Appeals to the "intrinsic dignity of all work", and especially of repetitive menial toil, are often attempts to convince people with bad jobs to feel better and work harder.

Can we make anything of the "spirituality" of work? In contrast to the spiritual stands the material. References to the spirituality of work, as in Pope John Paul II's *Encyclica "Laborem exercens"*, emphasize things like meaningfulness rather than productivity. The Pope goes so far as to suggest that our primary concern should not be the products of work, but its meaning to the worker.<sup>8</sup> Although his "new spirituality of work" stresses that man, created by God to subdue the earth, should work to finish the Creator's job, he also says that reforms in the structure and distribution of work offer the key to solving the problem of social justice. Cannot philosophy, too, offer a new *secular* spirituality of work in our time?

## B. WORK CONTRIBUTES TO SOCIETY

Most of us, in our work, are cut off from the primeval battle of scattered human groups wresting a scant living from the crust of the earth. Focused on our special job in modern society, most of us have little grasp of the colossus Economy, the complex, coordinated network of human effort which produces and distributes all available goods and services, and which often supplies some people with luxuries and others not even with necessities.

Considering the realities of human existence, the frailty of our bodies, the irrationality of our minds, the flicker of consciousness amid the great boundless mystery of the cosmos, there is something magnificent about the intricate organization of work in modern society. Ideally, everyone has a station with associated duties in this organization. Without a sense of duty in most of us to contribute our little share to the common well-being, without many people working conscientiously at any moment of the day and night, civilized life would rapidly disintegrate into the unthinkable. We need the doctor who does night duty at the emergency ward; the baker who rises early to bake fresh bread; the humble immigrant janitor who empties our office trash can with a smile. We need teachers, nurses, farmers, foresters, fishermen, housebuilders, cooks, grocers and artists, and even a few lawyers, accountants, computer programmers, TV repairmen and prostitutes. But how many of you do we need, marketing executives, stock brokers, car salesmen, tax shelter consultants, real estate speculators and military scientists?

Popular wisdom has it that "Workers are social contributors; only parasites don't work." Here "work" is understood, not as any human activity of value to someone, but much more narrowly as paid employment.

What is the measure of a person's social contribution? A popular measure is the price other people are willing to pay for the goods and services he produces. Yet what ultimately counts, surely, is not the quantity of economic goods, but the goodness of people's lives - the extent to which they live out values such as health, knowledge, friendship, beauty or instinctual enjoyment.<sup>9</sup> Economic goods are, at best, instrumentalities to this ultimate purpose; and in a society already suffocating in economic goods, producing more of them may only complicate almost everyone's life without making it better.

Labelling something "work" legitimizes it in the eyes of most people - legitimizes even the most absurd and useless enterprise if one can get the label to

stick. The best glue is money. Although the descriptive content of "work" as "profitable enterprise" or "paid employment" and its normative content as "socially useful activity" are separate things, people get them hopelessly confused. In the popular mind, having work in the form of a paid job is implicitly good and commendable. Industrial jobs in mining or logging have long been paradigms of such work. Whenever the value of "keeping hardworking loggers at work" clashes with the value of "preserving a wilderness area intact", the positive value which "work" connotes usually wins in the democratic arena. The blind belief that work is always valuable is a powerful threat to many other values.

How can we get people to realize that much paid employment involves activity of little or no social value, and much activity of great social value involves no paid employment? We shall have to rethink the minimum conditions for calling someone a social contributor. Does a housewife contribute? A prostitute? The average native Indian? A hobby gardener? An academic whose writing and teaching only make sense *inside* an institution of higher learning? What do real estate dealers or tax shelter consultants contribute? Who contributes more, a full-time peace activist or a military scientist? The person who picks up bottles on the beach contributes; street musicians contribute; and the Salvation Army captain who talks drunks in local bars into starting a new life contributes too. And should anyone try to follow in Socrates' footsteps today, corrupting the young as he did, would that person not contribute?

Not all and not only paid work contributes. Moreover, contributing to society in the form of paid work presupposes a chance to work. Many unemployed people, and especially the young, consider unemployment to be society's way of telling them that their contribution is not wanted.

### C. WORK IS A BENEFIT. WORK IS A BURDEN.

What makes work a benefit is, in the main, that it can provide a livelihood, comfort, prestige, power, social contacts, self-esteem and self-realization. What makes it a burden is that it often involves toil, tedium, danger, isolation, humiliation and dehumanization, and that it uses up the most fundamental capital of all: the days and hours of one's life.

Striking evidence that work is considered a benefit, a jealously guarded benefit, is the stamp one gets in one's passport upon entering many countries as a tourist. Instead of "have a good stay", it reads "*employment prohibited*".

That work is considered a burden is evidenced by such familiar exclamations as "Thank God, it's Friday", "I hate this job" or "I'd retire tomorrow if I could afford it."

One widely held belief, that most people work primarily for money, is false. Studies show that most people, when questioned, say they would continue working, though seldom in the same job, even if they became millionaires. Many rich people, and the wives of rich men, do in fact work, but - to illustrate our value-ambiguity about work - they like to stress that they don't really *have* to work.

Work is unlike other benefits in several respects. First, the value of work, unlike that of friendship, knowledge or health, is prone to changes under changing economic conditions. Although one needs to distinguish between *perceived value* and something like *actual value*, the value of work in both senses depends on whether most people in a given society work to feed their families or simply to keep busy and buy luxuries.

Second, and again unlike friendship and knowledge, or even unlike income and property, work is not an unmixed benefit in the sense that, the more you have, the better off you are. Work is a complicated mixture of benefits and burdens or, as Thomas Aquinas put it, a *bonum arduum*, an arduous good.

How can something be both a benefit and a burden? The fact that work is both may seem contradictory to dualistic thinkers, but perhaps most benefits are also burdens; most blessings are mixed blessings. Think of children, of fame, or of a high sex drive. It is no contradiction to see work as both beneficial and burdensome (though not for the same person at the same time in the same respect); but this dual nature of work admittedly complicates the problem of its just distribution.

"Benefit" and "burden" are concepts shot through with the subjective/objective and the want/need dichotomy. What is a benefit? At least four answers are plausible: whatever someone wants (or needs); whatever many people want (or need); whatever is really good or satisfying for people; or simply those things which fetch a price in the market.

A given type of work can be a benefit in one of these ways and not in others. What a person wants - say, lots of money and a job that will give it to him - may not be what is really good for that person, nor for society. Some types of work benefit both society and the individual; some benefit one, but not the other (and some benefit neither). Moreover, one man's benefit is another man's burden. The same type of work may satisfy one person and bore the other to tears. This fact makes simple-minded rules of justice - for example, that the benefits a person receives from society should be commensurate with the burden he carries - difficult to apply. It also makes it difficult to improve the world of work in ways that please everyone. Some people are addicted to assembly line work.

All so-called theories of work are saddled with an unresolved, irresolvable tension between the subjective and objective benefits of work. McKenzie, for example, following Hanna Arendt, divides the work experience into "labor" and "work", using labor to refer to activities which produce the means to sustain a person's life, and "work" to refer to activities which expand and enrich life.<sup>10</sup> One man's labor is clearly another's work and *vice versa*.

Similarly Pence - who says that "philosophy and the world need a unified, comprehensive theory of work" - proposes a tripartite division of the work experience into laboring, workmanship and calling:<sup>11</sup>

Laboring is generally: (1) repetitious; (2) not intrinsically satisfying; (3) done out of necessity; labor also involves (4) few higher human faculties, and (5) little choice about how and when the work is done.

The general conditions differentiating workmanship from labor include the following: (1) use of higher human faculties; (2) some intrinsic satisfaction in the activity itself; (3) some degree of choice about when work is done and how; (4) pride of the worker in the products of his work.

...callings exist when individuals find intrinsic pleasure in their work and when they 'identify' themselves with their work. In a calling, one believes that one's unique abilities 'call' one to a certain kind of work.

Pence goes on to say that society should create more workmanships and callings, and reduce laboring to some irreducible core of drudgery. But again, he also admits that one man's calling is another's laboring. It seems to me, therefore, that such subdivisions of the work experience, though somewhat illuminating, are too simple-minded and inadequate to amount to a "theory of work".

This is not to deny that society could go a long way toward creating more work with greater satisfaction potential for more people. While certain satisfaction aspects like power and prestige - which all too often feed on other people's lesser power and prestige - perhaps cannot be greatly increased for all, improvements in other aspects of work, like the variety, time flexibility and social contacts it allows, are certainly possible. A lot more can be done, not only to adjust work routines to suit people rather than to force people to adjust to dehumanizing work routines, but also to replace the chaotic scramble for work by much better ways of job placement - matching the right personalities with the right types of work. One justified complaint is that many existing jobs with great inherent satisfaction potential are poisoned by long hours, too much pressure or bureaucratic interference. Another complaint is that many jobs with great satisfaction potential are held by people who do not use this potential. In times of unemployment, many people cling to a job they hate, for fear

of not getting another, while someone else would love their job and make the most of it. Therefore, any society which wants to maximize the benefits of work and minimize the burdens will have to ensure rational job placement and a degree of job mobility as well as job security. This can only be achieved - as I shall argue - if the number of willing workers in society does not greatly surpass the amount of available work.

Given now that work can be both a benefit and a burden of enormous concern, the question must be faced: how ought we to distribute work in society? During a prolonged shortage of available work, should everyone join the scramble for work and the devil take the hindmost - or are there principled ways to approach this question?

The answer I shall try to defend, against moral skeptics and political realists, is that the distribution of work either should be consistent with the demands of justice or, if overriding considerations prevail, victims of blatant injustice should be compensated.

#### D. WORK IS A DUTY

The constitution of several countries makes work the explicit duty of every able-bodied citizen. Though ours spells out no such duty, there is overwhelming public consensus, as there is on few other matters, that everyone who can work ought to work: there is no free lunch.

Well, perhaps there is, in welfare states like ours, if you don't mind standing in breadlines around charity places; if you don't mind the stigma of collecting welfare payments; if you collect unemployment insurance pretending - or diligently trying - to look for work.

Individuals who choose not to work are called "freeloaders", "social parasites", "leeches upon society", "loafers", "bums" and similar compliments. The concept of

work-as-a-duty is still firmly entrenched in public sentiments.

One can understand that work, once accepted in the form of paid employment, involves duties; but why consider accepting work itself a duty?

The claim that there exists a specific duty D can be analyzed, in its most general sense, as a statement which expresses the proposition that everyone in a certain position X should do something for, or give something to, someone in a certain position Y. Alleged duties go by many names: religious, moral, legal, familial, or social duties. God commands, morality enjoins, the law threatens, the family pressures, and society overpowers you. Thus there are many motives for doing your alleged duties, motives like religious faith, moral piety, fear of punishment and choosing the path of least resistance; but are there any sound reasons?

Ultimately, whether one recognizes rationally binding duties depends on one's prior decision to be moral - a decision which, though not necessarily required by reason,<sup>+</sup> is permitted by it. The rationale for being moral was already spelled out fairly exhaustively in Plato's *Republic*: inner peace and harmony, friends and associates who trust you, freedom from guilt and fear of disgrace. Bradley, in his *Ethical Studies*, argued that being moral is a *necessary condition for self-realization* because of the thoroughly social nature of our self as well as the social nature of morality. I would add, speaking perhaps for myself, that a morally responsible life provides a way, and the only reliable way, to feel truly worthwhile. It seems to satisfy a deep-rooted human desire to be moral. In short, having moral concerns seems to be one of the basic constituents of the good life at its best. The hard-bitten egoist cheats himself out of the unique and sublime satisfaction that only comes from doing the morally right thing.

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<sup>+</sup> a family resemblance term which means different things to different people. Some insist on a distinction between "pure" and "practical" reason and, after postulating excessively high standards of purity for "pure reason", convince themselves that moral beliefs are not even permitted, let alone required, by pure reason.

I do not want to make outlandish claims about the benefits of being moral. There is no doubt that in a profoundly unjust society – in which evil is rewarded with honor, wealth and power, and good is punished by ridicule, poverty and violent death – the overall drawbacks of being moral will outweigh, in the minds of most people, all the intrinsic benefits. In such a society, whose members set out to frustrate each other's aspirations for a good life, one would not say that the good life requires immorality, but that perhaps no good life is really possible.

In a reasonably civilized society like ours, however, no one sets out to punish morality and reward immorality. Reckless egoism may win a few victories, but a morally responsible life still makes sense.

Anyone animated by both a questioning intellect and a sincere desire to lead a morally responsible life will have no choice but to shop around among different plausible moral theories for the one he thinks best. Fortunately, there is considerable overlap between the duties they impose on us.

The Golden Rule, for example, says in one of its versions that we should never treat others in ways in which we, in a similar situation, would not want to be treated. Applied to work this means that, insofar as our work (or our refusal to work) affects others, we have a duty to work if we would want others, in a similar situation, to work.

According to Kant's Categorical Imperative, it is our duty always to act so that we can consistently will the principle of our actions to be a universal practice, and always to treat people (including ourselves) as ends and never merely as means. Applied to work, this means that, indeed, we have a duty to work because, if we refuse to work, we cannot consistently will the principle of our action to become a universal practice. We cannot consistently will that *everyone* should refuse to work – unless, that is, we also will that we should all die from starvation and exposure. Many righteous citizens who condemn loafers and welfare bums are really inadvertent

Kantians when they reason: "What if everybody did the same?"

The way around Kant's injunction to work is to redescribe the principle of our action: instead of saying "I refuse to work", we say "I refuse to work in circumstances X." This absolves us from the duty to work, but only if we can consistently will that refusing to work become a universal practice for people in circumstances X. For example, the principle "I refuse to work if there is an overproduction of goods" can consistently be willed as a universal practice and is, therefore, compatible with Kant's Categorical Imperative.

Utilitarians, who seldom appeal to "duties", impose on us the severest duty of all: always to act so as to produce the greatest net balance of good consequences. Applied to work, this would mean that we would have to determine whether working or not working would have better consequences. After defining "good consequences" to mean, say, an increase in total happiness in the world (however measured), we would literally have to calculate, somehow, the sum total of happiness resulting from our work, subtract the sum total of unhappiness resulting from it, consider the same sum totals for every other type of work we could do, and then determine the optimum - and finally compare this optimum with the sum total of net happiness resulting from our not working.

Would a utilitarian conclude that we have a duty to work or that we don't? For most people, it would seem, there exists always *some* type of work which would have better consequences than not working at all; but this type of work is often not available. And whether any of the types of work available to a person in contemporary society has, on balance, better consequences than his not working at all is, in many cases, extremely difficult to say. There may be no question in the case of a farmer, a nurse or a teacher, but one can argue that happiness in the world would *increase* if many people who produce diabolical armaments, frivolous advertising or bulldozers to stab another road through the heart of our last wilderness stopped

working immediately.

No utilitarian computations, of course, lie behind people's concept of work-as-a-duty, but rather a gut feeling:

"Outside society, man lives alone and, owing nothing to anyone, has the right to live as he likes; but in society, where he inevitably lives at the expense of others, he owes them in work the price of his maintenance..."<sup>12</sup>

Work-as-a-duty has its roots in the feeling, expressed with his usual flair by Rousseau, that the individual owes to society, in the form of work, the cost of his upkeep. And ideally, the more costly his upkeep, the more a person should have to work.

I have no quarrel with the principle that those who take a lot out of the economy in the form of luxuries should expect to put a lot into it in the form of work. But surely Rousseau's dictum that we must work to pay society the price of our basic maintenance cannot be defended in times of overproduction and unemployment.

It is a common mistake of morally concerned people and even among philosophers that they conceive of moral principles at a level of insufficient generality. They hold, for example, that "work is the duty of every able-bodied citizen" constitutes an inviolable moral principle, because they fear that admitting exceptions would transport them onto the slippery slope of moral relativism at whose bottom lurks subjectivism, skepticism or perhaps the total nihilism of "anything goes".

My position is that rationally binding moral principles can only be of a very general nature, as for example: "Be willing to contribute, according to your ability, and consistent with your own reasonable claim to a good life, to the common good of society." I agree that we owe duties to society and should, in principle, be willing to contribute - which is very different from saying that we should, or must, or can always contribute in the form of socially recognized work. Under certain conditions it may even be our moral duty not to work or to work less in order to share the

available work with other willing workers.

### E. WORK IS A RIGHT

Contemporary debate on social issues is full of rights talk, and claims regarding "our basic right to work", "everyone's right to a decent job" or "the right to employment" fall thick and heavy. This right has been written into the constitutions of several countries and into United Nations documents, such as the *Universal Declaration of Human Rights* and the *Covenant on Economic, Social and Cultural Rights* - a fact which doesn't prevent its flagrant violation.

When people claim rights, first, what exactly do they mean, and second, can they justify such claims? It is hard to say anything both succinct and helpful on the muddled concept of "rights". From the perspective of conceptual analysis, rights-claims in their most general sense are statements which express the proposition that everyone in a certain position X should be allowed to do or to get something, and someone else in a certain position Y should be required to let him do it or to give it to him. Thus rights-claims contain three obvious variables - the person A would should get something, the object O he should get, and the person B who should give it to him; and often a fourth, hidden variable: the power P which, if necessary, should force B to give O to A.

Although rights-claims are often ignored unless backed by some threat of force, the crucial distinction between rights and other types of claims is exactly that we think of them as deriving from a variety of rational considerations rather than brute force. Depending on what these considerations are, we distinguish

- *natural rights*, such as the right to life, to certain minimum conditions for well-being, or to a more or less clearly defined degree of liberty and equality. Natural rights are attributed to beings in virtue of natural traits like self-consciousness, interests or sentience - traits considered to be intrinsically

rights-generating.

- *moral rights*, which include all natural rights as well as rights arising as correlatives of duties, like the right to rely on promises or the right to be told the truth.
- *legal rights*, which are permissions, prohibitions or obligations arising out of legislation enacted by legitimate political authority (or out of constitutional covenants).

There is also talk of *social rights*, which are an uneasy amalgam of legal and moral rights, uneasy because these may on occasion conflict; talk of *political and civil rights*, which are much the same as legal rights, but can also be the demand for *greater* legal rights to bring them into line with moral rights; talk of *human rights*, which often connote the totality of rights plausibly claimable by human beings living in civilized society; and finally, talk of *absolute or inalienable rights*, which - except perhaps for the right to life - are hopelessly controversial, especially the alleged "inalienable right to property". Even the right to life is disputable in the case of murderers.

Another and perhaps the most common type of "rights" are the pseudo-rights claimed by people who confuse their personal interests with rights and hope, by giving their interests the label of rights, to cut off debate.

It is often thought a distinctive feature of rights that all rights are shared equally by members of a society and that they hold regardless of consequences. Neither idea is, however, seriously defensible. Surely, the right to speak in parliament is not shared by all; what can be shared, at best, is the right to *just equality of opportunity to earn such rights*. (This shifts the problem to "what is justice?")

Rights are often defined as benefits a person is entitled to receive, regardless of consequences. But no society will honor a right which is absolutely disastrous for it. Since every right could, conceivably, become socially disastrous under *some*

circumstances, defining rights as holding regardless of consequences makes them hollow, uncashable claims from the outset and only serves to undermine the credibility of rights-claims in general.

If, on the other hand, rights need not be honored whenever slightly unhappy consequences threaten, rights-claims would have no teeth, would serve no purpose. Clearly, some mutual accommodation is necessary between the deontologist whose ultimate court of appeal is rights, and the utilitarian whose only good is maximizing happy consequences.

What sort of right is the "right to work"? It may or may not be a legal right; what interests us here is its moral and not its legal status. Moral rights are either natural rights or correlatives of duties. It seems implausible to claim the basic status of a natural right for the right to work, but neither does it seem to be the correlative of anyone's duty.

At this impasse we must introduce the distinction between a basic moral right and a derived moral right. The difference to mark this distinction is that basic moral rights are general enough to hold for all time, whereas derived rights vary, depending on what rights-claims become necessary conditions, in prevailing socioeconomic circumstances, for basic rights to be honored.

Even though the right to work is not in the same league as the timeless rights to life, well-being, liberty and justice, perhaps it can be derived from them by arguing that, without honoring a right to work, these basic rights cannot be honored either.

Work, we can plausibly argue, is indispensable to well-being because for the frustrated job seeker

"Psychologically as well as materially, the effect is demoralizing. The regular habits of industry are broken, and the sense of a person's value as a contributing member of society, appreciated as such, is weakened. To people who have been self-reliant and self-controlled by means of the services they have been selling to society, to be laid off and denied the right to work, or even to live in fear of being laid off, is to reduce the

satisfaction from the goods they do consume. To be thrown upon actual charity is to turn their bread to bitterness."<sup>13</sup>

Assuming, for a moment, that work is indispensable for a person's well-being, let me lay out the structure of the argument for a "right to work" as I see it. It's no use talking about rights as if they were just a matter of someone's having them: two other variables - the entity against whom one has a right and the power which will enforce it - must also be taken into account:

(i) The government has an implicit contract with the citizens of the state to promote general survival, well-being, liberty and justice.

(ii) If every citizen enjoys the right to work, this will promote general survival, well-being, liberty and justice.

(iii) It is in the power of the government to provide every citizen with an opportunity to work.

Therefore, every citizen has a right (against the government) to get the opportunity to work.

The warts on the face of the right-to-work argument are now evident. First, any rights-claim against the government presupposes some form of social contract theory with all its weak points. Second, the concepts "well-being", "liberty" and "justice", as well as the concept "work", are afflicted with an especially dispersed spectrum of family resemblance features and would have to get their meanings suitably restricted - always a controversial task (we shall undertake it in the case of "justice"). Third, someone may well question the material conditional in Premise (ii). Since the social contract cannot be interpreted to mean that the government must always promote the survival, well-being, liberty and justice of every individual citizen - this would be impossible - it must be argued that giving each individual citizen a particular right may, as in the case of a "right to work", sometimes be the best way to promote general survival, well-being, liberty and justice. Under prevailing socioeconomic conditions I think this can indeed be argued plausibly.

Fourth, Premise (iii), which is often suppressed, makes a strong and dubious, but necessary assumption, because a right which no one has the power to honor is non-existent. Many governments will find in the plea of impotence a handy excuse for not honoring any right-to-work (even if it is written into the constitution).

Fifth, and most importantly, the power which will enforce this right to work is the government itself. A rights-claim, it has been said, is only as strong as the reasons that justify it; but it is also true that it is only as strong as the power which backs up its enforcement. When the entity against whom one has a right and the power which backs it up are identical, the hope that it will be honored is slim. The hope that any "right to work" will be honored is slim even in the case of democratic governments which do the bidding of the (employed) majority. One could, of course, write the right to work explicitly into the constitution of a country and entrust its enforcement to a power which is more or less independent of both the legislative and executive arms of the government - namely the courts. To get such a right written into a country's constitution and enforced by the courts may well be a constructive step, although problems remain. How, in the absence of a political will, does one get such a right written into the constitution in the first place? How could a court order help people get jobs which do not exist in a country's economy? What penalties could it impose on the government? And there is the problematic fact that countries which make work a constitutional right consider themselves justified in also making it a constitutional duty - which raises questions of liberty.

Even if government wanted to honor the right to work and managed the economy accordingly, a host of open questions remain: what kinds of work are acceptable and at what rates of pay? Will everyone, even the very young, the very old, the infirm and the retarded, the especially choosy and those unwilling to train or relocate, possess an unqualified "right to work"?

We realize now that the seemingly so simple appeal to a "right to work" lands us in a hornet's nest of difficulties.

#### F. WORK IS A PRIVILEGE

The term "privilege" has a great variety of uses:

- (i) those which connote preferential treatment required by justice;
- (ii) those which connote preferential treatment consistent with justice;
- (iii) those which connote preferential treatment in cases where considerations of justice are overridden by other considerations;
- (iv) those which connote preferential treatment which is neither consistent with justice nor justified by overriding considerations; and
- (v) those, perhaps most common of all, which do not connote preferential treatment, but a contingent right which can be taken away for more or less clearly specified reasons.

An example of (i) would be preferential hiring or easier access to higher education for members of disadvantaged minorities on the basis of special need. A "privilege" in this sense approaches the status of a derived moral right.

Examples of (ii) would be preferred treatment on a plane flight for which you have bought a first-class ticket, or the privilege of being invited to address the Aristotelian Society.

An example of (iii) would be our inheritance laws. It is not just that some people inherit fortunes and others do not; but because wanting to leave one's possessions to one's own children seems such a deep-seated human desire and a prime motive for working and saving, the social utility of permitting inheritance may override its injustice (provided those who inherit nothing are not also discriminated in the distribution of vital social goods like access to education, health care and work).

Examples of (iv) would be preferred treatment by government in exchange for bribes, legal immunity for law-breaking public figures, or the privileges accorded by racist governments to members of a favored race. Society should not tolerate privileges of this kind; but whether something counts as a privilege in sense (iii) or (iv) will often be controversial.

Examples of (v) would be the privilege to obtain a driver's licence, or the privilege to drink beer in sports arenas (a contingent right revocable in case of rowdy demeanor).

On work-as-a-privilege Michael Scriven writes:

"It is still an advantage (and is becoming a privilege) to work in this economy... This necessity to switch from the work-as-a-duty to the work-as-a-privilege attitude is intended to illustrate the importance of retaining enough flexibility to rethink our attitudes and express them in new moral rules."<sup>14</sup>

I think Scriven is best understood as using "privilege" in sense (iii). What Scriven means is that we should no longer expect, as a matter of course, that all of us must work or will even have the chance. Giving work to someone has become a kind of preferential treatment where considerations of justice are often overridden by other considerations. Justice may demand that everyone gets a share in the benefits of work; but the dynamics of a modern economy which are getting harder and harder to control make this demand difficult or impossible to meet. But - and this is a crucial point - the fact that injustice may sometimes be defensible in terms of overriding considerations *does not make it any less of an injustice*. If we cannot always treat people justly, we should at least try to compensate them, in some reasonable way, for the serious injustice they suffer. Given that work has become a *de facto* privilege, those of us who benefit from this privilege by having work are obligated to compensate those who suffer from lack of work. How great someone's suffering is, whether he bears his lack of work well or ill, is irrelevant to the question of just compensation.

This conclusion runs counter to popular sentiment. People may agree that we should support unfortunate victims of bad economic times at some minimal level, but not loafers who don't mind being out of work. In an utterly confused way, popular sentiment still regards work as a duty, or as a right, when *de facto* it has become a privilege.

We must question our value assumptions about work. While we now think of work as something to earn a living by, in the future we will perhaps have to think of work itself as a privilege that must first be earned. The demand for work is already much greater than the supply, and the further spread of automation into almost every nook and corner of the world of work will exacerbate this mismatch. Under these conditions, some people's choice *not* to compete for work simplifies the social problem of work allocation and may be very commendable. The least we can do is to guarantee such voluntary non-participants in the labor force a modest livelihood. We also ought to attack the self-righteousness of workaholics. Rather than feeling proud of all the work they do, such people could be made to feel a little guilty and to ask themselves if they aren't taking work away from others. Chances are, if their work is at all pleasant and well-paid, that the answer is yes.

#### G. WORK IS A NECESSITY

Asking people whether they regarded work as a duty, a right or a privilege, I was once told that I had left out the most important category: work is a necessity.

Necessity has many forms: logical, conceptual, metaphysical, epistemological, transcendental. None of these forms seems to be meant when people say that "work is a necessity". What is meant seems to be yet another form: necessity with respect to a purpose or need. Work is necessary for a variety of purposes. If you want a livelihood, comfort, prestige, power, social contacts, self-esteem and self-realization, you are told that you must work.

Let us investigate this alleged necessity.

### 1. WORK IS NECESSARY FOR A LIVELIHOOD AND COMFORT

Since up to now most people have worked primarily for survival and, beyond that, for the creature comforts taken for granted in their society, "work" is often *defined* simply as "the way people make their living".

If work is the only way for people to make a living, "work is a necessity" becomes a truism. But let us question this truism: is it natural necessity or socially determined necessity that forces most people to work for a living? Throughout history most people had to work hard to wrest a scant livelihood from nature, driven by the ever-present specter of starvation. But in a society like ours, where three percent of the population grow and harvest more food than all of us can eat, and where manufacturing is rapidly becoming automated, one cannot seriously maintain that most people's necessity to work for a living reflects natural necessity. The necessity to work is social and results from the institutional anachronism which still makes work the only fully legitimate mechanism for distributing income. What keeps this mechanism in place is, in part, political inertia and, in part, apprehensions that, unless people are driven to work by fear of poverty and disgrace, the vice of idleness could spread like wildfire.

Will idleness spread if the wherewithals to survival do no longer require work? I think not, for two reasons. First, most people find idleness psychologically harder to cope with than most forms of moderately pleasant work. Second, most people have wants that go far beyond survival and a modicum of comfort, wants whose satisfaction will probably always require work.

Most members of the human race still lack an assured supply of drinking water, firewood and staple food, but in our society people want to own a house filled with furniture and appliances, a car or two, fashionable clothes and vacation trips on

airplanes. Beyond that there are a million other things to buy.

It is curious that people want to buy so many needless things. Their wants are instilled by advertising which, all around them, insinuates: "You're missing out if you haven't got this, that or the other." The average citizen or "consumer" goes on frequent shopping sprees and has become a consumption machine whose annual throughput measures tons. People spend so much time working for the things they buy that they have scarcely time and energy to enjoy them. Much conspicuous consumption - Veblen's famous term - is done to impress others.

Whether someone has been a success or failure in life is often determined by looking at the net worth of things he owns. A successful person is expected to own a house in a good neighborhood, more than one late-model car, a condominium in a fashionable holiday resort, preferably also a yacht and always, among his status symbols, a beautiful, expensive wife.

"But", we say admiringly, "he worked for it." If such a person has been too busy for some of the most worthwhile things in life - friendships, quiet contemplation, leisurely enjoyment of art or communion with nature - should we not rather pity than admire him?

Once one has enough to clothe, house and feed oneself decently, together with access to social goods like medical care, education and cultural events, it seems to me that any attempt to increase one's happiness by earning more income involves a futile battle with the law of diminishing returns. Human nature gets quickly used to any increase in comfort without any sustained increase in happiness; but a decrease in comfort is usually painful. Comfort enslaves. Many people work hard, not because their high living standard makes them happy, but because they dread the thought of slipping from their accustomed standard and doing without some of the status symbols and amenities they have gotten addicted to.

Living in this way, to work, work, work in an often stressful job, in order to buy, buy, buy products which add little or nothing to life's joy and adventure - doesn't that truly mean missing out?

Most forms of work are unfree time, a part of life sold down the river. One of the greatest unappreciated riches today is the freedom to be master of one's own time. Money can only buy things, it cannot buy back lifetime. But can we accept someone who does not want to burn up lifetime for mere things?

Socrates once said, standing in the Athenian marketplace: "How much there is which I don't need." What would he say in a modern shopping mall? Something, no doubt, that would sound very sacrilegious in the ears of those who feel that *everyone* ought to work to buy more and more things - ought to "better" himself.

## 2. WORK IS NECESSARY FOR PRESTIGE AND POWER

Having prestige means getting others to respect our importance. Having power means being able to accomplish one's goals and, in the process, to influence or control others in various ways. Most of us want a modicum of prestige and power, and our work may admirably satisfy both wants.

When someone sits at the helm of a department, ensconced in his swivel chair, giving orders to secretaries, dealing with phone calls, telex printouts, letters, customers and suppliers, wheeling and dealing, moving and shaking, feeling important and powerful and on the sunny side of life is easy, not least because the hustle and bustle distracts him from himself. Very few types of work, of course, yield great prestige and power, but most offer more than a person would otherwise enjoy - just as the tedium of most work offers relief from the even greater tedium of the home.

Next to a person's name, what others usually want to know first is the work he does; and when told, they automatically classify him within the prevailing status hierarchy. To amount to something in the eyes of the world, to be counted a success,

one has to be born wealthy or else climb the rungs of a career ladder. How many people become doctors, lawyers or professors, not out of a deep yearning to heal, correct wrongs or teach, but primarily because of the high prestige attached to these professions?

Our society exploits to the full such vanity and the competitive instincts we all have, to get us to work. The unemployed have the lowest prestige in society, so low that, for example, many women will not date unemployed men. Many people who detest their jobs refuse to quit for fear of sinking to this absolute lowpoint of prestige. Some are content with stultifying jobs only because they feel, and are frequently told, that they are lucky to have work at all.

The higher the unemployment rate, the greater the average prestige of those who have work - which is one of the reasons why the employed majority is so half-hearted in their support of full employment policies.

Just as most of us want a modicum of comfort to feel at ease, we want a little prestige and power. But just as the quest for comfort can degenerate into a materialist orgy, the quest for power and prestige can get out of hand and become obsessive. The more prestige and power someone has, the more he often wants.

The quest for power, though in practice hard to distinguish from the quest for prestige, is more dangerous. Any increase in prestige becomes self-delusion beyond a certain point, because people's willingness to admire someone's importance is fickle and often turns into all too ready criticism. Always closest to unpopularity is the most popular person of the day.

An increase in power, however - political or economic power - has less confining limits and may be sublimely inebriating for the powerful. By adding numbers to a payroll or crossing them off, a single captain of industry can often make or break the life plans of a thousand workers.

There is a lot more to say, but granted that work is important for acquiring prestige and power, let us simply ask: how much power and prestige are really important for a good life?

### 3. WORK IS NECESSARY FOR SOCIAL CONTACTS

Many people find work, if not necessary, at least very important for a satisfactory social life. The work place is a place of regular encounters and shared experiences. These two characteristics, regularity and sharing, can foster both friendship and enmity. In any case they turn the workplace into an outlet and playground for our gregarious nature.

The relationship between work and satisfying social contacts is complicated. While working together can create deep friendships, the realities of the working world may clash with the pursuit of friendship in several ways: (i) work often makes us too busy for friends; (ii) it makes us take our fellow workers for granted; (iii) it makes us see them as competitors for promotions; (iv) it creates status barriers between the higher-ups and lower-downs in the company hierarchy; (v) it offers a thousand occasions for disagreements, jealousies and personality conflicts; (vi) it segregates us, more often than not, according to sex; and (vii) in many occupations where men and women work side by side, close relationships between co-workers of different sex are frowned upon or even penalized.

Work often makes us too busy for friends. Why should it not be possible, for almost every worker, to take a few days off at reasonably short notice whenever he wants, to spend time with friends? As organizers of group events well know, many people would like to participate, but never have time - they always seem to have work to do. If, as a result of putting the demands of work before the joys of friendship, they have few friends or none at all, they console themselves by working even longer and harder. To be sure, work provides tangible benefits like money,

promotions and other tokens of success, but what is all success in the world without friends? We often hear and even say, and not in jest, that "there's nothing closer to people than their *money*". Isn't lack of close human relationships, due to overrating the importance of work and things money can buy, a prime example of misplaced value-priorities?

We usually take our fellow workers for granted. We seldom appreciate the readily available, and therefore we often don't appreciate colleagues as potential friends. We don't allow ourselves to get interested in them as human beings and to invite them home, because we pride ourselves on "not mixing business with pleasure", but also because we fear them as potential competitors for promotions. Since much of the world of work is structured competitively, it seems like hypocrisy to make friends with someone whose advancement may come at the expense of our own. It is also risky for a superior to make friends with subordinates because requests for preferred treatment are sure to crop up - along with acrimonious charges of favoritism.

Daily contact at work offers tempting occasions for disagreements, jealousies and personality conflicts which may wipe out years of harmonious cooperation in a flash and leave lasting antipathies. In many offices where articulate people work under pleasant conditions, the social climate often seems especially poisoned with free-floating hostility.

Many types of work in our society, such as most trades and most forms of semi-skilled and unskilled work, are still heavily dominated by members of one sex. This has some positive effects (the relaxed buddyship among an all-male work crew) and a number of well-documented negative effects (limited career choice, advancement blocks, harassment of women in traditionally male occupations, persistent income differentials between men and women and resulting bitterness, and a rather unintriguing social atmosphere).

Since matchmaking processes like the village dance or parental arrangement, the traditional mechanisms for male-female convergence, have largely broken down in modern urban society, many people choose their place of work in the hope of finding a spouse. Yet romance on the job is still widely frowned upon and therefore often concealed, although seldom for long. Many people have an uncanny ability to detect romantic attraction between others, and such attractions constitute the favorite workplace gossip. Moreover, attraction is often one-sided and due to the easily aroused sexual interest of males, which has led to problems of harassment.

Human togetherness engendered by work, far from being straightforward, is a complex drama played out in many comic as well as tragic ways.

#### 4. WORK IS NECESSARY FOR SELF-ESTEEM

Having self-esteem consists in a person's subjective estimate of being worthwhile. This sense of one's own worth develops on the basis of comparisons between one's own characteristics - looks, education, power, achievements, possessions - and those of other people. The valuation standards used are largely relative to the standards prevailing in one's society. Most people acquire a tolerable level of self-esteem when they judge themselves to be slightly above average in several respects or when they excel in at least one respect. A minority of ambition-driven individuals like to compare themselves only with the best and the brightest and constantly suffer from feelings that they fall short.

Alfred Adler, the founder of Individual Psychology, argued that, since as children we all start out inferior to adults, we reach adulthood with a massive inferiority complex.<sup>15</sup> Trying, the rest of our lives, to overcome this inferiority complex by proving our worth was, for Adler, the mainspring of human motivation. Although he exaggerated, Adler's insights suggest that a healthy self-esteem does not sprout without fail like a young man's beard. Self-esteem develops through positive social

feedback. Pretty girls have no trouble getting such feedback, but most adolescents need opportunities to earn self-esteem. Most young people need socially recognized work almost as much as the air they breathe.

Self-contempt is an acute lack of self-esteem. In this state we feel that we have been failures in the past, or will be failures in the future, or usually both. There is a basic asymmetry between self-esteem and self-contempt. If you regard yourself as a brilliant success, convincing others requires solid proof; if you regard yourself as a complete failure, your own belief suffices to convince others.

Profound lack of self-esteem is not some limited deficiency, but an attitude toward life that infiltrates every aspect of it. It often sets up a vicious circle between depression and loneliness. Unfortunately, consolation is only as far away as the nearest liquor store or drug dealer.

It is generally acknowledged that few things undermine self-esteem as badly as being unemployed or, even worse, unemployable. The connection between self-esteem and employment is obvious. Holding a job is socially approved and not holding a job disapproved; social approval is necessary for *acquiring* self-esteem (though not for retaining it); and for most young people whom fortune has not greatly endowed with brains, looks or money, social approval can only be earned through paid employment.

Self-esteem has degrees of strength and fragility. A rather fragile kind of self-esteem, for example, is derived from the unearned admiration someone gets for physical beauty; a much stronger self-esteem is derived from doing socially useful work. What makes this kind of self-esteem especially strong is that it comes not just from other people's praise and approval, but more importantly from one's own recognition that one is contributing something worthwhile to society. We feel most worthwhile when we feel most convinced that we have something to contribute to society and actually get a chance to contribute it.

Less direct connections between work and self-esteem can be traced via all the other factors that make work valuable, such as the income it provides or opportunities for self-expression and social interaction. Sitting at home, without work, with little or no money, without the friendly chitchat of colleagues and the hustle and bustle of machinery to dispel one's morbid thoughts - is a recipe for depression and has driven people to suicide. In our society, some people kill themselves through overwork while others kill themselves through lack of work. Still others drift into a life of petty crime or become narcotics addicts, prostitutes or alcoholics. Many thousands of people in their early twenties have done little else for the past five years than played pool and video games in beer parlours.

Denying a young person the opportunity to contribute when he or she is ready to do so has, without a doubt, insidious personal and social consequences. Young people, eager to work and finding no work, feel rejected, hurt, bewildered, depressed, rebellious and finally listless and self-destructive. The present system breeds unemployment. A large fraction of our youth never learn to take on responsibilities and may be lost to the labor force or other responsible roles in society *forever*.

##### 5. WORK IS NECESSARY FOR SELF-REALIZATION

Many regard self-realization, "realizing one's full potential", as the ultimate goal in life and mean by it the exercise and fruition of one's highest human capacities. For Aristotle, this was rational thought; for Hegel and Bradley, performing the duties of one's social station; for Albert Schweitzer, charitable service to the needy; and for modern psychologists - whose province this has become - the development of any of a multitude of creative talents lurking in most of us.

For Karl Marx, self-realization consisted in the freedom to do non-alienating work. He meant by alienation the experience of wage laborers who feel strangers vis-a-vis their monotonous work activity which they cannot make meaningful to

themselves; strangers vis-a-vis the products of their work which they don't own and for which they care nothing; strangers vis-a-vis their fellow workers with whom they share nothing significant; and strangers also vis-a-vis themselves - their human potential reduced to the "animal functions of eating, drinking and procreating".<sup>16</sup>

Marx regarded such conditions as necessarily prevalent in capitalist economies, and although this seems to me false, there certainly are a lot of alienated workers around. Marx' thesis is separable into three claims: (i) that alienating work frustrates self-realization; (ii) that non-alienating work makes self-realization possible; and (iii) that *all and only* non-alienating work makes self-realization possible. I agree with (i) and (ii) and disagree with (iii).

The evidence for (i) is overwhelming. Work looms large in most people's lives, so large that we often say: you *become* your work, you are what you do. For better or worse, like it or not, your work will mould you in its image, define you, reshape you.

One can, to be sure, pursue one's true calling outside working hours. Einstein developed the theory of special relativity in his spare time, but most lesser mortals, after a day's work, are too fatigued, irritable and distracted to be capable of anything but watching TV. Their leisure time is used recovering from a day's work to be ready for another day.

The evidence for (ii) is also abundant. What could be sweeter than combining one's inner calling with one's socially recognized work - to love theater and get to act, to love philosophy and get to teach, to love the outdoors and explore them as a geologist? Combining paid work and one's inner calling into one activity is a much better incentive than money to give one's very best. If one succeeds at creative self-expression in one's career, if one whole-heartedly identifies with one's work and yet works for something greater than oneself, then indeed one has achieved self-realization.

But why should anyone believe (iii) – that all and only non-alienating work makes self-realization possible? A tempting argument is this:

(1) In virtue of the social nature of the human self, a social role is necessary and sufficient for the *possibility* of self-realization.

(2) Work is most people's social role.

(3) Therefore, work is necessary and sufficient for the possibility of most people's self-realization.

This line of reasoning, though seldom made explicit, underlies much social thought. Premise 1 must, I think, be granted as plausible, though it goes against the grain of fashionable individualism. Anyone who reflects deeply enough (or studies Bradley) will realize more and more the pervasive extent to which each one of us is the product of society which gives us our language, the content and structure of most ideas, our sentiments and customs, the range of our choices and our sense of self-esteem. As F.H. Bradley suggested, the self to be realized is a social self which can only be realized in accepting the duties of a social role.<sup>17</sup>

Premise 2 sounds plausible as well: work certainly is the main constituent of most people's social role. But if we find both premises plausible, then, since the argument is valid, we must also accept its conclusion.

The reason why I want to resist its conclusion, however, is the fact that we have now entered an era in human history when we can let machines do most of our work. If automation continues to spread, the need to work – along with the chance to work – may soon disappear for the majority of people. But surely, we do not want to commit ourselves to saying that, if work became unavailable, self-realization would become impossible for most people.

The fallacy in the argument lies in mistaking the "is" of predication in Premise 2 for the "is" of identity. That work is most people's social role is only an empirical fact and not a conceptual necessity. Work has always been the main constituent of most people's social role, but in the future it may not be. In the future, if self-realization is to be possible, it may have to be sought in social pursuits

other than work.

What these pursuits could be, for the ordinary person, is not easy to imagine. Clearly, if they are to be self-realizationist pursuits, they cannot consist in things like passive ingestion of TV entertainment, but must involve social interactions and contributions. The question facing us, a big and troubling question, is whether the mass of people, who are used to having their daily tasks prescribed, can be *educated* to set their own tasks and socially constructive goals.

### III. WORK AND JUSTICE

After our brief appraisal of value judgments about work, let me address my central concern: what constitutes a just distribution of work?

It must have become clear, in view of people's confused value judgments, that any answer to this question presupposes some restriction of the ordinary and ambiguous meaning of "work". We must locate, within the thicket of family resemblance features, all and only those features which our normative claims are intended to cover.

Of course, any concepts we use to describe these features are in turn family resemblance concepts which would have to be restricted by further family resemblance concepts, and so forth. I see no way to avoid this infinite regress. I can only admit that, because of the pervasive family resemblance nature of ordinary concepts, all possible definitions of almost anything are afflicted with more or less ambiguity. Therefore, normative claims based on these definitions are more or less ambiguous and vulnerable to intuitively convincing counterexamples.

But this, too, is consistent with experience. Every general normative claim ever made seems, in fact, open to intuitively convincing counterexamples and is, at best, an approximation - good enough in ordinary circumstances - to our underlying intuition of what it should ideally be. In short, we must admit that language, by virtue of its nature, can only locate us in the vicinity of general normative truth but seldom pinpoint truth precisely.

In talking about a "just distribution of work", then, I want to restrict the concept *work* to mean *any human activity with a regular time structure, which is intended to produce goods or services for the exchange economy in return for monetary or other rewards.*

This, clearly, is a stipulative definition. Although it is not completely true to the ordinary usage of "work", it is not wide of the mark either. All I claim for it is

that a good deal of thought went into making it neither too broad nor too narrow to capture the meaning of "work" as a social good whose just distribution is at stake.

#### A. THE NATURE OF JUSTICE

When someone demands justice – greater justice in work allocation, for example – what principles is he appealing to? How does one go about establishing that there is, in some intelligible sense, such a thing as justice at all? And why should someone like a busy politician faced with opposing pressure groups heed the demands of justice even at the risk of political suicide?

The concept of justice, like all widely used concepts, has a variety of meanings united by family resemblances. Already Aristotle distinguished four different meanings of "justice": (i) the sense in which justice encompasses *all* of the virtues and moral principles; (ii) *distributive justice*, the principles governing the allocation of benefits and burdens among members of a community; (iii) *commutative justice*, the principles governing the exchange of goods within and between communities; and (iv) *retributive* (or better, *corrective*) *justice*, the principles governing the appropriate punishment of lawbreakers.

Our almost exclusive concern here is distributive justice, the problem of how benefits and burdens should be distributed in society. The concept of distributive justice is a moral concept pointing toward principled ways of thinking about situations of scarcity which could easily kindle social conflict. The type of conflict situation to which distributive justice is relevant arises whenever there exist social benefits for which there are too many claimants or social burdens for which there are not enough volunteers.

Not all benefits and burdens are *social* benefits and burdens. Marrying a beautiful woman may be considered a benefit, but clearly, the allocation of beautiful women is a process of private decisions and not a matter of social policy. The

allocation of benefits like income, property, health care, education or work, on the other hand, is heavily influenced, if not completely determined, by social policy in civilized society. What justifies making the allocation of something a matter of social policy rather than private decisions? This is a difficult question. Basically, I think, *some* benefits are so important (if not indispensable) to a good life that, in a society in which we want to enable each other to live good lives, a publicly regulated allocation is necessary to ensure as wide a provision of these benefits as possible.

Considerations of justice, though not the *only* considerations in shaping social policy, should be a weighty subset of such considerations. There seem to be five distinct approaches to justice. First, one can deny that appeals to justice have any rational basis and reject such appeals as mere rhetoric. Second, one can say that justice is whatever the laws of society lay down as just. Third, one can stipulate a congenial definition of justice and, happily oblivious of rival definitions, philosophize about its applications. Fourth, one can try to derive the principles of justice from less controversial or more defensible assumptions. Fifth – and this is my favored approach – one can moderate one’s expectations of both the rational warrant and the practical influence of justice and regard it as a concept which most people *understand* in suitably simple paradigm situations and which they can be taught to apply in more or less analogous situations for their own collective good.

Before elaborating my approach, let me briefly state what strikes me as unacceptable about the alternatives.

#### 1. "APPEALS TO JUSTICE HAVE NO RATIONAL BASIS"

To say that justice is a figment of the imagination and mere rhetoric reflecting arbitrary preferences or naked power relationships, has been, before and after Thrasymachus, a very popular stance. For Thrasymachus in Plato’s *Republic*, justice was the interest of the stronger. For Friedrich Nietzsche in *Human, All Too Human*, it

was "recompense and exchange based on the hypothesis of a fairly equal degree of power - a simple matter of judicious self-preservation."<sup>18</sup> For emotivist moral philosophers like Stevenson or Ayer (and Russell in his theoretical mood), an appeal to justice was no more rational than stomping your foot in anger.

When one observes the glibly self-righteous, belligerent way in which parties to a dispute enlist the *name* of justice, one can sympathize with moral skeptics. But must we conclude, because some people demand just laws against singing in the bathtub, that all appeals to justice are equally unfounded?

Although I admit that skepticism cannot be conclusively refuted, one can convincingly show (i) that it is not required by reason; and (ii) that it comes at a high price. Both tasks are too complex to permit more than a sketch here. I have already suggested the rationale for wanting to lead a morally responsible life; let me just add, regarding the cost of moral skepticism, that the actions of genocidal dictators and child-murdering psychopaths speak too loudly to ridicule the moral life as a bunch of emotional hangups and childhood conditionings. If a theory of knowledge cannot accommodate the possibility of moral knowledge, I can only say: so much the worse for this theory. Some actions are wrong, and I know this as surely as I know anything. A consistent skeptic has no platform from which to indict wanton cruelty and malicious destructiveness, nor to indict intellectual dishonesty. For *consistent* skeptics, philosophy's role is purely analytical and critical, and someone's attempts to find principles people can live by - the search for moral solutions to real-life problems - is nothing but persuasive arm-waving and moralizing, and not part of *bona fide* philosophy.

Moral skeptics have overreacted to moral fanatics. It is seldom realized how much a moral skeptic has in common with a moral fanatic: neither allows others to impose value judgments on him, and both refuse to acknowledge the possibility that their value judgments may be wrong.

The moral skeptic is one of the most fanatical dogmatists of all – about the standards of epistemological purity. Something could be said in favor of moral skepticism if we had knowledge that even a skeptic cannot doubt. But in fact, skeptical doubts can be raised about *any* knowledge-claim. Perhaps the most trenchant way to counter a moral skeptic is to ask: "What do you believe?" If he says, "Nothing whatever", he has no basis from which to undermine our beliefs; if he says "I believe X", we can show that skeptical arguments apply to X as well.

Therefore, although I prefer skeptics to fanatics, the epistemologically most defensible attitude seems to me to have critically examined and undogmatically held moral beliefs. The mere possibility that such beliefs could be wrong does not make it irrational to hold them, because all beliefs ever held by anyone could be wrong; but surely, not all beliefs are irrational.

Often skepticism is justified in the name of intellectual honesty: we must face up to truth as it is, not as we want it to be. But is it not also a form of intellectual *dishonesty* to believe and teach one thing and do quite another? Is it not dishonest to preach what one can never practise, namely to abstain from making value judgments or, at least, to consider them all equally unfounded? Doesn't intellectual honesty itself depend on a prior value judgment? Why not face up to the fact that we are inescapably value-judging animals, full of explicit or implicit value judgments in everything we say and do, and concentrate on making *better* value judgments?

Moral skeptics live off the accumulated moral capital of society. Life presents each of us with a million choices to act justly or unjustly, benevolently or maliciously, considerately or rudely, and it makes me shudder to think what a society would look like – if such a society could exist – in which the ordinary person were persuaded that there is absolutely no good reason not to act unjustly, maliciously and rudely *whenever he could get away with it*.

The fact that one can often get away with injustice, malice or rudeness shows that prudent self-interest or self-interest of any kind is not enough as a source of morality. "Enlightened" self-interest - which consists in taking the perspective of social interdependence - is only a defeated skeptic's euphemism for taking the moral point of view. But let the moral skeptic occupy his little corner of pure philosophy and practical irrelevancy. As a society, we cannot give up on justice. It is my conviction that, in the long run, a social order in which human beings enjoy reasonably good lives is impossible if policies are not at least roughly guided by justice. This, of course, is a falsifiable claim. I am confident of its truth, mainly because I myself could never imagine voluntarily cooperating with a political system which is flagrantly unjust if this injustice happened to put me at a disadvantage - even if it did *not* put me at a disadvantage. Would most other people cooperate? It is at least rational to believe that they would not; that the privileged would be full of cynicism and the disadvantaged full of festering resentment, at the expense of peace, trust and all the cultural achievements that depend on trust and peace.

## 2. "JUSTICE IS WHATEVER THE LAWS OF A SOCIETY LAY DOWN AS JUST"

To say that justice is whatever the law demands - another widespread idea - is to confuse the ideal of justice with its often imperfect application through laws. In our society this confusion has, I think, three sources. First, a misleading linguistic practice makes us address a judge as "Mr. Justice" and the top administrator of the judiciary as "Minister of Justice". Second, and more importantly, the scientific temper of our age looks for a grounding of ideals in something concrete, empirically verifiable, like lawbooks. Third, in a country governed by a system of *relatively* just laws like ours, many citizens find law-abidingness easy and readily identify what the law requires and what justice requires. A victim of grossly unjust laws - the obligatory example of "a Jew in Nazi Germany" comes to mind - would be reluctant

to identify justice with law.

Surprisingly, even philosophers identify justice with law. Aristotle was the first who said "the just is the lawful", but he immediately added that the just is also the fair, and the unlawful and the unfair are not the same. And he made room for "equity" - applying the *spirit* of the law, but not always its letter.

Religious thinkers have always identified justice with laws emanating from God's will. Hobbes identified justice with the laws of the sovereign whose authority was to be unrestricted. Rousseau and Hegel identified justice with laws emanating from an obscure entity called "the general will". Among contemporary philosophers, Feibleman flatly defines justice as "the demand for a system of laws", and Barry states that "justice is a convention designed to settle disputes by providing a fixed set of rules."<sup>19</sup>

I agree that the relationship between law and justice is close. Laws can either represent justice when the demands of justice are clear, or replace justice by conventions when the demands of justice are unclear and decisions must nevertheless be made - but I completely disagree that justice is *identical* with laws "designed to settle disputes". If it were, then *every* system of laws which succeeds in settling disputes would necessarily be just, even slave-holding societies, caste systems which condemn people to the status of untouchables, or systems which shove dissidents into psychiatric hospitals to brainwash them into submission. Such abhorrent consequences convince me of the inadequacy of Barry's view.

### 3. "JUSTICE IS WHATEVER I WANT IT TO MEAN"

To stipulate a definition of justice one finds congenial and then draw consequences from it, happily oblivious of rival definitions, has been the approach of a good many invokers of justice. To give a few examples:

"Justice consists in distributions according to need."

"Justice consists in distributions according to ability."

"Justice consists in taking from each according to his ability and giving to each according to his need."

"Justice consists in distributions according to effort."

"Justice consists in distributions resulting from a free market."

"Justice consists in giving to each according to his social contribution."

"Justice consists in equal distributions among all workers."

"Justice consists in equal distributions among all citizens."

"Justice consists in leaving distributions the way they have traditionally been."

"Justice consists in equal distributions, except if a deviation from equality makes everyone better off."

"Justice consists in equal distributions, except if a deviation from equality makes the poorest (or the poorest quintile) better off."

"Justice consists in ensuring everyone's subsistence and distributing all remaining goods according to any of the above formulas."

One could go on and on, associating names like Adam Smith, Karl Marx, Milton Friedman or Ayn Rand with some of these principles, but obviously: *it's a free-for-all.*

Everyone is free to propose his pet principle and hold it up as a moral absolute. Some of these principles have appeal; but they conflict in theory, and predictably lead to bitter conflicts between their followers in practice - just the opposite of what a principle of justice is supposed to achieve.

What is wrong with these principles is that they are either blatantly arbitrary or insufficiently general. They focus on one just-making consideration while leaving others out of account. This brings us up against a central dilemma in formulating a principle of justice: if a formulation is sufficiently concrete for easy application, it is not completely general (and therefore vulnerable to intuitively convincing counterexamples); if it is completely general, it is not sufficiently concrete for easy application (and therefore needs frequent explication in the light of the details of each case). I shall embrace the second horn of this dilemma.

#### 4. "JUSTICE IS WHATEVER DISTRIBUTIONAL PRINCIPLES CAN BE DERIVED FROM LESS CONTROVERSIAL ASSUMPTIONS"

If invoking justice is to settle rather than to stir up conflicts, it seemed to many philosophers *necessary* to derive, in a logically compelling fashion, the principles

of justice from other principles which are themselves less controversial or more defensible. Two prominent moral theories, utilitarianism and John Rawls' theory of justice, attempt such a derivation. Let us examine their success.

#### a. THE UTILITARIAN THEORY OF JUSTICE

Utilitarians try to derive principles of justice from the utility principle via the law of marginal utility, or else by making utility a complex aggregate of several values including "equality".

First some indispensable background. Utilitarianism is not a single theory, but a large and strife-torn family of moral theories which share the so-called utility principle:

"Act so as to produce always the greatest net balance of utility over disutility."

This general principle admits of literally dozens of divergent interpretations, depending on whether the utility of rules or of isolated acts is to be maximized; depending on how utility is conceived, as happiness, pleasure, cultural achievement, some other value or some complex aggregate of values (the "greatest happiness of the greatest number" is really such a two-valued aggregate); depending on whose utility is to be maximized, that of all sentient beings, of all humanity or only of some limited social group; depending on whether average or total utility is to be maximized; depending on whether the term "utility" refers to actual, probable, foreseeable or intended utility; and so forth, with numerous other variables.

Strangely enough, utilitarianism is the moral theory that modern welfare economists have seized upon to develop *cost-benefit analysis*, a popular method to decide which proposed projects and policies are economically the most efficient.

As regards justice, utilitarians fall into two main groups: the classical utilitarians who held that the principle of utility *implies* distributive equality; and the utilitarian revisionists who hold that distributive equality is a logically distinct, though subordinate, moral principle. Let me, for brevity and clarity's sake, avoid tiresome quotations from easily accessible works and give my own formulation of both classical and revisionist utilitarian principles of justice, using "happiness" (and "equality") to stand for "utility".

The classical utilitarian principle of justice:

"Any policy that produces the greatest possible net balance of happiness is always just."

The problem with this principle is that it leads into a vicious dilemma: either it implies distributive equality - in which case it would condemn *every* unequal distribution as unjust; or else it implies nothing of the sort - in which case it would sanction monstrously unequal distributions as perfectly just.

Some classical utilitarians seem to have embraced the first horn of the dilemma, arguing that, indeed, the utility principle implies distributive equality. They pointed to various formulations of the law of marginal utility (also familiar as the law of diminishing returns): *the more goods someone already has, the less happy a further increase of such goods will make him. Ergo*, these utilitarians reasoned, overall happiness is always maximized if all distributions are equal.

This conclusion could easily be attacked as a logical *non sequitur*, and as empirically false at that; but even if the argument were valid and the premise consistent with experience, the conclusion would require us to do something morally unacceptable: always to distribute all goods equally, regardless of considerations like ability, need or merit. A loafer would get the same as a toiler, a sick person the same as a healthy one.

Embracing the second horn of the dilemma – and admitting that the utility principle does *not* imply equality – we reach another unacceptable conclusion: that our actions should always strive to maximize happiness, even if we would have to torture an innocent scapegoat for the sake of a greater net balance of happiness. (Some present-day economists seem to be good utilitarians in this sense when they argue that for the sake of greater economy efficiency, we should condemn ten percent of the population to involuntary unemployment and poverty.)

The classical utilitarian principle of justice, then, cannot be saved in its simplistic elegance. To avoid the charge of ignoring revisionist efforts, let me consider one promising attempt to accommodate our understanding of justice within the utilitarian framework and thus to *save* utilitarianism (a favorite philosophical pastime).

A revised version of the utilitarian principle of justice:

(i) "Any policy that produces both the greatest possible net balance of happiness and also equality of distribution is just; any policy that produces neither is unjust."

(ii) "Any policy that produces the greatest possible net balance of happiness and does not also produce equality of distribution (*when it could*) is unjust."

(iii) "Any policy that could produce equality of distribution only at the cost of not producing the greatest possible net balance of happiness (*when both together are impossible*) would be unjust."

Sometimes revisions of the classical utilitarian principle of justice, although clear in intent, are bungled by concealing the need for principle (iii). Let us see now if such revisionists fare better than classical utilitarians. The type of utility to be maximized becomes a complex aggregate of happiness and equality. Conceptually this hybrid is hard to make sense of and complicates utilitarian decision-making in a serious way; but at least it does not commit the blunder of condemning all unequal distributions as necessarily unjust. It is, however, open to the same fatal objection as the second horn of the classical utilitarian's dilemma. In

situations when producing *both* the greatest possible net balance of happiness *and* equality of distribution is not possible – and perhaps most real distributive problems are of this sort – principle (iii) commits us to maximizing happiness, even at the cost of monstrously unequal distributions. The anguished outcry of William James' famous "lost soul" who is sacrificed for the marginally greater happiness of all other people rings in our ears and clearly vetos the utilitarian's "justice".

To deny the need for principle (iii), as a last desperate move, would amount to relinquishing the utilitarian's program, the monistic core of his commitment: the principle that in a conflict between values, one value (usually happiness) is the overriding one. Since no utilitarian theory of justice – so far as I know – is without the flaw of committing us to what I cannot help considering monstrous injustices, I do not regard utilitarianism attractive as a comprehensive moral framework.

#### b. JOHN RAWLS' THEORY OF JUSTICE

John Rawls' theory of justice, like utilitarianism, is an attempt to derive principles of justice from relatively uncontroversial assumptions – in Rawls' case, from fair rules of procedure that we supposedly all agree upon under certain *hypothetical* conditions.

What, in rough outline, is his celebrated, now almost legendary theory? Rawls' starting point is that, since no objective moral facts can be proven, the principles of justice must be constructed by agreement. Principles of justice are basic rules by which people agree, for prudential reasons, to regulate their common affairs. It is not the case that people agree on rules *because* they consider them just, but rather that certain rules (and only those) are just *because* people agree on them.

But in the real world the problem is precisely that not everyone agrees to obey a sufficiently comprehensive set of behavior-guiding principles. Therefore, Rawls sets out to *construct* conditions of agreement and asks us to abstract from the real world – all the while insisting that his enterprise sidesteps the need for an objectivist conception of justice.

Rawls asks us to imagine what constitutive principles we could agree to base our society on if none of us knew his or her particular place in it. More precisely, what Rawls asks us to forget about ourselves at this hypothetical constitutional conference is not just our social position, but our own personality, our interests, talents, sex, race, religion, and especially our moral beliefs, our vision of the good. What he asks us to remember, on the other hand, is that in human society there is a certain distribution of different interests, talents and visions of the good, and that practically all people desire goods like income, wealth, power and self-respect. (What about health?)

If we deliberated in this condition of impartiality, which he calls "the original position" behind "the veil of ignorance", what principles for governing our common affairs would we favor?

"Which traditionally recognized principles of freedom and equality, or which natural variation thereof, would free and equal moral persons themselves agree upon if they were fairly represented solely as such persons and thought of themselves as citizens living a complete life in an on-going society?"<sup>20</sup>

If the correct answer does not immediately spring to mind, if our common sense is hesitant and unclear, Rawls is ready to help us out. The two principles of justice we would surely choose, he says, are the principle of liberty and the principle of equality:

(i) "Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all."

(ii) "Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged, consistent with the just savings principle; and (b) attached

to offices and positions open to all under conditions of fair equality of opportunity."<sup>21</sup>

This is not the place to rehearse the merits and defects of Rawls' enterprise in detail, although terse criticisms of such a well-hedged theory may seem naive. Nevertheless, my criticisms include the circularity involved in defining justice in terms of "*fair* equality of opportunity"; the reliance on people's calculating self-interest in the original position; and the overly elaborate way in which Rawls requires us to abstract from our actual situation. How can Rawls steadfastly maintain that he presupposes no belief in objectively valid morality? Why in the world should a moral subjectivist view things from the original position?

My main criticism is simply this: it seems far from clear that Rawls' answer to his own question - what principles of justice would moral persons behind the veil of ignorance adopt? - is the *only* plausible answer. I do not see, even if we speak only loosely of "deriving" the principles of justice, that anything remotely resembling a derivation from less controversial assumptions takes place in Rawls' book. Rawls' theory has this in common with the ideal observer theory in ethics, that one simply has no sure way of knowing what an ideal observer or people behind the veil of ignorance would decide upon - unless, of course, one equips them with the desired propensities. But then the whole argument is circular.

Even if we presuppose a society in which already a considerable consensus on liberal values exists, *different* sets of principles can be "generated" from Rawls' controversial assumptions. In fact, he himself wavered and proposed, at different times, two different principles of equality. In "Justice as Fairness" he said that inequalities are compatible with justice, provided "it is reasonable to expect that they will work out for everyone's advantage"; in *A Theory of Justice* he says that they are compatible, provided that inequalities are "to the greatest

benefit of the least advantaged."<sup>22</sup>

Other philosophers, like James P. Sterba, have used Rawls' veil-of-ignorance procedure to "derive" very different principles of justice.<sup>23</sup> Though I am sympathetic to both Rawls' and Sterba's principles, I think as derived conclusions from less controversial assumptions they are failures - both because the assumptions are as controversial as the conclusions, and because the logical derivations are bogus derivations.

I have become skeptical about the prospects of obtaining, from sufficiently uncontroversial assumptions, any kind of consensus on the guiding principles of our most fundamental social, political and economic institutions. My own view is that the basic constitutive arrangements in a society, the principles of "justice writ large" in Plato's sense - whether to have an organicist or an individualist society, for example - cannot be generated at all from whatever intuitive understanding of justice we have, but that such principles are the outgrowth of historical processes, and that a large variety of mutually *incompatible* constitutive principles are all consistent with justice.

Attempts to fine-tune our intuitions about justice, such as the vast literature spinning out consequences from various "original positions", seem to me to have largely lost sight of one crucial fact: the extent to which the concept of justice is afflicted with irreducible indeterminacy.

5. "JUSTICE IS WHATEVER PRINCIPLES CAN BE EXTRACTED FROM PARADIGM SITUATIONS OF INJUSTICE"

Unless we give up on the idea of justice altogether, it seems to me that we have to moderate our claims about its rational warrant as well as our expectations of its practical influence.

We have to moderate our claims about its rational warrant, because the principles of justice cannot be derived from indubitable assumptions, but must be extracted directly from simplistic paradigm situations. And we must moderate our expectations of the practical influence of justice, because even a well-founded appeal to justice is liable to overriding considerations.

Let me describe a suitably simple paradigm situation.

Suppose you and I are newborn twins. Our mother really cannot handle both of us and decides, because I am less of a screamer, to place all her bets on me. She lets me have all the good things in life – love and attention, a sandbox, buddies to play with, challenging toys, birthday parties with cake and candies, immediate medical care when I need it, early exposure to finer culture like great music, books and languages, trips abroad, visits to museums and zoos, a first rate education, and finally the entire family fortune.

And what happened to you? You were entrusted to the care of well-meaning Aunt Miserly who feeds you well enough, but that is all. You grow up deprived, retarded and overweight, have a hearing problem stemming from an untreated ear infection, feel always miserable and left out, a complete loser – in fact, "Loser" is your nickname in elementary school. You soon drop out of school, seek consolation in booze and drugs and end up in the gutter.

Something in the mind of (almost) every person who vividly imagines some such case will revolt at such difference in treatment. Why treat people so alike so differently? Anyone wondering about this "why?" has grasped the kernel of justice: the idea that persons in like circumstances should be treated alike. Even young children have an uncanny grasp of this idea: just try to reward little Billy, but not Jonny, when both have helped you tidy the house. *Both* the child you rewarded and the one you passed over will usually protest, even if they have never been exposed to discussions of justice.

Our sense of injustice is naturally roused when we find ourselves put at an obvious disadvantage through no fault of our own. Such injustice can be either *natural* or *social*: natural, for example when we find ourselves blind in a world of sighted people; social, for example when we find ourselves excluded from a job because of our skin color. Sometimes, as in the case of retarded people getting ostracized and ridiculed, natural injustice is compounded by social practices; at other times, as in the case of handicapped people getting special access ramps to public buildings, natural injustice is alleviated by social practices.

Although the distinction between natural and social injustice is, like most conceptual distinctions, as unsharp as it is important, our primary interest is in social injustice - that is, being discriminated against, on irrelevant grounds, in the distribution of social benefits or burdens.

To the time-honored question, "What is justice?", my answer is that, although no derivation of this concept from more fundamental and indubitable concepts seems possible, most human beings possess a natural understanding of justice and can be taught to understand the meaning of the term "justice" by presenting them with paradigm situations. Extraction of an actual principle from a paradigm situation - that is, translating mute revulsion, outrage and resentment into linguistic concepts - is, however, far from being a simple matter which almost everyone can do. Only by following the insight of gifted thinkers can most of us, by a process of sustained reflection, identify the general features underlying a paradigm situation of justice and then recognize these features in other, often very different and vastly more complex situations. Whenever we identify these features again - whenever we recognize a situation in which benefits are to be distributed among too many claimants (or burdens among not enough volunteers) - we know that considerations of justice are again relevant. We then know that justice requires us to give people the same load of benefits and burdens, unless differences between them make different treatment

justifiable on relevant grounds.

The core principle of distributive justice can be, and has been, formulated in a variety of ways, for example by Aristotle, Sidgwick, Frankena and Rescher. Let me quote their formulations, not as an attempt to argue from their authority, but because these different formulations, though equivalent in spirit, clarify different aspects of justice.

Aristotle's formulation:

"Of particular justice and that which is just in the corresponding sense, one kind is that which is manifested in distributions of honour or money or the other things that fall to be divided among those who have a share... (T)his is the origin of quarrels and complaints - when either equals have and are awarded unequal shares, or unequals equal shares. Further, this is plain from the fact that awards should be 'according to merit'; for all men agree that what is just in distribution must be according to merit in some sense... This then, is what the just is - the proportional."<sup>24</sup>

The inspired genius of Aristotle, writing 2300 years ago, makes us see, in Book V of his *Nicomachean Ethics*, that justice consists in treating similar cases similarly and different cases differently in proportion to their relevant differences.

Sidgwick's formulation:

"It cannot be right for A to treat B in a manner in which it would be wrong for B to treat A, merely on the ground that they are two different individuals, and without there being any difference between the natures or circumstances of the two which can be stated as a reasonable ground for difference in treatment."<sup>25</sup>

Sidgwick's version is reminiscent of one version of the Golden Rule ("It cannot be right for you to treat someone else in a manner in which you would not want to be treated yourself"); and in fact, the famous Golden Rule is only a special case of the principle of justice, made less general so as to be more concretely applicable - at the cost of running afoul of counterexamples. (Surely, it *can* be right for you as a judge to sentence a criminal to ten years in jail even though, in the criminal's place, you would not want to go to jail.)

Frankena's formulation:

"The principle of justice lays it down as a *prima facie* obligation to treat people equally... Treating people equally does not mean treating them identically;...it means making the same relative contribution to the goodness of their lives (this is equal help or helping according to need) or asking the same relative sacrifice (that is asking in accordance with ability)."<sup>26</sup>

Frankena stresses that equal treatment does not mean literal equality, that is, identical treatment, like giving medicine to both the sick and the healthy. Equal treatment, properly understood, means trying to allow people to lead equally good lives despite their many differences, asking more from the able and giving more to the needy. Frankena's version must not be confused with Marx' dictum "From each according to his ability, to each according to his need." Whereas Marx would give to the needy by taking from the able, without concern for the goodness of the able person's life, Frankena stresses that (ideally) justice means making an equal contribution to the goodness of the lives of both able and needy people. As a realizable goal, society may find this ideal impracticable - *but not as a line of effort*.

Rescher's formulation:

"Justice consists of an equity principle: treat similars similarly; and a proportionality principle: make the shares of each proportionate to his claims... Justice not only requires the equal treatment of equals...but also under various circumstances requires the converse, the (appropriately measured) unequal treatment of unequals... Distributive justice consists in the treatment of people according to their legitimate claims, positive and negative."<sup>27</sup>

Rescher makes crystal clear what often remains obscure: that justice isn't simply a matter of giving to everyone according to his need, or ability, or effort, or productivity, or any other fixed, context-independent criterion. The real task of applying the principle of justice, messy and problematic, but seldom completely impossible, is to determine what constitute relevant differences between people in any given situation and how to distribute benefits and burdens in rough proportion to such differences.

Let me now confront a number of objections head on.

## B. OBJECTIONS TO THE PARADIGM SITUATION THEORY OF JUSTICE

**Objection 1:** *You define justice as whatever principle can be extracted from paradigm situations. Paradigm situations of what? Of injustice? But doesn't that make your definition circular?*

This objection asks me how I know, when faced with a situation like the twin example, that it is a paradigm situation of injustice. How do I connect the features which I discern in such a situation with the concept of "justice"? At a shallow level the reply is simply that I choose to label the moral nature of this type of situation "injustice", just as I choose to label the physical nature of the object beneath me "chair": no circularity is involved. At a deeper level, however, this objection raises the Platonic question: If there really is such a thing as justice at all, might it not be something quite different from what I abstract from my paradigm situations? How do we know that justice really is what we think it is?

Without wanting to get mired in a metaphysical swamp, I cannot evade this line of questioning entirely. Let me ask my questioner: how do we ever know, of anything, that it really is what we think it is?

Well, in the case of things like your chair - he will say - we have independent sensory evidence. In the case of justice we don't.

Our sensory evidence in the case of material objects - what is it independent of? Surely not mind-independent? After all, it is in our minds where *all* objects come together and perhaps acquire part of their nature. I do not deny that there is some important difference between "concrete" objects which our mind interprets as *given* via sensory evidence, and "abstract" objects which our mind somehow abstracts from these sensory givens. It won't do, however, to limit our ontology purely to sensory givens. Practically all the categories that make the manifold of sensory givens intelligible to us - space, time, causation, numbers, sets, the meanings of signs - belong to the world of abstract objects. Justice and other values are no worse off, epistemologically, than all these other objects whose existence anyone must accept as indispensable for the

intelligibility of anything whatever.

**Objection 2:** *Yet you admit that the concept of justice depends on the mind in a way in which material objects do not. In that case, justice has only subjective and not objective reality.*

The subjective/objective dichotomy is a trap which always lands us in the same dilemma. If we are objectivists with regard to what we value, it will be said that we cannot justify our belief in the existence of objective values; if we are subjectivists with regard to what we value, it will be said that our value judgments are mere opinions, arbitrary conventions, idiosyncracies.

Is justice subjective or objective? I cannot believe that the demands of justice exist somehow in the nature of things *outside and prior* to human minds. I don't even know what *sense* to make of the claim that the demands of justice are somehow mind-independent, written like astronomical laws into the movements of the stars. But even if they were - if they formed part of the timeless workings of the universe, or entities in its storehouse of factual and counterfactual possibilities - the problem of how to *verify* anyone's claim to know these mind-independent demands of justice would still be a matter of endless dispute.

Justice and all other values, for me, are mind-dependent in the sense that our understanding of justice occurs in minds through a mental process which takes what is perceived by the senses and makes us somehow conscious of *more* than was directly perceived. But what is this *more*?

My hypothesis is that, though many so-called "values" are subjective, *some*, like the value of justice, beauty, liberty, benevolence or knowledge, are objectively existing - not as non-natural properties that inhere in objects, but as *relations between human minds and objects apprehended by minds*.

Accounting for the possibility of objective values does not require proof that they are what I think they are. To make belief in such values rational, it is enough to show how their existence is ontologically possible, to point out their place in the

nature of things, to make clear where they fit in with all the other things in whose existence we already believe. Unless we support the explanatory dead-end of materialism, we must admit that minds exist. But once we admit that minds (something very different from matter yet just as objectively real) could evolve out of matter, why should we not also admit that value-relations between minds and objects (something very different from other relations yet just as objectively real) might have evolved along with mind? Is it not *reasonable* to infer that there be such unique relations? But why are they not universally recognized and agreed upon?

Perhaps the answer is simple. The mental processes whereby abstract entities are recognized aren't always easy to perform. Think of the process of recognizing *causality*, another mental process which takes what is perceived by our senses and seemingly makes us conscious of *more* than was perceived. We only seem to perceive successions of events – say, the rocking of a table, followed by the spilling of coffee – and any *undisturbed* mind, by some amazing process, recognizes a causal connection.

Just as there are "causation idiots" whose minds won't recognize a causal connection in situations when the minds of the rest of us clearly do, so there are also "justice idiots" whose minds won't recognize an injustice in situations when the minds of the rest of us clearly do. Some people are born insensitive, incapable of appraising values; others become so through misleading conditionings or skepticism.

And just as some successions of events are so complex that we need the trained mind of scientists to recognize causal connections between them, some distributive situations are so complex that we need the cultivated sensibilities of (self-appointed) ethicists to make the demands of justice clear to us.

**Objection 3:** *Even if justice exists objectively, as a relation between minds and objects, why should anyone take its demands seriously? What can possibly give the demands of justice any power over an individual's will?*

Insofar as this question is equivalent to asking, "Even if I recognize the good, why should I do it?", I can only reply this. Of course, justice has no warships or nuclear

arsenals. It cannot even threaten with God's wrath, because no divine judge seems to exist. Moral understanding clearly does not *force* us to do the good; and though widespread contempt for moral considerations will create social ills and personal distress, these ills and distress will not necessarily visit the immoral individual. Still, there is sufficient rationale for wanting to be moral, at least in civilized society: inner peace and harmony, other people's trust and friendship, a chance for sublime satisfaction and, perhaps, self-realization.

What gives the demands of justice additional bite against incurable egoists, psychopaths, total skeptics and other disturbed minds is that most societies realize, more or less clearly, the need for just institutions and will take punitive measures against anyone who flagrantly sabotages them.

**Objection 4:** *But in applying the formula of justice, "treat everyone equally, except in cases of relevant differences", who decides what differences are relevant?*

This is the heart of our problem. Let us proceed slowly and carefully. In its most general formulation, justice requires us to treat similarly situated people equally and dissimilarly situated people differently in proportion to their relevant differences. In other words, justice requires us not to discriminate against people, on irrelevant grounds, in the distribution of benefits and burdens.

Therefore, social justice is best understood as requiring us *not to discriminate against any citizen, on irrelevant grounds, in the distribution of social benefits and burdens*. To explicate which grounds are and which aren't relevant has, of course, always been the key difficulty in applying the concept of justice.

Each type of application dictates its own criteria of relevance, sometimes clearly, sometimes vaguely, sometimes not at all. In the case of work allocation, for example, some differences between workers are usually relevant - ability to do the job or to train for it; others are usually irrelevant - race, sex, hair color, date of birth or one's father's position; and some may be controversial - like age and physical

handicaps.

A list of common criteria of relevance would certainly include need, ability, legitimate expectations and moral rights, but this list is far from precise or exhaustive. Practically every single one of a person's characteristics could become relevant under some imaginable circumstances, even though there exists a strong presumption that characteristics like ethnic origin, skin color, blood type, sex, religion, length and color of hair, date of birth or philosophical beliefs are irrelevant. Only very special circumstances - for example when recruiting people to test a female contraceptive - could justify unequal treatment on the basis of something like sex.

Thus there are no blanket criteria of relevance in applying the formula of justice. Still, there are heuristics to guide and steady our intuitions. To discover whether a person is treated unjustly, it helps to ask: "Do social arrangements put him at a serious disadvantage through no fault of his own?"

To be sure, explicating "irrelevant grounds for discrimination" in this way, as "social arrangements which put someone at a serious disadvantage through no fault of his own", is far from unproblematic. It has six main problems:

(i) The distinction between social arrangements and the necessary conditions for society is fuzzy (is respect for family ties just an ordinary social arrangement or necessary for social life?).

(ii) Many social arrangements are practically impossible to modify (can people accustomed to liberal institutions be expected to manifest organicist civic virtue?).

(iii) What is or isn't a person's own fault gives rise to no end of metaphysical dispute about the limits of free will and responsibility (is an uneducated youngster who spends most of his life in video arcades really "free"?).

(iv) Discrimination of a person through no *merit* of his own can be as unjust as discrimination through no fault of his own (is it just to hire the son of a friend in preference to better qualified applicants?).

(v) It frequently happens that the just claims of different individuals conflict and social justice must impose a compromise which, from the perspective of an individual, may seem unjust (is it unjust not to keep a capable sexagenarian on the payroll when many young people are waiting for a job?).

(vi) Putting someone at a serious disadvantage through no fault of his own as a result of modifiable social arrangements is usually, but probably not invariably, unjust (even though I haven't found a plausible counterexample yet).

These are six provisos to keep in mind. Nevertheless, in most real-life contexts, the question "Are people being put at a serious disadvantage by modifiable social arrangements through no fault of their own?" *has* a reasonably definite answer and is, therefore, of great heuristic value in our quest for social justice.

A seventh problem may be raised: why explicate "irrelevant grounds for discrimination" in terms of "*serious* disadvantages"; why not say that putting someone at a less serious disadvantage simply constitutes a less serious injustice but an injustice all the same? Who, after all, decides what is serious and what is not?

I firmly believe that, for purposes of social policy, we must make this messy distinction between flagrant injustices and bagatelles, between just grievances and quibbles. Injustice, serious, glaring, flagrant, crying out for social reform, consists in violating the spirit of justice by unjustly depriving a class of people of something essential to a good life, for example, depriving the poor of access to health care or education. The second kind of alleged injustice, which I like to call petty, self-righteous quibbling, consists in violating the letter of justice by not treating similarly situated people *exactly* equally, for example, providing some hardworking citizens with the income to buy a Porsche and others with the income to buy only a Chevrolet. This kind of inequality may be annoying but is ubiquitous in every society and probably irremediable, and we might as well get used to it. It is no use drowning serious grievances in incessant noise over bagatelles.

Who decides what is a just grievance and what only a bagatelle? Who decides what benefits are sufficiently important for the good life of citizens to make their distribution a matter of social policy? Again, there are no hard-and-fast criteria, but only the good judgment of sensible people in the light of circumstances.

**Objection 5:** *Isn't your principle of justice simply an empty formula? Cannot every law be formulated and every action be described in such a way as to be consistent with your principle?*

In applying the formula of justice we can either apply its letter or its spirit. I believe

that we best understand the meaning of justice through being confronted with paradigm situations of injustice. To say that we have this understanding, however, is not the same as saying that we can express it in language in a way safe from misinterpretation. Given the nature of language – the indirect, imperfectly understood relationship between what really exists and how linguistic concepts succeed in capturing it – we come up against the limits of language in many areas. We cannot fully express the richness of our sense experience, for example, or the subtleties of our emotional life. In ethics, we find that the applicability of normative principles – Kant's Categorical Imperative is a famous example – depends on, or is relative to, the particular description we choose to give of our actions.

Let me illustrate how easy it is to apply the letter of the principle of justice without applying its spirit.

Suppose our government passes a law:

**Law A:** "Everyone is to be provided with access to public buildings."

This law passes the test of justice in letter and spirit. Everyone, even disabled people, are provided with access to public buildings, even though the cost of providing access will be higher for the disabled – a difference justified by their special needs.

Now suppose our government passes a different law:

**Law B:** "Everyone is to be provided with access to public buildings via stairs."

This law still passes the formal test of justice, because it provides access via stairs for *everyone*, but for disabled people it makes all the difference whether Law A or Law B is passed. Law B will strike them as unjust because it constitutes a modifiable social arrangement which puts them at a serious disadvantage through no fault of their own. This tangible difference between the letter of justice, which is consistent with both Law A and B, and the spirit of justice, which may well require Law A in a sufficiently affluent society, simply cannot be packed explicitly into our

general formula of justice.

Suppose we obstinately try to pack the spirit of justice into the letter of our laws by legislating that

"If any group of citizens are provided with the social benefit X (where X can be access to public buildings, the right to work, higher education or whatever), then special provisions are to be made to ensure that everyone else - including those with special needs - gets the same benefit from X."

Imagine what such a law would commit us to: providing for all in proportion to their need, so as to bring everyone's ability to enjoy social benefits up to par with the ability of everyone else. Apart from the problem of assessing needs objectively - needs readily escalate when they get easily satisfied - there is the problem that living up to this law is likely to bankrupt society. Does the principle of justice commit us to equipping all buildings with special access ramps to satisfy the needs of wheelchair users? Must we go to the exorbitant expense of keeping people with heart and kidney ailments alive with our most sophisticated medical technology? Or, to pay consistency its due, must we pay the happy worker *less* than the unhappy one whose only reward is money?

It is tempting to fall back on our distinction between social and natural injustice, and to argue that special needs or differential abilities for enjoying social benefits are always the result of natural afflictions or endowments, and that social justice never requires us to compensate for them. In that case, however, justice would become a mere euphemism for power struggles in which the fittest survive and the weak and needy loose out. An appeal to justice - the plea for a just distribution of work, for example - would have no point whatever.

If, then, we cannot express the demands of justice explicitly and precisely in language, how can we ever be sure to act in the spirit of justice? The best we can do, I think, is to make the analogous features between a controversial situation and a paradigm situation as explicit as possible and, in the light of our paradigm-derived

understanding, use judgment to determine whether something is or isn't just.

Justice requires us to distribute among everyone approximately the same load of social burdens and benefits, unless relevant differences between people make unequal distributions justifiable. In the case of work, the legitimate goal of getting work done competently makes it almost always justifiable to employ the more competent worker in preference to the less competent one. But to determine someone's relative competence, one must often assess intangibles like intelligence, aptitude, interests, dispositions and aspirations. It is often easier to determine, and agree upon, factors that are *usually* irrelevant than to give an exhaustive and specific list of relevant factors. The important point is: deviations from equal treatment should be explicitly justified and recognized as being justified by using intelligent judgment after an open debate about all the moral and practical considerations involved.

**Objection 6:** *You considered alternative analyses of justice and rejected them before turning to paradigm situations and extracting your own principle from them. But does your paradigm method really differ from the method of others? Are the principles you reject not also based, ultimately, on people's intuitions in paradigm situations?*

My approach, though far from original, differs from alternative approaches I criticize by the fact that it makes the demands of justice neither a matter of rigid dogma nor of arbitrary preference. As for the charge of intuitionism, *every* value judgment (and most interesting judgments are, at some level, value judgments) rests ultimately on intuitions. The only difference between conflicting moral theories is the extent to which every one of us rediscovers, in his or her own experience, the specific intuitions alleged by a theory. I make explicit what other approaches seldom do, namely that in arguments from justice we have to rely on our common inner understanding elicited by paradigm examples of injustice. In general, if sane people, after patient discussion and honest soul-searching, *disagree* about a moral issue and cannot find sufficiently analogous paradigm cases on which they agree - as in the abortion issue - then, I think, the moral right or wrong of the issue is indeterminate and requires mutual

tolerance.

What is wrong with most principles I criticize is not that they are completely mistaken but that they are insufficiently general; that they offer blanket criteria of justice by focusing only on part of the indefinite multitude of just-making considerations. I stress the need to avoid rigidity, the need to study the details of each case, to consider competing values, to weigh the demands of justice against overriding considerations, but also the need to *compensate* people for serious injustices *despite* such overriding considerations – in short, the need never to abandon intelligent judgment for the sake of some simple-minded moral absolute.

The principles of justice I espouse are not, of course, inviolable standards, but a touchstone for reflection, formulations that one can focus on, debate, refine, apply and live by. My approach, though vehemently anti-skeptical, is nevertheless much more modest in its claims about our justification of morality than most other approaches. I think that moral arguments which do not refer back to our judgment in paradigm situations, but instead presuppose the acceptance of some theoretical "framework", are methodically sophisticated at the price of practical futility.

*Objection 7: Your principle of justice only requires the similar treatment of similars and the relevantly dissimilar treatment of dissimilars. It would make it just to treat everyone equally badly. What about a government that enslaves everyone equally? Is it just? Would the mother in your twin example have been just if she had entrusted both twins to the care of Aunt Miserly?*

Nothing is gained, and a lot of clarity lost, by conflating the principle of justice and other moral principles. It is true, the principle of justice only tells us to treat similarly situated people similarly; it does not tell us to treat them well. The principle of benevolence tells us *that*. It is not a matter of justice that mother should reward her twins for helping her tidy the house; but it is a matter of justice that, if she rewards Jonny, she should reward Billy as well. A government, on the other hand, that enslaves its citizens would not be just because the ruling class could not also enslave itself.

Justice is an important, but seldom the only, consideration in deciding how we ought to act. We must also consider such values as benevolence, liberty or happiness, as well as brute practicality, and try to strike a morally acceptable balance between them.

A lot of confusion and bad policy stem from the fact that we sometimes have to violate the principle of justice due to overriding considerations - allowing inheritance because of its social utility, for example - and then call the resulting distribution nevertheless "just". At first we may balk at the idea that unjust policies and distributions may ever be morally legitimate or even required, but only if we accept that fact can we insist that any policies which flagrantly violate the spirit of justice are indeed unjust. Only then can we insist that *a serious injustice remains an injustice, regardless of overriding considerations, and requires honest efforts at compensation.*

For example, we violate the spirit of justice by distributing work in such a way that eighty percent of willing workers have *all* the work and twenty percent have *none*. One may argue that such a distribution can be justified in the name of economic utility. Perhaps it can - but that does not make it just. We still *owe* it to victims of blatant social injustice to compensate them in some reasonable fashion. I am aware of the difficulties in arriving at adequate compensation. For the unemployed in a sufficiently rich society, the minimum compensation for injustices suffered in the work allocation process, it seems to me, is a stigma-free guaranteed income.

Neither justice alone, nor utility alone, nor even both together provide a sufficient condition for moral conduct. There seem to be a plurality of objective human values with a separate identity - justice, benevolence, happiness, liberty, knowledge, beauty or friendship, to name some of the most important - which cannot be reduced to some single value. There is no reason to believe, for example, that a society which maximized justice would also maximize freedom or happiness. Moral life,

I believe, consists in finding a dynamic balance in the pursuit of these different values. Try to be just, unless it is disastrous to happiness; try to be happy, unless you must sacrifice too much freedom; try to be free, unless it costs you the love of a friend; try to love and help your friends, but at the same time be just... This is the imprecise, *seemingly* conflicting advice I would have to give, advice which does not reduce to some simple rule like "Above all, value justice". Attaching exact weight to these various values, so as to formulate a general criterion for when exactly injustice becomes defensible, presupposes a comparative yardstick which, in the nature of things, simply does not seem to exist.

Moral life is not an unreflecting submission to some magic formula of conduct, but an on-going attempt to respond to the complex problems of everyday life with alertness, sensitivity and goodwill - and principles like the principle of justice provide invaluable guidance.

In the absence of exact procedures for moral decision-making, however, we face a troubling question: where does the task of normative ethics end and empty moralizing begin?

Many philosophers regard the whole of normative ethics as empty moralizing. But if *philosophers* aren't willing to soil their intellectual conscience with normative ethics - that is, to tackle real-life problems in a substantive way - others with lesser credentials will do it for them, and with predictable results. Yet those of us who make normative suggestions from the standpoint of some form of moral objectivism - the *only* standpoint from which they can be made with consistency - are invariably accused of "moralizing".

To draw the distinction between doing normative ethics and empty moralizing is just as difficult as drawing it between education and indoctrination. It is fuzzy, but it is there. There is a difference between inflicting one's own value judgments upon others in a cocksure, patronizing manner, and appealing to the moral understanding of

other people in the search for solutions to real-life problems like the distribution of work. My own method - appealing to other people's sense of justice by casting a searching light on prevailing injustices - will, of course, be dismissed as so much empty moralizing by cynics, skeptics and all those who profit from the *status quo*. But then, surely, the onus is on those who would accuse me of "moralizing" to offer alternative normative proposals, free from this flaw, for the solution of a pressing social problem: the distribution of work.

### C. JUSTICE IN THE DISTRIBUTION OF WORK

Now that we have more than a nodding acquaintance with both work and justice, can we marry the two? Is there such a thing as a just distribution of work at all?

Let us review. We have restricted the concept work to mean any human activity with a regular time structure, which is intended to produce goods or services for the exchange economy in return for monetary or other rewards.

We have answered the question, "What is justice?", by saying that

Justice consists in treating similarly situated persons equally and differently situated persons differently in proportion to their relevant differences. In a just society, deviations from equal treatment must be justifiable in one of two ways: (1) either in terms of **JUST-MAKING CONSIDERATIONS** (which are, for example, relevant differences in need, ability, effort, contributions or legitimate expectations), or (2) in terms of **OVERRIDING CONSIDERATIONS** (which are values competing with the value of equal treatment, such as happiness, freedom, friendship, knowledge or efficiency). An injustice remains an injustice, regardless of overriding considerations, unless reasonable efforts at compensations are made. Although no exhaustive list of just-making considerations can be given, feelings of injustice are typically aroused - and therefore a strong presumption of injustice exists - whenever people are put at a serious disadvantage through no fault of their own by modifiable social arrangements.

We have answered the question, "But why should anyone heed the demands of justice?", by saying that an understanding of justice demonstrably exists, in an often inarticulate but deep-seated form, in almost all human beings and can be elicited as a cognitive response to paradigm situations of injustice; and that blatant injustices create conflicts which, to the detriment of all, may convulse society and ultimately rend it

asunder.

### 1. DISTRIBUTION VERSUS ALLOCATION

Armed with our at least partly demystified concept of justice, how, if at all, can we apply it to the distribution of work?

The ideal distribution of work in society would be one which guaranteed everyone exactly the right amount of exactly the right kind of work for which he is most fitted - a kind of work that gives him a secure livelihood, fulfills his desires for comfort, prestige, power, social contacts and self-esteem, and offers challenge enough for self-realization. If this ideal were required by justice, any society, to the extent it fell short of the ideal, would be unjust. And we would never get down from the barricades in our battle for social justice.

The most insidious enemy of justice is not the moral skeptic, but the dogmatic idealist who wants to stand society on its head to carry out just reforms, true to his principle *fiat iustitia pereat mundus*. Clearly, justice conceived as the duty of the state to make everyone happy is preposterous, an attempt to catapult the idea of justice back into the realm of utopian ravings. Any plausible account of justice must, surely, orient itself by realistic levels of attainable justice.

If justice does not consist in an *ideal* distribution of work, perhaps it consists simply in an *equal* distribution?

The mind boggles at what it would take, and what it could mean, to distribute work "equally". In the case of work, justice conceived as literal equality is not meaningful at all, because (i) not all people are equally equipped to take on any kind of work (and how could one establish equality across different kinds of work?); and (ii) the way we distribute work will have enormous repercussions on the production of most other social benefits available for distribution in society (so that any outrageously unproductive distribution of work for the sake of "equality" is out of the question).

A significant insight emerges: hoping to generate a single, society-wide distribution of work by an appeal to justice is chasing a pipedream. There is no such thing as one and only one "just" distribution of work.

Have we reached a skeptical conclusion after all? Must we agree with Walter Kaufmann<sup>28</sup> that justice, although not an empty notion, is far too simpleminded and indeterminate to apply to problems like the distribution of work? What can we say to the unemployed who are consumed with a sense of injustice? What can we say to our youth many of whom are deprived of work and all its benefits? "*Sorry, folks, the concept of justice simply doesn't apply*"?

At this point let me distinguish between procedures for distributing work (call this the *work allocation process*) and the outcome after applying these procedures (call this the *distribution of work*). Even if we cannot apply the concept of justice directly to the final distribution of work, perhaps we can apply it to the work allocation process. Can we identify injustices in the existing work allocation process? Clearly, if the allocation process is unjust, we can argue that the resulting distribution is also unjust. The obverse, however, does not hold. It is a grave mistake - one that, for example, Robert Nozick seems to make<sup>29</sup> - to think that a final distribution is just simply because the allocation process is as just as we can make it.

*As just as we can make it* - here's the rub: we can never make it perfectly just. A seemingly just law, for example, often turns out to have surprisingly unjust results in the long run. Even if we had perfectly just laws, their enforcement would always remain imperfect. For example, even if we make favoritism illegal, how are we going to prevent a lawyer from phoning up a friend in another law firm to arrange for the hiring of his son?

I believe that, although *many* possible distributions of work are consistent with justice, *not all* are. It is difficult to imagine circumstances in which it could be just for eighty percent of willing and able workers to have all the work and for twenty

percent to have none. Although we cannot attack such unjust distribution patterns directly - because there is no such thing as "the one and only just distribution of work" - we can attack them indirectly, as resulting from injustices in the work allocation process.

A strong presumption of injustice exists when someone is put at a serious disadvantage through no fault of his own by modifiable social arrangements. Being prevented from sharing in the benefits of work is, self-evidently, a serious disadvantage. Substituting "the existing work allocation process" for "modifiable social arrangements", we arrive at a key heuristic principle:

**There is a strong presumption of injustice whenever people are prevented from sharing in the benefits of work, through no fault of their own, by the existing work allocation process.**

Someone might, of course, be prevented from sharing in the benefits of work "through his own fault", for example, if he neglects to scan the job postings at an employment center or if he neglects to avail himself of training opportunities. Someone might also be prevented from sharing in the benefits of a desired type of work, not by the existing work allocation process, but as a result of natural injustice: he may be too clumsy for this type of work, too myopic, too accident-prone, not smart enough - or even too smart. Finally, someone might be prevented from sharing in the benefits of a desired type of work, not because of the *existing* (modifiable) work allocation process, but due to some *unmodifiable* feature of *any* reasonable work allocation process: for example, if he desires a type of work which will not produce anything of value to anyone, or if a desired occupation is so hopelessly overcrowded that even policies like worksharing or lowering salaries could not alleviate the crowding problem.

But, without a doubt, many people are denied access to work by the existing work allocation process through no fault of their own. For example, people are denied access to many types of work because of their race, sex, religion or political

affiliation; because of political nepotism; because of their age, irrelevant handicaps or their sexual orientation; because of widespread favoritism, an unwarranted inflation of formal job requirements and lack of access to job vacancy information; because of an unjustified lack of access to education and training; and because of work monopolies protected by sheltering mechanisms.

Let me give an overview of my case for justice applied to the work allocation process.

(i) A certain maximum of (socially useful) work can be made available in a given society at a given time.

(ii) Given the number of available workers in society at this time, the demand for work exceeds the supply.

(iii) Doing work is of great benefit for the worker or can, through improved working conditions or increased pay, become such a benefit.

(iv) It is a strong presumptive demand of justice that no one be deprived of sharing in the benefits of work through no fault of his own by the existing work allocation process.

(v) In times of a severe mismatch between demand and supply of work, just procedures of work allocation are next to impossible to enforce.

(vi) To determine social policy, the demands of justice should always be considered and, if compromised due to overriding considerations, victims of serious injustice should be compensated.

Therefore, social policies are required which either correct the severe mismatch between demand and supply of work or compensate victims of injustices resulting from this mismatch, or preferably, policies which attack the problem on both fronts at once.

This is not, as it stands, a tightly knit argument, but a series of reasonable propositions which, I think, give strong support to a perhaps controversial policy recommendation.

Proposition (i) is unlikely to be disputed. To be sure, work is not something that simply exists, like the earth's land mass, but something that can be created. Although the quantity of potential work may well be infinite, the quantity of socially useful work that can actually be organized at any given time is strictly finite. From this fact it follows that not every mismatch between demand and supply of work can, in principle, be remedied by massive job creation.

Proposition (ii) reflects our contemporary situation. At other times the supply of work has exceeded demand. Although this may never be the case again in

technologically advanced societies - unless a nuclear war blows everything to pieces - arguments from distributive justice apply not only to a scarcity of work relative to the available workers, but *mutatis mutandis* to a scarcity of workers relative to the available work as well. I specifically address only the first problem here.

Proposition (iii) is a necessary simplifying assumption. Unless we reduce the dual nature of work as both a burden and a benefit to something that constitutes, on balance, a net benefit to the worker, I do not see how we can apply the concept of distributive justice to work allocation at all. Although, admittedly, much work today constitutes a net burden to the worker, it is reasonable to think that, by improving working conditions or increasing the pay for unimprovable drudgery, *every* type of work could become a net benefit to *some* worker.

My discussion of propositions (iv) and (v) will consider injustices in the existing work allocation process; and the remaining two propositions will lead into a brief discussion of policy proposals. To this end I have to dismount the high horse of philosophical abstraction. I shall focus on the prevailing social malaise *as I perceive it* and argue that, unless we can get the demand for work and its supply back into some kind of balance - by compulsory work sharing, selective job creation and a guaranteed income for voluntary non-participants in the labor force - no law and no good intentions and no talk about rights and justice will dam the deluge of discriminatory practices which have swamped the world of work and threaten to engulf our society with resentment, bitter cynicism and soon perhaps violent confrontations.\* The leverage of the unjustly treated individual - to refuse voluntary cooperation with the laws and institutions of society - is small, but no society can afford widespread loss of civic virtue and goodwill. Every society can tolerate a modicum of injustice, and every society contains it and, given the complexity of political decisions, cannot help containing it. But there seems to be a very real, though ill-defined, minimum of

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\*As countries like Great Britain are already experiencing (in 1985).

justice below which a society cannot afford to fall without falling apart. And long before this minimum is reached, the quality of almost everyone's life will have suffered.

## 2. INJUSTICES IN THE WORK ALLOCATION PROCESS

**There is a strong presumption of injustice if people are prevented from sharing in the benefits of work through no fault of their own by the existing work allocation process.**

I have put forward this heuristic principle as conforming to our examined intuitions about justice. It now remains to apply it. In applying it, I choose to focus on the demands of justice *without* going into the complex, ramified dialectic of possible overriding considerations.

My aim is to show, beyond reasonable doubt, that justice is not altogether served by the *status quo* - in fact, that serious injustices occur in the work allocation process. Defenders of the *status quo* will point to overriding considerations in many cases; but a serious injustice remains an injustice, regardless of overriding considerations, and ought to be compensated.

What makes my task easier is the fact that *some* injustices in work allocation are already acknowledged, for example, political nepotism, or discrimination on the basis of race, sex, religion or political affiliation. Let me briefly inquire why we acknowledge these forms of discrimination to be unjust, and then apply similar reasoning to less widely acknowledged forms of injustice.

### **Generally acknowledged injustices in work allocation**

#### a. **DISCRIMINATION ON THE BASIS OF RACE, SEX, RELIGION AND POLITICAL AFFILIATION**

Race and sex are among the most visible differences among human beings, religious and political affiliation among the most profound. Why do we nevertheless judge that a wrong has been committed when someone refuses a

Negro, a woman, a Jehova's Witness or a socialist a chance to work, simply because that person is a Negro, a woman, a Jehova's Witness or a socialist?

The common feature between things as different as race, sex, religion or political affiliation seems to be the fact that none of these things *necessarily* affect work performance. We think that work carries with it, so to speak, its own natural criteria of relevance for its allocation, one of which is ability to do the work or to learn to do it. Skin color, sex characteristics, and religious or political beliefs carry such a strong presumption of irrelevance in work allocation that only special circumstances could make them relevant. They strike us as irrelevant, even though women, for example, do not perform every type of work as well, on average, as the average man (or *vice versa*). But as long as *some* members of both sexes are capable of doing a certain type of work, we consider it unjust to use sex as the basis for denying anyone access to this type of work. We think, ideally (although overriding considerations force us to deviate from this ideal), that every individual, regardless of group membership, should be able to compete on equal terms with everyone else for work.

#### b. POLITICAL NEPOTISM

Political nepotism consists in someone's using the influence of his political office to get members of his family government jobs. Why would anyone think that there is something wrong with that?

The reason is not that governments cannot function under nepotism. Nepotism is rampant in most governments all over the world and is attempted, by stealth, time and time again in our own. The reason for our strong aversion to nepotism - so strong that we expect a guilty official to resign his post - must have to do with what we consider good government. Government must be impartial, give everyone the same chance, in short: be just. Our liberal society proudly aspires to be a just society as well.

But if we consider nepotism to be unjust in government, why do we not apply the same reasoning to the private sector where this kind of favoritism is ubiquitous? Perhaps *because* it is ubiquitous – but does that make it just?

**Less widely acknowledged injustices in work allocation**

**c. DISCRIMINATION ON THE BASIS OF AGE**

Rejecting qualified job applicants out of hand because they are too young or too old is becoming recognized as a discriminatory hiring practice, a sign that general sensitivities may yet become more finely attuned to the demands of justice. One disputed issue is compulsory retirement. All of a sudden, at age sixty or sixty-five, we pension workers off because we want to make room for younger people. We do not want to deprive loyal senior employees of something meaningful to do, and yet, at the same time, neither do we want to keep access to the best jobs clogged up by sexagenarians who are often excessively inflexible, in fragile health, highly paid and getting senile by imperceptible degrees – a fact which, sooner or later, may cause major embarrassments.

It is a presumptive demand of justice that no one be prevented from sharing in the benefits of work through no fault of his own by the existing work allocation process. The question is: if someone has already shared in the benefits of work for the better part of a lifetime, is it just that he should occupy a highly desirable job into advanced old age when there is a long lineup of unemployed asking for a chance to work?

Social justice must weigh the claim of older workers not to be subject to age discrimination against the claim of younger jobseekers for a chance to work. Both claims are legitimate, but they cannot always both be satisfied. Wherever one draws the compulsory retirement age is more or less arbitrary, but that one should draw it at some reasonable point past the prime of most people's working lives seems only just. We cannot, as a society, allow members of one

generation to completely clog up career opportunities for successor generations. For work-addicted seniors, society could create more informal, highly esteemed volunteer work to accomplish socially useful projects and counteract the "only-paid-work-contributes" myth.

#### d. DISCRIMINATION ON THE BASIS OF IRRELEVANT HANDICAPS

A handicapped person struggles many times as hard as the rest of us for self-esteem and yet faces many more needless obstacles to fitting into society. Most employers, though few admit it, search for excuses not to hire handicapped people and almost always find them. Most of our blind people who could be excellent switchboard operators or suicide prevention counsellors, most of our deaf people who have first rate visual skills, and most of our partially paralyzed people who could do a desk job as well as anyone else, are in fact unemployed and financially as well as emotionally in desperate straits. Workers who have emerged from the hazards of their jobs with a lost limb or back trouble are often thrown upon the occupational scrap heap. None of this is consistent with the spirit of justice. Social justice can seldom make up for natural injustice, but where it can at least partly do so, without unduly stressing society's resources, it clearly should.

#### e. DISCRIMINATION ON THE BASIS OF SEXUAL ORIENTATION

The principle of justice creates a strong presumption that job discrimination against homosexuals is unjust, although it does not summarily condemn it. A case could perhaps be made that, if homosexuals insist on flaunting their sexual practices - if they blatantly disregard people's feelings - job discrimination may be their own fault. This is not to say, however, that someone's disgust at homosexuality is sufficient reason for discrimination, just as little as a homosexual's disgust at heterosexuality would be. Justice should not be

enlisted in support of intolerance.

The fact is that few employers today would hire a confessed homosexual. Thousands of homosexuals are still locked into a desperate quest for self-esteem in the face of social ostracism and forced to pursue relationships in sordid places. A sexually transmitted disease called AIDS affects predominantly homosexuals and gives public prejudice an added boost.

When hiring a homosexual would disrupt a harmonious working climate and irrational feelings in the workplace reach an explosive pitch, justice often fights a losing battle against expediency. As society evolves toward greater justice it is to be hoped, however, that job discrimination against homosexuals will become recognized as the unacceptable injustice it is.

#### f. FAVORITISM

We take a good-natured attitude toward favoritism. Many job interviewers and application forms ask the question, "Do you have relatives working for us?" and companies often hire on the strength of such a relative's recommendation. Many parents regard it as an integral part of their parental duty to ensure good jobs for their offspring. People with influence and connections succeed in placing their proteges in cozy positions while other qualified applicants get rejected.

Currently the *majority* of job openings never get advertised, but are filled through private connections. If there were plenty of jobs, this allocation procedure, though unjust and in several respects inefficient, might be considered defensible as a rock of tradition. Rejected applicants would always find *some* other job. But in a tight job market, when there are few openings, those few tend to go almost entirely to the well-connected. Job seekers without connections run their heads against a wall of rejections. Better connections more than compensate for poorer qualifications. In popular parlance, "It's not what you know but who you know."

From the point of view of justice, what difference is there between the father whose influence procures a job for his beloved son, and a desperate job seeker who resorts to tactics like removing job postings from notice boards? Is such institutionalized job discrimination less unjust than, for example, institutionalized racism? If it is unjust enough that wealth (and poverty) are largely inherited, is it tolerable that something so crucial to a good life as sharing in the benefits of work should also become a matter of hereditary privilege?

Let me briefly look at the seamy side of the cult of favoritism: lack of access to job vacancy information. Justice, which requires that no one be prevented, on irrelevant grounds, from sharing in the benefits of work, clearly requires that everyone should have reasonable access to job vacancy information. A necessary, though unfortunately not sufficient, condition for getting a job is knowing that one can apply for it.

Anyone can reasonably be expected to determine what vacancies exist by scanning the job postings at employment centers. But by far the majority of vacancies are not posted on the boards of employment centers, partly because well-connected people fill them immediately, partly because employers fear a deluge of applicants. We expect people without connections to pound the pavement for weeks and weeks, "working full-time at finding work", presenting themselves to receptionists and personnel officers of a hundred companies until at long last - perhaps - they *naïl* a job, any paying job. They may detest it, but after months of humiliating search, their self-esteem shaken and their savings depleted, they cannot afford to refuse. Is our prevailing work allocation process reasonable? Is it just?

If the injustice against job seekers without connections is to be mitigated, we need to relieve pressure on the job market, and we need to establish a

rational job distribution scheme requiring *most* vacancies to be publicly listed. Hiring cannot remain the prerogative of an employer, but - a necessarily radical step - should become the responsibility of an independent social institution which takes the employer's job specifications and conducts an objective screening of the pool of qualified applicants. Employers should at most retain veto rights in justifiable cases. This allocation method, if properly designed and administered, will also help eliminate discrimination on the basis of prejudice, for example against homosexuals, native Indians and older or disabled people.

Having said that, I must add a caveat. However unjust and socially unhealthy the dependence on connections in jobfinding is, our cure should not be worse than the disease. There is something unalterable, even desirable, about children wanting to follow in their parents' occupational footsteps. Vastly more sons of lawyers want to become lawyers, or daughters of pharmacists become pharmacists, and so forth, than one would think from their proportion in the population. The reasons are, of course, inherited propensities and an upbringing that nurtures such propensities. When the lawyer's son inherits a law practice, or the pharmacist's daughter a pharmacy, while other qualified graduates in these fields go jobless, we face a dilemma: on the one hand, we do not want to destroy family firms which have been the pride of a family for generations and contribute to the character and social stability of a region; on the other, we want all available jobs to be fairly distributed. The best that can be achieved is a compromise, using the objective screening method for all and only those jobs for which the tradition of a family firm cannot be established.

#### g. THE INFLATION OF FORMAL JOB REQUIREMENTS

Countless jobs for which the average person could be trained within two weeks are now given only to college or trade school graduates. "Not that the work requires it; but if we can get graduates to do it, why shouldn't we?"

A lot of post-secondary students take degrees and diplomas, not to cultivate their minds, but purely for the competitive advantage it will give them in the job market. And predictably, as more and more people do the same, there is a steady inflation of formal job requirements which only serve to cut down the stack of applications. This needless schooling in fields like "business administration" costs a lot and has low intrinsic value, but its injustice lies in the false expectations it raises. Young people are advised to train for a particular job, only to discover, upon graduation, that the formal requirements have become further inflated. To make matters even more chaotic, the person with superior schooling cannot consistently count on being preferred. Sometimes the opposite happens. Relying on the advice "the more degrees the better", the winner of academic laurels may find that others are preferred because, in the opinion of the employer, they expect less money and blindly do as told.

The only certainty in today's job market is that the hordes of increasingly aggressive applicants have to be decimated - and justice usually goes by the wayside.

One question is rarely asked. Isn't it reprehensible for someone to use his superior education to displace less well educated people from their jobs? After enjoying a higher education, many of us turn this privilege into an injustice by displacing less educated workers from semi-skilled jobs which we find boring, but which they find congenial and satisfying. Isn't there such a thing as taking unfair advantage of one's education?

In the category of "education" which only fosters injustice is training in so-called job search techniques. People are advised to get ahead of others in the scramble for jobs by acquiring polished job search and interview techniques. The *creative* job search relies on mass mailings of resumes, phone campaigns, introducing oneself to prospective employers under the pretense of seeking

information, and of course, plenty of feigned enthusiasm, exaggerated promises, embellishment of one's past, and outright cold-blooded *clever* lying about fake volunteer work and other achievements. Several *hundred* bestselling "job hunting guides" tell you that the person who will get a job is seldom the person who can best do it, but the person who knows the most about how to get hired. A complex new pseudo-science - whose practitioners call themselves "career search counsellors" - has sprung up to coach the bewildered job hunter to present a front of absolute perfection to the employer. The employers who only want the best and the brightest get who they deserve: those who play this farce most effectively.

The secret of marketing yourself, you are told, lies in transforming your resume into advertising hype, dressing for optimum conservative appeal in soft green and beige suits, simulating interest in the employer's company by quoting tidbits from its annual report and projecting a go-getter's image by asking ingratiating questions. After the interview, thank your interviewer warmly and, by all means, mail him a thank-you letter the following day. "Remember that you are a salesman, and the product you are selling is yourself." Thinking that society *owes* you a job or a living are attitude problems. The positive attitude is not to complain about what you cannot change - the jobhunting process - but to do what is in your power - outhunt the competition to grab a spot in the sun for yourself.

Such jobhunting advice is liberally sprinkled with the insight, stated or implied, that "nice guys finish last", "the race is to the swift", "you got to look out for number one", "only the strong survive", "everyone for himself", "it's a dog-eat-dog world", "a sucker is born every minute", "winners take all" and "the devil take the hindmost".

Job search techniques share the feature that, if everyone used them, their effects would cancel each other out - a straightforward violation of the universalization test embodied in most moral theories. Let us ask ourselves: is there nothing wrong with promoting, and subjecting oneself to, techniques which will only escalate the problem of job competition without making any meaningful contribution toward its solution?

#### h. LACK OF ACCESS TO EDUCATION AND TRAINING

People who lack experience and training are, often justifiably, excluded from many types of work. Often, however, they are also excluded from any opportunity to acquire training or experience. And this, unless someone provably lacks ability, contravenes our principle of justice.

Especially professionals have found effective ways to keep demand for their services high relative to supply, and thus keep their incomes high, by restricting access to professional education and certification. Such restrictions can have legitimate reasons, such as ensuring acceptable levels of competence, but their abuse for personal enrichment is notorious in several disciplines. Some types of work have almost become the privately owned turf of entrenched jobholders and their kin.

The prerequisite for professional status is graduation from a professional school and, usually, some post-graduate practicum and other certification requirements. Spaces in professional schools are restricted. *Some* restriction of spaces may be necessary, but how small a number remains consistent with justice is debatable. A good case could be made, I think, for obliging every profession to absorb all *qualified* applicants and, if the profession threatens to become overcrowded, impose financial disincentives rather than deprive people with a sense of vocation of the freedom to make their own career choice. Defining an acceptable level of qualification and weeding out aspirants without promise,

although bound to be controversial, is not an impossible task.

Available spaces in many professional schools are now given to students finishing at the top of competitive exams. One may dispute the fairness of this practice, but even if it is fair, letters of recommendation may also count – and well-connected students are obviously advantaged. Another but: the next hurdle after graduation are certification requirements. Law school graduates, for example, have to find articling positions; and again, well-connected students have the advantage.

Prospects for breaking into most professions, if one is neither well-connected nor exceptionally brilliant, are discouragingly uncertain. What makes this uncertainty doubly discouraging, for those without connections, is the *financial* burden of extended studies. The fact, therefore, that vastly more sons of professionals become professionals is not *entirely*, perhaps not even largely, due to the nurturance of inherited talent.

Among paradigm injustices, one that breeds social evils is making education dependent on money. When the mediocre boy from a rich family is tutored through university and then settles into a comfortable job while the bright boy from a poor family is debarred from higher education and expected to work with pick and shovel, the stage is set for ugly, festering and explosive resentments. Nothing is more rebellious than a lively, resentful mind caged in by a dismal education – nor readier to attack society's institutions with bitter cynicism.

If justice requires us not to discriminate against anyone, on irrelevant grounds, in the distribution of social benefits and burdens, it requires us not to deny anyone on irrelevant grounds one of the most precious benefits of all: education. Are there imaginable circumstances in which *being the child of poor parents* could be a relevant ground for justly denying someone access to

education?

i. WORK MONOPOLIES

In these times of massive unemployment, many civil servants, established professionals and union members with high seniority enjoy almost absolute job security. Young people find, in most desirable fields of endeavor, that entry is reduced by entrenched jobholders who guard their monopoly with severe entry requirements that they themselves could hardly meet. Some are downright impossible to meet, as for example when you must be a union member to get a certain job and must have this kind of job to become a union member.

The hope dangled in front of young people is that, for the truly able, career prospects in a chosen field are never entirely bleak. That is perhaps consolation for a near genius, but not for the average graduate who, after half a decade of single-minded preparation, finds all points of entry into his or her field hopelessly jammed.

If - despite my aversion to moralistic fervor - this section points an accusing finger, it is because truth is not always served by expressing it gingerly. Part of the truth is, of course, that members of one generation have clogged up work opportunities for successor generations. Some of us were still unborn while others were already accumulating "seniority", the criterion which often decides who gets laid off and who stays on. Those who have already enjoyed the benefits of a job for the longest time - and may possess the things affluence buys - get preference when it comes to keeping it. An especially ugly practice called "bumping" allows senior workers to displace junior workers downward in rank or off the payroll altogether.

I must admit, in defense of seniority, that it tends to favor people who, because of age, would find adjustment to new workplaces more difficult and who may have developed a great sense of belonging, responsibility and company

loyalty. These, certainly, are serious considerations. What I am opposing, from the point of view of justice, is not at all job security for loyal long-term employees, but the idea that we should *limit* job security to the lucky ones who already hold a job. Many people sit all too smugly on their seniority and press for pay increases and fringe benefits, never losing any sleep over the million unemployed left out in the cold.

No thinking person would dispute that planning a life requires a measure of job security, but the unemployed have a life to plan too. The claim that seniority confers job monopoly rights, rather than imposing *job sharing obligations*, strikes me as singularly unsupportable and has led to grotesque excesses and inequities. Sheltered groups in these monopolies may enjoy luxuries while many of the unemployed lack decent food and shelter. Unemployed young people, whose appetite for luxuries has been whetted from early childhood by advertising, feel understandably bitter when, for them, even the normal desire for a home and a family of their own seems unfulfillable.

And the longer the breadlines of the unemployed, the more insistent are labor unions on absolute job security for their members. Unions generally oppose work sharing and are not beyond paralyzing essential services, like public transportation, if part-time workers are hired. Some unions deepen economic hardship by extorting inflationary wage concessions even in bad times and have become a major menace to the common good. While the unemployed and people on fixed incomes become impoverished and desperate, job monopolies are obsessed with improving the middle-class living standards of their members.

Job monopolies are a bulwark against unwarranted and sometimes warranted layoffs. It is remarkable, however, how easily the protests of job monopoly holders against a reduction in jobs abate if this reduction is accomplished, not by layoffs, but by "attrition". Their conscience rests easy, it

seems, as long as their own jobs are safe, even if young people find entry completely blocked in many fields. It is a demand of both justice and prudence - which often go together - that stagnant job monopolies be shaken up by policies which create a minimum number of openings for dynamic new people every year.

Justice requires that people should not be prevented, on irrelevant grounds, from sharing in the benefits of work - and surely, someone's date of birth is usually as irrelevant as sex or skin color.

It is no surprise that labor unions have become, not upholders of justice, but simply another pressure group militating for narrowly segmental interests. What one finds disappointing, though, is the stance of the intelligentsia in the professions and at universities.

An insidious effect of job monopolies, all too often overlooked, is the gradual erosion of respect for many professionals. How can one respect a professor, for example, when one knows that he occupies his chair not primarily on the strength of superior ability, but in virtue of a conspiracy with his colleagues to protect their work monopoly by sheltering mechanisms? In times of chronic unemployment, work monopolies have the dual effect of *increasing* the (normally low) prestige of blue collar workers and of *undermining* the (normally high) prestige of many professionals.

One hears, in discussions with academics, that getting a university post was relatively easy in the sixties. Now these academics are safely entrenched in tenured jobs and as remote from problems like unemployment as anyone can get. They are learned people and smart, but by and large the academic community is not composed of an intellectual super-elite. Life-time job security has led to the result that many moderately competent people hired when times were good must be kept at universities while far superior people are excluded.

Though the practice of tenure predates the current job crisis and has its *raison d'être* in the important, sensitive, sometimes subversive work of *some* academics who cannot flourish without protection, it is hard to see how most academics can escape the charge of complacency about their job monopoly. They certainly cannot be accused, despite their reputation as society's innovators, of having shown bold, innovative leadership - such as willingness to share academic slots - in easing the job shortage in most disciplines. Instances could be cited in which academics, as a group, voted to respond to shortfalls in university funding by dismantling departments and giving their own colleagues the boot instead of taking a marginal payout to absorb the shortfall. It is sad to see the panic-stricken scramble for jobs at its most vicious in the academic arena whose concentrated mind-power, one would hope, could think of solutions.

The "turf-defensive" reaction of professionals and unions in the face of mounting unemployment is analogous to the reaction of businessmen who, at the onset of a recession, lay off workers, thus impoverishing their customers and worsening the recession. The claim of job monopoly holders to unqualified seniority rights only makes the unemployment crisis worse by reducing turnover and blocking worksharing.

Most of those who got hold of rewarding jobs in good times feel no compunction about not sharing them in bad times. Is it presumptuous to suggest that persons who want to keep pleasant full-time jobs all to themselves, all their lives, amassing luxuries and ignoring the suffering of their unemployed fellow citizens, are not *quite* as respectable as they think?

Only if most workers experience, in their own lives, the vicious effects of unemployment, or at least the threat of unemployment, will the majority support inevitably painful social reforms. The inner voice of justice, unfortunately, speaks loudly only to the disadvantaged and tends to whisper to the privileged. As

things stand, the employed majority will have to be shamed, shocked or possibly rioted into listening to justice.

Enlightened members of work monopolies have a duty to influence their associations to accept the need for measures like worksharing. But it is probably not their duty, but supererogation, if they take such measures on an individual basis. Wherever the law of the jungle prevails - as in the work allocation process - the just man acting alone makes a thankless sacrifice. His offer to share his job may lead to a substantial loss in income and possibly union reprisals while making no dent in the mass of the unemployed. If, on the other hand, the employed majority acted collectively, an unemployment rate of twenty percent could be substantially reduced through a ten percent paycut (taking the savings from existing social assistance programs into account).

Let us make fully clear why reforms must emanate from political leaders and cannot be expected to result from individual moral action. Suppose, naively, that most citizens are full of moral goodwill. In some rough intuitive fashion, almost any moral person contemplating a certain action will weigh its benefits to others against his own sacrifice. There are four possibilities. If the benefits to others are great and his own sacrifice small, he will do the contemplated action. If both the benefits to others and his own sacrifice are small, he will *usually* do it for the satisfaction of doing the morally right thing. If both the benefits to others and his own sacrifice are great, he will usually *not* do it, for after all, a person has a right to look after his own reasonable interests.

If, however, the benefits to others are small and his own sacrifice would be great - as in the case of someone who contemplates sharing his job - he will almost certainly not do it. Only a fool or a saint would be prepared to give up a substantial fraction of his work and income if there is no policy, if others are not willing to do the same - and if, therefore, his own contribution

to solving the unemployment problem would be negligible.

But why, if the solution to this problem is clearly a task for government, do I point an accusing finger at individual workers? Because no government is bent on political suicide; no government will enact full employment policies unless the employed majority is favorably disposed toward such policies. And how can we get the employed majority to become favorably disposed toward inevitably painful policies unless we get morally judgmental - and shame, shock or riot job monopoly holders into heeding the demands of justice?

#### IV. REMEDIES

As Brian Barry remarks, political argument must not just lead to the conclusion that things are bad as they stand, but also suggest what the state should do about it. The remedies I should like to enjoin on our state are:

**To redistribute work** (by implementing worksharing schemes like job splitting, extended holidays and leaves of absence, incentives for early retirement, a shorter work week and similar ideas).

**To institute a rational job placement program** (which requires *most* vacancies to be publicly listed, conducts an objective screening of applicants and careful job matching, and gives special consideration to the needs of the long-term unemployed and other disadvantaged groups).

**To create select types of work** (by funding jobs in fields like education, health, recreation, urban renewal, reclamation, reforestation, pollution control and public transportation).

**To clamp down on flagrant injustices in work allocation** (especially on inequalities in educational opportunities, favoritism and work monopolies; but in a tight job market, such a piecemeal attack on prevailing injustices seems next to hopeless).

**To allocate a share of the national wealth to each subsegment of the world of work** (requiring each segment to absorb, and spread its resources among, all *qualified* applicants; so that the crowding problem is solved by adjusting average incomes rather than by depriving people of the freedom to work in their chosen fields).

**To structure work for optimum human satisfaction** (through work place reforms such as job enrichment, flex-time, job rotation, industrial democracy, autonomous work groups and other imaginative policies. Much work could become more satisfying simply by working shorter hours).

**To weaken the work-income link** (mainly as compensation for injustice suffered by the unemployed, but also to relieve the pressure on the job market; this means,

providing a *stigma-free* guaranteed minimum income plus access to social goods like education, making the truly crucial things in life less dependent on paid work).

*How naive can I be?*

Yes, I know that most political leaders steeped in the reality of governing - which often amounts to a mere balancing act among the demands of opposing pressure groups - will dismiss arguments from justice out of hand. They cannot afford open ridicule of justice, of course, but secretly they will think: all this talk about justice is dreadfully unrealistic, burdensome and complicated. In the minds of political realists, if there is no painless remedy for an unjust distribution - no policy that promises, in the short run, to get more votes than it costs - then the existing distribution is, *a fortiori*, not unjust.

Perhaps it is too much to expect just reforms from political leaders who, for the most part, are cunning power brokers catering to pressure groups, not wise, principled, farsighted statesmen. It is unlikely that the unemployed, without some charismatic leader, can band together to form an effective pressure group; and needless to say, no constructive initiatives will come from labor unions and other work monopolies.

The reforms so clearly required by justice and the common good will, therefore, not be carried out in present-day pluralist democracies. But let no one be surprised if many of the unemployed young - frustrated, humiliated, resentful, consumed by suppressed rage and a festering sense of injustice - sabotage the common good in turn, becoming vandals, burglars, shoplifters, alcoholics, drug addicts, unemployables and egotists without concern for, *nor even the faintest notion of*, civic virtue and the common good. And it is unclear how much, if anything, victims of blatant injustice owe to society. A person impoverished by unemployment who robs a bank gets to feel the brunt of the law, but is he any worse, morally, than those millions of union members, professionals and academics who monopolize pleasant, highly

paid full-time jobs for a lifetime, lining their pockets and cheating others out of a chance to work?

It is rightly pointed out that "a distinction should be made between evil as a result of policy, tradition, practice, habit and institution, and evil which is the product of choice."<sup>30</sup> The professional who monopolizes a cozy lifetime job has policy, tradition, practice, habit and institutions to back him up; the unemployed delinquent driven by anger and despair has no such backing and therefore no excuse.

The unemployed delinquent had a choice not to break the law; the job monopoly holder has no real choice to reform society single-handedly.

Granted. But can he not speak out against social injustice and influence his association to support enlightened worksharing policies? If he neglects to do so, if the idea never occurs to him, is he morally superior to the unemployed delinquent? What mischief would *he* commit if he were not in such a cushy position in a good income bracket, but had to roam the streets in search for work and self-esteem? Who is *he* to judge the unemployed young delinquent?

I feel tempted to go through my reform proposals point by point and defend them against objections; but for now, let a few essential remarks suffice.

#### **On redistributing work**

It is socially desirable that everyone who desires work should get work; but only through worksharing can everyone get work; therefore, worksharing is socially desirable.

Few people would attack the first premise, but most labor union spokesmen staunchly deny the second. Politicians, too, invariably address the unemployment problem not in terms of work redistribution, but in terms of job creation. Economic growth, they say, will create the needed jobs.

Why do they not see the obvious: that the old attempt to outrace the automation-induced elimination of jobs by continued economic growth is a lost cause?

It has been tried for decades now, at tremendous social and environmental cost, and has failed. Technology is fast creating a scenario in which the average person isn't capable of doing any work for which it is worth anyone's while to pay him. Most human work can already be done better, faster and cheaper by computerized machinery, and their highly specialized design and repair require relatively few workers. The surviving enclaves of manpower in the technological world of work will mainly be services which require the human touch: the contact with a teacher, the caring warmth of a nurse, the smile of a waitress.

Even if job creation through economic growth *could* keep pace with job elimination through automation, any half-wit should have come to realize that economic growth must soon grind to a halt if any substantial part of the earth's ecosystem is to be preserved.

There is still need for good workers today, but the need is such that not every able-bodied person needs to work, and that those who work need not work long hours. We need work done well, conscientiously, which is quite different from working long and hard.

Worksharing schemes are unpopular with the employed majority. Why do most people want to work full-time when part-time earnings would be quite adequate for a simple, decent life? This overvaluation of full-time work, and the concomitant undervaluation of leisure time, implies, first, that people misjudge the value of things money can buy, and second, that they don't know what to do with free time. Often the demand for work is a barely disguised plea to tell people what to do with themselves. Education for leisure, and education alone, can rescue people from this abysmal emotional malaise.

There are, of course, limits to worksharing. Some jobs are by their nature non-shareable, and others can only be shared once before each share becomes too small. Therefore, worksharing must be supplemented with other farsighted policies.

### **On creating select types of work**

In contemporary society, worthwhile tasks remain undone and frivolous busywork is being done. Think of the junk mail dumped on your doorstep every day, or of bloated occupations like banking, retailing or real estate. Every large city has thousands of real estate agents who want to get rich, when a central registry of house sellers would be more convenient and vastly less expensive for both buyers and sellers. In many other areas, there exists an equally needless duplication of products or services.

How is work created? Ideally, one would think, the focus should be on providing for everyone's basic needs and beyond that, for the widespread realization of those intrinsic values which have long been recognized as constitutive of a good human life. In practice, what happens is that applied research hits upon another gadget or gimmick for which the trumpets of advertising create a market.

Perhaps a quarter of all manufacturing and service jobs in our society could, arguably, be eliminated without significant loss in the overall quality of life. This is not to say that I favor such job elimination even in the absence of job alternatives. My argument is, not that every redundant job should be eliminated, but that, in view of existing redundancies in both manufacturing and service industries, it seems unwise to rely on massive job creation in these industries as the main solution to the unemployment problem. Additional job creation, if it is to be worthwhile, has to focus on social goods and public services rather than on providing the affluent with even more consumer goods.

### **On weakening the work-income link**

It is a lingering superstition to think that, because we are *used* to making income dependent on work, there is something *necessary* about it. The guaranteed income idea has now gathered support in high places.<sup>31</sup> How high should this income be? Should it enable bare survival, a modestly pleasant livelihood or a slice of affluence?

Although economics will have a major say in all this, my view is that the guaranteed income should be high enough to cover rents for modest apartment living, permit a nutritious diet and include a reasonable allowance for clothing and contingencies; and beyond that, free access to social goods like health care and education.

A guaranteed income is a matter of just compensation in view of the ubiquitous injustices in the work allocation process. This demand for justice must not be confused with asking for charity or with voicing envy. To be sure, people often demand "justice" when they could at most ask for charity or when they are really motivated by envy. But justice requires that no one be prevented, on irrelevant grounds, from sharing in the benefits of work. If we are not willing to give people justice by reforming the world of work, we ought at least to compensate them for the injustices they suffer in the work allocation process - and the most obvious and practicable (though no doubt insufficient) compensation is a guaranteed income.

The compensation-for-injustice argument is morally the strongest, but by no means the only argument in favor of a guaranteed income. Let me sketch eleven other arguments:

1. *The non-user argument:* Society has a claim on an individual's work only if otherwise the production of essentials would be compromised. No individual has a duty to participate in the production of inessentials that he himself does not use (or only uses in self-defense, like a car in a car-dominated city) and would rather not see around.

2. *The employ-those-who-need-work-the-most argument:* The paradox of unemployment is that, despite its great potential for good, it becomes a monstrous evil for so many people. Too often the wrong people are unemployed, those who cannot make creative use of free time and need work for their self-esteem. The guaranteed income will relieve resourceful people of the need to do uncreative work and, at the

same time, make work available for those who need it the most.

3. *The relief-from-fear argument:* What makes unemployment oppressive and agonizing, among other things, is the fear of never getting a job again. If the guaranteed income relieved pressure on the job market, and unemployed people knew that they could always have a job if and when they really wanted one, they would find their condition a lot less agonizing.

4. *The incentive-to-abolish-alienation argument:* People often object to a guaranteed income by saying that it would undermine the incentive to work. Although ample evidence shows that guaranteeing people the essentials won't make most of them unwilling to work, it may well make them unwilling to work at alienating jobs. Thus a guaranteed income, far from undermining people's incentive to work, would be an incentive to restructure alienating jobs.

5. *The argument from liberty:* One of the most important freedoms required by the liberal ideal is, surely, to let people make up their own minds about what jobs they consider worthwhile – and not simply force them to accept just any paying job. A guaranteed income will allow people to pick their jobs much more critically.

6. *The argument from moral autonomy:* One of the worst moral dilemmas is having to work at a job one considers meaningless or worse, frivolous and destructive (as an advertising hack, as a military scientist etc.) To allow moral autonomy where it is most needed, we must relieve people from pressure to accept immoral demands at the workplace – by making the option to quit less unpalatable through a guaranteed income.

7. *The compensation-for-life-in-a-polluted-world argument:* The technocrats and promoters of economic growth have shaped the world we live in and, to a large extent, have wrecked it, polluting land, air and water. They owe us compensation – at the very least, a living – for having made meaningful kinds of life, such as farming, next to impossible for the average person.

8. *The anti-bureaucracy argument:* A universal guaranteed income will make the humiliating verification bureaucracy of present social programs a thing of the past, to be dismantled and forgotten.

9. *The savings argument:* Most forms of work are not just productive but also consumptive activities: they consume paper, office space, fuel, machinery and resources of all kinds; and what they consume is, arguably, often more valuable than what they produce. Rather than forcing many people to drive through rush hour to some downtown office where they accomplish nothing, why not let them fill their time in their own fashion?

10. *The anti-technocratic-future argument:* There are those who exhort us to hard work to bring about a future full of fantastic machines and electronic gadgets - like the electronic cottage, a transcontinental supertrain running inside a magnetized tube, space colonies, robot-friends and what not. And there are those whom such a future does not entice at all. Why should those who want such a future be able to press those who don't into the service of bringing it about?

11. *The argument from the destructiveness of much work:* The idea lingers on that, if we could only get the unemployed to work, we could squeeze out of them whatever marginal productivity they have. Rather than deploring unemployment as a waste of productive power, we should question the value of maximizing our productive power. Both the processes of production and its fruits have become threats to the preservation of a habitable earth. The attitude that "work is the means through which man conquers a hostile environment" still lingers on, long after we have made our conquest. And now our victory turns into heedless destructiveness. Let us realize the full extent of environmental destruction that too much "work" has wrought upon our planet.

I take the case for a guaranteed income to be overwhelming. But receiving a guaranteed income should be regarded as a contingent and not as an absolute right. It

is contingent on the fact that, given the productivity of machines, there is simply not enough meaningful work for all.

It is crucial that recipients don't get the message: "Take the money and get lost. Society doesn't want you." The real message should be this: "Given our current technology, it takes only a fraction of the labor force to supply us all with the necessary goods and services - and a great deal of luxuries to boot. Nobody really knows how to employ everyone meaningfully. We give you a guaranteed income (and an education) in the hope that you have your own creative ideas about how to contribute to society and lead a good life."

Perhaps one should first have to qualify for a guaranteed income through a few years of community work. I favor exposing young people to structured work experiences, to give them regular habits and to drive home one important point: that we must never take the social goods we enjoy for granted. Whatever comes too easy won't be appreciated.

## V. EPILOGUE: TOWARD A REVALUATION OF WORK

What is the *real* value of work? Two voices are speaking within me, and the first voice says:

*"Realize yourself through work. Your work ties you to society. Society expects you to fit in and contribute your share. Take whatever paying job comes along and do not question it. It is there to satisfy someone's demand. Hang on to your job, if you like it or not, because you may not find a better one. Give your best to your work. Work hard. No daydreaming on company time. Work fast. No dawdling when the assembly line moves, and the efficiency tester looks over your shoulder. Work overtime to get promotions. Take full credit for working long, hard and fast. Greater productivity is needed. Only by increasing productivity can we keep up with the Japanese, only by keeping up with the Japanese can we capture world markets, only by capturing world markets can we afford a good life. Be productive, ambitious, aggressive, worship only one God: your successful career. Success in life depends on hard work. It's up to you to be a success or end up unemployed, a useless parasite. Your work has value only if other people want to buy its fruits. Therefore, learn a skill, a technical skill. Education should prepare you for the real world, the world of work. Get your hands on the computer. Acquire the mind of an engineer and fill it with hard data. The future belongs to technology. Technology may eliminate jobs, but it also creates jobs for those who know how to work with technology. Don't worry about the unemployed, your work has nothing to do with other people's lack of work. If the unemployed cause trouble, well, that just creates jobs for prison guards, policemen and lawyers. Social problems, environmental problems, all problems, can be solved by fantastic new materials coming out of chemistry labs. Your work, too, could pioneer the Golden Age of Technology."*

But there is, in me, a second and quietly disquieting voice saying:

*"Some people listen to a different drummer. They think that, as long as their getting work means that someone else has no work, they do not want it. Success means, to them, to have done a lot of joyous living - not spending the best years climbing some corporate career ladder to its power pinnacle and amassing stockpiles of material stuff. They do not want to leave their mark upon the already pockmarked face of this earth. They do not want jobs in industry and care little for most products of industry. Nothing new that industry is likely to produce can compensate them for the loss of one more lake, one more forest, one more wildlife species, or open space, unpolluted air and peace and quiet. They, too, want a good life. They renounce a life devoted to producing and consuming superfluties and instead choose a life devoted to creative loafing, making love and music, content to watch time pass and rivers flow. Why not let those who value nature, friendships and contemplation enjoy these things? Is the belief, in the face of overproduction and unemployment, that hard work has merit not exactly like believing, in the face of overpopulation, that having lots of babies has merit? Do we no longer remember the promise of technology, and its excuse for inflicting on us pollution, ugliness and monotony, that it would largely relieve us of the need to work? Have we not learned that most gadgets and substances of technology have harmful side effects? Are not some of the greatest stupidities in the world justified in the name of job creation? Are hardworking people not fools who miss out on the delights of leisure and also thieves who steal other people's work?"*

*Some people have all the right virtues for the wrong age. Why work hard if three percent of the population feed all of us, and another ten or twenty percent could easily provide the goods and services for a comfortable life for all? The greatest need is not to create jobs, but to free from the necessity to work all those who are capable of creative leisure. 'Work' as the touchstone of a person's social worth needs to be replaced by 'role'. A person's social role is the value-enhancing ways his life*

*interweaves with other lives and contributes to a richer social fabric. Instead of simply honing young people's survival skills for the troubled world of work, to send them off in pursuit of 'success' and other chimeras, let us teach them the deeper meaning of this question: 'In pursuit of what can I fulfill myself as a social being?'*"

## NOTES

1. cf. *Dictionary of Occupational Titles*, Vol. I, Introduction.
2. "Unemployment is not working", reads a bumper sticker. This statement is hardly a definition of unemployment - because many unemployed people are, in fact, working at volunteer jobs or at jobhunting - but rather an attempt to translate one term into a somewhat more value-charged term. To imagine someone actually "not working" when we believe, in this work-oriented society, that every able-bodied person should be working makes us more indignant than the unemployment statistics.
3. Pence, p. 306.
4. An important exception are *oblique-context* statements which contain *propositional attitude* verbs like "believe", "think", "know", "feel", "imagine" etc. Most substitutions which, in non-oblique contexts, preserve truth value fail to do so in oblique contexts.
5. cf. Frege, "On Sense and Reference", p. 56-78.
6. Putnam, p. 230.
7. cf. e.g. Sparshott, p. 24.
8. Pope John Paul II, p. 14.
9. Clearly, I assume here a theory of the good life, of what is worth pursuing in life. I think - although I cannot defend it here - that a very general list of intrinsic values or basic constituents of a good life can indeed be given. (For an interesting attempt see: E.J. Mishan, *The Economic Growth Debate*, London: Allen & Unwin, 1977.)
10. cf. McKenzie, p. 75-79.
11. cf. Pence, p. 307.
12. Rousseau, *Emile*, p. 226, ed. F. and P. Richard, Paris, 1964.  
Quoted in Clayre, p. 9.
13. Jampolsky, p. 79.
14. Scriven, pp. 276-7.
15. cf. Adler, p. 22ff, p. 108 ff.
16. Marx, p. 81.
17. cf. Bradley, p. 65-6.
18. Nietzsche, Aphorism 92.
19. cf. Feibleman, p. IX; Barry, in Sikora and Barry, p. 218.
20. Rawls, "Kantian Constructivism in Moral Theory", p. 517.
21. Rawls, *A Theory of Justice*, p. 302.
22. Rawls, "Justice as Fairness", p. 165.
23. Sterba, p. 61. The principles of justice which Sterba "derives" from the *original position* are:
  - Principle of Need:* Each person is guaranteed the primary social goods that are necessary to meet the normal costs of satisfying his basic needs in the society in which he lives.
  - Principle of Appropriation and Exchange:* Additional primary social goods are to be distributed on the basis of private appropriation and voluntary agreement and exchange.
  - Principle of Minimal Contribution:* A minimal contribution to society is required of those who are capable of contributing, when social and economic resources are insufficient to provide the guaranteed minimum to everyone in society without requiring that contribution or when the incentive to contribute to society would otherwise be adversely affected, so that persons would not maximize their contribution to society.

*Principle of Saving:* The rate of saving for each generation should represent its fair contribution toward realizing and maintaining its just institutions.

24. Aristotle, pp. 1130-2.
25. Sidgwick, p. 380.
26. Frankena, p. 41.
27. Rescher, p. 75, p. 82.
28. cf. Kaufmann, *Without Guilt and Justice*.
29. cf. Nozick, p. 151.
30. Bob Rowan, personal communication.
31. cf. Report of the McDonald Royal Commission on the Economy, Government of Canada, Sept. 1985.

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