



Universiteit
Leiden
The Netherlands

Improving our Shared Understandings

Trappenburg, M.

Citation

Trappenburg, M. (2001). Improving our Shared Understandings. *Acta Politica*, 36: 2001(1), 88-96.
Retrieved from <https://hdl.handle.net/1887/3450791>

Version: Publisher's Version
License: [Leiden University Non-exclusive license](#)
Downloaded from: <https://hdl.handle.net/1887/3450791>

Note: To cite this publication please use the final published version (if applicable).

Review Article

Improving Our Shared Understandings

Margo Trappenburg
University of Utrecht

David Miller, *Principles of Social Justice*. Cambridge, MA: Harvard University Press 1999. 337 pages. ISBN 0-674-70628-5. USD 45.

David Miller, *Citizenship and National Identity*. Cambridge: Polity Press 2000. 216 pages. ISBN 0-7456-2394-8. USD 27.95.

Joseph H. Carens, *Culture, Citizenship, and Community. A Contextual Exploration of Justice as Evenhandedness*. Oxford: Oxford University Press 2000. 281 pages. ISBN 0-19-829768-8. USD 24.95.

Walzerian political philosophy

Grossly oversimplifying, one can distinguish two modes in modern political philosophy. There is the dominant Rawlsian mode and there is a less popular mode, inspired by, or associated with, Michael Walzer's *Spheres of Justice* (1983). Rawlsian political theory (the classical form at least) starts with one or another hypothetical construction: the famous original position, natural rights, a hypothetical auction of resources, or something similar. Readers are invited to evaluate their own society using principles of justice derived from the author's hypothetical construction. In *Interpretation and Social Criticism* (1987), Walzer argues that the Rawlsian approach can be a very good way to criticize societal arrangements, because it can provide us with fair and sensible criteria. However, according to Walzer, the big disadvantage of the Rawlsian approach is that there is no compelling reason to do anything with social criticism based on criteria that were invented on a political philosopher's drawing board. Hence, Walzer himself preferred a different mode of political philosophy. He argued that principles of justice should not be searched for 'out there' in some philosophical artifact, but should be found in the 'shared understandings' of a political community. If a political philosopher could show his fellow citizens that they were not living up to the standards to which they themselves claimed to adhere, this should strike those fellow citizens as a convincing reason to change their ways.

The downside to Walzer's approach of shared understandings is that these are not necessarily critical of societal arrangements at all. This problem takes

a different shape in different political communities. If we live in an indecent society, say, in a political community where citizens practice female circumcision, wife beating or polygamy, what should we do? Walzer would probably argue that we should search for clues in the shared understandings of our political community, say, in the holy book of the dominant religion. But what if we cannot find any clues? And what if they do not offer enough? We may be able to argue that the holy text does not allow husbands to beat up their wives, but it might be impossible to defend equality of the sexes on the basis of that same holy text. If we happen to live in a moderately decent society, we will have to deal with a different problem. Our shared understandings will probably be pluralistic or ambiguous. They may not offer much guidance when we have to tackle concrete political problems. Take the issue of health care insurance in the Netherlands. At present it has a mixed system: a public sickness fund for the low-income groups and private insurance for higher income groups. Does this mean that a national health service based on income solidarity should be adopted? Should we strive for a nationwide private insurance system with Medicaid for special groups? Or should we conclude that the mixed system fits perfectly with our shared understandings and not change anything at all?

It seems wise to add a few instructions to the Walzerian political philosophy manual. First, in non-democratic, non-liberal societies one should bear in mind that criticizing one's society by referring to its own shared understandings is not the only moral strategy available. It may be more effective to abandon that approach and take up a Rawlsian method, or import another society's shared understandings instead. Second, in liberal democratic societies one should realize that merely consulting the shared understandings of one's society is not good enough. One should have some sort of guiding notion, such as, for example, Walzer's own idea that the world in Western democracies consists of different moral spheres (the sphere of education, the sphere of money and commodities, the sphere of love and affection, and so on) and that justice has to do with keeping these spheres apart. Such a guiding notion helps to paint a specific picture of society's shared understandings and may show us in what way institutions ought to be reformed in order to become proper reflections of the political community's shared understandings. Let us return to the example of health care in the Netherlands. Once the guiding notion of separate societal spheres with sphere-specific distributional criteria (a notion which can be defended as an adequate interpretation of our shared understandings, but certainly not as the only possible plausible interpretation) is accepted, it seems a logical step to argue that health care ought to be distributed according to medical need and that the sphere of health care should not be invaded by non-medical criteria, such as wealth. Hence, we should probably do away with the private insurance part of the health care system.

Adopting a guiding notion to interpret society's shared understandings reduces the difference between the Rawlsian mode of political philosophy and the Walzerian mode. After all, there is no compelling reason why my fellow citizens should fall for my specific interpretation of shared understandings. But that is a disadvantage that simply cannot be avoided. Without some guiding notion a Walzerian political philosopher has nothing useful to offer at all.

Guiding notions

The books under review here all belong to the Walzerian mode of political philosophy. Miller's *Principles of Social Justice* and Carens's *Culture, Citizenship, and Community* are proper books, though both still bear some traces of the fact they have partly been constructed from previously published articles. Miller's *Citizenship and National Identity* is a collection of previously published articles and can be seen as a sequel to his *On Nationality* (1995). A lot can be said about these books and most of it is positive. In this essay I want to concentrate on the guiding notions introduced by the two authors and discuss some of the differences between their respective approaches and that of Walzer.

Miller proposes starting with "modes of human relationship". People find themselves with other people in three distinct modes of relationship: solidaristic community (e.g., the family), instrumental association (e.g., the workplace) or citizenship. Different principles of justice operate in these different modes of human relationship. In a solidaristic community social goods are distributed according to need; in instrumental associations the dominant distributive principle is desert; whereas in a context of citizenship we will mostly refer to the principle of equality, although this last observation has to be qualified:

[E]quality is the primary principle of justice governing relations among citizens, [but] sometimes citizens may ground claims of justice based on need or desert. Citizens who lack resources necessary to play their part as full members of the community have a just claim to have those resources provided. Thus medical aid, housing, and income support may for some people be regarded as needs from the perspective of citizenship (Miller 1999: 31).

Sometimes Miller's different-human-relationships-approach resembles Walzer's spheres of justice perspective, but there are also intriguing differences.

The most striking difference is the sudden disappearance of the principle of free exchange from the realm of social justice. For Walzer free exchange was the most appropriate principle for the distribution of money and commodities. One of the most popular passages in *Spheres of Justice* was the

list of so-called 'blocked exchanges', things that money should not be able to buy (e.g., love and friendship, seats in parliament, criminal justice, diplomas), but Walzer made it very clear that many other things can and should be bought and sold at will. We may deduce from several passing remarks in Miller's *Principles of Social Justice* that he does not want to abolish the market economy, but this position does not seem to stem from a belief in the justice of free exchange. To Miller free exchange and the market have much more to do with economic efficiency than with social justice. This does not lead to concrete differences between Walzer and Miller when we discuss the distribution of dresses, cars and televisions. Whether we buy and sell these things because we believe this is the right way to distribute them (Walzer's position) or because we think this is the most efficient way to distribute them (Miller's position) is not terribly important, though Miller will probably be more anxious to restrict free market exchanges than Walzer. Miller might be more enthusiastic about minimum prices, safety precautions, etc.

However, the differences gain much more weight when we discuss the distribution of jobs. In Walzer's view jobs, like dresses, cars and televisions, belong to the sphere of money and commodities, which means that they can also be distributed according to free exchange. According to Walzer, a big difference exists between ordinary jobs and 'offices'. The latter are functions that are considered to be very important for the political community as a whole. One may think of medical doctors, civil servants, teachers, professors, etc. Offices should be distributed according to desert after an honest competition, to be held under conditions of equal opportunity, but Walzer makes it very clear that the sphere of office is limited:

A universal civil service would merely replace the dominance of private power with the dominance of state power – and then with the dominance of talent or education or whatever quality state officials thought necessary for office holding. The problem here is to contain the universalization of office (...), to draw a line between those selection processes that the political community should control and those it should leave to private individuals and collegial bodies (Walzer 1983: 134).

In Miller's view the relation between an employer and his personnel is to be characterized as an instrumental association, dominated by the principle of desert. In many cases free exchange is bound to concur with desert: it seems sensible to give a job in a clothes shop to somebody who is eminently qualified to sell dresses, that is, to the candidate who is most deserving with regard to clothes selling.

However, things will not always be this simple. Let us assume that the owner of the clothes shop does not offer his job to the most deserving, that is, the most capable candidate. Instead, he decides to offer it to his niece, who did not manage to finish high school. The owner wants to give her a chance, mainly

in order to please his brother. In Walzer's view this is not a problem at all, since nepotism is only a sin when it comes to the distribution of offices. In Miller's view, however, the shop owner is torn between two types of association: the solidaristic community of his family and the instrumental association with his sales personnel. Miller argues that he should have given priority to his responsibilities as an employer in this case.

Who is right and how do we decide that? We could of course answer: whoever manages to persuade his fellow citizens of his case (leaving aside the problem that Walzer is American and Miller is British, meaning that they have to convince different audiences of fellow citizens). Yet, we might also answer: whoever has stayed closest to the ordinary citizen's view on this issue. Walzer, as stated above, takes 'our shared understandings' as the starting point for his political philosophy and, Miller argues (1999: 34; ch. 3 & 4), although he does not award that particular place to public opinion, that political philosophers should take much more notice of ordinary people's intuitions about social justice than they are doing at present. However, with regard to the question at hand, empirical research does not offer much of a stronghold. Miller refers to research data that show that people are genuinely ambivalent on this point: 44 % of respondents could see nothing wrong with the employer's decision to favour his relative (which would seem to be Walzer's position) whereas only 8 % regarded it as seriously wrong. One may assume that the remaining 48 % either did not have a clear opinion about the case or thought it a bit wrong but understandable or forgivable (Miller 1999: 36). A dubious counting procedure might add this up to 56 % of respondents more or less siding with Miller's view that the employer finds himself in a real moral dilemma that should be solved one way or another. This does not seem to be enough for a clear victory. Fellow citizens thus need some other justification of a jobs-according-to-desert principle. Miller sets out to provide such a justification in an interesting chapter entitled 'Deserving jobs' (1999: ch. 8). He argues that we would not approve of employers who, following a market rationale, would refuse to hire fertile women, because they prefer not to be hassled with maternity leaves and child care facilities. Nor would we tolerate employers who would adopt a white personnel only policy, because they happen to dislike black or coloured people. Miller is probably right about this. Whether we would disapprove of a 'women only' company or a 'blacks only' lawyers firm equally vehemently is debateable, but perhaps our tolerance with respect to such breaches of the meritocratic principle is related to the fact that they are supposedly reactions to existing patterns of sexism or racism in a white male dominated labour market. It could be very interesting to have detailed, specific empirical research to shed some light on this issue. In a previously published article, 'Distributive justice: what the people think', Miller (1999: ch. 4) gives an extensive account of what goes on in the world of empirical social justice research. Yet, it is not easy to find out

on the basis of current research whether ordinary people are true meritocrats, as Miller presumes, or more committed to market principles that often, but not always, concur with meritocratic principles of a particular variety.

One of the disadvantages of the traditional Walzerian approach was the difficulty in construing moral obligations for people in other political communities based on a sphere of justice perspective. Walzer has tried to make up for this deficiency in *Thick and Thin* (1994). In this book he argues that a thin morality, which we will recognize in times of crisis, is hidden in every political community's thick morality. We do not know anything about Chinese morality but we can understand the Chinese students' quest for truth and justice at Tiananmen Square. Similarly, we can recognize other human beings' need for food and other basics and we may respond to those needs. Miller's human relationships approach faces the same problem as Walzer's shared understandings perspective. We do not find ourselves in instrumental associations, solidaristic communities or citizenship relations with people in other parts of the globe. Like Walzer, Miller adds certain international obligations to his principles of social justice:

the demands of global justice can be summed up under three heads: the obligation to respect basic human rights world-wide; the obligation to refrain from exploiting vulnerable communities and individuals; and the obligation to provide all political communities with the opportunity to achieve self-determination and social justice (Miller 2000: 177).

It is interesting and thought provoking that Miller also offers a ranking of obligations. The first two international obligations prevail over internal considerations of social justice. (We cannot enslave or exploit inhabitants of other countries to ensure that our own citizens receive the hospital care they need.) However, our internal social justice outweighs the third international obligation. We are allowed to spend our money on a good national health service for all our citizens, even if other countries still lack basic medical care. However, we are not allowed to spend national public money on frivolous things such as a Millennium Dome when so many people in other countries are in need of food or medical care. This seems a sound moral guideline, especially because it is not too demanding. It does not ask for a radical global redistribution. It seems possible to live up to this moral standard. Hence, we lack good excuses if we fail to do so.

Even-handedness

Apart from the two problems discussed above (first, it can be difficult to criticize one's political community on the basis of its own shared

understanding; second, how should international obligations be interpreted if one's primary point of reference is the moral canon in one's own political community), two other problems are inherent to Walzer's type of political philosophy that have been visible from the beginning (cf. Bovens [1988, 1990] for an overview of the disadvantages of communitarianism). First, if you have to use your community's shared understandings as your primary point of reference when you want to criticize societal arrangements, can you ever criticize *other* political communities? After all, you don't know their shared understandings, not from the inside at least. And second, what should be done when two or more different cultural communities share the same political realm, or, to rephrase this question in a more familiar form: what should be done with one's ethnic or cultural minorities who do not share the dominant shared understandings? These two issues are addressed by Carens in *Culture, Citizenship and Community*. Carens introduces two guiding notions. With regard to the first issue (how to criticize other societies) he argues that morality is to be found in three concentric circles. The outermost circle contains minimal standards of justice, which should be upheld all over the world. Interestingly, Carens acknowledges that these supposedly universal standards are very much the product of our, that is, Western political communities. These standards are not drawn up *sub specie aeternitate*, they are largely drawn up by us, but that does not stop us from feeling that everybody should abide by them. The middle circle contains principles that ought to be upheld by all contemporary liberal democratic states, while the innermost circle "contains standards of justice that are intimately linked to the history and culture of a particular political community" (p. 35). This image of three circles seems a very useful guiding notion, especially if we want to discuss moral issues in other people's political community. It makes sense to find out whether a certain principle regarding the distribution of health care should be seen as universal, binding for all contemporary liberal democracies or as local and particular. For example, Carens argues that a decent health care system should be part of the welfare package of every liberal democracy, and that Americans should not get away with the idea that their system embodies a particular American understanding of health care. The notion of concentric circles is less helpful when one is discussing domestic issues, firmly located in the innermost circle. For example, most people will agree that the Dutch already have a decent health care system. The political questions that have to be solved (How should we judge our public/private mix? Should we make health care premiums more or less income dependent?) do not seem to benefit from the knowledge that they are rooted in the innermost circle and that we can thus solve them according to a particular Dutch understanding of health care.

Carens's other guiding notion is called 'justice as even-handedness'. It is meant to regulate relations between different ethnic groups. According to

Carens, in conflicts between ethnic or religious groups we should try to find solutions that are even-handed, in other words, solutions that do justice to both parties. For example, Sunday is a common day of rest in Western countries. It also happens to be a day for Christian religious obligations. Obviously this is not convenient for Muslims, Jews and other religious minorities. Changing the common resting day to Wednesday would be neutral, but would not be in anybody's interest. It would be better to search for tailor-made solutions for different groups with different religious preferences. What should we think of this guiding notion? On the one hand, it seems a very sensible position. On the other hand, it sounds so much like common sense that one might wonder whether this is all that a theory of multicultural justice would amount to. As Miller writes in the central chapter of his book (1999: ch. 2), all morally competent adults have a well-developed sense of justice, and, ideally, a theory of justice should be able to do *more* than we can, when we are using our ordinary sense of justice. If there is anything wrong with justice as even-handedness, one might say that it is too close to our ordinary sense of justice. But perhaps this evaluation has to do with the fact that I am Dutch; Dutch political elites seem to be very pragmatic in dealing with their ethnic religious minorities. Justice as even-handedness comes very naturally to them. One is much more inclined to reproach them for failing to formulate principles of justice and morality. This might be different in other countries, such as France.

Apart from the concentric circles morality and the concept of justice as even-handedness, *Culture, Citizenship, and Community* consists of a number of interesting case studies of ethnic minorities (Aboriginals in Australia, *Québécois* in Canada, Muslim minorities in Western democracies, Indo-Fijians on the Fiji islands). These case studies show very clearly that what is perceived as just or unjust partly depends on culture and context. In other words, it still seems to make sense not to start moral philosophy by making up hypothetical artefacts, but rather by looking at the way we do and judge things in real life. Carens gives the example of the over-representation of Asian Americans in Ivy League universities compared with the under-representation of Amish and African-Americans. The first two forms of inequality do not strike us as unjust. Apparently Asian Americans are able to win access to high rate universities despite discrimination while the Amish supposedly choose a way of life that does not put much value on higher education. The under-representation of blacks on the other hand may be based on some kind of cultural choice (ghetto culture) but this culture is seen as the product of years of exploitation and discrimination. Using his three circle idea, Carens argues that the famous American Supreme Court decision, "separate is inherently unequal" is neither a universal truth nor a moral norm that should be upheld in all liberal democracies. It is a particular American position, closely connected

with the history of racism and slavery in the United States. Separate facilities for ethnic or religious groups may very well be morally correct in other political societies. In fact, separate facilities are not even necessarily immoral in the United States. While Americans find separate toilets for blacks and whites discriminating, separate toilets for men and women are considered desirable (Carens 2000: ch. 4). A small note of criticism: given this general emphasis on culture and context, I do not quite follow why Western European countries should not be allowed to treat their Muslim minorities slightly different from their traditional orthodox protestant minorities. Once more, look at the Dutch example. Dutch political elites over the years have allowed protestant minorities to send their children to special schools, to withhold vaccination (vaccination supposedly hinders the plans of the Lord) thus risking these children's lives. These privileges may have much to do with the fact that the Netherlands used to be a protestant country and has only been secularized during the last thirty years or so. Why shouldn't this latitude be granted to new minorities as well? It may very well be that the present political elite feels deeply disturbed by the vaccination exemption, but does not quite know how to change it, because it has become a tradition by now. Surely, this failure should not oblige them to tolerate lighter forms of female circumcision in Muslim minorities?

In sum, the three books discussed here offer new guiding notions, substantial progress on difficult issues such as international justice, external criticism, and cultural minorities, as well as interesting differences between the authors. (For example, Miller's view on ethnic minorities differs from the one Carens presents: Miller advocates some sort of deliberative republicanism where majority and minorities give shape to a collective national project.) All this is illustrated with fascinating examples from all over the world. In short, I can recommend all three books wholeheartedly, as they are important attempts to extend Walzerian political philosophy.

Bibliography

- Bovens, Mark.A.P. (1988), 'Tussen Kant en conventie. De rechtvaardiging van beginselen van rechtvaardigheid', *Acta Politica* 23(3), pp. 333-357.
- Bovens, Mark A.P. (1990), 'Liberalisme als gemeenschap', in: Jos W. de Beus and Percy B. Lehning (eds.), *Beleid voor de vrije samenleving*, Meppel/Amsterdam: Boom.
- Miller, David (1995), *On Nationality*. Oxford: Clarendon Press.
- Walzer, Michael (1983), *Spheres of Justice. A Defence of Pluralism and Equality*. New York, NY: Basic Books.
- Walzer, Michael (1987), *Interpretation and Social Criticism*. Cambridge, MA: Harvard University Press.
- Walzer, Michael (1994), *Thick and Thin. Moral Argument at Home and Abroad*. Notre Dame, IN: University of Notre Dame Press.

Book Reviews

Todd Sandler and Keith Hartley, *The Political Economy of NATO: Past, Present, and into the 21st Century*. Cambridge: Cambridge University Press 1999. 309 pages. Hardback ISBN 0-521-63093-2, £ 59.95; paperback ISBN 0-521-63880-1, £ 29.95.

The two authors of this publication are economists with a long and distinguished track record of work in defence economics (or 'economics of the military' as those of us who are less convinced of the pacific goals of our leaders sometimes call it). They apply economic methodology to the problem of alliance formation and membership and to the NATO in particular. Their main concern is economic variables. Indeed, the book can be seen as a collection of essays on how to carry out the NATO tasks as efficiently as possible. However, they go beyond the narrowly economic. 'Political Economy' is used in this book in the sense of an economic approach to political variables. Many of the topics they discuss could be categorized as economics of defence. Critical theorists, who use the same term, will be sorely disappointed. Others, however, will find the book stimulating, although more limited than the authors seem to realize. Like so many economists, they use their tools to provide some excellent insights but sometimes fail to resist the temptation to go over the top.

The basic theoretical position of this book is that actors, in this case states, will join an alliance if it is in their interest to do so and will be accepted by the members of the alliance if it is also in their interest. Though apparently platitudinous, the implications of these statements are often not self-evident. The economic methodology fully justifies itself in the authors' careful working out of some of these implications. However, it is not a deeply technical work. The reader does not need to be an economist and the ability to follow through a few simple diagrams is all that is required. The authors are to be congratulated on their clarity. They make a central distinction between the 'public goods' model of an alliance and the 'joint product' model. Once a public good is provided, either by a single actor or a subset of actors, its benefits cannot be denied to other actors. This opens the classical problem of the free rider and the controversies concerning burden sharing. In the joint product model the good is jointly provided and the free-riding issue is less significant. There can, of course, be mixed models. While this is well known in alliance theory, and the free-riding issues have been discussed often in the context of NATO, there is a freshness about the analysis in this book and its concern to test hypotheses that make it valuable.