Support for Alternative Principles of Justice Among Urban Officials

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Abstract

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To understand how urban officials think about distributive justice, 119 members of city councils and school boards in twelve cities throughout the U.S. were interviewed. This paper is a preliminary report on the findings. The level of support that officials provide for 21 justice principles — including such norms as equity, libertarian justice, utilitarianism, equality, compensatory justice, rights, and equal opportunity — are described and analyzed. Various interpretations that officials have of these principles are considered. Some examples of how they apply these principles to urban policy making are provided. The findings suggest the inadequacy of justice theories that focus on one or a few principles of justice. Instead, the findings point to the importance of a pluralist theory of justice that recognizes that a large number of justice principles have applications to different types of urban issues.

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During the past quarter century, debates over the question "what's fair?" have dominated political philosophy. John Rawls's *Theory of Justice* (1971) has sparked an enormous body of scholarship over the best principles that a good or just political community should adopt in distributing primary social goods. Rawls's defense of egalitarian principles of justice and a strong state that redistributes goods in a manner that benefits its least-advantaged citizens was, of course, challenged by libertarians who argued that inequalities arising out of free production and exchange are just and that only a minimal state providing basic security is defensible (Nozick, 1974). But the famous Rawls-Nozick debate has moved well beyond a dialogue within liberalism — between egalitarian liberals like Rawls and libertarian liberals like Nozick. Utilitarians have reasserted the importance of simply maximizing human happiness (Hare, 1982). Neo-Marxists have reexamined and reinterpreted Marx in order to try to stake out a position to the left of Rawls (Arneson, 1981; Roemer, 1988; Lukes, 1985). Communitarians have criticized the "unencumbered self" and the neutral state that is apparently assumed in liberal theory (Sandel, 1982) and have suggested that a just state should encourage virtue and discourage that behavior that departs from a community's conception of the good (MacIntyre, 1981). Justice theorists have argued that the distribution of social goods should reflect rights (Dworkin, 1977; Martin, 1985), deserts (Sadurski, 1985, Sher, 1987), needs (Williams, 1962; Lucas; 1972) and various other criteria. And one strand of feminism has argued that the whole "ethic of justice" should be replaced (or at least complemented) by an "ethic of care" (Gilligan, 1982). A huge secondary literature has emerged attempting to describe, analyze and synthesize these treatments of justice (see, for example, Miller, 1976; Campbell, 1988; and Kymlicka, 1990), but thus far t the question "what is justice?" has eluded any academic consensus.

Urbanists are likely to recall that their own field was once characterized by similar debate and conflict over the question "who governs?". The initial debate between elite theorists (Hunter, 1953) and pluralists (Dahl, 1961) sparked many criticisms of the concepts and methods employed by the protagonists (Bachrach and Baratz, 1970; Polsby, 1980), gave rise to alternative approaches to the analysis of power including the examination of its second and third faces (Crensen, 1971; Gavanta, 1980), and spurred the development of a variety of new and competing models of community power. Seeing little resolution to the issue of whether power in communities is centralized in a business elite or dispersed among a wide variety of interests, new models of analysis emerged suggesting that power could best be analyzed by describing and explaining variations in the power of elected officials (Eulau and Prewitt, 1973), the public (Schumaker, 1981), activists (Verba and Nie,

1972), bureaucrats (Lipsky, 1980), various interest groups (Yates, 1977) and segments of the community such as "the growth machine" (Logan and Molotch, 1987). Regime theorists such as Clarence Stone (1989) suggested that the whole debate inappropriately employed a social control model of power (focusing on "power over") and should be replaced (or at least complemented) by a social production model of power (focusing on "power to"). And a significant secondary literature emerged attempting to describe, analyze, and synthesize these findings about community power (Peterson, 1981) or suggesting that the whole field was hopelessly muddled in ideological differences, contributing to the "tragedy of political science" (Ricci, 1984).

Perhaps because urbanists have wanted to avoid the controversies and lack of normal scientific progress that characterized the study of community power, they have paid scant attention to recent developments regarding theories of justice. The most significant exception to this neglect is the urban service delivery literature. Stemming from the *Hawkins v. Shaw* decision by the U.S. Fifth District Court in 1971, which found that Shaw, Mississippi, had intentionally discriminated against blacks in the provision of basic city services, urbanists have, of course, examined the distribution of city services. Such studies examined whether services where distributed on the basis of such criteria as equality, "market equity" (delivering services in proportion to the taxes that citizens pay), compensation (delivering more services to disadvantaged neighborhoods), and needs (Levi, Meltsner, and Wildavsky, 1974: 16; Lineberry, 1977; 37; and Rich, 1982). Despite some controversies regarding concepts and methods (see, for example, Feiock, 1986), and some suggestions that equal distributions of resources did not ensure equal distributions of outcomes (Jones, 1980), the general thrust of this research suggested that blatant discrimination in services – such as that discovered in Shaw – was not the norm in American communities. Perhaps such studies provided reassurance that justice is being delivered in cities, and little additional study in the area is required.

Or perhaps urbanists began to doubt that the delivery of "social justice" was a proper concern of city officials. Paul Peterson's influential *City Limits* (1981) argued that it is not in the city's economic interests to undertake redistributive policies that attract the poor and drive out the rich, discouraging economic growth. From this perspective, cities do not constitute the appropriate arena for examining Rawlsian concerns about delivering polices that benefit the least advantaged. As a consequence, recent studies of policy distributions by urban officials have been small in number and aimed at specific policy areas. For example, the extent to which (and the conditions under which) blacks and Hispanics have received a fair share of municipal jobs has been a subject of considerable study (see, for example, Mladenka, 1989; McClain, 1993). The inequalities of access to educational opportunities between rich and poor (Kozol, 1991) and between blacks and whites have also received some attention from political scientists (Meier, Stuart, and England, 1991). And differences in welfare spending in cities have been investigated (Sharp and Maynard-Moody, 1991). Other recent studies of urban policy distributions have focused on efforts to pursue social justice in specific circumstances – such as in

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Harold Washington's Chicago (Mier, 1993). While these studies have provided insights into some aspects of urban justice they have — for the most part — proceeded without attention to the theories of justice developed in the philosophical literature, and they have thus failed to consider complicated issues regarding the appropriate principles of justice that ought to guide policy decisions and serve as criteria for evaluating the fairness of policy decisions.

Perhaps the greatest complication regarding theories of justice and their application to urban politics is that it is doubtful "that there is one, and only one, distributive system that philosophy can rightly encompass" (Walzer, 1983: 5). Walzer argues that there are many different social goods to be distributed, and different goods should be distributed by different procedures and agents and according to different criteria. Thus, for example, basic urban services like police protection might best be distributed equally to all citizens by local governments but municipal jobs like teaching positions must necessarily be distributed unequally by search committees that employ "loose" criteria involving the qualifications of applicants for these jobs (Walzer, 1983: 65-67 and 136-139). Walzer's work is especially provocative because it challenges political scientists to identify the multitude of principles of justice that are applicable to the distributive issues faced by governments in cities (and other jurisdictions); it challenges us to understand what justice principles are applicable to what sorts of decisions; and it stimulates us to discover the policies that officials in various cities have used to implement various justice principles or to redress existing injustices as implied by alternative principles (see also Anderson, 1990).

The ultimate promise of Walzer's complicated approach to theories of justice is that it might redeem the theory of pluralism — or, better yet, allow for its reformulation (Schumaker, 1991). Walzer suggests that pluralism is better understood as a theory of alternative principles of justice than as a theory of competing powerful interests. The orthodox theory of pluralism held by most urbanists is a theory about the multitude of interests that seek to attain and exercise power. It maintains that policy decisions are resolved in a manner that reflects the power of completing interests, that many interests in cities are organized, active, and influential, and that policy outcomes are thus basically fair because all groups get some of what they prefer in the policy process. This theory has, of course, been criticized on both empirical and normative grounds. Empirically, it is questionable whether power is in fact broadly dispersed (Parenti, 1971). And normatively, it is questionable whether just policies can result from competition among self-interested actors in the absence of considerations of broader principles about justice and the public interest (Lowi, 1979). In contrast to orthodox pluralism, Walzer's pluralism is a theory about the multitude of principles that are applicable to the distribution of many social goods — not just the distribution of power. It maintains that policy decisions should be resolved (and sometimes are resolved) in a manner reflecting principles that embody widely-held social meanings, that many principles are applicable depending on the specific goods being distributed, and that policy outcomes are fair when they reflect those particular principles of justice that are relevant to the issue at hand. Of course, many difficulties must be addressed

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before embracing such a theory. We must identify the principles of justice that have broad social meaning. We must determine which of these principles are applicable to various types of distributions. And we must examine the extent to which policy decisions reflect applicable justice principles and develop theories about factors that facilitate and hinder the attainment of just policies.

A Study of Urban Justice

To begin to investigate such issues, I interviewed 119 urban officials between March and August, 1993, about their conceptions of justice and how they have applied various principles of justice to policy decisions. The interviews were conducted in twelve cities: Atlanta, Austin, Baltimore, Green Bay, Kansas City, Minneapolis, Orlando, Pasadena, Providence, Salt Lake City, San Jose, and Seattle. These cities were selected to try to capture the diversity of urban life in America. Beyond obvious regional variations, these cities differ greatly in their racial and ethnic composition — ranging from almost entirely white communities (Green Bay and Salt Lake City) to cities that have strong black majorities (Baltimore and Atlanta), substantial Hispanic populations (San Jose and Austin), and a large number of Asian-Americans (Seattle). These cities also vary greatly in their economic conditions, as some (like Baltimore) have been economically distressed, others (like San Jose and Orlando) have enjoyed long periods of economic growth and vitality, and still others (like Austin) have experienced wide swings on the economic pendulum in recent years. And these cities vary in their governmental structures, as some (like Kansas City) have reformed characteristics while most others have unreformed (strong mayor) systems. The cities are generally in the 100,000 to one million population range — large enough to comprise major urban centers yet small enough to allow me to get from one interview to another in a reasonable amount of time. Of course, no claim is made that these cities constitute a random sample of American cities, but these variations can illuminate some of the complexities of urban justice in an exploratory study such as this.

I wanted to interview about five or six city council members and another five or six school board members in each city. After obtaining lists of persons who had served in these capacities since 1980, I simply proceeded to call at random persons who were on these lists, asking them if they would be willing to participate in two-hour long interviews concerning the distributive aspects of policymaking. Depending on the availability of potential interviewees and the logistics of getting from one interview to another, I scheduled between ten and twelve interviews in each city — and thus my sample is composed of the first ten or twelve people who agreed to the interviews. About ten interviews had to be canceled after my arrival in a city because of conflicts that developed in the schedules of those who had earlier agreed to participate in the study.

The resulting sample was evenly split between members of the city council and the school board: 59 persons had served on city councils, 55 had served on school

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boards, and 5 had served in both capacities. Three persons had been mayors of their cities. Ninety-four persons (79 percent) were white, 20 black, two Hispanic, and three were Asian-Americans; for purposes of the present overview, the blacks, Hispanics, and Asian-Americans are classified together as minorities. Women comprised 46 percent of the sample. Sixty-five percent identified themselves as democrats, 22 percent as republicans, and three percent as independents. More respondents identified themselves as liberals (31 percent) than conservatives (23 percent), and many respondents preferred to give themselves other labels such as "moderates" (19 percent), "fiscal conservatives and social liberals" (13 percent), and "radicals" or "socialists" (8 percent). On average, the respondents had completed one year of formal education beyond a bachelor's degree, had lived in their communities 33 years, and held public office for almost eight years. Thirty-five percent were still in office at the time of the interviews, and 70 percent had served within the last five years.

The interviews had three main parts. I began by asking respondents to tell me at least one story (and often two or three stories) about "issues, policy areas, or cases that arose while [they] were in office" that exemplified issues of "fairness" as they understood that term. One purpose of this portion of the interview was to understand how respondents conceived of "distributive justice" in their own terms. Since the tapes of these interviews are not yet fully transcribed, I will not now discuss their responses or relate them to particular principles of justice, as discussed during the second part of the interview. During this part of the interview, I presented respondents with 21 cards, each containing a "principle of justice" distilled from the theoretical literature, though often restated in relatively simplified fashion. After respondents read each card, they were asked to:

a. indicate whether they, in general, strongly supported, weakly supported, were neutral, weakly opposed, or strongly opposed the principle. Because respondents often placed themselves in intermediate categories ("I'd say I'm between strongly supportive and weakly supportive on this one"), what was presented as a five-point scale was ultimately coded as a nine-point scale with "9" indicating strong agreement, "5" indicating neutrality, and "1" indicating strong opposition. Respondents occasionally indicated that they failed to comprehend a principle or thought it completely irrelevant to urban policymaking; for present purposes, these are coded as missing data.

b. indicate the reasons why they approved or disapproved of each principle;

c. indicate the kind of cases where they thought each principle was successfully or unsuccessfully applied in their communities; here, respondents were again encouraged to describe specific incidents regarding such applications and misapplications of the principles.

Based on their evaluations and applications of each principle, respondents' interpretation of the meaning of these principles was usually evident. However, when the meaning of a principle to the respondent remained ambiguous, I usually probed to specify some sort of meaning to the principle that was agreeable to the respondent.

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During the third part of the interview, I asked respondents about their backgrounds (where they grew up, where they went to school and what degrees they attained, what kind of jobs they had held, and so forth) and their political careers (their party identification, how they were usually labeled and how they labeled themselves ideologically, the characteristics of their district or constituency, the primary objectives they pursued while serving in office, the main things they stood for as a public official, and so forth). Their responses to these questions provides the basis for coding each respondent for those factors that (potentially) influence their justice principles.

This paper provides the most basic summary measures from the second and third parts of these interviews. Table 1 indicates the overall levels of support for each of 21 justice principles, where these principles are listed from those which are most opposed (having the lowest mean support scores) to those which are most supported (having the highest mean support scores). To indicate the levels of consensus and disagreement regarding each principle, the third column of Table 1 reports standard deviations; the smaller the standard deviation (std. dev.), the greater the consensus about the value of a principle. Table 1 also shows differences between the attitudes of city council and school board members (the five persons who served in both capacities being omitted from this analysis). The mean support scores for each principle are provided for both city council members and school board members, and the principles are ranked from that most supported (1) to that least supported (21) by these two sub-samples of city officials.

Table 2 indicates those cities where there is relatively great support or opposition to each principle. The mean support score for each principle was calculated for all respondents in each city. When the resulting support score for a city was one point greater than the overall mean, the city is listed as being a place where support for the given principle is strong. When the resulting support score for a city was one point less than the overall mean, the city is listed as being a place where support for the given principle is weak.

Table 3 indicates the characteristics of public officials that are related – using both correlation and regression analyses – to support for each principle. The following characteristics are considered:
    a. the **race** of officials, where persons are simply categorized as white or minorities; positive numbers indicate that minorities are more supportive than whites of a principle, while negative numbers indicate that whites are more supportive than minorities of a principle.
    b. the **gender** of officials; positive numbers indicate that women are more supportive than men of a principle, while negative numbers indicate that men are more supportive than women of a principle.
    c. the socioeconomic status, or **class**, of officials as assessed on the basis of their educational backgrounds, occupations, and place of residence; positive numbers indicate that upper-class officials are more supportive than lower-class officials of a principle, while negative numbers indicate that lower-class officials are

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Table 1
Support for Various Principles of Justice Among Urban Officials

Principles (in rank order)	All Officials Mean	Std. Dev.	City Council Rank	Mean	School Board Rank	Mean
Equity	2.71	2.11	21	3.00	21	2.33
Ceilings	3.34	2.77	20	3.08	20	3.45
Libertarian Justice	3.50	2.19	19	3.20	18	3.89
Moral Virtue	3.90	2.62	17	4.05	19	3.83
Effort	4.02	2.33	18	3.98	17	4.04
Previous Expectations	4.57	2.66	16	4.36	13	4.64
Ethic of Care	4.68	2.67	15	4.75	14	4.58
Complex Equality	4.76	2.66	13	5.02	16	4.30
Probable Success	4.94	2.82	10	5.47	15	4.39
Rotated Inequalities	5.08	2.92	14	4.91	12	5.04
Utilitarianism	5.23	2.52	11	5.41	10	5.05
Equality	5.26	2.81	12	5.32	11	5.04
Natural Talents	5.68	2.28	9	5.57	8	5.75
Social Merit	5.97	2.47	7	6.21	9	5.69
Ascriptive Traits	5.99	2.80	8	6.18	7	5.85
Pure Procedure	7.02	2.45	6	7.18	6	6.71
Compensation	7.05	2.04	5	7.36	5	6.87
Needs	7.61	1.89	4	7.55	3	7.80
Floors	7.79	1.79	3	7.92	4	7.72
Rights	7.96	1.45	2	7.97	2	7.96
Equal Opportunity	8.58	.81	1	8.49	1	8.65

Table 2

Cities Where Support for Various Principles of Justice is Especially Strong or Weak

Principles	Cities where support is strong	Cities where support is weak
Equity	Kansas City, Austin	Atlanta
Ceilings	Pasadena, Baltimore	Atlanta, Providence, Seattle
Libertarian Justice	Orlando, Providence	--
Moral Virtue	Pasadena, Minneapolis	Seattle
Effort	Green Bay, Providence	Minneapolis, Orlando Pasadena
Previous expectations	Orlando	Baltimore, San Jose
Ethic of Care	Green Bay, Minneapolis Providence, Baltimore	Orlando, Seattle
Complex Equality	Minneapolis, Atlanta	Seattle, Salt Lake City
Probable Success		Providence, Pasadena
Rotated Inequalities	Orlando, Atlanta, Minneapols	Salt Lake City, San Jose
Utilitarianism	Orlando, San Jose, Atlanta	Seattle, Minneapolis Kansas City
Equality	Providence, Atlanta	Green Bay
Natural Talents	--	Austin, Kansas City
Social Merit	Pasadena, Orlando	Providence, Seattle
Ascriptive Traits	Kansas City, Austin	Providence, Baltimore
Pure Procedure	Minneapolis, Atlanta	Austin
Compensation	Minneapols	Austin, Salt Lake City
Needs	--	Orlando, Baltimore
Floors	--	Salt Lake City
Rights	--	Salt Lake City, Austin
Equal Opportunty	--	Kansas City

Table 3
Variables Effecting Support for Various Principles of Justice

	Race	Gender	Class	Educ	Cosmo	Party	Ideology	Constit.	Seniority
Equity						-.24			.29
									.32*
Ceilings							.21		
Libertarian Justice						-.28*	-.32*		
						-.19	-.28		
Moral Virtue									
Effort					-.22				
				.21	-.26	.20			
Previous Expectations	-.21								.34*
							-.21		.31*
Ethic of Care						.20			
						.33*	-.26		
Complex Equality		.23			.21	.30*	.25		
		.22				.26			.21
Probable Success									
Rotated Inequalities		-.20						-.24	
		.21	-.24						.20
Utilitarianism				-.21		-.24*	-.28*		
				-.28			-.22		-.21
Equality					-.28*		-.21		
				-.20	-.25		-.19		
Natural Talents	-.23								
	-.18	.27					-.22		
Social Merit					.30*				
					.27				
Ascriptive Traits			.18		.20				
Pure Procedure				-.24					.19
						.24	-.23		
Compensation							.21	-.22	
Needs		-.19			.20	.24*			
							.19		.20
Floors			.23			.22	.39*		
		-.20					.41*		
Rights		.19		.24		.38*	.40*		
		.24		.21		.22			
Equal Opportunity						.30*	.28*		
						.21	.21		

more supportive than upper-class officials of a principle.

d. the **educational** attainment of officials as assessed on the basis of their highest degrees and number of years of education beyond their highest degree; positive number indicate that more educated officials are more supportive than less educated officials of a principle.

e. the **cosmo**politanism of officials as assessed on the basis of whether they have lived all or most of their lives in their current location or have spend significant portions of their lives in a variety of other locations; positive numbers indicate that more cosmopolitan officials are more supportive than more parochial officials of a principle.

f. the **party** identification of officials; positive numbers indicate that democrats are more supportive than republicans of a principle, and negative numbers indicate that republicans are more supportive than democrats of a principle.

g. the self-reported **ideology** of officials; positive numbers indicate that persons on the left of an ideological continuum (radicals, progressives, and liberals) are more supportive than conservatives of a principle, and negative numbers indicate that the greater is one's self-reported conservatism, the greater is his/her support for a principle.

h. the **constituency** of officials; positive numbers indicate that those representing more affluent districts or constituents are more supportive of a principle than those representing less affluent districts or constituents.

i. the **seniority** of officials; positive numbers indicate that the longer that persons served in office, the more supportive they tend to be of a principle.

Each of these characteristics were correlated with each principle. Significant correlations (at the .05 level) are reported as the top entry in the appropriate cells of Table 3. If the correlations are significant at the .01 level, as asterisk (*) is added. All of these characteristics were then treated as independent variables in multiple regression equations having the various principles as dependent variables. The beta coefficients that are significant at the .05 level are reported as the bottom entry in the appropriate cells of Table 3; such beta coefficients, of course, estimate the independent effects of each characteristic on the support for the various principles of justice. Overall, the relationships between these characteristics and support for various justice principles are not strong, and together these characteristics seldom explain more than 20 percent of the variance in officials' support for justice principles. However, these relationships are normally in directions that are intuitively satisfying, as we shall see as we turn now to a discussion of official support for each of 21 justice principles.

Support for 21 Justice Principles

Let us begin by discussing the justice principle that is most opposed by elected urban officials and proceed in order of increasing popularity to the justice principle that is most supported by such officials

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Equity. John Rawls, of course, was not the first political philosopher to identify and defend principles of distributive justice. According to Aristotle in his *Ethics*, an important dimension of justice is proportionate equality, which occurs when the community distributes goods in proportion to one's contribution to the community; if one citizen's contribution to the community is twice that of another citizen, then the first citizen should receive twice as many goods in return. In a more recent articulation of this idea, Wojciech Sadurski (1985: 106) argues for a theory of justice as an equilibrium that "is achieved when the overall level is equal for all people, that is, when the ratio of one person's outcomes to inputs is equal to other person's outcome/input ratio." In the urban service literature, this justice principle appears as "market equity – that an agency should give a citizen benefits in proportion to the taxes he pays" (Levy, Meltsner, and Wildavsky, 1974: 16). To capture this idea, the urban officials I interviewed were presented with the following principle:

> Public officials should make agreements and exchanges with other organizations and people (and enforce transactions among others) in ways that provide proportionate benefits and burdens for everyone involved. Thus, they should seek to ensure that those contributing goods and services worth X units of value receive at least X units of value in return, while those contributing goods and services worth a lesser amount Y should receive a proportionately lesser amount in return.

Just over 50 percent of the officials strongly oppose justice-as-equity, and another 23 percent weakly oppose this principle, making it easily the least supported justice principle in this analysis – by both members of city councils and school boards. Even in Kansas City and Austin, where support for equity is highest, there is more opposition than support for the principle. The longer people had served in public office, the more sympathetic they are to equity, but even among those with the longest tenures of office, there is more opposition than support. Not surprisingly, opposition to equity is strongest among democrats.

This is not to say that equity has no role as a distributive principle in urban politics. When people support the idea, they tend to interpret it as involving fair exchanges among governmental entities or between governmental agencies and contractors. If a city and a school district shared the expense of building a facility, then the facility should be available for city-wide and school activities on a proportionate basis. If a city awarded contracts to several contractors, it should receive services from the contractors in proportion to the funds paid to them.

But most officials interpret the equity principle as meaning that citizens should receive services in proportion to the taxes they pay, and few see any merit in this idea. As one black councilman from Atlanta put it, "If we did this, a few would get everything back. In Atlanta there are three (corporate) property owners that pay close to $60 million in property taxes. If we did this, they would have most of the police, fire protection, water, and so forth. Eighty percent of the private sector in Atlanta is

business; we can't give them 80 percent of all city services."

Ceilings. In a provocative experiment about citizens' attitudes about just distributions of incomes, Frohlich and Oppenheimer (1992: 36) proposed the idea that the state should "guarantee that the difference between the poorest and the richest individuals (i.e., the range of income) in society is not greater than a specified amount." This principle means that an upper limit, or ceiling, would be set on the income available to the most well-off members of the community. In the interviews, this idea was presented simply as:

> Public officials should establish upper-limits on the goods received by the well-off.

Just as Frohlich found little support for this idea in their experimental design, I found little support for the idea among urban officials. Most persons would agree with a school board member in Seattle who said, "I am offended that a weak-hitting shortstop gets paid $3 million a year, but it's not the job of government to prevent that from happening."

Still, especially among radicals and liberals (and disproportionately among officials in Baltimore and Pasadena), the idea of ceilings is not without merit or support. One common response was that, while government should set no ceiling on salaries, they should adopt progressive taxes. But some officials think the idea had further applications. One person, for example, suggested that governments could put caps on executive salaries for those businesses having large contracts with them. And school board members often complained about rich parents who try to circumvent state equalization policies by donating extra funds to neighborhood schools; most think that upper-limits on such donations should be established to ensure the fundamental equality of public schools.

Libertarian Justice. Libertarians have argued that people are entitled to those goods that they acquire through just processes of acquisition and transfer – through processes that reflect the free choices of individuals that violate no one's rights (Nozick, 1974). Libertarians stress that the free market is the appropriate process for distributing most goods, and they reject governmental redistribution of market allocations and governmental prohibitions on free market exchanges as unjust violations of people's property rights. To assess officials' support of libertarian justice, the following principle was presented to them:

> Public officials should avoid redistributing those allocations of goods that have been made by the free choices of individuals, often through the free market.

Only 15 percent of the officials (either weakly or strongly) support this principle; about 25 percent are neutral about it; and over 60 percent (either weakly or strongly) oppose it. Even in the most libertarian community in the sample – Orlando – there is

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little more support than opposition for libertarian justice. Support for this justice principles is predictably strongest among conservatives and republicans.

Despite widespread opposition to libertarianism, no one interpreted this principle as implying that governments should replace markets as the primary vehicle for distributing incomes and basic commodities. Instead, opposition to libertarian justice is prevalent because local officials believe that governments, including urban governments, should be a corrective to certain market failures. Many officials recognize libertarian justice as prohibiting publicly-financed welfare and social service programs. Many school board members believe that libertarian justice would permit parents to enroll their children in whatever school they wished; some think that justice requires school boards to redistribute students among schools (often through busing) to achieve more equal racial and class compositions in the schools; almost all think that the voucher proposal – which would mimic free market allocations of educational goods – would be disastrous for public education and hurt the educational opportunities available to poor children. One councilwoman in San Jose described how the application of libertarian justice to the distribution of land would enable developers to buy up land on the hillsides adjacent to the community, build homes there, and sell them to receptive buyers in a free market, creating enormous environmental and transportation problems for the rest of San Jose. Public officials offered numerous such examples of the problems of libertarian justice, leading to widespread agreement that city governments and school boards must often interfere with the allocation of goods that occur by the unimpeded free choices of individuals.

Moral Virtue. Since the beginnings of political philosophy, various schools of thought have maintained that a good state should encourage and reward moral virtue in its citizens. In the *Republic*, Plato portrays justice as a proper relationship among the virtues of wisdom, courage, and temperance, and his ideal city rewards those with wisdom and courage with positions of authority and honor. Currently, communitarianism has emerged as a perfectionist theory of justice. In contrast to a "neutral" liberal state which refuses to endorse any particular conception of the good life, the perfectionist state believes that certain virtues should be promoted and that resources should be distributed so as to encourage such development. Communitarians, like Alister MacIntyre (1981) and Michael Sandel (1982) believe that the state "should encourage people to adopt conceptions of the good that conform to the community's way of life, while discouraging conceptions of the good that conflict with it," and it should distribute resources in ways that stimulate citizens to develop virtue either by providing citizens the resources they need to pursue virtue or by rewarding those who have exhibited it (Kymlicka, 1990: 205-7). To inquire about support among urban officials for communitarian justice, they were asked to react to the following principle.

Recognizing that individuals differ in their moral virtue, public officials should reward those who are most generous, considerate, and kind toward others and

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whose conduct most conforms to the dominant moral values of the community.

Most officials (55 percent) oppose this principle, including 31 percent who strongly oppose it; In contrast, only 25 percent support it, including only eight percent who strongly endorse it. Support for communitarian justice is somewhat higher in Pasadena and Minneapolis than in other cities, but various characteristics of public officials -- such as their race, class, and ideology -- are unrelated to their support for this justice principle.

Most officials think that society, but not government, should promote and reward moral virtue. Four interrelated themes were often expressed by officials during the interviews. First, officials recognize the diversity of views among their citizens about what constitutes the good and virtuous life, making it difficult for them to discern the conception of the good that is dominant in communities. Second, officials believe that dominant community beliefs about the good are sometimes mistaken. As one official in Atlanta put it, "most people here are homophobic, but that doesn't make it right for public officials to suppress gays and lesbians." Third, officials thus think that governmental reinforcement and reward for dominant moral values can violate the rights and liberties of those minorities having other moral values. And, fourth, officials fear that when governments get involved in moral issues, they get into trouble -- they alienate certain constituents, and they get diverted from more pressing problems.

But despite these objections, most officials see enough merit in communitarian justice to not dismiss it entirely. Some think that those with the most moral virtue should be rewarded, not with money or more city services, but with influence and positions of leadership in the community. Some think that although it is difficult to discern dominant community conceptions of the good, it is much more easy to discern dominant community conceptions of the bad. Accordingly, they think that justice requires punishment for disruptive and obnoxious behavior. School officials in particular normally believe that "kids need to be taught proper social values" and that "behavior codes are appropriate for the schools."

Effort. According to George Sher (1987: 54), most people think that diligent effort should be rewarded: "what hard workers deserve is what they have tried to accomplish." The effort principle of just deserts clearly dissociates effort from success or actually achieving what one set out to accomplish, and it does so because the success that a person achieves is often due to factors beyond her control (Hochschild, 1981: 60-64). Some people may be successful even when they fail to exert themselves because they have natural endowments that are unearned or simply because of luck. And other people may put forth their best efforts but fail because nature (unfairly) gave them few endowments or because lady luck turns against them. Rewarding effort alone is said by desert theorists to be important for two reasons. First, (as John Locke argued in his labor theory of value) the things that communities value are given their value, in large part, by the efforts that people expend; by rewarding effort, we encourage effort, and through effort value is created. Second,

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distributive schemes should be "ambition-sensitive" while being "endowment insensitive" (Dworkin, 1981: 311). People cannot choose whether or not to be endowed with those resources that may make them successful; they are not responsible for (most of) their endowments. But people can choose to be ambitious and exert effort, and it is important to foster autonomy, maturity, and responsibility by rewarding the choice of hard work (Kymlicka, 1990: 73-85). To assess officials reactions to the effort principle, the following idea was presented:

> Recognizing that individuals and groups differ in the efforts and initiatives they put forth, public officials should reward those who make the most effort, regardless of the effectiveness of their efforts.

This principle is opposed by 50 percent of the sample, with 25 percent being neutral, and 25 percent indicating various degrees of support for it. There is slightly more support than opposition to the effort principle in Green Bay and Providence, and there is very strong opposition to the idea in Minneapolis, Orlando, and Pasadena. More educated people, more parochial people, and democrats are slightly more supportive of rewarding effort than are their categorical counterparts.

Though members of city councils and school boards have similar levels of opposition to the idea of rewarding effort — largely because they doubt that effort devoid of success should be rewarded — the idea was generally seen as less relevant to the distribution of goods in the city than in the schools. As one council member in Pasadena said, "this is not a very helpful principle in allocating city resources." A few council members granted that the principle might have some applicability in distributing funds among neighborhoods, because those neighborhoods with strong volunteer efforts to improve their areas should be encouraged and rewarded. But others thought that it was precisely those neighborhoods where citizens took the least initiative that were most distressed, and that the city should target its funds toward the mobilization of such neighborhoods. City officials questioned whether it was fair to reward those who put the most effort into lobbying government for funding. As one woman said, "with this principle, you end up giving most resources to those who make the smoothest presentations" rather than to those who use resources most effectively or who have the greatest need of city funding.

Some school board members think that rewarding effort alone is important, especially the efforts of younger students. One person in Salt Lake suggested that the schools provide each student with three grades: one for actual accomplishment, one for progress, and one for effort. But most board members are unwilling simply to reward effort. In fact, many think that too many teachers are passing on to next level those who put forth some minimal effort even though they fail to learn the material. This practice, it is maintained, only gives students a false sense of accomplishment and possibilities. "Kids think they can become doctors when they can't read". A different though equally opposed perspective on the dangers of the effort principle was articulated by a black board member in Pasadena: "Black boys with low self-esteem

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aren't going to put forth effort. We need to allocate resources to help change that. The kids who don't make the effort are the kids who need help the most." Thus, urban officials often doubt the basic underlying premise of the effort principle; rather than assuming that people can freely choose to exert effort, they believe that ambition is itself an endowment that some people lack because they are "victims" of deprived backgrounds.

Previous Expectations. According to Jon Elster (1992: 244), a crucial component of fairness is the principle of legitimate expectations. People come to expect to receive particular goods, and often these expectations are not merely wishful thinking but are derived legitimately from such things as promises and on-going practices. When people have a legitimate expectation to receive a good, it is unjust to withhold that good. Accordingly, public officials were asked to react to the idea that

> When distributing goods, public officials should closely follow legal precedents, previous budget allocations, and existing norms and procedures so as to minimize dashing people's previous legitimate expectations.

This principle is supported (to varying degrees) by 32 percent of the officials and opposed by 45 percent of them, with the remainder being neutral. The importance of not dashing previous legitimate expectations is most supported in Orlando, and least supported in Baltimore and San Jose. A conservative ideological orientation and long tenures in public office contribute to support for this principle.

One factor that contributes to a large percentage of neutral and weakly supportive and opposed positions on this principle is the difficulty of determining whether people's expectations are legitimate; as many officials pointed out, people often have expectations to receive benefits from government but the legitimacy of these expectations is problematic. For the most part, officials believe that expectations derived from legal precedent are legitimate. However, they tend to believe that expectations derived from previous budget allocations are less legitimate; officials usually prefer to practice incremental budgeting where base budgets are maintained from year to year, thus ensuring that the goods received by agencies and program recipients are not cut, but officials also recognize that governments cannot always deliver the goods they once did because available resources can decline and because more pressing needs can arise. Finally, officials are even less inclined to view as legitimate those expectations derived from existing norms and procedures. Officials seem to regard such norms and procedures as the legacy of their predecessors, and they seldom feel bound by the practices of those they have replaced in office. In general, officials resist the principle of legitimate expectations because they see it as a barrier to change, and even conservatives view some change as necessary. The principle of legitimate expectations seems to remind officials that when policy changes are made that take away the goods that some people have historically received, officials must provide convincing explanations for their actions and not be merely arbitrary in dashing people's previous expectations.

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Ethic of Care. A strand of feminism has emerged that differentiates "an ethic of justice" from an "ethic of care" (Gilligan, 1982: 238). According to such female voices, the justice principles discussed above (and those to be discussed below) all have a common defect: they employ a male form of reasoning that emphasizes cognitive knowledge of principles having universal applicability aimed at providing the just deserts and rights of potential recipients of goods. In contrast, an ethic of care emphasizes having a caring disposition, an inclination to perform acts that aid particular people, and a willingness to accept responsibility for others because of one's relationships with them. This perspective suggests that rather than applying justice principles to distributional issues, officials should simply adopt the ethic of care (that women are more likely to possess than men). When policy makers have a disposition to care, rather than an eagerness to apply abstract justice principles, their sense of responsibility toward others leads them to treat others as unique individuals (with particular needs) rather than as abstract persons (whose needs are undifferentiated from those of others) and to foster positive affective relationships among people rather than preserve the separateness of those who demand their rights and just deserts. To examine the support of officials for an ethic of care, I presented them (as the last of the 21 principles) with the following idea.

> Public officials should ignore or look beyond various abstract principles of fairness and justice and simply adopt an ethic of care in which they recognize the real difficulties and needs of particular people and take responsibility for helping concrete persons to the greatest extent possible.

A few officials were strongly taken by the ethic of care. A woman on the school board in Green Bay asked to keep my card containing the care idea, so that she could tape it to her office door as a declaration of her ethical manifesto. An Italian-American lawyer in Providence declared his support for the idea: "Let's throw out abstract principles and deal with reality." A woman in Baltimore thought that policy makers would become less "lost in abstract principles and be less intransigent" if they simply focused on concrete cases of need. And a black councilman in Atlanta exclaimed simply, "This is it." In Green Bay, Minneapolis, Providence, and Baltimore and among democrats there is greater support than opposition for this idea, but overall urban officials tend to reject the ethic of care. Interestingly, men and women officials do not differ significantly in their support of the ethic of care.

Opposition to the ethic of care takes two basic forms. One group of officials believes that application of the idea is actually detrimental to achieving just policies or the public good. "Its a disguise for patronage," declared one school board member in Kansas City. And a member of the city council in Atlanta claimed that "its too easy to get wrapped up in the personal problems of individuals, leading you to change a policy which then results in even more people getting hurt." But a larger group of officials thought that the ethic of care expresses a noble sentiment with which they agree but which they do not see as conflicting with using other principles of justice. A council member in Pasadena expressed this view elegantly: "If inductive thinking is

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correct, then it must lead to deductive principles, and the principles allow you to deduce who to care for. Its the chicken-and-egg syndrome. Each [ethic] informs and serves to evaluate the other." (A somewhat similar analysis of the ethic of care is provided by Kymlicka, 1990; 262-86).

Perhaps the ethic of care is more appropriate as an administrative principle than as a policymaking principle. Several school board members commented that teachers should use the ethic in their classroom, but that they, as policy makers, need to be guided by principles of justice. A school board member in Pasadena said that when particular families suffer unduly because of policies reflecting abstract principles, she tries to exercise the ethic of care, not by changing policies, but by taking up their difficulties with appropriate administrators. Cities may have human service departments, citizen complaint centers, and ombudsman offices to exercise the ethic of care.

Complex Equality. According to Michael Walzer (1983: 10-11), our greatest sense of injustice occurs not when there are unequal distributions of goods, but when those who have the most of some "dominant good" use that good to acquire a wide range of other goods. For example, we don't so much object to the rich having a lot of money as we object to their using it in inappropriate ways that devalue others and violate our sense of fairness; the rich should not be able to buy political influence, an innocent verdict from a jury, exemptions from political obligations (military service), the love of another, metals of honor, the liberty of other people and so forth (Walzer, 1983: 102). Similarly, we don't so much object to the powerful having power as when they use it to accumulate other goods for themselves. As a result, justice requires that certain exchanges across goods be blocked, so that those with the most money (or other dominant good) do not also end up with all of the other goods (like education, social recognition, power, free time, love, and so forth) that people value. This idea was presented to officials as follows:

> Public officials should try to prevent the accumulation of inequalities across a variety of goods. Thus, they should seek to prevent those with the most of good X from using that good to acquire unequal shares of goods Y and Z.

More officials were unsure of the meaning and application of this justice principle than of any other idea presented to them, probably reflecting both the complexity and novelty of Walzer's theory. Nevertheless, most offered some reaction to it, and overall these reactions were slightly more negative than positive. The principle of complex equality receives its greatest support in Orlando, Atlanta, and Minneapolis and among women, those with relatively lower socioeconomic statuses, and those who had served the longest in office.

Many viewed the principle as an attack on capitalism; they thought that if people had legitimately acquired a good -- and most thought about wealth in this context -- they should be allowed to use that good as they wanted. To such responses, I

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usually questioned whether they thought that the wealthy should be able to purchase political power. Those who answered that "that's the way the world works" were normally confirmed in the opposition to complex equality. Those who answered that some limits on campaign spending were appropriate (or some variation of this theme) often moved their opposition to a more moderate position.

Beyond the (usually prompted) example of blocking the capacity of money to buy power, the most frequent applications of this principle dealt with education. Some thought that school administrators and teachers should prevent those kids from advantaged homes from getting "all the oak-leaf clusters" — all of the honors and good positions in the school. "Every kid needs a shot at his day in the sun." Similarly, some thought that "money should not be able to buy one's way into Harvard," as such opportunities should be distributed on the basis of ability, not on the basis of money. But city officials doubt that they (or any governmental officials) should prohibit or block such uses of money. They prefer that the injustice be dealt with by having government make available such opportunities to those without money, for example, through public scholarship programs.

Probable Success. One idea about the distribution of governmental resources that is not prominent in the philosophical literature but recurs in the policy analysis literature (under the label of "triage") concerns targeting scarce governmental resources at those who can most effectively use them. According to Hochschild (1981: 64), this norm is, in some sense, the opposite of the effort principle. Instead of rewarding effort regardless of success, this principle would reward success to the possible exclusion of effort. While effort often creates things of value, the creation of something of value is the very definition of success. To target resources at those who can must effectively use them, governmental officials must make predictions about whether investment of funds in some person or group will create something of value, for the good of that person or group or the community as a whole. The prediction is based on certain qualities of the potential recipient of the good. Some people are "hard cases;" they have qualities that make it unlikely that their receipt of resources by government will have positive results. Other people have either prior records of success or qualities that predict they will become "success stories." According to Jon Elster (1992: 93), it is often believed that efficiency dictates that government focus its resources on the likely success stories. (Perhaps theorists of justice have ignored this distributive criteria because of the prevailing assumption that efficiency is not an aspect of justice.) To attain the reactions of officials to this idea, the following statement was presented:

> Recognizing that the recipients of various benefits and resources do not make equally effective use of these goods, officials should target public resources to those people who are most likely to use these goods effectively and successfully.

Officials are almost equally divided about the appropriateness of this probable-

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success principle, and support for the principle is unrelated to their background and political characteristics. Almost all officials see the logic of not giving scarce resources to those who don't accomplish anything with them, but some officials think that ineffectiveness must sometimes yield to other considerations.

When something of great value is at stake, perhaps nothing can trump the need for effectiveness. As one official put it, when you are training someone to be a doctor, it is necessary to target your investment into someone who will be effective because ineffective doctors can be disastrous for society. Another official suggested that agencies providing day care should be carefully screened to ensure their effectiveness and reliability because the lives of our children are so precious and their formative years are so critical to their future development.

But perhaps "success" is less important for programs that are simply intended to help or give opportunities to disadvantaged citizens. Several officials suggested that governments need to allocate resources precisely to those who are predicted to be less successful; as a Pasadena school board member put it, "You don't give your hand to the good swimmer when a boat capsizes; you give it to the one who is drowning." Officials often think that some of their programs -- especially social service program -- are not, and need not be, cost effective. The programs are intended to give the ineffective a chance; the purpose is to target those who may not be good candidates for success an opportunity to learn to make more effective use of their resources and abilities. From this perspective, the application of the probable-success principle can lead to injustice when officials "cream" the most effective persons, selecting them, rather than the most difficult cases, for job training, drug rehabilitation, and other social programs. In agencies established to help the most disadvantaged, least-likely to succeed members of society, the practice of creaming is unjust because it is used to further the appearance that it is the agency that is effective or successful.

Additionally, officials recognize that the best predictor of future success is a successful past track record, and if only established groups and agencies are selected to provide governmental services, new groups will be denied an equal and fair opportunity. Thus, a council member in San Jose claimed that, in most situations, officials need to give new groups a chance to succeed – but monitor their effectiveness and cut them off if they fail.

Rotated Inequalities. In the classic pluralist study *Who Governs?* (1961), Robert Dahl developed the concept of dispersed inequalities to describe an acceptable alternative to unequal distributions in situations where our norms prompt us to desire equality. Large inequalities of political power are incompatible with democratic ideas, but inequalities occur because some people have more power resources than others, win office, or participate unequally in the policy process. According to Dahl, these inequalities are acceptable if they are noncumulative. In New Haven, for example, Dahl found noncumulative distributions of power resources; the most wealthy, the most honored, the most popular, the most informed, and so forth

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were different people. He also found that different kinds of people held office in different era. And he found that different kinds of people were more active and influential in different policy areas. Like the principle of complex equality, the norm of dispersed inequalities envisions justice as being served by evening things out overall. But while the principle of complex equality calls for governments to block the accumulation of inequalities that may occur through natural and voluntary social processes, the principle of dispersed inequalities calls for government to even things out pro actively. Perhaps certain goods – especially "lumpy goods" that cannot be cut evenly at one point in time – should be rotated, so that everyone gets what they want or need on a more equal basis over the course of a lifetime. Perhaps such goods can be distributed in such a way that the inequalities cancel each other out in the bigger picture, as when one person gets something she wants or needs while another person gets something else he wants or needs. One of the advantages of dispersed inequalities over equality as a distributional norm is that different people usually want or need different things, or they want and need certain goods at different times in their lives. Using the concept of dispersed inequalities, justice is served by giving different goods to different people in such a way that all are equally well-served overall. To assess officials' attitudes about the principle of dispersed or rotated inequalities, the following statement was presented.

> Public officials should try to even out inequalities among various goods in the long run. Thus, they should seek to give those who got the most of good X a lesser amount of good Y while those who received the least of good X should get greater amounts of good Y. Or they should rotate the distribution of certain goods so that if, at time 1, person A rather than B got a good, then, at time 2, person B rather than A should get the good.

Officials are fairly evenly split in their attitudes about rotated inequalities; the principle is more supported in Orlando, Atlanta, and Minneapolis and it is more opposed in Salt Lake City and San Jose. Women, those officials of lower socioeconomic status or representing less affluent constituencies, and those with the longest tenures in office are most supportive of rotating inequalities.

Officials provided many applications of this idea. While many are unsure that justice is best served by rotation of goods, they recognize that this is how many goods are distributed. "This is a practical idea." "This is political deal-making," they say. Council members rotate leadership positions – chairs of committees and the office of mayor. They improve facilities and services throughout the city by first investing in one area, then another, until all served. They agree to put one kind of program or facility in one neighborhood if a different program or facility is provided another neighborhood. While such distributions are often viewed as more expedient than just, officials think that justice can sometimes be furthered by rotation. According to a black official in Atlanta, this is the principle that allows governments "to catch up on historical inequities." When one area of the city has been neglected in the past, the concept of rotated inequalities calls for investing in it during the present. And other officials in

several cities claim that this is the best principle for distributing the "bads" that nobody wants in their neighborhoods.

Still, officials generally are neutral or express only lukewarm support for the principle of dispersed inequalities because they know it is used as a political expedient. When applied in this way, it sometimes overrides other more important and praiseworthy principles of justice.

Utilitarianism. One strand of liberal thought – from Jeremy Bentham and John Stuart Mill to such contemporaries as R.M. Hare (1982) – argues that the morally right and just polices are those which produce the most happiness or good for members of society. This norm instructs policy makers to predict the consequences of policies for all members of society and to estimate the benefits and burdens that alternative choices place on each member. There is an egalitarian core to utilitarian principles of justice because the good of each person is given equal consideration – the good done to the most praiseworthy persons gets no more consideration than that done to the least deserving, and the pain inflicted on the most marginal people must be no more neglected than that inflicted on the most conspicuous. But beyond this egalitarian core, utilitarianism permits policies that distribute goods very unequally if society as a whole benefits from the distribution. The greater good done for some justifies the lesser burdens imposed on others. To assess official support for utilitarian justice, the following principle was presented to them.

> Public officials should adopt those policies and programs that serve the overall public interest – that provide the greatest good for most citizens – and not be overly concerned about who is most benefited and who is most hurt by policies that best serve the public good.

Support for utilitarian justice is normally distributed, with officials being slightly more supportive of, than opposed to, utilitarian justice. Support for utilitarianism is strongest in Orlando, San Jose, and Atlanta and weakest in Seattle, Minneapolis, and Kansas City. Less educated, conservative, and less senior officials are most likely to support utilitarianism.

A large percentage of officials (33 percent) are neutral on this principle; they want to serve the overall public interest, but they also want to be concerned about who is most hurt. For many officials, this principle defines the most difficult dilemma they face as officials: the need "to balance the public good with the individual who is most hurt." Those who come down on the side of utilitarianism believe that "you can't be overly concerned about who is most hurt" because "no matter what you do, someone will be hurt" and "the hurt is what you put into the equation when calculating the public good." They cited numerous examples of projects that were essential or highly beneficial to their communities – expanded runways at the San Jose airport, downtown redevelopment projects in Pasadena and Green Bay, new sports arenas in Orlando and Salt Lake City – that provided safety, economic growth, and big-league

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entertainment for their communities, but that could not be built without harming someone. In such cases, they think, the good of all must come before the good of the few. But, even in such cases, some officials remain skeptical about the principle. They haven't seen the ledgers that show that such projects provide more good to the many than the harm imposed on the few, and thus ask "who defines the public good?"   Even if they are persuaded that the policy serves the public interest, they believe they are obligated to not overlook who is most hurt. Those who are hurt must be justly compensated, often at levels that are greater than their economic losses, for officials typically recognize the reality of social and psychological pains as well.

But hard core anti-utilitarianism have deeper concerns. For them utilitarianism violates fundamental rights. It allows the tyranny of the majority. It allows the city "to fence in gays and lesbians if that makes most people feel better." Thus, the application of utilitarianism may depend on the nature of the "hurt" imposed on some in order to serve the public interest. Achieving the greater good of the greater number may be justified if the pains inflicted on some are small, peripheral to their core needs, and can be compensated for in some appropriate manner. But when fundamental rights are violated, there is no justification for pursuing the greater good of the greater number.

Equality. Many justice theorists give great emphasis to the concept of equality, arguing the various senses in which all humans are equal. According to Dworkin (1977: 179-83), contemporary justice theorists all attempt to define distributive arrangements in which "members of the community are treated as equals" (Kymlicka, 1990: 4-5). Nevertheless, treating people as equals does not imply that they should have equal goods, because humans have different needs, capacities, and so forth. According to Hochschild (1981: 54), only the French Revolutionary Gracchus Babeuf advocated strict equality, "Let there be no other difference between people than that of age or sex. Since all have the same needs and faculties , let them henceforth have the same education and the same diet." Even though people don't have the same needs and faculties, and despite the fact that interpretation of the meaning of equality is not nearly as straight-forward as is often assumed (Rae, 1981), the idea of distributing goods equally has obvious appeal in many circumstances. Hawkins vs. Shaw is, for example, just one of many court decisions declaring that the principle of equality must be applied to the distribution of public goods. Officials were thus asked to assess the idea that

Public officials should distribute goods and services equally to all citizens.

Thirty-four percent of the officials tend to oppose this idea (to various degrees), 42 percent supported it, with 24 percent claiming they were neutral. Egalitarian norms are strongest in Providence and Atlanta and weakest in Green Bay. Higher status, more cosmopolitan, and more liberal officials are most opposed to egalitarian distributional norms. For many liberals and radicals, the equal distributions of services does not go far enough to address the needs of disadvantaged citizens and

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depressed areas of the city.

There is great agreement among urban officials that infrastructure faculties and basic services should be distributed equally. Streets, sewers, and water should be the same. Garbage pick-up and snow removal should be the same. Police and fire response times should be the same. Pupil-teacher ratios and basic school services should be the same. Such equal services provide a baseline of equality that attends equal citizenship and equal fundamental human needs. But after a baseline of equal "communal provision" (Walzer, 1983: 68-74) to all citizens, differences in needs and deserts come into play and the norm of equality is no longer justified. When what people need or deserve are unequal goods, then equal treatment of citizens requires giving unequal goods to people having unequal claims.

Natural Talent. According to Plato's "myth of the metals," some people are born with gold in them, and their natural talents must be developed and encouraged. Because their talents are so important to the well-being and development of society, they must be rewarded (with education, honor, and ultimately power, but not material goods). The reward of natural talent has always been stressed by traditional conservatives because "having failed to reward Ability, the state, fatigued, descends toward the routine insect-life" (Kirk, 1962: 179-83). But liberals like Thomas Jefferson have also called for a "natural aristocracy of ability," for they believe that one's position in society should reflect one's abilities, not ascriptive traits like one's race, gender, or family background. Although many contemporary justice theorists complain that natural talents should be rewarded only if they are put to work and become productive (Rescher, 1966: 75), or that people do not deserve their natural talents and thus should not be rewarded for them (Dworkin, 1981), natural talent remains a criteria that is often invoked in distributing goods. To get officials reaction to this principle, they were provided the following statement:

Recognizing that individuals differ in their natural talents, public officials should encourage their most able citizens to develop fully their capacities and avoid policies that constrain the most talented.

Fifty-five percent of the officials support this principle while only 24 percent oppose it. The fact that this statement does not directly call for distributing goods on the basis of talent may have inflated official support for distributing goods on the basis of talent, but most officials seemed to interpret the principle as implying due regard for natural talents in the distribution of goods. For example, a black woman on the Atlanta city council commented, "we should give goods to the talented and then get them to use their talents to help others. If no one is standing on the shore, then there is no one to help pull others out." Support for the natural-talents principle is most strong among whites, women, and conservatives.

The most recurring theme among officials regarding the talents principle is that governments should encourage and reward the talents in everyone. "We all have gifts

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and talents," and "there are many more talented people out there than is often recognized." From this perspective, city governments do lots of things to encourage and reward talent. They fund community theaters and artistic workshops for those with gifts in the fine arts. They fund recreational programs for the athletically gifted. They sponsor youth leadership programs and offer positions on various city boards for those who want to develop their leadership abilities. But they do not seek to identify the gifted and bestow special treatment on them in such forms as better city services, civic honors, power, or wealth.

Natural talent, of course, becomes influential in the distribution of educational opportunities. Gifted programs, advanced placement classes, and tracking all provide special opportunities for those who are designated as most talented. But if most kids have some special talents, designating the most talented troubles many school board members. Because some kids are "late bloomers" their talents may not be obvious at an early age, leading to some concern about identifying and rewarded the gifted at a young age. One school board member from Salt Lake City suggested, "reward people by ability as they get older, but when kids are young, goods should be distributed on the basis of need." Most officials think it is more important to fund programs for the at-risk student than the gifted, usually because they think that the gifted will succeed with or without the special program. Nevertheless, most also want to maintain gifted programs, not because they want to further an elitist society, but because they think that gifted kids have special needs too.

Natural talent also becomes influential in the distribution of job opportunities and offices. A common objection to strong affirmative action programs is that they can deny opportunities to the most talented. But a black school board member suggested that "it is only positions at the very top of the hierarchy that need to be allocated to the most talented." This suggestion recognizes that rewarding talent is appropriate, not because the talented deserve special rewards, but because the most talented can most contribute to the community when they hold positions that are most important to the community.

Thus, officials seem to be willing to reward talent, but not because people deserve their talents. Talented people are to be rewarded because we all have talents, and government should encourage all talents. Talented people are to be rewarded because they have needs, and governments should respond to needs. Talented people should be rewarded because they can contribute to society, and government can provide them offices were they can most effectively do so.

Social Merit. The idea that people ought to rewarded on the basis of their social merit is so common and obvious that it is frequently ignored by justice theorists. But recent efforts to resurrect the ancient idea of "just deserts" acknowledge that social merit constitutes an important criteria for the distribution of social goods (Feinberg, 1979; Sher, 1987). In addition to deserving rewards because of their diligent efforts, natural abilities, and moral virtue -- other dimensions of desert theory that have

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already been discussed – people often claim that those who make important contributions to the good of society should be rewarded. Indeed, of the various components of desert theory, social merit may be the most encompassing and compelling. Simply putting forth diligent effort or having natural ability or displaying moral virtue need not have any significant positive affect on the community. But social merit is measured in terms of a person's contribution to the community, in terms of the positive effects that a person has had on social progress. The social merit principle is logically related to the equity principle – the most opposed principle among urban officials – as each inquires into the actual contributions that people make, but the social merit principle is much looser and allows for more discretion on the part of the the distributing agent. As presented in this study, the equity principle calls for rewards proportionate to contribution and can be interpreted as giving the large contributor (e.g., those who pay the most taxes) a right to demand commensurate goods and services in return. In contrast, the social merit principle is silent on the level and type of reward deserved by that those with social merit. As a consequence, the initiative for rewarding such merit rests with those who are wish to acknowledge their gratitude for the social contributions that people have made. The following statement was presented to urban officials to assess their views of the social merit principle.

Recognizing that individuals make different contributions to the good of society, public officials should reward those who have made the greatest contribution to social improvement.

More than half of the officials agreed (to varying degrees) with this principle, with 24 percent opposed to it and another 24 percent neutral. Support for the idea was greatest among the most cosmopolitan officials and those living in Pasadena and Orlando and weakest in Providence and Seattle.

Some officials doubt that it is an appropriate function of government to reward social merit, or they worry about the capacity of officials to assess correctly the social merit of their citizens. But most officials think it is extremely important for them to recognize contributors to their communities, making such people feel appreciated and establishing role models for others to emulate. Even supporters of the social merit principle, however, place limitations on the idea. Although a few saw in the principle a justification for merit pay increases, most officials stress that recognition, and only recognition, is the appropriate reward for social merit. Those who contribute most to the community should not expect and should not receive material benefits or better services. Public acknowledgment at a council meeting, recognition at a dinner, a plague, perhaps having a street or public facility named after them – these are regarded as the appropriate rewards for social merit. The least symbolic rewards suggested are positions of leadership, perhaps an appointment to commissions. Most officials seem to distinguish social merit from job-related competence; for them, rewards for social merit should go to those who are not adequately compensated economically for their contributions. Volunteers in fund-raising activities and in human service programs are the kinds of people mentioned as deserving recognition for their

social contributions. The idea that recognition is a useful substitute for monetary reward for certain social contributions is illustrated by a Pasadena school board member: "We need to reward teachers who do well with at-risk kids. Because there is no merit pay system in place to reward such work, they should be designated as 'mentor teachers'."

Occasionally some officials saw the converse of the social merit principle as having great application to city government. Governments should punish those who make negative contributions to the good of the community. For example, a councilwoman in San Jose advocated having drunk drivers and the hosts of rowdy parties pay the costs of policing their activities.

Ascriptive Traits. Traditional conservatives like Edmund Burke have advocated a social order in which each segment of the community has clearly defined duties and privileges. And one's place in the community was fixed at birth by such ascriptive traits as race, sex, and class (Hochschild, 1981: 70). Many of the other justice principles examined in this paper have been liberal inventions to undermine the medieval idea of distributing goods on the basis of ascriptive traits. Nevertheless, liberals themselves have gone back to recognizing a place for ascriptive traits in the distribution of social goods. According to Thomas Sowell (1981), they have moved from advocacy of "colorblindness" to "colorawareness." Based on the idea that people of certain ascriptive traits have suffered historical injustices, have special needs, or claim different cultural identities, it is argued that public goods need to be distributed in a manner that responds to their relevant differences. To capture official attitudes about this idea, the following principle was presented to them.

> Because citizens have different physical and social traits (such as their gender, race, age, education and social class), public officials should develop programs and distribute rights and responsibilities in ways that recognize the different capacities and needs of different kinds of people.

Thirty-five percent of all officials strongly support this principle, and another 20 percent weakly support it. In contrast, 29 percent oppose it to varying degrees. Support for the ascriptive traits principle is greatest in Austin and Kansas City, and weakest in Providence and Baltimore. The upper-class and more cosmopolitan officials are most supportive of it.

For most officials, this principle is a recognition and celebration of "diversity" and simply calls for "different programs for different folks." "You can't put everyone in the same square hole," declared a Minneapolis councilwoman who supports the ascriptive-traits principle. Officials provided dozens of examples of programs that have been created to respond to the different needs of people having different ascriptive traits. Bilingual education and courses in Afro-American culture in history are in place in most cities. Asian youth programs have been created in Seattle. The ethnic and language heritage of a neighborhood is considered when books are ordered for

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branch libraries. Cities have special facilities and programs for the disabled, for pregnant teenagers, and for abused women. School districts try to employ black males as teachers for low-income, black teenagers. Ensuring that there is an appropriate racial, ethnic, and gender mix on advisory boards or among employees is always a concern in distributing positions and jobs.

Opposition to the ascriptive traits principle takes several forms. Some see it as a return to medieval ascriptive privilege; its use could revive racial and sexual discrimination and favored treatment for white males. Others point to the failures of coloraware programs for their intended beneficiaries; they worry, for example, that bilingual education impedes the successful integration of Hispanics and Asians into American culture. Still others embrace "the slippery slope argument" fearing that there may be no end to colorwareness. Having first recognized historical inequities perpetuated on racial minorities and their special needs, cities have gone on to give special consideration to women, gays and lesbians, and other groups. One official asked whether the process will continue until "we give special consideration to those with dark eyes, or short people, or the overweight." But for most officials, this concern is overwrought; for them the ascriptive-trait principle is associated with the needs principle to be discussed below. Insofar as ascriptive traits help to define groups of citizens with similar needs or historical disadvantages, it is useful.

Pure Procedure. According to Rawls (1971: 201) and Dahl (1989: 165-6), political issues may lack an "independent criteria" for judging the substantive fairness of outcomes. Perhaps none of the other principles discussed in this paper apply to an issue or, more likely, several might apply and provide competing guidance about how to resolve the issue. If there is no consensus about the criterion to apply, we might fall back on "pure procedural justice." In this case, we can design "correct or fair procedures such that the outcome is likewise correct or fair" (Rawls, 1971:86). Dahl (1989: 165) says an example of such a procedure "might be if we were to divide a cake between us and you first sliced cake, and afterward I chose which slice I wanted." According to Dahl (1989: 84-8 and 175), democratic processes do not guarantee just outcomes, but such processes can and must be constructed in ways that guarantee many citizen rights and that give equal consideration to everyone's interests. Such considerations mean that employing a well-constructed democratic process may be the most appropriate means of approaching just outcomes in situations where agreement over substantive justice is illusive. As Hochschild (1981: 75) put it, "In (this) case, one might seek only to guarantee that the distributive process is fair, letting the distributive outcomes fall where they may." The following idea was presented to urban officials to discern their views about pure procedural justice.

Because there is no inherently fair outcome in distributing many goods, what is important is that public officials use processes that have been previously agreed upon, and that are unbiased and democratic when making distributive decisions.

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Over half of the officials strongly agree with this idea and another 25 percent mildly agree with it — or agree with it with some reservation. Only 16 percent (strongly or mildly) disagree with it. Support for the pure procedure principle is strongest in Minneapolis and Atlanta and weakest in Austin. The least educated, democrats, conservatives, and officials with the longest tenure of office are most supportive of this principle.

Officials support for procedural justice is enhanced by their recognition of cases where completing justice principles are applied or where people have different predictions about how alternative resolutions of an issue fare in terms of an agreed upon principle. Since justice principles cannot resolve such cases, officials believe that the most fair thing is to apply a fair process. Minimally, they argue, existing procedures should not be circumvented.

Officials report devoting considerable attention to developing what they hope are fair processes. In addition to their own decision-making procedures, they cite efforts to construct fair processes for bidding and awarding city contracts, for allocating CDBG funds, for resolving employee grievances, and so forth. Yet, many doubt that any procedure is completely fair, and several suggest the need to "continuously revisit our procedures." Most support the idea that, ideally, there should be prior agreement about procedures, but some recognize that procedures are often devised long before issues arise; all that can be done in such cases is to inform parties to current issues about existing procedures. They support the idea that procedures should be open, as they hope that losing parties to conflicts will regard outcomes as fair if they have received a fair hearing. However, some question whether simply letting everyone speak comprises genuine openness; they call for an "inclusive process" where as many viewpoints as possible are included among members of decision-making bodies. And while most officials agree that processes should be democratic, some equate democracy with majority rule and worry that majority-rule procedures can produce outcomes that violate fundamental rights. Thus, officials sometimes object to "pure" procedure. They fear that pure procedure can lead to outcomes that simply reflect the power and preferences that are dominant on the decision-making body; they want substantive justice principles — like those guaranteeing equal rights — to constrain policymaking.

Compensation. According to Bob Lineberry (1977: 34), "the idea of compensation is to redress social contingencies so as to uplift the disadvantaged, insuring equality over the long run by imposing short-term inequalities" benefiting the disadvantaged. This idea has been given its most famous philosophical formulation and justification as "the difference principle" specifying that "social goods should be distributed equally unless an unequal distribution is to the advantage of the least favored" (Rawls, 1971: 301). While this formulation seems to emphasize equal distributions, Rawls's intention in formulating the difference principle is to have governmental officials focus on how the representative person in the lowest socioeconomic class is affected by decisions. Policies and programs that reduce the

social goods available to the advantaged while increasing the social goods available to the disadvantaged are just because they move society toward the preferred state of equality. In contrast, policies that increase the social goods available to the advantaged but decrease those available to the disadvantaged are unjust because they move society away from the preferred state of equality. An end state of a more equal distribution of social goods is preferred because social goods are important to everyone in achieving their personal life goals, and a good (liberal) society believes everyone's life goals are worthy of equal respect and consideration. According to Rawls, everyone who is ignorant of her natural endowments and social circumstances (as she should be when choosing principles of justice) should support the difference principle because it best protects her essential interests in the event she is poorly endowed or lives in disadvantaged circumstances. In short, focusing policy benefits on the least-advantaged is the best way of giving equal consideration to everyone's most fundamental interest in living a good life. To assess official reactions to the principle of compensation, they were provided the following statement:

> Public officials should adopt policies that improve the conditions of the least advantaged citizens, and they should reject policies that make relatively disadvantaged citizens worse off – even if such policies are otherwise useful, effective, and generally in the interest of society.

Almost 75 percent of urban officials support this principle, and less than 10 percent oppose it. Support for compensatory justice is most strong in Minneapolis and least strong in Austin and Salt Lake City. Liberals and officials representing low-income and minority constituencies are most likely to agree with the idea.

Broad support for the idea that city officials should practice compensatory justice is perhaps surprising given the well-known thesis that urban redistributive policies are contrary to the economic interests of the city as a whole (Peterson, 1981). Although a few officials complain that the "generous" welfare policies of their communities attract the poor and thus place a substantial burden on the ordinary taxpayers of the community, none claimed that such policies have driven away businesses and more wealthy tax-payers. Officials in most cities take pride in the liberal welfare policies of their communities – noting that their local governments not only administer federal and state programs but invest locally generated and discretionary revenues into such things as shelters for the homeless, low-income housing, meals programs run by social-service agencies, and medical care for the indigent.

Officials also believe that compensation principles apply to many developmental policies, as they are troubled by urban redevelopment projects that threaten to displace the disadvantaged. Some believe that it is unjust to relocate the poor. Others believe that justice requires that the displaced poor be moved to equal and better locations. Dilapidated buildings should not be bulldozed unless replacement housing is built for low-income residents.

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Nevertheless, support for compensatory justice is limited. "While it is important to improve the conditions of the least advantaged, all should not be focused on them," declared a Providence official. Sometimes the attainment of public goods imposes costs on all citizens including the disadvantaged. "You cannot let a poor neighborhood block such public improvements as a mass transit system," according to an official in San Jose. Of course, citizens displaced by such public works are compensated, but they sometimes seek levels of compensation that officials find unreasonable. "Sometimes you have to make the poor worse off by their own definition, but not the definition of others." Sometimes the harm done to the poor is small compared to a public benefit of a policy. "I know that a sales tax is regressive and falls hard on the poor, but adopting a sales tax was the only way we could finance important public improvements here in Green Bay." Sometimes the practices of the poor — like panhandling in ways that disrupt traffic — offend and disrupt ordinary citizens, and officials find the need to curtail these practices even if it hurts the disadvantaged. Sometimes high community standards need to be maintained even if the disadvantaged are hurt. One school board member observed, "I suppose that mostly disadvantaged kids get the D's and F's that teachers distribute, but if a teacher is demanding, I'll stick up for her." And sometimes, officials find it difficult to help one group of disadvantaged citizens without hurting another. According to an Atlanta official, "The Haitians wanted to use a closed school for their homeless, but the low-income residents of the neighborhood objected because they didn't want these people competing for their jobs. " Improving the condition of the worse-off group in this situation (the Haitians) would have hurt the next worse-off group. Such difficulties attenuate support for compensatory justice among urban officials, but overall support for Rawlsian principles is surprisingly strong.

Needs. "From each according to his ability, to each according to his needs," Karl Marx declared. Because one can think of many cases where goods should plausibly be distributed on the basis of need, one does not need to be a Marxist to be drawn to this idea. For example, it is the ill person who needs a doctor, so it is only rational to distribute health care on the basis of need. However, the idea of distributing goods on the basis of need is an incomplete justice principle whenever there are more needs than there are goods to distribute (as is inevitably the case in all but Marx's utopian and affluent communist society). Thus, the principle remains ambiguous unless it is further developed. Perhaps it implies giving priority to the economic needs of the least advantaged, in which case the needs principle would be synonymous with the compensation principle discussed above. Perhaps it implies that everyone's minimal biological needs should be satisfied as a matter of natural right (Adler, 1981: 164-73). Perhaps it implies that there should be some political process for specifying those goods that everyone needs to be a contributing member of society, and that public officials should deliver such socially recognized needs (Walzer, 1983: 64-67). Perhaps it implies that people's needs are unique, depending on their particular goals in life, and that no matter how extravagant or minimal people's goals are, they should be provided those goods that enable equal goal satisfaction (Hochschild, 1981: 57-60). As Kymlicka (1990: 183-6) points out, how human needs are interpreted leads to

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many different applications of the needs principle, but all interpretations of the needs principle severs the connection between the benefits that one receives and one's ability to purchase the good in the marketplace. Applications of the needs principle also undermines all desert-based principles of justice. Because people may need goods despite their lack of ability, effort, moral virtue, or social contribution, the application of the needs principle can trump any claim to goods based on just deserts. To determine officials understanding of and support for the needs principles, they were presented with the statement:

> Public officials should adopt policies and programs that distribute goods and services to people based on their needs.

This general (and ambiguous) phrasing of the needs principle drew widespread official support. Eighty-two percent of urban officials support it, and only seven percent oppose it. There is little variation from such broad acceptance in the twelve cities in the study. Support for the needs principle is predictably greatest among lower-status officials, democrats, liberals (and radicals), and officials with the longest tenures in office.

Officials have different interpretations of the needs principle. Some interpret needs very broadly and universally. Everyone has some basic similar needs. Everyone needs basic services: police and fire protection, a good transportation system, and garbage pick-up services. "Every thousand citizens need a park." From this perspective, the problem is to define the basic and similar needs that citizens want government to provide to all as a privilege of residence in their communities and that citizens are willing to pay for through taxation.

Some interpret needs broadly but particularly. Different kinds of people have different needs. The handicapped need access to buildings. Those in high crime areas need better police protection. Industrial areas need to be served by light-rail systems. The elderly need reduced utility rates. Learning disabled students need one kind of special education. Gifted students need another kind of special education. The list can be extended infinitely. From this perspective, the problem is to define which people should have their needs served first. A black school board member from Pasadena saw this problem clearly and had an answer to it: "We need to prioritize the most needy. They are: first, black boys; second, Hispanic boys; third, black girls; and fourth, Hispanic girls."

When officials are willing to give priority to the needs of a specific group of people, they move from a broad to a more narrow , but still universal, definition of need. Few were willing to be as narrow as the official from Pasadena, but a large number interpreted the needs principle as targeting the economically disadvantaged for preferred treatment in the distribution of those goods that everyone needs. Because the poor cannot afford housing and other basic needs, their needs should, in this interpretation, take precedence over those whose incomes allow them access to

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housing in the marketplace.

Finally, it is possible for officials to define needs narrowly and particularly. A narrowly defined group (say black boys) should be targeted for preferential treatment, but different black boys have different or particular needs. Athletically inclined black boys need recreational facilities. Musically inclined black boys need piano lessons. And so forth.

Because each of these conceptions of justice as responding to needs is possible, officials with many conceptions of need were able to support the abstract needs principle presented to them. Why, then, did any officials oppose the principle? First, some simply reacted ideologically to the statement: "It's too Marxist." Second, some understand that the implementation of the needs principle – no matter how it is defined – is an invitation for governmental provision of goods rather than market provision of goods. When some good becomes defined as a need, then government should provide it, and "individuals are no longer responsible for helping themselves." Third, some understand that the statement doesn't provide much guidance for achieving justice until whose and what needs are better defined. Some worried that the job of establishing priorities among needs would fall on them, and they "don't want to take responsibility for determining whose needs are most worthy." Others worried that needs would be defined by the activists in the community, and officials would end up responding to "the squeaky wheels."

Thus, as popular as the needs principle is with urban officials, it is difficult to see how its application provides much guidance to officials in their efforts to allocate goods and services justly.

Floors. In their previously discussed research (see **Ceilings** above), Frohlich and Oppenheimer (1992: 36-37) introduced a "floor constraint" as one of their principles of justice. When a floor constraint is present, "a certain specified minimum income is guaranteed to everyone." Thus, the floor constraint principle is a much more narrow and specific justice principle than the related principles of need and compensation that have just been discussed. In theory, the floor constraint is broad and universal, because anyone in society who falls below the floor level would receive money – "the universal pander" (Walzer, 1983: 95) given its easy convertibility into various particular uses. But in practice, the floor constraint is narrowly targeted to the poor. Thus, the floor principle is much more applicable than the needs principle. To operationalize the floor principle, all that is required is for there to be some social determination of where to set the floor. The establishment of such a floor accomplishes some of the goals of Rawls's difference principle, as it can assure – if the floor is set high enough – that everyone has access to the basic goods they need to pursue their personal life goals. However, the level of floors remains unspecified – both a minimal and a generous floor can be provided. When minimal floors are provided, the degree of redistribution need not be as great as suggested by Rawls' compensation principle with its preference to move toward an equal distribution of basic goods. To assess

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officials views about the floor principle, the following statement was presented.

> Public officials should adopt polices that ensure all citizens a minimal level of the goods they need.

Eighty-six percent of urban officials support the ideas of floors and only five percent oppose them. Women, the more educated, democrats, and liberals (and radicals) are more supportive of floors than their categorical counterparts.

According to many urban officials, establishing and maintaining floors is a main function of government, and they conceive of floors in terms of minimal material goods and basic services. Officials often specified floors in terms of "in kind" benefits — minimal food and housing and basic education — but some also stressed that the minimal goods to be provided under the floors principle is cash. "This is the negative income tax idea."

Official opposition and reservation about floors is limited and much like that against the need principle. Ideological opposition was again present. "This sounds like communism." The concern about a loss of individual initiative was also present. A black councilman in Atlanta complained, for example, that "I want ladders rather than floors. Floors create disincentives to go beyond the floor. We need ladders so that people have the incentive to pull themselves up and so that governments don't have to perpetually provide floors." Concerns about the level of the floor were also prominent; some thought floors were too high, some too low, and others were simply concerned about an inability to agree on any level. But the broader agreement about the desirability of floors is consistent with the observations of Walzer (1983: 68 and 78) that "every political community is in principle a welfare state," that "the extent of the provision" — rather than whether or not to provide welfare — is the main issue which can only be resolved by political battles to adopt "such-and-such programs," and that these battles must be resolved not by arguments about individuals rights but about the character of a particular community. In other words, when setting floors, officials must recognize the goods that citizens want, or are willing, to provide for one another because of their common lives and citizenship, because of their sense of obligation to each other. The level of the floor is determined by the sense of responsibility that taxpayers have to their more disadvantaged fellow citizens, not by the rights demanded by the recipients of welfare benefits.

Rights. According to Mary Glendon (1991), the concept of rights has been so overextended that it provides little guidance for resolving distributional issues. In ordinary political discourse, we say we have a right to something to express our emphatic desire for it: "I want X" becomes replaced by "I need X" and ultimately by "I have a right to X" as a means of strengthening my claim that X be distributed to me. When used in this way, the concept of rights impoverishes attempts to achieve justice because it provides no principled way of resolving competing rights claims. This is why floor levels cannot be resolved by reference to claims. The supposed right of the

homeless to shelter conflicts with the supposed right of the taxpayer to the income that would ultimately pay for that shelter. Whose "rights" in such cases have priority in a just society? Rawls would answer "the homeless" and Nozick "the taxpayer," and the issue could only be resolved by evaluating their different theories that give priority to different kinds of rights. This does not mean, however, that rights principles and claims are unimportant in the distribution of goods.

To move beyond understanding rights as merely emphatic political preferences, it is useful to distinguish between legal (or positive) and moral (or ideal) rights (Miller, 1976: 52-82). People do have legal rights when governments have enacted specific entitlements. If a government, acting on behalf (or better, under the direction) of its citizens establishes a particular income floor, then everyone has a right to that level of income. According to Okun (1975: 6) such rights are "entitlements and privileges [that] are distributed universally and equally and free of charge to all adult citizens of the United States. Our laws bestow upon us the right to obtain equal justice, to exercise freedom of speech and religion, to vote, to take a spouse and procreate, to be free in our persons in the sense of immunity from slavery, to disassociate ourselves from American society by emigration, as well as various claims on public services such as police protection and public education."

But beyond positive rights, there may be moral (or ideal or natural or human) rights that specify both abstract and concrete goals regarding goods that government ought to provide universally, equally, and free of charge (Dworkin, 1977: 90-94). Precisely what these goods should be remains controversial, but liberal theory, broadly conceived as encompassing everything from Rawls's egalitarian liberalism to Nozick's libertarianism — in short, the range of thought that encompasses most of American society — agrees about the basis of ideal rights. As Immanuel Kant argued, each person has a right to her separate existence; each person has a right to be treated as an end in herself. Each person has a right not to have her good sacrificed for the good of others or the common good. We all have a right "to choose our life and to realize our ends and our conception of ourselves, in so far as we can, aided by the voluntary co-operation of other individuals possessing the same dignity (Nozick, 1974: 334). Agreement on this Kantian ideal provides a basis upon which we can discuss the governmental programs and laws that further or retard that ideal. In short, competing rights claims can be evaluated in terms of their capacity to treat each person as an end in himself or herself (Kymlicka, 1990: 104-5). To examine officials understandings of rights and their support of rights, the following idea was presented to them:

> Public officials should pursue policies that provide everyone certain basic rights — like the right to vote, the right to worship as one pleases, the right to essential food and shelter, and the right to basic health care.

Only three officials (weakly) disagree with this broad formulation of the rights principle, over 90 percent agree with it, and most of these in the strongest terms. In so

far as there is opposition to this rights principle, it is disproportionately located in Salt Lake City and Austin and among men, less educated officials, republicans, and conservatives.

Opposition and reservations about rights among urban officials occurs when they perceive rights claims as merely emphatic demands, when they pause to reflect on the costs of governmental entitlements, when they wonder about whose rights should be satisfied, and when they question which goods should be treated as rights and provided universally by government to all. But officials are very comfortable with the idea of legal rights. They agree that citizens do have various constitutional rights (as they all agreed with the rights to worship and vote in the statement provided them). They agree that citizens have the right to various services and welfare provisions that have been enshrined in law (such as the right to essential food). Agreement breaks down, however, when discussing ideal rights. While many agree that people ought to have the right to basic health care, many others paused when they read that phrase. "The right to health care would be nice, but I'm not sure we have the resources to provide it." Officials did not know how to evaluate the claim, at least in Kantian terms, and so support for claims about ideal rights seems to be grounded in emotional reactions rather than any philosophical foundation.

Equal Opportunity. The principle of equal opportunity addresses very different issues than the provision of floors and the establishment of rights. When floors are provided and rights are established, they are equally available to all. Because of this equal provision, there is no competition among citizens to have them or to have more of them. But many goods are not included in the floor provision or as legal rights, and competition for these goods is usually keen. The concept of equal opportunity is a principle of justice governing this competition for unequal shares of material goods and power or for lumpy goods – things like particular positions and honors – that cannot be divided without their value drastically declining (Rae, 1981: 64-81). People have different conceptions of the appropriate rules governing this competition, and so they have different conceptions of equal opportunity. Perhaps the distinction between formal and fair equal opportunity is most useful, and most controversial, in this regard (Rawls, 1971: 83-89). Formal equal opportunity is often described as "careers open to talents." The doctrine "asserts that each man should have equal rights and opportunities to develop his own talents and virtues and that there should be equal rewards for equal performances" (Schaar, 1967: 228-9). The key premise is that all have a legal right to receive equal consideration when unequal shares of goods – like office and education – are distributed. Differences in competitors' abilities, efforts, virtues, and (potential) social contributions (i.e., those matters covered by considerations of just desert theories) rather than differences in such morally arbitrary criteria as their ascriptive characteristics (race, gender, age and so forth) should be the basis for awarding goods to the winners of this competition and for withholding goods from the losers. The doctrine of fair equal opportunity is held by those (like Schaar and Rawls) who doubt that the rules of formal equal opportunity provide fair competition. Such people argue that differences in the abilities, efforts,

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virtues, and potential social contributions of different people are themselves undeserved. They argue, for example, that nature bestows different abilities and energy levels on different people, and those who have more ability or who exert more effort simply were lucky in the natural lottery that occurs when such qualities are distributed a birth. They also argue that abilities, virtues, and the readiness to exert effort are greatly influenced by environmental and social factors. Some people have lesser amounts of these characteristics than others because they come from disadvantaged social circumstances, and these circumstances are largely the result of past injustices that need rectification. Given such undeserved distributions of those characteristics that are rewarded by formal equal opportunity, real fairness in equal opportunity requires some remedial programs to give the naturally and socially disadvantaged an equal prospect of attaining the greater shares of those goods over which people compete (Rae, 1981: 65-7). What those remedial programs should be is often a matter of controversy, but among advocates of fair equal opportunity, such controversies can, in principle, be resolved by asking whether the proposed program gives the disadvantaged an equal chance or prospect of attaining a greater share of sought goods. To determine officials understanding of and support for the principle of equal opportunity, they were presented the following statement.

> Public officials should pursue equal opportunity policies to eliminate barriers that prevent minorities, women, and other historically disadvantaged groups from competing fairly with whites, men, and other historically advantaged groups for the most desired positions in society.

One official in the 12 cities whom I interviewed was neutral about the equal-opportunity principle. The other 118 officials are either mildly or strongly supportive of it, and over 75 regard it as a "9" on the nine-point scale. Given such a consensus about the importance of equal opportunity, there is little variance in support for the idea that can be accounted for, but democrats and liberals (and radicals) were somewhat more supportive of equal opportunity than their counterparts.

Despite this consensus in support of equal opportunity, there is great differences of opinion about the meaning of the principle. Officials frequently use the metaphor of a level versus a tilted playing field to capture the distinction between formal and fair equal opportunity, and support for a level and a tilted playing fields seems about equally divided. Those in favor of a tilted playing field claim that the devastating affects of historical discrimination cannot be overlooked; they claim that programs giving disadvantaged groups a head start in competition are necessary rectifications and partial remedies for past injustices. Those in favor of a level playing field say that programs that tilt the playing field in favor of historically disadvantaged groups is demoralizing and unfair to qualified persons in non preferred categories, that these programs taint the merits and accomplishments of many qualified minorities and women, that it is unfair to put under-qualified persons in positions they can't handle, and that many preferential programs fail to bring about equal prospects for minorities because people find ways to circumvent the "good intentions" that motivated these

programs (see, Sowell, 1990).

Many programs have been adopted in urban America to further equal opportunity. All cities apparently have equal opportunity laws forbidding various forms of discrimination, and, of course, the main issue in this regard today is whether these laws should be extended to ensure non-discrimination against gays and lesbians. It is common for cities to pay attention to their tests for determining who is qualified for positions; they want to make sure that their supposedly objective measures of competitors' qualifications and abilities contain no hidden racial or gender biases. Cities also have embraced programs that "tilt the playing field" in favor of the disadvantaged in timid and aggressive manners. Their initial efforts to equalize prospects of advantaged and historically-disadvantaged persons through "affirmative action" include the development of training programs for the disadvantaged to improve their qualifications, special efforts to notify the disadvantaged about various (job and contracting) opportunities, and special attempts to recruit the disadvantaged. More aggressive affirmative action programs include developing special programs that overcome the lack of minority (or female) participation in the game. For example, to bid on municipal contracts, firms must be bonded; because minority firms may lack the resources and track record required by private bonding agents, city governments may create quasi-public agencies to bond them. Making minority standing a preferred qualification for positions is practiced by some cities and school districts, a practice that is usually approved by urban officials. One way in which this practice is implemented is to give municipal contracts to minority firms if their bids are within a certain range (five percent in Pasadena) of the lowest bid by a white contractor. Another way in which this practice is augmented is to have minority participation as subcontractors be an important criteria for awarding municipal contracts. The most aggressive affirmative action programs, of course, are minority set-asides on contracts and quotas in the distribution of jobs and positions. Such aggressive programs were less frequently pursued and less popular with urban officials. Each of these programs can, in principle, be evaluated to determine if they help create equal prospects for disadvantaged persons, but such evaluations will not necessarily resolve the justice of these program. After all, people's evaluations of the fairness of these programs is rooted in their different conceptions of equal opportunity, and different conceptions of equal opportunity seem rooted in their support for other justice principles. For example, support for fair equal opportunity seems rooted in support for Rawlsian compensatory principles of justice. And support for formal equal opportunity seems rooted in support for various principles about just deserts. As we have seen, support for these principles is much less consensual than support for the most general articulation of the equal opportunity principle.

Conclusions

Because this paper is based on an exploratory study of the justice principles of urban officials and because the data from that study have been only partially analyzed, it is premature to conclude very much at this point. Nevertheless, a number of

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observations about the support of urban officials for various principles of justice can be made with some confidence. For example, the equity principle has little support, especially if it is interpreted to mean that city services should be distributed in proportion to citizens' tax payments. City officials oppose libertarian principles that deny them the capacity to redistribute goods, but this does not mean they believe that their governments (or any other governments) should replace the market as the principal distributional agency; for they have little support for using government to impose ceilings on the goods that people attain in private life and to block most free exchanges of goods. City officials find some applications for the use of various principles about just deserts; some goods distributed by cities and schools should be awarded on the basis of ability, effort, moral virtue, and social contribution. City officials believe that one of their primary functions is to ensure that the needs of the disadvantaged are given special consideration, that some floor of minimal goods is available to all citizens, and that the goods established as legal rights are delivered to all citizens. They agree on the importance of equal opportunity but disagree on how to interpret the principle, leading to much conflict over the justice of various affirmative action programs.

Beyond such specific "findings," this paper points to the validity of "principled pluralism," a theoretical perspective that describes, explains, and evaluates the policies of cities (and other political communities) on the basis of a variety of justice principles. It suggests the inadequacy of justice theories that focus on one or a few principles of justice. Such monistic theories fail to capture the diverse judgments that are applicable to a broad range of policy decisions. The case for "principled pluralism" is put forth clearly (as what he calls "pragmatic liberalism) by Charles Anderson (1986: 204-5). According to Anderson, most theories of justice presume

> "that we hold our principles a priori, that we enter the political arena as committed advocates of free markets, utilitarianism, Rawlsian justice, or whatever. To act consistently from principle, to achieve detachment from the contingencies of role and situation, we know in advance the ultimate maxim under which particular cases will be subsumed and decided. Comprehensive philosophical reflection, culminating in a coherent system, is a necessary prologue to action."

In contrast,"principled pluralism" (or pragmatic liberalism) maintains that numerous principles are applicable to the resolution of issues, that "we discover" the best principles to apply through a process of inquiry that resembles the method of common law, and that we work back and forth between our moral intuitions about how to resolve various issues and our principles, until we are able to define principles that seen to fit particular classes of cases. This paper is intended as an initial attempt to specify the various justice principles that apply to various urban public policies.

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Alternative Principles of Justice and
Their Applications in American Cities

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Abstract

Alternative Principles of Justice and Their Applications in American Cities

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To understand how urban officials think about distributive justice, 119 members of city councils and school boards in twelve cities throughout the U.S. were interviewed. This paper is a preliminary report on the findings. The stories that officials tell about justice and injustice and their reactions to 21 justice principles -- including such norms as equity, libertarian justice, utilitarianism, equality, compensatory justice, rights, and equal opportunity -- are described and analyzed. Various interpretations that officials have of these principles are considered. Examples of how they apply these principles to urban policy making are provided. The findings suggest the inadequacy of justice theories that focus on one or a few principles of justice. Instead, the findings point to the importance of a pluralist theory of justice that recognizes that a large number of justice principles have applications to different types of urban issues.