Urban Justice: Findings from a Pluralist Theoretical Framework

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Abstract

In order to understand how elected urban officials think about distributive justice, 119 members of city councils and school boards in twelve United States cities were interviewed. Participants were asked to respond to twenty-one specific principles of justice and to tell stories about specific situations involving allocative decisions that they have faced. This paper is an exploration of their responses. The various interpretations that officials have of some of these principles of justice and 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 are potentially applicable to different urban distributional dilemmas.

Urban Justice:

Findings from a Pluralist Theoretical Framework

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 concerning the principles that political communities should adopt in distributing primary social goods. Rawls's defense of egalitarian principles and a strong state that redistributes goods in a manner that benefits its least-advantaged citizens was first challenged by libertarians who argue 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 justice debate has since 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; Lukes, 1985; Roemer, 1988). Communitarians have criticized the "unencumbered self" and the neutral state that is apparently assumed in liberal theory (Sandel, 1982), and they have suggested that a just state should encourage virtue and discourage that behavior that departs from a community's conception of the good (MacIntyre, 1990). Justice theorists have argued that the distribution of social goods should reflect rights (Dworkin, 1978; Martin, 1993), 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; Tronto, 1993). 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 the question "what is the most just way to distribute social goods?" has eluded any academic consensus.

Rawls' work has also sparked a variety of empirical studies of justice. While some social psychologists (e.g., Sheppard, Lewicki, and Minton, 1992) and legal theorists (e.g., Thibaut and Walker, 1975) have stressed the importance of procedural justice in the actual working of social institutions, many political scientists have focused on substantive justice. Perhaps the most important empirical research about substantive justice has examined "who gets what?" from governments and other institutions (e.g., Page, 1983; Westergaard, 1995), how people think governments and other institutions should allocate social goods (e.g., McClosky and Zaller, 1984; Miller, 1992), and what people regard as morally acceptable distributions (e.g., Soltan, 1982). Just as philosophers have failed to agree on normative principles of justice, social scientists have presented quite conflicting findings and interpretations about how social goods are actually distributed and what people believe are fair allocations of social goods.

The great diversity of justice principles that political philosophers have defended and the numerous patterns of distributions that social scientists have observed suggest that theories and research on justice should recognize that different justice principles are applicable to different kinds of decisions. Michael Walzer (1983: 5) has argued that political theorists should abandon the quest to identify "one and only one distributional system," because 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 governmental services like police protection might best be distributed equally to all citizens, but public offices like teaching positions must necessarily be distributed unequally by search committees that employ criteria involving the qualifications of applicants for these jobs (Walzer, 1983: 65-67 and 136-139). Charles Anderson (1990: 9-10) has extended Walzer's argument by pointing out that people seldom hold particular justice principles *a priori* and then simply apply these principles whenever distributive decisions must be made; instead, they think about what fairness requires in particular cases, and these reflections (sometimes) prompt them to think more abstractly about the meaning, importance, and applicability of various justice principles. Jon Elster (1992) and H. Peyton Young (1994) have drawn on Walzer and Anderson by examining how distributive agents have gone about making

allocative decisions in concrete situations that occur in everyday life (e.g., how to allocate organs for transplantation, how to divide inheritances, and how to layoff workers). Their studies of "local" and "micro" justice, suggest that different justice principles seem applicable to different kinds of distributive decisions.

Walzer, Anderson, Elster, and Young are especially provocative because they challenge political scientists to identify the multitude of principles of justice that are applicable to the many distributive issues faced by governments; they challenge us to understand which justice principles are applicable to particular sorts of decisions; and they stimulate us to discover the policies that officials in various political communities have used to implement various justice principles or to redress existing injustices as implied by alternative principles. This paper responds to these challenges by describing the extent to which elected officials in 12 American cities support 21 justice principles that have been the focus of both normative and empirical analyses of justice in recent years. While space will not permit us to consider in detail how such officials interpret and apply all 21 of these principles, we report diverse applications of some of the most important and interesting of these principles and the kinds of policies that urban officials have pursued to approach just outcomes when these principles were seen as germane to the decisions they confronted.[1]

By limiting our analysis to urban justice, we explicitly recognize that the context of decisionmaking influences the extent to which various justice principles are supported and applied. We believe that communitarian justice theorists are correct to insist that particular communities have particular understandings about justice that are derived from traditional social practices and values (Taylor, 1979: 157-59).[2] While we do not explore here how various justice principles are understood, evaluated, and applied differently in different cities, we think it important to recognize that, more generally, urban policy makers may be more or less sensitive to certain justice concerns than are their counterparts in other levels of government and in other institutions. For example, an American federal system which encourages cities to compete with one another for mobile wealth may prompt city officials to be less supportive of Rawlsian principles than are officials at the federal level (Peterson, 1981). However, declining support for Rawlsian principles among officials at the

federal level may provide a changing context that increases the willingness of urban officials to apply Rawlsian principles. Clearly the task of political scientists is to map the importance of various justice principles in various contexts, being careful to limit our generalizations about the importance of various justice principles to the specific settings of our studies.

This study is guided by the assertion that urban policy making is influenced by the values and moral understandings of the elected officials of local governments. Such a perspective is provided as a corrective to the theoretical frameworks that have dominated the study of urban politics. While urban analysts have been quick to point out the many injustices of urban policies (see, for example, Rossi, Berk, and Eidson, 1974; Harvey, 1988; and Mier, 1993), most theoretical perspectives regarding urban policy making either have a cramped account of the values of officials or ignore them altogether (Stone, 1987). For example, "the economistic paradigm" of Paul Peterson (1981) assumes that the overriding value of urban officials is to maximize the economic interests of the city. The "public choice" and "populist" perspectives, most recently exemplified in the work of Berry, Portney, and Thompson (1993), assume that the overriding concern of urban policy making is to encompass citizen preferences, whatever they may be. The long-standing rivals in explaining urban policies -- pluralists like Robert Dahl (1961) and elite theorists like William Domhoff (1978) -- each explain urban policies in terms of distribution of power; while they have disagreed over how power is distributed, they have implicitly agreed that broad principles of justice are unimportant factors in policy making. While economic and political concerns are unquestionably important, theories of urban policy making are inadequate and incomplete when they ignore the many moral concerns that elected representatives bring to the policy making process.

Because our theoretical framework draws heavily on Walzer, and because Walzer identifies his work with pluralism, it is important to distinguish between the orthodox theory of pluralism and the pluralist theory that Walzer proposes and that we seek to expand. The orthodox theory of pluralism maintains that many interests are active, organized, and influential in most political communities, that policy decisions are resolved in a manner that reflects the power of competing interests, and that policy outcomes are basically fair because all groups get some of what they

prefer in the policy process. In this theory, concerns about justice are not identified as inputs into the policy process, but justice is nevertheless seen as resulting from democratic procedures that ensure a fair hearing for all interests (Dahl, 1956: 137).

In contrast to orthodox pluralism, Walzer's pluralism is a theory about the multitude of principles of justice that are potentially applicable to allocative decisionmaking. It maintains that policy decisions should be resolved (and sometimes are resolved) in a manner reflecting principles that embody widely-held social values and understandings, that diverse 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. Hochschild (1981) provided an excellent, though highly abstract, initial presentation and empirical test of such a pluralist theory of justice. On the basis of interviews with 28 citizens of New Haven regarding their conceptions of fairness, she proposed that egalitarian principles of justice may be most applicable to the "political domain" of governmental institutions and to the "socializing domains" of everyday life (such as families, schools, and friendship groups), while differentiating principles of justice are most applicable to the "economic domains" of life.

Our goal is to develop a pluralist theory of urban justice that builds on the foundation provided by Walzer, Hochschild and others. We will show that urban officials support a wide variety of distinct principles of justice. While these principles may seem to conflict with each other as overarching guides to policy making, officials limit the application of certain principles to specific kinds of cases. Officials recognize that particular issues often embody conflicting justice concerns, and such cases require them to reflect on the meaning, relative importance, and applicability of their competing concerns. Officials recognize that certain policies further their most important justice concerns, and they recognize that others with different justice concerns will often oppose these policies. Whose justice principles prevail in such cases is, to be sure, a function of the distribution of power and the other factors stressed in prevailing urban theories. Thus a pluralist theory of justice cannot fully explain policy outcomes, but it does point to crucial factors involved in urban policy making.

A STUDY OF URBAN JUSTICE

To study urban justice, we interviewed 119 elected officials between March and August, 1993. These interviews focused on understanding officials' 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 (MO), 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 largely 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. Additionally, these cities vary in their governmental structures. 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 travel 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.

Interviews were sought with 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, we 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 policy making. Depending on the availability of potential interviewees and the logistics

of getting from one interview to another, between ten and twelve interviews were scheduled in each city. Thus the sample is composed of the first ten or twelve people who agreed to the interviews.[3] 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 boards, and 5 had served in both capacities. Ninety-four persons (79 percent) were white, 20 black, two Hispanic, and three were Asian-Americans. 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).

The interviews had two parts that are relevant here. Respondents were first asked to tell at least one story about "issues, policy areas, or cases that arose while [they] were in office" that exemplified issues of "fairness" as they understood that term. Respondents sometimes offered as many as five stories. When telling these stories, respondents often provided, without prompting, their conception(s) of justice. At other times, respondents were asked about the requirements of justice in the case under discussion, and at still other times, the interviewer's interpretations of relevant justice principles were provided for the respondent's consideration. During the second part of the interview, respondents were presented with 21 cards, each containing a "principle of justice" distilled from the theoretical literature, though restated in a relatively simplified fashion.[4] After respondents read each card, they were asked to:

• 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 policy making; for present purposes, these are coded as missing data.

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

- 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.

SUPPORT BY URBAN OFFICIALS FOR 21 PRINCIPLES OF JUSTICE

-- Table 1 goes here --

Table 1 summarizes the support of urban officials for the 21 principles of justice presented to them and how often their stories invoked these principles.[5]   Column 2 provides the mean scores of support for the 21 principles among all 119 persons interviewed; the higher the score, the greater is the support for a principle. To indicate the levels of consensus and disagreement regarding each principle, Column 3 reports standard deviations; the smaller the standard deviation, the greater the consensus about the value of a principle. Column 4 indicates the number of times each principle was invoked in the stories in a manner indicating the respondent supported the principle in the incident being discussed, while column 5 indicates the number of stories presented where respondents expressed opposition to each principle.

Justice is often considered being even-handed and impartial, and thus we first list eight principles that seem most neutral in their application.[6]   Although officials have different interpretations about what constitutes impartiality and even-handedness, each of these principles is based on the ideas that certain circumstances require equal treatment of all citizens or that all citizens deserve equal consideration of their particular interests and needs. Table 1 reveals that equal opportunity is the most consensually endorsed justice principle, as it has both the highest mean support score and the lowest standard deviation of any of the 21 justice principles. Except for one official who expressed mixed feelings about equal opportunity, this principle was either strongly or mildly supported by everyone. However, such support masks extensive controversy regarding the interpretation of this principle, as we shall see in the next section. Table 1 also shows that, among urban officials, the principles of equality and utilitarianism are only slightly more supported than

opposed, and libertarian justice is widely opposed. The bases of such evaluations and the limited areas of application of these principles will also be explored in the next section.

Table 1 also provides data about four neutral principles that space will not allow us to explore more fully here. Urban officials are evenly split in their support for and opposition to the principle of dispersed inequalities, a pluralist idea that democratic equality is achieved if unequal distributions offset each other (Dahl, 1961: 85-86). Although many officials think this idea is reflected in ordinary practice -- in "political deal-making" where some group gets relatively large shares of some good X while other groups get relatively large shares of goods Y and Z -- they normally view such practice as more expedient than just, and thus told only one story in which they thought the principle of dispersed inequalities reflected their core justice principles. Most urban officials oppose the idea that they should avoid dashing citizen's "previous legitimate expectations" (Elster, 1992: 244), noting that the legitimacy of many people's expectations is often problematic and that application of this principle would restrain them from making changes in governmental distributions that reflect more compelling principles of justice. Additionally, urban officials -- women as well as men -- express more opposition than support for the feminist "ethic of care," a moral conception urging them to recognize and be responsive to the particular needs of each unique individual. For the most part, they regard this ethic as a noble sentiment -- a disposition appropriate for public servants like teachers who must deal with particularized needs-- but they believe that policy makers must develop abstract rules to constrain the undue favoritism that might emerge, they fear, from applications of the ethic of care. Finally, most urban officials support the idea of procedural justice. Believing that different people bring irresolvable differences in their justice concerns to particular issues, they hope that justice can be approximated by failing back on procedures for resolving such conflicts that are open to all viewpoints, that contain no built-in advantages for particular groups, and that generally conform to previously-agreed upon democratic procedures (Rawls, 1971: 86; Hochschild, 1981: 75; Dahl, 1989: 84-88; and Beitz, 1989).

Because natural and social processes distribute resources unequally, many redistributive principles of justice have been proposed that aim to benefit those who are most disadvantaged in the

distribution of natural and social resources, or to limit the benefits of those most advantaged in the distribution of such resources. Overall, urban officials are at least mildly supportive of providing compensatory programs for the disadvantaged, as proposed by Rawls' difference principle, the rights principle, the floors principle, and the needs principle -- principles that will be explored in more detail in the next section. Urban officials also tend to be supportive of distributing goods on the basis of ascriptive traits. They seldom interpret this principle in the manner of a traditional (or Burkean) conservative -- that one's privileges and duties should be defined by such traits as race, class, and gender (Hochschild, 1981: 70) -- and, if they do, they reject this idea. Instead, this principle is normally seen as a celebration of diversity, implying that governments should have different programs that respond to the needs of different kinds of people, and that governments should be particularly responsive to the needs of those having ascriptive traits that undermine their assimilation into American society. While urban officials support compensatory principles, they are more willing to help the disadvantaged than to limit the advantaged. Table 1 reveals strong opposition by urban officials to the idea of establishing ceilings, or upper-limits, on the goods received by the well-off, a finding that complements and extends that of Frolich and Oppenheimer (1992: 59), who found little support for ceilings in their experiments with ordinary citizens. For the most part, urban officials doubt that it is the role of (local) governments to limit the goods available to the well-off, except to adopt progressive taxes.

Most urban officials are unsure of the meaning and application of the idea that certain exchanges across goods should be blocked, such as prohibiting the use of money to acquire social recognition or political office (Walzer, 1983: 100-102). No stories were told making reference to this principle, and when the idea was presented to them, their reactions were slightly more negative than positive.[7] Many viewed the principle as an attack on capitalism; they thought that if people had legitimately acquired a good -- and most thought about money in this context -- they should be allowed to use that good as they wanted.

Desert principles comprise our third category of justice precepts; such principles have at their core the idea that distributions should reflect the merits of those who make claims on social goods.

Desert principles often collide with redistributive principles because rewarding people based on their merits may exacerbate the inequalities that trouble those committed to redistributive principles. Neutral principles may involve procedures where various kinds of merits might get rewarded, but such principles remain silent as to what constitutes merit. In contrast to neutral principles, desert principles articulate various criteria for what constitutes merit. While urban officials see some value in various desert principles, they generally see them as being more problematic and having fewer applications than neutral and redistributive principles.

The idea of rewarding people based solely on effort (Sher, 1987: 54; Dworkin, 1981: 311) is little supported by officials, because they doubt that the effectiveness of people's efforts should be overlooked.[8] Nevertheless, officials also doubt that officials should only reward effectiveness when allocating resources. The idea of targeting resources at people who have the highest probability of successfully using the resources (Elster, 1992: 93) is a contentious one. While officials understand the logic of withholding resources from those who do not accomplish anything with them, they believe that many governmental (and social) programs are intended to give the ineffective a chance to make better use of their resources and abilities. The idea of rewarding those who exhibit the moral virtues that conform to community values (MacIntyre, 1990) is mildly opposed by most officials who recognize the difficulties involved in making the value judgments that this precept presupposes. The principle of rewarding people on the basis of their abilities (Kirk, 1962: 179-83) is more supported, but not because officials believe that people deserve their talents and should be rewarded merely because of their greater talents. Instead, officials stress that everyone has talents and that government should encourage all talents. Talented people should be rewarded when they contribute to society.

Our final two desert principles focus not on inputs to social production -- people's efforts, virtues, abilities, and other predictors of successful contribution -- but rather focus on their output, their actual contributions. The principle of social merit holds that people should be rewarded according to their contribution of the good of society, while the principle of equity maintains that communities should distribute goods in proportion to one's contribution to the community. While

these principles seem almost identical, the different ways in which we phrased them prompted quite different evaluations from urban officials. As shown in Table 1, the social merit principle was the most supported desert principle that we provided, but the equity principle received less support than any of the other 21 justice principles during the fixed-response part of the interview. At the same time, the concept of equity was among the most frequently invoked principles in the stories told by our participants -- and usually in a positive manner.[9] To clarify these apparent discrepancies, we will further discuss below how urban officials interpret and apply the principles of social merit and equity.

INTERPRETATIONS AND APPLICATIONS OF SPECIFIC JUSTICE PRECEPTS

A pluralistic theory of urban justice holds that many principles of justice influence policy making, but that their impact depends on how they are interpreted. Such a theory also holds that various principles have specific areas of application. To illustrate these points, we elaborate in this section the roles that 10 of our 21 principles play in urban policy making.

Equal Opportunity. The concept of equal opportunity is a principle of justice that is intended to provide neutrality among individuals in the competition for unequal shares of material goods, power and various "lumpy goods" -- like particular positions and honors -- that cannot be divided without their value drastically declining (Rae, 1981: 64-81). But people have different conceptions of what constitutes neutral 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." This conception of equal opportunity asserts that differences in competitors' abilities, efforts, virtues, and (potential) social contributions rather than differences in such morally arbitrary criteria as their ascriptive characteristics 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 Rawls and John Schaar (1967)) who doubt that the rules of formal equal opportunity provide fair competition. Such people argue that differences in the abilities, efforts, virtues, and potential social contributions arise from arbitrary

natural lotteries or from social circumstances that are themselves undeserved. 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).

Urban officials frequently use the metaphor of a level versus a tilted playing field to capture the distinction between formal and fair equal opportunity, and there is about equal support for both of these conceptions. Those in favor of a tilted playing field, or fair equal opportunity, 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, or formal equal opportunity, say that programs that tilt the playing field in favor of historically disadvantaged groups are 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 cannot 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).

To achieve better descriptive representation of their ethnically diverse cities, almost all officials believe that equal opportunity principles should apply to the distribution of municipal jobs and to positions on governing and advisory bodies, but as the above discussion suggests, they disagree as to what this should mean in practice. Those officials who support a level playing field usually believe that fairness is achieved if there are no racial or gender biases in the procedures and tests used to screen applicants for jobs and offices. For them "affirmative action" should -- at most -- be restricted to providing training programs for the disadvantaged to improve individual qualifications and to making special efforts to encourage the disadvantaged to apply for jobs in employment areas where they are underrepresented. Officials who seek "fair equal opportunity" through a playing field that is tilted more aggressively in favor of historically disadvantaged groups

endorse making minority standing a preferred qualification for positions and establishing racial quotas for such positions.

Most officials believe that equal opportunity principles should also be applied when distributing governmental contracts. To compensate for historical inequities, officials sometimes support giving such contracts to minority firms if their bids are within a certain range (five percent in Pasadena) of the lowest bid by a white contractor. Some officials also support having minority participation by subcontractors be an important criteria for awarding municipal contracts. The most aggressive affirmative action programs in this area are minority set-asides on contracts, and urban officials are fairly evenly divided in their evaluation of the fairness of these programs.

While most officials stressed the distribution of public offices and municipal contracts as areas requiring equal opportunity, the concept of equal opportunity is so firmly ingrained in American culture that they invoke it for almost every distributional question -- providing parking spaces for the handicapped, choosing cheerleaders in the public schools, and so forth. But, urban officials disagree as to which programs and policies ensure neutrality in competition for scarce goods. Official'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 Rawls' difference principle. And support for formal equal opportunity seems rooted in support for various desert principles. Support for these principles is much less consensual than support for the most general articulation of equal opportunity.

Equality. Perhaps the most obvious principle to invoke if one wants to treat people in an even-handed, impartial manner is equality -- rewards and punishments should be distributed equally among everyone. But as Hochschild (1981: 54) points out, in the long history of theorizing about justice, 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." However, even though people do not 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.

Among urban officials, there is general agreement that the equality principle requires that city and school officials treat citizens in a non-discriminatory fashion. Teachers should not give greater attention to whites and boys than to minorities and girls. The police should ignore such matters as people's race and physical appearance in making decisions about detaining citizens and enforcing traffic laws.

There is great agreement among urban officials that infrastructure facilities 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 (unless historical inequities require compensatory inequalities favoring the previously disadvantaged). Several school board members fretted about the difficulty of providing equal educational facilities throughout the district as new schools were of much higher quality -- "with all the bells and whistles" -- than older schools.

Nevertheless, support for equality is limited. Nondiscriminatory treatment, equivalent facilities, and 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.

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. 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.

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: the need "to balance the public good with the individual who is most hurt." According to one official, "you can't be overly concerned about who is most hurt" because "the hurt is what you put into the equation when calculating the public good."

Supporters of utilitarianism provide many examples of city regulations that benefit the vast majority of citizens despite imposing lesser burdens on some. Using the power of eminent domain to condemn and purchase land to provide public and open space, imposing landscaping requirements that add to the costs of new developments, and regulating rental property in ways that prevent neighborhood blight are just a few of the examples that officials provided in their stories. They also cited numerous examples of projects that were 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 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 harm imposed on the few. But, even in such cases, some officials remain skeptical about the principle. They have not 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-utilitarians have deeper concerns. For them utilitarianism can violate 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.[10]

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. While libertarians do not necessarily assert that people deserve the goods that they attain from market transactions (Hayek, 1982), their reliance on the market as a distributor of goods has the effect of making the market the primary dispenser of justice, and of being indifferent to the pattern of distribution that results from the exercise of free choice in the market place.

While most urban officials reject libertarian justice, they nevertheless appreciate the free market. No one argued that governments should replace markets as the primary vehicle for distributing incomes and basic commodities. Many officials also thought that certain governmental distributions should provide citizens with "free choice," at least within certain parameters. Officials in Seattle and Minneapolis often claimed that a key element in the fairness of their desegregation plans was that they allowed significant choices, for example, by assigning students to one of the three schools they most preferred or by giving them the option to attend various magnet schools. Most officials in each city also supported many social liberties, claiming government should not interfere with the choices that individuals make regarding sexual behavior or concerning abortion.

Despite such limited applications of libertarian ideas, opposition to libertarian justice is prevalent because urban officials believe that governments, including city governments, should attempt to correct certain market failures. Many officials recognize libertarian principles of justice

as prohibiting publicly-financed welfare and social service programs. Other officials believe that such principles prohibit their giving tax incentives to attract businesses to their communities. Many school board members believe that such principles 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.

The Difference Principle. John Rawls' most famous and controversial contribution to our thinking about justice is his "difference principle," which he formulated to promote and protect the interests of the representative person in the lowest socioeconomic class (Rawls, 1971: 301). Compensatory 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 ignores her natural endowments and social circumstances (a morally appropriate condition that Rawls' achieves through his "veil of ignorance") should support the difference principle because it best protects her essential interests in the event that she is poorly

endowed or lives in disadvantaged circumstances. In short, compensatory policies focusing benefits on the least-advantaged is the best way of giving equal consideration to everyone's most fundamental interest in living a good life.

Urban officials generally endorse the difference principle and see its primary application as being in the issue-area of social welfare. Broad support for the idea that city officials should practice compensatory justice and provide social welfare 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 complained 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 took pride in the liberal welfare policies of their communities. They strongly support the role that city governments and schools play in administering and implementing state and federal compensatory policies, such as Chapter One programs providing assistance to disadvantaged youngsters and Community Development Block Grants (CDBG) that are disproportionately targeted toward low-income neighborhoods. City councilpersons tend to support investing 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. School board members usually support giving extra resources to schools having high concentrations of minority and low-income families and having students with low educational attainment. For example, they often argued that such schools should have the most experienced teachers and the lowest pupil-teacher ratios, and special drop-out prevention programs. In almost every city, school board members called for state governments to play a more redistributive role in school financing.

Officials also believe that the difference principle applies to the location of public facilities and projects. They recognize that undesirable facilities -- landfills, water treatment plants, homeless shelters, parking lots for school buses, and so forth -- have historically been located in lower-income

neighborhoods, and they often call for remedial actions to reduce the hardships that such facilities impose on the poor.

Developmental policies and redevelopment projects can also invoke the application of the difference principle. Rezoning proposals that harmed low-income neighborhoods were seen as violations of Rawlsian principles. Projects that required the relocation of the poor were usually opposed, unless the displaced poor could be moved to equal and better locations. Bulldozing dilapidated buildings was rejected, unless replacement housing was built for low-income residents.

Nevertheless, support for the difference principle 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. In practice, the difference principle often competes with alternative principles of justice, most often -- as Rawls suggested -- with utilitarianism. Among the 119 officials interviewed in this study, support for the difference principle and the utilitarian principle was significantly and negatively related (r = -.28), and respondents most often provided utilitarian rationales when discussing situations where they thought the difference principle should not be applied.[11] 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," said an official in Kansas City. 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 the difference principle among urban officials, but overall support for Rawls's difference principle is surprisingly strong in urban America.

Rights. As part of his theory of justice, Rawls argued for an "equal rights" principle that supersedes the difference principle, and he argued that just societies provide all citizens specific rights -- political liberties like the right to vote, legal liberties like freedom from arbitrary arrest, liberty of conscience, and the right to hold personal property. For urban officials, the equal rights principle is applicable to the distribution of basic liberties, as specified by Rawls. In their stories, urban officials applied the equal rights principle to cases when rights that most people enjoyed were being withheld from others. Most such stories involved gays and lesbians; officials believed, for example, that homosexuals should be protected from discrimination in employment and housing. Several other stories involved the political liberties of "the radical right;" several officials claimed that (despite their abhorrent views) such groups as the KKK had the right to assemble and speak like other citizens.

Beyond such legal or positive rights, people often assert various citizen rights, maintaining that governments should provide their citizens certain essential goods -- such as minimal nutrition, shelter, and health care -- universally, equally, and free of charge (Dworkin 1978, 90-94). For the most part, urban officials did not see such rights-claims as being relevant to the provision of various forms of welfare. Indeed, opposition and reservations about the rights principle occurred when officials paused to reflect on the question of *which* goods should be treated as rights and provided universally by government. While some officials agreed that people ought to have the right to basic health care, many others maintained that "the right to health care would be nice, but I'm not sure we have the resources to provide it." Urban officials understand that such rights must be paid for

through taxes that curb the right of citizens to spend their incomes as they wish. Thus, support for rights is significantly and negatively related to support for libertarian justice ($r = -.25$).[12] Urban officials also suggest that governmental provision of such rights serves primarily the interests of the poor rather than the public interest; thus support for rights is also significantly and negatively related to support for utilitarianism ($r = -.25$). Urban officials are often unsure whether claims about welfare rights supersede libertarian and utilitarian principles which they often hold, and so support for claims about welfare rights seems to be grounded in a strong sense of compassion for the disadvantaged.

Floors. In a provocative experiment about citizen's attitudes regarding fair distribution of income, Frohlich and Oppenheimer (1992: 36) characterized Rawlsian principles as "the floor constraint." However, the idea of a floor in distributive justice usually means guaranteeing a certain specified minimum level of goods to everyone, and such an ordinary understanding of the floors principle has important differences from Rawlsian principles. While Rawlsian principles require equal distributions of the basic liberties, the floors principle would call for certain minimal liberties for all (e.g., one vote for everyone) while allowing some people greater liberties above the floor (e.g., extra votes for the most qualified, as in the plural voting proposal of John Stuart Mill, (1991 [1861]). While Rawlsian principles require that the least-advantaged benefit from inequalities, the floors principle would allow such benefits to cease once a specified floor was reached. Most importantly, the floors principle requires some social determination of where to set the floor. If a "high" floor is set (near the median of a distribution) then the floors principle results in quite equal shares that give everyone equal access to the goods they need to pursue their life goals. However, if a "low" floor is established, the resulting distribution may be very unequal.

Urban officials strongly support establishing floors, which they interpret as requiring government to provide minimal levels of security and welfare. Like Walzer (1983: 68) they agree that "every political community is in principle a welfare state." But not all supporters thought that the welfare state should be extensive. Nor did all supporters think that *local* government should provide the floor. Thus, the floors principle seems important only insofar as acceptance of it makes

urban officials receptive to arguments for specific welfare proposals, but its vagueness provides officials little guidance regarding specific proposals that would raise or lower the minimal levels of security and welfare that they provide.

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 health care should be distributed 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 specified. Perhaps it means giving priority to the economic needs of the least advantaged, in which case the needs principle would strongly overlap with Rawls' difference principle. Perhaps it means that everyone's minimal biological needs should be satisfied as a matter of natural right (Adler, 1981: 164-73). Perhaps it means that there should be some political process for specifying those goods that everyone requires 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 many different applications of the needs principle, but all interpretations of the needs principle sever 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.

Urban officials interpreted the needs principle differently, in ways that fall on a continuum ranging from the universal and broad to the particular and narrow. Beginning on the universal end

of the continuum, some officials believe that 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 residents in their communities and that citizens are willing to pay for through taxation. In this interpretation, the needs principle strongly resembles the idea of establishing floors.

Moving along the continuum, some officials interpret needs broadly but particularly. We all have needs, but they differ from one group of people to the next. The handicapped need access to buildings. Those in high crime areas need better police protection. Industrial areas need to be served by railroads. 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 all economically-disadvantaged people for preferred treatment in the distribution of public goods and services.

Finally, at the far end of the continuum, officials defined 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. In one story, a school board member in Pasadena spoke passionately about how "each child must get her needs meet" whether she is gifted or learning disabled, whether she speaks English or Spanish, whether she exhibits model behavior or is troublesome, and so forth. For this official, everyone has different needs, and public schools should identity the needs of each child and deliver the education that satisfies each particular need. In this interpretation, the needs principle resembles the ethic of care.

Although officials with many conceptions of need supported the abstract needs principle, opposition and reservations about this principle was also evident. Opponents stress 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, and "individuals are no longer responsible for helping themselves." Thus, the needs principle is significantly and negatively related to libertarian justice ($r = -.24$). Officials with reservations stress that the needs principle does not provide much guidance for achieving justice until whose needs 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." Thus, as popular as the needs principle is with urban officials, it is difficult to see how its application provides much guidance to them in their efforts to allocate goods and services justly. Often, when people spoke of applications of the needs principle, they invoked, simultaneously, related redistributive principles such as Rawls's compensation principle ($r = .29$), the floor principle ($r = .19$), or the idea of distributing goods on the basis of ascriptive traits ($r = .22$). If the needs principle plays any role in urban justice independent of these other redistributive principles, it is probably to restrain support for desert principles.

Equity. 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).

When people tell stories invoking the equity principle, they often interpret it as involving fair exchanges among governmental entities or between governmental agencies. For example, if the

policies of various governments (the state, the city, and the school district) all have contributed to desegregated schools that the courts order must be remedied, these governments should pay the costs of the remedy in proportion to how much their policies contributed to the problem. Urban officials also claim that equity principles apply to some of the projects they undertake and some of the services they provide. Thus, special benefit districts should allocate project costs in proportion to the benefits received by various property owners in the area. Despite supporting the equity principle in such cases, most urban officials opposed this idea as presented to them. They interpreted the phrasing of that idea to mean 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 asserted, "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."

Social Merit. For urban officials, the most compelling desert principle is that people should be rewarded according to their contributions to the good of society (Feinberg, 1979; Sher, 1987). The social merit principle is logically related to the equity principle, as each inquires into the contributions that people make, but the social merit principle is much looser and allows for more discretion on the part of 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 those who make social contributions. In addition, the initiative for rewarding such merit rests with those who wish to acknowledge their gratitude for the social contributions that people have made. Because of these differences, officials support for the social merit principle was unrelated to their support for equity ($r = -.02$). Most officials think it is important for them to recognize contributors to their communities, making such people feel appreciated and establishing role models for others to emulate. But, they generally stress that recognition, and only recognition, is the appropriate reward for social merit. Public acknowledgment at a council meeting, recognition at a dinner, a plaque,

perhaps having a street or public facility named after them -- not monetary rewards -- are regarded as the appropriate rewards for social merit.

CONCLUSION

This paper has furthered a pluralist theory of urban justice in several ways. First, it has shown that urban pluralism is not simply about reconciling the diverse interests of competing groups, but is also about applying a wide diversity of justice principles to policy decisions. Most urban policy makers report that concerns about justice are among the most important aspects of their jobs; the interview data reveal that moral concerns play significant roles in urban decision making, roles that have been largely neglected in theories of urban politics. Second, this paper has delineated a large number of justice principles that are supported (to various degrees) and have applications (in specific issue areas) among urban officials. While we do not claim that the 21 principles reported here exhaust the justice concerns of officials, almost all of the stories that officials provided about fairness reflected one or more of these principles, and each of these principles seemed to have particular meanings and applications. Monistic theories of justice that focus on the centrality of one or two principles of justice fail to capture the diverse justice concerns of urban officials. In short, our interview data provide strong support for "principled pluralism," a theoretical perspective that describes, explains, and evaluates the policies of cities (and other political communities) on the basis of the variety of justice principles that have been defined and defended in the philosophical literature and that have been examined in our study of urban justice.

Third, like other pluralist approaches to justice, our study indicates the importance of empirical studies for normative theories of justice. Of course, studies reporting what officials do to achieve justice in particular situations cannot answer the question of that officials *ought* to do in these situations. Indeed, our study shows that urban officials continue to disagree in their support, interpretations and applications of various justice principles. However, empirical research such as ours suggests that these

disagreements do not seem as intractable at the operational level as they seem when alternative justice principles are provided as parts of competing philosophical systems. Rawlsians and libertarians seem hopelessly at odds when they confront each other in debate over abstract principles, but our empirical research shows that urban officials are often able to provide some support and find some areas of applications for these seemingly irreconcilable views.. For example, most city officials find substantial merit in Rawls' difference principle, and most of them apply this principle by giving special consideration to the needs of the disadvantaged and by supporting programs that provide a floor of essential goods that are available to all citizens. At the same time, most city officials also find some merit in libertarian principles; they deny that their governments (or any other governments) should replace the market as the principal distributional agency, they reject imposing ceilings on the goods that people attain in private life, and they are reluctant to block most free exchanges of goods .

Of course, public officials do not always agree on what constitutes a just distribution of any given good. When a disagreement occurs, officials -- and citizens too -- must discuss what justice means and requires for the particular goods being distributed among members of particular communities having particular beliefs and values about their common lives. When disagreement occurs, people might follow the recommendation of Charles Anderson (1986) and employ the case method of common law to discover the best justice principles to apply in concrete cases. By working back and forth between their principles and their moral intuitions about how to resolve concrete cases, they might increasingly agree on specific principles that seem to fit particular classes of cases. We believe that more enlightened understandings about justice can merge when participants enter such dialogues as principled pluralists, rather than by seeking to give some justice principle a paramount and universal importance and then requiring that their diverse distributive decisions conform to such an "ideological" imperative.

Endnotes

1. For a discussion of the interpretations and applications of those principles not reported here, see Schumaker and Kelly 1994.

2. This communitarian perspective, emphasized by Sandel and MacIntyre, is increasingly accepted by justice theorists. Walzer (1983: 312) holds that "justice is relative to social meanings" that exist in particular communities. In his recent work, Rawls (1993) accepts that the appeal of his principles of justice depends on the widespread acceptance of certain liberal values that may prevail in only some communities.

3. A total of ten interviews had to be canceled because of conflicts that developed in the schedules of those who had earlier agreed to participate in the study.

4. In the appendix, we indicate the exact wording of the 21 principles of justices, as expressed on the cards presented to our respondents are provided.

5. For the most part, there are higher positive correlations in support for principles within each of the three categories in this table than across categories. Indeed, various factor analyses show some tendency for principles within each category to load together and differentiate themselves from principles in other categories, but we doubt the value of moving away from the 21 principles to considerations of a smaller number of "underlying factors." The highest correlation among any two principles is .56, indicating that no two principles strongly overlap in the support they have attained from urban officials, and this suggests that each of these principles have their distinct meanings and areas of application.

6. Some of these principles have meanings and applications that sometimes favor the well-off and sometimes favor the least-advantaged, and so their net impact may be relatively neutral.

7. Lack of support for blocked exchanges should not, however, be interpreted as a lack of support for the larger theory of justice presented by Walzer in *Spheres of Justice*. Walzer's larger point is that different justice principles apply to different spheres of life, and the interviews certainly revealed that all respondents held a variety of principles of justice that they applied to different kinds of decisions.

8. The most frequently suggested applications of this precept concerned rewarding <u>young</u> children in school, a context where effort seemed more important than actual accomplishment.

9. This does not mean that respondents were inconsistent in their responses or that our results are dependent on the methodology used. For the most part, the apparent discrepancy occurred because respondents thought that the meaning of equity provided in part two implied applications that they could not support, even though they thought equity principles applied to the kinds of cases described in their stories. It is precisely this sort of complexity that a pluralist theory of justice must explore. The different formats used in the interviews permit such explorations.

10. However, fundamental individual rights are not necessarily incompatible with utilitarianism. John Gray (1989: 120-39) attributes to J.S. Mill the concept of indirect utilitarianism, a concept which allows for the reconciliation of utilitarianism and individual rights. When determining utility, indirect utilitarianism calls on us to consider not just the immediate effects of our actions but also the long-term consequences. If we trample on the rights of one individual today, then we undermine the rights of all individuals as individuals in the future. Eventually this will lead to a net reduction in happiness for everyone. Thus, ignoring individual rights undermines the goals of utilitarianism.

11. Nevertheless, several respondents argued that something that hurts the least advantaged could never be to the benefit of the community as a whole. Such reasoning seems to imply an unstated conception of indirect utility, an idea discussed in the previous footnote. Although a policy may generally seem to benefit society as a whole in the short term, if it hurts the disadvantaged it cannot be to society's benefit in the end.

12. Even advocates of the rights principle understand that rights-claims can compete with one another, as does the supposed right of the homeless to shelter conflict with the supposed right of the taxpayer to the income that might pay for such shelters. Dworkin (1977: 180-81) recognizes that such difficulties preclude consensus as to what rights we are entitled to in practice. For an important broad critique of trying to apply rights principles, see Mary Glendon (1991).

TABLE 1
Support for Various Principles of Justice Among Urban Officials

	Mean Support Score	Standard Deviation	Times Positively Invoked in Stories	Times Negatively Invoked in Stories
Neutral Principles				
Equal Opportunity	8.58	0.81	16	1
Equality	5.26	2.81	36	1
Utilitarianism	5.23	2.52	17	3
Libertarian Justice	3.50	2.19	6	7
Dispersed Inequalities	5.08	2.92	1	1
Legitimate Expectations	4.57	2.66	7	3
Ethic of Care	4.68	2.67	4	0
Procedural Justice	7.02	2.45	15	1
Redistributive Principles				
The Difference Principle	7.05	2.04	13	0
Rights	7.95	1.45	8	0
Floors	7.79	1.79	2	0
Needs	7.61	1.89	16	1
Ascriptive Traits	5.99	2.80	4	2
Ceilings	3.34	2.77	1	0
Blocked Exchanges	4.76	2.66	0	0
Desert Principles				
Effort	4.02	2.33	0	5
Probable Success	4.94	2.82	3	0
Moral Virtue	3.90	2.62	2	1
Ability	5.68	2.28	2	1
Social Merit	5.97	2.47	0	0
Equity	2.71	2.11	15	1

Appendix: Principles as Presented to Urban Officials

Equal Opportunity. 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.

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

Utilitarianism. 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.

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

Dispersed Inequalities. 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.

Legitimate Expectations. 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.

Ethic of Care. Public officials should ignore or look beyond various abstract principles of fairness and justice and simply recognize the real difficulties and needs of

particular people and take responsibility for helping concrete persons to the greatest extent possible.

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.

The difference principle. 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.

Rights. 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.

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

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

Ascriptive Traits. 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.

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

Blocked exchanges. 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.

Effort. 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.

Probable Success. 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.

Moral Virtue. Recognizing that individuals differ in their moral virtue, public officials should reward those who are most generous, considerate, and kind toward others and whose conduct most conforms to the dominant moral values of the community.

Ability. 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.

Social Merit. 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.

Equity. 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.

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Abstract

Urban Justice: Findings from a Pluralist Theoretical Framework

In order to understand how elected urban officials think about distributive justice, 119 members of city councils and school boards in twelve United States cities were interviewed. Participants were asked to respond to twenty-one specific principles of justice and to tell stories about specific situations involving allocative decisions that they have faced. This paper is an exploration of their responses. The various interpretations that officials have of some of these principles of justice and 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 are potentially applicable to different urban distributional dilemmas.

Endnotes

1. For a discussion of the interpretations and applications of those principles not reported here, see (authors' citation).

2. This communitarian perspective, emphasized by Sandel and MacIntyre, is increasingly accepted by justice theorists. Walzer (1983: 312) holds that "justice is relative to social meanings" that exist in particular communities. In his recent work, Rawls (1993) accepts that the appeal of his principles of justice depends on the widespread acceptance of certain liberal values that may prevail in only some communities.

3. A total of ten interviews had to be canceled because of conflicts that developed in the schedules of those who had earlier agreed to participate in the study.

4. In the appendix, we indicate the exact wording of the 21 principles of justices, as expressed on the cards presented to our respondents are provided.

5. For the most part, there are higher positive correlations in support for principles within each of the three categories in this table than across categories. Indeed, various factor analyses show some tendency for principles within each category to load together and differentiate themselves from principles in other categories, but we doubt the value of moving away from the 21 principles to considerations of a smaller number of "underlying factors." The highest correlation among any two principles is .56, indicating that no two principles strongly overlap in the support they have attained from urban officials, and this suggests that each of these principles have their distinct meanings and areas of application.

6. Some of these principles have meanings and applications that sometimes favor the well-off and sometimes favor the least-advantaged, and so their net impact may be relatively neutral.

7. Lack of support for blocked exchanges should not, however, be interpreted as a lack of support for the larger theory of justice presented by Walzer in *Spheres of Justice*. Walzer's larger point is that different justice principles apply to different spheres of life, and the interviews certainly revealed that all respondents held a variety of principles of justice that they applied to different kinds of decisions.

8. The most frequently suggested applications of this precept concerned rewarding young children in school, a context where effort seemed more important than actual accomplishment.

9. This does not mean that respondents were inconsistent in their responses or that our results are dependent on the methodology used. For the most part, the apparent discrepancy occurred because respondents thought that the meaning of equity provided in part two implied applications that they could not support, even though they thought equity principles applied to the kinds of cases described in their stories. It is precisely this sort of complexity that a pluralist theory of justice must explore. The different formats used in the interviews permit such explorations.

10. However, fundamental individual rights are not necessarily incompatible with utilitarianism. John Gray (1989: 120-39) attributes to J.S. Mill the concept of indirect utilitarianism, a concept which allows for the reconciliation of utilitarianism and individual rights. When determining utility, indirect utilitarianism calls on us to consider not just the immediate effects of our actions but also the long-term consequences. If we trample on the rights of one individual today, then we undermine the rights of all individuals as individuals in the future. Eventually this will lead to a net reduction in happiness for everyone. Thus, ignoring individual rights undermines the goals of utilitarianism.

11. Nevertheless, several respondents argued that something that hurts the least advantaged could never be to the benefit of the community as a whole. Such reasoning seems to imply an unstated conception of indirect utility, an idea discussed in the previous footnote. Although a policy may generally seem to benefit society as a whole in the short term, if it hurts the disadvantaged it cannot be to society's benefit in the end.

12. Even advocates of the rights principle understand that rights-claims can compete with one another, as does the supposed right of the homeless to shelter conflict with the supposed right of the taxpayer to the income that might pay for such shelters. Dworkin (1977: 180-81) recognizes that such difficulties preclude consensus as to what rights we are entitled to in practice. For an important broad critique of trying to apply rights principles, see Mary Glendon (1991).

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