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Introduction

A classical definition of economics is that it deals with the allocation of scarce resources with alternative uses. An equally well-known definition of politics is that it is about “who gets what, when, and how.” According to these definitions, the issues raised in this book belong equally to economics and to politics. Among many others, I discuss questions such as the following:

- Who gets a kidney for transplantation?
- Who is admitted to selective colleges?
- Who is selected for layoffs?
- Who is chosen for military service?
- Who is allowed to adopt children?
- Who shall be allowed to immigrate?

Yet, although these issues would seem to be part of economics as well as of politics, neither economic theory nor political science has much to say about them. I hasten to say that in one sense this is a bit of an exaggeration. The issues discussed in the book have indeed been extensively examined by economists, political sci-

tists, and scholars from other disciplines. But my point is that there have been virtually no attempts to study the whole range of questions of this kind, and to develop a conceptual and theoretical framework to describe and explain how institutions allocate goods and burdens. Nor have philosophers been much concerned with the normative aspects of these issues—except, once again, on a case-by-case basis.

I find this neglect puzzling. The life chances of the citizen in modern societies do not depend exclusively on market choices or on governmental decisions. To an increasing extent, they also depend on allocations made by relatively autonomous institutions, beginning with admission or nonadmission to nursery school and ending with admission or nonadmission to nursing homes. One could write the fictional biography of a typical citizen, to depict his life as shaped by successive encounters with institutions that have the power to accord or deny him the scarce goods that he seeks. Many of these encounters are relatively insignificant. Although my life is affected by the decision of my university to allot or deny me a parking space, the issue is hardly a vital one. Other encounters decide matters of life and death, such as the allocation of scarce medical resources and the induction into military service in wartime. Be the issues small or big, the sum total of all such decisions can rival the market and the state in their importance for shaping our lives. They deserve, I think, no less careful consideration.

In Chapter 2, I shall explain in more detail the issues that fall under the heading of “local justice.” Some remarks may be useful at this point, however, concerning each of the two central terms, “local” and “justice.”

I can explain what I mean by “local” by saying something about the relation of this monograph to the research project in which it is embedded. A few years ago, I set out to study allocative practices in three sectors or, as I shall often call them, *arenas* of American society: health, education, and work. Eventually, the focus became narrower: organ transplantation, college admission, job layoffs. Each of these arenas follows different principles and procedures for selecting recipients of goods and burdens. *Need* is central in allocating organs for transplantation, *merit* in admitting students to college, and *seniority* in selecting workers for layoffs.

In one sense of “local,” then, the word refers to the fact that different institutional sectors use different substantive principles of allocation.

Later, similar projects were undertaken in Norway, France, and West Germany, with emphasis on the same (or similar) allocative issues.¹ A project in Brazil is just starting up. By enabling cross-national comparisons, these projects suggest a different sense of “local”: allocative principles and practices can differ across countries, as well as across arenas. In many European countries, need (as measured by number of family dependents) can be a factor in deciding which workers to lay off. Access to higher education is sometimes decided by a lottery. The allocation of scarce medical resources is frequently regulated by queuing. Thus we can ask (and perhaps answer) questions such as the following: Is the allocation of medical resources in France more similar to the allocation of medical resources in the United States or to the allocation of university places in France? More generally, to what extent is allocation goods-specific and to what extent is it country-specific?

Later, a third sense in which allocative decisions are “local” has become clear. Initially, I assumed that in most cases the practices within a given arena in a given country were relatively uniform. For instance, the scheme for kidney allocation in the United States (laid down by the United Network for Organ Sharing) is stated so as to apply to all transplantation centers. On closer inspection, however, it turned out that local centers can and do ask UNOS for permission to apply their own variants of the general scheme. More obviously, private colleges differ quite widely in their admission policies and in the ways they implement them. Collective bargaining agreements differ extensively in the relative importance they assign to seniority and ability as criteria for retaining workers in layoff situations.

These empirical studies focus, then, on three specific allocative questions, as they are resolved in different countries. The results will be reported in subsequent publications. The present mono-

¹Layoffs and the allocation of kidneys are studied in all four countries. The difference in educational systems makes it impossible, however, to find exact analogues to the college admission situation. Instead, other selective institutions of higher education are examined.

graph has a different character. Since it is largely theoretical in character, I discuss case studies to illustrate general points and not for their own sake. Also, I go beyond the three arenas of health, work, and education to include a number of other allocative issues. I also range more freely in time and space, to achieve a higher degree of conceptual and theoretical generality.

Local justice can be contrasted with global justice. Roughly speaking, globally redistributive policies are characterized by three features. First, they are designed centrally, at the level of the national government. Second, they are intended to compensate people for various sorts of bad luck, resulting from the possession of "morally arbitrary properties." Third, they typically take the form of cash transfers. Principles of local justice differ on all three counts. They are designed by relatively autonomous institutions which, although they may be constrained by guidelines laid down by the center, have some autonomy to design and implement their preferred scheme. Also, they are not compensatory, or only partially so. A scheme for allocating scarce medical resources may compensate patients for bad medical luck, but not for other kinds of bad luck (including the bad luck of being turned down for another scarce good). Finally, local justice concerns allocation in kind of goods (and burdens), not of money. Thus, for instance, I do not consider wage determination by firms as a problem of local justice. Although this delimitation may appear arbitrary, it is justified by the fact that in modern societies wages enter indirectly into the global redistributive system, through comprehensive schemes of collective bargaining, progressive taxation, pension schemes, and the like.²

The notion of "justice" is used here mainly for explanatory rather than normative purposes. My goal is not to evaluate allocative practices by some particular standard of justice. Some of my own ideas about distributive justice will no doubt come across as I go along, especially in what I say about commonsense conceptions of justice in Chapter 6. But in the main body of the book these ideas play no role. Rather, I consider the conceptions of

²For a study of monetary allocations that are *not* connected with the global redistributive system see Kellerhals, Coenen-Huther, and Modak, "Justice and the Family."

justice held by actors who are in a position to influence the selection of specific procedures or criteria to allocate scarce resources.

These actors include four main groups. At the core of the process we find individuals in the institution that is charged with the allocative task: admission officers, personnel managers, transplantation surgeons, members of local draft boards, housing authority officials. These individuals usually have a clear idea of what constitutes a fair or, more generally, an appropriate allocation; a first-best principle which they would like to implement were it not for practical difficulties (costs of implementation, information problems, incentive effects, and the like) or for the opposition of other actors. Doctors want to allocate medical resources to those who need them most. (But see Chapter 3 for some ambiguities in this concept.) Admission officers want to select students according to their scholastic performance. Draft boards want to select for mental and physical fitness. Firms want to retain the most productive workers. Immigration services often prefer the applicants who would blend best into the country.

Political actors can also shape allocative principles, through their control over the scarce resources used by the institution and through other forms of leverage. Often, their conceptions of justice differ from those of allocative officers. As a rough generalization, they are more concerned with the efficient use of the resources than with a fair allocation. At the same time as they are trying to handle pressure from above, institutions have to cope with claims from below, that is, from potential recipients of the scarce good. They, too, will often express their claims in terms of justice and fairness, an appeal that may or may not be sincere. Some invocations of justice are little more than rationalizations of self-interest. Yet the claims will not be successful unless they embody a bona fide ideal of distributive justice. A concept of fair distribution cannot be manipulated if it is never invoked for other than manipulative purposes.³

Institutions, political actors, and claimants form three well-defined groups. In addition we must consider the diffuse and pervasive force of *public opinion*, often crystallized in the media. Here, too, conceptions of fairness come to the forefront, especially

³Cp. my *The Cement of Society*, pp. 128, 234.

through intermittently occurring *scandals*. Sometimes public opinion forms spontaneously; in other cases it is manipulated by one of the three other groups (or by the media). Whatever its origin, it can bring about a change in allocative principles, by forcing political actors to make the institutions mend their ways.

There is a terminological point that may usefully be discussed here. Assume that a doctor advocates the allocation of kidneys that maximizes the sum total of quality-adjusted life years. Many would say that this proposal reflects a concern for efficiency rather than for justice. By contrast, they would say, the proposal to use time on the waiting list for transplantation as a criterion embodies a recognizable, albeit controversial, principle of justice. I shall not use this language. Instead, I shall use the term "justice" in a broad sense that includes the allocation of scarce goods for the purpose of maximizing some aggregate of features of the recipients or, more generally, of all citizens.⁴ In the special case where this feature is utility, my usage implies that utilitarianism qualifies as a theory of distributive justice. I do not think this implication counts against the proposal; and in any case nothing substantive is at stake. When I want to emphasize aspects of justice unrelated to efficiency I shall use the terms "fairness" or "equity."

I said earlier that the general set of issues I discuss in this book have not, as far as I know, received any systematic treatment. It is time to discuss some important, if partial, exceptions to this statement. First, however, let me repeat that there are many valuable case studies of individual instances of local justice. Without these, the present book could not have been written. Robert Klitgaard's *Choosing Elites*—a study of admissions policies at Harvard—is an excellent example. Another is John Chambers's *To Raise an Army*, a history of the draft in the United States. I have also been much helped by Henry Aaron's and William Schwartz's *The Painful Prescription*, a comparative study of the allocation of scarce medical resources in Britain and the United States. In addition, I refer the reader to the books and articles cited in subsequent chapters.

To my knowledge, the first author to raise the general issue of goods-specific allocation was James Tobin, in a brief article from

⁴Note that this excludes profit-maximizing as a principle of justice.

1970 entitled "On Limiting the Domain of Inequality." The article is organized around the contrast between two ways of achieving equality.⁵ On the one hand, there is the "general egalitarianism" advocated by economists. To the extent that economists are egalitarians at all, they want to achieve their aim by providing individuals with cash, to be used any way they might want to. On the other hand, there are the "specific egalitarians" who believe that "certain specific scarce commodities should be distributed more equally than the ability to pay for them." In Tobin's words,

While concerned laymen who observe people with shabby housing or too little to eat instinctively want to provide them with decent housing and adequate food, economists instinctively want to provide them with more cash income. Then they can buy the housing and food if they want to, and if they choose not to, the presumption is that they have a better use for the money.⁶

As examples of specific egalitarianism Tobin considers wartime rationing, voting, the draft, the right to bear children, education, medical care, food stamps, and subsidized housing. His general characterization of the reasons why such goods are withheld from the market, and allocated instead by (nontransferable) ration tickets, vouchers, and the like, is "paternalism," a term that is clearly intended to have negative connotations. He admits, however, that "It does make sense in some cases to adopt nonmarket egalitarian distributions of commodities essential to life and citizenship," namely, when "the scarcity of the commodity cannot be overcome by drawing resources from the general economy."⁷

Being short and programmatic, Tobin's article does not go into a great deal of detail, and several necessary distinctions are obscured. For instance, it seems much more plausible to view the prohibition against vote-buying as a solution to a collective-action problem than as a form of paternalism. The main value of the article lies in the analysis of various economic aspects of in-kind

⁵I am indebted to an anonymous reviewer for directing my attention to Tobin's article.

⁶Tobin, "On Limiting the Domain of Inequality," pp. 264–265. Since Tobin limits himself to egalitarian principles, the scope of his article is narrower than that of the other works discussed below (and of the present work).

⁷*Ibid.*, pp. 276–277.

allocation. For one thing, Tobin observes that the case for nonmarket distribution is stronger the more inelastic the supply. For another, he argues that in some respects transferable vouchers are superior both to unalloyed egalitarianism (nontransferable vouchers) and to a pure market system. The following passage, in particular, is thought-provoking:

Although equality of [military service] could be achieved in current circumstances by short enlistment, too rapid a turnover would make it impossible for the armed forces to accomplish their mission. In these circumstances a lottery, with no deferments, is the only egalitarian device available. Forbidding the exchange of a vulnerable draft number for a safe number is conceptually equivalent to prohibiting the sale of votes or of ration tickets—once again a paternalistic insistence on an egalitarian distribution takes precedence over the standard economist's presumption that a voluntary exchange increases the welfare of both parties. . . . A volunteer army is subject to the same objections on egalitarian grounds as a free market in negotiable military obligations. It is just a more civilized and less obvious way of doing the same thing, that is, allocating military service to those eligible young men who place the least monetary value on their safety and on alternative uses of their time. There is one important difference, however. With a voluntary army, the general taxpayer must provide the funds necessary to draw into military service the number of soldiers needed. With a free market in draft obligations, much of this burden is picked up by the draftees who are buying substitutes, or by their families. The general taxpayer bears only the costs of the official soldiers' pay, which in a draft system is of course below the market supply price. Young men who escape the obligation are, in effect, taxed to pay the young men who take it on. It is certainly not obvious that the volunteer army solution, whatever its other merits, is the more equitable of these two arrangements.⁸

Two more synoptic studies deserve a fuller discussion. *Tragic Choices* by Guido Calabresi and Philip Bobbit focuses on an important subset of the cases discussed here; those, roughly, which we may think of as "life-and-death decisions." Their main examples are the allocation of dialysis, the draft, and the allocation of procreation rights. The last example is largely hypothetical, and

⁸Ibid., p. 270.

mainly used as a vehicle for various thought experiments.⁹ To their list of “tragic choices” we may add those of real and hypothetical lifeboat cases,¹⁰ the allocation of places in intensive care units,¹¹ the allocation of sperm for artificial insemination,¹² and the provision of emergency food supplies in disaster situations.¹³ The authors do not claim that the criteria and mechanisms adopted in tragic choices differ systematically from those used in nontragic choices. Rather, their reason for singling out this subset of allocative issues is that whatever criteria are adopted tend to be unstable, unless they somehow succeed in obscuring their own operation. Because tragic choices do not stand the light of day, they cannot be made by principles conforming to the *condition of publicity* (Chapter 6) that constrains allocation in democratic societies.

Calabresi and Bobbit consider four main allocative procedures: the market, accountable political decisions, lotteries (and their close relative, “first-come, first-served”), and what they call “the customary or evolutionary approach,” which more or less amounts to “fudging rather than facing” the choice.¹⁴ The focus is not descriptive or explanatory (as in the present book), nor squarely normative (as in Walzer’s *Spheres of Justice*, considered below). Rather, the authors discuss how each approach or solution creates (or could create) problems of its own, mainly by imposing “process costs” on participants or observers. Their conclusions are generally negative, suggesting that the best society can do is to muddle through in a way that obscures the fact that some are selected to live and others to die (or not to be born).

The book is an important pioneering effort. It makes some im-

⁹Sometimes, however, the authors confuse the actual and the hypothetical. At one point, for instance, they claim that “societies *often* refuse to permit the production of the full amount of the scarce resource that could be made available without creating other unacceptable scarcities” (*Tragic Choices*, p. 21, italics added), and then go on to use a purely hypothetical example concerning population control.

¹⁰Simpson, *Cannibalism and the Common Law*.

¹¹Singer et al., “Rationing Intensive Care.”

¹²Herpin, “Le don de sperme.”

¹³Tong, “Allocation of Disaster Relief in China’s Qing Dynasty.”

¹⁴For this expression, see Barry, “Review of *Tragic Choices*.”

portant analytical points, such as the distinction (further discussed in Chapter 5) between first-order determinations of the total amount to be allocated and the second-order allocation of the good among claimants. It is constantly and acutely insightful on a number of details. I shall return to these at the appropriate places below. Here I just want to emphasize that for anyone with a serious interest in issues of in-kind allocation, *Tragic Choices* remains obligatory reading.

The analysis is also, however, unsatisfactory in several ways. First, the indulgence in hypothetical and often farfetched examples removes much of the poignancy of the alleged "tragic choices." Second, I agree with Brian Barry when he says that the excessive emphasis on symbolic or process costs "infects the whole analysis with a kind of fundamental irrationalism."¹⁵ Third, the constant references to what "society" does or desires make for an extreme form of functionalism. (In Chapter 5, I discuss whether it is possible to provide rational foundations for this functionalist approach.) The authors claim, for instance, that "If a society wants market pressures to win out but wishes to pretend otherwise, corruption can become an accepted way of life."¹⁶ But how can we identify what "society wants"? And how are these wants channeled into action? Or again, they argue that a scheme that uses both money and time as criteria for allocation "is often used precisely because it renders imperceptible the bases of both the market and the collective elements of the allocation."¹⁷ Used by whom?¹⁸

In several places, Calabresi and Bobbit claim that the actual number of children born in the United States can be viewed as the result of a "customary nonmarket first-order determination." To the obvious objection that this number is more plausibly seen as the unintended outcome of decentralized and uncoordinated individual choices, they respond that "such a view would require that, were the number of children born in the United States today suddenly to increase or decrease dramatically, we would still be

¹⁵ *Ibid.*

¹⁶ *Tragic Choices*, p. 123.

¹⁷ *Ibid.*, p. 98.

¹⁸ For further discussions of functionalist explanations in the social sciences I refer the reader to Chapter 2 of my *Explaining Technical Change*.

content with the result."¹⁹ The view requires nothing of the sort, however. One might just as well argue that because a ball rolling down a path between two walls *would be* prevented by the walls from leaving the path were it to deviate from its course, those walls actually *do* keep it on the path. The fact that society would not tolerate a very high or a very low population size does not mean that it tolerates, and even less that it decides, the current size.

The title of Michael Walzer's *Spheres of Justice* is obviously a forerunner of the phrase "local justice." Moreover, Walzer deals with many of the issues that are raised in later chapters of the present book: military service, immigration, medical care, education. The main difference is that Walzer's focus is mainly normative. Whereas I shall show that different goods are, as a matter of fact, regularly allocated by different principles, Walzer wants to show that they ought to be thus allocated. At times, one gets the impression that he advocates a principle of goods-specificity according to which the nature of the good requires a certain principle of distribution. Thus medical goods should be given to the medically needy,²⁰ specialized education to the talented,²¹ and so on. At other times, it is more natural to read him as proposing a principle of country-specificity, according to which the just allocation depends on the meaning of the good in the society in question. "One can conceive of a society in which haircuts took on such central cultural significance that communal provision would be morally required."²² Walzer would probably say that the two views are reconciled by his assumption that goods are *constituted* by their social meaning.²³ I remain unconvinced. Does the fact that higher education is rationed by grades in Norway and by queuing in France mean that we are dealing with two different goods? But this is not the place to pursue the matter. Nor shall I try to decipher his views on the relationship between the "common understanding" and the beliefs that people actually hold.

¹⁹ *Tragic Choices*, p. 174; cp. also p. 46.

²⁰ Walzer, *Spheres of Justice*, p. 86.

²¹ *Ibid.*, p. 211.

²² *Ibid.*, p. 88 n.

²³ *Ibid.*, p. 7.

From his brief comments on the caste system²⁴ one might get the impression that empirically observable beliefs do not constitute a common understanding unless they are "autonomously" or "authentically" held,²⁵ but the problem is not fully confronted.

Perhaps the most interesting parts of *Spheres of Justice* are the analyses of *blocked exchange*. Walzer notes that "money seeps across all boundaries,"²⁶ unless proper care is taken to block the exchange of money against votes or against the obligation to do military service.²⁷ He goes on to provide a list—intended to be exhaustive—of the things that cannot be had for money "in the United States today" (i.e., in 1983).²⁸ For some reason, medical resources are not on the list, in spite of his claim that "care should be proportionate to illness and not to wealth."²⁹ I assume this is simply an oversight.³⁰ Nor does he cite the fact that academic degrees are not for sale, except for a brief comment that "Nor can professional standing be bought, insofar as this is regulated by the community, for doctors and lawyers are our secular priests; we need to be sure about their qualifications."³¹ Since I cannot believe Walzer would condone the sale of Ph.D.s in, say, assyriology, I believe this omission, too, must be an oversight.

Walzer does not provide any arguments to show that these items ought to be withheld from the market, beyond the flat assertion that their marketization would violate our shared understand-

²⁴ *Ibid.*, pp. 313–314.

²⁵ These are my terms, not Walzer's. For a discussion of what they might mean, see Geuss, *The Idea of a Critical Theory*.

²⁶ *Ibid.*, p. 22.

²⁷ Similarly, Calabresi and Bobbit note that "Every time a system of allocation other than a pure market is established in a society in which the danger continues to operate in other areas, there is danger that the nonmarket allocation will be altered by market pressures" (*Tragic Choices*, p. 122). They go on to make a valuable distinction between two ways in which this can happen: "Those with money are tempted to buy the resources by bribing the deciders or by paying the recipients of the resource to sell it" (*ibid.*).

²⁸ After the passage of the National Organ Transplant Act in 1984, the prohibition of the sale of organs has to be added to the list.

²⁹ *Spheres of Justice*, p. 86.

³⁰ As Walzer is exploring our shared understanding of what goods *should* be withheld from the market, the omission cannot be explained by reference to the fact that in reality medical goods are disproportionately available to the rich.

³¹ *Spheres of Justice*, p. 101.

ings. But I think we can do better. In some cases, the prohibition against sale can be justified on purely conceptual grounds. A proposal to buy love, prizes, honors, or divine grace is not so much objectionable as conceptually incoherent. In other cases the prohibitions are justified on grounds of paternalism, to exclude "exchanges born of desperation" such as selling oneself into slavery. Arguments for overruling private preferences can also be grounded in lack of information, weakness of will, the social shaping of individual wants, and similar phenomena.³² In still other cases the prohibition is needed to prevent free riding and overcome a collective-action problem: no single citizen would be materially hurt if he were to sell his vote, but all would be hurt if all did so.³³ The reason why people cannot buy a medical degree is, as Walzer says, that we need to be sure that our doctors are qualified to treat us: a straightforwardly utilitarian argument. Thus, whenever Walzer's claims are plausible, they can be backed by arguments that are more powerful and specific than the blanket appeal to "shared understandings." And whenever they find no such backing, they are not very plausible. I see no reason, for instance, why the rich should not be allowed to buy medical treatments that are not available to others, provided they pay the full social costs.³⁴ To refuse them the right to do so would be a form of sumptuary legislation, based on barely disguised envy.³⁵ I return to this set of issues in Chapter 6.

The need to block some market exchanges illustrates Walzer's general thesis: injustice arises when goods are inappropriately converted into other goods, by a transgression of "spheres." By comparison, he argues, unequal distribution of goods within a sphere need not be objectionable. We can accept that some are richer or more powerful than others, but not that the rich should use their wealth to buy votes or the powerful use their position

³²See Sunstein, "Legal Interference with Private Preferences."

³³Cp. G. A. Cohen's argument against Robert Nozick in "Robert Nozick and Wilt Chamberlain."

³⁴In practice, of course, the rich are often able to use the political power that their wealth confers on them to get the resources at less than their full social costs. But since Walzer would block the use of money to purchase influence, he cannot invoke such practices to justify blocking the use of money to purchase medical goods.

³⁵Pauly, "Equity and Costs," p. 173. See also my "Envy in Social Life."

to ensure jobs for their relatives.³⁶ Similarly, the wall between church and state is designed both to protect religions from state intervention and to protect politics from theocratic transgressions. Once again, these plausible views are capable of much more powerful and general justifications than can be provided by the appeal to common meanings and shared understanding. John Rawls's *A Theory of Justice*, for instance, appeals to the notion of choice behind the veil of ignorance to argue for equality of opportunity and religious toleration. The conclusion is backed by a rational argument, and not simply by reference to a factual shared understanding that this is the way things should be.

As a philosophical argument, *Spheres of Justice* is disappointingly vague. As a phenomenology of moral life, it is strikingly insightful. Compared with most other treatments, including the present one, it has the advantage of placing issues of micro-allocation in their historical and social context. There is a danger in the unthinking assumption that institutions like "military service" or "medical care" must have the same meaning at all times and places, and Walzer's work provides a splendid antidote to such mechanical reasoning. I simply cannot accept the concomitant argument that the normative analysis itself has to be a contextual one.

The present book does not propose a "theory of local justice," that is, a set of conditions—necessary, sufficient, or both—for the application of a particular allocative principle. I am not sure a theory of this kind will ever be forthcoming, and I certainly have no idea of what it might look like. When I embarked on the study of local justice, I entertained what I now believe to be chimerical ideas about the kinds of generalizations and theories that might emerge. Let me quote from an earlier publication:

The empirical study of local justice may be conceived of as filling in the cells in a three-dimensional matrix. Along one dimension one would enumerate various goods and burdens to be allocated. Along another, one would list various mechanisms and criteria of

³⁶Walzer is inconsistent on the practice of using power to reward "cronies." Endorsed on p. 163 of *Spheres of Justice*, it is condemned on p. 283.

allocation. Along a third dimension one would enumerate past and contemporary societies in which scarce goods have been allocated formally by institutions, rather than informally allocated by tradition or dictatorially imposed from above. Obviously, most of the cells would be empty. A typical example of a non-empty cell would be the observation that in seventeenth-century France recruitment to the militia was done by randomly selecting one young man in each village. The theoretical study of local justice consists in explaining the pattern of empty and non-empty cells in this matrix.³⁷

Within this framework, one might hope for answers to questions such as the following. For a given good A, is there any principle X that is never used to allocate it? For a given principle X, is there any good A such that X is never used to allocate A? Are there pairs (A, X) such that A is always allocated by X? Are there patterns of covariation, such that if a society uses principle X to allocate good A it will use principle Y to allocate good B? If generalization of this kind could be established, the next step would be to look for causal explanations that could support them. My inclination was to look toward economics and social psychology, that is, toward accounts capable of providing microfoundations for the observed patterns of macro-allocation.

Since then, my closer acquaintance with issues of local justice, as well as a more skeptical approach toward social science explanation in general, has persuaded me that this research program is unfeasible. I do not think the study of local justice will ever yield much by way of robust generalizations. As will become clear from later chapters, local justice is above all a very messy business. To a large extent it is made up of compromises, exceptions, and idiosyncratic features that can be understood only by reference to historical accidents. Thus the statement about the French militia in the seventeenth century, although not exactly false, is misleading in that it fails to mention that young men could and did avoid having their name put into the pool by joining religious orders.

This is not to say that since no theory is available, we have to stay content with mere description. The dichotomy between the-

³⁷ "Local Justice," p. 134.

ory and description seems to me a profoundly inadequate approach to the methodology of the social sciences. Between theory and description (including "thick description") there exists the intermediary category of a *mechanism*—an identifiable causal pattern that comes into play under certain, generally unknown, conditions. I have argued briefly for this view of the social sciences elsewhere,³⁸ and hope to offer a more comprehensive account on some later occasion. In the present context it suggests that we try to establish a list of allocative principles together with a repertoire of mechanisms that can lead to their adoption. This is, roughly speaking, the line taken in the present work.

In Chapter 2, I first characterize problems of local justice and make some basic distinctions, emphasizing the properties of scarcity, homogeneity, and divisibility of goods and distinguishing between situations of selection, admission, and placement. I then illustrate the notion of local justice through a number of examples, taken mainly from contemporary Western societies. The list of examples, although long, obviously is not exhaustive.

In Chapter 3, I go on to construct a different kind of list: an enumeration of principles, mechanisms, and procedures of allocation. The list, again, is long and this time *is* intended to be roughly exhaustive. Although actual procedures of allocation vary infinitely, they all appear to be mixtures or combinations of some two or three dozen pure principles.

In Chapter 4, I point to three consequences of local principles of allocation. First, a principle may have a *disparate impact* on various social groups, so that individuals with characteristics not explicitly mentioned in the principle are *de facto* excluded from the good. Next, principles can set up *incentive effects* that in some cases have far-reaching social implications. Finally, I argue that the sum total of many locally fair decisions may be to generate *global injustice*.

In Chapter 5, I move on from description to explanation. To explain why an institution selects a particular principle of allocation we have to consider preference formation as well as preference aggregation. On the one hand, we must try to understand

³⁸See notably my *Nuts and Bolts for the Social Sciences*; also Chapter 1 of my *Political Psychology*.

how the various actors identified above come to prefer and advocate specific principles. On the other hand, we must study the processes of bargaining and coalition formation by which these preferences are aggregated to yield the final principle.

In Chapter 6, finally, I survey issues of local justice in the light of philosophical theories of global justice. First, I discuss a number of methodological problems common to all or most of these theories, with a view to displaying their relevance to issues of local justice. Next, I discuss three major contemporary theories of justice: utilitarianism, John Rawls's *A Theory of Justice*, and Robert Nozick's *Anarchy, State and Utopia*. Here, too, the exposition is guided by the special problems of local justice. In the same vein, I finally consider what I believe to be the "commonsense conception of justice" held by professional all-round decision makers in Western societies.

The book revolves around a stock of examples of allocative practices. The reader will come to know many of them quite well, since they are discussed over and over again from different angles and in increasing depth and breadth. Chapter 2, where the most important examples of allocative problems are introduced, is largely descriptive and stays at a low level of abstraction. Chapter 3 reshuffles the same problems and quite a few others, so as to organize them around the principles that are used in solving them. Chapter 4 looks at the secondary or unintended consequences that may flow from these solutions. In Chapter 5 the same examples are used to bring out some varieties of causal mechanisms that can explain the adoption of specific solutions to specific problems, and in Chapter 6 they are used to illustrate some larger normative issues. My hope is that by proceeding in this way I can help the reader get a feel for the phenomenology of local justice. No two cases are alike, and yet all are similar in ways that defy concise summary.