

**JUSTICE AS A COMPETENCE.  
THE NORMATIVE RELEVANCE OF EMPIRICAL RESEARCH  
ON JUDGMENTS OF 'GREATNESS'<sup>1</sup>**

*Geert Demuijnck*

*1. Positive and normative approaches to justice*

This paper deals with two questions. The first one is the more general one: is empirical research on distributive justice in any way related to the normative, i.e. ethical debate about that topic? The second question is more specific: is an account of justice in terms of 'competence', a concept borrowed from linguistics, relevant to the normative debate? Rather than giving the ultimate answer to these questions, I will try to clarify them and advance some arguments which, in my opinion, should be part of the answer. In order to do so, I will give a short description of one particular approach, namely the method of Boltanski and Thévenot (1991). It should be clear, though, that my paper is not about the results of this particular research, nor about its possible applicability to, e.g. social policy. As the questions suggest, I will focus on what may roughly be called the link between the normative and the positive approach to justice.

Two recent and, in fact, parallel developments in philosophy as well as in the social sciences urge for a general reflection on this link. On the one hand, a recent tendency of the still ongoing post-rawlsian revival of political philosophy is characterized by a growing awareness of a weakness of theories aimed at reducing justice to a limited set of general principles: justice is context-specific. It is not only the case that judg-

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ments based on the sense of justice are to some extent determined by the particular context in which they are formed. Less obviously, Walzer (1984) has argued that different distributive criteria should be applied to different goods<sup>2</sup>. On the other hand, justice has become an object of study of some importance in social psychology, sociology, and even economics<sup>3</sup>. It is obvious that the aim of social scientific research is not to clarify the concept of justice, but rather to give a description or an explanation of empirical social phenomena related to justice.

Given these tendencies, one could at least expect philosophers to have a look across the boundaries of their discipline. According to David Miller, the mere suggestion "that philosophers might have to learn from empirical studies of justice goes against their self-image as rational and critical thinkers, rising above the swamp of mere opinion" (Miller 1994: 169). Although Miller may well be right, there is more at stake than a flattery self-image: it is not quite clear what philosophers could learn from empirical findings. Ethics is concerned with how things ought to be and do not occupy the same logical space as theories about how things are. In other words, if one respects a clear distinction between facts and values, data about what people think ought to be the case are facts.

The social scientist is in general sceptical about normative research. Social scientists are not only impatient with respect to normative questions (Cf. Bell & Schokkaert 1992: 246); their awareness of the complexity and context-specificity has lead them to think that the project to find an underlying normative unity on an abstract level is as such questionable<sup>4</sup>. Therefore, social scientists often identify justice with what people think it is (Swift 1993). In the model I will describe below, justice is equated with judgments of 'greatness' about which people reach a mutual agreement.

However, even if one avoids the naturalistic fallacy carefully, the relation between empirical research and normative theory is much more complex than these considerations suggest at first sight. The following

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<sup>2</sup> Cf. Walzer (1984) and the many comments it provoked, and more recently, Soltan (1987), Elster (1992) and Young (1994).

<sup>3</sup> In Scherer (1992) and Miller (1992), a survey is given.

<sup>4</sup> Swift has pointed out that the relation between philosophy, unity and simplicity is a contingent one. In principle, a normative theory could be very complex (Swift 1993: 8-9).

two arguments may demonstrate their possible mutual dependency.

A first argument depends on the role of intuitions in moral epistemology. Moral theories may differ strongly in their answers to the question whether or not a moral theory should match our intuitions<sup>5</sup>. Insofar as it is assumed that it should be possible for a moral theory to give a justification of our intuitions, theories that are blind to research on what people's actual intuitions are, as well as on the contextuality of these intuitions, are seriously flawed. The second argument relates to the opposite relation. In fact, social scientists depend on normative theories to get their research project off the ground. It is not possible to interpret behaviour in terms of justice if you have no clear concepts of justice; otherwise the research is likely to lack focus. For one thing, people's judgments about what ought to be done do not always match their principles of justice (they may match other principles, e.g. charity). For another, if people do refer to justice, then social scientists need, in order to capture carefully the principles of justice which underlie the distributive judgments, sharp distinctions between e.g. entitlements, fairness, or different kinds of desert (based on effort, talent, etc.). These distinctions are to be found in the philosophical literature (cf. Swift 1993: 12f.).

## *2. The sense of justice as a 'competence'*

Although the comparison between moral and linguistic rules goes back to at least Adam Smith<sup>6</sup>, it is John Rawls who related the method of des-

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<sup>5</sup> Utilitarians like Richard Hare defend a very radical position with respect to intuitions: "It is a mistake, and weakens our political and moral thought, to rely on intuition" (Hare, 1984: 4). It should be added that utilitarians nevertheless make a lot of effort to justify our intuitions in terms of utility. Cf. Hare (1981: 142).

<sup>6</sup> Smith compares rules of justice to grammatical rules which are characterized by a high degree of precision, whereas moral rules related to other virtues are to be compared with the less precise stylistic rules. With respect to the topic to be discussed below, it is remarkable that the reason why Smith relates grammatical rules to rules of justice (their absolute precision) is exactly the opposite of the reason why philosophers nowadays refer to grammatical rules, namely because of their being fixed in a rather loose way as a particular socially shared set of rules of speech. Cf.: "A man may learn to write grammatically by rule, with the most absolute infallibility; and so, perhaps, he may be taught to act justly" (Smith 1759: 176).

criptive linguistics<sup>7</sup> to the methodology of ethical argumentation that he proposed, in which the concept of a reflective equilibrium is the keystone.

Rawls<sup>8</sup> starts from the idea that normal adults, educated in normal social circumstances, will have developed a sense of justice. This sense is an acquired skill which is very complex and enables them to judge an infinite number of different situations. According to Rawls, moral philosophy may be considered as an attempt to describe our sense of justice. Such a description is not to be understood as a (infinite) list of judgments, but rather as the formulation of a set of principles which, if they were consciously followed, would lead to our judgments. Consequently, the set of principles is a conception of justice: "A conception of justice characterizes our moral sensibility when the everyday judgments we do make are in accordance with its principles" (Rawls 1971: 46). However, not all the moral judgments should be accounted for by the set of principles. Only the 'considered' judgments, i.e. judgments in which we are very confident, and which are not formed in unfavourable circumstances, e.g. when one is upset, should be taken into account. According to Rawls, we cannot expect a conception of justice to immediately fit in with our considered convictions. Sometimes, judgments which we thought to be well-considered may be at odds with the principles. In this case, we have to 'work back and forth' (Rawls 1971: 20), that is, we have to modify the principles or some of our moral judgments until principles and judgments match.

Ronald Dworkin has argued that this procedure does not treat intuitions of justice as clues to principles which have an independent ratio-

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<sup>7</sup> The term descriptive is used in a non-technical way, i.e. in Chomsky's sense that descriptive linguistics aim at a correct description of the intrinsic competence of the idealized native speaker (Chomsky 1965: 24), and has no prescriptive aim whatsoever. It is not supposed to reflect Chomsky's ulterior qualified use of this term.

<sup>8</sup> I do not claim that the following concise remarks reflect the complexity of the methodological background of Rawls' *Theory of Justice*. My aim is only to clarify the comparison he makes with the method of descriptive linguistics. Rawls' theory is ultimately founded on normative concepts such as the idea of a society as a fair system of cooperation, the conception of the citizen as a free and equal person, etc. As a consequence, it cannot be fully judged on the basis of the rather ambiguous references to linguistics or, similarly, to rational choice theory.

nale, but rather as given elements of the theory to be constructed: "as if a sculptor set himself to carve the animal that best fit a pile of bones he happened to find together". Rawls' constructive model "does not assume that the animal it matches to the bones actually exists (Dworkin 1975: 28). However, Raz has pointed out that Dworkin's picture is slightly misleading. Dworkin did not say that some bones could be discarded (Raz 1982: 120-121). Moreover, in Rawls's model, the final sculpture need not be 'richer' than the intuitions it started from. A reflective equilibrium is above all characterized by coherence, at least in the quoted sections of *A Theory of Justice* (cf. note 8).

Therefore, a reflective equilibrium is attained if our principles fit as well as possible the considered judgments. Rawls compares this procedure with Chomsky's (1965) method of descriptive linguistics<sup>9</sup>. According to Chomsky, it is not the task of a linguist to formulate prescriptively what well-formed expressions are. Nor is it his job to merely register people's linguistic behaviour. His aim is to characterize a native speaker's 'competence', that is, his ability to recognize well-formed sentences. The principles the linguist advances should lead to the same distinctions as those the native speaker makes. Such principles are theoretical constructions which the native speaker is largely unaware of. Therefore, a linguistic theory is not a model of the speaker, but only a characterization of "the knowledge of the language that provides the basis for actual use of language by speaker-hearer" (Chomsky 1965: 9). Similarly, according to Rawls, "a correct account of moral capacities will certainly involve principles and theoretical construction which go much beyond the norms and standards cited in everyday life" (Rawls 1971: 47).

Another parallel with Chomsky's theory is Rawls's aim to learn something about a general theory of justice: "if we can describe one person's sense of grammar we shall surely know many things about the general structure of language. Similarly, if we should be able to characterize one (educated) person's sense of justice, we should have a good beginning toward a theory of justice" (Rawls 1971: 50)<sup>10</sup>.

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<sup>9</sup> The comparison between the method of the descriptive linguist and the philosopher has been used to clarify the nature of the philosopher's approach to other realms, e.g. to the social sciences. Cf. Van Parijs 1982, 1984.

<sup>10</sup> Chomsky (1965: 2) assumes homogeneity in the linguistic group, an assumption which Rawls does not explicitly make.

The discussion about the relevance of this comparison is obsolete in two respects. Firstly, the method of reflective equilibrium and its divergence with Chomsky's method have been discussed at length in the extensive literature on Rawls. Moreover, references to Chomsky have disappeared altogether in Rawls' restatement of the notion of reflective equilibrium (Rawls 1990, 1993). Nevertheless, I will briefly summarize a few points from the debate about the validity of reflective equilibrium, because they exemplify very well particular important aspects about the tension between the empirical and the normative approach to justice, and moreover, they will make for a better understanding of some of the implications of Boltanski and Thévenot's model.

It has been pointed out that there are considerable differences between linguistics and theories of justice such as Rawls's. These differences are related to the tension between moral and scientific theories.

First of all, in Rawls' concept of a reflective equilibrium, there is the explicit possibility to change initial moral judgments. This does not seem possible to the same extent in a scientific theory. Even if there is some truth in Rawls's remark that the sense of grammaticality may be influenced by the familiarity with the theory (Rawls 1971: 49), changes in the degree of acquired knowledge, unlike changes in moral judgments, will be unintended by-products of the research procedure. However, the greater likelihood of changes in moral judgments under the influence of the explicitation of principles should not be surprising, since, in the process toward a reflective equilibrium, such adjustments are part of the objective<sup>11</sup>.

A related view on the explicitation of moral rules has been advanced by Lawrence Kohlberg. Although his empirical research on moral judgments was deeply influenced by Chomsky, when comparing his theory of moral development with the theory of a Kantian intuitionist, he remarks: "Kantian moral intuitionists see their task as like that of Chomsky, who attempts to delimit the principles [...] which define competent syntax in

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<sup>11</sup> Boltanski remarks that unconsciousness has in neither case, i.e. neither in the case of grammaticality nor in that of justice, a Freudian connotation in the sense that there would be a taboo on the explicitation of the rules or some resistance on the side of the people who have to justify themselves (Boltanski 1990: 69). Obviously, a difference in the degree of unconsciousness does not seem a plausible explanation for the effect of the explicitation of moral rules.

any language. In grammar, the codification of these principles does not, however, transform syntax itself. [...] In contrast, I am arguing that the codification of principles is an active reconstruction of morality" (Kohlberg 1981: 181).

The reason why the theory modifies the judgments, and why consequently judgments cannot be independent tests of theories<sup>12</sup>, is, of course, that ethics is a normative theory. This is a serious flaw of the comparison with linguistics. The most fundamental criticism on Rawls' method of reflective equilibrium is related to this point: his approach leads to circularity. Finding the principles which lead to the best 'fit' of the judgments is radically different from validating them. In other words, no matter whether it is assumed that a moral theory should conform to empirical intuitions or not, it should in any case be independently plausible (Cf. Elster 1992: 191).

To put it in a language which is closer to the linguistic analogy: there is a fundamental difference between acceptability and justification. Showing that particular beliefs are widely shared does, strictly speaking, not contribute at all to showing that they are justified. (Cf. Miller 1994: 177) Moreover, even if a particular judgment was widely shared and justifiable, people might hold the judgment for the wrong reasons. The point of a normative theory is to show why a particular judgment is justified.

The problem of circularity appears indirectly when one tries to see how ill-considered judgments are distinguished from well-considered judgments. Rawls could have reasoned as follows: we accept the principles that fit the largest number of judgments. The judgments that do not fit are by definition ill-considered and we try to account for them by means of causes which are ranked lower on the stipulated hierarchy, e.g. distortion by emotions (Cf. Soltan 1987: 36-37). However, Rawls distinguishes ill-considered judgments on independent grounds, thereby breaking through the circularity. Still, the circular view on morality as the internal constitution of our moral sense lacks the independent resources needed to support this distinction. References to emotions lack moral power. As Raz remarks: "We do not normally assume that music written in a rage is any the worse than music written in tranquil recollection"

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<sup>12</sup> This as such breaks down the analogy between moral theory and scientific theory (cf. Soltan 1987:61).

(Raz 1982: 124).

The accusation of circularity has been refuted by the distinction between a narrow and a wide reflective equilibrium. The reflective equilibrium I have described is a narrow reflective equilibrium. It is analogous with descriptive linguistics, and thus leaves little space for evaluation and revision (Haslett 1987: 137). A wide reflective equilibrium, no longer analogous with linguistics, is reached after a careful consideration of alternative conceptions of justice and after weighing the different underlying philosophical and other reasons (Rawls 1990: 25). It may be argued that wide reflective equilibria are still circular. However, the circularity of a wide reflective equilibrium is no longer objectionable (Haslett 1987, Ricoeur 1988)<sup>13</sup>. The concept may even be said to be already implicitly present in Rawls (1971): "A conception of justice cannot be deduced from self-evident premises or conditions on principles; instead, its justification is a matter of the mutual support of many considerations, of everything fitting into one coherent view" (Rawls 1971: 21). The conception of a wide reflective equilibrium is the most typical of Rawls' theory. Actually, in Rawls' recent work, it is no longer possible to interpret the concept of a reflective equilibrium in the narrow sense (cf. note 8).

### 3. *The grammar of greatness of Boltanski and Thévenot*

We will now turn to a model of empirical justice research which is also adapted from Chomsky's concept of competence. This model (of Boltanski & Thévenot 1991) is straightforwardly descriptive, and will therefore not be subject to the flaws of Rawls' methodology. However, the model is related to the normative approach of justice in a particular manner. Following Chomsky's remark that traditional grammars of particular languages provide examples and hints concerning the regular syntactic processes (Chomsky 1965: 5), Boltanski & Thévenot use classical texts of political philosophy as 'grammars', that is, as heuristic devices. In this section, I will give a brief description of the model. In

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<sup>13</sup> Ricoeur goes further and argues that circularity is a characteristic of all great philosophy (Cf. Ricoeur 1988: 129). He could have added, in order to exclude the unphilosophical narrow reflective equilibrium, "provided the circles are wide enough."



the concluding section, I will return to its relevance to the normative approach.

#### a. Legitimate agreements in a theory of action

Part of people's behaviour can be interpreted as guided by a desire of justice. Sometimes, people are driven by other motives and their references to justice may in fact be mere manipulations. Boltanski and Thévenot nevertheless take it for granted that people's behaviour with respect to justice is not reducible to a form of manipulation. People often genuinely agree. When people agree, little is expressed about the underlying legitimation of the agreement. Therefore, the tactic Boltanski & Thévenot propose to analyse agreements is the following: they concentrate on justifications referred to in disputes or in situations in which agreements are difficult. In the case of disagreement, the underlying motives clearly come to the fore. People claim that they have been treated unjustly and back their claims with what they think should justify a different treatment.

Boltanski & Thévenot start from empirical research. Their sources are among others: an empirical study of how people classify each other (Boltanski & Thévenot 1983), and a study of a corpus of letters of complaint written to the newspaper *Le Monde* (cf. Boltanski 1990).

The focus of their research is to find out what elements people spontaneously use to measure relative 'greatness', and which elements and arguments seem to be crucial in a corpus of arguments and disputes. This very unusual way of analysing the issue is supposed to lay bare the sense of justice at work (Cf Boltanski & Thévenot 1991: 19).

#### b. Why greatness?

Distributive justice is related to the distribution of benefits and burdens, be it on an institutional level, i.e. a macro level, or on a micro level<sup>14</sup>. Since Aristotle we have known that a just distribution is an equal distribution if it is not understood bluntly as an equal part for everyone, but,

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<sup>14</sup> Cf. Bell and Schokkaert 1992. Elster (1992) defines his 'local justice' not with respect to the institutional level, but as justice which is related to distribution in kind (and not in money).

more generally and more formally, that equals are treated equally. In order to compensate for a morally arbitrary characteristic, or simply to reflect a morally non-arbitrary characteristic, an unequal treatment is to be supported by reasons. Equality, then, is a neutral baseline with respect to just distributions. The burden of proof is on the side of inequality. This, however, supposes that it is possible to weigh up correctly the different legitimate claims of persons, or in other words, to judge the respective 'greatness' of the values they refer to. More fundamentally, it has to be assumed that there is a consensus about the kind of reasons that can be advanced to support a particular judgment.

Therefore, a judgment about the fairness of a particular distribution is logically preceded by a judgment which qualifies different persons and situations, and which establishes, on the basis of this qualification, a ranking.

Behaviour, and especially opinions, have been the focus of investigation in research into social justice (Cf. Miller 1992). Boltanski and Thévenot (1991) concentrate on a level beyond that of the opinions on justice. The issue at stake in their discussion is, as they say, 'upstream' of arguments in terms of justice, since they focus on the level of the act of qualifying the greatness: "We concentrate not on the act of distribution posterior to factual differentiations, but in the first place on the qualifications which seem prior and particularly litigious" (Thévenot 1992: 234).

It should be added that not all distribution procedures are based on some kind of greatness. A lot of distribution criteria, e.g. based on queuing, lottery, etc., are purely procedural and do not involve any estimation of greatness at all. Therefore, Boltanski & Thévenot's theory seems rather related to accounts of justice in terms of desert (Cf. Thévenot 1992: 230). However, I leave this and related topics aside, since my attention is geared at the specificity of the method and the possible relevance of their research to normative questions.

### c. Political philosophy as grammar

The measurement of the relative greatness of people is an activity which they all continuously put into practice, and which can never stop, since former estimations have to be revised all the time. These corrections use objective reference points in the environment. When others disagree or underrate their value, people are indignant and want justification which

proves that their position in the hierarchical order of greatness is too low, or they give justifications themselves. However, the main aim of Boltanski & Thévenot's work is to prove that there are different kinds of greatness. In other words, someone can be great in very different (and obviously to some extent incommensurable) ways. It is not the same thing to be holy or famous as it is to be rich. Boltanski and Thévenot classify the different ways we can be great in six 'realms'<sup>15</sup>.

Why six realms and why these particular ones? The construction of the six realms is influenced by the empirical research Boltanski & Thévenot started from, and, as a consequence, there is some arbitrariness in this choice. Anyway, the set of six realms is not an a priori construction. Boltanski points out that, although all references to justice have an implicit claim the scope of which is larger than the particular situation in which it is made, the model by no means pretends to be a transcendental framework; it is not even normative in the sense of claiming universality (Boltanski 1990: 67). The construction of the six realms is a model of competence, "that is, a presentation of the competence the actors use when they refer to justice and of the circumstances, in reality, which support and reinforce this competence and guarantee it to be efficient" (ibid.).

In order to articulate the particularity of the different realms of greatness, Boltanski & Thévenot have analyzed some classical philosophical texts, not for their content as theories of justice but as 'grammars' that make the structure, that is, the underlying principles of greatness of one particular realm, explicit. Apart from finding out how the order of greatness is structured in this realm, the aim of this exercise is also to answer the question whether or not all realms have some common characteristics: "We treat the chosen works as grammars which make explicit and fix the rules of agreements, that is, inseparably, as sets of prescriptive rules which allow to construct a realm of harmony, and as models of common competence, required on the level of the persons for the agreement to be possible" (Boltanski & Thévenot 1991: 86). The terms 'fix' and 'prescriptive' obviously refer to the classical character of the 'grammars', whereas 'explicit' and 'competence' fit Chomsky's idea that classical grammars may provide hints. The reason why Boltanski and

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<sup>15</sup> I think this word has some of the connotations of the French word 'cité'.

Thévenot analyze the legitimacy of qualifications of persons in this indirect manner, i.e. by philosophical texts, is that political philosophers have typically structured the different realms of greatness in a thorough and formal way, always starting from a general principle of the 'common good'.

Though I will leave aside the question of the descriptive appropriateness of the model, that is the question whether or not the model is successful as an approach to the sense of justice, I will briefly mention the realms, their common good and the authors who are supposed to have expressed them in an exemplary way:

(1) The *realm of inspiration* contains those forms of greatness which do not depend on recognition by others, such as holiness, authenticity, artistic expression, etc. Augustine's *City of God* is said to be a typical exploration of this particular kind of greatness.

(2) The *realm of domesticity*, in which the greatness of people depends on the place in a hierarchy which is structured in terms of personal attachments. These attachments value tradition and proximity. The illustrative text is Bossuet's reactionary *La politique tirée des propres paroles de l'écriture sainte*.

(3) In the *realm of fame*, greatness depends on the number of people who have a positive opinion about you. The chapter on honour from Hobbes' *Leviathan* is judged to express this kind of greatness very well.

(4) The greatness in the *realm of civics* for which Rousseau's *Du contrat social* is the 'grammar', is defined in contrast with the greatness of fame and the greatness of domesticity. Greatness depends on the extent to which one is the incarnation of the public good and the extent to which one disregards one's particularity.

(5) The *realm of business*, for which Adam Smith's *The Wealth of Nations* was chosen, has wealth as its 'common good'.

(6) Finally, efficiency is the basic principle of the *realm of industry*. The greatness of this realm has been explored in the works of Saint Simon.

Having read this list, one may wonder why Boltanski & Thévenot do not use the more common term 'value' instead of 'greatness'. One reason is that values are traditionally associated with groups, whereas Boltanski & Thévenot consider greatness to be linked with a particular situation (Boltanski 1990: 81). As has already been mentioned, the competence to judge greatness is not merely linguistic. It is a competence to construct arguments that are acceptable and to construct 'objects' that justify (Bo-

ltanski 1990: 67). The next step in the analysis of Boltanski and Thévenot is to find out whether the different realms of greatness have an empirical side in the form a particular world of objects. In order to see how the different realms of greatness are related and interact, also on the objective side, Boltanski & Thévenot analyze some practical guides for managers. At first sight, one might think that literature for managers belongs to the realm of business, but Boltanski & Thévenot show how other forms of greatness are represented by, for instance, the role of personal relations, creativity, etc.

At this stage, it may be useful to point out an important difference between Walzer's concept of 'sphere' (Walzer 1984) and the idea of a realm of greatness. Walzer's theory of complex equality argues that there are different 'spheres' in society (constituted among others by specific institutions, which are based on shared understandings) in which egalitarianism gets a particular meaning, e.g. in the sphere of health care equality means 'according to need' whereas need is not the criterion in, say, the sphere of politics. Boltanski & Thévenot's pluralism recognizes different specifications of justice, but they are not related to institutions. The different realms of greatness may interact in one particular social sphere. This becomes clear, for example, when people criticize each other's position or behaviour by mixing the different 'worlds' or their underlying realms of greatness. For instance, a worker who is fired may point to a photograph on the manager's desk of the latter's children, saying that he has got children too. This gesture criticizes the relevance of economic arguments the manager might give. Another example is that people often 'unmask' behaviour by pointing to hidden motives which belong to a realm other than the legitimate one, e.g. when politicians are said to be motivated by money. Apart from reciprocal criticism, Boltanski & Thévenot mention several other ways in which realms interact or conflict with one another.

#### d. The universals of the sense of justice

On the basis of the descriptions of the realms of greatness, Boltanski & Thévenot try to find out whether there is a fundamental structure which underlies the different dimensions of greatness. If such a general model of a 'legitimate order' of greatness can be found, it should be interpreted as a theory of justice. This theory would, in fact, be a representation of

a basic structure of the individuals' competence.

The question whether or not the general model Boltanski and Thévenot have derived is plausible will not be discussed here. Instead, I will only mention some of the principles which seem to be essential to all realms. In general, the realms are structured by two principles which are in tension with each other. On the one hand, there is always a principle of fundamental equality in a relevant respect: all people are equal as human beings in a particular respect. On the other hand, the realm establishes an order. This double and contradictory constraint is appeased by further principles which are also omnipresent, such as the principle that high ranking always has a price, i.e. greatness has to be compensated by a sacrifice of which the lower ranked should benefit. The realms are also governed by some principle of harmony: in all realms it is assumed that the greatness of the great is beneficial to the common good<sup>16</sup>.

#### *4. From critical sociology to sociology of criticism*

Boltanski and Thévenot's way of analyzing the sense of justice is original, and even frivolous to some extent<sup>17</sup>. Ultimately, a descriptive theory has to be judged on its descriptive merits. It has been argued that the model clarifies the network of arguments of complex disputes by laying bare underlying ambiguities (Astier 1991) Others have raised doubts about the applicability of the model and think it to be useless (Tréanton 1993).

Whether or not the general characteristics of all 'realms of greatness', are judged to be illuminating, or too sketchy or bluntly trivial, Boltanski & Thévenot's 'linguistic' method does not share the ambiguity of the Rawlsian comparison with linguistics. First of all, their description of justice as a competence does by no means claim to be normative. Consequently, there is no independent criterion to distinguish 'ill-considered judgments'. In Boltanski & Thévenot's framework, ill-considered judgments can be nothing else but judgments which lead to some form of disagreement. Moreover, it should be noted that, although their very

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<sup>16</sup> For a detailed description of the general principles of the realms of good, cf. Boltanski & Thévenot 1991: 96-103

<sup>17</sup> Tréanton 1993 argues that originality is pursued for its own sake.

particular use of classical texts from political philosophy does not have any normative aims either, it does not necessarily imply scepticism with respect to the intrinsic value of the normative approach to justice.

This lack of normative pretension fits their rejection of what they call the tradition of critical sociology, that is, a line of sociological thought which pretends to 'disclose' the hidden and largely unconscious motives of the social actors (cf. Ernt 1992: 37). Boltanski & Thévenot reject this pretension because it does not make explicit the normative position on which the activity of unmasking is based. "[Sociology] pretends to reconcile a positivist conception of scientific neutrality with a requirement of social criticism. [...] However, it is then impossible for critical sociology to seize the necessary normative dimension which should support its contribution in the complaint of social injustice" (Boltanski & Thévenot 1991: 24). Boltanski & Thévenot make clear that 'unmasking' is by no means the exclusive capacity of sociologists: people do it all the time. However, people's critical revelations are always based on a greatness for which they implicitly, and, if asked, explicitly, claim legitimacy.

A consequence of the competence analysis is that the sociologist is no longer more competent than the people he observes. He has no longer a privileged position from which he observes what is happening. The only criticism he advances is the mutual criticism which people pass on one another. One contribution to the normative approach, be it a rather poor one, consists in bringing the arguments of this criticism to the fore.

However, the analyses may possibly make a more substantive contribution to the normative debate. By means of illustration, we could try to relate Boltanski & Thévenot's theory to Walzer's normative theory. Although both conceptual frameworks do not fully match in the first place, and, although Walzer's theory does certainly not merit to be reduced to a vague argument in favour of autonomous spheres of distribution, I will briefly indicate how an empirical theory (Boltanski & Thévenot's) and a normative theory (Walzer's) may be brought in line with each other.

As the analysis of Boltanski & Thévenot does not apply to the same logical space as Walzer's theory of complex equality, the latter being normative, it is really not possible to derive a concluding argument from the former. Still, Boltanski & Thévenot's theory weakens the plausibility of Walzer's by showing how different judgments of greatness, and their corresponding judgments of justice interact all the time in particular

situations. As a consequence, Walzer's argument in favour of a separation of the norms of justice of the different spheres is to some extent futile. This argument may be interpreted in two ways. First of all, we could interpret Boltanski & Thévenot's description as a feasibility constraint on Walzer's theory. For instance, we could, in a Rawlsian way, ask whether a society based on Walzer's theory would be stable (cf. Rawls 1993: 140-143). The description of the actual intertwining of the different realms raises doubts about the stability of the Walzerian conception. Of course, from a strong normative point of view, this observation is beside the point. However, from a weak naturalist point of view ('ought' implies 'can'), it is a valid observation. To quote Rawls: "If a conception fails to be stable, it is futile to try to realize it" (Rawls 1993: 142).

Secondly, the investigation into how the different realms interact shows how the interactions lie at the origin of reciprocal criticism, and may in this way have an indirectly relativizing or policing function. This interaction could be valued as such. We may appreciate a particular criticism based on the greatness of an 'inappropriate' realm (as in the case of the dismissed worker pointing at the photograph of the boss' children). Accordingly, Walzer's argument in favour of strongly separated spheres with a particular concept of justice seems less compelling. Of course, the latter point is not deduced from the theory because it does not imply that criticism is a good thing. The role of this argument with respect to the normative position is similar to the role of an intuition. However, insofar as strong intuitions are to be considered as fixed points for ethical theories (Rawls 1993), this is not a trivial finding.

Katholieke Universiteit Leuven  
Campus Kortrijk

## REFERENCES

- Astier, I. 1991. "Chronique d'une commission locale d'insertion." in J. Donzelot (ed.). *Face à l'exclusion. Le modèle français*. Paris: Esprit, pp. 60-81.
- Bell, J. & E. Schokkaert. 1992. "Interdisciplinary theory and research on justice." in Scherer 1992: 237-253.
- Boltanski, L. 1990. *L'amour et la justice comme compétences. Trois essais de sociologie de l'action*. Paris: Métailié.



- Boltanski, L. & L. Thévenot. 1983. "Finding one's way in social space: a study based on games." *Social Science Information* 22: 631-680.
- Boltanski, L. & L. Thévenot. 1991. *De la justification. Les économies de la grandeur*. Paris: Gallimard.
- Chomsky, N. 1965. *Aspects of the theory of syntax*. Cambridge (Ma.), M.I.T. Press.
- Daniels, N. 1980. "Some methods of ethics and linguistics." *Philosophical Studies* 37: 21-36.
- Dworkin, R. 1975. "The original position." in N. Daniels (ed.). *Reading Rawls: Critical Studies of A Theory of Justice*. New York: Basic Books, pp. 16-53.
- Elster, J. 1993. *Local Justice*. Cambridge: Cambridge university press.
- Ernct, S. 1992. "Une rupture avec la sociologie critique?" *EspacesTemps* 49-50: 33-40.
- Hare, R. 1981. *Moral Thinking*, Oxford: Oxford University Press.
- Hare, R. 1984. "Liberty and equality: how politics masquerades as philosophy". *Social Philosophy and Policy* 2: 1-11.
- Haslett, D. 1987. "What is Wrong with Reflective Equilibria?" *The Philosophical Quarterly* 37: 305-311. Reprinted in Orlett 1991. References to reprint.
- Kohlberg, L. 1981. *The philosophy of moral development*. San Francisco: Harper & Row.
- Miller, D. 1992. "Distributive justice: What the people think." *Ethics* 102: 555-593.
- Miller, D. 1994. "Review of Scherer 1992". *Social Science Research* 7: 167-188.
- Orlett, J. (ed.) 1991. *Equality and Liberty. Analyzing Rawls and Nozick*. Basingstoke: Macmillan.
- Rawls, J. 1971. *A Theory of Justice*. Oxford: Oxford University Press.
- Rawls, J. 1990. "Justice as Fairness. A Restatement." Cambridge (Mass.), mimeo.
- Rawls, J. 1993. *Political Liberalism*. New York: Columbia University Press.
- Raz, J. 1982. "The claims of reflective equilibrium", *Inquiry* 25: 307-330. Reprinted in Orlett 1991. References to the reprint.
- Ricoeur, P. 1988. "Le cercle de la démonstration" in C. Audard (ed.) *Individu et justice sociale. Autour de John Rawls*. Paris: Seuil, pp. 129-144.

- Scherer, K. (ed.) 1992. *Justice: interdisciplinary perspectives*, Cambridge: Cambridge university press.
- Smith, A, 1759 [1979], *The theory of moral sentiments*, Oxford: Clarendon Press.
- Soltan, K. 1987. *The causal theory of justice*. Berkeley: University of alifornia Press.
- Swift, A. 1993. "Social Scientific and Normative Analysis of Justice: Tension or Symbiosis?" Oxford: Balliol College, mimeo.
- Thévenot, L. 1992. "Un pluralisme sans relativisme? Théories et pratiques du sens de la justice." in J. Affichard & J.B. de Foucauld, *Justice sociale et inégalités*, Paris: Esprit, pp. 221-253.
- Tréanton, J.-R. 1993. "Tribulations de la justice." *Revue française de sociologie* 34: 627-55.
- Van Parijs, P. 1982. *Evolutionary explanations in the social sciences. An emerging paradigm*. London: Tavistock.
- Van Parijs, P. 1984. "L'épistémologie comme grammaire". *Revue philosophique de Louvain* 82: 256-161
- Walzer, M. 1983. *Spheres of justice. A defense of pluralism and equality*. New York: Basic Books.
- Young, P. 1994. *Equity. In theory and practice*. Princeton, Princeton University Press.