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Between the "Spheres of Justice" and the "Right to Citizenship": The Limits of the Communitarian Theory of Michael Walzer*

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Abstract

In this paper I present and analyze the communitarian theory of Michael Walzer regarding the difference between the spheres of social justice. From this theoretical perspective, Walzer argues that the distribution of citizenship should be open to those categories of foreigners, such as refugees or guest workers that inhabit the territory of a political community. I underline the fact that this theory of "potential citizenship" is not compatible with the communitarian theory mentioned above. In the final section of the paper I suggest that a solution for maintaining the potential citizenship thesis is to offer a weaker reading of the communitarian thesis, according to which the acceptance of some principles of distribution should be based on the fact that a justification would be available for the belief that those principles are likely to be the right ones.

Keywords: spheres of justice, distribution, social goods, citizenship, communitarianism, Michael Walzer

The Spheres of Social Justice

In his work, *Spheres of Justice: A Defense of Pluralism and Equality*, Michael Walzer argues in favor of the thesis that the essence of the idea of social justice is to distinguish between the

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spheres of the distribution of social goods. This implies the existence of certain specific criteria of distribution for each sphere so that the distribution of the goods specific to a certain sphere does not directly influence the distribution in another sphere (Walzer 1983, 20). Thus, no social good will prevail, so that monopoly on it will not trigger illegitimate social dominance, or tyranny.

A consequence of this position is that there are several lists of goods that are common to any human society. The goods do not have their own meaning, independent of the social context of their creation. All goods distributed within a society are social goods in the sense that they are created and marketed within certain social processes, and these processes and meanings may differ from one society to the next (Walzer 1983, 7). That is why there is not only one just procedure of distribution, in Walzer's opinion, but the procedures vary from one society to the other and even within the same society from one historical period to the other: therefore, a distribution is just when it occurs according to criteria resulting from the social meaning of the goods, as it is shared by the members of that society.

This leads to another important consequence: distributive social justice can only be measured by reference to a given society, its members, the meanings they attribute to social goods and the distribution procedures in use. Beyond this framework, there can be no judgments generally valid in any society, at any time in history.

Political Community and Membership

Walzer's idea of social justice implies a given society, a "limited world" which he calls "political community" and describes as "a group of people committed to dividing, exchanging, and sharing social goods, first of all among themselves" (Walzer 1983, 31). Consequently, an individual is entitled or not to participate in this process of distribution function of his belonging or not to the respective political community.

Thus, the first good to be distributed and shared within a community is membership. How does one acquire

membership? By one being accepted by those who are already members of the community in question. Walzer insists on the fact that acceptance will not be arbitrary and neither will it occur in the same way within any society and in relation to any category of outsiders: it depends on the way the members of that community understand the relationship with outsiders, and on the contacts, conventions, or alliances established outside the borders (Walzer 1983, 31).

An important problem consists in the aspects regarding the status and integration in the political community of the outsiders who, for some reason, are included *de facto* in this community without enjoying full membership. The closed political community whose borders are absolutely impenetrable is just a theoretical construct; in reality, they are more or less permeable, allowing immigration or emigration. An important reason for this situation is also the *asymmetry that exists between immigration and emigration*. If a community has the right to impose conditions on the outsiders who wish to be part of it, it does not have the right to restrict the possibility that its own members choose to emigrate from it (Walzer 1983, 39). This means that, at any time, a society includes various categories of outsiders who are taken into account in the process of distribution of social goods. This poses the problem of social justice for each and every one of them.

The Double Check Procedure

In the case of the above-mentioned categories, Walzer argues that there is a double procedure of admittance within a community: first, we check that the conditions are met for admittance with a limited status of refugee, asylum seeker, guest worker etc., and secondly we check on "naturalization" or adherence as full member.

In today's society, for economic, political or other reasons, developed countries often have relatively permissive admittance procedures for the first stage but extremely restrictive for the second. The question arises whether this particular aspect is a source of social injustice against these categories. Walzer's answer is affirmative, as he believes that

denying naturalization may result in a type of illegitimate dominance of the host state citizens and especially of the representatives thereof towards the foreigners who are forced to remain in a precarious status. He even compares this situation to tyranny (Walzer 1983, 59).

Such dominance situations occur because the goods related with the sphere of distribution of political power influences another sphere illegitimately, for instance the economic sphere. Guest workers sign a contract which gives them a certain status, but their consent at a given moment can only legitimate transactions on the labor market, but cannot legitimate any form of political dominance, such as the absolute denial of their right to obtain citizenship or to own a home, or the permanent danger of expulsion, and so on.

What can be done about this? In this thinker's opinion, the answer lies in the connection that must exist between the two stages of the above-mentioned procedure. These categories of outsiders already admitted on a state's territory must be considered "potential citizens" (Walzer 1983, 60). Therefore, all that a host state may impose is a list of conditions (of its choice) for citizenship, conditions which, if met, should be sufficient in this process.

"The Simple Communitarian Dilemma"

Walzer's statement on the necessity that outsiders who have passed the first check-up in the above procedure qualify for naturalization is interesting and challenging. Unfortunately, such a generous principle on the status of this category of outsiders cannot be justified from its communitarian perspective.

A series of important arguments in this sense come from Joshua Cohen. In his view, Walzer's particularism and communitarianism are such that social justice depends on whether our current social arrangements match our common understandings on values. But people could accept the current institutional arrangements not only because they share the values these arrangements embody, but also because of other reasons such as fear, indifference, narrow-minded personal

interest, ignorance of alternatives, strategic conduct, and so on. So, the phenomenon of conformity to certain practices does not guarantee a shared understanding on values (Cohen 1986, 462-3).

Besides, another problem is that Walzer identifies the values of a community through its practices. He does not accept a critical and philosophical perspective different from these practices to establish whether the practices themselves are reasonable. Then how can he justify a critical judgment such as, for instance, that current institutional arrangements on the distribution of certain goods should be changed? If we identify the values as different from practices, then what proof do we have that we have correctly interpreted the values of the community in question? Cohen calls this problem the "simple communitarian dilemma". One possible solution might be to argue that only certain practices embody the shared values, but then we have a new problem in defining the principle by which we will select these practices (Cohen 1986, 464-6).

Relativism and Moral Progress

Defining the criterion of social justice in the values shared in a moral community also poses a significant problem in regard of the relations between different communities, or between different moments in the historical evolution of that community. To what extent can one assess these relations in terms of social justice or injustice?

Walzer explicitly assumes the relativist view that judgments made within a community are different from those made within another community. All of them are legitimate and there is no possibility of ranking them all across (Walzer and Dworkin 1983, 2) However, an issue such as the status of the special categories of outsiders mentioned above seems to require precisely this type of judgments when we assess justice or injustice in the relations between foreigners and the citizens or the institutions of the host state.

An even bigger problem is that, in Walzer's view, we do not have any reason to support the moral superiority of a set of values or some institutional arrangements over others as long

as there is an autonomy of the "spheres of justice" and a distribution of goods in accordance with the shared understandings within that community.

Therefore, Walzer's model does not seem to allow ordinary forms of emancipation and moral progress within a society from one stage of its history to the next. Because the question arises: How can we *justify* the changes in the current practices since they reflect the values of that community? The only basis of the legitimacy of our set of values is the fact that *they are ours*. Thus, Walzer cannot go beyond the framework of his vision, which I would call "descriptivist" – since it asserts that to justify the values of a community only means to correctly identify them –, in order to uphold a conception of a normative sort which would enable us to judge the differences between the values specific to certain different communities, or to different stages in the history of the same community.

But if we return to the "potential citizenship" thesis, we notice that it has just the character of a normative recommendation concerning the appropriate treatment of foreigners within the political communities typical of democratic states: to maintain the possibility that they obtain citizenship if they meet the stipulated conditions. But what happens if, in a political community, there is an exclusivist discriminatory attitude towards the granting of citizenship, that ignores this recommendation? Can Walzer maintain this recommendation in spite of the fact that the shared meanings inside that community prescribe something else? I believe that the answer should be negative if he wishes to be consistent with the thesis that the justification of the distribution principles lies only in the meaning of membership within that specific community.

Suggestions on a Possible Solution

As shown in the previous sections, it appears that Walzer must choose between this strict communitarian thesis and the generous doctrine of the "potential citizenship". In my opinion, given the above-mentioned issues that affect the communitarian theory as well as the intuitive plausibility of the

potential citizenship doctrine, the solution might be to give up on the former thesis (or at least reformulate it) in favor of the latter. Of course, in this case, we must offer an alternative solution to the strict communitarian thesis on the issue of the disagreements within the same community and those appearing between the members of different communities.

In order to outline this answer, I believe we must start by remarking that Walzer proposes too narrow a conception regarding the types of disagreements. Thus, in his reply to Ronald Dworkin's article '*Spheres of Justice': An Exchange*, he claims there are only two ways in which disagreements may occur: within the same cultural tradition, and between citizens belonging to radically different cultural traditions. In the former case, the conflict occurs because of the different interpretation of the meanings, or because of the different positions assumed in what concerns border-related disputes or the overlapping borders of the spheres corresponding to different goods. But these disputes do not deny the existence of shared goods, and rather confirm it. The disputes of the latter type arise between radically different societies or in divided societies, in which case there should be alternative types of distribution corresponding to these different understandings (Walzer and Dworkin 1983, 1).

In my opinion, Walzer uses an argument similar to a false dilemma here, suggesting that there can only be these two types of disagreements. But there are also deeper disagreements within the same society, caused not only by different interpretations of some border issues, or pertaining to the fact that society is divided in several radically different cultural traditions. As Ronald Dworkin points out, we should not assume that the meanings in a society are either fully shared or different. A conception closer to reality seems to be that there can be both an agreement between the citizens of a political community at a certain abstract level of interpretation of the distribution principles, and a disagreement on some interpretation at a more concrete level.

We notice that such divergences can exist between people of different political convictions. For example, a conservative may agree to limit citizenship to certain categories

of foreigners, and a liberal may ask for the same conditions to be imposed on all types of foreigners. But, if this is the case, these deeper disagreements within a society can no longer be sorted out through shared meanings for certain social goods since, according to the hypothesis, there are no such shared meanings concerning those social goods, although there may be some regarding other social goods.

In this sense, in his article *To each his own*, Ronald Dworkin points out that the social meanings are not in fact shared completely, but disputed and challenged all the time. In order to solve these disagreements, we have to transcend our traditions and understanding, and resort to general principles (Dworkin 1983, 1-2).

In his replying article, '*Spheres of Justice': An Exchange*, Walzer remarks that, even when such a solution could be provided – which he finds doubtful – it too would be contested permanently. Therefore, it seems to him that the only acceptable option is the strict communitarian thesis according to which disagreements can be solved only on the basis of the shared meanings of social goods (Walzer and Dworkin 1983, 1).

I believe that, with this response, all Walzer does is reaffirm the above mentioned false dilemma in a new form: social meanings are either shared all the way, or challenged completely. This means either that the disagreement does not exist, or that it is insurmountable. In my opinion, the false dilemma is caused by a misunderstanding on what both the agreement and the disagreement mean. Both the agreement and the disagreement are not spontaneously recognized without a justification of their acknowledgement. There must be some kind of argumentation regarding the fact that the principles are accepted by all, not because they are specific to that community, but because all the members of the community perceive them to be the *right* ones. Therefore, as Ronald Dworkin points out, it is necessary that the reason why we accept certain principles to govern the distribution of certain goods be that the respective principles are the right ones to us, and not the fact that they correspond to a conventional practice (Walzer and Dworkin 1983, 3).

But one could ask: is there such a process of argumentation within a pluralist society? Moreover, would not this idea force us to completely reject any communitarian assumption according to which there are certain shared meanings and values? I believe the answer to the first question can be affirmative and the answer to the second can be negative as long as we have a refined interpretation for both the idea of argumentation, and for the communitarian thesis.

Therefore, first of all, we should be aware of the fact that any argumentation can only occur under the circumstances of a previous minimal agreement. It is no longer possible when the disagreement reaches too deep. Neither does the argumentation occur when the agreement is unconditional or natural. For instance, the agreement on a distribution principle should occur only because the members of the community have reasons to believe that the respective principle meets certain conditions indicating its correctness. And the disagreement on whether the principle meets these conditions should be at least possible, even if it does not always occur. Consequently, the agreement on a distribution principle among the members of a community is always conditioned, and it is always possible that certain members of the community rightfully question it.

Secondly, there is a weaker interpretation of the communitarian thesis matching our assumption of the distribution principles as described above. To begin with, we should emphasize, similarly to Walzer, that a political community does not have the characteristics of a family or of a club. Thus, if membership in a family is naturally acquired by birth and lost by death, membership in a political community can be acquired and lost conditionally, and in a more flexible way. But it is not distributed at a given time on some strictly exclusivist criteria or terms of value sharing, as in a club. Besides, a political community is a given historical reality comprising people with only partially superposing values.

A political community is never divided between radically different cultural traditions, separated by absolute borders because, if it were so, it could not function. Instead, as Dworkin suggests, there are several levels at which we can manifest our agreement or disagreement so that certain citizens can be

associated with the same "tradition" up to a point, and with different "traditions" beyond that point.

In my opinion, this view is more appropriate than the strictly communitarian thesis to solve the problems mentioned above. The agreement among the members of a community is not only descriptive, i.e., it does not only present a state of fact: that of some shared meanings on the social goods. But it is rather normative: it reflects a process of argumentation which justifies, for the members of that community, the idea that the selected distribution principles are correct.

Also, this process of argumentation explains the possibility of social and moral progress within a community, as well as the possibility of certain comparisons and influences between distinct political communities, which helps us avoid the risk of relativism.

To conclude, it is possible to combine the thesis of the existence of some autonomous spheres of social justice with no direct influences between them, and the thesis that the principles governing the distribution of social goods should be correlated with the meanings of those social goods within the community. But the process of establishing an agreement on the set of principles assumed by that community should not be seen as descriptive or interpretive, but rather as argumentative and normative.

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