Social Justice in the Large and Small

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Social justice is an issue at both the large or even whole-society level and the very small group or dyadic level. If it is an issue in distribution of resources or welfare, rather than an issue of procedure, it requires very strong interpersonally comparable value judgments. This generally distinguishes it from other small and large group moral and political problems, which can often be resolved satisfactorily without such a strong value theory, in particular without interpersonal comparisons of welfare, because their resolution can yield mutual advantage to all concerned. At the dyadic and small-group level social justice is the philosopher's problem of beneficence; at the large level it is the problem of distributive justice. Much of the social-psychological literature on social justice deals with the small-scale problem; political theory is generally concerned with the large-scale problem. Yet, strategically and in their value theory requirements, the two problems are in many ways analogous. In both variants of social justice the core problem is a pure conflict interaction in which one party or group must bear a cost in order that another party or group may benefit.

KEY WORDS: distributive justice; beneficence; utilitarianism; interpersonal comparison of welfare; Prisoner's Dilemma.

INTRODUCTION

When social psychologists speak of social justice, or merely justice, they commonly have in mind problems of fair division among small numbers of people (see other contributions to this issue of Social Justice Review). When political philosophers speak of social or distributive justice, or merely justice, they generally are concerned with large-scale social arrangements. I wish to try to understand the common bases of their concerns by using the game theoretic structures of social interactions.

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My stance in what follows is utilitarian. Utilitarianism is the moral theory that judges the goodness of outcomes—and therefore the rightness of actions insofar as they affect outcomes—by the degree to which they secure the greatest benefit to all concerned. In its simplest version, utilitarianism has been based on the supposition that the benefits or utilities to all concerned could simply be added. If this were possible, we could decide among a collection of alternative outcomes by simply picking that which yielded the greatest sum of benefits. This simplistic value theory is no longer given credence by sophisticated philosophers—nor for that matter by economists or other social theorists. The reason it is generally rejected is primarily that we doubt the exactitude, perhaps even the epistemological possibility, of interpersonal comparisons of utility, welfare, or benefits that such a theory requires. As becomes clear below (especially in the section “Value Theory Issues”), the degree to which we can make interpersonal comparisons substantially affects the degree to which we can make claims of fairness or justice.

Most social scientists interested in social justice seem to be utilitarian in large part, at least insofar as one can assign a general moral theory to those who are not typically articulate about their underlying moral assumptions. Against this near consensus, many, perhaps most, contemporary philosophers who contribute to moral theory argue against utilitarianism. A chief objection to utilitarianism is that it supposedly violates our sense of distributive justice.

Even if one wished to reject utilitarianism, however, an investigation of the game theoretic structures of the interactions that interest us is enlightening for the clarity it gives to issues in social justice (as well as other moral problems). There are two dimensions to the structures of social interaction that interest us. First, there is the dimension of the scale of the interaction, of the number of parties to it. This can be very small, even dyadic, or very large, even encompassing a whole society or all societies together. Second, there is the dimension of the nature of the interaction, which, in game theoretic terms, can range from pure conflict to pure coordination.

To simplify, we can construct a typology of little more than the extremes, as in Table 1. The table presents three kinds of interactions: pure conflict, pure coordination, and mixtures of the two. These occur among small numbers or large numbers. In the cells of the table are listed exemplars of problems that fall in the relevant strategic categories. If our lives are to go well, we typically must resolve these problems through motives of self-interest, morality, or whatever.

I wish quickly to characterize each of these classes of problem and then to focus on three of them in particular: those in the upper left and the two upper right cells. It is interactions of these classes that motivate various concerns with justice. Although these concerns may derive from various moral theories, I base them in what follows in utilitarianism. In passing, I note the relationship of this analysis to that of David Hume (T3; E), who, without benefit of game theory, seems to have grasped much of what follows.

**PURE CONFLICT INTERACTIONS**

The usual problem of beneficence has the simple ordinal structure of Game 1, as shown in Fig. 1. In each cell of the game, the first payoff is to Row, the second to Column. Column is in need of help that Row can offer. Column has no relevant choice in the matter while Row can choose either to help or not to help. If helping entails some cost to Row and Row is narrowly self-interested, then Row’s preference is not to help. Row ranks her not helping first and her helping second while, of course, Column ranks these in the reverse order. Hence, their preferences are in direct conflict. Without entering other possible outcomes, such as that in which Column rewards Row after the fact for Row’s helping, they have no interest in cooperation.

Suppose I am Row and you are Column. Should I help you? It depends. If the overall state of affairs in the outcome in which I do help you is better than that in which I do not help, then the utilitarian judgment is that I should help you. Let us leave discussion of how to determine whether the overall

<table>
<thead>
<tr>
<th>Column</th>
<th>Not help</th>
<th>1,2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Row</td>
<td>Help</td>
<td>2,1</td>
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**Fig. 1. Game 1: Beneficence.**

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state of affairs is better in one outcome than in the other for later (see "Value Theory Issues") and suppose for the moment that the utilitarian judgment is that I should help you. In doing so I suffer a loss while you enjoy a gain, one might say, a gratuitous gain. There need be no particular sense in which you deserve the gain or in which I owe you the loss that I suffer other than the utilitarian one.

This is the two-person or dyadic instance of beneficence. It can be generalized to cover the large-number or society-level case. In general, however, n-person games cannot be pure conflict: in such games there is always room for some subset of the players to cooperate in their own interest, perhaps but not necessarily against the interests of other players. Nevertheless, we can view the problem of n-person beneficence as one of pure conflict if we make what will often be a natural simplification. We must simply suppose that there are two groups, one of which is the potential benefactor group and the other is the potential beneficiary group. It may be true that within the benefactor group several of us would rather cooperate with each other in not joining the effort to help the beneficiary group and that therefore our game at the individual level is not strictly a game of pure conflict. But at the group level it is sensible to view it as pure conflict: One group’s interest is contrary to the other group’s interest. It is also often generally sensible to view problems of distributive justice as essentially group-level problems involving the interests of the well off and the less well off. For example, the interests of the masses in the Sahel may be leveled against the interests of affluent Americans. Moreover, in the most important theory of distributive justice of our time and perhaps of any time, Rawls (1971) supposed in his Difference Principle that we compare the interests of the worst off group to those of everyone else, then of the next worst off group to those of everyone above them, and so forth. At each comparison, the interests are those of two groups in a strategic situation of pure conflict.

In both the dyadic and the large-number problems here, the utilitarian motive for Row to help Column is simply that the help will make for a better state of affairs on the whole. In both cases, Row is a net loser from helping and Column is a net gainer. In neither case need there be any obligation other than that of utilitarian concern. It may be that the kind of help that is likely to be of concern in dyadic cases is typically different from what is likely to be of concern in distributive justice cases. In the former, one may most often expect to perform some service, whose costs are in time and energy. In the second, one may most often expect to transfer resources of, say, food or money, whose costs are indirectly but ultimately still in time and energy. Structurally, however, distributive justice is simple mass beneficence.

Social Justice in the Large and Small

Concern with distributive justice in the contemporary sense of concern with the egalitarian character of the distribution of welfare or wealth or income is a relatively late development in political philosophy. For example, for all his strategic grasp of moral problems, Hume dismissed concern with distributive justice. In part, at least, the dismissal followed from the fact that he was trying to explain our typical moral responses. In his time a concern for egalitarian distributive justice was not one of these. It came to the fore in the French Revolution and in the Radical criticisms of the English industrial revolution. Mill and Sidgwick were greatly concerned with it. Today a political theorist can hardly address the notion of justice without considering distributive views, which are of course central in the theory of Rawls (1971) and in the vast body of contemporary political theory that he has helped to stimulate.

In part the change that has occurred is that moral theorists increasingly have turned to basing their accounts on what, as Hume said (T3.3.1, p. 583), "reason requires" rather than on what psychology commands. There are, however, other grounds for the change. Briefly, the two of perhaps greatest significance are the following. First, the power of states has radically increased in modern times. Even Hume's England and Scotland may well have lacked the capacity to levy and collect taxes on income. (The first, limited income tax in England was introduced in 1799 to support the government's involvement in the Napoleonic wars.) That is not to say merely that they lacked the will to do so but that even with the will they would have lacked the organizational and administrative capacity. As Hume said, perfect equality is "impracticable." The second ground for the change is that some past theorists were explicitly antiegalitarian for principled or social theoretic reasons. For example, Hume supposed that, in contemporary language, equalization would sap incentives and therefore reduce everyone to a worse level. Equality would be "pernicious" (E3.2, p. 194). Rawls (1971) tried to meet this concern with his Difference Principle, allowing inequalities that are generally beneficial. He thought the social scientific, perhaps especially the social psychological, obstacles to equality were lower than Hume thought they must be.

Whatever may have been the case in the past with respect to the capacities of the state, contemporary states can probably make substantial redistributions. Moreover, while it might be pernicious to strive for "perfect" equality, as Hume supposed, it may be possible to achieve radical reductions in the extent of inequalities without substantially affecting productive efficiency.

There is one other obstacle to achieving equality: the inability to measure it. This issue is taken up in "Value Theory Issues." This later discussion,
however, depends on a prior grasp of the argument for justice as order in the following section.

**MIXED-MOTIVE INTERACTIONS**

Let us turn now to such issues as promise keeping and justice as order. These mixed-motive interactions involve elements of both coordination and conflict. I might be better off this moment if I could break my promise but I would be worse off in general if I could not use promising to secure mutually beneficial trades with others. Similarly, although I might wish that I alone had a ring of Gyges so that I might steal with impunity, I would gladly give up the ring if by doing so I could be sure everyone else would give it up. With that mythical ring, one could become invisible and thereby enter another’s house with no fear of being found out. (Glaucosus supposed that while wearing such a wonderful ring not even the just man “would stay on the path of justice,” but would plunder and rape at will; Plato, *The Republic*, Book 2, 360b-c.)

In essence these problems are instances of the well-known Prisoner’s Dilemma, whose payoff structure is displayed in Game 2 (Fig. 2), which represents the background structure of ordinary exchange. In this game the choices or strategies of the two players can be viewed as choices whether to turn over something to each other in a trade that, if it were consummated, would be mutually beneficial. Column and yield x or keep it; Row can yield y or keep it. Column prefers y to x; Row prefers x to y. There may be no structure of dyadic interaction more prevalent than this (Hardin, 1982b, pp. 251-253). In the payoff matrix, the outcomes are ranked ordinarily from first to fourth preferences for each player.

To see that the ordinal payoff structure of the Prisoner’s Dilemma is precisely that of an ordinary exchange, one can suppose that x is your old car and y is my $1000. If it makes sense for us to trade, it must be the case that I prefer your car to my money while you prefer my money to your car. Obviously, as first preferences each of us would most like to have both the car and the money. As second preferences we would like to make the trade. Our third preference is to fail to trade and to remain at the original status quo. Our fourth choice would be to lose our own holding without gaining that of the other.

Promising enters because we may not be able to consummate both sides of our trade in the same moment. I may need your help in changing a tire today in return for my promised help in moving your piano next weekend. Suppose I make the promise and you help me with the tire. Morality aside, should I then help you with the piano moving? In the massive philosophical literature on promising it is often supposed that I should not if my only concern is my own interest. Hume said on the contrary that “interest is the first obligation to the performance of promises” (T3.2.5, p. 523). Hume was right for the kind of promising that concerned him and, he seems to assume, almost all promisees. Let us consider why.

How does interest enter my mind when next weekend it is time to move your piano? Obviously, you are not likely to be just any randomly selected person. Rather, you are likely to be a near neighbor or an otherwise close associate. Hence, even though I might wish, as Heath (1976, pp. 59-60) supposed, that as far as your helping change my tire is concerned, bygones are bygones, in fact I have other incentives to be “fair” to you. The main incentive is that it is likely to be useful to me in the future to have your cooperation or at least your good will in other endeavors. Hence, just as your incentive to help was your expectation of reciprocal help from me in the future, so I look to the future before I lazily refuse to keep my bargain to hoist your piano (Hardin, 1982a, pp. 213-216).

In the context of ongoing relationships such as ours in the case above, promising is essentially a device to allow us to deal with exchanges repeated over time. Macneill (1980) called these “relational exchanges.” The incentive structure for such exchanges is that of the iterated rather than that of the single-play Prisoner’s Dilemma. That incentive structure is clearly to cooperate (Hardin, 1982a, pp. 213-216).

Hume argued that promise keeping in such cases is an “artificial” virtue because it runs against our immediate passions, such as my passion for indolence when your piano is ready for moving. If moralists and politicians wish to overcome our destructive passions in such cases,

All they can pretend to, is, to give a new direction to those natural passions, and teach us that we can better satisfy our appetites in an oblique and artificial manner, than by their headlong and impetuous motion. Hence I learn to do a service to another, without bearing him any real kindness; because I foresee, that he will return my service, in expectation of another of the same kind, and in order to maintain the same correspondence of good offices with me or others [emphasis added]. And accordingly, after I have serv’d him, and he is in possession of the advantage arising from my action, he is induc’d to perform his part, as foreseeing the consequences of his refusal. (T3.2.5, p. 521)

On this account, promise keeping is not generally a moral problem. This con-
clusion might come as a surprise to readers of moral philosophy through most of this century when concern with promise keeping may have dominated any other more clearly moral problem.

Before turning to the large-number generalization of the problem of relational exchange or promise keeping, note that promises take at least two other forms. The other forms are the promissory equivalents of beneficence and of coordination. I can promise to give you something, such as a bequest, with no expectation of getting anything in return. In the law, this is a "gratuitous promise." And I can promise to meet you somewhere tomorrow for lunch. In such a promise there is typically no conflict of interest: we both want to meet. Hence, the point of the promise is merely to coordinate our actions. Coordination promising is discussed further in the section "Pure Coordination Interactions."

Just as self-interest leads to promise keeping, so too in small-number interactions, such as in small towns or in the small societies studied by anthropologists, it can lead to scrupulous adherence to the rules of justice. "The same self-love, therefore, which renders men so incommodes to each other, taking a new and more convenient direction, produces the rules of justice, and is the first motive of their observance" (T3.2.8, p. 543; Hume's emphasis). As Hume seems to recognize, this problem is the larger number analogue of the two-person Prisoner's Dilemma of Game 2.

It is generally supposed that cooperation in the Prisoner's Dilemma, even when play is iterated, falls off as the number of participants increases. While my close associates might hold me accountable for my free riding on thier cooperative efforts, a very large number of people with whom I do not individually interact cannot hold me accountable (but see Hardin, 1982a, pp. 173-187). Hence,

when men have observed, that tho' the rules of justice be sufficient to maintain any society, yet 'is impossible for them, of themselves, to observe those rules, in large and polish'd societies; they establish government as a new invention to attain their ends, and preserve the old, or procure new advantages, by a more strict execution of justice. (T3.2.8, p. 543)

Hume's "impossible" is perhaps too strong a term: we could, of ourselves, refrain from theft. But no one believes all of us will do so and we welcome the "more strict execution of justice" in securing the more general cooperation.

There are two major roles for the institutions of justice: first, they protect property and its possession; second, they secure common interests. In each of these roles the problem that must be resolved is strategically equivalent to the Prisoner's Dilemma. Let us briefly discuss the first of these, which was Hume's greater concern, and then turn to the second, which Hume evidently took for granted but did not discuss at length. In his emphasis here he is transitional between Hobbes, who was concerned almost exclusively

with order, and Smith or the 19th-century political economy theorists of the state, who focused on the state's role in providing collective goods.

Hume's view of human nature is more benign, less paranoid and vicious than Hobbes's view often seems to be. It is our passions in the short run that defeat our interests in the long run by leading us into momentary acts of injustice. Hume's account of how our passions defeat us sounds like an account of the juvenile quality of the Soviet-American arms race:

You have the same propension, that I have, in favor of what is contigious above what is remote. You are, therefore, naturally carried to commit acts of injustice as well as me. Your example both pushes me forward in this way by imitation, and also affords me a new reason for any breach of equity, by shewing me, that I should be the cull of my integrity, if I alone should impose on myself a severe restraint amidst the licentiousness of others. (T3.2.7, p. 555)

A modest institutional framework of police protection of property is sufficient to deter us both from destructive disorder and injustice. All that is needed is a small number of people who, "being satisfied with their present condition, and with their part in society, have an immediate interest in every execution of justice, which is so necessary to the upholding of society" (T3.2.7, p. 537). Commitment to justice on the part of a few makes justice prevail for the many. Adam Smith thought self-interest was sufficient to make the economy go; Hume thought more, but only a bit more, than self-interest was required for political order in a large society. (As noted above, in a small society self-interest is generally sufficient to bring about justice.)

Turn now to the second role of the state. Its first role is simply to protect us in our spontaneous endeavors to create wealth. Once government that is concerned with protecting our general well-being exists, however, it can actively promote our welfare by creating wealth in contexts in which we could not spontaneously do so. First, through government,

men acquire a security against each others weakness and passion, as well as against their own, and under the shelter of their governors, begin to taste at ease the sweets of society and mutual assistance. Then government extends farther its beneficial influence; and not contented to protect men in those conventions they make for their mutual interest, it often obliges them to make such conventions, and forces them to seek their own advantage, by a concurrence in some common end or purpose . . . . Thus bridges are built; harbours open'd; harbours rain'd; fleets form'd; armies disciplin'd; every where by the care of government, which, tho' compos'd of men subject to all human infirmities, becomes . . . . a composition that is, in some measure, exempted from all these infirmities. (T3.2.7, pp. 538-539)

How does all this work to defeat the usual incentive not to cooperate in a very large-number Prisoner's Dilemma? Largely by changing the incentives to individual citizens. And what motivates the governors? Hume supposed they were simply men whose reason actually governed their passion. One might rather note that the governors are not strictly in a large-number
Prisoner's Dilemma. If it is in my power to decide whether we all cooperate in or all defect from some mutually beneficial endeavor, my interest may quite clearly be identical with the collective interest. A national leader with the power to raise an army is not like a mere citizen in the face of foreign attack. If not coerced by government, the citizen faces a severe problem of the logic of collective action. The leader faces no such problem but can simply decide whether to defend against or to surrender to the attack.

This way of resolving broad problems of collective action has in it the conspicuous risk that those with power will abuse their positions for their own benefit. Hume's sanguine dependence on finding a Pericles to govern would, if successful, avoid this risk. But even a Tory should face the fact that there might be no Pericles. Hence, resolving our initial problem of order by creating government permits both the furtherance of other collective purposes and the abuse of the collective population. Both these prospects may be only parasitic on the creation of modest institutions for securing justice as order but they are practically unavoidable.

The provision of collective goods and abuse of power are not the only outcomes parasitic upon the institution of justice as order. Such beneficence as is seen in the specific care of the needy or in general efforts at distributive justice may also be furthered by the prior creation of government to maintain order. Similarly, such niceties as the enforcement of contracts may follow in the wake of government, so that even dyadic exchange relations come to depend on the state. This is particularly useful for securing an exchange whose halves must be fulfilled at different points in time. Such an exchange may fail when the second party's interest is not served by fulfilling the promise. This can happen if the cost of fulfilling the promise is high relative to any likely gains the second party can expect to receive from future dealings with the other party, a condition that will be met for almost all promissory exchanges between strangers. In order to secure promises to complete exchanges in these cases, we resort to contracts enforceable at law. The enforcement mechanisms are available because the state is already there to protect property and its possession. That such contract enforcement is parasitic on justice as order is suggested by the relatively late development of contract law. (On Roman developments, for example, see Nicholas, 1962, pp. 159-167.)

This is the general category of justice as order that, of course, is the subject of jurisprudence and of the law. It brings to mind problems of procedure and institutions rather than of the distribution of resources. Some of the procedures are merely conventions, they could as well be other than what they are, but given what they are, we are bound by them. Philosophers interested in justice commonly are concerned with both justice as order and distributive justice, although they do not always keep their categories clear and they often argue past one another.

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After we have considered all that the state is likely to do on our behalf, there remains a large class of cases that fit into the cell of large-number Prisoner's Dilemma problems in Table I. This is the class of collective action problems that do not affect more or less the whole society. These problems would seem to be unresolvable if we all have Hume's moral psychology: we do not act from benevolence except in small-number cases and, by the logic of collective action, we cannot rationally cooperate to resolve such problems.

If it is not narrowly rationally incumbent on one to contribute to a collective provision, is it nevertheless morally incumbent? For a straightforward utilitarian the answer may often seem to be simple: Yes, if one can effect more good with one's contribution than it costs. This is to make one's action a matter of beneficence, motivated of course by what reason requires rather than by what sympathy commands. But the answer is not so simple in general, as I argue in the section "Value Theory Issues." The complicating factor discussed there is the grievous difficulty of determining that one's contribution effects more good than it costs.

PURE COORDINATION INTERACTIONS

Many choice situations we face are problems of coordination. There is no single best action for me independently of your choice of action. This is not true of an isolated play of Prisoner's Dilemma, in which I have a dominant strategy choice, which is not to cooperate no matter what you do. In a simple coordination game how you choose will affect how I should choose. For example, in the coordination game whose ordinal payoffs are displayed in Game 3 (Fig. 3), I will prefer to choose my strategy I if you choose your Strategy I; otherwise I will prefer to choose my Strategy II.

Because coordination in an interaction of the form of Game 3 may simply be motivated by self-interest, there is little that is distinctively moral about it. Hence, coordination problems are at best on the fringes of ethics and only indirectly of interest in a theory of justice. Nevertheless, their role in understanding many moral problems is substantial and should be kept clear. Let us therefore discuss the nature of coordination problems. Before turning to the more important large-number issues, first consider the dyadic problem.

An obvious, common example of dyadic coordination is a coordination promise of the kind in which you and I promise to meet for lunch. We make the promise because we think our interests are fully congruent. If we raise the possibility of meeting but then discover, as all too often happens, that we cannot find a time in the near future, so that the effort to coordinate fails, it does not follow that there is a failure of morality. The same is true, of course, for an exchange promise. If we decide in advance that the pro-
posed exchange is not mutually beneficial, it does not follow that our failing to promise is a failure of morality. Moral considerations may enter only after the promise is made.

A clear difference in the obrigatoriness of a Prisoner's Dilemma or exchange promise and a coordination promise can be seen in the difference in the implications of breaking them. If we have mutually promised to meet for lunch and I call you to break the promise, because on afterthought I do not really want to do it, you may not feel abused unless in the interim you have made special arrangements for the meeting or you have passed up another opportunity. If I have promised to help you move your piano in return for you assistance in changing my tire and I call to break the promise after my tire is changed because on afterthought I do not really want to do it, you are almost sure to feel cheated.

In lawyer's terms, your interest in the coordination promise is a reliance interest; that is, you have no interest until you have come to rely on the expectation of fulfillment in undertaking action in the interim. For example, you may have turned down some splendid opportunity that is then lost to you if I do not fulfill. Your interest in the exchange promise is a restitution interest: in a sense, you want to get back at least what you paid out as in any exchange.

The difference here is strategic in the following sense: In making a promise to help you move your piano I know it will not be in my interest next Saturday morning actually to fulfill the promise except in, say, Hume's sense of my enlarged interest in future exchange with you or others. But I would not make a coordination promise unless I thought it would be in my interest at the moment when I should fulfill the promise to do so. Moral considerations might enter for such a promise only when the parties make it in a state of what turns out to be inaccurate knowledge of their future interests. If reliance on the promise alters the behavior of one of the parties, fulfilling the promise becomes increasingly obligatory for the other (or others). Unless that happens, however, as Atiyah (1979, pp. 1-6) argued, the promise carries no moral weight.

When a large group or society faces a coordination problem, it may not simply be able to use a coordination promise. But as Hume argued, it may readily resolve its problem by convention. If the problem recurs often enough, any successful coordination by much of the relevant population may signal how to coordinate again at the next recurrence of the problem. The strategy onto which the group happens may become a convention in the sense that it is the obvious choice of virtually everyone whenever the standard problem occurs (Lewis, 1969; Hardin, 1982a, pp. 155-161). Any one of several other strategy choices might have been as good but once the convention is established no other strategy makes sense.

How does the particular strategy that becomes the convention get selected? It does not much matter. It is by convention that rules for the inheritance of property and for the succession of monarchs are established. It is by convention that certain devices and not others mark the transference of property. The rules and devices differ from one community to another for reasons of historical accident in the uses of the imagination in finding what Schelling (1960, pp. 54-58) called prominent points for coordination.

In an instructive error, Harrison (1981) said one would expect Hume to hold the view that what caused men to feel they ought to obey one rule, in preference to any other, was always their belief that this rule was more useful than any other, and that they were justified in thinking that this rule ought to be obeyed, if this rule was in fact more useful than any other. (p. 214)

There are two responses one may make to Harrison's complaint. The first is one he himself makes in another context (p. 226): there might be no rule which is "in fact more useful than any other." The equivalence of what results from following any one of many rules is what defines a coordination problem. If coordination problems are commonplace, it is pointless to insist against the facts that there be a single best rule for resolving one of them, and one would not expect Hume to do so. This response applies most obviously to the occasion of first coordination.

The second response to Harrison is that once a convention has been established, the rule of that convention may indeed be more useful than any other rule. In principle we should be indifferent between a rule of all driving on the left and a rule of all driving on the right. But once we have established the convention, say, of all driving on the right as in the United States, it may therefore very well be true that this rule is better than any other (although in another context we may suppose that such a rule is not best, as in the case of Sweden discussed below). Not only may an extant convention be effectively best when there are others that are in principle as good, it may even be effectively best when there are others that are in principle demonstrably better. The standard American typewriter keyboard, fondly called "qwerty"
after the arrangement of keys in its first alphabetic row, is a hindrance to far faster typing times. Indeed, it was designed by Christopher Sholes, who invented the typewriter in 1867, to slow down typists who, using the hunt and peck technique, were so fast on an alphabetically arranged keyboard that they jammed his crude machine. More than half a century later in 1930, after touch-typing and better machines made typing much faster, August Dvorak proposed a new arrangement of the keyboard. On the “dvorak” keyboard 70% of the strokes (in typical English) are made on the so-called home row where the fingers rest, as against a mere 32% on the qwerty keyboard. Again more than half a century later, we still clumsily use the qwerty keyboard despite dvorak’s being about twice as fast and less prone to error (Levene, 1981). Presumably, we still cling to it because the costs of switching would be massive to the present generation of typists and typewriter owners. Perhaps the ease of rearranging the keyboard on modern microcomputers will finally lead to a changed convention. (In fairness to Harrison’s reading, Hume was not completely clear on the strategic significance of conventions for resolving iterated coordination problems (but see T3.2.10, pp. 553-567). He was rather more typically concerned with the origin of the imagination of particular rules than with how their strategic stability increases through their iterated application. Not surprisingly then, Hume’s strategic grasp is weaker here than in his accounts of promise keeping and of the utility of institutions of justice.)

Before leaving the discussion of coordination problems, note how their resolution may be parasitic upon the existence of institutions of justice. In 1967, Sweden switched its driving convention from driving on the left to driving on the right. This was a change that could not have been made spontaneously by the sum of individual actions freely chosen. As a joke current at the time had it, the government was to make the change gradually, with buses driving on the right the first week, trucks going over to the right the second week, taxis the third week, and private cars last. Spontaneous change would have been as good as this policy. In fact, of course, the change was made all at once, at 5 AM on Sunday, September 3rd. Most vehicles were banned from the road for several hours around that time and those that were on the road had to come to a full stop on the left side of the road by 4:50 AM, then shift to the right side of the road and park until 5 AM, when the signal was given to “drive right” (Friedlander, 1967; Time Magazine, September 15, 1967, pp. 39-40).

Ironically, the original convention of driving on the left was more nearly a spontaneous growth. It was presumably already custom when an 18-century royal decree required it for mail coaches (Time Magazine, September 15, 1967, pp. 39-40). England did not enact a law mandating the rule until 1835. Before that it was merely a custom, as sung in the ditty:

The law of the road is a paradox quite,
As you’re driving your carriage along.

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If you go to the left you are sure to go right,
If you go to the right you go wrong!

It was a custom that required little or no enforcement other than that implied in the last line of the ditty. The law of 1835 was presumably intended more to tidy things up and perhaps to bring local deviants into line than to determine overall behavior. Recoordination from left to right could not now take place spontaneously without mayhem. Nevertheless, it is easy to suppose that switching to driving on the right in the rising tide of tourism was, by 1967, better for Sweden than continuing to drive on the left—even at a cost of roughly $120 million and, no doubt, considerable momentary inconvenience. In particular, on long stretches of the open road, Swedes in Sweden must be killed less often by foreign drivers forgetfully reverting to their home custom and Swedes driving abroad must be killed less often by their own reversion to custom. [At the time of “H-Day,” for Höger, which means “right” in Swedish, there were 97,000 km of highway, of which only 250 were divided superhighways (Friedlander, 1967, p. 31). It must have taken vigilance for most foreigners to avoid drifting into the wrong lane on most Swedish roads.] Indeed, since Swedish cars were built with the driving wheel on the left, just as most cars everywhere are built, Sweden must be killed less often while passing on the open road in Sweden now than they would have been under the old convention.

Because what happened almost spontaneously before could not spontaneously be undone, the Swedish state intervened to force recoordination. It was evidently a utilitarian decision. More generally we may expect modern states to decide on rules to resolve many new coordination problems so that the role of spontaneously generated conventions may seem less important than it once was. It would be misguided, however, to see state intervention in these coordination problems as somehow comparable to state regulation of the Prisoner’s Dilemma problems, such as protection of property.

VALUE THEORY ISSUES

Because beneficent actions involve a pure conflict of interest while Prisoner’s Dilemma and coordination interactions involve the achievement of mutually beneficial outcomes, the former require a far more stringent value theory to justify them. Beneficence generally makes utilitarian moral sense only on the assumption that the relevant interpersonal comparison of utility is possible. To say that I ought to behave beneficently toward you is to imply that there is something I can do that will benefit you more than it costs me. Otherwise, although I may behave beneficently toward you, it is not the case that I ought to.
Let us carry the central point further. One can say that my action to benefit you is benevolent without making an interpersonal comparison of utility. Indeed, the outcomes in Game 1 (see Fig. 1) are ranked only ordinally for each player without any implication as to whether the differences between their respective first and second choices are comparable in any way. But it is not sensible to assert that I ought to act with beneficence toward you unless one can make at least a crude judgment that you would benefit more than I would lose from my action.

Finally, note that one should be able to make a comparison that is stronger than merely ordinal. One should be able to say that you benefit substantially more from my benevolence than I lose from it because if comparisons are not cardinally precise they cannot be ordinally precise either. Hence, one cannot make compelling ordinal claims about borderline cases. A comparison that is based exclusively on ordinal information can make sense in the preference scheme of a single individual but not in an aggregation of preferences across individuals unless the interpersonal comparison per se is very strong—that is, I must seem to have an ordering of preferences quite similar to yours.

In sum, what is needed for moral claims to act with beneficence is weakly cardinal, interpersonally comparable utility information. Such information is often not available. However, I think it wrong to suppose that such information is never available on the claim that, as many economists assume, interpersonal comparisons are wholly meaningless. The rejection of even rough interpersonal comparisons would lead to some odd choices. For example, suppose I face you in a once-only interaction with the monetary payoff structure of Game 4 (Fig. 4).

Strategically, Game 4 is a simple Prisoner’s Dilemma. Morally, it is much more: it poses for me a choice between a wonderfully benign but cheap action and a savagely unbenevolent action. Is it plausible that I would choose not to cooperate? Suppose you are a stranger to me and I have no expectation of further dealings with you so that I have no incentive from self interest to benefit you. But it is reasonable— isn’t it?— to suppose you are a decent person of ordinary means.

It is with hesitation that I argue from an apparently bizarre example of the sort used by recent philosophers to trick readers into confusion.

<table>
<thead>
<tr>
<th></th>
<th>You</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cooperate</td>
<td>1ε, $100</td>
<td>2ε, $0</td>
</tr>
<tr>
<td>Defect</td>
<td>2ε, $100,000</td>
<td>0, $99</td>
</tr>
</tbody>
</table>

**Fig. 4. Prisoner’s Dilemma with strong interpersonal comparison.**

However, here there is nothing to confound any of one’s beliefs, as I think the suppositions of Newcomb’s problem and many other contrived choice problems do. Indeed, in the days of live television I once saw a version of Game 4 actually played out. As I recall the show, a contestant had to place a collect call to a randomly chosen long-distance telephone number. If the answering party was willing to accept the charges, the contestant won a hefty prize. The contestant, whose name was evidently unknown to the called party, was permitted to give no explanation other than that the call was very important and that there was no mistake in dialing. If one had been watching the show and had been at the randomly dialed number, how should one have acted? (The contestant, although she pleaded desperately, failed to convince her answerer to accept the small charge. She got no prize.) No matter how we might have acted, most of us would be willing to acknowledge that accepting the call would have hurt us less than it would have helped the contestant.

Before going on to large-number beneficence problems, note how strikingly small-number Prisoner’s Dilemma and coordination problems differ from the beneficence problem. Resolution of Prisoner’s Dilemma and coordination problems need not require interpersonal comparisons of even the weakest kind because all are ordinally better off in one outcome than in another.

If we can make sufficiently strong interpersonal comparisons in Game 4, we might suppose that the utilitarian outcome in such a case is clearly in the upper right cell. But if there can be no agreement on such comparisons in a Prisoner’s Dilemma, we can still be sure that the upper left outcome is superior to the lower right. If the lower right is the status quo, we therefore know how we can improve our collective lot. We can make similar claims for a Prisoner’s Dilemma involving any number of people and for any coordination game. Hence, in such contexts we can know how to make utilitarian improvements even in the face of one of the weakest of value theories: that in which there are no valid interpersonal comparisons and there is only ordinal information for individual preferences or interests.

Since in general we surely can make at least crude interpersonal comparisons, one might suppose we can ignore the constraints of the very weak value theory that denies such comparability. But many of the moral choice problems we face are cases in which crude comparisons are inadequate for ranking outcomes. The larger range of possible outcomes over which we could make credible comparisons is not at issue. Often we are concerned only with a range of outcomes over which we cannot make meaningful comparisons. In these cases, we can make only ordinal, noncomparative utilitarian judgments over our range of actions. In Prisoner’s Dilemma and coordination contexts, this constraint does not cripple our moral judgment. But it substantially restricts the field in which we can claim that someone is obligated to act beneficently.
Again, because we can make crude interpersonal comparisons, we can have a utilitarian duty to act with beneficence toward another in dyadic cases. (When we cannot do so, we do not have such a duty.) But what of the large-number problem? When can we know we have, either individually or as a group or class, a duty of beneficence to a large group or class? The answer is that the judgment is typically far more complex than in the dyadic case.

If we had an interpersonally comparable, precisely cardinal value theory, we might in principle suppose there to be a very discriminating answer to the question whether it was utilitarian for us to act with beneficence toward some group. That is to say, it would generally be either right or wrong to act and only rarely a matter of moral indiscernibility. If comparisons are cruder, the indifferent cases must bulk larger. As we aggregate across a larger number of vague valuations, the penumbra of vagueness in the sum becomes relatively larger.

Suppose the members of Group A may act beneficently toward the members of Group B. Suppose further that is not larger than and that there are members of B each of whose benefit from A's beneficence is found, in one-on-one comparisons, to be greater than the cost to the respective member of A. In this case we may be able easily to say that A is obligated to act beneficently toward B. (Whether A is obligated to act may, of course, turn in part on A's other relationships and obligations at the time.) But if the one-by-one comparison does not work out or if is larger than , the case is trickier and we may not be able to conclude that A has a duty of beneficence to B if we make nothing more than ordinal comparisons between members of the two groups.

Perhaps the most perplexing conclusion for the account of group-level beneficence concerns the obligation of an individual member of a potentially beneficent Group A whose other members do not contribute to the beneficent action toward Group B. Suppose the conditions above would clearly be met so that we can say that A has a duty of beneficence to B. As an individual in A, am I obligated to act even if others in the group do not? Plausibly not. If I do act, my beneficence may result in far smaller per capita benefits to B. Now it may no longer be true that there is a member of B whose benefit from my action exceeds my cost. Hence, whether I am individually obligated may depend on whether enough others shoulder their part of our group obligation.

This result may seem less perplexing in the light of its coherence with an analogous result in the problem of voluntary collective action. Such problems are, again, those cases of large-number Prisoner's Dilemma problems that are not regulated by institutions of justice. It is utilitarian on strictly ordinal, interpersonally noncomparable valuations for all to cooperate rather than defect in a Prisoner's Dilemma. Hence, we do not require a particular-ly demanding value theory to reach a utilitarian conclusion. But suppose we face a collective action in which few contribute. Since it is a Prisoner's Dilemma that we face, my contribution to its resolution would cost me more than it would benefit me but not as much as I would benefit overall if everyone contributed.

But suppose there are so few contributors that my benefit from all actual contributions is less than my own contribution. Now my contribution would be an act of beneficence to others in the group. To decide whether I ought to contribute, I now need interpersonally comparable measures of costs and benefits. If these have no merit and I can make only ordinal assessments of my own costs and benefits, the only plausible meaning of the utilitarian injunction to produce the greatest good sounds like a modest version of a principle of fairness: If I get more from the collective provision than my contribution costs and my contribution makes a difference, then I ought to contribute; otherwise not. Hence, in a world without interpersonal comparisons, the dictates of fairness and of utilitarianism may not be in conflict despite commonplace claims to the contrary.

It is not fairness per se that is determinative, however, as can be seen from the discussion of group beneficence immediately preceding. It would be odd to say that whether I have a duty to contribute to the relief of misery in the Sahel turns on a concern with the fairness of my action in the light of others' contributions. We do talk as though my contribution were a matter of doing my fair share. But, insofar as one can make precise claims about the content of such usages of ordinary language, here the claim is perhaps best seen as referring to how much each and every similarly situated person ought to contribute in general, not to whether I ought to contribute such a "fair share" depending on how many others have done so. The concern in ordinary language is with my acting fairly toward the people of the Sahel. In the above analysis of collective action the equivalence of the prescriptions from fairness and from utilitarianism has to do with their reference to my own group, not some outside beneficiary group.

There is another respect in which the distinction between collective action and group beneficence may blur. In many collective problems there is no simple, individual action that each of us in our group must undertake for us to provide ourselves with some collective benefit. Rather, there is some kind of resource varying amounts of which each of us may invest in providing our group benefit. I might be capable of bearing the full cost of our provision even though it would not be in my interest to do so. More generally, there might be an enormous set of cost-sharing arrangements that would be Pareto superior to not providing ourselves our benefit (cf. Hardin, 1982a, pp. 90-100). If our value theory is inadequate for precise comparisons of utility, it cannot rank the set of cost-sharing arrangements to tell us which
is best. Often in such contexts we are wont to assert that certain arrangements are fairer than others. If our instincts are to count as correct, however, we must be able to make comparisons that are in some degree precise. Otherwise, the notion of fairness is apt to be meaningless or arbitrary. Hence, as in the discussion of collective action above, claims for such fairness are consonant with utilitarian claims.

It is a realization that fairness often cannot be measured in terms of utility or welfare that leads many to measure it rather in terms of bald resources, such as money and time (Barry, in press; Dworkin, 1981). Such measurement cannot be finally compelling. It may get its apparent appeal from thinking about cases in which we readily assume that relatively precise comparisons are possible, as we commonly assume when we are dealing with our own peers. If our values are quite similar and our resources, as measured in baldly objective terms, are relatively equal, we can suppose we know the answer to relatively precise comparative questions. For example, I may suppose it clear that a $20 or $20,000 loss to you is worse than a $10 or $10,000 loss to me. Hence, measures in resources and in welfare terms coincide. When they do not coincide, however, concerning oneself strictly with measures of bald resources cannot be appealing.

To see this issue clearly, consider the following dyadic beneficence problem. If I render great service to you at very small cost, the action may seem unproblematic. But if I render a service to you that seems to benefit you only somewhat more than you would value its cost in resources if you had done it for yourself, it seems to matter whether we are similarly situated. If I am far worse off than you in the status quo it seems perverse that I should be obligated to make you even better off at real cost to me. At first this may sound like an argument from fairness. But it is not merely that: Here our capacity for making precise comparisons is very much in question. If we are not similarly situated, comparisons of marginal utility to us cannot be precise. We may both be morally nearly certain that I am far worse off than you. But we may be able to make no serious claims about whether my small act of beneficence to you benefits you more than it costs me. It is only because we can contrive linguistically to speak of such problems that the issue even arises. We cannot typically conceive resolutions of such issues in actual as opposed to abstract contexts.

To fall back on resources when welfare measures are in principle imprecise is to let our reason be subject to meaningless linguistic contrivance. Objective measures of resources may be superb proxies for subjective measures of welfare when there is reason to suppose the two coincide. But when the two do not coincide, concern with resources should not displace the more fundamental concern with welfare.

This is not to say that marginal comparisons are only possible over equals but that if inequalities are great the margins that can be compared must be very broad margins. For example, a desert nomad living on the edge of subsistence cannot generally have any obligation of beneficence to a wealthy sheik. But we might easily suppose the nomad should yield a day's supply of food and water if necessary to save a starving sheik who has crashed in his private jet in the desert. For such radically differently situated people one cannot make symmetric claims of obligation. For the nomad to be obligated to the sheik requires a gross effect on the latter of a modest cost to the former; for the sheik to be obligated to the nomad need require only a modest effect. As Martial (Michie, 1973) elegantly noted to one of his wealthy benefactors,

So, Quintianus, when a man who's poor
Sends nothing to a rich friend, it's an act
Of generosity—in point of tact.
(Book 6, no. 18, p. 87)

To be as generous as Martial, Quintianus would have to give far more than he got. Martial graciously proposed to spare him that loss.

**SOCIAL JUSTICE, LARGE AND SMALL**

Issues of justice arise in small-number contexts, as in many social psychological experiments, of beneficence and in large number contexts of distributive justice and justice as order. To give a utilitarian resolution of apparent problems of beneficence and distributive justice we must make interpersonal comparisons of welfare. For problems of justice as order we need not. For other social interactions, such as exchange relationships and coordination, we can generally expect self-interest to give a sufficient motivation to resolve problems in a way that is utilitarian. However, even these latter problems can involve apparent issues of social justice.

Suppose I have promised to do x for you tomorrow in return for your doing y for me today, or that we have promised to meet for lunch tomorrow. Alas, things may change before tomorrow and I may no longer see it as in my interest to fulfill my promise to you. Indeed, even our longer run relationship may not give me incentive to fulfill out of my interest. "That's not fair—you promised," is a common refrain from children to their parents and others. Alas, it may not be "fair" but it may be just. It may be that things have changed in such a way as to make it wrong of me to fulfill my promise because doing so would cause more harm than good overall. This claim wants interpersonal comparison of perhaps a cardinal kind to justify it. Parents often can presume to have the grounds for such comparisons with respect to their children. As a rule, when we have such grounds, we can lump all interactions into the simple category of pure conflict interactions, in which we simply sum across all individuals or we make relevant pairwise com-
parisons and reach a conclusion on what is just. That we cannot generally
do this is a central tenet of modern economics—one that is hard to doubt
in general even though we may doubt it in particular cases. If we are to keep
our understandings of social justice clear, however, we need to keep clear
how far we are making interpersonal comparisons and how much our results
or recommendations turn on these.

It would be good for our varied academic and policy endeavors if our
vocabulary coincided with our technical understanding of these categories.
Alas, it does not. We use fairness and justice almost interchangeably. Indeed,
Rawls (1958, 1971) derived a theory of “justice as fairness.” In part
he seemed to presume that one can derive conclusions about distribution from
facts of collective action and justice as order, as though considerations of
mutual advantage yield implications for distribution. In part, however, he
simply supposed that to be fair in distributions was to be egalitarian (cf. Barry,
in press), so that justice and fairness are the same category. In the vernacular
we commonly speak of fairness but almost never of justice. In the world
of policy we use both terms, often with clear distinctions.

It is probably too late to make any headway in changing the conven-
tions of our vernacular, political, and academic vocabularies. Social
psychologists will likely continue to speak of social justice in the small, as
in their small-group experiments. Political theorists will continue to think
of it in the large, as in the problem of distributive justice in and across
societies, and they will likely continue to refer to the problems that interest
social psychologists as problems of fair division. As in the defective Swedish
driving convention before 1967, a spontaneous effort to reorient usage might
create more havoc than good. Happily, we cannot impose any change
authoritatively. For future academic work, therefore, it may simply be best
to recommend that we keep clear what is the value theory behind our con-
siderations of problems of social justice. If we also keep clear whether we
are concerned with the small- or the large-number problem, we may succeed
in talking to rather than past one another. We should increasingly benefit
from the dialogue.

ACKNOWLEDGMENTS

This paper is adapted from Chapter 2 of my book manuscript, Morali-
ty Within the Limits of Reason. It has benefited from comments by par-
ticipants in colloquia at Dalhousie, Indiana, Northern Illinois, and
Northwestern Universities; at the Universities of California at Berkeley,
Chicago, Leiden, Michigan, Minnesota, Pittsburgh, Southern California, and
Texas; and at the Virginia Polytechnic Institute and State University. It has

also benefited from written commentaries by many people, including Allen
Buchanan, Joe Carens, Michael Davis, Alan Gibbard, Jan Narveson, Charles
Silver, Duncan Snidal, and Steven Walt.

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