

On the Concept of Justice in Distribution

—Consent and Purpose-Subject Views—

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Introduction(*)

Economics as a part of social sciences has dealt with justice in distribution in the field of economic policies. The objects of this distributive questions are resources and incomes. The ways of distributing income determine each individual's share in social economic activities, which then decide one's final purpose of economic activities,

economic utility or satisfaction. And the ways of distributing resources affect income distribution much in a society where the contents of owning productive factors affect product distribution significantly. These ways of distribution of resources and income have changed historically. They have made such characteristic systems as feudalistic, capitalistic or socialistic ones. Why do these distributive ways change? Where (to what direction) will they change? How will future individuals respond to these changes? What effects will these responses bring forth? To answer these questions is for each individual to know the framework of economic activities of oneself and it may make better one's own conditions.(note 1)

What seems to affect much the changes of distributive ways is the view of justice in each society. We often refer to the concept of efficiency as a standard of judgement for economic activities, but as

(*) This paper aims at proceeding in the understanding of the content and its change of subjective recognition which is argued by myself to affect the changing direction of distributive rules toward equality of 'certain degree', (See my paper 'Economic System and Distributive Rules' in *Yamaguchi J. of Economics, Administrations and Laws*, vol.40-1/2, pp.20-22.) There is discussed three factors concerning the direction of equalization. In this paper, I try to discuss the fundamental motive of 'concern for others', which seems to lie under such equalization. I intend here to clarify the relationship between utilitarianism and egoism, which I believe would help us understand the sphere or the framework of motives by which these problems of modern distributive rules could be dealt with.

(note 1) J.S.Mill says there is an irresistible natural law in production, but not so with the distribution of wealth, which man can decide. (Here, natural resources are also included in wealth.) And once this distribution is decided, a mode of production is also decided as what and how. Production needs physical laws, but first of all what's needed is the decision to utilize natural resources, which is owned only by a fraction of whole humans. Distribution thus decides everything. (*Principles of Political Economy*, 1848, ed. by Ashley, 1920, II, I, 1.) Although partly unsuitable today, his argument still holds grave significance.

efficiency is a subordinate concept as a means to a certain purpose, to put it on the starting point of study is meaningless. On the other hand, the view of justice is a principle which makes exist or guarantee the stable continuance of an economic society or cooperative system itself, that is the premise of every economic concept including efficiency. In this sense, we have to put the starting point of every economic problem on this distributive question, that is the question of the existence of economic cooperative system or the question of its continuance, and after all the question of the content of accepted thoughts of 'just' distribution in that society and its changes.

The first question we have to deal with is probably the concept of 'just distribution' view itself. We can sometimes feel in concrete cases whether we are treated in just or fair ways, but once we ask what is the socially accepted view of justice, to answer it clearly is not quite easy. As for this main theme of this paper, we start from making clear what is socially and universally meant when we usually speak of 'just' distribution in section 2. In section 3, we deal with the importance of purpose-subject view as a factor in thinking justice of distributive rules, and in section 4, we think about the relationship between two typical purpose-subject views up to now. And in section 1, as a basic topic for these questions, we deal with how the concept of justice is related to value judgement.

1 The concept of justice and value judgement

Before we enter the problem of justice itself, it is useful to deal with the problem of relationship between the idea of the argument of the

exclusion of value judgement and the study of the concept of justice.

The main viewpoint of this paper is to understand justice in distribution as 'the equilibrium of forces among groups having different purpose-subject views'. Purpose-subject view is a concept of 'for whom, and for what kind of welfare state of them', which is the basis of the view of justice. Whether social constituents or judging subjects consisting of individuals or social groups judge an institution or a rule just or not depends on if they correspond to their own purposes. In economic activities, this 'purpose' is the welfare state of a person. The recognition of who will become this purpose and what are to be their welfare state are the 'purpose-subject' views.

In recent economics, the emphasis in the objects to be studied concerning economic society seems to have been put on 'who produce and how', and the question of 'for whom' seems to have been thought to be kept out of social questions, be decided and left to the individuals. But such a way of thought which seemingly leaves everything to each individual's freedom is actually a type of basic patterns of human activities to 'construct economic and social rules for a chosen purpose-subject view' described above. That is a result of a conscious choice of an economic state possibly yielding from choosing a rule of 'free activities'. Or even if that were an accidental state in the beginning, it becomes the result of a conscious approval or choice from the next time. In whatever rule, a rule itself never becomes the purpose by itself. It always is a measure to reach the result expected from itself. (note 2)

Thought in this way, whatever economic rule can not be discussed without stating clearly the 'purpose' as its premise. This purpose is, as mentioned above, is the purpose-subject view of how we understand the

subjects to become the purpose of our acts, namely 'for whom', and 'for what state of them'. Without making clear this subject view and without resolving the problem of if the institutions or rules chosen as the measure for it is coherent enough to it, how the purpose-subject view itself changes, and how the ruling, or consented subject view is decided among social constituents having different subject views, any analysis of 'economic activities as a measure' (that is the study of its rationality to its purpose) should be called insufficient.

The study of ① understanding existing purpose-subject views -this is to be the very essence of the view of 'justice'- , and ② to find out which of them will become the 'social' one, to be recognized as the chosen socially 'right' one, what are the power relations among groups having different subject views in the process to some social equilibrium can be done objectively. Supposing a variety of humans, the existence of different views itself is quite natural and ordinary. What to be avoided is to classify each subject view according to their 'superiority' and to present some specific private view of superiority as if it is an 'objective' and 'universal' one. To deal with subjective ones as so is not at all subjective. To deal with them as objective is subjective.

Also, when there exists an institution or a rule, to think that it has some transcendental 'righteousness', one fails to recognize it historically and empirically. It only exists upon a temporary superiority it

(note2) For example, about any theory of rules based upon right theory, there can never be actually constructed an argument that once we should admit a rule, whatever result yielded from that must be admitted. The thought that 'free' economic activities should be thought much of is supported only because the resulting state from it is favorable. The restriction of private ownership from the view of public welfare does show this relationship.

has won, by ignoring which one fails to understand the most dynamic forces constructing economic society or the dynamic content of that society.

Then how does the thoughts discussed above relate to the past value judgement argument? First, the critique posed by L. Robbins (note3) judged it wrong to regard a specific view of economical purpose 'right' and to study the measures to achieve it. He thinks economics generally start with given purposes. (note4) It is given and nothing can be said about it from the side of economics, he says. Here what concrete example to be criticized he has in his mind was the premise of regarding the comparison of each individual's utility possible and the thought of regarding equal income distribution right.(note5)

But what's not clear in his argument is what then is the standard of judgement of which one of purposes is worth to be chosen. In a study which deals with rational alternatives, when the very significance of the purpose is not proved, economics as rational science might become the best example of irrational, inefficiency human activities. Although he tries to deny utilitarian factors, he doesn't refer to this point. The most rational part of economic activities is establishing the best cooperative relations. The essence of the problems there is cooperation and struggle, which is regulated by the homogeneity and heterogeneity in constituents' understandings of economic purposes and measures, especially those of purposes. For economics, to leave this matter untouched and unconsidered is considerably irrational.

(note3) Lionel Robbins, *An Essay on the Nature and Significance of Economic Science*, second ed., 1935, London.

(note4) *ibid.*, chapt. 2-1.

(note5) *ibid.*, chapt. 6-2.

But, speaking of not touching purposes, those economists who behave in asceticism about purposes don't hesitate to take a stand of supposing the proposition of 'maximizing one's utility' about an individual's economic activities. However, it should be noted that here he steps in very far into his own private judgement that "sense of utility is comparable within a man, or is homogeneous". If even such a judgement should be eliminated, we would have to give up thinking about any 'economic' individual acts concerning production or distribution of goods. And as far as we regard this individual an individual's utility as 'an individual in general', economics can not help stepping in some basic 'social' value judgement. If such is to be admitted, we already take a stand of allowing the general study of the purposes of economic activities in general and social terms. In this way, we must not refrain from presenting and explaining clearly what and why we regard to be the purposes. Economics is thus in the field of so called 'value judgement'.

The inevitability of setting certain economic 'purpose views' for a society is given by understanding the existence of 'equilibrium of purposes', namely the 'socially legitimate purpose' brought forth by the power relations of groups having different purpose views. Robbins refers to the following about the stage of struggles of purpose views, which can be meaningful when it is positioned in this argument above. "And, quite apart from all questions of methodology, there is a very practical justification for such a procedure. In the rough -and -tumble of political struggle, differences of opinion may arise either as a result of differences about ends or as a result of differences about the means of attaining ends. Now, as regards the first type of difference, neither Economics nor any other science can provide any solvent. If we disagree about ends it is a case of thy blood or mine -or live and let live,

according to the importance of the difference, or the relative strength of our opponents.” (note6)

Surely it is not necessary to provide solutions from our privately favored opinions. But to understand how each social constituent think about purposes is useful and necessary for the society in general in foreseeing the change through mutual acts. By knowing them, we can change or improve our own activities. And this subject of purposes can be studied as shown in the following sections. We can study them objectively. That will enable us to study more efficient and more rational measures, advancing a step forward from the study of so-called mere alternative policies or ‘objective’ studies.

Next, we look at Weber’s value judgement argument. He thought that human activities consist of setting a purpose and trying to take the most efficient=rational activities for it. He says that to find the most suitable measure for the purpose is what scholars should do but they should not argue what the purpose should be, and if they dare try that, it must be a mere pressing to the people what the purpose should be, which is nothing but a mere pressing of one’s own personal world view. (note7) Myrdal added to it and argued that to choose any purpose arbitrarily—this is always the starting point of any study— means he has already done a value judgement by choosing that in the meaning that he has chosen a certain theme to be worth studied of all possible themes, indifferent to whether that choice is not recognized in himself to have been done through some value judgement or it is merely taking up a purpose set by somebody else and trying to find the best measures for

(note6) Robbins, op. cit., p. 150.

(note7) Max Wever, *Wissenschaft als Beruf*, 1919.

it.(note8) Joan Robinson also says to study with putting a premise of certain economic system is itself a comparison with other systems.
(note9)

These views of Myrdal and Robinson seem to be reasonable. Then, what should we suppose to be the relationship between these arguments and the idea of 'social purpose view' in this paper? Those arguments above after all say that any setting of a theme is influenced by the author's world view and as so, to show clearly that premise is his duty. The former point naturally holds true for this paper, too. I have surely chosen this theme because I judged it worth to be studied, the important one of all the long list of my study themes. The choice of a theme, or the motivation of that choice completely depends upon the scholar's personal judgement, which is quite natural for any kind of study.

As for the latter part, we should note that there is a subtle difference between the problem of showing one's world view and the character of the consideration of this paper. The difference is that the theme on purpose-subjects in this paper is neither put on the solution of political measures fit for a world view nor the proof of one world view being superior to others. The point here is to state clearly how different purpose-subject views exist, what kind of power relations they have and how these relations regulate the direction of social consent among them.

What kind of purposes for ones' acts do social constituents have as a fact as the purpose-subjects of the fruits, products of economic activ-

(note8) Gunnar Myrdal, *The Political Element in the Development of Economic Theory*, 1953, p.vii.

(note9) Joan Robinson, *Economic Philosophy*, London, 1962, chapt. 1, p.14.

ities— do social constituents have as a fact, why is it and how do they change...these are the themes of this paper. To find the best fit measures for these ‘socially consented’ purpose–subject views from the concretely applicable distributive rules today is the next theme. To probe the reason of the changes of the variously and historically changed purpose–subject views of distribution recongnized just (= agreed under each social system) is the focus in this paper. It is, so to speak, to be characterized as an attempt to find the physical laws of historical changes of the view of justice.

2 Consent as the essence of justice

For each individual to do economic activities, two problems must be resolved. One is social cooperation, for which is necessary the making of cooperative rules among individuals. The other is the choice of each individual’s economic acts within the framework of these rules. The former is that of consent of system and institution and the latter is that of each individual’s rational choice based on them. The necessity of these rules is based on that each individual can secure more one’s own existence or continuence through mutual cooperation than through acting as isolated ones.

As long as these rules exist, that shows that each individual recognizes that to follow these rules is better for his own interest than to change them. In this paper is defined that a rule is called ‘just’ as long as it continues to exist. Such a definition is different from the kind of thought to give ‘justice’ some super historical content. It is rather close to the idea of equilibrium of different forces.

'Just' rules in this meaning have taken various contents historically. As for an institution or rules like a slavery system, which can not be reproduced again today when 'political equality' or 'equal right to vote' are generally accepted, is expressed being 'just' as long as it has the character of being continued as a state of equilibrium for a certain period. Of course, such enforced 'cooperation' as slavery is surely opposed to the modern making of rules by consent or in other words, 'equal right to decide rules' or 'voluntary consent', but before such modern rule of making consent was made, there had been no content of 'voluntary consent' which encircles both those to become the slave owners and those to be the slaves. In such a condition, the judgement of justice could only be based upon whether a certain rule continues to exist or not.

Such is the meaning of justice in this paper by which we can appraise a rule just as long as until a new demand for its change and this change appears is brought force. As long as the social constituents as slaves choose to stay as slaves than to escape from or resist to that condition, it means that they have chosen to exist as slaves for that period as surer ways to survive, which may mean that they have 'agreed' to such 'cooperative' rule. In this sense, I call the state of being slaves 'socially just' in this paper. (note10)

(note10) Here, the enforcing factor is physical force, and it is the same with economic force. See G.Myrdal, op. cit., 1953. "Now an essential part of liberty is the right of free contract. But economic necessity may force a man to make a contract which binds him for a long time or which conflicts in some other way with his liberty." (p.124) And his following remark, "The reason for this is his poverty; and he is poor as a result of the ruling distribution of property" (ibid.) may hold true for the most of such cases today.

Therefore, I don't raise a question which of the views of justice among each individual or each groups is 'right'. I rather think that if there exists a cooperative system among social constituents who have different views of justice, that system or rules realized there should be expressed 'just'. In this sense, I propose the definition that justice is consent, being forced or voluntary.

An addition to the above definition is necessary. In this paper, justice means 'socially consented'. 'Socially' is used as the ruling idea of that society. As mentioned above, we don't ask the procedure to agreement whether being voluntary or not. So, it could be through a democratic majority rule or through physical violence by the ruling group. Whichever it is, what's necessary for the concept of justice to be born is that the majority of that society actually follow that idea and institutions and rules formed thereof. When that idea or institutions continue to exist, they are called just in this paper.

The content of cooperation whose purpose is put on securing surer mutual existence (note11) consists of distributive rules of labour and products. They constitute the purpose (products) and means (labour) of cooperation. What decide the answers to this question of the content of distributive rules are each individual or each social constituent's heterogeneity and homogeneity. They are homogeneous enough to think "it's better for my own existence to cooperate with others and divide the products than to eat them or fight them to get their food," but also heterogeneous enough to have kept fighting among each other

(note11) The state of slavery is surely a less stable securing of existence compared to former free state, but the standard of judgement of whether to be a slave or not is the comparison with being killed, denying that, compared to which it is very possible that one judges being a slave is a surer realization of existence.

unceasingly upon the redistribution of labour and products.

What makes the case more complicated is that this heterogeneity is sometimes made vague in such cases as when people try to save others by self-sacrifice, which puzzles us how to recognize the boundary between self and others, or motive for action ; egoism or altruism. When this 'other' one is hardly unrelated to one's own interest, this vagueness becomes quite clear.

However, when the struggle for distribution puts on the form of setting just rules through voluntary consent and there is chosen the rule of distribution to ability (merit) as the major one, heterogeneity among the constituents plays the most significant role. (note12)

In this way, as homogeneity actually accompanies heterogeneity, the possibility of cooperation based upon homogeneity gives forth complicated problems in the making of distributive rules. These problems are in the first place, if each individual who has various differences in ability, needs and other characteristics can agree to the necessity of setting some identical mutual standard of distribution of labour and products, and second, once they could reach to the necessity of such an agreement, if they can really find agreeable concrete distributive rules under the condition of each one's heterogeneity. Furthermore, these problems are made quite more complicated by the fact that the productive power which forms the possibility of the contents of cooperation and distribution of labour and products can change unceasingly.

(note12) This is one of the biggest concern of modern people; how much to be one's own share by what reasons.

3 Basic factors in the making of cooperative rules

-subject and rule-

A.

As referred to above, for different individuals to cooperate economically, the consent to the rules distributing labour and products is first of all necessary.(note13) What gravely affects the whole system of rules is the problem of who are the purpose subjects of each individuals, namely the problem of purpose-subject view. In the changing process of human societies, beginning from the blood relation groups of the ancient times and as social constituents enlarged, there have in many cases existed those human groups who can be called the 'purpose-subjects of society'. They have ruled the rare resources or wealth of each society and usually had superior physical power, intellectual ability or wealth. They have existed in the shape of noble classes or other ruling classes. It shows that as far as there exists the problem of rare resources or wealth smaller than the wants of the whole society, it always has been the first question how to divide the social economic products, that is who get what and why.

(note13) John Rawls, *A Theory of Justice*, Harvard univ. press.,1971,p.4. Following sentences will be helpful for understanding this part. "There is an identity of interest since social cooperation makes possible a better life for all than any would have if each were to live solely by his own efforts. There is a conflict of interests since persons are not indifferent as to how the greater benefits produced by their collaboration are distributed, for in order to pursue their ends they each prefer a larger to a lesser share. A set of principles is required for choosing among the various social arrangements which determine this division of advantages and for underwriting an agreement on the proper distributive shares." "..the benefits and burdens of social cooperation". (underline, quoter.)

To understand the historical characteristics of this distributive ways of products, Marx's concept of so called 'uneconomical compulsion' is valid for before civil society. This means distribution is done through without constituents' consent but through compulsion by violence. For after civil societies including capitalistic ones, which consist of private ownership of productive goods and market economy, Marx understands that distributive process of surplus is changed into 'economic compulsion'. It can be said that he takes here the owners of productive goods as the purpose-subjects argued above because they can decide almost all the content of distribution and labour. We may agree to this point, but even if under this economic system the lives of labour class as the non-owners of productive goods become relatively worse, it is another question if and as its result, the private ownership of productive goods is going to be abolished and socialized.(note14) Under capitalist system, how have people's lives changed and as its result how would they react to the existing cooperative rules or systems? Would their economic wants be satisfied inside the capitalistic framework or would they need different rules?

How much the distributive rule of products which accompanies 'economic compulsion' -or the capitalistic distributive rules of labour and products- satisfy the wants of social constituents becomes the

(note14) In a modern capitalistic society, we can think of two possibilities of incongruity when the owners of productive goods do not coincide with the purpose subjects. The first is when the owners and the decision makers of purpose subjects are not the same. This happens when public opinion is so strongly embedded in the decision process of how to divide the products. Second is when a large part of the owners is quite a number of social constituents, an example of which is cooperative societies or stores. These are the results of gradual changes of the growth of labourers organizations or the structural changes of a society proceeding to 'welfare state', 'full employment state' or 'mixed economy'.

fundamental question in discussing the necessity of the change of the systems of today. And it is clear that the starting point of this question is in the content of modern wants. Basic human wants don't change but their shapes change from age to age. (note15) The latter decides the concrete activities of each age. The question of this wants can be stated as "whose and what kind of lives or existences do social constituents today agree to set as the purpose of social activities of all the possible alternatives?" These questions are presented as economic or social rules in the shape of the way of product distribution to the needy or the distributive rules of original resources or how to measure a factor's contribution in a productive unit like an enterprise. The contents in these economic rules express concretely the social agreement of 'whose and what kind'. What kind of purpose-subject views do people have? In what kind of power relations is the present agreement born and how will it change? These are the critical questions necessary to be solved in order to probe the change of the directions of the distributive rules.

B.

So far, for the first part of the question of purpose-subject views, 'whose and what kind of', two answers have been proposed, namely society view and individual view. Both hold in common that in a modern society the deciding subject should be independent individuals. The question is which is to be chosen or to be more valued as the rule,

(note15) A way of expressing this fundamental wants for instance is 'safety of life', 'food, clothing and dwelling' and 'decision ..on one's own will'. (For example, cf. Nobuo Okishio, *The themes of the analysis of modern capitalism*, 198, Iwanami book company, (Japanese), p.230.)

the communal factors or the constituents' individual factors as purpose-subjects. The question have existed for long since geographical relationship was added to one in any blood relationship. This contrast has shown up as king versus citizens, state versus people, capitalism versus socialism or welfare state versus self-help. The latest dispute in this field in recent capitalistic societies seems to be if the kind of economic wants symbolized in the expression of 'welfare state' can be achieved in either of these two frameworks. (note16)

Society view takes the 'society as a whole' or the whole constituents as the purpose subjects. Here, it can be said that it is expressed in the shape of past communal identical feeling or utilitarian understanding of society since the beginning of modern age. The former feeling was born naturally in the historical conditions when people literally had to unite in action for survival. After civil society was established, society view has existed taking up more the form of enlarged groups, the enlargement of groups which inevitably merged faced with economic or wartime security.

Individual view has individual, personal or egoistic understanding of society as its content. Here it is supposed to have been born in the thought to regard each individual as the deciding subject of human relations, born after the collapse of feudal system and the establishment of civil society. This thought supposes each individual inviolable from each other. Also they have this characteristic of assigning the products produced by the improved productive force simply to the producers. But in this way of thinking, there are three ambiguous points.

One is not asking the way of distribution of limited natural resources, second is not asking how to measure each one's contribution in connected production, and the third is not asking the distributive rules to

the socially weak ones. (note17) Private property ownership based upon one's own labour without consideration of these three have come to be proven quite defective as a new cooperative system. A new system is worth being made only when it promises the participants better lives than before. This expectation surely was the power that

(note16) For example, Vic George and Paul Wilding explain in details how conservative and liberal views collide with each other in recent Britain (*Ideology and Social Welfare*, 1985, Routledge & Kegan Paul). And Milton & Rose Friedman says "Self-interest is not myopic selfishness. It is whatever it is that interests the participants". (*Free to Choose, A Personal Statement*, 1979, New York and London.) Friedman is right in describing what self interest is, but the real problem is *in what kind of framework* do we choose to let it work. When self interest is so manifold, when we let them work 'freely', it is quite unforeseeable what the resulting state will be for each individual. To avoid this dangerous chance, social constituents must make a consent on the framework for them. This is the problem of social and economic rules or systems we are dealing with here.

Today, in most 'developed' countries, the chosen rule seems to be based more upon society view. This seems to be shown in the superiority of the rule of 'public welfare' over individual rights such as the articles of many countries of the restriction of private ownership from the point of view of 'public welfare'. This idea of 'public welfare' is usually connected with that of utilitarianism. And we all seem to believe that both of them hold the 'happiness of the whole society' as the first premise the determinant purpose for each individual.

When we actually try to adopt the 'public welfare' rule, we can't help adopting the standard given by utilitarianism, namely the greatest happiness of the greatest number. What I feel necessary to be paid attention here is that such 'social' standard is not really 'social' at all. Instead, it is based upon very individualism and egoism. When this point is effectively argued, by so changing our understanding of these ideas, we may be able to see the direction of our efforts for ourselves. It is not for any overwhelming idea of 'the whole society' or 'public welfare', but what's necessary is noting our acts upon our very egoistic motives.

What counts is not the 'happiness of the society' but that of each individual which is very natural to collide with each other.

(note17) Though an individual is taken as an existence in-dividable, we can also divide it further into two parts, namely spirit and body. Furthermore, we can still go on to divide the same spirit into that of the sane state and the insane state. Here an individual is taken as the united whole of all of these smaller characters.

caused and carried out the civil revolution. But the great gap born between the rich and poor brought forth partly by the original unequal footing and partly from uneven ability proved it still was on the way of construction. Seen from today, what we need to add to this system seem to be those three points above. These are the frameworks we need to make the best of this system.

It may be useful to refer to the meaning of 'civil society' used here. It is meant here to be a society where the deciding right of forming cooperative rules is equally divided among every social constituent in modern age. This is namely a society where political democracy or equality of right of participation to politics is realized, a society where such social framework has been established as publicly approved direction after the collapse of feudalistic hierarchy system through civil revolution and the agreement of rule by law was realized. That point of publicly approved direction is the important Merkmal. Although equality of voting right has only been actually realized in the recent hundred years in almost every country after gradually breaking down the restrictions by income, sexual and racial (suppose the delayed state of colonized countries) differences, it can be said that the new stage for such a change had already begun with the commencement of the system of 'rule by law'. In this sense, the present age is still on the extended line of the latest stage of modern age. On the present stage of civil society in this sense, on which understanding is our society as a whole standing upon, a society view or an individual view, or on what kind of equilibrium of them? We will consider on this point in the next section.

4 Subject making consent and purpose-subject views (individual or society, egoism or utilitarianism)

First, I will give a comment on the formulating order of the individualistic concept and the social concept in the most broadest sense. As such formulating order, we start from individual and proceed to society.

When we talk of justice in distribution in this paper, we think of some kind of socially agreed rule. This 'socially' means that people concerned make this agreement. There, those who wish to make some product or distributive object ones' own decide the concept or standard of justice concerning that distribution. What's important here is that the standard is not something given by some upper concept of 'society' transcendently but is something to be made by the concerned people through their negotiations.

Society can in this sense mean innumerable groups of the concerned. That one distributive standard is socially right means that the concerned whole approve it but it can be approved only within that group. For example, the righteousness of the so-called most basic distributive rule of human society, the rule of distribution to work (the contribution rule or the merit rule) is not by itself self-evident, it becomes evident only when it is approved by the concerned people. (note18)

As mentioned before, in the study of distributing rules, two factors as premises make the recognition of the whole sight of this problem quite difficult, that are namely the complexity of homogeneity and heterogeneity of subjects and the complexity of the change of cooperative possibilities accompanied by the change of productive power. In spite of these difficulties, we may dare sketch the problem of the supposed two general agreements reached among constituents of

modern society, it would be as follows.

As for the question of on which position are the social constituents stand, society view or individual view (or utilitarianism or egoism), we may judge that the the latter position of egoism is becoming stronger and superior. Although that power which the utilitarianism of 'for the society' is actually quite strong and has a strong influence, we have to think about the past critique about the possibility of utility comparability. First, the essence of this idea, namely the thought of 'the greatest happiness of the greatest number' sets the greatest happiness of a society as the ultimate standard for the formation of social rules, and here lies another supposition of the comparability of personal utilities as its premise. There has been the critique that this supposition is too simple and not applicable for the actual society. But what we should note in this idea seems to be that it urges us to think of that when a majority part judges some kind of change will make the majority part happiest, the society can not help changing toward that direction. What we should learn from this thought is not an 'ethical' attitude but an inevitably changing process of social attitudes.

(note18) When we think about why people have come to approve the rule of distribution to work, the reason is probably they have observed through experiences that it has the effect of making the disutility of mutual fight smallest. Other animals and humans at their first stage may probably resolved this problem by setting one's territory. In order to shift to the formation of society in production, the dissolution of this geographical territory and a new system of distributing the products to each one must have been inevitable. The solution that humans thought out seems to be the invention of the distributing rule of attributing one's own product as the 'nearest goods' to each one, which seems to have made much use of the essence of the past concept of territory, which may be called 'the high possibility of superior ownership to the near goods'. This seems to be the heart of that rule of distribution to work.

Seen from this point of view, we can think of many examples in various cases of social reformations. What brought forth the changes from slavery to feudal system, and to civil one were in whichever case the activities of the majority or the stronger group who recognized clearly the 'common utility'. In this sense, the comparability of utility does exist.

The fatal defect of the idea of utilitarianism is that the standard of 'the greatest happiness of the greatest number' is only presented a priori and in very general but its existence is not proved concretely. One answer to this question in this paper is given above, but it only concerns with the critical, revolutionary periods. We know nothing yet about its workability in ordinary scenes. (note19)

From my point of view, the idea of utilitarianism is a developmental step of its seemingly opposite stand, the idea of egoism. Here, egoism is used as the same as self-love. It can take various shapes like narrow egoism which sets his own survival as the only purpose or a broader one like altruism which may take his own sacrifice for others as the source of the greatest happiness of his ego itself. The problem is that what kind of egoism will be the most superior in the coming scene, the understanding of which will let us know the conditions in which we choose our acts so as to satisfy our own 'egoistic' wants most.

Let's see how utilitarianism is understood to be a type of such egoism. The most popular utilitarianism regards a society as a whole organically and sets its ultimate purpose in the maximization of the aggregate utility of the whole 'social' constituents. But it's quite doubtful if such

(note19) G.Myrdal says, "One might also say that the ultimate aim of all policy is the public weal. But what does this mean?" (op.cit.,pp.xv-xvi.)

complete unification of individuals into a group in the scale of nationwide supposed in its original usage after the establishment of civil society, has actually existed, except for within small groups or for rare cases like revolutionary periods or wartime experiences. (note20)

Although his hope didn't turn to be realized at once, his sense of public harmony has been thought much of from time to time. What is necessary for us is to find how the reasons for public harmony has been growing and to where. What Smith only sensed as a direction, we may be able to reach with our own hands.

But exceptional as they were, we already have those experiences of 'utilitarian' social movement of a range of a 'society' or more than a nationwide, as the result of a necessity of the majority for reforming a society. This is nothing but 'egoism' of the majority. The interest of the majority decides the whole movement of a society. This is different from a way of thinking in utilitarianism which suggests us to live in a society for "the greatest happiness" of "the greatest number", accepting the possibility of self-sacrifice. The interpretation here is to regard human activities as egoistic ones and understand 'utilitarian'

(note20) Adam Smith harmonized self-interest and public welfare in the idea of "invisible hand". Seen from today, this was only his hope for a new society, but that his way of explanation of the idea of individualistic economic act seems to have been supposed to need the end of public welfare seems to show his deep interest in the latter. "They (the rich) are led by an invisible hand to make nearly the same distribution of the necessaries of life, which would have been made, had the earth been divided into equal portions among all its inhabitants, and thus without intending it, without knowing it, advance the interest of the society, and afford the means to the multiplication of the species. When Providence divided the earth among a few lordly masters, it neither forgot nor abandoned those who seemed to have been left out in the partition. These last too enjoy their share of all that it produces." Adam Smith, *The Theory of Moral Sentiments*, ed. by D.D. Raphael and A.L. Macfie, Clarendon Press, Oxford, 1976, pp.184-5.)

human activities as a form of their strategy.

In this sense, we can argue that the reasonable content of utilitarianism as a developmental phase of egoism. Therefore, from this standpoint, what's necessary is the point of view of how egoism puts on utilitarian form responding to the change of conditions such as productivity for its own self-realization. The choice of utilitarianism or egoism has seemingly been a serious question, but it is not. What matters is the developmental stages of egoism.

'Utilitarianism' of the past are in this sense generally a strategic activity and egoistic assertion of and for the groups which get gains by the realization of its demand of equalitarianism, like that poor group below average of the whole social constituents. That is to say a collective egoism. This seems to lie under the utilitarian side of social rules after the establishment of civil society.

It may better be referred to that once in a while there appear the cases with a strong organic character which shows unusual strengthened collective unified feelings. The sacrifices of soldiers in a war seems to be just as soldier ants' in ants' society, exhibited for the existence of the 'whole' society they belong to. They seem to be so called utilitarian or organic sacrifices in order to guard mutual lives against common enemies in spite of their fights among the same species, whether in the shape of individuals or groups. But this kind of act is really an egoistic one, and if he were demanded a sacrifice for a country where he had no reason to feel interest, as when having no families or friends there, his 'utilitarian' activity would be heavily weakened. This seem to show that what seem to be self-sacrifice is really a strategy for realising his self-interest, which can sometimes put on a 'utilitarian' appearance.(note 21)

Therefore, collective egoism seems to have been the motive to make social rules change toward a so called utilitarian direction. But to be noted is that the activity to change the system toward equality appears not only when a poor group under average merely exists but also when they have come to recognize that the change would improve their own lives. When they recognize that the wealth of the upper class is due to 'social privilege' and there is no reason for themselves to be denied of it, the act to change the social rules or system is brought forth. While they don't doubt the legitimacy for only the privileged, it doesn't actually happen.

From the considerations above, the most fundamental egoistic wants in social activities for social constituents, in deciding social cooperative rules, would be to participate in the deciding process as the deciding subjects. When the rules or system are the kind which is agreed by each participator on equal stands for ones' own egoism, however the rules or the results foreseen appear at a look aiming at 'social utility' or self sacrificing ones, as far as they are decided by their self-interest, they are really characterized to be based on egoistic wants. In this sense, the true egoistic activities can become stable, and so is this type of 'social, utilitarian' ones. (note22)

Utilitarianism beginning from Bentham and applied to the distribution of economic goods by Pigou has become one to propose equal distribution of consumption goods. Although the utility of consump-

(note21) cf. Edward O. Wilson, *On Human Nature*, Harvard univ. press, 1978, p.153.

(note22) Here we can find the reason of existence of such concepts as self respect of J.Rawls or 'excellence' of Y.Shionoya, the latter of which seems to be a form of 'ways' for self-respect, too. What actually matters here in such concepts seems to be the feeling of the grave significance of being one of the very deciding subjects for one's own egoistic wants.

tion goods was made the standard to set the rules there, what's important here is for one to become the deciding subject in the determination of social rules of the whole procedures of life, of which consumption is an important but only a part. This is the first and most important egoistic premise for such reasonings. And this is rather the greatest and only 'utility' common to all individuals. And this demands nothing like 'social agreement'. It is rather the right of each individual as a life and so is the very original want. To what extent one can become the master of one's own life is decided through actual power relations among participants and there exists no other standard. This would probably be the real content and the significance of social contract theory or 'right' theory. After a state of consented equilibrium among individuals has been constructed and that majority vote rule come to be chosen to decide the disputes, each constituent goes on to make agreeable cooperative rules as equal deciding subjects. At this stage, there is never more needed the kind of physical power which formerly meant much. Hereafter comes the stage where 'utilitarianism' of modern type, characterized by a great number of participators, which is 'collective egoism' in its essence, plays the major role in deciding rules.

Conclusions

Followings are to be concluded from considerations above:

- 1) Justice means consented conditions, and so is changeable.
- 2) Not to judge economic activities 'right' or not from a personal value standard but to ask what kind of value judgments affecting economic activities exist is in the field of scientific studies.

- 3) In present days, a mixture of 'individual' and 'social' purpose-subject views exists.
- 4) Between these views,
 - ① It is actually the former, the individual view or the egoistic one on which we really act.
 - ② Society view or utilitarianism is one of its developmental phases.
 - ③ Therefore, when we study the developing direction of modern 'social' or 'utilitarian' institutions or rules, what should be analyzed is the content of the actual interests and power relations among the concerned individuals or groups, not the ideological 'social justice' or any other kind of utilitarian 'standard', which never exists.

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