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ARE INEQUALITIES EVER JUST ?

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This text is a somewhat expanded and revised version of the lecture given at the opening session of the II. Simposio sobre Igualdad y Distribución de la Renta y la Riqueza organized by Prof. Jose María Maravall on behalf of the Fundación Argentaria (Madrid, 5-9 June 1995).

It is partly based on unpublished papers respectively presented at Reid Hall ("Justice and Equality: Comment on Lukes, Dupuy and Cohen", Paris, 9-10 January 1992) and the European University Institute ("Rawls's Difference Principle: Five Misunderstandings, Firenze, 31 January 1992).

I am grateful to the organizers of these encounters and to several participants for perceptive comments. I have added a number of footnotes with numerical illustrations and bibliographical references which some readers may find helpful.

"Are inequalities ever just?" There are two distinct reasons why I accepted with pleasure to address this question at the opening session of this conference essentially concerned with the factual side of inequality. First, I believe it is of the utmost importance to address explicitly this normative question for people whose job consists in investigating empirically the forms, extent and causes of inequality, in finding out how and why inequality varies across categories, countries and time. An explicit treatment of the normative question is important because much (if not all) of our interest in the facts about inequality ultimately derives from the general presumption that inequalities are unjust, a presumption that has lately been getting into ever deeper trouble, partly because one has widely realised that inequalities can no longer and ever less be analyzed as fundamentally rooted in one single form of inequality, namely the unequal ownership of capital, and partly because there has been over the last couple of decades a powerful worldwide intellectual and political revival of radical justifications of inequality.¹ Hence the widely felt and urgent need for scholars involved in the empirical study of inequalities to delve into these unfamiliar normative discussions, whether in order to be able to vindicate the nature of their research or in order to target it better towards those inequalities that matter.

There is a second reason why I welcome this invitation. I have just published last week a book whose introduction starts as follows. "One: Our capitalist societies are replete with unacceptable inequalities. Two: Freedom is of paramount importance. This book is written by someone who strongly holds these two convictions. And it is primarily addressed to those who share them with him." (Van Parijs 1995a: 1) This should suffice to indicate that much of my recent work bears a very intimate relationship to the belief – shared, no doubt, with most (if not all) of you – that many of the existing inequalities are unjust and hence also to the question I have been invited to address.

It is not my intention, however, to summarize the argument of this book the writing of which took up fifteen years of my life and which turned out, to my surprise, to provide a systematic ethical case for a market economy with an unconditional income paid to every citizen at the highest sustainable level consistent with a couple of constraints. I shall instead use the time at my disposal first to

¹ See, for example, Joseph & Sumption (1979), Flew (1981), Letwin ed. (1983).

spread out and unfold the various dimensions and interpretations of the question "Are inequalities ever just ?", where I take inequalities to mean substantive inequalities, such as inequalities in well-being, welfare, income, wealth, education, health, opportunities, etc. Next, I shall focus on what I believe to be the most plausible interpretation and the most crucial aspects of that question.

Inegalitarian justice: three families

To the question "Are inequalities ever just ?", the answer is "Obviously yes" if the conception of justice to which we are committed gives no special place to substantive equality. There are three main families of conceptions of justice of this type : (1) desert conceptions, variants of which are suggested by Marx's (1875) principle for the first stage of communism ("To each according to his labour") and by George Homans's (1961) equity theory; (2) strong entitlement conceptions, of which Robert Nozick's (1974) libertarianism and David Gauthier's (1986) rational bargaining theory are probably the best known examples; and (3) purely aggregative conceptions, for which Mill's (1861) classical utilitarianism and Harsanyi's (1976) average utilitarianism provide classic illustrations.

In none of these families of conceptions does substantive equality have any special status nor is therefore substantive inequality in need of a special justification. (1) In desert conceptions, the benefits whose distribution matters to the achievement of justice are conceived as rewards for meritorious behaviour – the pursuit of virtue, the making of efforts –, and are therefore distributed in proportion to the meritorious character of this behaviour. Since desert can be highly unequal, so can the rewards. Massive substantive inequalities are not necessarily a problem. On the contrary, their absence would be odd. (2) In strong entitlement conceptions, the benefits whose distribution matters to the achievement of justice are conceived of as entitlements acquired through voluntary purchase, gift, bequest, co-operation or discovery. There is strictly no reason to expect the outcome of these decentralized voluntary transactions to conform to any preestablished pattern, whether equal or unequal. Massive substantive inequalities are therefore no problem at all. (3) Finally, in purely aggregative conception of justice, the benefits whose distributive matters to the achievement of justice are viewed as means for maximizing some aggregate index, whether direct – when the enjoyment of the benefit is itself the contribution – or indirect – when the benefit operates as an incentive, i.e. via the effect on the (potential) beneficiaries' behaviour. Here again massive substantive inequalities

need not be shocking, as the criterion of justice requires the benefits to be allocated so as to boost aggregate performance, and because people vary greatly both in their capacity for enjoyment and in the level of performance they can be induced to achieve, there is every reason to expect great inequalities to be justified.²

I personally reject these three families of conceptions, while at the same time accepting that each of them encapsulates something valuable that must find a place in any plausible ideal of distributive justice. For lack of time, let me just state very dogmatically what I see as the main and fatal problem with each of these families. (1) The desert conceptions rest on a shaky basis because of the controversial content of what actions are "deserving" and, to a lesser extent, of what counts as a "reward" in our pluralist societies. (2) The entitlement conceptions rest on a very fragile conception of how entitlements originally get off the ground and on an equally fragile justification of why they should be unrestricted. (3) The purely aggregative conceptions amount to making individual members of society sheer instruments for the achievement of some collective goal.

From equality of outcomes to equality of opportunities

These criticisms – and any other criticism one might think up against these conceptions – do not carry much weight in the absence of an alternative that would accommodate better our considered judgements about justice, including those which lend whatever plausibility they may have to the three families just mentioned. I believe that such an alternative conception exists. It belongs to the family of egalitarian conceptions of justice, a fourth family characterized by the privileged status it gives to substantive equality. Yet, as we shall see, it justifies significant substantive inequalities, for two distinct reasons.

To start with, any (strictly) egalitarian conception of justice must choose one dimension along with it insists that equality should prevail. But equality along this chosen dimension entails inequality along others. To illustrate, suppose we consider that justice consists in equalizing welfare, understood as the extent to which people satisfy their preferences. This will require us to distribute income unequally, so that

² A more comprehensive and nuanced overview of contemporary theories of justice is provided in the concluding chapter of Van Parijs (1991).

those with greater needs or more expensive tastes can reach the same level of welfare as others. Conversely, if we think that justice consists in equalizing people's incomes, understood as the monthly or annual net returns to their work and savings, this will entail that an unequal distribution of welfare is just since with identical incomes people with different temperaments, at different ages, in different states of health, will achieve strikingly different levels of welfare. My own choice is for the dimension of real freedom, i.e. the means each person is given for pursuing the realization of her aims, whether by her genetic endowment or in the course of her life, including in the form of rents associated to the job she holds. This is, if you wish, equality of opportunity interpreted in a particular and particularly demanding way. It should be clear at once that full equality of opportunities, even in this demanding variant, is consistent with significant inequalities of income – people with a greater taste for consumption will legitimately earn more than otherwise identical people with a greater taste for leisure – as well as with significant inequalities of welfare – it is not society's business, according to this conception, to make people happy, let alone equally happy.

Notice that, as announced earlier, this real-libertarian version of egalitarianism – or more generally any opportunity-based version of egalitarianism, including for example Amartya Sen's (1980, 1992) equality of capabilities, Ronald Dworkin's (1981, 1990) equality of resources, Richard Arneson's (1989) equal opportunity for welfare, G.A. Cohen's (1990) equal access to advantage or Eric Rakowski's (1991) equality of fortune – naturally captures much of what makes the three conceptions of justice listed earlier more plausible in many people's eyes than a simplistic form of egalitarianism, such as equality of income or equality of welfare. (1) Equalizing opportunities or real freedom will not make income strictly proportional to merit or effort (however these are measured) since it does not rule out, for example, that people who do no effort may be entitled to something. But it is bound to generate a far stronger correlation between income and effort than in the current situation or under welfare or income egalitarianism. (2) Equality of opportunities or of real freedom is consistent with people being entitled to whatever they get as a result of their actions and transactions starting from a situation of equal opportunities or real freedom. Of course, the preservation of equal opportunities or of equal real freedom throughout life (not just at some chronological start) requires the operation of tax-and-transfer schemes, but this does not prevent such a conception of justice from accommodating the idea that justice consists in honouring people's "entitlements", or the rights they acquire as a result of their (and others') voluntary actions within a just institutional framework. (3) Finally, equality of opportunities or of real freedom may

be thought to alleviate considerably the incentive and efficiency problems raised by a conception of justice that recommends securing people the same income or welfare no matter how little they work or save, and thereby to cut the ground under those who are driven to an aggregative conception of justice by their reluctance to endorse the efficiency-blindness of egalitarianism. There is some truth to this, even though it must be conceded that a demanding form of opportunity egalitarianism – equality of real freedom would involve a 100% taxation of bequests and job rents, for example – would have a very sizable efficiency cost.

From strict equality to maximin

However, a plausible egalitarian conception of justice makes room for inequalities not solely because it seeks to establish equality along one dimension, but also because it does not insist on equality when the latter can only be achieved at the expense of some of the "victims" of inequality. In other words, not only must a sensible and defensible egalitarianism go for equality of opportunities rather than for equality of outcomes. It must also go for maximin, the maximization of the minimum, rather than for equality at any price. Clearly, this sort of egalitarianism is also a variety of consequentialism, centrally concerned with incentive and other instrumental effects of inequalities. Hence, it constitutes a mixed (distributive and aggregative) principle, crucially distinct from utilitarianism but nevertheless closer to it in this respect than any variety of strict egalitarianism. It is this shift from strict equality towards maximin rather than the shift from outcomes to opportunities that should assuage the fears of the efficiency-concerned, while enabling them to avoid the distributive blindness of purely aggregative principles. At this point, however, one might well start fearing that our egalitarianism has become so lax that the just inequalities we have let in might closely resemble the massive inequalities that exist in today's world. To assess the legitimacy of this fear, let us look carefully at what exactly is – and what is not – allowed in as we loosen strict equality into maximin. For this purpose, I shall clarify in quick succession five confusions or misunderstandings which the maximin criterion often lends itself to.

Firstly, it is often said that maximin entails an exclusive focus on the poor, a lexicographic priority given to the situation of society's poorest members. In one sense this is clearly true. A purely aggregative principle evaluates a society's performance by reference to the absolute position of both poor and rich; a purely distributive principle evaluates a society's performance by reference to the relative

position of the poor with respect to rich; a maximin principle evaluates a society's performance by reference to the absolute position of the poor. However, maximin cannot be characterized as being achieved when the poorest in our societies are better off than they would be under any other feasible arrangement (a condition that is generally impossible to satisfy), but when the poorest in our societies are better off than the poorest (who will generally not be the same people) would be under any other arrangement.³

Secondly, notice further that despite the sense in which it can correctly be said that maximin focuses on the poor, nothing a priori requires the maximin to recommend policies targeted at the poor.⁴ On the contrary, if maximin is applied to real freedom, as in my preferred variant of it, it is essential that as much as possible of people's material entitlements should take the form of unconditional and universal benefits not restricted to people who have low incomes (or none at all) and who are unable to find work, because of the restriction of their real freedom such targeting implies.⁵

Thirdly, maximin means maximizing the minimum. But what if the situation of the worst off person is the same under the two policies or institutional setups you

³ To illustrate, suppose that y and z in $X = (y, z)$ represent, respectively, the absolute levels achieved in the feasible state of affairs X by individuals $n^{\circ}1$ and $n^{\circ}2$ as regards the variable of which justice requires that it should be maximised. If $A = (4, 3)$ and $B = (2, 7)$ are the only two feasible states, then A is the just (because maximin) state, even though the worst off in A (namely individual $n^{\circ}2$) would be far better off in feasible state B (at the expense of making $n^{\circ}1$ worse off than $n^{\circ}2$ in state A).

⁴ The polemics recently triggered off in France by Alain Minc's (1994) report rested on a related distinction between republican equality implying universal rights and (allegedly) Rawlsian fairness implying selective entitlements.

⁵ This remark also applies to John Rawls's (1990: section 51) interpretation of his Difference Principle, which lays much stress on the just distributive institutions operating mainly *ex ante*, and not *ex post* as the corrective mechanisms of the current welfare state. However, Rawls does not follow up the implications of his perspective all the way into the justification of an unconditional basic income. See Van Parijs (1995a: chapter 4) for a thorough discussion.

need to compare? A natural thing to do is to look at the next one up, but maximin can then be pulled in two significantly different directions. One option – called the leximin or lexicographic maximin – is to prefer the policy or setup in which the next one up is better off. Of course you thereby bring in an inequality which you would have avoided had you taken the opposite option, i.e. preferred the situation in which the next one up is worse off. But this matches the intuitive idea that you should stop equalizing as soon as equalizing further would not improve the situation of the worst off, and hence that all those inequalities which do not worsen the situation of the worst off are just. But the other option – the strict maximin –, which recommends choosing the policy or setup in which next one up is worse off – is not absurd either. Of course you then deprive someone of a benefit without any advantage for the worst off. But this matches the intuitive idea that you should stop equalizing only when equalizing further would worsen the situation of worst off, and hence that only those inequalities which improve the situation of the worst off are just. The intuitions behind these two interpretations are interestingly different – in Real Freedom for All, I opt for the first, less strictly egalitarian one –, but I very much doubt that the choice between these two interpretations makes any practical difference, as it is hard to imagine what circumstances would rule out a further policy that would settle the choice by slightly improving the situation of the worst off at the expense of giving the worst off but one a position intermediate between the ones she had in the two initial options that are being compared.⁶

Of far greater practical significance is a fourth ambiguity or misunderstanding which is most frequent in attempts to use maximin in public debates on the justification of inequalities. It is often said that, using a maximin criterion, inequalities are justified if they contribute to improving the situation of the worst off, meaning by this that the worst off are better off with such inequalities in place than they would be in an egalitarian situation. But this is far too lax an interpretation of

⁶ Suppose $A = (4,3)$ and $C = (3,7)$ are the two possible states. According to the leximin, the more unequal C is to be preferred to the more equal A because the greater inequality does not damage the worst off. According to the strict maximin, the more equal A is to be preferred because C 's greater inequality does not help the worst off. But if any realistic feasible set that includes A and C can safely be expected to also contain, say, $D = (3.5, 3.1)$, which is plainly superior to both A and C according to either interpretation, then the choice between leximin and strict maximin loses all practical importance.

just inequalities. Just take a situation in which paying the managers four times more than the workers make the latter better off than they would be if managers earned no more than them. By no means does it follow that this inequality is justified. For there is likely to be another feasible situation in which the managers are paid, say, just 30% more than the workers and in which the latter earn more than under both equality and the unequal situation initially considered.⁷ An inequality is not justified by virtue of being part of a setup that is superior, as far as the worst off are concerned, to the egalitarian setup. It is justified only by virtue of being part of a setup that is no less favourable than any other setup to the interests of the worst off. And this is incomparably more demanding.

The broader the focus, the narrower the scope for just inequalities

Even so, one may wonder whether there is much in today's inequalities that can be indicted in the name of maximin justice. Indeed, some are beginning to argue that the pursuit of a sustainable maximin calls for dramatic increases in current levels of income (or real freedom) inequality. Why? In a market economy, an effective pursuit of maximin justice requires the direct or indirect taxation of production and the factor income the latter generates. However, for a number of reasons related mainly to changes in both technology and market structure, this factor income shows a tendency to be increasingly concentrated and, more dangerously still, to accrue to assets that are ever more mobile transnationally, such as financial and informational capital or highly skilled labour.⁸ Under such circumstances, it is quite plausible to argue that the tax rate on these assets which

⁷ Using the same sort of numerical illustration as in previous footnotes, this can be rephrased as follows. For the justification of some initial inegalitarian situation $D = (8, 2)$, it is not enough to point out that it makes even the worst off better off than they would be under the best feasible egalitarian situation $E = (1,1)$. For there may be another feasible inegalitarian situation $A = (4,3)$ in which the worst off are significantly better off. Success in the fight against many D's will depend, not on the stubborn assertion of the moral superiority of E, but on our ability to highlight and demonstrate the feasibility of many A's.

⁸ See, for example, Atkinson (1993), Gottschalk and Joyce (1993), Wood (1994) and Glyn (1995) for useful insights into recent trends and the underlying causes.

durably maximizes the tax yield keeps decreasing and may soon be — indeed may already be — below the tax rates that are currently in force. Indeed, several European countries have used arguments of this type to justify lower tax rates on capital income and/or high earnings.

The empirical validity of the underlying empirical claims about the tax-elasticity of various factors of production must not be taken for granted too easily.⁹ But let us assume they are correct. Does maximin justify the massive growth in net income inequality that would result from lower rates in a context of growing inequalities in primary incomes. The answer must be a resounding "No!", even though the truth of this "No!" is contingent upon enough of us believing in it and acting accordingly. Let me explain.

How can we attenuate or reverse the pressure on our redistribution systems that comes from the globalization of markets and the increasing transnational mobility of valuable assets ? By developing two strategies that are to some extent in conflict with one another and utopian when taken in isolation. Solidaristic patriotism consists in generating or reviving in the possessors of valuable assets a sense of allegiance to the people of their country and the latter's solidarity project that will brake their search for the most lucrative net return abroad.¹⁰ Many conditions are needed for this strategy to succeed to any extent. For illustrative purposes, let me just mention two: the preservation of high-quality and essentially free educational and health systems used by the more and the less affluent alike; and the (re)building

⁹ Especially as one needs to take account the various indirect effects (e.g. via housing, health or education) of lower taxes on the efficiency of an economy and hence on the expected incomes of the better endowed. See Glyn and Miliband eds. (1994) for a useful exploration of various dimensions of this efficiency cost of inequalities.

¹⁰ As explained in Van Parijs (1993), the hope thus vested in solidaristic patriotism has a deep connection with the investigation of the economics of a "well-ordered society" in Rawls's (1971) sense, i.e. a society whose institutions are just and whose members act out of commitment to the principles of justice that underlie these institutions. See Baker (1992), Carens (1981, 1986), Cohen (1992, 1994) and Arnsperger (1995) for stimulating contributions to this radical interpretation of maximin justice.

of a relationship of trust with the political and administrative class as regards their use of public funds, through a resolute policy of transparency and the ruthless sanctioning of any form of public corruption. Democratic scale-lifting consists in generating above the level of the nation a democratic polity with significant distributive powers, and a fortiori in resisting any moves that tend to devolve to subnational polities a major part of a nation's redistributive powers. Even independently of the need to lift maximin itself beyond the level of the nation – which is a further massively important consideration which I left completely out of the picture here –, the building of supranational entities with taxing powers is an essential objective for the sake of maximin justice, because of such entities being less subjected to the ever tighter constraints of factor mobility.¹¹

So, this was the final – and in my view crucially relevant – clarification I wanted to make in connection with the maximin criterion. What maximin dictates should not be investigated by taking only the tax-and-benefit structure (and a few other tools) as control variables, while taking people's attitudes and the overall institutional framework as parameters. It is quite conceivable that the most effective and most urgent we could do for the sake of (sustainable) maximin justice is not to tinker with marginal tax rates but, for example, to unflinchingly prosecute political corruption and to send some of our privileged students on Erasmus programmes. It is in any case essential that we should broaden in this way the focus of our actions and thinking – this is why it is so important that economic inequalities should not be the preserve of economists, but should be studied and discussed, as it is at this conference, by social scientists of all breeds. Far less inequalities will then turn out to be just from a maximin perspective than if one were confined to a narrower focus. Perhaps even one day so much less that maximin justice will be demanding, along the relevant dimension, little short of world-wide equality.

¹¹ These two strategies are presented, illustrated and defended more fully in the final section of Van Parijs (1995a) and in the whole of Van Parijs (1995b).

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Further reading:

A. Williams, "The Revisionist Difference Principle" (1995).