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Merit and Justice

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Justitia and Justitium

I have been asked to write on “Justice in Meritocratic Environments.” The idea of meritocracy may have many virtues, but clarity is not one of them. The lack of clarity may relate to the fact, as I shall presently argue, that the concept of “merit” is deeply contingent on our views of a good society. Indeed, the notion of merit is fundamentally derivative, and thus cannot but be qualified and contingent. There is some elementary tension between (1) the inclination to see merit in fixed and absolute terms, and (2) the ultimately *instrumental* character of merit—its dependence on the concept of “the good” in the relevant society.

This basic contrast is made more intense by the tendency, in practice, to characterize “merit” in inflexible forms reflecting values and priorities of the past, often in sharp conflict with conceptions that would be needed for seeing merit in the context of contemporary objectives and concerns. Some of the major difficulties with “meritocracy” arise, I would argue, from this internal conflict *within* the concept of “merit” itself.

When I received the invitation to write on justice in meritocracies, I was reminded of an amusing letter I had received a couple of years earlier from W. V. O. Quine (addressed jointly to John Rawls and me, dated December 17, 1992):

I got thinking about the word *justice*, alongside *solstice*. Clearly, the latter, *solstitium*, is *sol* + a reduced *stit* from *stat-*, thus “solar standstill”; so I wondered about *justitium*: originally a legal standstill? I checked in Meillet, and he bore me out. Odd! It meant a court vacation.

Checking further, I found that *justitia* is unrelated to *justitium*. *Justitia* is *just(um)* + *-itia*, thus “just-ness,” quite as it should be, whereas *justitium* is *jus* + *stitium*.

I shall argue that meritocracy, and more generally the practice of rewarding merit, is essentially underdefined, and we cannot be sure about its content—and thus about the claims regarding its “justice”—until some further specifications are made (concerning, in particular, the objectives to be pur-

sued, in terms of which merit is to be, ultimately, judged). The merit of actions—and (derivatively) that of persons performing actions—cannot be judged independent of the way we understand the nature of a good (or an acceptable) society. There is, thus, something of *justitium* or “standstill” in our understanding of merit, which involves at least a temporary “stay” (if not quite a “court vacation”). Indeed, examining the nature of this “standstill,” which is ethically and politically illuminating, may be a better way of understanding the place of meritocracy in modern society than seeing it as a part of some categorical *justitia* that demands our compliance.

Merits and Theories of Justice

The general idea of merit must be conditional on what we consider good activities (or to see it in more deontological terms, right actions). The promotion of goodness, or compliance with rightness, would have much to commend it, and in this basic sense the encouragement of merit would have a clear rationale. But given the contingent nature of what we take to be good or right, there would inevitably be alternative views regarding (1) the precise *content* of merit, and (2) its exact *force* vis-à-vis other normative concerns in terms of which the success of a society may be judged. This problem would be present even without the difficulties raised by rigid and inflexible conceptions of what is to be seen as “merit” (an issue to which I shall turn later on).

This is not to deny that any particular comprehensive theory of justice will contain within its specifications the relevant parameters in terms of which the content and force of merit-based rewards can be judged. For example, John Rawls’s (1958; 1971) classic theory of “justice as fairness,” which has been overwhelmingly the most influential proposal in contemporary political philosophy, does provide enough structure and specification to allow us immediately to judge the demands of merits and meritocracy.¹ Yet the Rawlsian substantive theory of justice involves a particular compromise between conflicting concerns: formalized in his “two principles of justice,” including the priority of liberty and the significance of efficiency and equity in the achievement and distribution of individual advantages. Many who have been much influenced by Rawls (including this author) are more at peace with the importance of these general concerns than they are with the specific compromise arrived at in Rawlsian theory.

There are, in particular, (1) different ways of recognizing the prior impor-

¹ On this, see Rawls (1971 and 1993). Rawls can, within the structure of his theory of justice as fairness, arrive at clear conclusions on this subject. He argues, for example (Rawls 1971, p. 107): “Thus a meritocratic society is a danger for the other interpretations of the principles of justice but not for the democratic conception. For, as we have just seen, the difference principle transforms the aims of society in fundamental respects.”

tance of liberty, (2) distinct “spaces” in which efficiency and equity can be judged, and (3) dissimilar ways of balancing the two types of concerns.² It is indeed hard to expect a reasoned unanimity on the exact lines of any particular compromise between these concerns, given the depth of these demands. Further, it is not obvious that even in an imagined “original position” (with primordial equality) a consensus of reasoning would emerge to settle this issue adequately.³

The absence of a general agreement on a precise resolution (or on an exact formula) that balances the forces of the discordant concerns against each other does not, however, make it useless to analyze the role of meritocracy or to examine the nature of its conflict with the demands of other aspects of justice. Since I have argued in favor of “incomplete” theories of justice elsewhere (particularly in Sen 1970 and 1992), I am less uneasy with a “standstill” than a more determined or a more resourceful theorist of justice (or of welfare economics) would be.

Merits, Actions, and Incentives

The term *meritocracy* seems to have been invented by Michael Young in his influential book *The Rise of Meritocracy, 1870–2033* (Young 1958). Young himself was deeply critical of the development he identified, and meritocracy as a formalized arrangement has not, in general, received good press.⁴ The *Fontana Dictionary of Modern Thought* (1988, p. 521) presents the following uncharming definition:

A word coined by Michael Young (*The Rise of Meritocracy*, 1958) for government by those regarded as possessing merit; merit is equated with intelligence-plus-effort, its possessors are identified at an early age and selected for an appropriate intensive education, and there is an obsession with quantification, test-scoring, and qualifications. Egalitarians often apply the word to any elitist system of education or government, without necessarily attributing to it the particularly grisly features or ultimately self-destroying character of Young’s apocalyptic vision.

² I have discussed possible variations from the Rawlsian system in Sen (1970, 1980, and 1992). Other proposals can be seen in Arneson (1989), Cohen (1989), Dworkin (1981), Roemer (1985 and 1994), Van Parijs (1995), and Walzer (1983), among other contributions.

³ The lack of complete decidability in the Rawlsian “original position” was one of the two main theses presented in a paper that I jointly authored with Gary Runciman, “Games, Justice and the General Will” (Runciman and Sen 1965). The other thesis of that essay concerned the usefulness of game theory in clarifying Rousseau’s concepts of “social contract” and “general will,” and Rawls’s ideas of the “original position” and “justice as fairness.”

⁴ The term *merit-monger*, the use of which is traced to 1552 by The *Oxford English Dictionary*, is described by the *OED*—not surprisingly—as “contemptuous.”

I tend to share some of the suspicion of meritocratic systems to which such descriptions relate (more on this later), but when characterized in these frightening terms, it hardly seems possible that any reasonable society today would encourage or tolerate “the rise of meritocracy,” and yet that is exactly what Michael Young claims has occurred. Meritocracy may rightly deserve condemnation, but to define it in such thoroughly revolting terms makes it hard to understand how it can appeal to anyone and why it may have an expanding role in modern society.⁵ We have to do more groundwork first to understand what it is that gives meritocracy its appeal *within* its own rationale, and only after that can we examine whether that appeal can survive scrutiny.

In fact, meritocracy is just an extension of a general system of rewarding merit, and elements of such a system clearly have been present in one form or another throughout human history. There are, it can be argued, at least two different ways of seeing merit and systems of rewarding it.⁶

1. *Incentives*: Actions may be rewarded for the good they do, and a system of remunerating the activities that generate good consequences would, it is presumed, tend to produce a better society. The rationale of incentive structures may be more complex than this simple statement suggests, but the idea of merits in this *instrumental* perspective relates to the motivation of producing better results. In this view, actions are meritorious in a derivative and contingent way, depending on the good they do, and more particularly the good that can be brought about by rewarding them.

2. *Action propriety*: Actions may be judged by their propriety—not by their results—and they may be rewarded according to the quality of such actions, judged in a result-independent way. Much use has been made of this approach to merit, and parts of deontological ethics separate out right conduct—for praise and emulation—independent of the goodness of the consequences generated.

In one form or another both these approaches have been invoked in past discussions of merit, but it is fair to say that the incentives approach is the dominant one now in economics, at least in theory (even though the language used in practice often betrays interest in the other categories—more on which presently). Although the praiseworthiness of “proper” actions is

⁵ I am, of course, aware that definitions constructed by the respective “enemies” provide many of the contemporary battlegrounds in cultural studies and social sciences (for example, “modernism” is discussed largely in terms specified by postmodernists, “subjectivism” is often examined in the way objectivists see it, and so on).

⁶ The rewards can be material and financial, but there are other rewards, too, including *praise* and what Adam Smith called *approbation*—though some would no doubt find such rewards rather cheap and empty.

not denied in economic reasoning, the economic justification of rewarding merit tends to be grounded in consequences.⁷ Adam Smith (1776 and 1790) made this distinction forcefully and proceeded to provide one of the first systematic analyses of the use of incentive systems as they operate naturally in societies and how they can be further sharpened. The distinction between the propriety and merit of an action is described by Smith (1790, II.i.1–2, p. 67) in the following way:

There is another set of qualities ascribed to the actions and conduct of mankind, distinct from their propriety and impropriety, their decency or ungracefulness, and which are the objects of a distinct species of approbation. These are Merit and Demerit, the qualities of deserving reward, and of deserving punishment. . . . [u]pon the beneficial or hurtful effects which the affection proposes and tends to produce, depends the merit or demerit, the good or ill desert of the action to which it gives occasion.

I shall concentrate in this chapter on the view of merit in terms of results and incentives. It is, in fact, virtually the only grounded and defended theory that can be found in the contemporary economic literature (shared by welfare economics, social choice theory, game theory, and implementation theory).⁸

Indeed, the practice of rewarding good (or right) deeds for their incentive effects cannot but be an integral part of any well-functioning society.⁹ No matter what we think of the demands of “meritocracy” as it is usually defined, we can scarcely dispense with incentive systems altogether. The art of developing an incentive system lies in delineating the content of merit in such a way that it helps to generate valued consequences.

Merit Rewarding as a System

The derivative character of merit leads us to the central question as to what the “valued consequences” are and how the success and failure of a society are to be judged. Once an instrumental view of merit is accepted, there is no

⁷ A related aspect of normative economics is its relentlessly consequentialist form, and in this respect it goes well beyond Adam Smith’s position. I have argued elsewhere (particularly in Sen 1982 and 1985) both (1) for broadening the limits of consequential analysis (in particular through departures from the utilitarian way of judging consequences), and (2) for recognizing the extensive reach of consequential ethics in this broadened form (undercutting some of the arguments for the necessity of a deontological ethics). Seeing merits in terms of incentive systems fits well into a broadly consequentialist framework.

⁸ See, however, the broader concerns discussed by Sugden (1981), along with the incentive-oriented view.

⁹ There are *merit-rewarding arrangements* in all “incentive-compatible” systems, though the rewarding of merit can coexist with incentive incompatibility as well.

escape from the contingent nature of its content, related to the characterization of a good—or an acceptable—society and the criteria in terms of which assessments are to be made.

If, for example, the conceptualization of a good society includes the absence of serious economic inequalities, then in the characterization of instrumental goodness, including the assessment of what counts as merit, note would have to be taken of the propensity of putative merit to lessen—or generate—economic inequality. In this case, the rewarding of merit cannot be done independent of its distributive consequences.¹⁰

In India shortly after independence, a system of preference for lower-caste candidates in the civil service was introduced in the newly formulated constitution of the Republic of India, reserving a certain proportion of places for them minimally, although recruitment in general was governed by examination. The argument defending this preference system was partly based on some notion of fairness to the candidates (given the educational and social handicap typically experienced by lower-caste candidates), but, more important, it was argued that the reduction of inequality in the society at large depended on breaking the effective monopoly of upper-caste civil servants. The upper-caste bias in the distribution of justice and in the allocation of governmental help could be changed only by having civil servants from less privileged backgrounds.¹¹ This latter argument is an “efficiency reason”—efficiency in pursuit of a distribution-inclusive social goal.

Even though the typical “objective functions” that are implicitly invoked in most countries to define and assess what is to count as merit tend to be indifferent to (or negligent of) distributive aspects of outcomes, there is no necessity to accept that ad hoc characterization. This is not a matter of a “natural order” of “merit” that is independent of our value system. The dependent nature of merit and its reward has to be more fully understood to see the nature and reach of merit-based systems.

This dependence is the main reason behind the “standstill” that has to be overcome. There are also, however, other tensions that arise within the general approach of merit-based rewards. There is, in particular, a tension of moral psychology within the incentive-based rationale of rewarding merits, arising from its instrumental nature. Actions are rewarded for what they help to bring about, but the rewarding is not valued in itself. Insofar as the rewards handed out could have been used for some purpose that is valued in itself, it would obviously have made sense—*given other things*—to use them for that purpose. But equally obviously this very thought denies the productive role of the incentives, and thus the “side use” is not entertainable

¹⁰ On the integration of distributive concerns in assessing states of affairs and social arrangements, see Atkinson (1983).

¹¹ A similar argument was used to reserve, for a specified period, a certain proportion of seats in the Indian parliament for lower-caste candidates.

in practice. The psychological tension that it creates arises from the necessity of accepting some assignments that are not themselves valued (and may, in fact, be revoltingly unequal and unattractive), which are contingently justified by the actions of the recipients and the effects that these actions have on the rest of the society (for example, on aggregate outputs and incomes).¹²

There is some tension also in the feature that the extent of inequality that an incentive-based system has to tolerate would depend crucially on what motivates people to act in one way rather than another. Various proposals for the development of cooperative values have been considered in this context.¹³

The instrumental nature of incentive systems makes the justification for payments turn pervasively on the actual effects of different payments on behavior and choices. To consider a rather unattractive example of an incentive argument, in deciding how much to pay a blackmailer, the payment that would be justified would depend on what would induce him or her to give up those compromising documents. It would be in the blackmailer's interest to pretend that nothing short of a very vast sum would be acceptable, and it would be for the payer to judge whether he or she is bluffing.

In the normal working of an economy, of course, we do not encounter cases on this level of directness, and also competition—when present—limits what an individual operator can demand and expect to get. But there is often an element of unclarity in deciding on the incentive effects of changes in reward systems, for example in deciding on the likely effects of reducing remarkably high payments to top executives that have now become standard and are typically defended on incentive grounds.¹⁴ There are also interesting incentive questions to be sorted out in predicting the likely results of raising the regulational minimum wage for employees (potentially influencing the profitability and employment decisions of firms).

Debates on these subjects have tended to be quite intense in recent years.¹⁵

¹² Some radical critiques of a functioning capitalist economy, with its manifest inequalities, relate to this tension; it provides grounds for powerful egalitarian rhetoric and condemnation of inequality even when the economic reasoning remains incomplete. Arguments of this kind have to be distinguished from other radical critiques that see the real incentive effects as quite different from what is claimed on their behalf by the beneficiaries—or “apologists”—of the system.

¹³ When Marx (1875), following a line of socialist thinking, considered the case for “from each according to his ability to each according to his need,” he noted the unfeasibility of this option, because of incentive problems, even when socialism would be established. He settled, thus, for an incentive system of payment according to the value of work “at the early stages of socialism,” but also expressed his hope for an evolution of human motivation in the long run such that need-based distribution could become practicable without being, then, derailed by incentive problems.

¹⁴ For an important critical scrutiny of the issues related to high payments to executives and professionals in contemporary America, see Bok (1993).

¹⁵ For example, the unorthodox findings of Card and Krueger (1995) on the predicted consequences of minimum wage variations have been subjected to remarkably intense attacks in some business publications.

This is not surprising since incentive arguments of different kinds provide the intellectual backing for many prevailing practices as well as proposals for change. These arguments draw a good deal of their immediate significance from the tension under discussion. Since rewards to merit in the form of incentive requirements are not valued in themselves, there is a tenacious rationale for discussing the possibility of reducing their demands in favor of social objectives that may be valued *in themselves* (including reduction of economic inequality, insofar as it is generally favored in the society in question), so long as this can be done without greater harm through the actual—as opposed to imagined—effects on incentives. The lack of intrinsic status of merit-rewards in an incentive system makes that complex *instrumental* connection central to economic debates on policies and strategies.

Meritocracy and Additional Features

So far I have been discussing the nature and implications of rewarding merit, particularly given the dependence of merit on social criteria of success. The approach of what may be called meritocracy, however, tends to take a less “parametric” view of the determinants of merit and frequently sees it as *given* characteristics that deserve rewards. The definition of meritocracy, quoted earlier from The *Fontana Dictionary of Modern Thought* (1988), somewhat exaggerated the “extremism” of the chosen views of merit and its reward, but it drew attention to the fact that the idea of “meritocracy” must be seen as something quite a bit more demanding than the rewarding of merit according to some agreed criteria of social success.

There would seem to be at least three substantial departures from the kind of general system of rewarding meritorious actions that I have been considering in the preceding discussion.

1. *Personification and genetics*: In the incentive approach to merit, it is characteristic of *actions*, not of people as such. But conventional notions of “meritocracy” often attach the label of merit to *people* rather than actions. A person with standardly recognized “talents” (even something as nebulous as “intelligence”) can, then, be seen as a meritorious person even if he or she were not to use the “talents” to perform acts with good consequences or laudable propriety. This “personal quality” of merits sometimes gets invoked even in a largely incentive-oriented system of economic reasoning, with which the “personal quality” view is basically in conflict.

Some people are seen as being just more meritorious than others, and may indeed have been born more talented. In some versions of personification, the inborn talents are seen not only as being variable between one person and another (for which there may be considerable evidence), but also as distributed according to some other readily distinguishable characteristic,

such as skin color or the size of the nose (for which the evidence seems very problematic, to say the least).¹⁶ When used in this form, personification can encourage meritocratic acceptance of—rather than resistance to—inequalities of achievement (often along racial and ethnic groupings), which are present in many contemporary societies.

2. *Deserts and entitlement*: An incentive argument is entirely “instrumental” and does not lead to any notion of intrinsic “desert.” If paying a person more induces him or her to produce more desirable results, then an incentive argument may exist for that person’s pay being greater. This is an instrumental and contingent justification (related to results)—it does not assert that the person intrinsically “deserves” to get more. To return to an illustration used earlier, an incentive argument may well exist even for paying a blackmailer some money to induce him or her to hand over some compromising material, but that incentive argument is not the same as accepting that the blackmailer “deserves” to get that money because of the blackmailer’s intrinsic virtue.

In a meritocratic system, however, this distinction gets blurred, and the established and fixed nature of the system of rewards may generate the implicit—sometimes even explicit—belief that the rewards are “owed” by the society to the meritorious persons. As Michael Walzer (1983, p. 136) points out,

Desert implies a very strict sort of entitlement, such that the title precedes and determines the selection, while *qualification* is a much looser idea. A prize, for example, can be deserved because it already belongs to the person who has given the best performance; it only remains to identify that person. Prize committees are like juries in that they look backward and aim at an objective decision.

When this idea of desert is combined with rewarding “talents” as such—indeed, even the *possession* of talents (rather than the *production* of desirable results with them)—the connection with the incentive rationale of meritocracies is fairly comprehensively severed.

3. *Distribution independence*: A system of rewarding of merits may well generate inequalities of well-being and of other advantages. But, as was argued earlier, much would depend on the nature of the consequences that are sought, on the basis of which merits are to be characterized. If the results desired have a strong distributive component, with a preference for equality, then in assessing merits (through judging the generated results, including its distributive aspects), concerns about distribution and inequality would enter the evaluation.

Since distributive concerns would come in only *inter alia* in these accountings, an incentive system of rewarding merits may still generate much in-

¹⁶ A caste system often derives its rationale from beliefs regarding the distribution of talent. Such beliefs are, of course, a standard part of the “intellectual” background of the practice of racism.

equality. Nevertheless, there would then be something *within* that consequential system of evaluation that would work, to a varying extent, against generating more inequality.

In most versions of modern meritocracy, however, the selected objectives tend to be almost exclusively oriented toward aggregate achievements (without any preference against inequality), and sometimes the objectives chosen are even biased (often implicitly) toward the interests of more fortunate groups (favoring the outcomes that are more preferred by “talented” and “successful” sections of the population). This can reinforce and augment the tendency toward inequality that might be present *even with* an objective function that, *inter alia*, attaches some weight to lower inequality levels.

None of these three additional features of meritocracy is necessary for a general system of rewarding merits on incentive grounds. What are often taken to be “meritocratic” demands have moved, in many ways, so far away from their incentive-based justification that they can scarcely be defended on the classic incentive grounds. These ad hoc additions call for close scrutiny, especially given the hold they have on popular discussions—and sometimes even professional deliberations—on this subject.

Concluding Remarks

Although I shall not try to summarize this chapter, I shall comment on a few of the issues that have emerged in the preceding analysis.

First, the rewarding of merit and the very concept of merit itself depend on the way we see a good society and the criteria we invoke to assess the successes and failures of societies. The “incentive view” of merit competes with the view of merit based on “action propriety,” but it is the incentive approach that tends, with good reason, to receive attention in contemporary justificatory discussions.

Second, the incentive view of merit is underdefined, since it is dependent on the preferred view of a good society. The theory of merit, thus, needs to draw on other normative theories. The rewarding of merit is, to adapt a Kantian distinction, a “hypothetical imperative” that is dependent on the way we judge the success of a society; it does not involve a “categorical imperative” on what should in any case be done.

Third, the contingent nature of merit also indicates that its relationship with economic inequality would depend very much on whether an aversion to economic inequality is included in the objective function of the society. If it is included, then merit for reward would have to be judged in an inequality-sensitive way. Despite the inclusion of inequality aversion among the criteria for judging a society, however, merit-based rewards may, in fact, generate considerable inequality, since there are other criteria as well (or

other aspects of the combined objective function). The presence of inequality and other drawbacks can lead to some psychological tension, especially since the rewarding of merit is not directly valued under the incentive approach.

Fourth, even though the incentive-based argument for rewarding merit tends to be, in principle, accepted as the main justification for such a reward system, some of the particular interpretations that go with the championing of merit-rewards are unnecessary and, in some cases, inconsistent with the incentive approach. The common additional features include: (1) confounding merit of *actions* with that of *persons* (and possibly of groups of people), (2) overlooking the *instrumental* nature of the incentive argument and seeing the rewards of merit as intrinsic *entitlements or deserts*, and (3) ad hoc exclusion of *distributional* concerns from the objective function in terms of which merit is characterized.

Each of these departures makes meritocracies more prone to generate economic inequality, but they are in no sense part of the basic incentive approach to rewarding merit. Perhaps the most fundamental problem with the conventional understanding of “meritocracy” is the distance that has grown between “meritocracy” (thus conceived) and the foundational idea of rewarding merit.

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