

Chapter 12 The Fair Society

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We must work together for a fair society: a society in which everyone is treated with full respect, recognizing that we are all God's children. A society in which no one—adult or child—is left behind. A place in which such moral commitments are truly honored rather than served up as hollow promises. A society in which one's race, ethnicity, country of origin, religion, gender, and sexual preference matter not. A society in which every person is treated with the dignity they are entitled to by merely being human.

A fair society is one in which no one is above the law and all play by the same rules. It is a society in which no one is demonized as a result of exercising his or her right to free speech, even (and especially) when that speech criticizes those in power; a society in which knowingly selling defective drugs, toys, cars, or any other product or service is treated as the serious offense that it is. In a fair society, the promises made, in the form of pensions and health care plans, to those who have worked all their lives are not retroactively watered down. Hard-working women and men can earn a living wage in a fair society, and no one dies in a parking lot because he or she has no health insurance. In such a society, senior citizens do not have to choose between dinner and

medication, and the families of those serving their country in harm's way need not live on food stamps. It is a society that is fair to all—a society in which we are all proud to be counted among its members.

I drafted the preceding lines in 2003, trying to find a communitarian vision that would appeal to Americans in both red and blue states—a vision that would help to overcome the polarization that is said to afflict the American society. Several distinct lines of deliberation led me to focus on a fair society rather than, say, a just one or one of ownership. However, before I spell these out, I report on the results of a nationwide public opinion poll that I commissioned from Greenberg Quinlan Rosner Research. The poll was conducted from June 28 through July 1, 2004—that is, at the height of the presidential election campaign. The sample pool consisted of 1,000 randomly selected likely voters. For some questions, this pool was split into smaller groups.

THE FAIR SOCIETY POLICIES AND VISION

To introduce the concept of a fair society and to test the extent to which it speaks to the values important to Americans from many different backgrounds, I both connoted and denoted the concept, first providing a list of key examples (policies to be assessed as fair or unfair) and then defining the concept directly. This distinction presumes that people think in gestalts or contexts (sometimes referred to as subtexts, or the music behind the words), as well as in terms of specific policies or issues—as long as these find a home within one gestalt or another. These specifics can also serve as kinds of pegs on which to hang the more generalized conception of a fair society or through which to introduce the vision it contains. I first illustrate the seven policies used to introduce the fair society and the responses that they elicited, and then turn to the reactions given to the more generalized concept of a fair society.

SEVEN SOCIETAL FEATURES

Here follow the responses to the seven societal policies that 500 likely voters from the pool of 1,000 were asked to assess in terms of how fair they considered them to be (very fair, fair, unfair, and so on).¹ One of the optional responses was the category of “A Little Unfair.” After consideration, I de-

termined not to include this category in this analysis for two reasons. First, if this response is included, we would be counting three responses for unfairness, compared to only two for fairness. Second, I felt that “A Little Unfair” was a weak categorical response; the people who responded that way may also have thought that the policies described were “a little fair.” However, if it were included, the results would favor even more strongly respondents' sense of unfairness. Additionally, the category of “Don't Know/Refused” has not been included, which explains why the percentages do not add up to 100.

Before being read the policy statements, which reveal various societal features, the respondents first heard the following:

I'm going to read you another series of statements. After hearing each statement, please tell me if you would describe that situation as very fair, fair, a little unfair, unfair, or very unfair.

At this point, the respondents were asked to respond to each of the seven statements in sequence.²

QUESTION 1: Millions of American workers spent their entire careers with one company on the basis of a contract that promised them a pension plan to provide for them and their families in retirement, only to have the company cut their pension pay and benefits after they retired.

Nearly six out of ten respondents (58 percent) considered such a policy very unfair, with another 24 percent perceiving it as unfair. Only about one out of twelve (8 percent) considered such policies very fair to fair (very fair 1 percent and fair 7 percent).

QUESTION 2: Health insurance companies have avoided paying an insured person's bills when costly illnesses occur even after that person has fully paid health insurance premiums for years.

Roughly two out of three Americans (65 percent) considered such actions by insurance companies to be very unfair, and another 23 percent saw them as unfair. Only one out of twenty respondents (5 percent) considered such a policy to be fair (2 percent very fair and 3 percent fair). These two questions (Questions 1 and 2) elicited the most one-sided and clearest responses of unfairness. It seems to me that the reason for this is that most Americans, if not all, can imagine themselves on the receiving end of the unfair treat-

ment described in the two statements. These statements do not concern only minorities or the poor, or immigrants or any other subgroup, nor do they entail reducing the assets, income, and/or power of one group in order to assist another.

QUESTION 3: The federal government has created the largest deficits in U.S. history, with deficits on the horizon for many years, leaving the debts to be paid by our children and grandchildren.

With their responses to this question, Americans continued to demonstrate a considerable sensitivity to unfair policies, with more than two-thirds regarding the deficit's burden on future generations as unfair (very unfair 44 percent and unfair 24 percent) and only 17 percent claiming it fair (very fair 4 percent and fair 13 percent). Given that this question was asked during an election campaign in which the Democrats accused the Bush administration of recklessly increasing the deficit, some respondents may have allowed their political affinities to override their sense of fairness or may have accepted Bush's promise to scale back the deficit in coming years. Still, the overwhelming majority, including many Independents and Republicans, viewed such policies as unfair.

QUESTION 4: The IRS now audits a higher percentage of tax returns of those making low incomes, less than twenty-five thousand dollars a year, than it does those making higher incomes, above one hundred thousand dollars per year.

The responses to this question are similar to those of the preceding one with over two-thirds of all respondents considering such a policy unfair (40 percent very unfair and 28 percent unfair), as well as a similar proportion for those who considered it fair (2 percent very fair and 15 percent fair). Granted, Question 4 did not garner quite as strong a response of unfairness as did Questions 1 or 2, perhaps because of respondents' inability to apply this policy to their own lives—a concept previously discussed. However, this is precisely why the overwhelming reaction of unfairness to the policy regarding IRS audits is here so important. Wealthy respondents or those who hope to gain affluence could have viewed such a policy as having little to do with their own situations and therefore ignored its implications for those in different financial circumstances. However, as we see, their sense of fairness clearly prevailed, attesting to the strength of the concept of a fair society.

QUESTION 5: Today, the average CEO makes more than 500 times the salary of his or her average employee.

This question provides for an even stronger test for the power of a sense of fairness than does the previous one because it directly addresses wealth differentiations. Indeed, in many ways, the policy statement in Question 5 could well have resonated with those who hold various pro-capitalism or pro-business viewpoints and believe that CEOs should be paid what the market bears because by running large businesses they provide employment to hundreds of thousands of people. Still, roughly two-thirds of Americans—including, as we shall see, a considerable number of conservatives and Republicans—viewed such salary differences as unfair (45 percent very unfair and 21 percent unfair). Only one out of five respondents considered these wage differences fair (3 percent very fair and 17 percent fair), which is only a slightly higher proportion of the sample in comparison to the responses of fairness for the previous questions. Perhaps even more telling for the force of fairness is that over half (57 percent) of those making \$75,000 and upwards a year, those who could stand to benefit the most from such policies, still found such earning discrepancies unfair.

QUESTION 6: The vast majority of government tax breaks go to large corporations, in the form of export subsidies, low-interest loans, or offshore tax havens, rather than small businesses or individuals.

In many ways, the “tilt” of this question and its responses parallel the previous one. Almost seven out of ten Americans considered this policy unfair (41 percent very unfair and 27 percent unfair), while only 14 percent of respondents viewed it as fair (2 percent very fair and 12 percent fair). Thus, these responses serve as additional evidence for the power of the concept of fairness.

QUESTION 7: The Patriot Act, passed in the aftermath of the 9/11 attacks, allows the government to perform wiretaps or review your financial and medical records without a warrant.

When the concept of fairness conflicted with that of homeland security, it did not fare quite as well but still carried the day, with more than half of all respondents considering this part of the USA Patriot Act unfair (31 percent very unfair and 21 percent unfair) and less than one out of three fair (8 percent very fair and 21 percent fair).³

Table 12.1 provides a summary of the responses to the seven policy statements (here abbreviated).⁴

As the table demonstrates, the majority of respondents registered a per-

Table 12.1 Rating of Seven Policy Statements (Percent)

	Very Fair	Fair	Unfair	Very Unfair	Total Fair	Total Unfair
1. Pension	1	7	24	58	8	82
2. Insurance	2	3	23	65	5	88
3. Deficits	4	13	24	44	17	68
4. IRS Audits	2	15	28	40	17	68
5. CEO Salaries	3	17	21	45	20	66
6. Tax Breaks	2	12	27	41	14	68
7. Patriot Act	8	21	21	31	29	52

ception of unfair practice in relation to each and all of the policy statements presented to test the public's response to the societal features highlighted. These statements also served to introduce respondents connotatively to the general concept of a fair society.

AN OVERARCHING STATEMENT AND A MEASURE OF SALIENCY

Once the respondents were introduced to the concept of a fair society through connotation by the seven key policies (although the concept applies to many others), a fair society was defined in a few lines, as follows:

A fair society is one in which nobody is left behind. This is not just a promise, but a new America where anyone who seeks work can get a job, nobody can be cheated out of their pension rights, and all health care is accessible to everyone so nobody will ever have to choose between buying medicine and food.

I wondered how powerful the concept is. Public opinion polls often count noses or responses but rarely measure how strongly people feel about that of which they approve or disapprove. Hence, analysis based solely on the number of positive or negative responses can be misleading. For example, one might find that the majority of the public favors the right to privacy—only to discover later that this number drops dramatically when that same majority realizes that this right clashes with other concerns or has costs associated with it. Thus, saliency measurements, which determine how strongly committed people are to whatever they hold dear, add a great deal to our understanding. For example, some years back, respondents who had

Table 12.2 Likelihood of Voting for a Candidate Supporting a "Fair Society" (Percent)

Much More Likely	Somewhat More Likely	A Little More Likely	No More Likely	Less Likely
36	22	13	12	12

still support their preferred presidential candidate knowing that he agreed with them on all of the issues except one. It turned out that for numerous issues only 3 percent or less of the respondents would abandon their favorite candidate for the sake of this or that specific policy—except for Social Security. This was the only issue in the poll where 25 percent said that they would change sides. I used a similar measure of saliency here.

The respondents were asked to rate their likelihood of voting for a presidential candidate based on his or her support of a fair society as defined above. The responses are shown in Table 12.2, demonstrating the great saliency of the fair society concept. Here again, the category of "Don't Know/Refused" has not been included, which explains why the percentages do not add up to 100.

WHO FAVORS A FAIR SOCIETY?

The vision of a fair society appeals to people from many different backgrounds and affiliations. True, it does not appeal to all groups in equal measure. However, in a nation said to be highly polarized, the concept of a fair society has found significant support across the aisle, so to speak—indeed, across many aisles. This point is best highlighted by an assessment along party lines of responses to the two policy statements that elicited both the greatest sense of unfairness and the least, Question 2 (insurance coverage) and Question 5 (CEO salaries).⁵ The behavior of the insurance companies prompted very similar levels of outrage from Democrats, Independents, and Republicans. Ninety percent of Democrats and Independents found such actions to be very unfair to unfair. The proportion of Republicans was only 7 percent lower, with about four out of five (83 percent) agreeing with Democrats and Independents that this policy was very unfair to unfair. When asked in Question 5 about the salary disparity between CEOs and

unfairness) as they did when questioned about the practices of insurance companies. But they still demonstrated a considerable sense of indignation and agreement over the unfairness of the policy. Again, Democrats reacted the most strongly with about three out of four (78 percent) finding the statement very unfair to unfair. Independents followed closely on their heels by a percentage difference of less than ten points with 69 percent perceiving the policy as very unfair to unfair. And over half of the Republican respondents (52 percent) agreed with them. Pollsters like to focus on difference. One should note here that on this issue the largest difference between the three groups amounted to 26 percent (between Democrats and Republicans). That is, about two out of three Americans (66 percent) saw this policy in the same light, and all disapproved.

Additionally, those who identified themselves as liberal, moderate, or conservative also demonstrated accord on a perception of unfairness regarding the above policy issues. To the statement about insurance providers turning a cold shoulder to a covered person's medical bills, at least four out of five respondents whether liberal, moderate, or conservative, called the action very unfair to unfair. On this issue, liberals and conservatives differed by only 11 percentage points, with 92 percent of liberals and 81 percent of conservatives interpreting the situation in the same way. When it came to the high salaries of CEOs, the numbers were not quite so close together. However, that said, about two thirds (66 percent) of liberals, moderates, and conservatives combined affirmed that a scenario that permitted such a gap between the salary of a chief executive and those beneath him or her was very unfair to unfair. And liberals and conservatives were separated on their interpretation of this policy as very unfair to unfair by only a little over 20 percent, with 81 percent of liberals and 59 percent of conservatives deeming the practice very unfair to unfair.

The concept of a fair society also reaches across the gender divide. Much has been made lately of how gender influences one's stance on various public policies, leading politicians to cater first to Soccer Moms and then to NASCAR Dads. But on the issue of a fair society, we find no great disparity between the sexes. Returning to the policy statements about insurance companies and CEOs' salaries, the measure of agreement between women and men on the unfairness of these policies far outstrips any differences. Regarding the unfairness of the insurance companies' policy, men and women only differed by 12 percent (women 93 percent and men 81 percent), with 88 percent agreeing that such actions are very unfair to unfair. On the issue

of the salaries of CEOs, they were even closer together with a separation of only 8 percent (women 70 percent and men 62 percent). Thus, 66 percent of women and men combined found this kind of wage differential very unfair to unfair.

A fair society speaks as well to Americans from all regions of varying ages and levels of education, as shown by their responses to the questions about insurance companies and CEO pay. Indeed, the largest disparity in regional reaction to the issue of insurance coverage was only 5 percent with 85 percent of those from the South finding the refusal to pay by insurance companies very unfair to unfair and 90 percent espousing a similar feeling in the central states. Furthermore, both the elderly (over 64) and the young (18 to 29) shared a sense of unfairness over the disparity between CEOs' incomes and those of their workers. Well over half of both elderly and young voters felt that such a policy was very unfair to unfair (71 and 63 percent, respectively). And a majority of respondents—regardless of whether they were with or without a high school diploma or a college degree—gave a similar assessment of unfairness in regard to the issues at hand.

In short, the findings of the poll are unmistakable. The demand that society be designed and policies be cast so that they meet the norms of fairness is widely spread, strongly held, and supported—albeit not with equal measure—by Americans of all walks of life and from the various “boxes” into which we tend to place people of different gender, age, state, and so on. It follows then that those who seek to unite Americans and appeal to them on a broad base will find in fairness a bracing theme.

BEYOND THE PUBLIC OPINION POLL

Actually, there is reason to believe that fairness may well hold an even stronger and more universal appeal than thus far indicated. In drafting the questions used in the survey, I ran into the fact that certain kinds of conduct are perceived so strongly by so many people as unfair that it made little sense to include them in the study. For instance, if we had asked: “In a sports event, say a football game, should all of the players be required to abide by the same rules?” people either would have responded practically in unison, “Of course,” or suspected that we were asking some kind of trick question. Otherwise, as people told me when I tested such questions informally, why else would anyone ask a question whose answer is so obvious? The same would have happened if we had asked: “Do you agree or disagree

that no one is above the law?" These are but two more examples, and examples of considerable import, of how strongly and widely shared a sense of fairness is.

Fairness, especially the applications of it that are broadly endorsed, serves as a critical standard that can be and is often used to chastise those who violate it (or seem to). Hence, favoritism, cronyism, and tribalism are all viewed with disdain precisely because they entail unfair practices. I do not know whether or not Halliburton was accorded favorable treatment by the Department of Defense because its previous CEO, Dick Cheney, was serving as the Vice President of the United States; however, few would have any doubt that if this were the case, Americans from all over the political and ideological spectrum would consider such favoritism grossly unfair to the competitors of Halliburton (and to American taxpayers). And when we read that the company of Kojo Annan, son of UN Secretary General Kofi Annan, has been given a lucrative deal by the UN, we wonder whether such an award is merited—whether other companies might have been equally or better suited for the job. I could go on and on with examples that illustrate the normative and emotive power of the norm of fairness, but precisely because it is so widely held and strongly endorsed, this is hardly necessary. Among the small number of studies that have examined fairness empirically, one, by psychologist Tom Tyler, stands out. Tyler found that when people feel that they have had their day in court—that they have been given the chance to present their case and have then been judged fairly—they are much more likely to accept a ruling against them.⁶

Even more profoundly, there is reason to believe that fairness is one of those few moral values that we treat as what the Founding Fathers called a "self-evident truth." Although there is sure to be disagreement as to what exactly fairness encompasses, the concept itself is rarely challenged. Indeed, I take for granted that the very idea of fairness is a normative one. I believe that fairness compels us not because it offers benefit to the self, as the late John Rawls seems to suggest, but because we consider it to be morally valid. Rawls defined fairness as follows:

The main idea is that when a number of persons engage in a mutually advantageous cooperative venture according to rules, and thus restrict their liberty in ways necessary to yield advantages for all, those who have submitted to these restrictions have a right to a similar acquiescence on the part of those who have benefited from their submission.⁷

Although one can rarely be clear about what Rawls meant to say, this definition sounds rather utilitarian—as if we agree by social contract to accord fairness to others in return for similar treatment.⁸ As I have explained my position on this issue elsewhere, for the purpose of this discussion let it suffice to say that I agree with deontologists' assertion that there are moral concepts, like fairness, which are based not on self-interest but on self-evident truths.⁹

Indeed, studies show that even small children have a sense of fairness. I here cite but a few of the findings. William Damon from Stanford reports that "virtually all [the studies] have found four-year-olds already in possession of active, flourishing conceptions of fairness. Most children at this age have firmly internalized the standard of sharing."¹⁰ And UCLA's James Q. Wilson writes, "These principles have their source in the parent-child relationship, wherein a concern for fair shares, fair play, and fair judgments arises out of the desire to bond with others."¹¹ Wilson also explains that "virtually everyone who has looked has found [the fairness norm] in every culture for which we have the necessary information."¹² Some even believe that this moral judgment is anchored in our very biology.¹³

The fair society as a normative concept has an attribute, which, as Senator Pat Moynihan emphasized, makes for strong political appeal: universality. To demonstrate the sway of universality, Moynihan compared the popularity of Medicare to the limited favor in which Medicaid is held and the laudatory treatment of the Holy Grail of Social Security to the highly critical public attitude toward welfare. Despite the fact that Medicare and Social Security both contain some elements of wealth transfer, people still greatly prefer these programs over Medicaid and welfare, in part because Medicare and Social Security provide benefits to all instead of entitlements to only a select few.¹⁴ (Although wealth transfer was not the main focus of our poll, some of the questions alluded to it.) This is precisely the reason that numerous people find fairness normatively more compelling than a similar term: equality.¹⁵

If one were to seek through universal terms to address these same issues in the context of fairness rather than equality (or procedural justice rather than social justice), one would not reference the disgraceful statistic that there are 44 million Americans with no health insurance. Instead, one would discuss the need for everyone to receive health care coverage. Likewise, one would not harp on joblessness but rather focus on the promise that in a fair

society all Americans who wish and need to work will find employment. One would not frame the normative and political give-and-take in terms of class warfare or reallocation of wealth but through observations that we are all God's children. And finally, one would not speak only to the rights of this or that group but to the vision that all Americans be treated in the same, fair way.

NOTES

1. The other 500 likely voters in the sample pool were given the same policy statements and asked to respond to them in terms of how upset the assertions made them (very upset, upset, not upset, and so on).
2. The seven policies were not randomized; that is, they were read to all respondents in the same sequence. This did not matter for the purposes at hand because I was interested in the halo effect of all seven. However, one should take this fact into account if one seeks to assess which elements provoked the greatest sense of consternation.
3. For further discussion about the USA Patriot Act from a communitarian perspective, refer to Amitai Etzioni, *How Patriotic Is the Patriot Act? Freedom versus Security in the Age of Terrorism* (New York: Routledge, 2004).
4. As earlier noted, the category of "A Little Unfair" has been omitted, and the figures for the "Total Unfair" category have been adjusted to reflect its absence. Again, the category of "Don't Know/Refused" has also been removed. However, as this category had no bearing upon the data listed in the summary categories of "Total Fair" and "Total Unfair," its removal is of little consequence.
5. The policy statement about the USA Patriot Act actually garnered greater affirmations of fairness than the statement about CEOs' salaries. However, the issue of the Patriot Act is one that is politically charged, causing many likely voters to respond according to their individual party's position as opposed to what they personally deem fair or unfair.
6. Tom Tyler, *Why People Obey the Law* (New Haven, CT: Yale University Press, 1990): 98-101.
7. John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971): 96.
8. Among those who have taken issue with a theory of fairness grounded in self-interest, see Norman Finkel, *Not Fair! The Typology of Commonsense Unfairness* (Washington, DC: American Psychological Association, 2001): 47.
9. See Amitai Etzioni, *The New Golden Rule: Community and Morality in a Democratic Society* (New York: BasicBooks, 1996).
10. William Damon, *The Moral Child: Nurturing Children's Natural Moral Growth* (New York: Free Press, 1988): 36.
11. James Q. Wilson, *The Moral Sense* (New York: Free Press, 1997): 70.
12. *Ibid.*, 65.
13. See Wilson, *The Moral Sense*.
14. See John Thibaut and Laurens Walker, *Procedural Justice: A Psychological Analysis* (Hillsdale, NJ: Erlbaum, 1988).
15. See Jonathan Wolff, "Fairness, Respect, and the Egalitarian Ethos," *Philosophy and Public Affairs* 27, no. 2 (Spring 1998).