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# Developmental Changes in Concepts of Justice<sup>1</sup>

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## I. Introduction

Among the cognitive systems known to influence social behavior and social values, concepts of justice are of particular importance. They offer standards against which past and prevailing social orders, laws, regulations, demands, judgments, and the fate of other humans may be measured. Common experience teaches that the awareness of having been treated unjustly can be agonizing and under some circumstances even pathogenic. Attempts to rectify injustice may range from acts of charity to lawsuit; they may incite the individual to acts of revenge or the masses to political revolution. The desire to behave and be treated in a just manner, as well as the need to believe in a just social order – if only as a fictitious entity – are the determinants of a great number of actions and moral judgments (Lerner, 1977).

Exactly what qualifies an action or judgment as just, however, is a matter of continuing debate. The standards of justice actually implemented vary according to the situation, the perspective of the observer, and the perceived quality of the social context (Deutsch, 1975). Concepts of justice change with societal change (Sampson, 1975) and they are known to vary as the individual reaches new stages in development (Berg & Mussen, 1975).

Acknowledging the importance of experiences of justice or injustice, it is surprising to learn that psychology has not shown much interest in this topic until recently. Valuable knowledge still remains fragmentary, and the generalizability of research results – often produced in experiments of questionable ecological validity – is far from being firmly established. In this paper

<sup>1</sup> *Editor's note:* This manuscript was translated into English by Donald Doenges.

an attempt will be made to constructively analyze different approaches and results in this vital area of developmental psychology.

## II. Prototypical Questions from a Developmental Perspective

As a first step, some specifically developmental problems concerning concepts of justice will be outlined – a task perhaps conveniently accomplished by an analysis of allocation behavior. If subjects in different age groups are allowed to distribute rewards between themselves and playmates in an experimentally arranged situation, age differences appear in the use of allocation principles such as equality (parity or equal rewards for all), equity (allocation of rewards in proportion to input or contribution), or egoism. A paradigm in which the distributing child is only a neutral observer (“supervisor”) of the recipients also reveals developmental trends.

All published developmental studies are consistent in reporting age differences (e. g. Mikula, 1972). The unanimity concerning results stops at this point, however. Exactly which differences occur is an issue that is far from being resolved. Some studies reveal a developmental trend from the application of the equality principle to the use of equity. Other studies report the opposite. Obviously, knowledge sufficient to establish reliable age norms for describing these trends is not available at present. Upon closer inspection such conflicting results are hardly surprising.

As a rule, any allocation according to contributions is assumed to reflect the application of the equity principle. An equitable allocation, however, may be achieved by considering such varied factors as observable performance, effort, ability, need, or age of the recipients. Unfortunately, the cognitions actually mediating an equity allocation decision have not been systematically assessed. Further, interpersonal forces such as the desire to avoid conflict among the players, the need to display one's own generosity, or the pragmatic appraisal of the partner's expectancies may lead subjects to distribute rewards in a manner approaching equality.

The effect of such factors may be mediated by implicit or explicit demand characteristics of the experimental situation. Changes in experimental instructions, for example, influence the probability of implementing an equality principle as opposed to an equity principle (Nelson & Dweck, 1977). Designating pairs of children as team or nonteam playmates affects preferences for allocation (Lerner, 1974), as does assuring the allocators of varying grades of anonymity prior to their decision (Streater & Chertkoff, 1976). Arranging interactions between partners that precede the allocation decision may lead to the actualization of a reciprocity norm which overrides the effects of perceived differences in contribution (Cox, 1974). When incompatible principles become operative, decisions may be difficult to predict: both the selection of one or the integration of several principles are possible (Anderson & Butzin, 1977).

Stating conclusions from a concrete allocation decision in terms of concepts of justice is premature as long as cognitions and valuations leading to this decision remain unanalyzed. Thus, Nelson & Dweck (1977) found that preschoolers often did not perceive themselves as just after having made a parity allocation when their own contributions were smaller than those of their playmates. Results from attitude research show that the relationship between values and behavioral decisions is, in general, very tenuous (Six, 1975), and it is known that norm oriented behavior may be highly inconsistent across situations, even when seemingly similar behavioral categories such as honesty in achievement situations (Hartshorne & May, 1928) or undemanding helping behaviors are considered (Rush-ton, 1976).

These inconsistencies may be more easily understood when considered within the framework of an appropriately differentiated model of human action (see e. g. Mischel, 1977). Some of the essential components of such a model may be conceptualized as

- 1) the capacity to anticipate the short and long term consequences – including evaluations of significant others – of implementing certain behaviors,

- 2) personal normative beliefs to be used as standards for evaluating the means and ends of one's actions,

3) the capacity to define behavioral ends (goals) in the interface between situational demands and one's personal value system,

4) the repertoire of behavioral means, i. e. of abilities available to achieve chosen ends, or the capacity to generate new means if and when new situations demand them, and

5) the self-management or self-control competencies needed to resolve conflicts between disparate goals or between goals and normative beliefs, as well as those needed to regulate efforts or to process cognitions of dissonance when disparities arise between outcome and effort or between normative beliefs and behavior (attribution of causes and responsibilities, justifications, etc.).

Previous developmental studies conclude that there are age differences; they do not give information as to which components of a model of action or decision provide the basis for these differences. The structure of a behavioral decision may change as development progresses. Most probably, planning and information integration processes will become increasingly complex, but single components such as normative beliefs or the repertoire of behavioral means will be altered or transformed as well. The model outlined above enables one to see that observed allocation decisions allow no valid conclusions about the structure or content of concepts of justice; conversely, knowledge of structure or content would hardly suffice as a basis for the valid prediction of allocation decisions.

Posing research questions in this area from a typically developmental perspective leads to the conclusion that empirically founded knowledge is relatively sparse (Montada & Filipp, 1978). The following questions are formulated only with respect to component 2) in the above model of human action but may easily be extended to other components.

1) Are there age differences with respect to the structure of concepts of justice or with respect to preferences for concepts?

2) Is there an observable sequence or systematic progression in the development of concepts of justice and possibly some intrinsic association between developmental stages?

3) Are there preconditions for the transition from one stage to another or critical periods mediating the effectivity of con-

ditions of change? Is there a matching principle which exists for a particular developmental level and certain environmental stimuli?

4) At which point in development are individual differences recognizable?

5) How stable are these individual differences as a function of time?

6) What conceptual model, e. g. a differentiation or integration model, is most adequate for describing and predicting changes in the structure of justice concepts?

At present there exists some knowledge concerning the developmental progression of arguments used as the basis for moral judgments (Kohlberg, 1971; Piaget, 1965). There is also some certainty about developmental changes in the area of action and self-control competencies, as well as information about development of causal attributions in achievement situations and ascriptions of responsibility. In none of these areas, however, does one find feasible age norms, information estimating the stability of interindividual differences, or a specification of the conditions which give rise to such differences.

### III. The Development of Allocation Behavior

The distribution of goods can be organized in differing ways and according to widely varying criteria. Those interested in allocation behavior as a developmental phenomenon will ask either whether an orderly sequence in the application of allocation principles can be discerned or whether an increasing number of principles – depending on the level of development – will be integrated in the allocation decision.

The experimental designs contain an implicit third question, namely, whether the allocation behavior of subjects of a specified age can be influenced by aspects of the particular problem or of the experimental situation in a characteristic manner. Thus, the role of the allocator (as recipient or supervisor), the type of relationship between playmates (team or non-team), the type of decision process (personal decision vs. prior agreement), the degree of anonymity, the preceding interactions and rela-

tive levels of contribution, the effort, ability, and needs, etc., are variables which have been manipulated in different experimental designs.

Why did researchers expect to find developmental differences in the use of principles of justice? From the standpoint of cognitive theories of development, such as those represented by Piaget or Kohlberg, the differences between equity, equality, and need principles are clearly differences in content and not of structure. A developmental logic – in structural terms – has not yet been cogently formulated.

Structural differences of level would be given, for example, if the application of different principles demanded argumentation patterns of varying complexity. By way of illustration, one could consider some of the questions which the allocator may have conceivably posed while deliberating an allocation decision. The answers to these hypothetical questions constitute the material of a truly structural analysis.

Which of the players contributed the most? Did differences in performance originate in a fair and just manner? Did performance differ as a function of internal (ability or effort) or external (such as chance) factors? Were the conditions of performance comparable for all participants or should performance be evaluated in light of differences in age, size, strength, talent, or previous practice? Who needs the reward most? What expectations does each of the playmates have – do they consider themselves to be members of a team or competitors? Would the players expect or be likely to accept allocation proportional to performances, amounts of effort, or individual needs? A number of further questions of this sort are easily conceivable.

The level of complexity of an allocation decision is quite modest if made solely on the basis of one aspect such as performance or need. The level of complexity is considerably higher if an attempt has been made to integrate several aspects – perhaps with the help of appropriate weighting procedures. Since the general acceptance of a decision as a just one is likely to be enhanced by considering the points of view of all persons involved, the highest developmental level would be reached when the effects of the decision – together with accompanying justifications – have also been considered. The allocator might

even ask himself whether or not his decision could be used as a general rule of conduct by others (Kant's categorical imperative).

The decision for a particular allocation proposal may come about in different ways and may be founded at degrees of complexity corresponding to different developmental levels, in which case it would be false to assume that one and the same principle of allocation had been operative. Kohlberg (1971) is correct in using not the decision itself as the point of departure for a developmental diagnosis but its argumentative basis – the structure of which can be scaled on a dimension of complexity.

An allocation decision in accordance with the equality principle may be observed under widely disparate conditions. The allocator may a) simply overlook performance or other differences between participants, b) become aware of differences in performance but attribute them to external factors and therefore consider them irrelevant for the allocation decision, or c) have the tendency to consider externally attributed factors as relevant for the decision because of the type of situation (game of chance) but then neglect them in the last analysis because he perceives the playmate and himself as members of a team.

By formulating further conceivable cognitions of the allocator, more examples of this sort may be constructed to lead to the following conclusion: the mere observation of an allocation decision reveals nothing of importance about the underlying developmental structures. It follows that a large portion of studies of allocation behavior published to date, has achieved only a first small step in the direction of new developmental knowledge.

Norman Anderson (Anderson & Butzin, 1977) took a step in the right direction in a study of developmental changes in information integration processes occurring in allocation situations. He attempted to identify the age at which children are able to integrate different aspects of the situation into the allocation decision. Four to nine year olds were offered stories in which two children differed with respect to two of three variables: contribution, effort, and need. Results show that four year olds have an astounding ability to consistently integrate

different aspects of appropriately selected material into an allocation proposal. Presentation of all possible pairs of the three variables produced no appreciable variation in allocation decisions. Further, there were no significant differences between age groups. Even four year olds were able to weigh differences in effort against varying degrees of need. They are apparently capable of the operation of logical multiplication of several variables (Montada, 1968).

On the basis of Piaget's theory one would expect the four year olds to be in the preoperational stage characterized by centration on one variable with corresponding limitations to the ability to integrate information (Montada, 1970). Since integration presupposes decentration, however, Anderson's youngest subjects are obviously processing information at the operational level in the Piagetian sense.

Anderson & Butzin (1977, experiment III) established a relationship between level of development and the degree of complexity involved in the required information processing. Each of the recipients in the stories was categorized with respect to his needs and performance. The comparison of both recipients therefore required the integration of four variables: the needs and performances of both persons. According to Piaget, this increase in complexity would lead to a "horizontal décalage"; because of the increased cognitive load cognitive structures could be elaborated only at a higher level of development (Aebli, 1962).

There are no differences in the means of allocation decisions for different age groups in Anderson and Butzin's study. The fact is, however, that individual differences resulting from the processing of different amounts of information are cancelled out when means are calculated. In an analysis of the answers of each subject, the authors found that all eight year olds, six of the six year olds, and still less among the five and four year olds utilize all four variables when making a decision. Nonetheless, it is surprising that half of the youngest children were capable of integrating 2, 3, or 4 of the relevant variables.

The approach taken by Anderson & Butzin is adequate from a developmental perspective. They analyze the structure of problem solving processes and systematically vary the degree of

task complexity. But do these authors deal with the development of concepts of justice?

Competency in processing information and the subjective evaluation of principles of justice are two different things. The authors pose an intellectual problem, the solution of which reveals nothing about the values a child has developed and accepted, or activated in a biotic situation. The same form of analysis could be used for Piagetian problems on the invariance of mass, weight, or number (Anderson & Cuneo, 1977). It is questionable if the normative aspect, that of obligation, has been dealt with at all. The emotional-evaluative aspect of justice seems to have been neglected. Indices for the presence of feelings of guilt following a distribution contrary to one's justice concept or evidence of dissatisfaction with a particular allocation should be included in a more specific analysis of beliefs in justice.

Anderson's results are at variance with the assumption that preferences for specific forms of allocation are a monotonic function of age. The alternative hypothesis states that several criteria for a just distribution may be available to the child at an early age. It is likely that in every decision a certain number of criteria will be taken into account in an integrative process or, conversely, be rejected in a selective process, if the child is involved in a normative conflict. Depending on experimental conditions and individual predispositions, single criteria will be differentially weighted before being combined in a distribution proposal. The developmental analysis of allocation behavior must therefore include the cognitive processes preceeding the distribution decision.

Leventhal, Michaels & Sanford (1972) demonstrate that conflict is latent in equitable distributions even when the allocator is not a recipient of rewards. In one experiment, instructions to avoid conflict when distributing rewards among four partners led to more distributions approaching equality than instructions not to worry about possible conflicts. In a second experiment, allowing the distributor to remain anonymous and relieving him of communicating his decision to the playmates, led to input-proportional allocations.

Like Morgan & Sawyer (1967) before them, Streater & Chert-

koff (1976) found that when allocation is the object of bargaining, equal rewards are nearly always proposed – even when prior inputs are disparate. The authors argue that the loss of anonymity favors a decision based on equality.

Still another type of norm conflict is evident in the demonstration by Leventhal et al. (1972) of the effects of a norm of reciprocity. Depending on whether they were treated generously or unfairly by their partners in a first allocation decision, subjects compensated the first distribution in a second decision which they determined themselves. Using a test of altruism, Dreman & Greenbaum (1973) found clear evidence of the existence of a norm of reciprocity for middle class boys as young as five years.

Melvin Lerner's concept of the personal contract has implications extending beyond those inherent in exchange principles (Lerner, 1977). This concept is founded on the hypothesis that people form judgments in accordance with a standard of entitlement and clearly register positive or negative deviations from this standard, i. e. are acutely aware of their getting or not getting "what they deserve". Negative deviations lead to dissatisfaction, but positive deviations also have an effect. Those who feel that their performance has been too highly rewarded, for example, develop a significant readiness to contribute to the needy. In each situation information is considered in light of the personal contract before "just" demands are formulated.

Lerner believes that as development progresses, more and more decisions are made in accordance with his concept of "the personal contract". But the empirical evidence he cites in favor of this hypothesis is more or less indirect. Olejnik (1976), on the other hand, has found evidence of the reverse trend. Subjects' willingness to contribute to others' rewards which they believed to have earned justly increased with increasing age (from preschool to the third grade); when they did not feel entitled to the rewards, subjects' contributions to others decreased.

The criteria that determine what one is entitled to or which reward is equitable will in general be specified by processes of social comparison and evaluation. Interesting developmental changes with respect to these criteria and their application to

the process of forming judgments are shown by research on attribution of causality in achievement situations.

#### **IV. The Development of Justice Concepts from an Attribution Perspective**

As a result of ideas put forward by Heider (1958) and Rotter (1954), attributions of the causes of achievement have become important themes in the psychology of motivation (Weiner, 1972). Analyses of this phenomenon typically are limited to the causal categories of ability, effort, task difficulty, and chance, which may be considered on the dimensions internal-external (ability and effort vs. difficulty and chance) and stable-instable (ability and difficulty vs. effort and chance). Empirical research regularly reveals that judgments both of one's own and others' achievements are functions of these categories: a just evaluation of an achievement requires the diagnosis of its causes (Meyer, 1973).

The discussion in this section will be limited to interesting developmental aspects of research on achievement attributions. Weiner & Peter (1973) have shown that success and failure experienced by other people will be regarded differently at varying ages, depending on estimates of the others' ability and effort. Even the youngest subjects in their study (4- to 6-year olds) tended to weigh information concerning these causes when evaluating achievement, and the 7- to 9-year olds did so to a very considerable extent. Beginning at the latter age, success is judged more positively and failure is judged more leniently if the actor is seen to have expended considerable effort. The importance of effort for the evaluation of achievement seems to decrease somewhat in later adolescence, however.

Since various causes usually work together to determine achievement, it seems natural to ask if, and how, diverse bits of information are integrated and diagnostically evaluated at different stages of development. Kun (1977) recently published a well-designed study in this area. Subjects of varying age (from first grade to college) judged either the effort or the ability of other persons on the basis of information specifying the per-

sons' actual performance, task difficulty, and a particular level of one of the two internal characteristics. For example, subjects were asked how high achievement could occur under conditions of high task difficulty and low ability. This question was expected to elicit an answer revealing estimates of the previously unspecified internal cause of performance: in this case effort.

The results for first graders showed a linear relationship between perceptions of the internal determinants and actual achievements, but there was no evidence of a compensatory weighting of effort and ability. Apparently, first graders do not recognize the possibility of compensating modest levels of ability with exceptional effort or low levels of effort with high ability. The fact that compensation may play an important role in the attribution of achievement was demonstrated in the above-mentioned study of Weiner & Peter (1973). For some age groups, success attained under conditions of high effort is judged differently at varying levels of ability.

Attributional analyses, however, not only touch upon the core problems of research on justice when dealing with judgments of success and failure. They are of equal relevance when evaluating the justice of punishments derived from ascriptions of legal and moral responsibility (Montada, 1978). Some knowledge about developmental changes with respect to ascriptions of responsibility stems from the research traditions founded by Piaget (1965) and Heider (1958).

Each of Heider's proposed five ways of interpreting responsibility may be illustrated in historical and everyday examples (Ross & DeTecco, 1975). At the most primitive level of ascription, called "association", a person is held responsible for every action he is associated with in any way. An example of this extreme level of ascription is given when descendants are blamed for their ancestors' crime. The idea of the original sin, although foreign to most contemporary thought, subsisted for a long period of time, and, in the middle ages, the argument that the Jews were responsible for Christ's death was used to justify widespread persecution.

At the next level, "commission", a person is held responsible for all consequences of his own actions whether or not they were intended and whether or not they could be anticipated. The

significance of the distinction between the concepts of negligence and intent, or between accountability and non-accountability are not recognized at this level.

At the third level, that of "foreseeability", one is held responsible for the predictable consequences of one's actions whether or not they were intended. The distinction between negligence and intent becomes important at the "intentionality" level of ascription, at which a person is only held responsible for the predictable and intended consequences of an action.

At the fifth level, "justification", those who act much in the same manner most people would in an exceptional or unusual situation are no longer expected to assume responsibility for their acts. Examples are killing while fulfilling one's duties as a soldier or stealing in order to end an emergency situation.

With reference to Piaget, Heider postulates orderly developmental progress from the global to more differentiated ascriptions of responsibility which take situative factors and intentions into account – a development for which partial evidence has been offered by Shaw & Sulzer's (1964) comparison of grade school children and college students. Heider, however, was also aware of the fact that adults frequently ascribe responsibility in a primitive manner; according to his view, each ascription judgment must be elaborated with respect to a specific situation.

In much the same manner Schwartz (1977) speaks of the construction of a moral obligation (responsibility ascription to the self) which is influenced by both situational and personal characteristics. The level of differentiation of norms thus constructed may be influenced a) by the disposition either to deny responsibility (Schwartz, 1977) or to retain the fiction of a just world (Lerner, 1977), b) by the processes of identification or cognition of social distance (Aderman, Brehm & Katz, 1974), as well as c) by the actual level of development. Shaw, together with several coworkers, was able to replicate the main results in the above-mentioned study (Shaw & Sulzer, 1964). In a study by Harris (1977), a new feature is introduced to the design; moral responsibility and causation are differentiated more clearly than in Shaw's studies. Subjects in five age groups (from first grade to college) watched short scenes in which a 9-year old



confederate broke a chair under different conditions. Harris found a pronounced interaction between age and ascriptions of responsibility, and an interaction between age and perceived naughtiness that approached significance. These studies corroborate Heider's levels of ascription as stages in the development of a child.

Ascriptions of responsibility play a significant role in the instigation of aggressive behavior. The perceived intentionality of a provocation was recognized in Pepitone & Sherberg's (1957) early study as an essential mediator between provocation and aggression. Shantz & Voydanoff (1973) studied the developmental significance of this relationship. They assumed, along with Heider and Piaget, that older children and adolescents would attribute more importance to the intentionality of an act. Results revealed that 7-, 9-, and 12-year olds react similarly to an intentional provocation (aggressive tendency was measured on a 7-point scale). Unintentional provocations, however, lead to less aggression with increasing age. Hewitt (1975) found that 12-year olds qualify their judgments with respect to differences in intentionality to a greater degree than 8-year olds, although even the younger children have a clear tendency to consider intentions when evaluating an act. Obviously, taking intentionality into account is not an all or none affair but a cognitive weighting of the relative importance of the intentions preceeding, and outcomes produced by an act.

Using Anderson's model of information integration as a point of departure, Surber (1977, experiment I) convincingly demonstrated developmental differences in the tendency to combine intention and outcome. He had subjects in four age groups (kindergartners, first graders, fifth graders, and adults) rate the goodness or naughtiness of a main actor in several short stories. Both the intentions behind an act and consequences of the act were varied in the stories at three levels.

Surber's results show that adults pay almost no attention to consequences; their moral judgments are based solely on intentions. Kindergarten children, on the other hand, weigh primarily the consequences of an act. They do, however, have the capacity to recognize intentions and integrate them into their moral judgments. If no description of outcome is included in

the story, for example, moral judgments at this early age will be differentiated exclusively and significantly according to intentions. When the story contains information about both intentions and outcomes, however, kindergarten children will tend to neglect intentions as important variables. With increasing age, the relative weight of intentions increases with respect to that of outcome.

The process of forming moral judgments is therefore the same in varying age groups – namely, a process of information integration. But the relative importance of intention and outcome changes as a function of developmental level. (Surber [1977] replicated this general pattern of results in a second study, in which both negative and positive outcomes were included in the stories.)

The developmental trend from the consideration of outcomes to considerations of intentions is one of the most frequently cited hypotheses of Piaget, who described the development of moral judgments in an early work that became very influential and instigated a large number of empirical studies (Piaget, 1954). Kohlberg is another representative of the tradition of cognitive developmental psychology, which has generated most of the developmental knowledge in this area.

## **V. Concepts of Justice in the Structural Tradition: Piaget and Kohlberg**

Piaget distinguishes between two stages of moral development – a stage of heteronomous morality or moral realism, and a stage of autonomous morality or moral of cooperation. He interviewed 5- to 13-year old children on such disparate topics as the origin of rules, the possibility of changing rules, the concepts of justice implicit in allocation and punishment, and lying and obedience. According to Lickona (1976) Piaget's two stages can be differentiated into nine discernable levels progressing from

- 1) absolutism of moral perspective to the awareness of differing perspectives,
- 2) the conception of rules as unchangeable to the realization that rules may be revised by agreement or contract,

3) a belief in "immanent" justice, i. e. the belief that every misdeed will be expiated, whether or not it has been discovered and punished by others, to a belief in allocated justice,

4) "objective responsibility" in judging blameworthiness to a consideration of motives and intentions,

5) the definition of a misdeed on the basis of forbiddance or punishment to a conception of a misdeed as a violation of social bonds and trust,

6) an understanding of punishment as expiation to an understanding of punishment as a measure of restriction or – in which case it attains the character of an argument – as a natural consequence of the misdeed,

7) preference for punishment by authorities to a preference for reciprocal measures by the victim,

8) dependence on authority (in the sense of unquestioned acceptance of measures such as reward, allocation, and punishment as just because they were proscribed by authority) to an autonomous conception of justice, and

9) a definition of duty as obedience to rules and prohibitions set down by an authority to a definition of duty based on the concept of responsibility for the welfare of others.

These developmental tendencies are well founded on empirical evidence (Lickona, 1976), but a number of inconsistencies are apparent. The level of moral judgment, for example, is often influenced by research method or by situation parameters which have not been systematically studied. Further, the structural aspects of judgments are not clearly distinguished from aspects of content, giving rise to a confusion of socialization with developmental processes.

Piaget does not try to determine age norms; his methods of study do not have the precision requisite for such aims. Instead, he aspires to describe a developmental sequence as a necessary, irreversible, and universal process of change.

This is also Kohlberg's aim. He has constructed a differentiated developmental scale from interviews with 10- to 16-year old youths. Kohlberg used a number of moral dilemmas depicting a norm conflict as the framework for these interviews, just as Piaget had done. For example, a pharmacist has a special medicine that might save the life of a woman who is critically

ill. The woman's husband, however, is not able to raise the large amount of money the pharmacist is demanding for the medicine. Thus, a dilemma is posed: is a theft of the medicine justified? Another story concerns the problem of euthanasia; a third deals with a scene in which a father fails to keep a promise made to his son.

The developmental researcher is not interested in the specific judgment elicited by such a conflict situation but in the structure or pattern of the arguments on which the judgment is based. Kohlberg originally posited six developmental stages which are ordered at three distinct levels. A later reformulation (Kohlberg, 1971) led to the addition of a further stage (4½ between stages 4 and 5). Kohlberg believes that each stage reveals typical concepts of justice characterized by a specific structure which becomes more differentiated and balanced as the child's development progresses. Justice is understood as a form of compromise between conflicting demands of different persons. According to this view, moral reasoning progresses from a pre-moral level characterized by a hedonistic orientation to external consequences, to a conventional-conformist level with an orientation toward important social partner. Finally, at the highest level, an orientation develops toward either autonomously constructed principles of justice or to those principles agreed upon by persons in a type of social contract.

These stages should be considered in greater detail. At the pre-moral level an egocentric perspective is prevalent. Avoiding punishment, satisfying one's own needs and interests, and recognizing the power of authorities are justifications for moral decisions. The interests of others are not systematically taken into account, other than in the sense of direct reciprocal exchange or momentary attraction to another person – factors which seldom influence judgments systematically. Judgment processes are not complex and as a rule are the product of more or less spontaneous cognition. The moral reasoning is not consistent; contradictory judgments can readily be expected, depending on the opinion of an authority or on the quality of exchange with a partner.

Consistency and stability are more pronounced at the conventional level, i. e. at stage three. Here, a predominant desire

to maintain positive social relationships leads to a search for solutions acceptable to all. Just solutions at this level are those that preserve or reinstate good social relationships. The search for solutions, however, is limited to the consideration of those persons or groups with whom a good relationship is considered to be important. There is no consideration of abstract categories as mankind, the state, or the society; only the family and other primary groups are taken into account. Conflicts between two important social partners, with whom one wishes to maintain friendly relations, may lead at this level of development to an insoluble conflict of judgment.

At the fourth stage there is a shift from an orientation towards single persons and groups, to an orientation towards large social systems such as the state or the religious community; the system becomes more important than primary social relationships. Now justice implies not mere friendliness and balance in interpersonal exchange processes but is seen as the fulfillment of a social order which regulates the rights and duties of all. Whereas the first stage of moral development is characterized by obedience to authorities, at the fourth stage obedience is to the prevailing social order (the "law and order" posture). This stage has several sources of potential conflict. The maintainance of the system will only be free of conflict when it is unconditionally accepted by all members. Modern legislative practice is characterized by the attempt to deal with newly surfacing conflicts through the amendment of old, and the passage of new laws. Conflicts may become apparent in the contradictory implications of two different laws, in disparities between codified laws and common convictions of what is just or basic constitutional rights, and in legislation produced by majority rule but contrary to the interests of minorities.

At the fifth stage of development, new concepts of justice offer possibilities for solving the aforementioned conflicts. The existing social system is no longer accepted as unquestionably just and worthy of defence. Rather, it is conceived as a social contract that has been agreed upon by the various social partners and may therefore be subject to change. Justice is no longer solely a question of the content of laws or decisions, but a question of the procedures involved in reaching solutions and ad-

justments. The individual relinquishes his rights to the contract partner (persons, groups, or the state) and demands certain guarantees in return.

The protection of basic human rights is one of the guarantees often mentioned in connection with the state's duties as a contract partner. These rights transcend those of the state and should never be surrendered to the state. In conflicts between basic human rights and codified statute law, human rights are pre-eminent. Why are such contracts agreed to? Most often, the principle of maximum utility is formulated in this context; it implies that the contract aims at securing the greatest utility for all.

The sources of conflict inherent at the fifth stage of development are therefore apparent. Can a decision be reached when consensus has not been found? Will a majority decision be accepted as just – at least when the procedure of majority decision itself has been agreed upon and when no basic human rights have been restricted? The principle of maximum utility may also lead to problems. Assume, for example, that the death penalty has a deterrent effect (which has not, by any means, been unequivocally established). In that case, a reintroduction of the death penalty might save many innocent victims, but it is also possible that some innocents would be executed after an unjust conviction. According to the principle of maximum utility, such a result would justify the death penalty because the total number of innocent victims could be effectively reduced. But because an imperfect judicial system will produce its own victims, the conflict remains (Kohlberg & Elfenbein, 1975).

Kant formulated the categorical imperative in the following way: when dealing with other reasonable beings (whether yourself or another) act as if your every action were a goal in itself and not a means to a goal. The use of deterrent force, however, uses human life as a means. Respect for human life is – together with Kant's first formulation (behave in such a manner that your behavior may become a maxim for others) – the basis of a general conception of justice first reached at the sixth stage of moral reasoning.

At this sixth stage, the real essence of the morality implicit in Kant's maxim is finally realized: an ideal form of role taking

as the basis of just decisions. At this highest stage, moral judgments may be considered to have universal implications because they are constructed in a consistent manner. According to which procedure?

Kohlberg argues that a decision cannot be considered morally balanced as long as contradictory claims have not been harmoniously integrated. A solution is balanced if each of the parties involved accepts it and at the same time is willing and able to participate in the situation from the standpoint of all others. This means reciprocal role taking by all participants.

Role taking is also found at other stages. At stage 3, for example, one finds the golden rule: "Assume the position of the other person before making a decision". But at that stage role taking involves only one, not all roles simultaneously. When in the role of a murderer, one might reject the death penalty as unjust; in the role of a victim or potential victim of a murderer, one might view the death penalty as a fully justified measure.

At the sixth stage of moral development, the golden rule is formulated at a higher level. Judgments must be formed a) on the basis of the claims of all involved persons, and b) under the precondition that all involved parties have considered the claims of all others.

The ideal level of role taking is achieved by successively satisfying the following three imperatives: first, take the role of each of the involved parties and consider the claims they are making; second, try to imagine that you do not know which of the roles you will eventually take in the situation; third, formulate the judgment in such a way that you would be able to accept it even when in the role of the least privileged party.

These three steps are contained in Rawls' concept of "justice as fairness" (Rawls, 1977). To take a simple example, when a pie is to be divided equally among two persons, one of these persons should divide it, and the second should be allowed first choice of a piece. Each of the parties would be likely to accept this procedure inasmuch as neither knows beforehand who will have first or second choice, and one may conclude that the procedure is fair.

In Rawls' formal conception, decisions or procedures are considered just if a rational person in an "original position" is

able to accept them. An original position is the standpoint of a person who does not know which position he will eventually have to accept in a decision situation, i. e. each person has the same probability of having to take the role of the weakest or lowest. The idea of the original position seems to insure a search for a fair decision principle.

Since no one would be able to determine his social position, abilities, intelligence, wealth, or prestige in advance, no participant would be likely to make a decision defending or justifying personal privileges. Each person would prefer to make a decision in such a way that it would be acceptable even from the standpoint of the least privileged. This is the highest level of a concept of distributive justice – that which should be operative in cases in which human rights and freedoms, opportunity and power, income, standards of living, and self-esteem are to be allocated.

Rawls' model does not deal primarily with procedures adhering to rules, but with procedures about rules. It may be conceived as a contracting game in which all players have a pre-specified information deficit. All players are knowledgeable about social sciences, but this knowledge is primarily cognitive and not emotionally or egocentrically distorted. All players are aware of the fact that the members of a society are blessed with talent to unequal degrees, that they will have to play diverse roles and accept widely differing positions of status. They do not know which place they will be asked to take in this spectrum of differences; they cannot foresee which status they will enjoy. Obviously, at this point the border between reality and utopia has been crossed, since information deficits of this type are impossible to create. Nonetheless, this vision may be variously approximated in real life and is acceptable as a goal (Höffe, 1975).

At the last of Kohlberg's stages of moral development, principles are formulated which serve as general rules for the solution of normative conflicts. What are the consequences? Deliberation at this level of development leads to the discovery of injustice in our society. As a consequence, criticism and attempts to influence social institutions may be expected – at least to the extent that the justice of these institutions is suspect.

Only at the post-conventional level of moral reasoning is the denial of obedience to governmental or personal authority to be expected when autonomously constructed convictions of justice are threatened.

As a matter of fact, several studies show that Kohlberg's developmental scales predict resistance to unjust or reprehensible demands of authority in the form of civil courage, nonconformity, and civil disobedience. Subjects who argue at the post-conventional level of judgment are most likely to refuse obedience in Milgram's design (Milgram, 1974).

In this group one also finds those who react most sensitively to injustice in the world. One needs only look past the borders of one's own secure, middle-class existence, to be confronted with the challenges of a truly ideal concept of justice in a world afflicted by starvation, ignorance, and powerlessness – in a world of victims.

For the politically active youth in the USA of the sixties, the important themes were Viet Nam, the deaths caused by American bombs, and the fight for civil rights. Keniston (1970) and Haan, Smith & Block (1968) studied groups of the politically active. Results show that persons at the highest level of moral development were clearly overrepresented in these groups. This may perhaps be true only of the initiators – those producing the seminal ideas – and not of the followers, who are likely to be characterized by diverse motives and affiliations. As members of the middle-class, they often are not able to enjoy their privileges and attempt to compensate their feelings of guilt with a crusade for a more just society and a more just world.

Fishkin, Keniston & McKinnon (1973), in an analysis of the relationships between level of moral judgment and political-ideological convictions, demonstrate that political activism is no unitary phenomenon; peaceful and militant forms must be distinguished. The militant forms of activism appear most frequently at the pre-moral, the peaceful forms most frequently at the post-conventional level of moral reasoning. Even more unequivocal is the reported relationship between conservatism and the fourth stage of Kohlberg's scale – results which corroborate those of Haan et al. (1968). The defense of the existing social order is not compatible with "radical" demands for change.

Kohlberg constructed his scale by evaluating arguments given to solve moral dilemmas, not by observing factual decisions or surveying justifications in actual situations. He has assessed everyday moral philosophy. The above-mentioned studies demonstrate the scales' predictive value for several areas of social and political activity including ideological convictions. We should not expect such convictions to be directly transformed into behavioral decisions. As has been argued above, there are many factors hindering the realization of one's convictions in behavior (Montada, 1978).

## VI. Development or Socialization?

Kohlberg's scale of moral judgment is presented as a developmental scale in the restrictive sense of the word – as a necessary, irreversible, goal-directed, and universal sequence of developmental stages (Kohlberg, 1971). As evidence for this thesis, descriptive studies which produced results conforming to the developmental model in a variety of cultural and social environments are cited. Intervention studies in which an acceleration or regression of this development was observed (Turiel, 1966; Tracy & Cross, 1973), are considered to be of particular importance. If behavior corresponds to a stage model, however, a short term intervention should only enable one to progress to the next higher stage of development. An improvement of two or more stages would contradict the model, just as would a developmental inversion, i. e. a regression to an earlier stage provoked by experimental conditions (Montada, 1977).

The studies available to date demonstrate the difficulty of systematically raising or lowering the level of moral reasoning. If change is attainable at all, then most easily – according to the model – by approaching the next higher level. By way of criticism it must be said that Kohlberg has not offered an elaborated structural analysis of stage differences and that he did not specify structural differences to a degree sufficient to make the logic of the sequence transparent (for example, by considering the implicative relations between the higher and lower levels).

Interesting research by Yussen (1976) points to the possibil-

ity that competence barriers at a given developmental level are not insurmountable. Yussen queries whether adolescents and students are able to argue from several viewpoints in a moral dilemma. The subjects in this study were first asked to state their own position in a dilemma and then to continue by giving arguments likely to be put forth by a policeman and a philosopher. The number of post-conventional answers was chosen as the dependent variable. Results indicate that subjects are able to argue from several perspectives and in fact do so in an increasingly differentiated manner with increasing age. Not only were subjects able to give arguments below their own developmental level when taking the role of an average policeman, they were also able to assume a level above their own when considering a philosopher's perspective. The subjects therefore have the competence necessary to argue at a level above that which they spontaneously realize for themselves.

A replication of these results would certainly cast doubt on the designation of Kohlberg's scale as a developmental scale. If individual positions on the scale are not determined exclusively by cognitive competence but vary instead within a specified interval, it would be more appropriate to speak of an attitude scale – one which should covary with socialization variables. Differences between occupational groups such as those reported by Fontana & Noel (1973) are indicative of the plausibility of such an hypothesis.

If development is conceived as the lawful sequence of different stages, socialization effects can only be separated from developmental processes when structure and content are clearly distinguished. The content of a moral judgment will be determined by socialization influences – at least within the limits set by the structural development.

Current developmental research on concepts of justice reveals an undifferentiated mixture of age differences in content and structure. Piaget and Kohlberg do not succeed in formulating a satisfactory structural analysis. A convincing structural analysis in the area of allocation behavior has not been accomplished, with the exception of Anderson's information integration approach. From a structural standpoint, Heider's analysis of ascriptions of responsibility is more satisfying, because

each higher level reflects all the information implicit in lower levels, augmented, of course, by a specific amount.

Research in developmental psychology should be directed by hypotheses, if possible. Developmental hypotheses can only be derived from differentiated structural analyses in which the several elements and their interconnectedness are described in a hierarchical model of increasing levels of complexity. The inconsistent pattern of results yielded by developmental studies of allocation behavior offers ample evidence of the pitfalls inherent in a purely inductive approach.

## VII. References

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