Addressing Low Pay and the Working Poor: Structures of Argumentation in Elite and Public Discourse

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Abstract

In New Zealand's 2014 general election, a series of opinion polls demonstrated that the public was greatly concerned about inequality, poverty and "the wealth gap". Other work conducted that year indicated significant support for raising the minimum wage. In the actual election, however, the parties who campaigned most strongly on those issues (Labour, the Greens and Mana) achieved historically horrific results. Clearly, even when such issues are seen as important, other factors remain salient as people make their political choices. This paper offers insights into some of those "other factors". Drawing on survey, interview and focus group work conducted in 2014, and adopting Boltanski and Thévenot's (2006) typology of the 'grammars of justification' employed in public debates, it focuses on the structures of argumentation that elite and lay actors draw on as they advance claims. The paper concludes that New Zealand's pragmatic-positivist political culture privileges arguments that appeal to 'market forces' and the constraints imposed by 'external forces'.

Introduction

Public opinion towards low pay and the living wage (and towards inequality more generally) is marked by something of a paradox. In New Zealand (Skilling, 2013), as elsewhere, high levels of public concern over inequality and the situation of the working poor co-exists with an unwillingness to support policies and parties that promise to meaningfully address those issues (Bartels, 2005; Taylor-Gooby, 2013). This paper presents an analysis of the sorts of arguments that New Zealanders deploy when explaining their positions on low pay and the working poor. It begins by analysing what might be called "elite discourse" on these issues, referring primarily to debates surrounding proposals for a "living wage".

This summary of "elite discourse" provides a necessary backdrop to the paper's later discussion of the ways in which thirty-five members of the public (both individually, in interviews; and collectively, in three separate focus groups) made sense of the issues of low pay, the situation of the working poor, and proposals for a living wage. In analysing the competing claims made on these issues within both elite and public discourse, the paper offers two contributions. Firstly, as a matter of straight description, it specifies as precisely as possible (1) the points on which actors agree and disagree, and (2) the conceptions of the common good that are at play in these debates. Secondly, it contributes at the level of strategy. By analysing the structures of argument that have been most common and most effective within New Zealand's living wage debates (at the level of both elite and public discourse) the paper is able to identify with greater precision the set of assumptions shared by all players in these debates. It thus offers insights into the likely challenges faced by those who would disrupt and challenge status quo settings.

To achieve these aims, the paper draws on Luc Boltanski and Laurent Thévenot's (2006) work on

justification and - more specifically - on their typology of the 'grammars of justification' typically used as actors seek to advance arguments in the public realm. Boltanski and Thévenot's work is predicated on their assumption that the practice of argumentation is never entirely reducible to power and domination. While accepting that asymmetries of power are always present and relevant, their approach takes seriously the pragmatic need for actors to present arguments that can be accepted as reasonable by their audiences. In a public setting, in other words, an argument is unlikely to be effective if it takes the form "we should do X, which will be good for me and bad for you." It must, from a purely pragmatic point of view, at least make the claim that X satisfies criteria that are widely accepted as promoting the common good. Their insight is that these criteria are multiple, but not limitless. They advance six, which are listed and described as the paper proceeds.

The paper starts with the blunt fact that concern over the situation of the working poor, and support for raising the conditions of the low-paid (concern that has been demonstrated by surveys, and is confirmed here by interview data) has not translated into support for policies and parties that have promised to address those issues. Drawing on focus group data, the paper shows the mechanisms by which arguments made for increasing wages at the bottom can find themselves positioned as somewhat naïve and utopian. Those making such arguments (even if they evince strongly egalitarian commitments in a one-on-one interview setting) tend to defer in group settings to arguments that appeal to market "realities" and the constraints imposed by global competition. The paper concludes that New Zealand's pragmatic and positivist public culture has accepted the overweening power of market forces and (especially) global forces.

Theory: Grammars of justification

Boltanski and Thévenot derive six grammars of justification¹ that can be thought of, in Thévenot, Moody, & Lafaye's (2000, p. 236) phrase as six different 'generalised arguments': six different ways of making 'some claim to general applicability by reference to different sorts of values, principles or models for judging what is good, worthy, and right', while also considering the 'material or organizational arrangements which support the justifications found in each case' (ibid.) In New Zealand debates over the living wage, the three most relevant grammars have proved to be the market grammar (where a proposition is proved right or wrong by referring to price or cost, and where the ultimate test is market competitiveness); the industrial grammar (where a proposition is proved right or wrong by referring to technical efficiency, and where the ultimate test is competence and reliability); and the civic grammar (where a proposition is proved right or wrong by referring to collective welfare, and where the ultimate test is equality and solidarity); with an honourable mention to the opinion grammar (where a proposition is proved right or wrong by referring to renown, and where the ultimate test is popularity and recognition.) The different positions within the living wage debate are distinguished by (a) the different grammars that they emphasise and (b) the different ways in which they work within the same grammar.

In contradistinction to critical sociology (most commonly associated with Bourdieu), Boltanski and Thévenot's (1999, 2006) pragmatic 'sociology of critical capacity' refuses to reduce arguments to group interests, or to strategies of deception or domination (Bénatouïl, 1999; Boltanski & Thévenot, 1999, p. 364). This paper begins, then, by assuming that disputes are not simply reducible to a 'direct expression of interests nor to an anarchic and endless confrontation of heterogeneous

worldviews' (Boltanski & Thévenot, 2006, p. 12). In what follows, it will become clear, however, that the various grammars of justifications deployed, and the various constructions of the common good appealed to were strongly related in these debates to economic interests and self-disclosed ideologies. In short, I utilise Boltanski and Thévenot's typology to analyse the ways in which claims were made and denounced, but I do not uncritically accept their epistemology. I want to pay serious attention to the justificatory logic of the arguments made. I want also, however, to leave open the question of underlying power structures and group interests.

Elite discourse: grammars of justification in the living wage debates

In the analysis set out below of "elite discourse" in New Zealand on low pay, I focus mainly on the combatants in recent debates over proposals for a living wage. There is a danger here of blurring the distinction between proposals to raise the minimum wage on the one hand, and advocacy for a voluntarily-adopted living wage, on the other. Charles Waldegrave (2014, 2) is abundantly clear that 'the living wage is quite separate from the statutory compulsory minimum wage' and he is highly critical of Treasury (Galt and Palmer, 2013) and Brian Scott (2013) for conflating the two concepts. My rationale for focussing on the living wage debate is that both sides on the debate have addressed a bundle of issues (the problems associated with low pay, the situation of the working poor, and the advantages of better pay at the lower end of the income distribution) in a relatively coherent way.

I refer to the coalition of voices associated with Living Wage Aotearoa (LWA) as the "pro- side" in this debate, in that they are arguing for the living wage and, more broadly, setting out the advantages of better pay at the bottom of the *introductiondistribution*. Acknowledging that this side is represented by a wide variety of voices, including union, community and church groups, I rely lean here on the exposition found in King and Waldegrave (2013) and Waldegrave (2014). On the other side of the debate (the "anti- side") stands a sceptical response from the New Zealand Treasury (2013), statements from Minister of Finance Bill English (2013) that echo the Treasury report, and other negative responses from the business community (see, for example, Wellington Chamber of Commerce, 2013). Bearing in mind the caveat that the two sides were (at times) addressing different proposals, there is enough common ground to facilitate an analysis of these two groupings as distinct and opposing sides in the debate. In what follows, I use Boltanski and Thévenot's typology to identify the grammars of justification that distinguished the arguments of these two sides.

Within the *market grammar of justification*, a proposition is tested by its short-term performance in the market place. The only qualified experts here are market participants: customers and sellers. Taken in isolation, this view of the common good would imply that the labour market is a realm of private property and negative rights. It would imply that firms (as the customers of labour) and workers (as the sellers) should be able to settle on any price that they find mutually acceptable. In practice in New Zealand, the institution of the minimum wage circumscribes the scope of the market grammar. In the living wage debates, however, Treasury warns that raising wages at the bottom further would create disemployment effects. If a worker is worth than the minimum wage, they suggest, then that worker would be already getting more than the minimum wage, with no need for any talk of a living wage.

On the other side of the debate, Living Wage Aotearoa (LWA) and its allies rejected this sanguine view of the labour market, representing it instead as inherently a realm of unequal power, historically based on the master-slave relationship. This does not mean that LWA rejected the *market grammar* – they simply applied it at a different moment, asserting that living wage employers would enjoy a market premium, as consumers rewarded their decision. This argument combined the *market grammar's* test of market competitiveness with the strategic focus and the longer temporal horizon of the *industrial grammar of justification*. The argument here is that when employees are paid well, their morale productivity increases, and absenteeism, turnover and (therefore) trainings costs decrease. Better pay at the bottom thus serves as a strategy to enhance long term market competitiveness.

The anti- side was more or less silent on this particular point. Given their vision of firms as rational actors, Treasury and the government presumably assumed that firms would already be paying at a level that would maximise their viability and profitability. There was, from this perspective, little point to LWA's exhortation to firms to pay more, and potential danger to firms' viability if the campaign moved on to "naming and shaming" recalcitrant employers.

The other aspect to the pro- side's *market-industrial* combination was their argument concerning the positive macro-economic effects of increased pay at the bottom: a sort of neo-Fordist argument (see Lind, 2013) that this would stimulate aggregate demand, since the low-paid are more likely than the high-paid to spend any extra money. Evidence to this effect was presented from other jurisdictions, and especially from London, where "right-wing Mayor" Boris Johnson's (2012) endorsement of the effects of the living wage was widely referenced. Again, the anti- side did not directly engage on this point. The key message of Treasury's sceptical report was that lifting wages at the bottom from the minimum to a living wage was an inefficient way of solving the "real" problem, which was taken to be individual- and family-level hardship, rather than sub-optimal aggregate demand. Indeed: explicit here that living wage opposed on grounds that gains to workers would be largely offset by reduced state assistance.

While it seems *prima facie* odd that a Minister of Finance would prefer for the government to continue supplementing low incomes with public support rather than encouraging firms to pay more, it is worth considering the logical steps that ground this preference. English's argument (following Treasury's) is roughly this: low pay is not, in itself, a problem. The problem, rather, is hardship. Hardship is related not just to income, but also to needs. Needs, in turn, are complex and specific to each case, stemming from specific combinations of, *inter alia*, family composition, household income and assets, and health conditions. It is not reasonable, therefore, to expect firms to pay at a level that reliably addresses need. The conclusion is that it is more efficient – it will cost less money *in toto* – for firms to continue paying at current levels, and for the state to address hardship and need <u>where necessary</u> through precision-targeted assistance. Firms, meanwhile, were left to pursue viability and profitability in the market-place.

Note that this was no thorough-going neoliberalism. While market ideology is often held to be based on rampant individualism, there is also a conception of the common good at work here. Indeed, the Treasury (2014) described its sceptical response to the living wage movement as 'part of

Treasury's ongoing research into how to raise living standards', and linked it explicitly to its work programme on 'increasing equity'. Treasury warned that increasing wages would tend to create disemployment effects that would worsen hardship and inequality (ibid.). Framed positively, the argument is that when firms compete successfully in the market, they provide ongoing employment.

If the anti- side appealed to the *industrial grammar* – if they had a vision of long-term strategy – it lay in this assumption that viable and profitable private firms benefited the national economy overall. This linking of market forces with the common good is historically in line with discursive representations of neo-liberalism in New Zealand. While neo-liberalism is often presented as a triumph of ideology – of individual rights, responsibility and reward – it has historically been represented in New Zealand in terms of the common good: as a necessary response to global realities, and as a means to break the power of vested interests in favour of everyday people (New Zealand Treasury 1984, 1987; Skilling 2008).

It was not the case here that Treasury or English represented the market as the sole arbiter of social relations. (While there is certainly room to quibble over the adequacy of existing welfare assistance, the anti- side makes no claim that citizens ought to live or die purely on their performance in the market.) Rather, the claim was that the market and the political are distinct and separable realms. The market, it was claimed, must operate according to its own principles (and specifically its own distributive justice principle of earned desert.) What Robert Lane (1986) calls the 'political justice principles' of need and desert were matters not for the market, but for government. In Boltanski and Thevenot's terms, this line of argument acknowledges the *market* and the *civic* grammars of justification, and simultaneously draws a clear line of demarcation between them. Firms should operate according to the market's tests of competitiveness and profit; but should not be expected to usurp the government's responsibility for meeting the civic tests of collective well-being and equality.

I stress this point – the claimed separability of the *market* and the *civic* realms – because it became a key point of difference between the anti- and the pro- sides. LWA's argument rested (albeit largely implicitly) on the assumption that business carries some degree of responsibility towards society. If, for example, there are negative social consequences associated with low pay and in-work poverty (and LWA posited many such negative consequences, including poor health and educational outcomes, and the lost potential of those rendered unable to fully participate in society) then the firms responsible for the low-pay and the in-work poverty should take responsibility for minimising those harms in the future. Business, on this view, is part of society. It is reliant on the things that society provides, and it ought to make some reciprocal contribution towards the *civic grammar's* conception of the common good: collective well-being, equality and solidarity. While the pro- side combined the *market* and *civic* grammars to argue that firms hold responsibilities towards society for the negative effects of low-pay, the anti- side makes a Friedmanesque move and holds the two grammars as distinct and separable, thus exempting firms from such expectations.

Stated explicitly, in the response of business lobby groups to the living wage proposal: (From EGOS Abstract: Firms are not 'required to shape pay packets in reference to family size and circumstances' but rather should 'focus on being competitive and paying market rates' (O'Reilly, 2013, see also Campbell, 2013). Social goals around equality, mobility, opportunity and

participation remain in this discourse the responsibility of the state. Both groups claim that firms have 'understood since the 1930s that employers should pay market rates and the state will assist the unemployed.' (O'Reilly, 2013, see also Campbell, 2013). (The idea here that firms pay "market rates" seems like a serious misrepresentation of labour history, in its elision of the important historical role of unions and industry awards, and of the ongoing presence of the minimum wage.)

Another key point of difference here concerns the dignity and pride associated with meeting one's needs (and one's family's) through one's own efforts. This theme was stressed by LWA, but more or less ignored by Treasury and English. It is one of the lasting ironies of the living wage debates that National, having castigated Working for Families whilst in Opposition for extending 'the welfare driftnet to middle income New Zealanders' (Key, 2005) now states a preference for meeting workers' needs through state assistance rather than through increased wages.

To conclude this section on the grammars of justification operating within elite discourse, we might say that the pro- side offered an integrated vision, where their *market*-based arguments for the living wage drew heavily on the longer-term strategic focus of the *industrial grammar* (adopting the living wage will enhance your market competitiveness by increasing worker commitment and productivity) and the reputational focus of the *opinion grammar* (it will also enhance your market competitiveness by enhancing your reputation among consumers, and among the sort of workers you wish to attract); and where conscious links were drawn between *market* considerations and the *civic* value of collective well-being (widespread adoption of a living wage will help not just individual workers, but also families, communities and society, and (thus, in turn) business and businesses.

By contrast, the anti- side consistently kept their arguments and their grammars of justification separate. Firms were encouraged to successfully compete within their markets (with this market competitiveness contributing to jobs and thus collective well-being) Workers were told not to expect wages that extended beyond their own contribution to the firm. If they wanted better wages, they were encouraged to take steps that would enable them to compete successfully within the labour market. And where market forces did not result in acceptable social ends, the state would attend to the civic value of collective well-being. It was not, on this demarcated view, the responsibility of business to deliver a living wage where workers did not, on pure market terms, deserve it. And it was not the responsibility of business to address or minimise any negative social consequences associated with low pay.

Public discourse: grammars of justification in interviews and focus groups

In October and November of 2014, I conducted thirty-five interviews with members of the general public and brought thirty of those people together in three separate day-long focus groups. Participants were not associated with any particular group or position within the living wage debate, and they were selected so as to achieve a diversity of representation based on age, gender, ethnicity, household income and a range of attitudinal questions. The purpose of these interactions was to gain an in-depth understanding of how they understood a range of issues associated with inequality (occupational earnings, low pay, tax, welfare, the provision of opportunities) and how they went about explaining and justifying their opinions. Here, I focus on the ways in which these people

made their arguments about low pay, the working poor and the minimum wage. To be more specific (a necessary move, given the wealth of data arising from the interview and focus group work) I focus on the resonance of the key structures of argument identified above in the analysis of "elite" discourse.

As part of the interview process, I asked each participant to complete a "Q-sort", an exercise in which they sorted forty-four statements about inequality (statements drawn from the full spectrum of views present in the New Zealand public sphere) according to how strongly they agreed or disagreed with each statement. One result here was that almost all participants agreed to some extent with the proposition (drawing on the *market-industrial* combination) that 'better wages are a smart business investment, since they lead to greater satisfaction, effort and morale, and to lower turnover.' Their agreement, however, led participants to assume that firms would also agree, and that firms would therefore already be paying at a level that maximised these benefits. This assumption was bolstered by a fairly sanguine view of how the lower end of the labour market operates in New Zealand. In each of the three focus groups, some variant of the sentiments that 'not many employers pay [only] the minimum wage anyway' or 'any employer worth their salt is going to be paying well over [the minimum wage]'were offered, generally without much critique. As these points were discussed further, the dominant view was that firms, understanding the benefits of decent pay, would pay as well as they can. Conversely, low pay was an option adopted when it was the only option compatible with the firm's ongoing competitiveness.

How then, did the pro- side's combination of the *market* and *civic* grammars (the proposition that better wages at the bottom could make an important to social well-being or, more strongly put, that firms have a responsibility to pay at a level that reduces the social harms associated with low pay) fare in interviews and focus groups? The sorting exercise again indicated widespread agreement with two statements that express the Wilkinson and Pickett (2009) thesis: that unequal societies experience a range of negative social outcomes; and that more equal societies enjoy more positive outcomes. This finding is in line with survey data indicating significant concern over existing levels of inequality. As we know from survey data, however, this concern does not necessarily translate into support for political moves designed to reduce inequality. Nor, in the sorting exercise, did it translate into strong support for firms increasing pay at the lower end.

Indeed, there was a strikingly consistent pattern within this exercise, where agreement with the proposition that 'we should never have a situation of the working poor where people can work full time and still not be able to make ends meet for them and their children' was several steps stronger than agreement with the proposition that 'it is time to significantly lift the wages of the low-paid to enable working families to provide the basic necessities for their families, and also to participate in family and community life.' When asked to discuss the differences they saw between these two related statements, most participants noted that while they held the existence of in-work poverty to be unacceptable, the question of how best to address was not nearly so simple. Sometimes, they averred, lifting wages would be appropriate, but they were not willing to endorse this as a blanket rule, given that the income necessary for a worker to 'make ends meet for them and their children' was contingent on, among other things, the number of children a worker had, and whether other adults in the household were working. These contingencies were not seen as the responsibility of

employers. In-work poverty, then, was in practice a complex issue, one that was not reducible to a blanket solution of higher wages.

Confronted in the focus groups with a scenario in which a minimum wage worker is struggling to meet his family's needs, very few participants held that his wages should be meaningfully based on the level of those needs. (At the same time, a strong majority – typically around the 80% mark – of participants felt that this worker should be paid significantly more, on the basis of the importance of his cleaning role to the success of the company). Still fewer argued for the salience of the principle of need once dissenting opinions had been advanced. Some argued that basing pay on need might even lead to the perverse outcome of firms deciding only to employ workers with no children. The arguments that dominated the discussion held that pay ought to be based only on the broad category of 'contribution' which, in discussion, included such factors as role responsibility, level of experience and training, and the availability or scarcity of people able to perform the role. People were happy, further, for wages at the lower end to be set at a level that was adequate for the average needs of a (vaguely defined) small family, and for further needs to be met through state support. There was widespread confidence, moreover, that existing benefit levels had been carefully worked out and were 'probably about right.'

The hardest discussion to get started related to participants' beliefs about the social responsibilities (if any) of business. This discussion didn't happen at all in Focus Group One, as it did not emerge spontaneously. In response, the facilitator introduced the social responsibility argument (roughly, that since business can only operate successfully because of the manifold things – infrastructure, rule of law, a healthy and educated populace, for instance – provided by society, business has responsibilities (a) not to harm society and, further, (b) to make a positive contribution back to society) with increasing determination in Focus Groups Two and Three. Regardless of how clearly the argument was presented, it failed to gain any appreciable purchase on group deliberations. Opprobrium was expressed, certainly, for food chains that had been found to be exploiting (migrant) workers. But such cases were very much seen as anomalies in a generally decent system. On the positive side, praise was expressed in both Focus Group Two and Three for Bill Gates and his philanthropic endeavours. There was no consideration, however, of how business might reduce negative impacts, and make a positive contribution in the course of its normal operation.

This appeared to be the case, largely, because of a fairly general acceptance of the view that the market and the political realms are more-or-less separate; that firms operate in a competitive and demanding environment such that they cannot be expected to also contribute to social-desired ends. This acceptance was expressed in a descriptive sense (focus group participants opined that 'it's a tough road out there for business owners; it's not easy to survive') and more normatively ('we can't expect businesses to act as charities; that's not their job'.) Again, while a strong majority of participants expressed a preference that the minimum wage cleaner be paid more, most of them – in discussion – found themselves accepting that his existing pay was probably reasonable, given the pressures operating on the firm, and given the number of other people who would be willing and able to perform the role. It was not a universal sentiment, but in each of the focus groups, the view was expressed that the cleaner needed to take personal responsibility for developing his own attractiveness in the labour market, and for the number of children he had chosen to have (three, in the scenario presented to each focus group.)

As a side note, I was surprised in the focus group discussions of the limited purchase of the argument that existing settings in New Zealand (where low incomes are supplemented in many cases through Working for Families and other avenues) amount to a taxpayer subsidy for bad employers. I had expected this to be an effective line of argument, given apparently widespread opposition to excessive taxation and welfare spending. In practice, though some version of this line of argument emerged within each focus group, it was not able to overcome the more general feeling that firms were engaged in a daily battle for survival, such that not too much could be expected of them. The over-riding finding of the Focus Group work, then, was an over-arching acceptance of the constraining discipline of market forces, which can be expressed thus: *where firms are able, they will pay well since they understand the benefits of doing so. In many cases, however, firms are unable to pay more, as they operate in a competitive environment and they cannot be expected to pursue charitable ends. If families are struggling to survive on their labour market incomes, there is a role for state support, but also a valid expectation that individual workers will take up the opportunities that exist for upskilling and self-improvement.*

The interview and focus group work made it clear that while the New Zealand public appears supportive of moves to increase pay at the bottom (including significant mandatory increases to the minimum wage), that support is conditional and contingent. If the question is posed in a generalised and de-contextualised form ('should the low-paid be paid more?') then a strong majority is likely to agree. In discussion, however, as more factors are made salient, this agreement quickly weakens or is made highly conditional. In three separate focus groups, as soon as reference was made to the constraints that market forces impose on firms, the majority of participants who endorsed higher pay at the bottom experienced difficulties in articulating their viewpoint. The reasons for these difficulties are hard to specify with any precision. It was not easy to tell (and it seemed unclear to those concerned) whether those holding egalitarian sentiments found themselves persuaded by the dissenting views, or whether they simply felt under-qualified to argue back. My sense on this point was that they felt their views would be seen as naïve and utopian, as impossible indulgences given what were presented as the harsh realities of competitive markets.

Conclusions

Arguments for the living wage (or for significantly raising the minimum wage) are thus forced to contend with the current dominance of the market grammar and its insistence that the labour market is and ought to be a realm of pure supply and demand. The hegemonic view that impersonal market forces define and constrain firms' choices mean that the pressures of short-term survival are taken to limit their capacity to engage in long-term strategic initiatives.

The question of why people think and argue as they do is, of course, fraught and tricky terrain. Here, I simply wish to speculatively raise two possibilities that would require a great deal of space to set out and evaluate properly. One possibility, of course, is that the conclusions arrived at in focus group discussions are simply right. Perhaps it is the case that New Zealand firms cannot afford to pay more because of the constraints imposed on them by market realities. Perhaps it is the case that most firms pay as well as they can and would pay better if they could. Perhaps it is true that the best way to address inequalities in the labour market is for individuals to improve their marketable skills. The other broad possibility is that the participants in my focus groups had come to accept views that were not entirely true. This possibility might make reference to some term like the hegemonic power of the dominant market discourse. I do not wish to pursue this possibility much at this point, except to say that if people express a generalised preference for better pay at the lower end, but if they feel that this preference is not possible (since it is not possible within the current system), then perhaps something important - the possibility of creating a different political-economic order - has been lost within New Zealand public discourse. If people accept – as they seem to - a general equation of interest between workers and employers, it is worth noting the loss of the very notion of class conflict within our public discussion.

Endnotes

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¹ Or, alternatively, and somewhat confusingly, 'orders of worth'. For clarity and simplicity, and because the metaphor of grammars fits well with a focus on how arguments are made within logical structures, I'll stick in this paper with grammars of justification.

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