Distributive Justice
Overview

(1) Typology of Justice
(2) Typology of Distributive Justice
(3) Two Approaches to Distributive Justice: Historical v End-State
(4) Justifying Unequal Distribution Patterns
(5) Nozick’s Libertarian Theory of Distributive Justice
(6) Problems with the Libertarian Theory
  Natural and Social Lotteries
(7) Rawls’s Theory of Justice
(1) Typology of Justice

**Formal Justice** (the impartial and consistent application of substantive principles, e.g., “treat similar people similarly”)

**Substantive Justice** (the principles to be applied):

- **Retributive**: when and why punishment is administered
- **Corrective**: fairness of demands for civil damages
- **Commutative**: fairness of wages, prices, exchanges
- **Distributive**: fairness in the distribution of resources
Typology of Distributive Justice

**Formal Justice**: the “Rule of Equity” (the fair share of any one person is the same as that for anyone else who is the same in all relevant respects)

**Substantive Justice**: Distribute resources…

(a) In equal measure (pure egalitarianism)
(b) According to need (Marx, Christian)
(c) To maximize utility (Mill)
(d) To the worst off’s advantage (Rawls)
(e) According to merit; everyone should have a maximal amount of liberty to acquire as many goods as they desire (Nozick)
(2) Typology of Distributive Justice

Substantive Justice. Distribute resources…
(a) In equal measure (pure egalitarianism)
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(e) According to merit (Nozick)

Sample Resources:
• Healthcare services.
• Education
• Food and shelter.
• General income.
• The right to bear children. (…)

Two Approaches (to distributive justice)

(1) Historical Approach
   This involves no natural pattern of distribution, requiring only that holdings are acquired justly.

(2) End-State Approach (non-historical)
   This considers only the current pattern of distribution, and measures it against some standard pattern.
How might we move from roughly equal distributions to radically unequal distributions?

Locke’s Account of Privatization:

• “no waste” & “good enough left for others” restrictions.
• roughly equal needs and abilities leads to roughly equal distribution patterns.
• invention of money allows for concentration of wealth.
(4.2) Justifying Unequal Distribution Patterns

How might we move from roughly equal distributions to radically unequal distributions?

One’s own labor (merit)
Voluntary transfers of wealth
  ... buying a desired good or service
  ... selling one’s labor
  ... games of chance
Involuntary transfers of wealth
  ... by force or fraud
  ... bad luck
Maintaining distribution patterns (inheritance)
(5) Nozick’s Libertarian Theory

Three Principles of Distributive Justice

(1) Original Acquisition of Holdings
  Locke’s Labor Theory of Property

(2) Transfer of Holdings
  Commutative Justice

(3) Rectification of Injustice in Holdings
  Corrective Justice
(6.1) **Problems with Libertarian Theory**

1. **Natural and Social Lotteries**
2. **Nuisance and Trespass**
   - *Aldred v Benton (1611)*
3. **Scarce Resources**
   - No guidance for using commonly-held scarce resources
4. **Reparations not guaranteed**
   - *Times Beach, Missouri (1970s)*
5. **Unjust acquisitions**
   - Most current holdings are marred by historical injustice.
(6.2) Natural and Social Lotteries

Natural Lottery: the biological potentials with which each person is born (one’s inborn talents and disabilities)

Social Lottery: the political, social, and economic circumstances into which each person is born

- Matters of luck, rather than merit or personal responsibility
- These lotteries can greatly influence the distribution of resources
In 1611, William Aldred brought suit against Thomas Benton, his neighbor, who had built a pigsty in his orchard. The suit claimed that the pigsty obstructed Aldred’s view from his window, and the stench endangered his health and was obnoxious. Aldred’s family and friends could not make use of Aldred’s property without being assaulted by the smell.

For his part, Benton argued that “the building of the house for hogs was necessary for the sustenance of man; and one ought not to have so delicate a nose, that he cannot bear the smell of hogs.”

The court decided that the loss of view was negligible, but the nuisance of the odor was significant, and so Benton was required to cease and desist with the pigs.
Today, all common resources are scarce, so Locke’s theory of acquisition is irrelevant, giving us no guidance on how we might use these resources most justly.
TIMES BEACH, MISSOURI

Russell Bliss and his family lived near Rosati, Missouri, a farming and vineyard community near the Mark Twain National Forest. Bliss hauled waste oil for a living and would spray this oil on dirt roads for dust control. In the early 1970s, he sprayed oil that was mixed with 2, 3, 7, 8-tetrachloro-di-benzio-p-dioxin, the most deadly form of dioxin, although no one knew this at the time. Bliss sprayed many roads with this deadly mixture, including the one on which he lived. After the toxicity of dioxin was discovered, these roadbeds had to be treated like highly toxic waste, and the entire community of Times Beach (pop. 2240) had to be vacated and sealed off. By November 1983, thirty-two contaminated sites had been located. Eventually, the company that produced the dioxin was sued, and promptly declared bankruptcy. Total clean-up costs exceeded one-hundred million dollars.
(7) Rawls’s Theory of Justice

(1) Pure Procedural Justice
(2) The Original Position
(3) Primary Goods
(4) The Maximin Principle
(5) The General Conception of Justice
(6) The Special Theory of Justice

“Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override.”

Published 1971

John Rawls
(1921-2002)
(7.1) Rawls’s Theory of Justice

(1) Pure Procedural Justice

A principle or rule is *just* (fair) if it is agreed to (a) *unanimously*, and everyone’s decision to agree is (b) *well-informed*, and (c) *uncoerced*.

(2) The Original Position

(3) Primary Goods

(4) The Maximin Principle

(5) The General Conception of Justice

(6) The Special Theory of Justice

John Rawls
(1921-2002)
(7.2) Rawls’s Theory of Justice

(1) Pure Procedural Justice

(2) The Original Position
These principles are discovered by assuming the original position, which is arrived at by way of a veil of ignorance: we do not know our social or economic class, political affiliations, racial or ethnic background, educational background, gender, profession, or particular conception of the good.

(3) Primary Goods

(4) The Maximin Principle

(5) The General Conception of Justice

(6) The Special Theory of Justice

John Rawls (1921-2002)
(7.3) Rawls’s Theory of Justice

(1) Pure Procedural Justice

(2) The Original Position

(3) Primary Goods

This is what we all desire. In general, they are “rights and liberties, opportunities and powers, income and wealth.”

(4) The Maximin Principle

(5) The General Conception of Justice

(6) The Special Theory of Justice

John Rawls
(1921-2002)
(7.4) Rawls’s Theory of Justice

(1) Pure Procedural Justice
(2) The Original Position
(3) Primary Goods
(4) The Maximin Principle
From the OP, people try not to maximize their primary goods, but rather to minimize their losses. They follow the Maximin Principle: favor principles of justice that make as good as possible the worst thing that could possibly befall yourself.
(5) The General Conception of Justice
(6) The Special Theory of Justice
(7.5) Rawls’s Theory of Justice

(1) Pure Procedural Justice
(2) The Original Position
(3) Primary Goods
(4) The Maximin Principle

(5) The General Conception of Justice

Egalitarianism is the default, but inequalities will be allowed if the extra wealth is to everyone’s advantage. “All social primary goods — liberty and opportunity, income and wealth, and the bases of self-respect — are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored.”

(6) The Special Theory of Justice

John Rawls (1921-2002)
(7.6) Rawls’s Theory of Justice

(1) Pure Procedural Justice
(2) The Original Position
(3) Primary Goods
(4) The Maximin Principle
(5) The General Conception of Justice
(6) The Special Theory of Justice

If we can assume a society of relative abundance (= all basic needs are always met), then priority is given to basic political/civil liberties.

(a) The Equal Liberty Principle: “Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.”

(b) The Difference Principle: “Social and economic inequalities are to be arranged so that they are both (i) to the greatest benefit of the least advantaged and (ii) attached to offices and positions open to all under conditions of fair equality of opportunity”