

Distributive Justice

Overview

- (1) Typology of Justice
- (2) Typology of Distributive Justice
- (3) Two Approaches to Distributive Justice: Historical v End-State
- (4) Nozick's Libertarian Theory of Distributive Justice
- (5) Rawls' Theory of Justice

Why We Need a Theory of Distributive Justice

To Interfere or Not to Interfere (with the distribution patterns) —

- No interference = State of Nature (where life is “solitary, poor, nasty, brutish, and short” — Thomas Hobbes)

But...

- Interference requires *some* principle or set of principles
- These principles require some justification
(the need for social buy-in)

(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

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(2) 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, Christianity)
- (c) To maximize utility (Mill)
- (d) To the worst off’s advantage (Rawls)
- (e) According to merit (Locke, Nozick); everyone should have a maximal amount of liberty to acquire as many goods as they desire.

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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.

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 (the principles to be applied):

Karl Marx: to each according to his needs

J. S. Mill: maximize utility

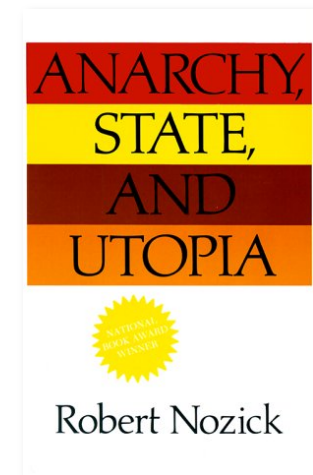
Rawls: everyone should have the same opportunity to acquire goods, after adjusting for social and natural lotteries.

Nozick: (merit) everyone should have a maximal amount of liberty to acquire as many goods as they desire.

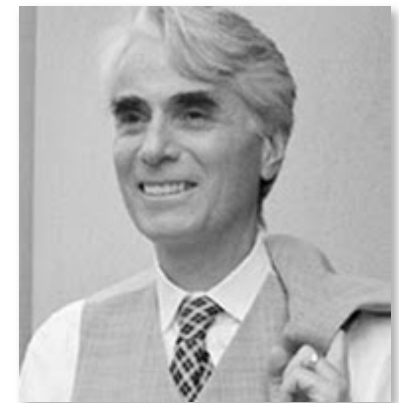
(4/5) Nozick's Libertarian Theory

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



Published 1974



Robert Nozick
(1938-2002)

(4/5) Justifying Unequal Distribution Patterns

How might we move from roughly equal distributions to radically unequal distributions (without engaging in any unjust transfers)?

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Our own labor

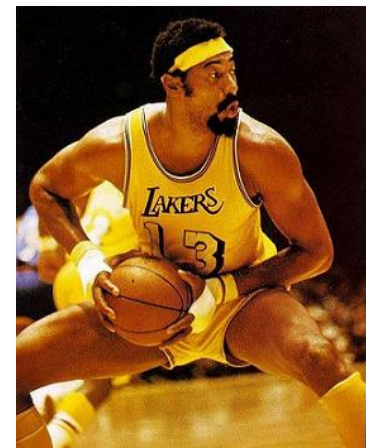
Voluntary Transfer

... of wealth for a desired good/service

... of one's labor for payment

... of wealth by sheer chance

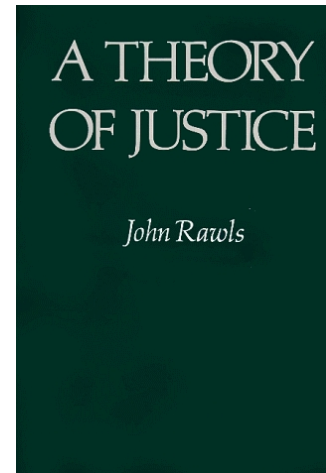
Maintaining distribution patterns (inheritance)



Wilt Chamberlain
(1936-1999)

(5/5) Rawls' 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



Published 1971



John Rawls
(1921-2002)

(5/5) Rawls' 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

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John Rawls
(1921-2002)

(5/5) Rawls' 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
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(5/5) Rawls' 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

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(1921-2002)

(5/5) Rawls' Theory of Justice

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

From the OP, people try to minimize their losses, rather than maximize their primary goods. This is 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



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Egalitarianism is the default, but inequalities will be allowed if they are 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



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John Rawls
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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”

Necessary Conditions

Necessary conditions of a need for a theory of distributive justice:

- (1) that there are **scarce resources** to be allocated.
- (2) that human beings have **limited benevolence**.
- (3) that human beings have some **control over the distribution** of the resources.

Moral Rights

A right is always a right *to something* and *against someone*.

“To what do I have the right?”

positive: an action / *negative*: an omission

“Against whom do I have the right?”

in personam: against an individual or group / *in rem*: against everyone

Rights	Positive	Negative	
		active	passive
in personam	Rights of Contract Rights of Reparation		
in rem	Rights of Beneficence	Rights of Liberty	Rights of Security

Waiving Rights vs Forfeiting Rights