

Theories of Distributive Justice



Three Issues



1. Scope: Which entities are the legitimate recipients of burdens and benefits? This could include some people, all people, all people and all future people, all people and some nonhuman animals, etc.
2. Shape: What patterns or criteria should be used to determine who gets benefits? Classic answers are efficiency, equality, priority, and sufficiency.
3. Currency: What material conditions should be distributed? Classic answers are resources, welfare, opportunities for welfare, basic capabilities, and access to advantage.

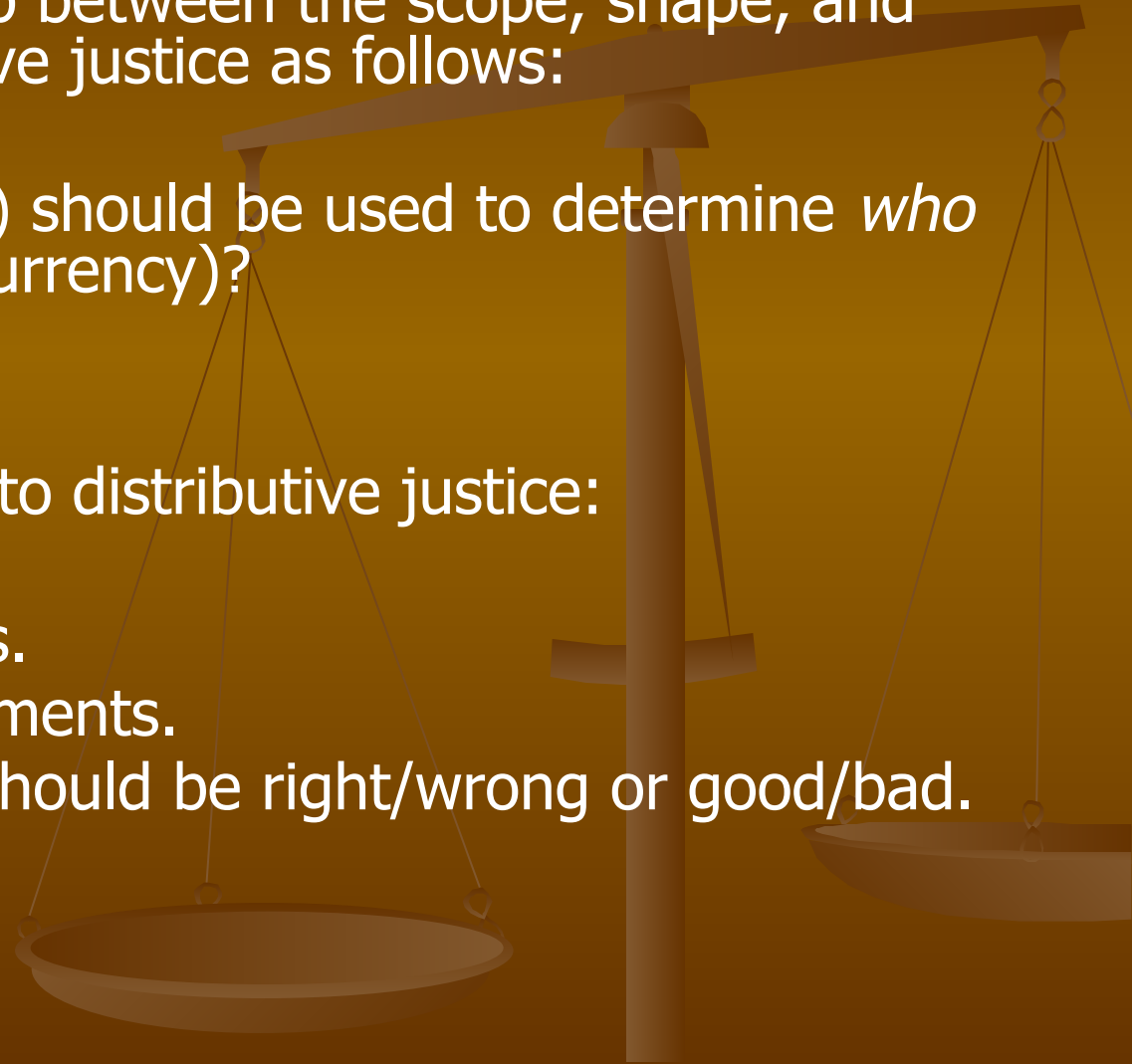
Three Issues continued and Three Preconditions

Think of the relationship between the scope, shape, and currency of distributive justice as follows:

What *pattern* (shape) should be used to determine *who* (scope) gets *what* (currency)?

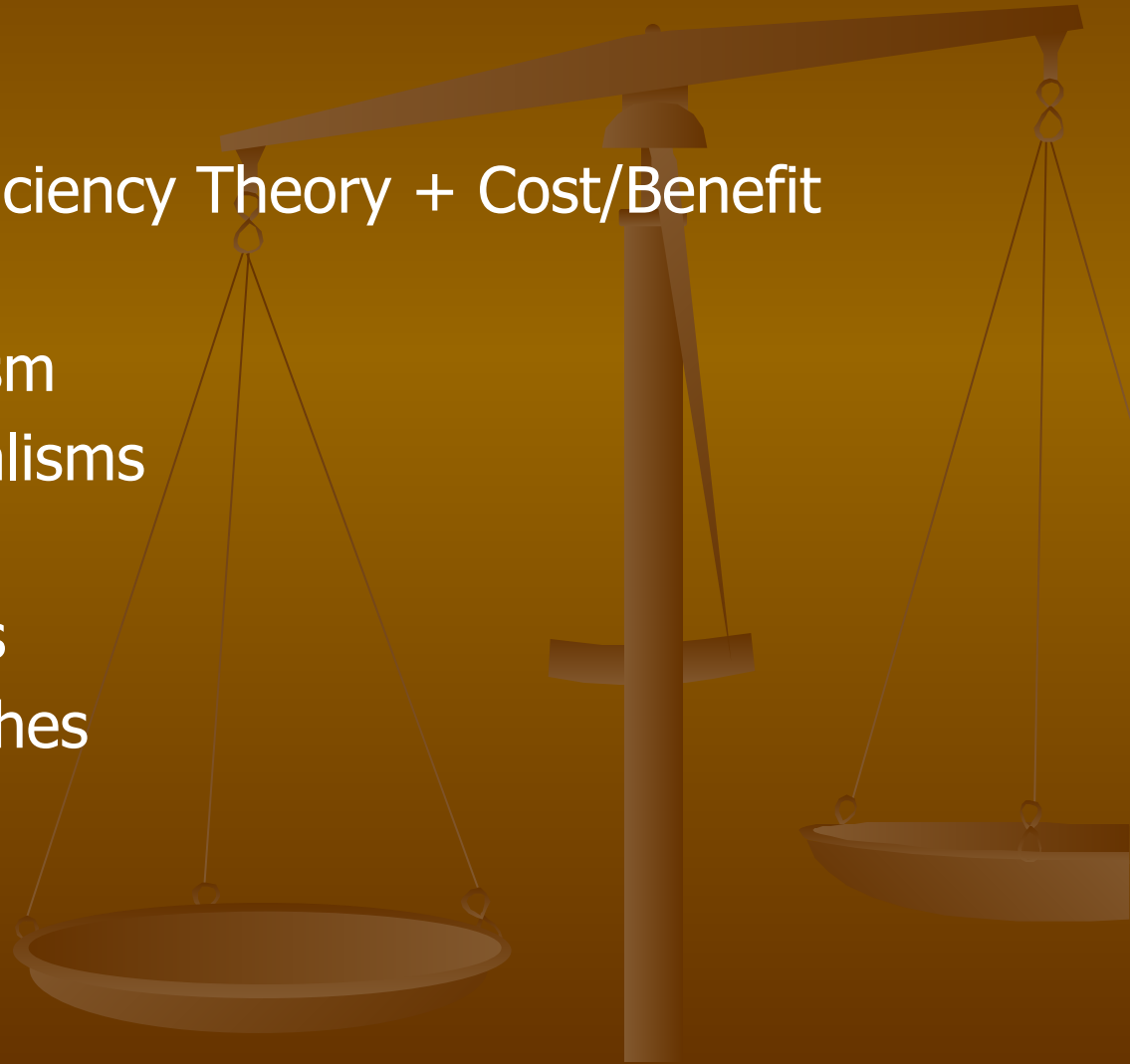
Preconditions that lead to distributive justice:

1. Scarcity of resources.
2. Technology developments.
3. Normativity: what should be right/wrong or good/bad.



Theories of Distributive Justice: A Partial List:

1. Libertarianism
2. Utilitarianism
3. Microeconomics: Efficiency Theory + Cost/Benefit Analysis
4. John Rawls' Liberalism
5. Post-Rawlsian Liberalisms
6. Communitarianism
7. Feminist Approaches
8. Capabilities Approaches

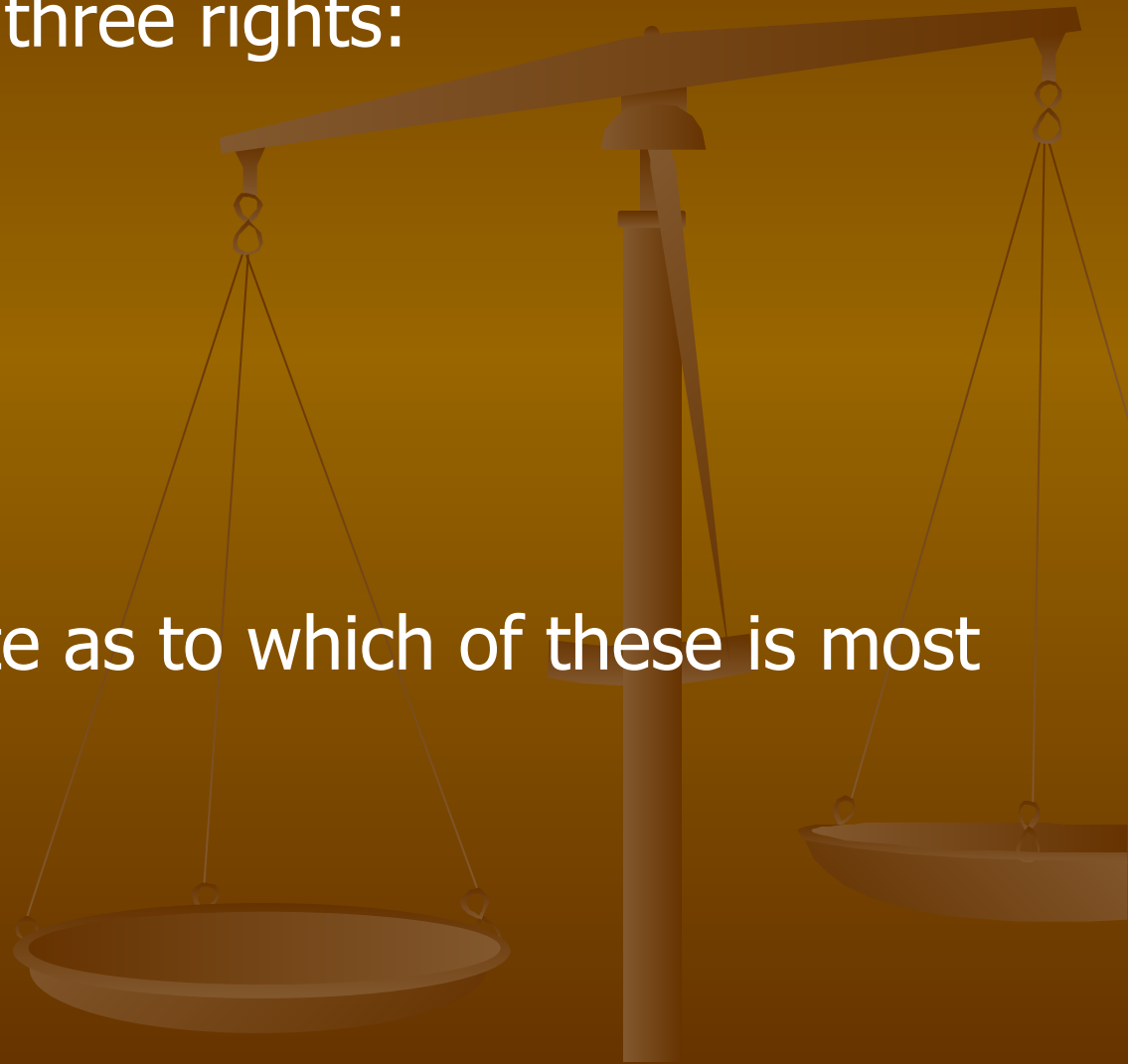


Libertarianism

Classically based on three rights:

1. Life
2. Liberty
3. Property

There is some debate as to which of these is most important.



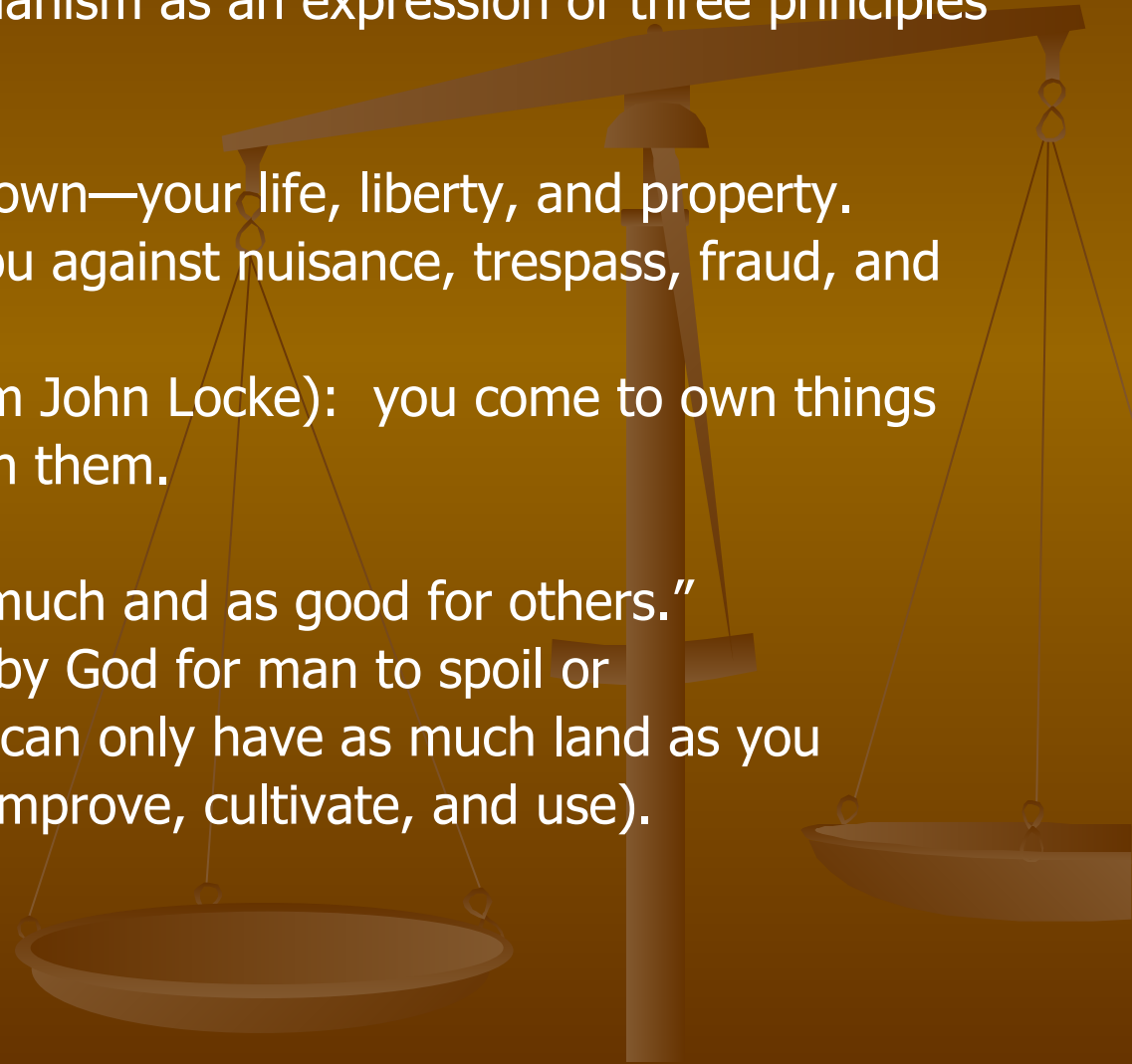
Libertarianism

We can also think of libertarianism as an expression of three principles of justice:

1. Entitlement to what you own—your life, liberty, and property.
2. Reparations to protect you against nuisance, trespass, fraud, and force.
3. Property Acquisition (from John Locke): you come to own things by mixing your labor with them.

Two provisos:

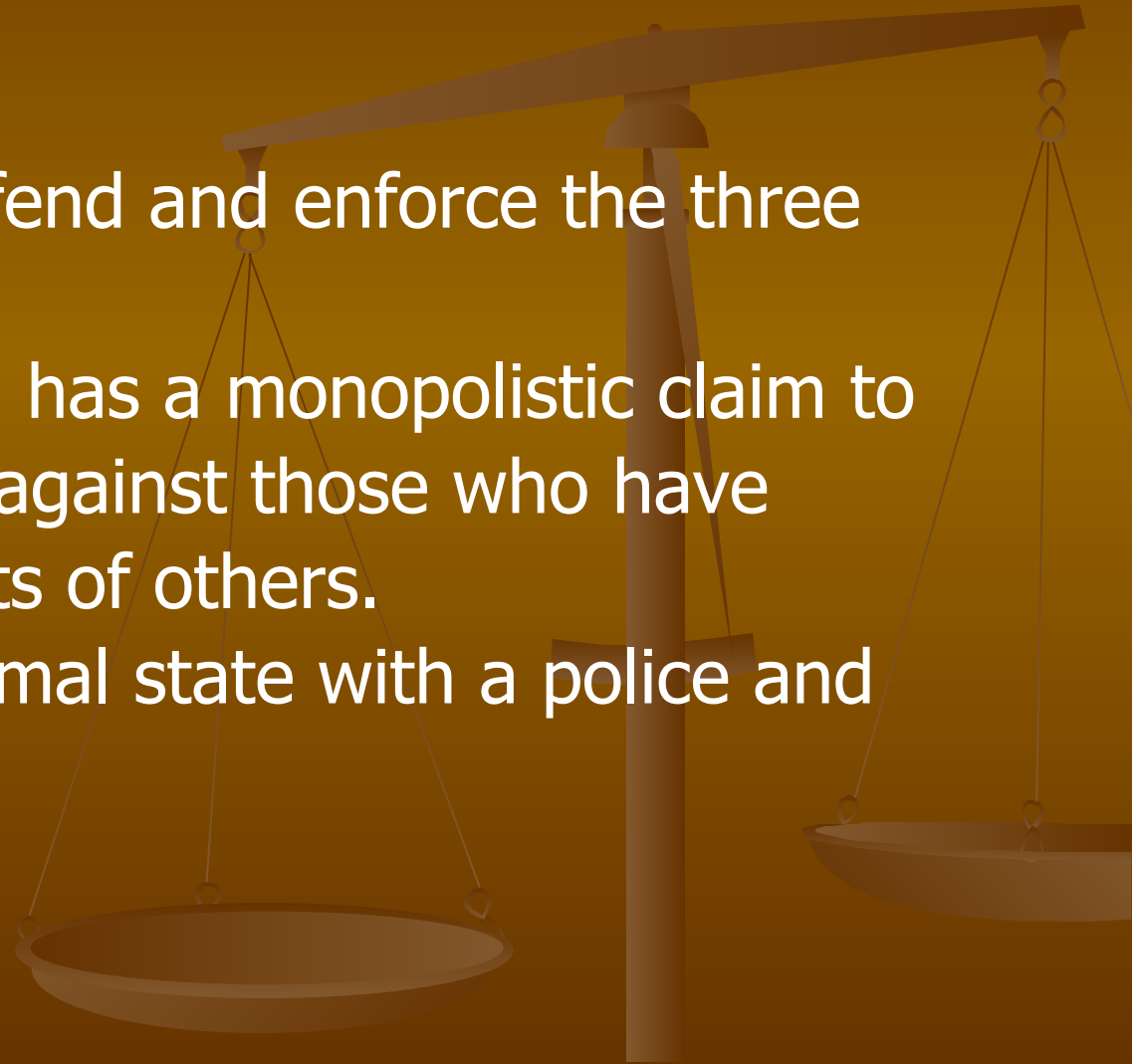
- a. One must leave “as much and as good for others.”
- b. “Nothing was made by God for man to spoil or destroy” (e.g., you can only have as much land as you can till, plant, improve, cultivate, and use).



Libertarianism

Government:

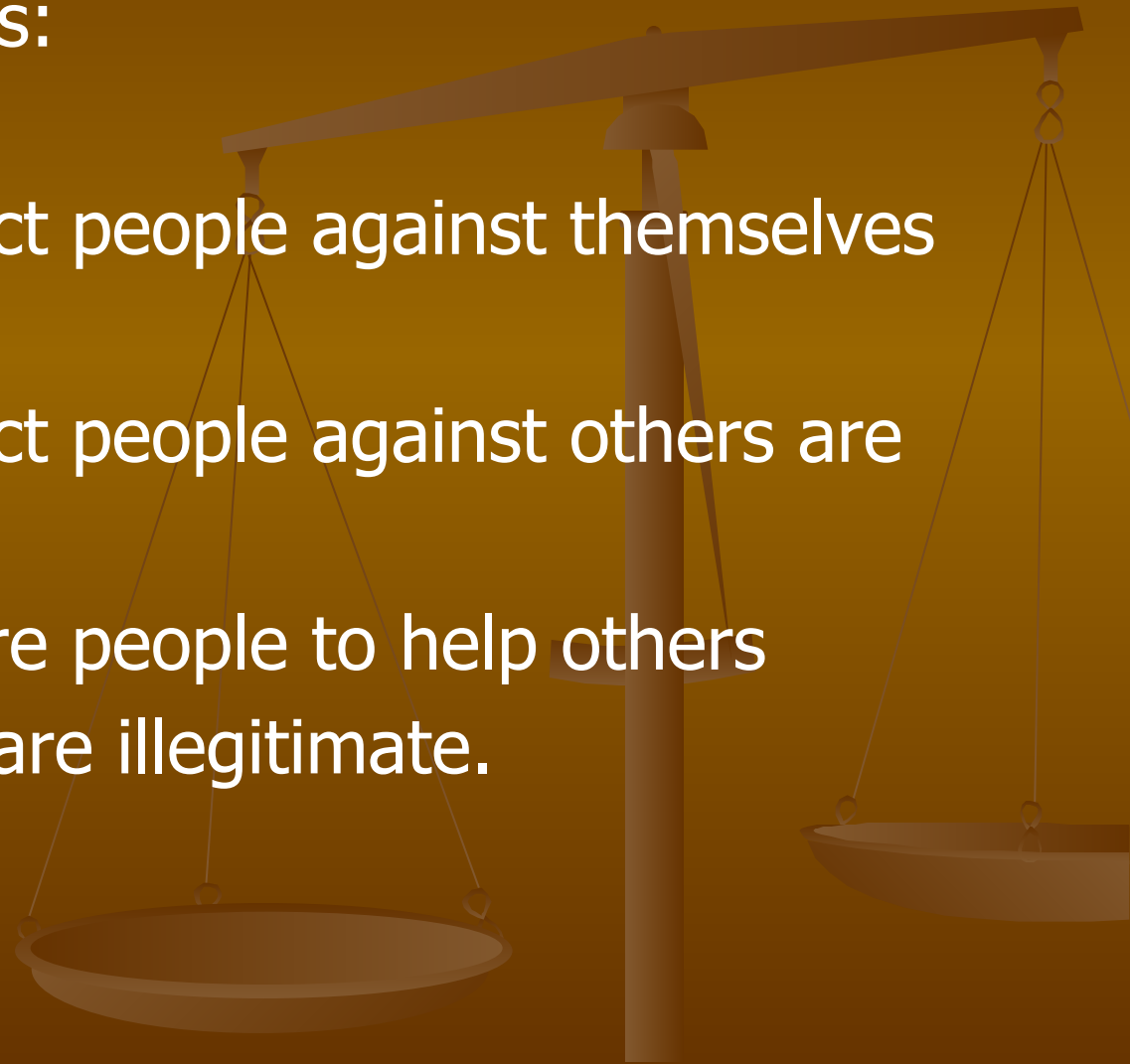
1. Exists only to defend and enforce the three basic rights.
2. Is retaliatory and has a monopolistic claim to the use of force against those who have violated the rights of others.
3. Should be a minimal state with a police and military.



Libertarianism

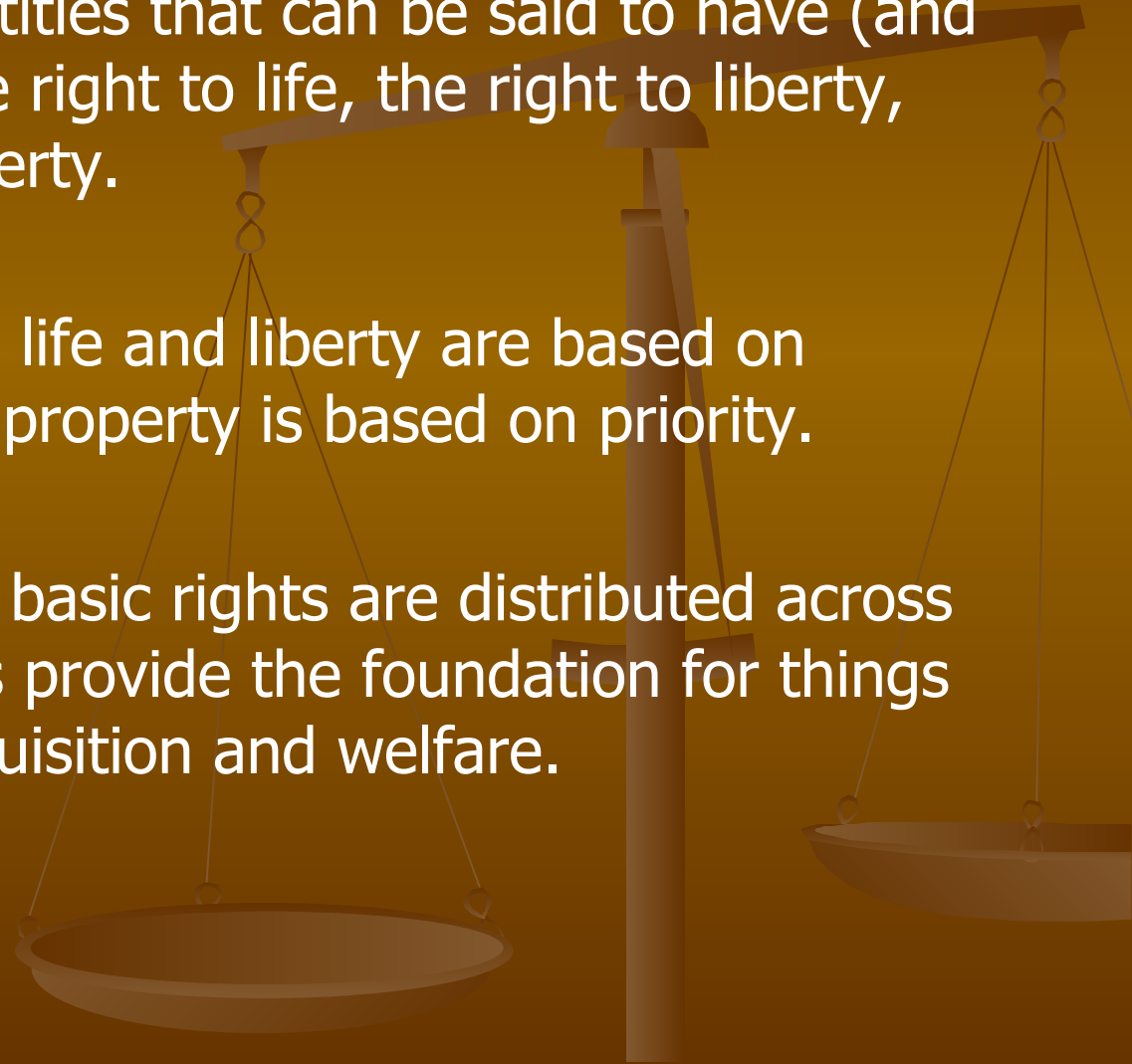
Classification of Laws:

1. Those that protect people against themselves are illegitimate.
2. Those that protect people against others are legitimate.
3. Those that require people to help others (positive rights) are illegitimate.



Scope, Shape, and Currency of Libertarianism

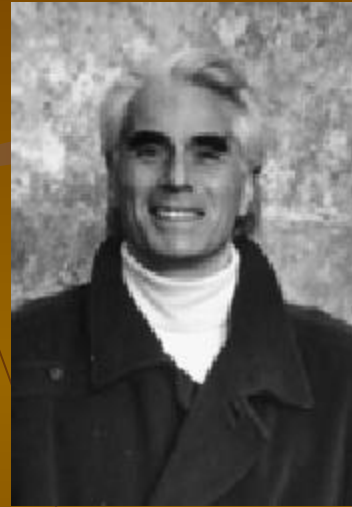
- Scope: Covers all entities that can be said to have (and possibly exercise) the right to life, the right to liberty, and the right to property.
- Shape: The rights to life and liberty are based on equality; the right to property is based on priority.
- Currency: The three basic rights are distributed across society. These rights provide the foundation for things such as resource acquisition and welfare.



Some Well-Known Libertarians



John Hospers



Robert Nozick

Although there is a separate Libertarian Party in the United States, many republicans are real-life or closet libertarians.

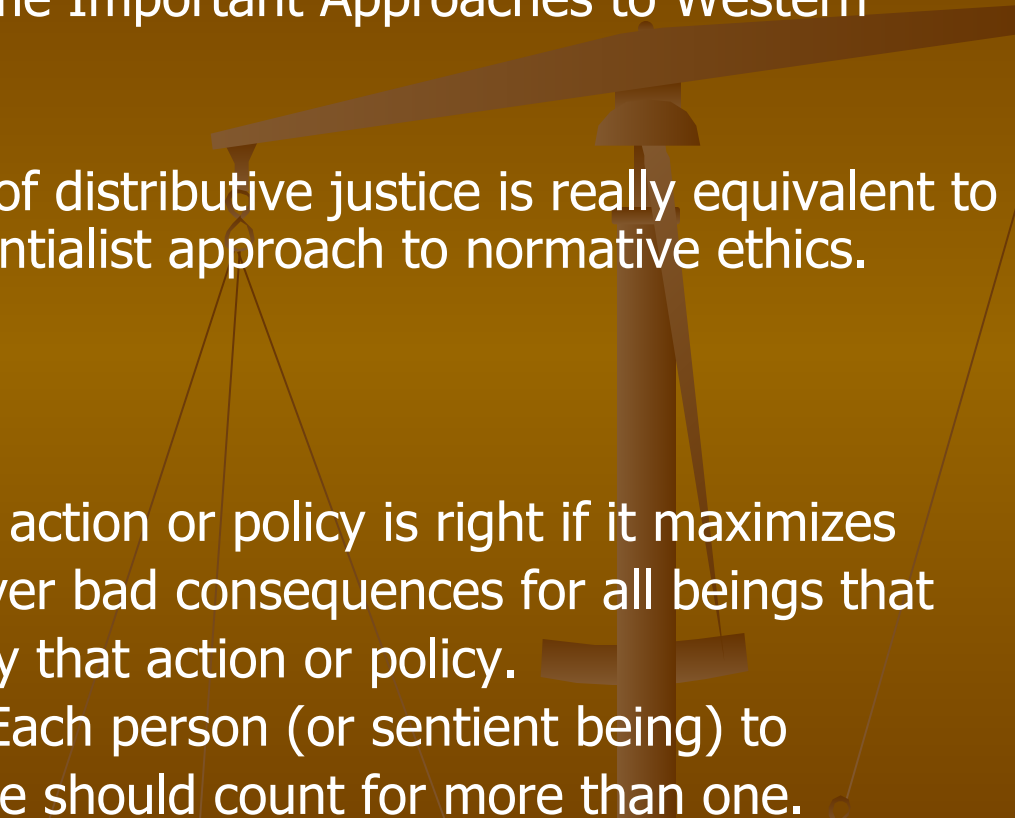
Libertarianism

Some problems:

1. Scarcity of private goods
2. Public goods
3. Original acquisition of property
4. Standards for reparations are not well defined
5. Might be too environmentally stringent to protect people from things such as pollution

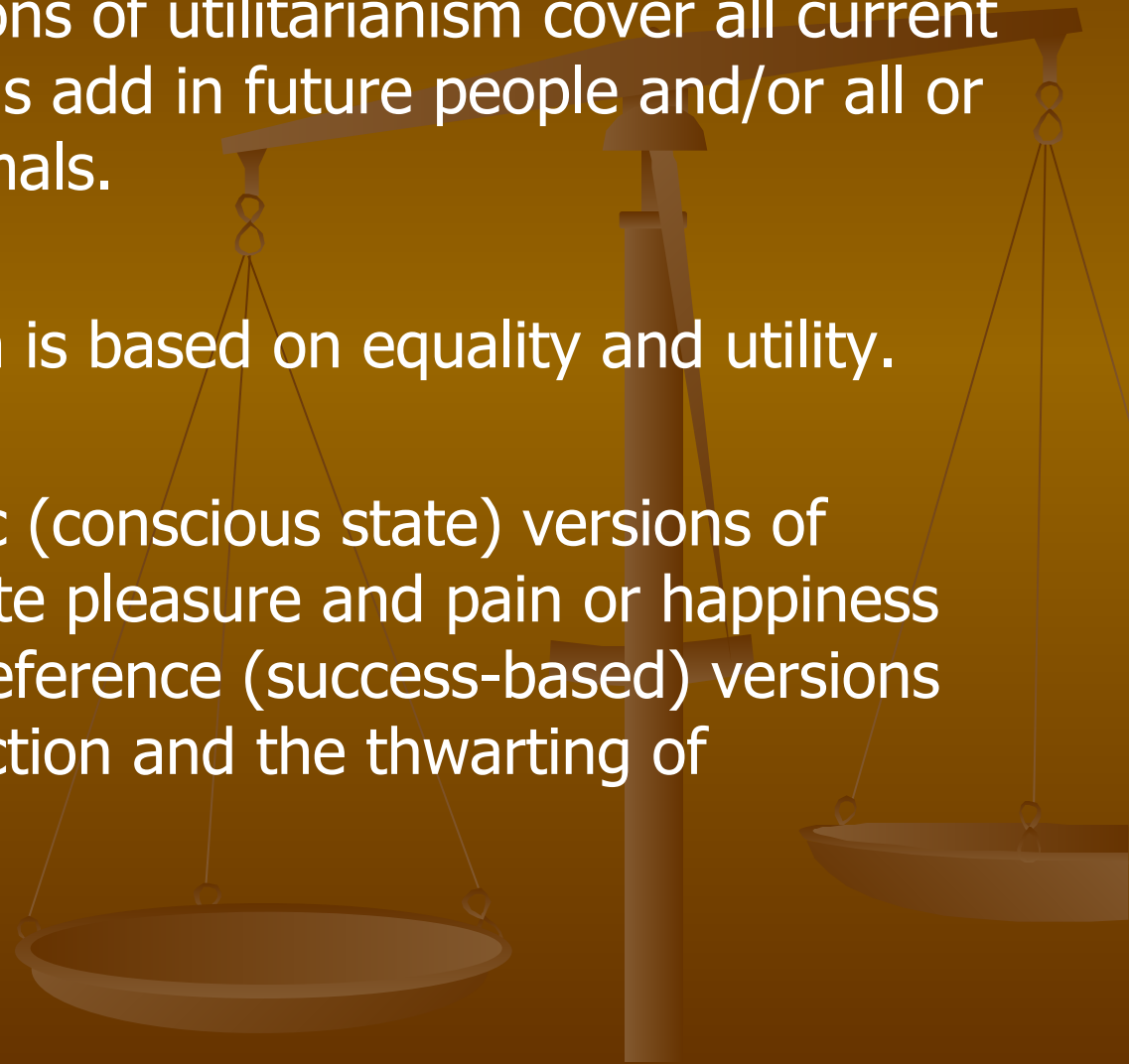


Utilitarianism

- Refer to the handout “Some Important Approaches to Western Ethics.”
 - Utilitarianism as a theory of distributive justice is really equivalent to utilitarianism as consequentialist approach to normative ethics.
 - Two main elements:
 1. Principle of Utility: An action or policy is right if it maximizes good consequences over bad consequences for all beings that stand to be affected by that action or policy.
 2. Egalitarian Principle: Each person (or sentient being) to count for one and none should count for more than one.
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Scope, Shape, and Currency of Utilitarianism

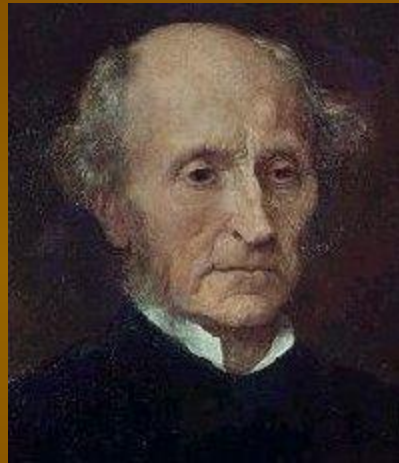
- Scope: Classic versions of utilitarianism cover all current people; other versions add in future people and/or all or most nonhuman animals.
- Shape: Utilitarianism is based on equality and utility.
- Currency: Hedonistic (conscious state) versions of utilitarianism distribute pleasure and pain or happiness and unhappiness; preference (success-based) versions distribute the satisfaction and the thwarting of preferences.



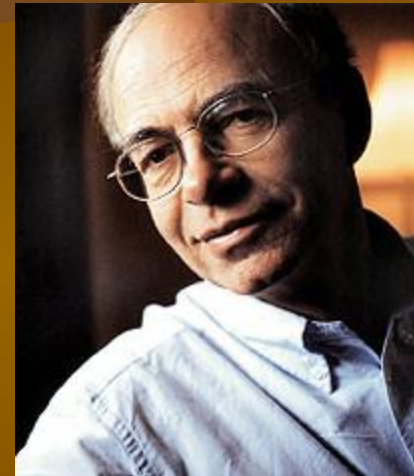
Some Well-Known Utilitarians



Jeremy Bentham



John Stuart Mill

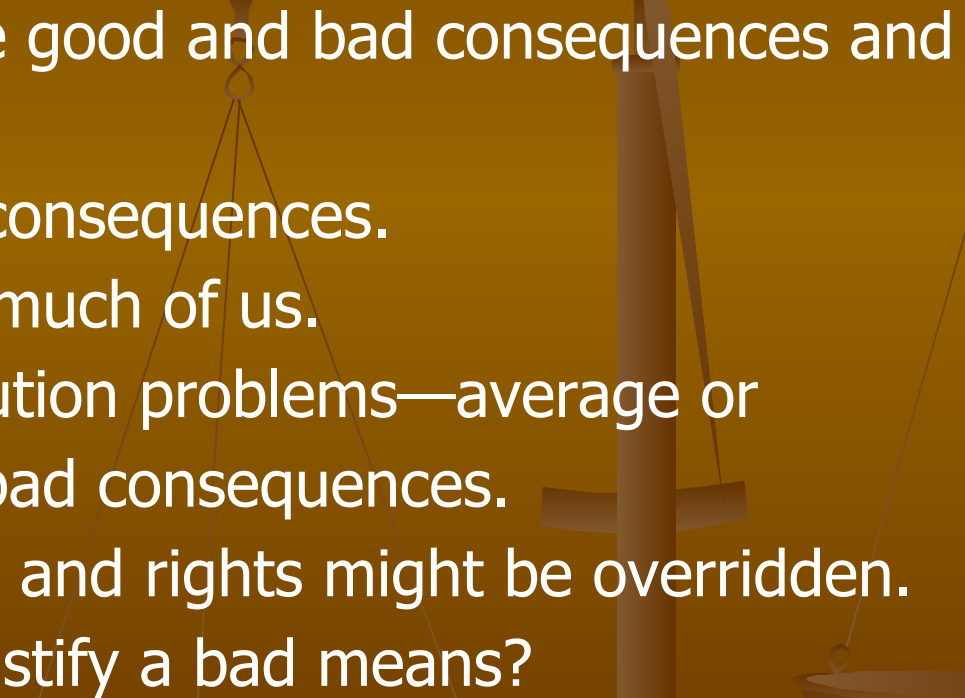


Peter Singer



Utilitarianism

Some Problems:

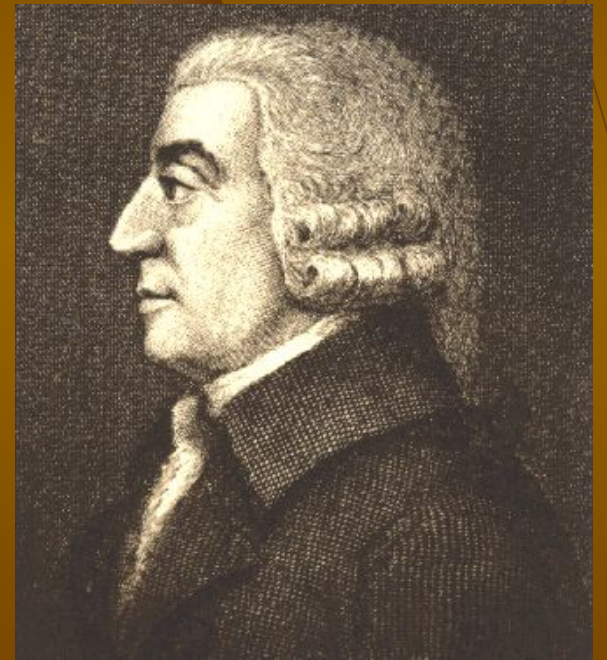
1. It is hard to measure good and bad consequences and compare them.
 2. It is hard to predict consequences.
 3. It might require too much of us.
 4. There can be distribution problems—average or aggregate good or bad consequences.
 5. Specific relationships and rights might be overridden.
 6. Would a good end justify a bad means?
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Microeconomics: Efficiency Theory + Cost/Benefit Analysis

This classically stems from Adam Smith:

Laissez-Faire Economics
is based on:

1. Efficiency
2. Free Markets (minimal state)
3. Competition



Microeconomics: Efficiency Theory + Cost/Benefit Analysis

See the handout I distributed in class today.

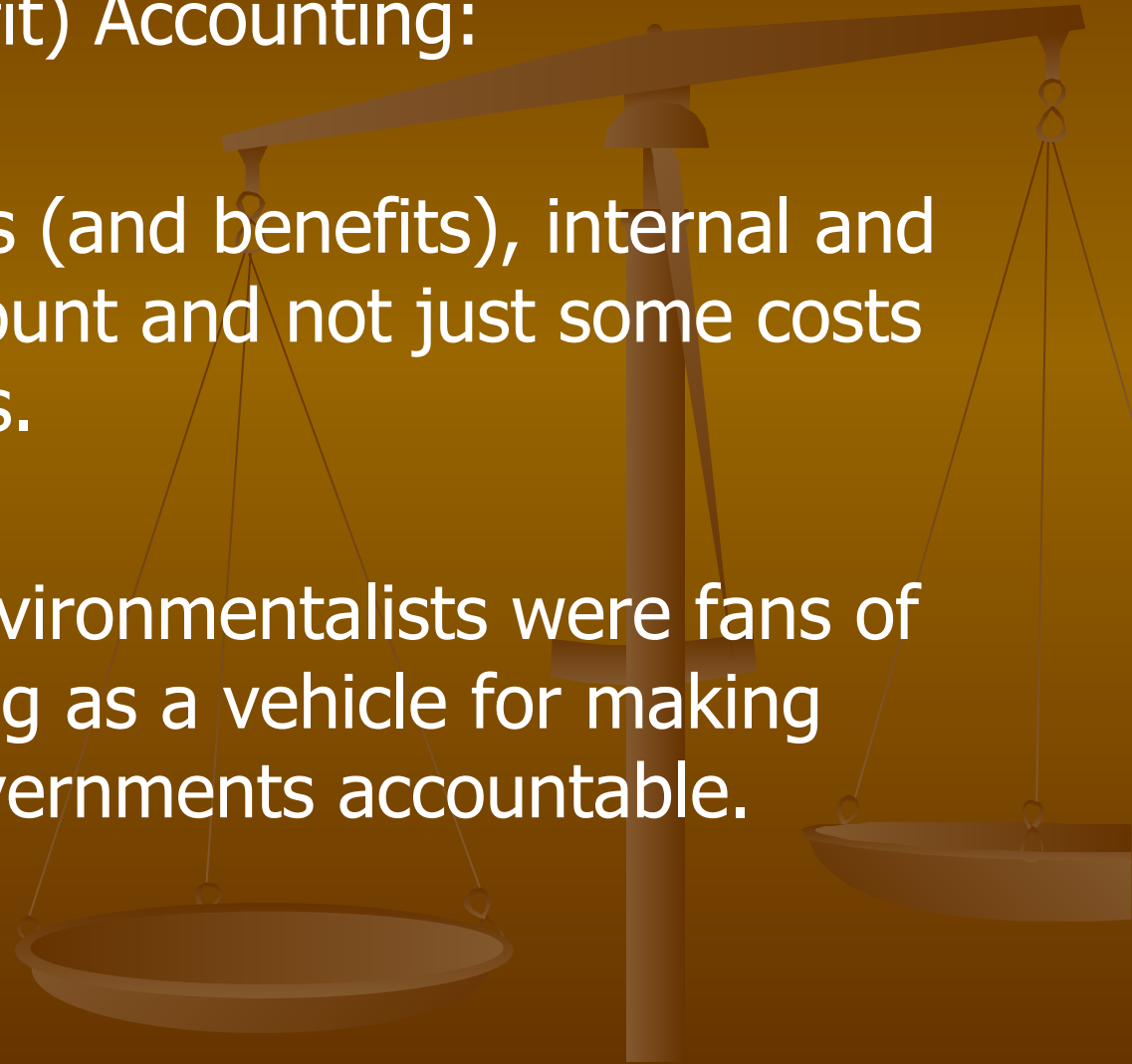


Microeconomics


Full-Cost (and Benefit) Accounting:

Take all known costs (and benefits), internal and external, into account and not just some costs and many benefits.

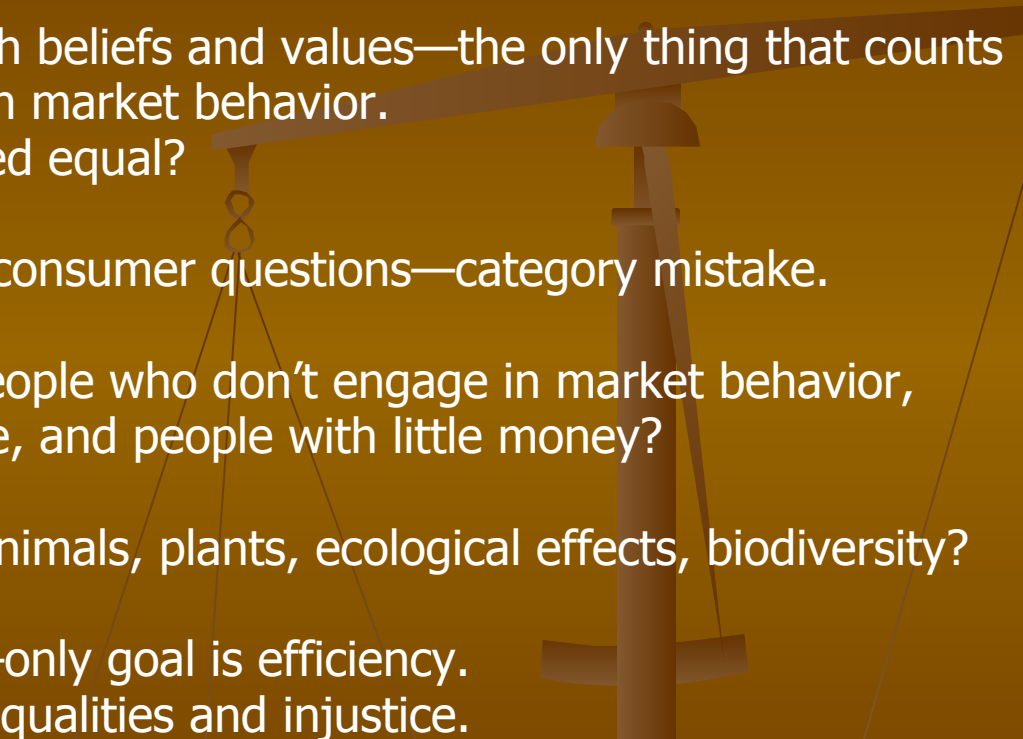
Historically many environmentalists were fans of full-cost accounting as a vehicle for making industries and governments accountable.



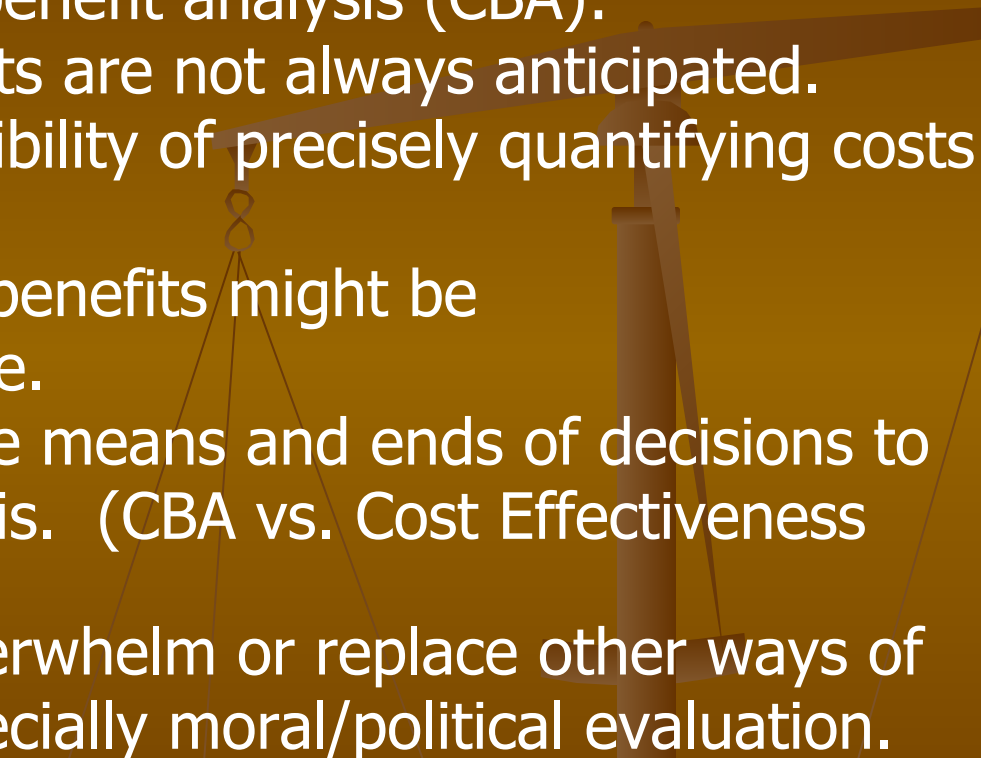
Scope, Shape, and Currency of Microeconomics

- Scope: Microeconomics directly covers only people who can express preferences in market behavior.
 - Shape: Microeconomics is based on efficiency using the tool of cost-benefit analysis.
 - Currency: Microeconomics distributes preference satisfaction within markets.
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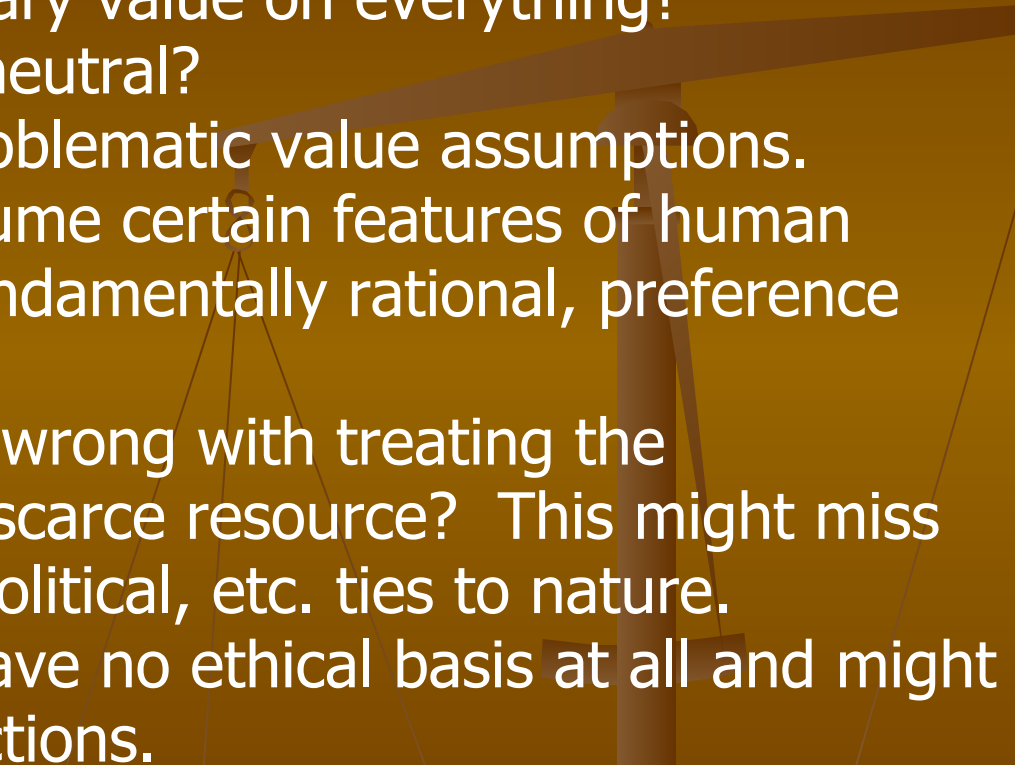
Microeconomics: Some Problems

1. Problems with preferences:
 - a. Confuses preferences with beliefs and values—the only thing that counts is what gets expressed in market behavior.
 - b. Are all preferences created equal?
 2. Treats political questions as consumer questions—category mistake.
 3. Who counts? What about people who don't engage in market behavior, future generations of people, and people with little money?
 4. What counts? What about animals, plants, ecological effects, biodiversity?
 5. Indifference to distribution—only goal is efficiency. Economics is silent about inequalities and injustice.
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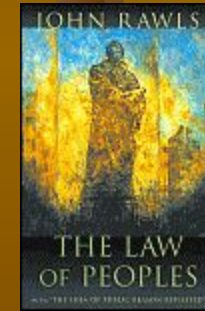
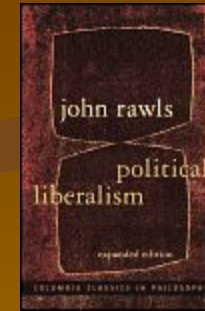
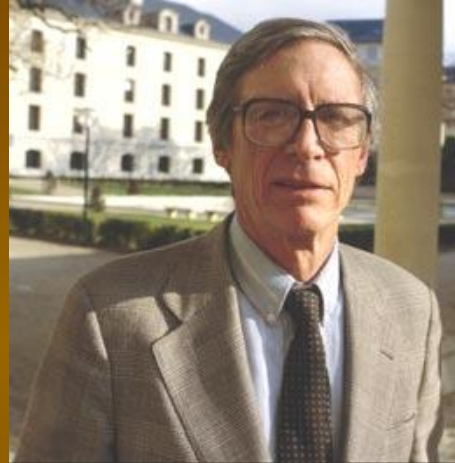
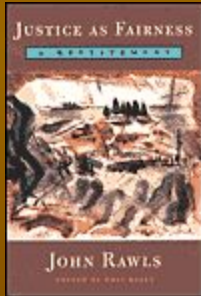
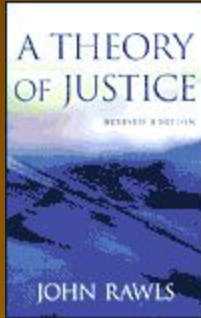
More Problems with Microeconomics

6. Problems with cost-benefit analysis (CBA):
 - a. Costs and benefits are not always anticipated.
 - b. Difficulty/impossibility of precisely quantifying costs and benefits.
 - c. Some costs and benefits might be incommensurable.
 - d. Subjects both the means and ends of decisions to economic analysis. (CBA vs. Cost Effectiveness from handout.)
 - e. CBA tends to overwhelm or replace other ways of evaluation—especially moral/political evaluation.
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And Still More Problems with Microeconomics

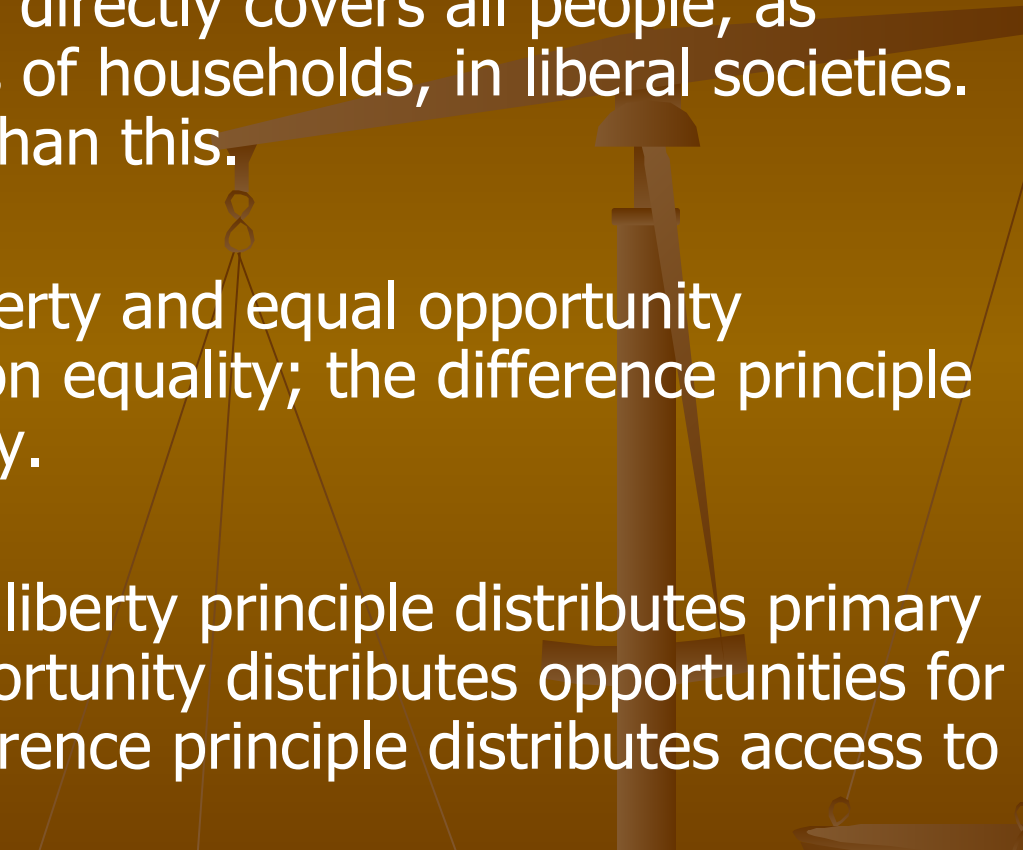
7. Can we put a monetary value on everything?
 8. Is economics value-neutral?
It might rest on problematic value assumptions.
 9. Does economics assume certain features of human nature? Are we fundamentally rational, preference maximizers?
 10. Is there something wrong with treating the environment as a scarce resource? This might miss symbolic, moral, political, etc. ties to nature.
 11. Economics might have no ethical basis at all and might lead to immoral actions.
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John Rawls' Liberalism

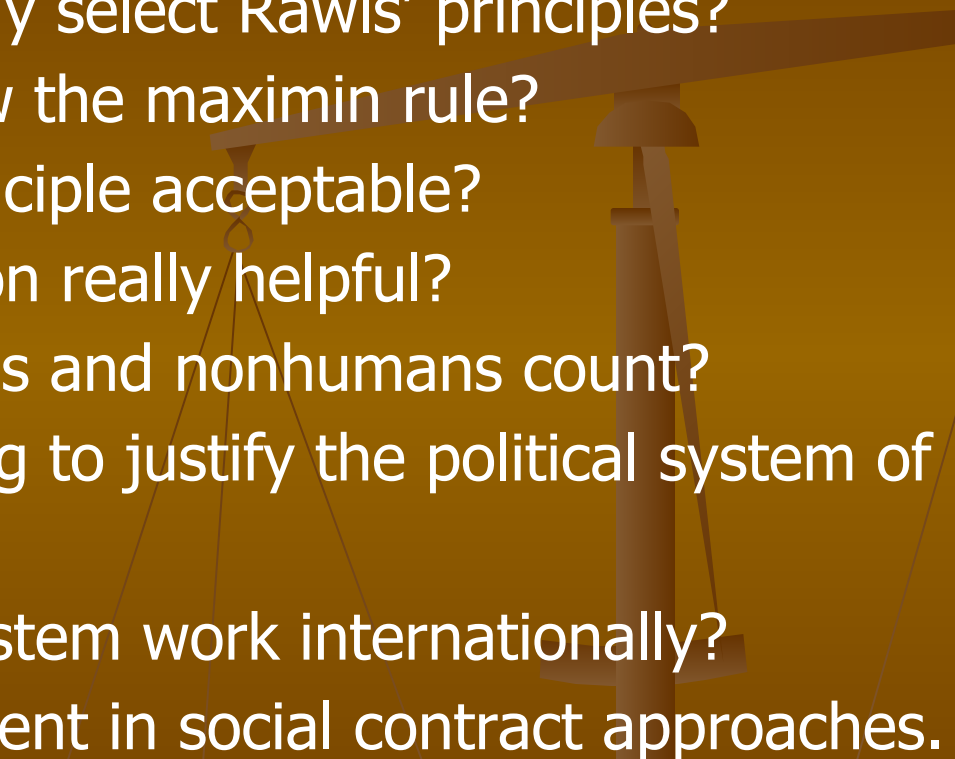


See the handout I distributed in class today.

Scope, Shape, and Currency of Rawls' Liberalism

- Scope: Rawls' theory directly covers all people, as represented by heads of households, in liberal societies. It might cover more than this.
 - Shape: The equal liberty and equal opportunity principles are based on equality; the difference principle is based on sufficiency.
 - Currency: The equal liberty principle distributes primary goods, the equal opportunity distributes opportunities for welfare, and the difference principle distributes access to advantage.
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John Rawls' Liberalism: Some Problems

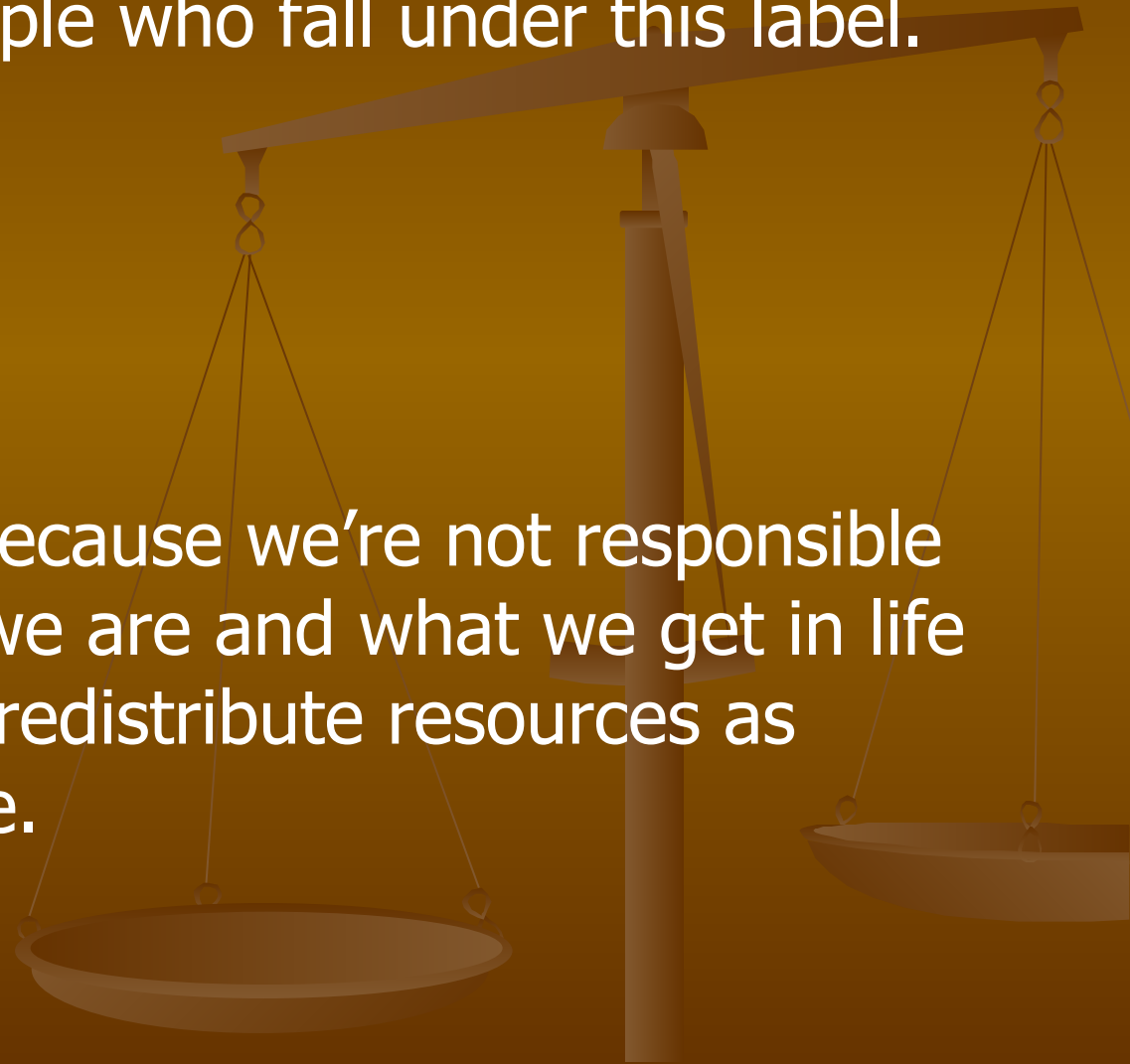
1. Would the POPs really select Rawls' principles?
 2. Is it rational to follow the maximin rule?
 3. Is the difference principle acceptable?
 4. Is the original position really helpful?
 5. Do future generations and nonhumans count?
 6. Is Rawls simply trying to justify the political system of the United States?
 7. How could Rawls' system work internationally?
 8. Basic problems inherent in social contract approaches.
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Post-Rawlsian Liberalism

There are many people who fall under this label.

One example:

Luck egalitarians: Because we're not responsible for much of who we are and what we get in life (luck), we should redistribute resources as equally as possible.

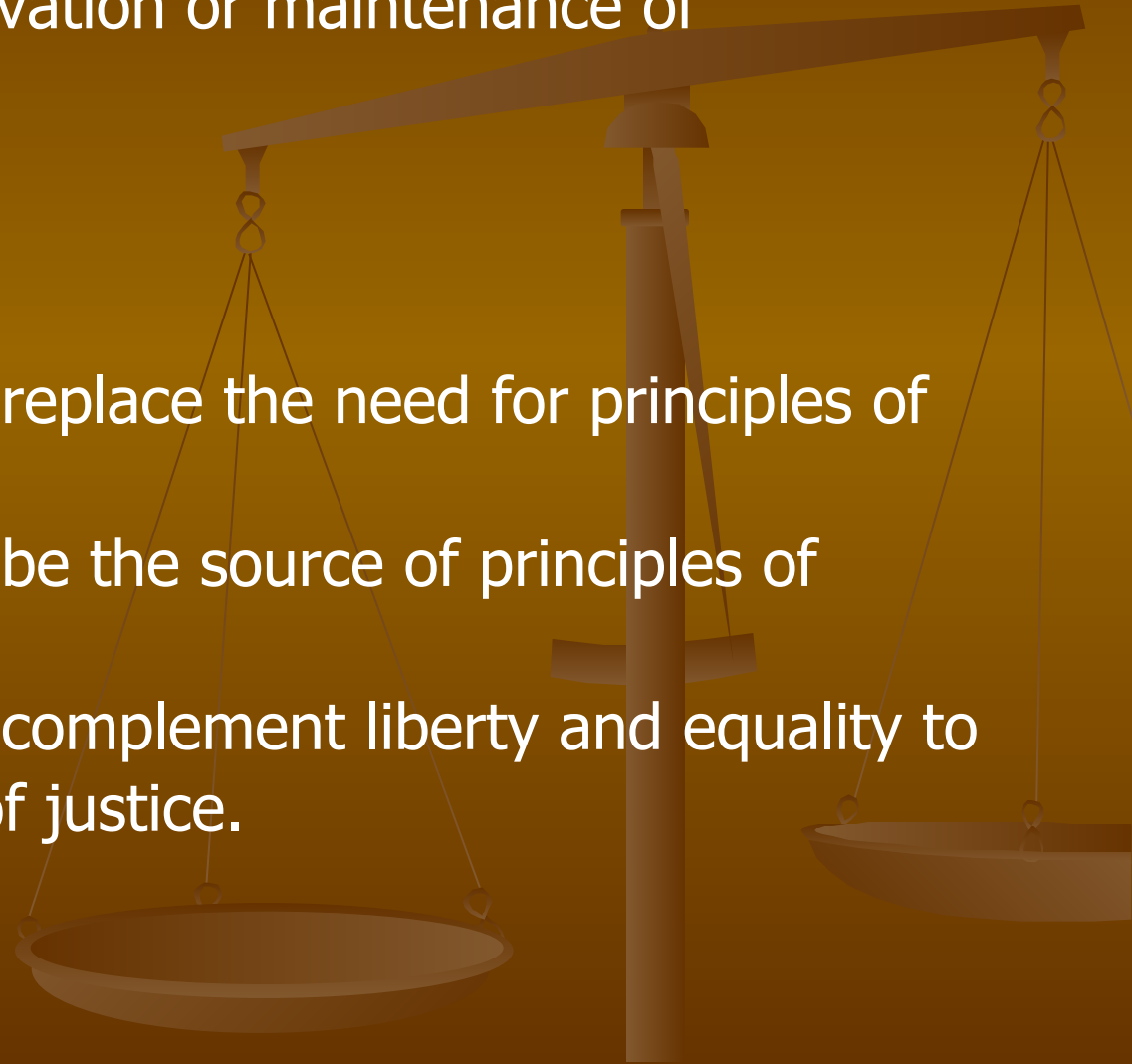


Communitarianism

Dedicated to the preservation or maintenance of communities.


Different formulations:

1. The community can replace the need for principles of justice.
2. The community can be the source of principles of justice.
3. The community can complement liberty and equality to inform principles of justice.



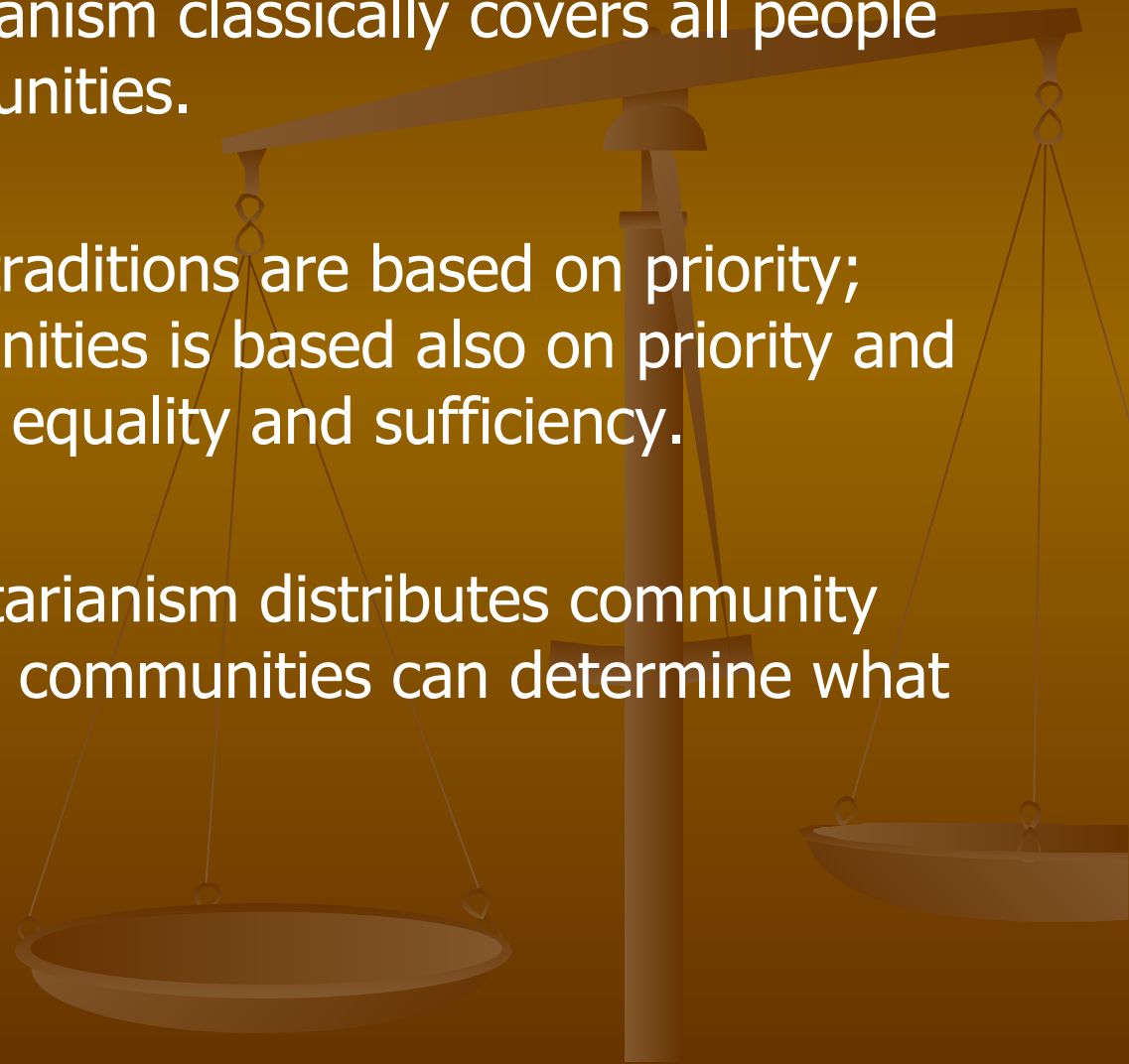
Communitarianism

Differences between communitarianism and liberal/egalitarian theories of justice:

- Liberalism enshrines right over good.
 - Communitarianism enshrines good over right.
 - Liberalism: neutrality of the state.
 - Communitarianism: the state promotes and defends particular conceptions of the good life.
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Scope, Shape, and Currency of Communitarianism

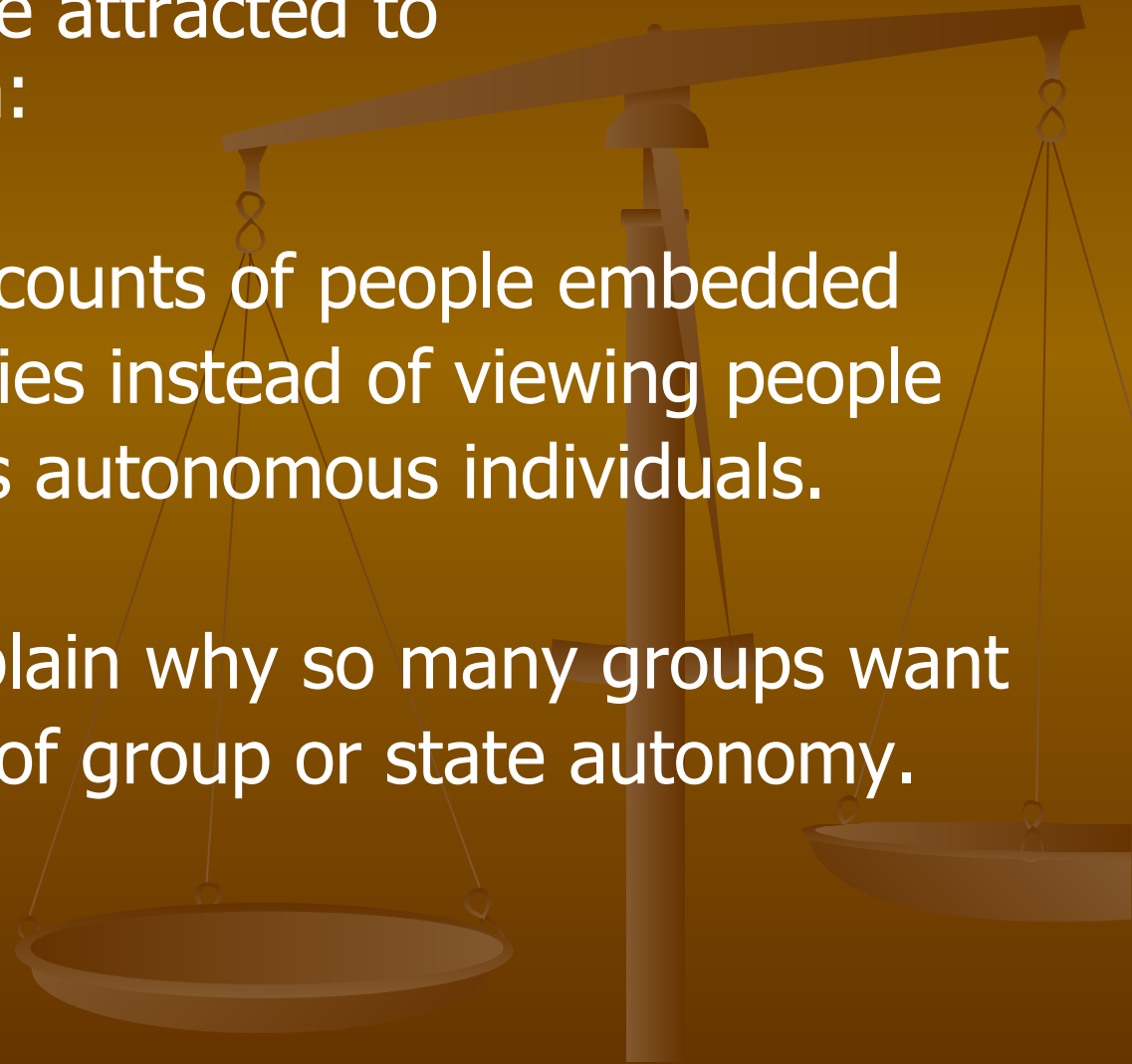
- Scope: Communitarianism classically covers all people within specific communities.
- Shape: Community traditions are based on priority; justice within communities is based also on priority and some combination of equality and sufficiency.
- Currency: Communitarianism distributes community membership; specific communities can determine what to distribute.



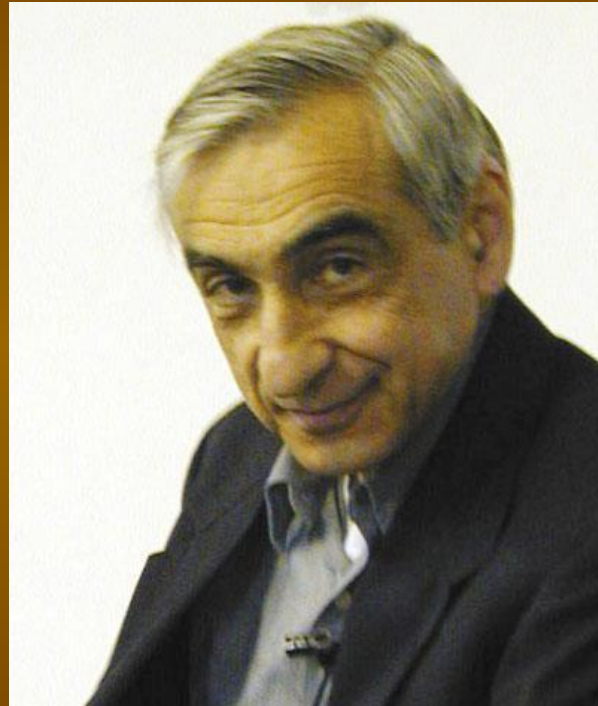
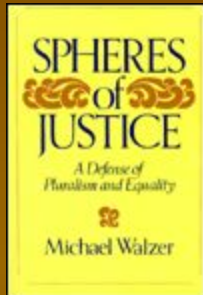
Communitarianism

Why people might be attracted to communitarianism:

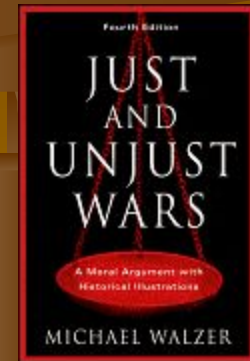
1. It gives richer accounts of people embedded within communities instead of viewing people fundamentally as autonomous individuals.
2. It might help explain why so many groups want their own forms of group or state autonomy.



A Well-Known Communitarian



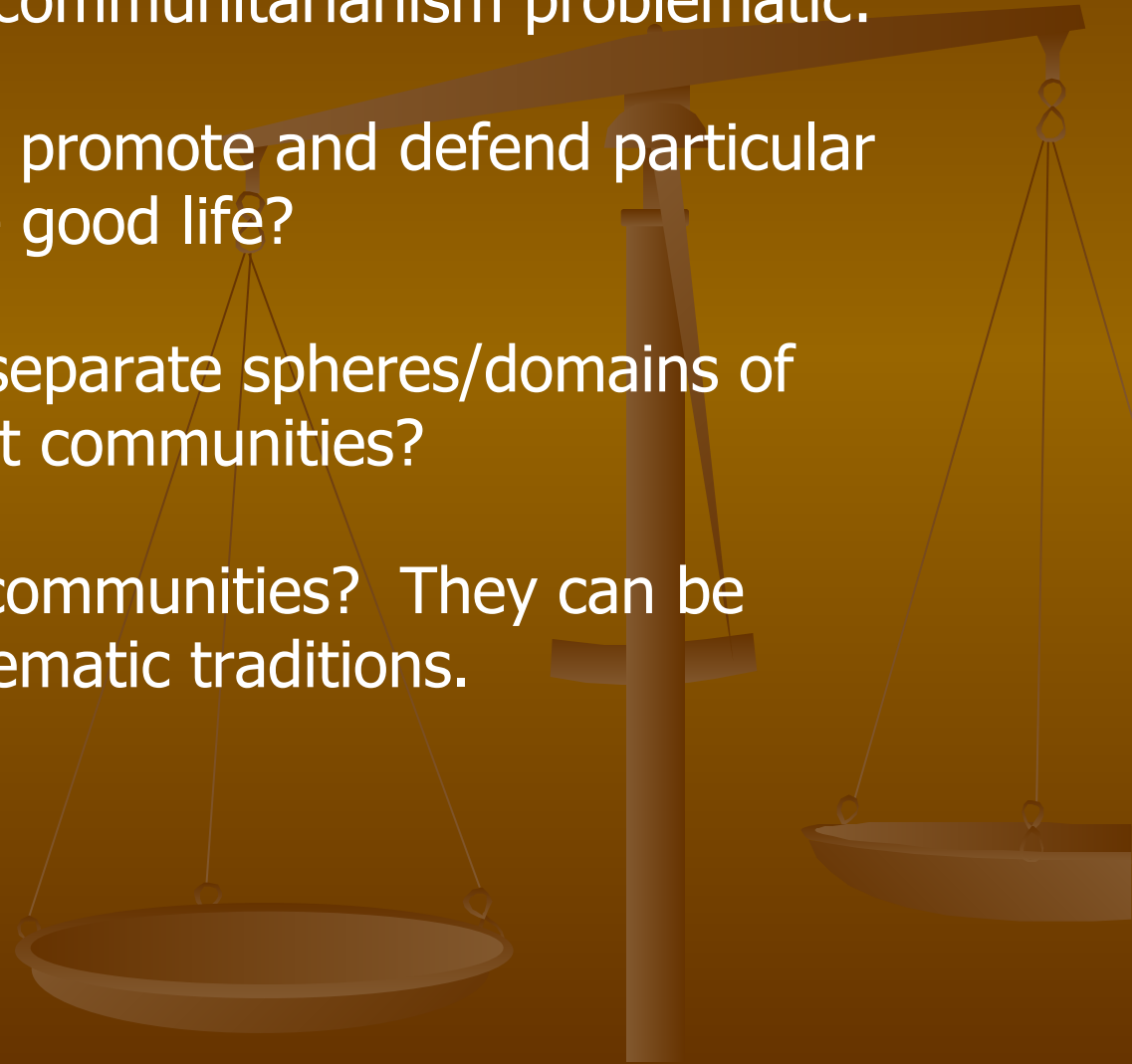
Michael Walzer



Communitarianism

Why people might find communitarianism problematic:

1. Should a state really promote and defend particular conceptions of the good life?
2. How do we explain separate spheres/domains of justice for different communities?
3. What's good about communities? They can be grounded in problematic traditions.
4. Relativism.



Feminism

See feminism within the handout "Some Important Approaches to Western Ethics"

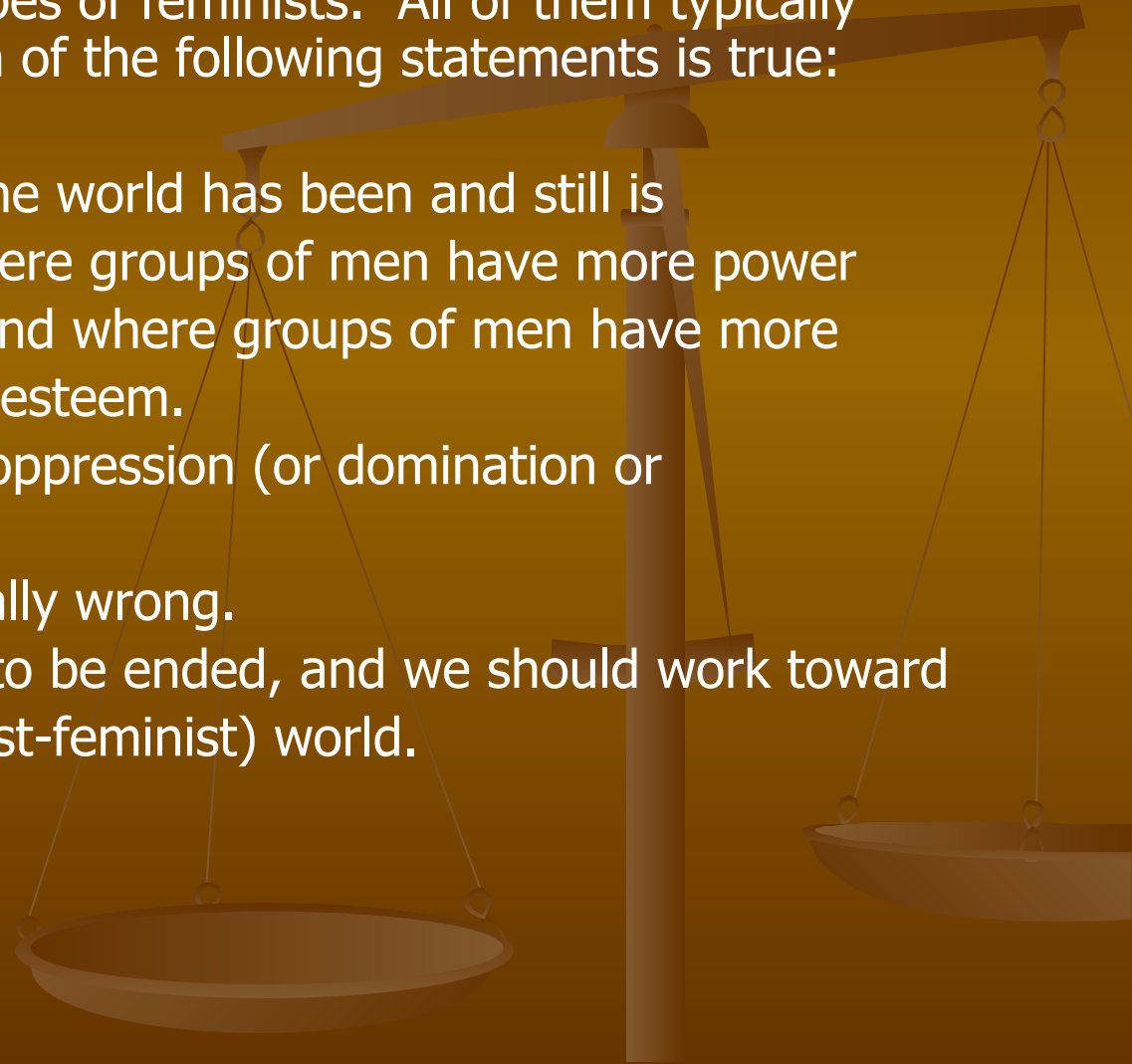
Also see the handout "Ecological Feminism"



What is feminism?

There are many different types of feminists. All of them typically believe that some version of the following statements is true:

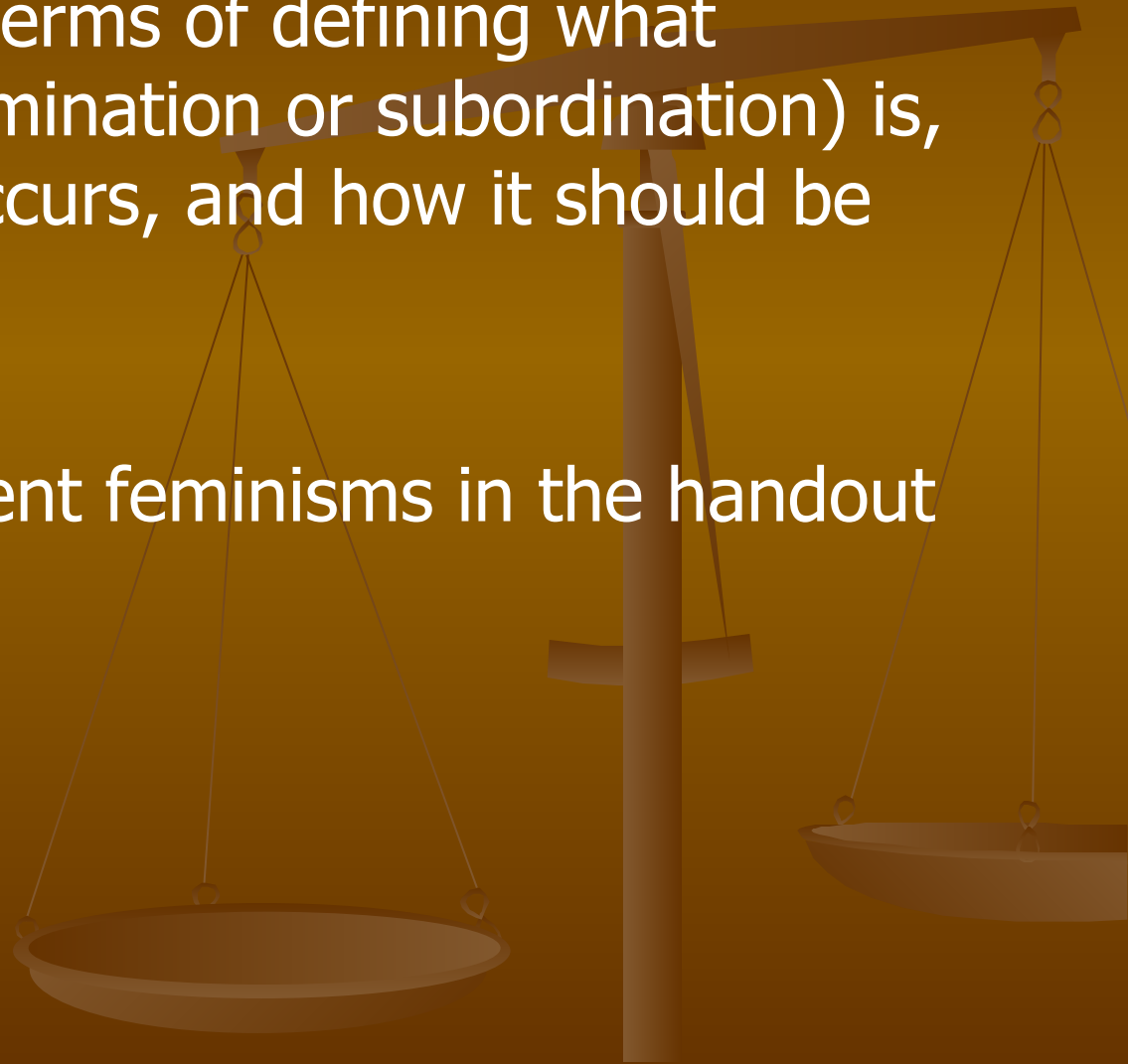
1. Part of the structure of the world has been and still is patriarchy—a system where groups of men have more power than groups of women and where groups of men have more access to what societies esteem.
2. Under patriarchy, sexist oppression (or domination or subordination) occurs.
3. Sexist oppression is morally wrong.
4. Sexist oppression ought to be ended, and we should work toward a post-patriarchal (or post-feminist) world.



Feminisms

Feminisms differ in terms of defining what oppression (or domination or subordination) is, how and why it occurs, and how it should be eliminated.

See the list of different feminisms in the handout "Ecofeminism."

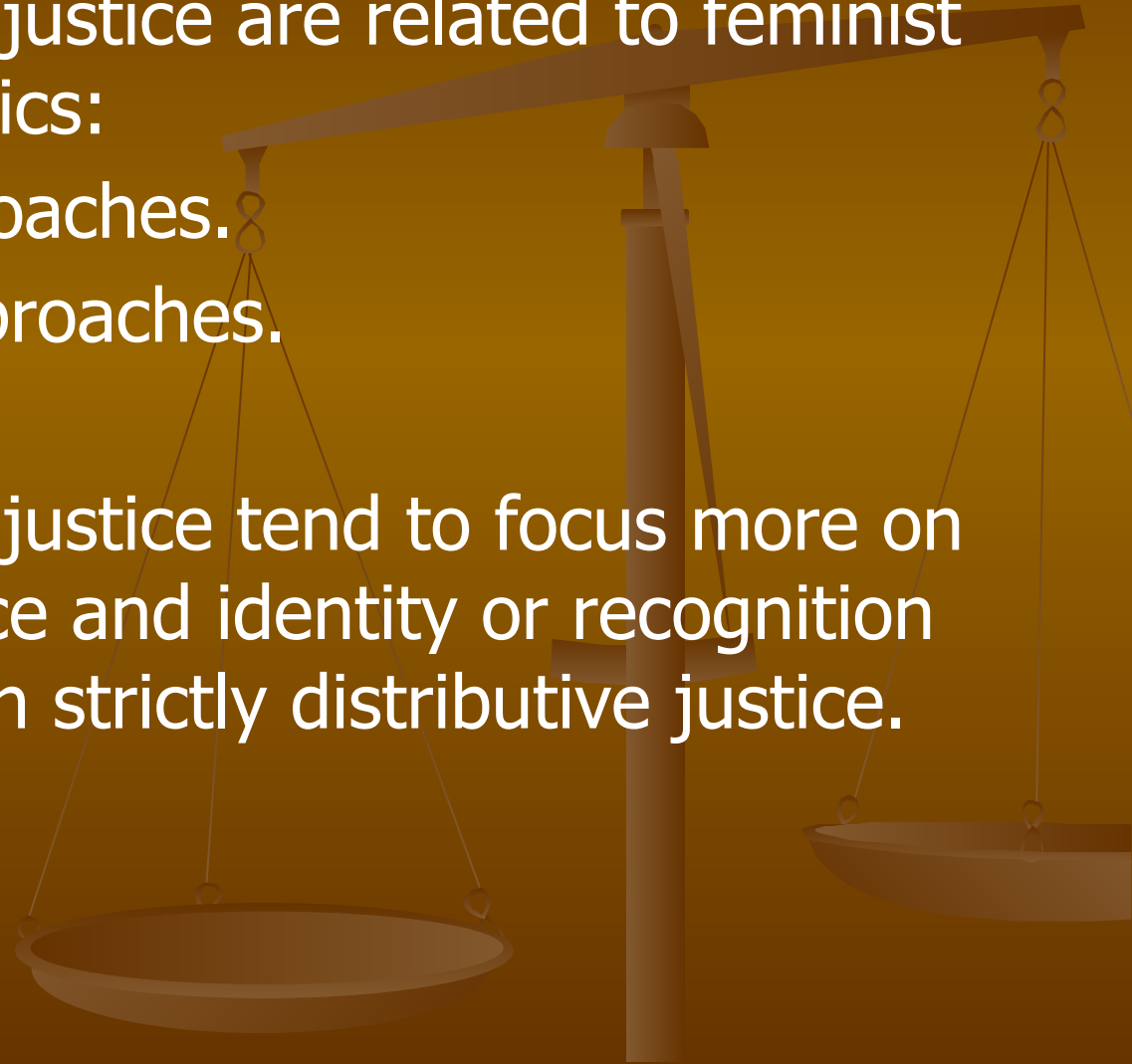


Feminist Theories of Justice

Feminist theories of justice are related to feminist approaches to ethics:

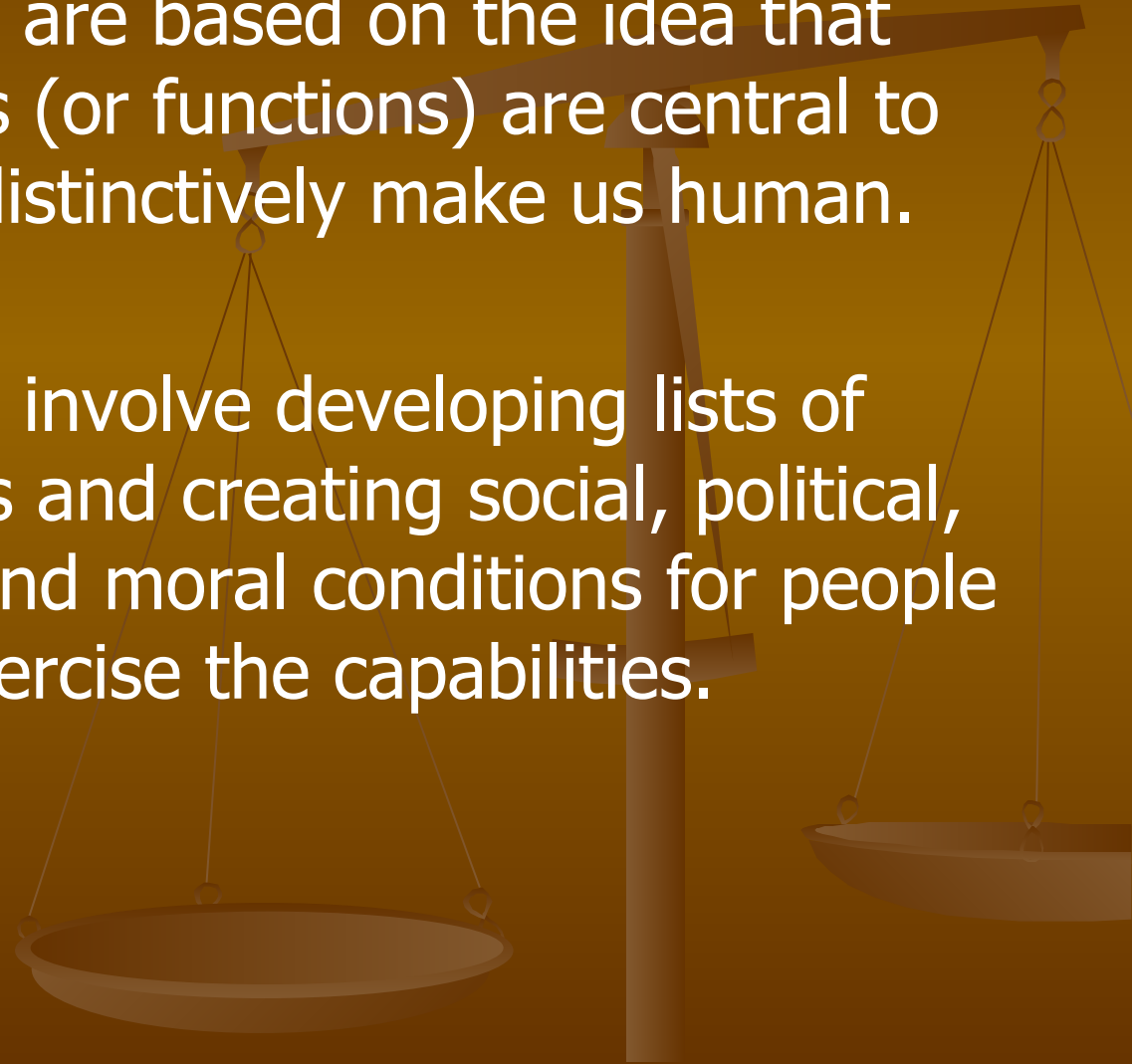
1. Care-based approaches.
2. Power-based approaches.

Feminist theories of justice tend to focus more on participatory justice and identity or recognition justice, rather than strictly distributive justice.



Capabilities Approaches

- These approaches are based on the idea that certain capabilities (or functions) are central to human lives and distinctively make us human.
- These approaches involve developing lists of human capabilities and creating social, political, economic, legal, and moral conditions for people to develop and exercise the capabilities.



Amartya Sen: “Development as Freedom”

What ought to be distributed are:

1. Elementary functions: “doings” and “beings” such as having access to adequate food and shelter that can be secured by personal liberty, income, and wealth.
2. Complex functions: “doings” and “beings” such as having self-respect and being able to take part in political communities that depend on factors independent of possessing resources.



Martha Nussbaum: “Capabilities Approach”

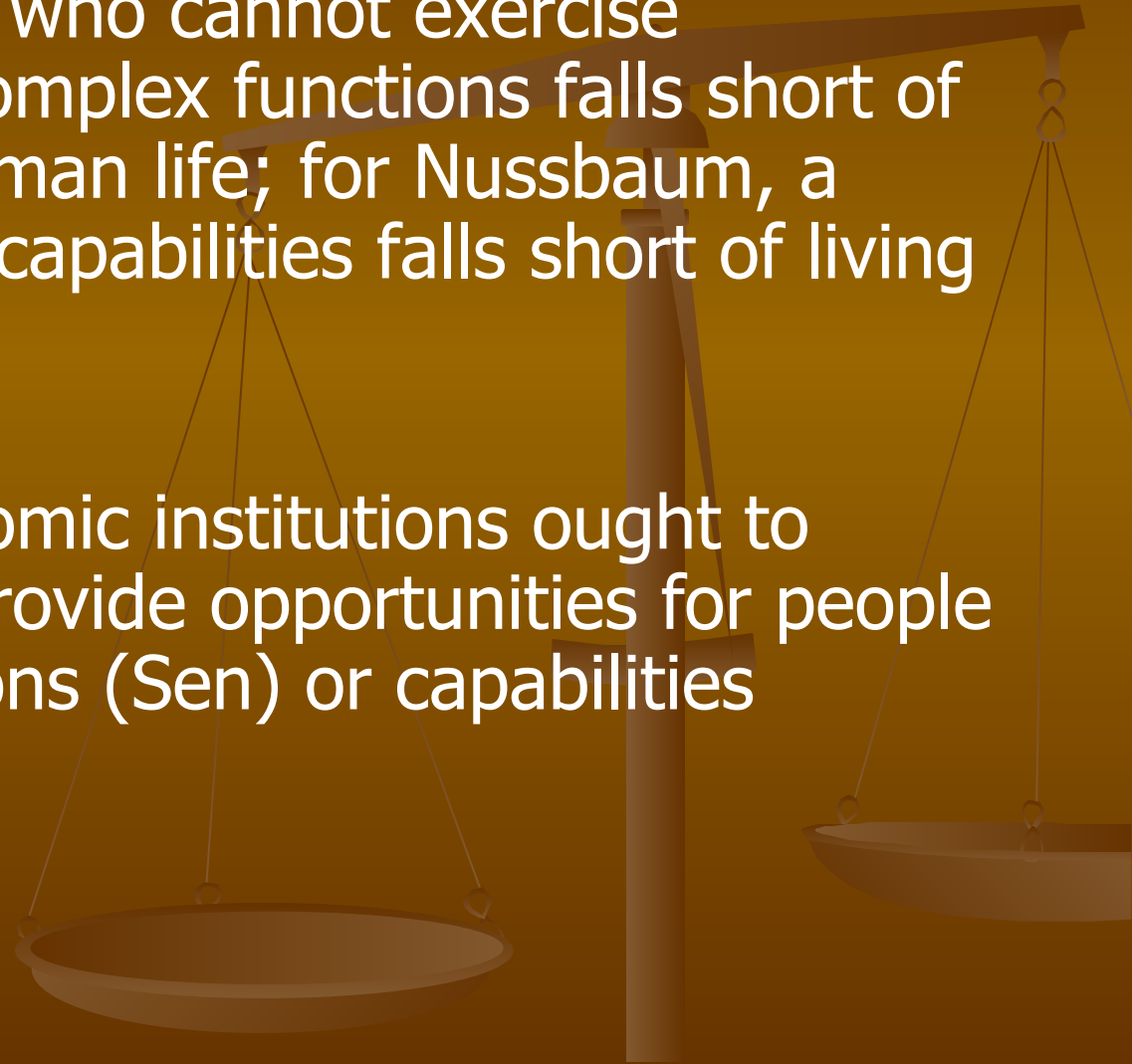
Central human functional capabilities that ought to be distributed:

1. Life
2. Bodily health
3. Bodily integrity
4. Senses, imagination, and thought
5. Emotions
6. Practical reason
7. Affiliation toward other species and as the basis for self-respect and dignity
8. Other species
9. Play
10. Control over your political and material environment



Sen's and Nussbaum's Capabilities Approaches

- For Sen, a person who cannot exercise elementary and complex functions falls short of living a decent human life; for Nussbaum, a person who lacks capabilities falls short of living a decent life.
- Political and economic institutions ought to facilitate and/or provide opportunities for people to exercise functions (Sen) or capabilities (Nussbaum).



Scope, Shape, and Currency of Capabilities Approaches

- **Scope:** Minimally these approaches cover all people.
- **Shape:** Capabilities approaches are based on hybrids of equality and sufficiency.
- **Currency:** Capabilities approaches distribute opportunities to exercise what it fundamentally means to be human (central functions or capabilities).

