

12/1/14

Distributive Justice

The question of distributive justice

- Cooperation produces much greater benefits than we can produce separately
 - Division of labor and specialization
 - Mutual benefits
- How should we distribute the benefits (and burdens) of extra product?

Rawls Biography

- Baltimore 1921
- Princeton, Cornell, MIT, Harvard
- Dies in 2002
- Theory of Justice 1971
- Political Liberalism 1993

The theory of justice

- Most influential work in the 20th c
- Seems to justify liberal intuitions
- Illuminates: social contract approaches
- ethics

Rawls version of the question of distributive justice

Which set of principles for the basic structure of society would distribute the primary social goods justly?

The basic structure of society

- major social institutions
- political constitution
- principle economic and social arrangements and how they fit together
- social justice

The primary social goods

Goods that are directly distributed by the social institutions

- a. basic rights and liberties
 - freedom of speech, movement, free choice of occupation
 - powers and prerogatives of positions of authority
- b. income and wealth
- c. social bases of self-respect
 - aspects of basic institutions that are essential if citizens are to have a lively sense of their worth as persons and be able to advance their ends with confidence
 - take into account how demeaning it is to be unemployed

Non-social primary goods= goods not directly distributed by social institutions

- usually natural endowments

Secondary goods= goods that result from what people do with their primary goods

- returns on investment
- musical achievements

Distinction blurry? Health? Knowledge?

Rawl's theory of distributive justice: "justice as fairness"

1. defining a just constitution: principle of equal liberty—each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all
2. defining a just economic order:
Any social or economic inequalities should be both
 - a. to the greatest benefit of the people at the bottom
 - b. attached to offices and positions open to all under conditions of fair equality of opportunity
3. in case of conflict
4. equal liberty>equal opportunity>difference principle
5. These principles>all other considerations: efficiency, welfare, etc.

1 the equal liberties principle

Each person is to have equal rights to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all

- gov. choice of basic constitution
- embodies a conception of a liberal society as an association of equal citizens

Some civil liberties (liberal rights)

Rights to philosophical, religious, moral views, and choice pursuit of happiness and type of life

- thought and consciousness
- association
- speech
- residence
- mobility
- equality before the law
- integrity—physical and psychological- of a person
- social right- marry whoever you want to and practice your religion

Some political liberties

The right to political participation

- democratic rights—running for office
- equal access to gov. services

"The devices of constitutionalism"

- separation of powers, checks and balances, bicameral leg, bill of rights, judicial review

The rule of law

- rules are set out to the public and voted on—all people are bound by them and they are not subject to the whim of a monarch etc.
- due process

Some economic liberties

- the right to occupational choice

2 A just economic order: the difference principle

Any social or economic inequalities must bring the greatest benefit to the least advantaged

- must be consistent with "just savings principle:"
 - we can't just dump all of our costs on the future generations

- usually construed to say—it must benefit people at the bottom
- Rawls: cannot be brought about by market forces:
 - tax breaks for new industry to encourage investment
 - Pay physicians more to encourage healthcare

A just economic order (b): the equal opportunity principle

Each person is to have equal powers and opportunity to get into favorable socioeconomic situations

Formal equality of opportunity: no discriminatory legal barriers

Substantial equality of opportunity:

- State must take action to ensure those with similar skills and motivations enjoy similar opportunities
- Implies positive rights: education, health care, social security

Cultural rights: equal access to fruits of civilization

- Nearly everything around you is inherited cultural capital
 - Roads, buildings
 - Science, engineering
- Each educated enough to appreciate these things

3 lexical ordering

LP > (EO or DP)

- Defining feature of liberalism (in broad sense)
- Precludes slavery even if slave are materially better off

EO > DP

- Primary goods have priority over secondary
- Makes distribution choice-sensitive (inequalities due to free choices should not be compensated for)

These principles > all other aims

- "justice is the first virtue of social institutions"
- Truth for science
 - Scientific theory should be rejected if false
 - A society is unacceptable if unjust, regardless of other virtues

Rawls's arguments

- Cooperation can produce more than can be produced separately
- Distributive justice concerns how to distribute the benefits and burdens of this extra product
- Dist justice concerns how to dist. The benefits and burdens of this extra product
- JAF, especially the Difference Principle is Rawls's answer
 - But inequalities permissible iff they make the total product larger as long as they benefit the poorest
 - 3 arguments:
 - Pragmatic
 - Intuitive: captures basic moral intuitions
 - Social contract: would be chosen by people fairly situated behind a wall of ignorance

Pragmatic argument

1. JAF is the only stable set of principles governing the basic structure of society
2. Ought to be adopted
3. Adopt JAF