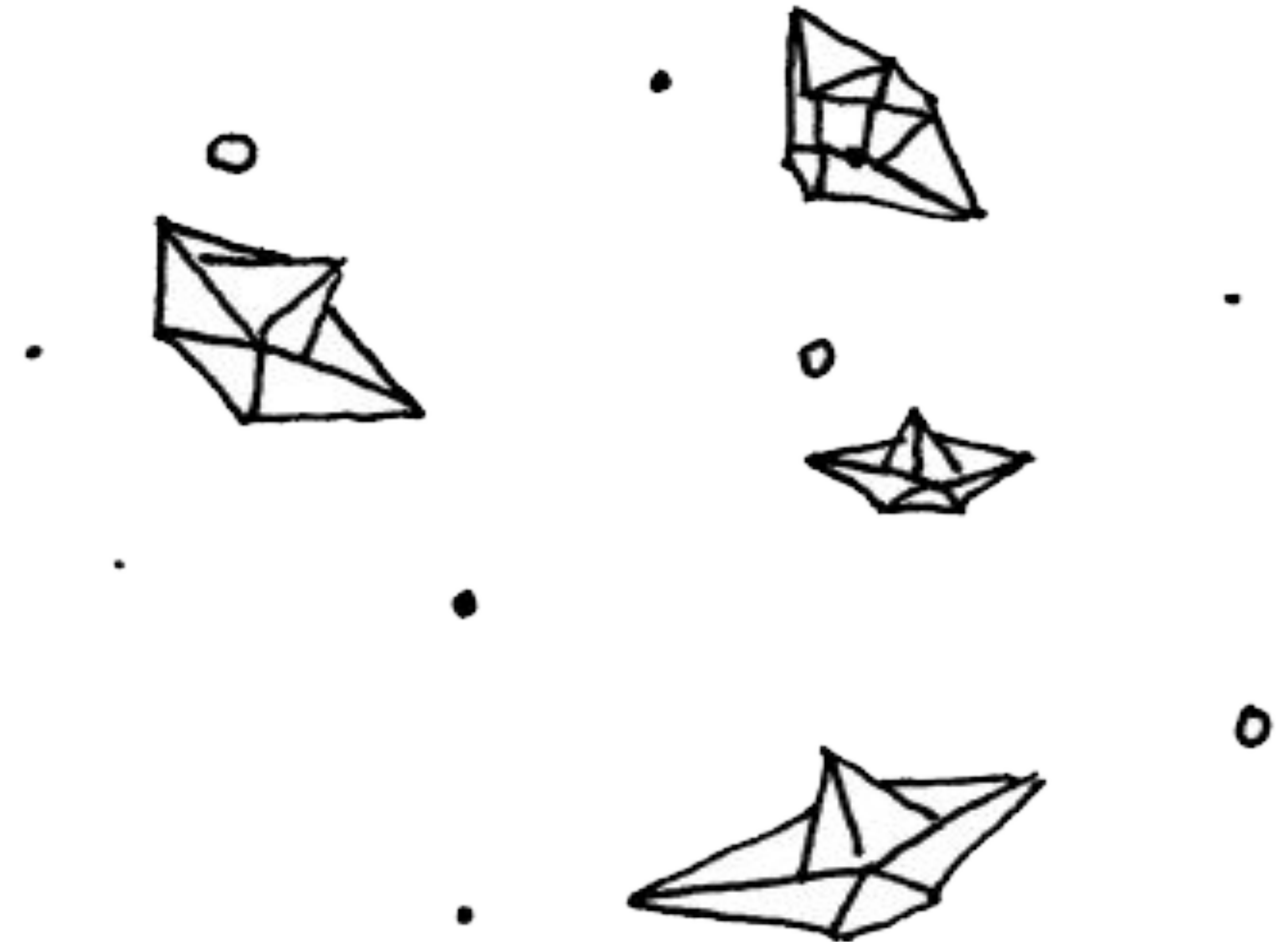


# Ethics

## Classes 5 and 6: Distributive Justice

(Justice, rights, liberty, equality, social arrangements, distribution of wealth, the purpose and role of the state)





## GROUNDWORK

### *Some basic definitions*

**The economic, political, and social frameworks that each society has—its laws, institutions, policies, etc.—result in different distributions of benefits and burdens across members of the society.**

*Distributive justice is a theory or a concern about how a society or group should allocate its scarce resources or product among individuals with competing needs or claims*

(John Roemer, 1996: 1)



Image from: <https://study.com/academy/lesson/distributive-justice-definition-theory-principles-examples.htm>



## **Reading exercise**

### *Nichomanean Ethics*

#### Aristotle NE and justice

*“12 Special justice, however, and the corresponding way of being just, have one species that is found in the distribution of honors, or wealth or anything else that can be divided among members of a community who share in a political system; for here it is possible for one member to have a share equal or unequal to another’s. A species concerns rectification in transactions”*

(Aristotle, Book V, 2: 12)

“4 Since the equal involves at least two things [equal to each other], it follows that the just must be **intermediate and equal**, and related to something, and for some people. (...). 6. Equality for the people involved will be the same as for the things involved (...).

For if the people involved are not equal, they will not [justly] receive equal shares; indeed, **whenever equals receive unequal shares, or unequals equal shares, in a distribution, that is the source of quarrels and accusation**. 7. This is also clear from considering what accord with worth. For all agree that the **just in distributions must accord with some form of worth**, but what they call worth is not the same; supporters of democracy say it is free citizenship, some supporters of oligarchy say it is wealth, others good birth, some supporters of aristocracy say it is virtue.

8. Hence the just [since it requires equal shares for equal people] is in some way **proportionate**.”

(Aristotle, Book V, 2: 12)

# Do you tip? Why?





UPDATES  
MONDAYS

# EXISTENTIAL COMICS

A PHILOSOPHY COMIC ABOUT THE INEVITABLE ANGUISH OF  
LIVING A BRIEF LIFE IN AN ABSURD WORLD. ALSO JOKES.



268

DAYS WITHOUT A  
KANT/CAN'T PUN



PREV.

RANDOM

NEXT



In which John Rawls is a bad tipper.

**MERCH!**

Become a member





IS IT THOUGH, NOZICK?  
THE GOOD WAITERS GET LOADS OF  
TIPS: THEY MAKE MORE MONEY FOR  
THE SAME AMOUNT OF EFFORT.



LOOK AT THIS GUY OVER HERE:  
HE'S UGLY, HAS A LAZY EYE, IS  
OBNOXIOUS, AND HE'S TERRIBLE  
AT HIS JOB.



BUT IS THAT HIS OWN DOING? NO!  
HE WAS BORN LIKE THAT. HE IS STILL  
TRYING TO DO THE BEST HE CAN.



NOW LOOK AT *OUR* WAITER: HE IS HANDSOME,  
SUAVE, CHARMING – HE IS A NATURAL. HE  
PROBABLY MAKES TWICE THE MONEY FOR  
THE SAME WORK – IT ISN'T FAIR!

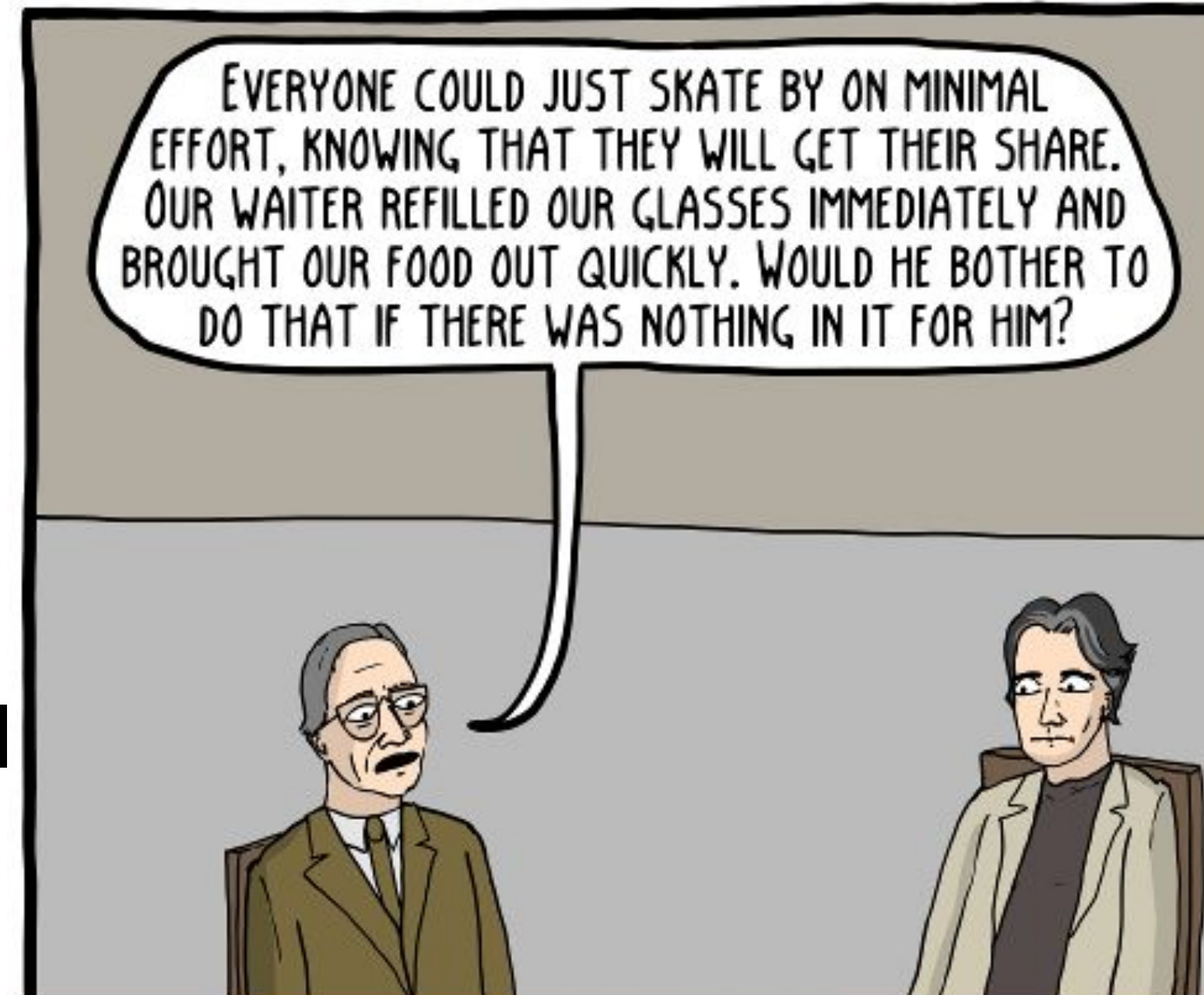
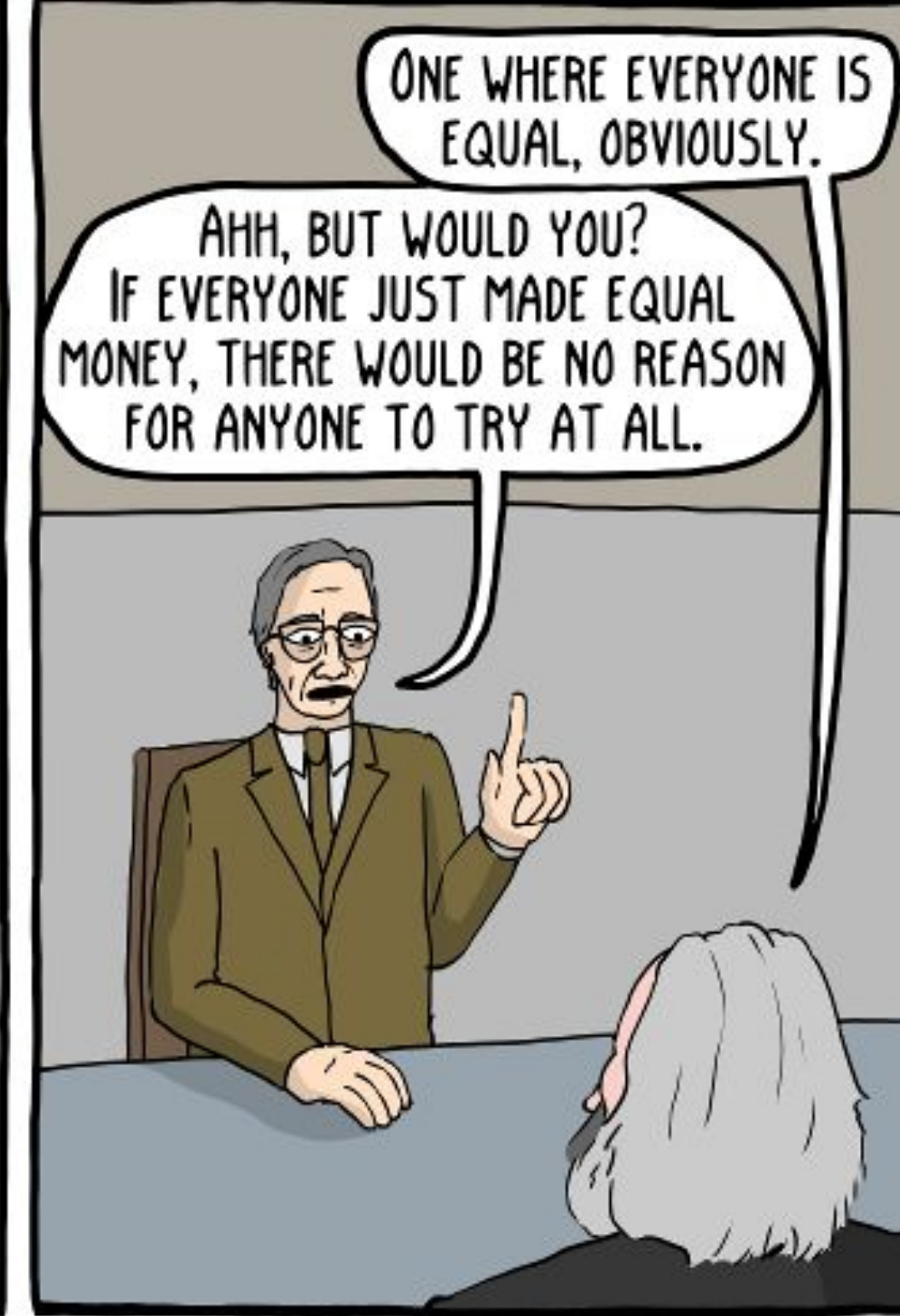
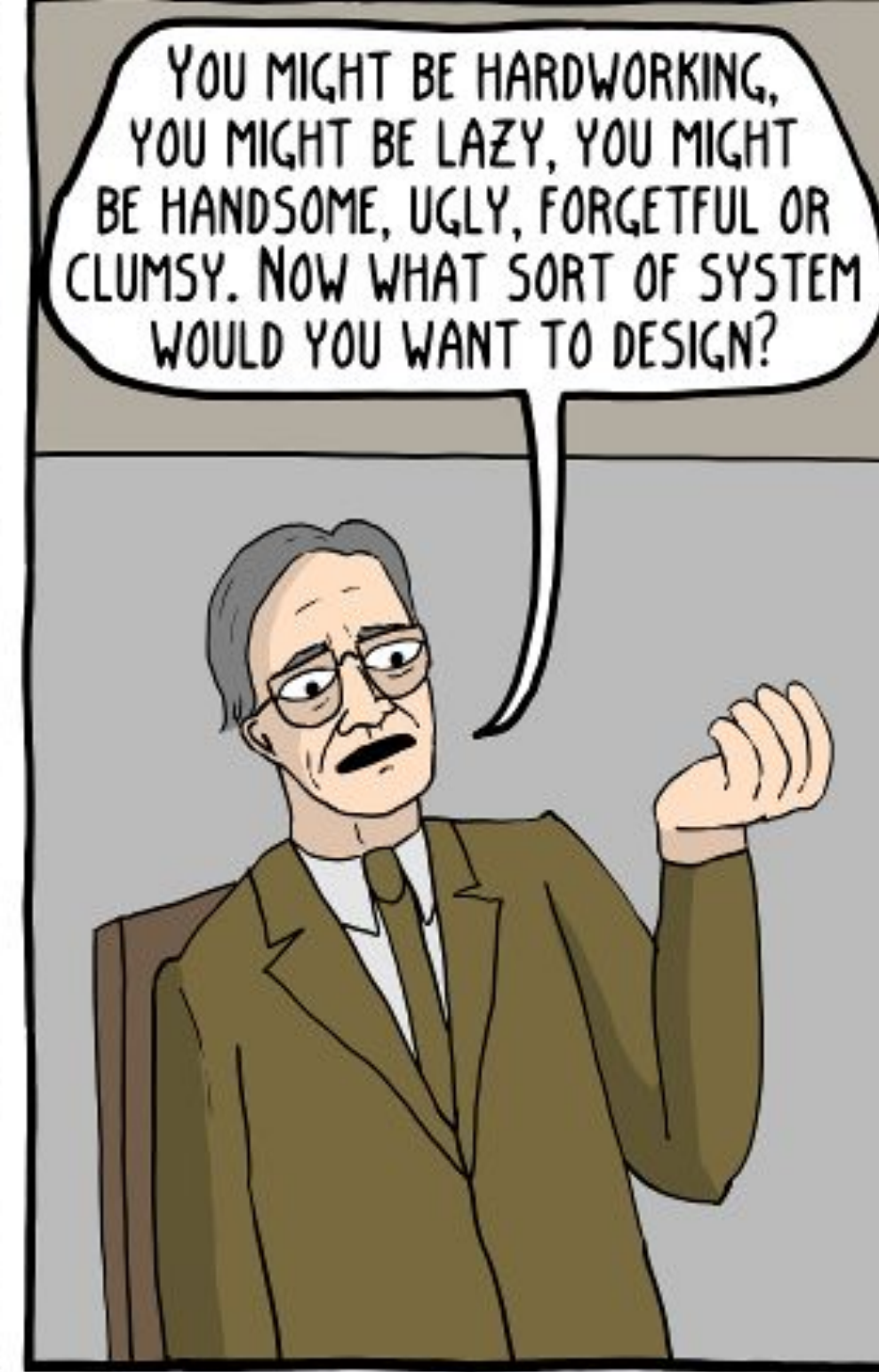


ISN'T FAIR? YOU CAN'T JUST LOOK AT THE OUTCOME OF  
WHO IS GETTING WHAT MONEY AND DECIDE WHAT IS FAIR.  
YOU HAVE TO LOOK AT THE *HISTORY* OF IT.

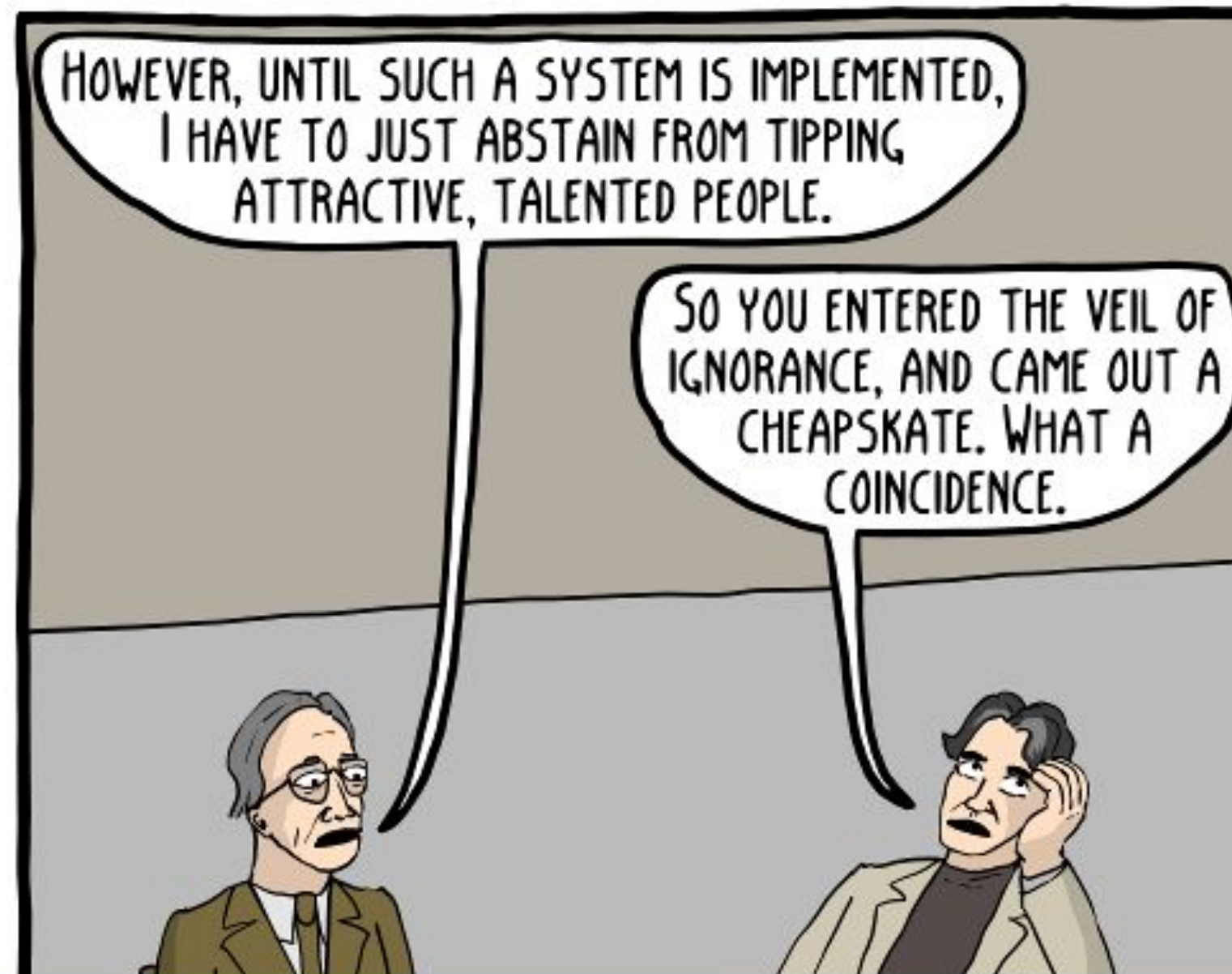
ALL THE MONEY PAID TO OUR CHARMING  
WAITER WAS PAID FREELY, THROUGH FREE,  
CONSENTING TRANSACTIONS BY ADULTS.

















## Brief recap on Utilitarianism

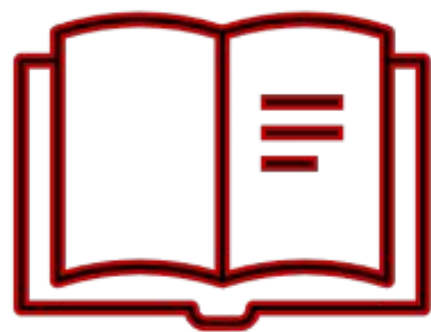
One of the most well-known theories of distributive justice tells us we ought to maximize utility as...

- Pleasure
- Happiness
- Subjective preferences of individuals

**These are called utilitarian theories, or welfarist theories.**

Still question  
Check out  
Class #5





## Reading exercise

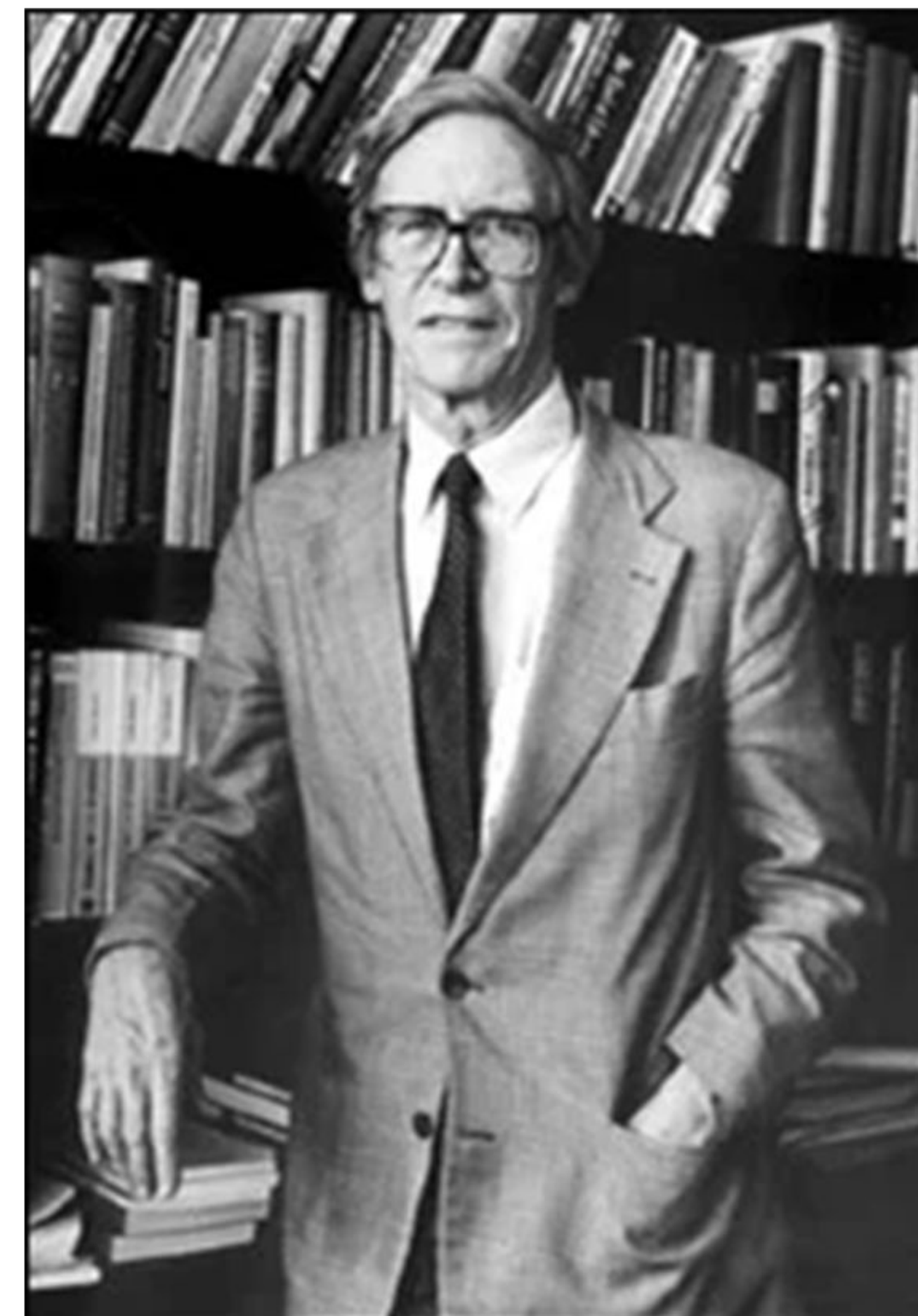
### *Rawls and a Just Society*

John Rawls (1921-2002)

“I wanted to work out a conception of justice that provides a reasonably systematic **alternative to utilitarianism**, which in one form or another has long dominated the Anglo-Saxon tradition of political thought.

The primary reason for wanting to find such an alternative is the weakness, so I think, of utilitarian doctrine as a basis for the institutions of constitutional democracy. **A convincing account of basic rights and liberties, and of their priority, was the first objective of justice as fairness.**

A second objective was to integrate that account with an **understanding of democratic equality**, which led to the principle of fair equality of opportunity and the difference principle.”





*“Among the essential features of this situation is that no one knows his **place in society**, his class position or social status, nor does any one know his **fortune in the distribution of natural assets and abilities**, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a **veil of ignorance**.*

*This ensures that no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstances. Since all are similarly situated and no one is able to design principles to favor his particular condition, the principles of justice are the result of a fair agreement or bargain.”*

(Rawls, 1999: 11)





## Reading exercise

### *Rawls and a Just Society*

*“The first statement of the two principles reads as follows.*

***First:*** *each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties for others.*

***Second:*** *social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone’s advantage, and (b) attached to positions and offices open to all”*

(Rawls, 1999: 53)

Both principles, according to Rawls, concern distribution of ‘primary goods’. He talks of five primary goods, or categories of such goods: “(a) basic liberties, including freedom of association, liberty and so on, (b) freedom of movement and choice of occupation, (c) power and prerogatives of offices and positions of responsibility, (d) income and wealth, and (e) the social bases of self-respect” (Rawls, 1999: 55-56)





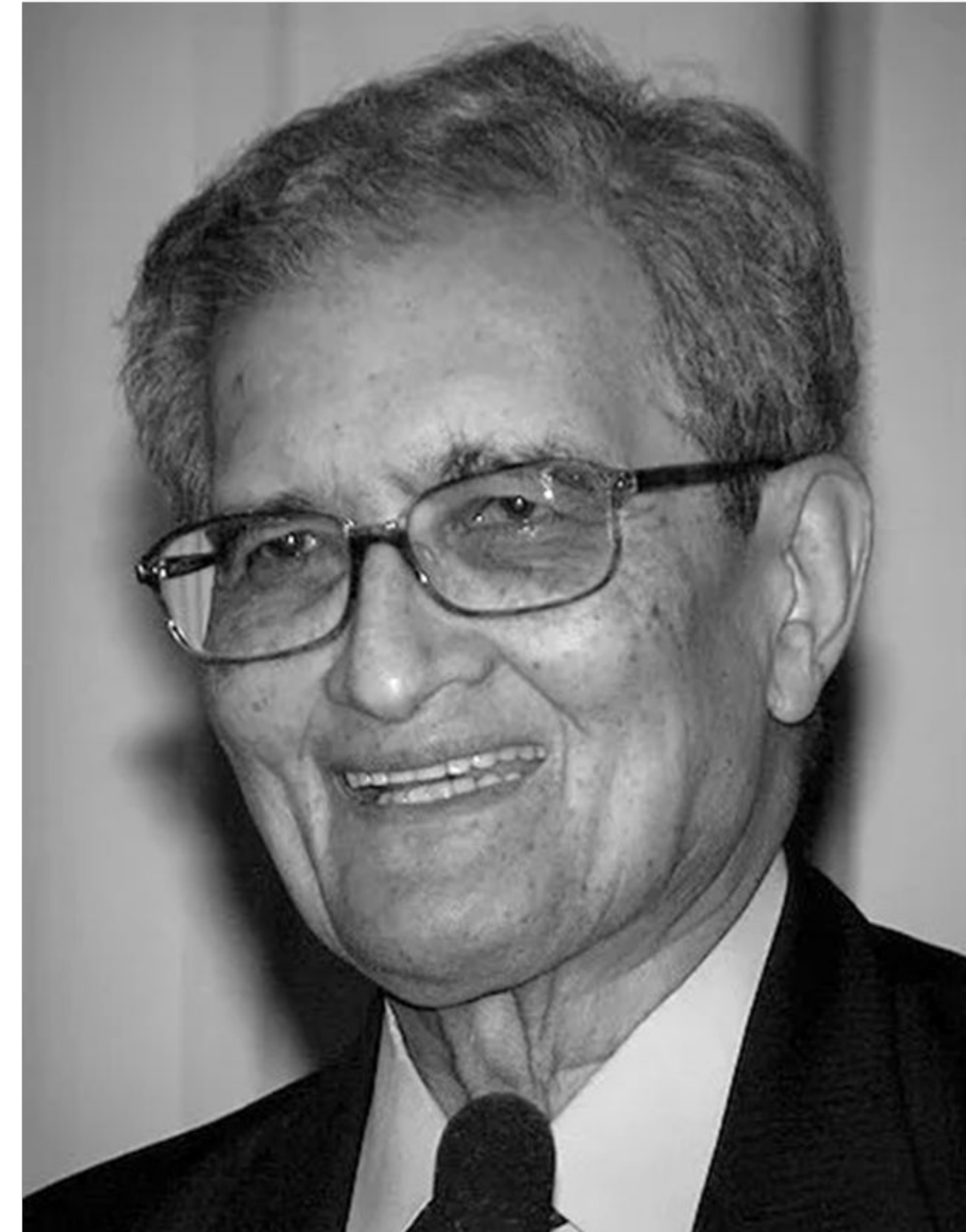
**Reading exercise**  
*Sen and Capabilities*

## **Amartya Sen (1933 )**

Argues that Rawls was focused on the wrong maximandum

*(on what we ought to be maximizing)*

**Famous for his theory of Justice as Capabilities**







## Reading exercise

### *Sen and Capabilities*

## Rawls was focused on the wrong maximandum (on what we ought to be maximizing)

*“The well-being of a person can be seen in terms of the quality (the 'well-ness', as it were) of the person's being. Living may be seen as consisting of a set of interrelated 'functionings', consisting of beings and doings. A person's achievement in this respect can be seen as the vector of his or her functionings. **The relevant functionings can vary from such elementary things as being adequately nourished, being in good health, avoiding escapable morbidity and premature mortality, etc., to more complex achievements such as being happy, having self-respect, taking part in the life of the community, and so on.***

*“**Capability is, thus, a set of vectors of functionings**, reflecting the person's freedom to lead one type of life or another. Just as the so-called 'budget set' in the commodity space represents a person's freedom to buy commodity bundles, the 'capability set' reflects the person's freedom to choose from possible livings.”*

(Sen, 1992: 39)



A thoroughly deprived person, leading a very reduced life, might not appear to be badly off in terms of the mental metric of desire and its fulfilment, if the hardship is accepted with non-grumbling resignation. In situations of longstanding deprivation, the victims do not go on grieving and lamenting all the time, and very often make great efforts to take pleasure in small mercies and to cut down personal desires to modest—'realistic'—proportions. Indeed, in situations of adversity which the victims cannot individually change, prudential reasoning would suggest that the victims should concentrate their desires on those limited things that they can possibly achieve, rather than fruitlessly pining for what is unattainable.

**The extent of a person's deprivation, then, may not at all show up in the metric of desire fulfilment, even though he or she may be quite unable to be adequately nourished, decently clothed, minimally educated, and properly sheltered.**

(Sen, 1992: 55)





## Reading exercise

*Nozick and libertarianism*

**Robert Nozick (1938-2022)**

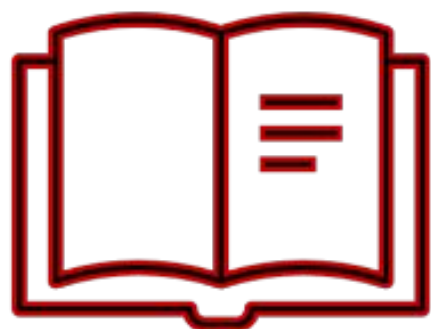
***Radical break and one of the most direct criticisms to Rawls' Theory of Justice.***

Criticizes any distributive ideal that requires the pursuit of specific 'patterns', such as maximization or equality of welfare or of material goods.

In favour of a minimal state that mostly protects individual freedom.







## Reading exercise

*No distributive principle is permissible: Nozick and self-ownership*

*“1. A person who acquires a holding in accordance with the principle of **justice in acquisition**, is entitled to that holding.*

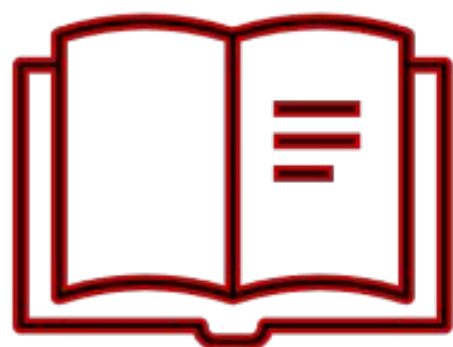
*2. A person who acquires a holding in accordance with the principle of **justice in transfer**, from someone else entitled to the holding, is entitled to the holding.*

*3. No one is entitled to a holding except by (repeated) application of 1. and 2.*

*The complete principle of distributive justice would say simply that a distribution is just if **everyone is entitled to the holdings they possess** under the distribution.”*

(Nozick, 1974: 151)





## Reading exercise

*No distributive principle is permissible: Nozick and self-ownership*

*Nozick's view has been defined as one that upholds the idea of "self-ownership" as:*

*"Each person is the morally rightful owner of himself.*

*He possesses over himself, as a matter of moral right, all those rights a slaveholder has over a complete chattel slave as a matter of legal right and he is entitled, morally speaking, to dispose over himself, in the way a slaveholder is entitled, legally speaking, to dispose over his slave"*

(Cohen, 1986: 109)





## SIDE NOTE

### *The 'communitarian' criticism*

*These include criticisms made since the 70s to liberal theories of justice – namely Rawls' one by philosophers like Michael Walzer, Michael Sandel, Charles Taylor or Alasdair MacIntyre*

*We are aggregating these criticisms in the realm of **communitarianism** – and their specific critique to theories that argue in favour of **universal principles (namely on distributive justice)***

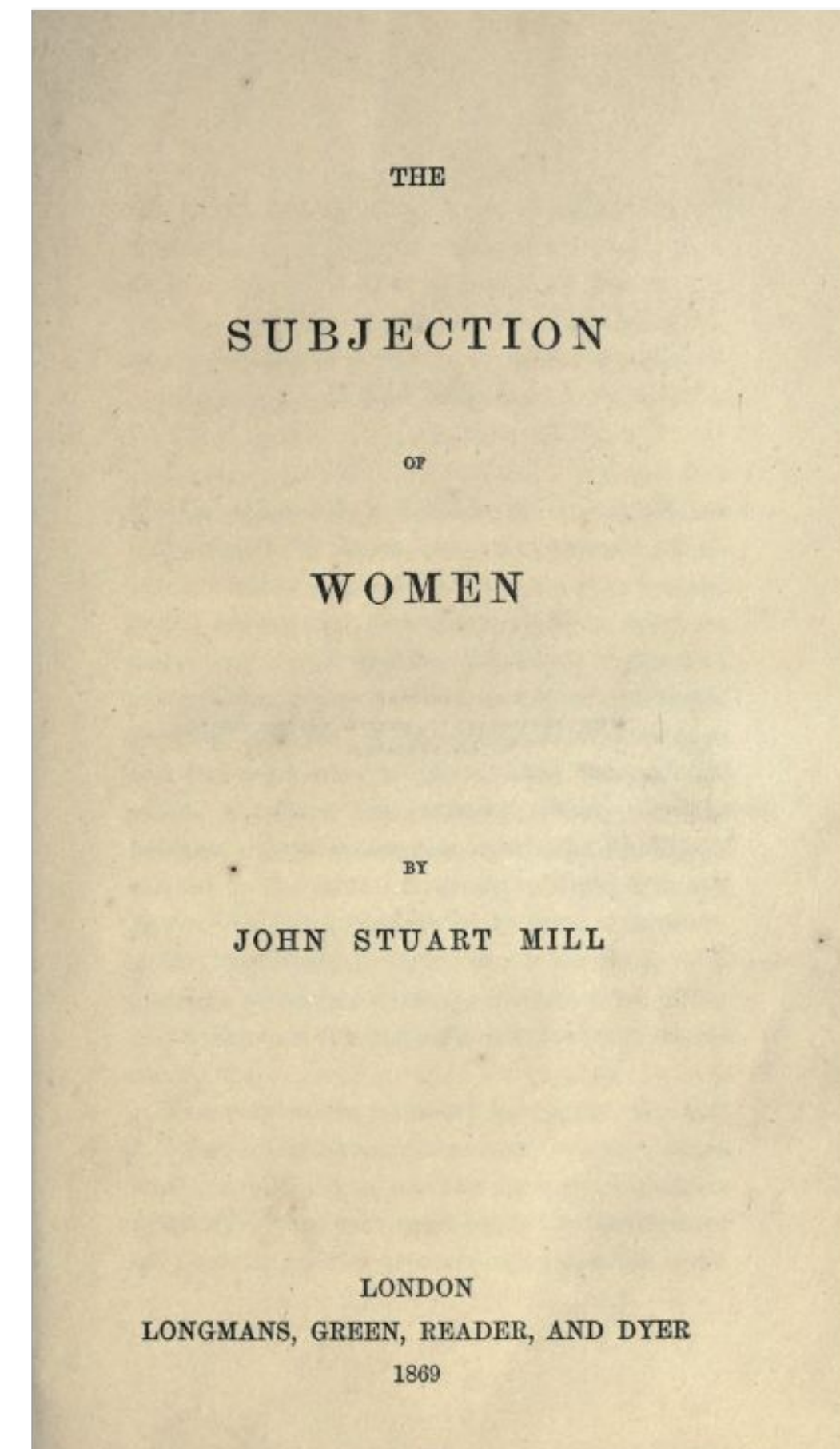




**SIDE NOTE***The 'feminist criticism'*

Liberal theories of justice tend to apply to **basic institutions** and argue we ought to limit the scope of the state's intervention in private life of citizens.

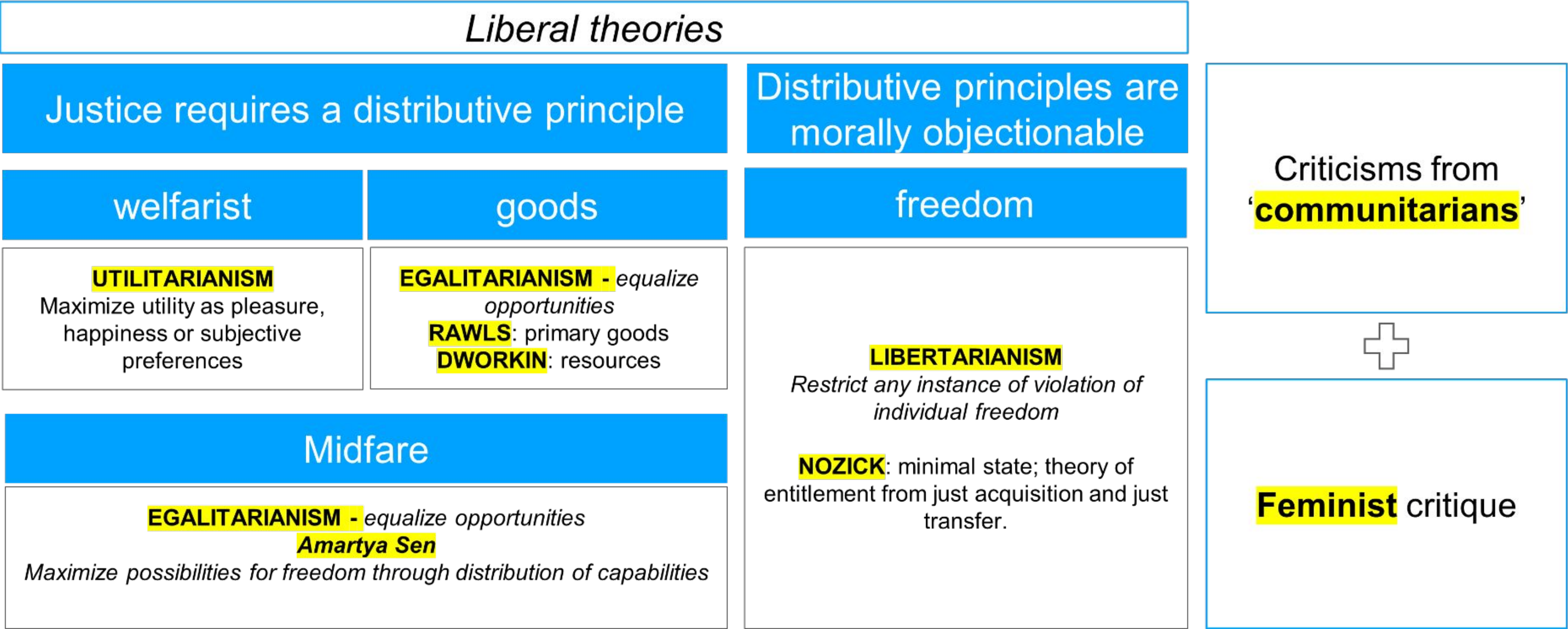
So, institutions like the 'family' are in principle not to be meddled with. **Feminist thinkers like Susan Moller Okin** argue that the commitment to limited intervention in the private sphere of individuals, **has failed to promote gender equality in a systematic way.**







**RECAP**  
*What they share, and how they differ*



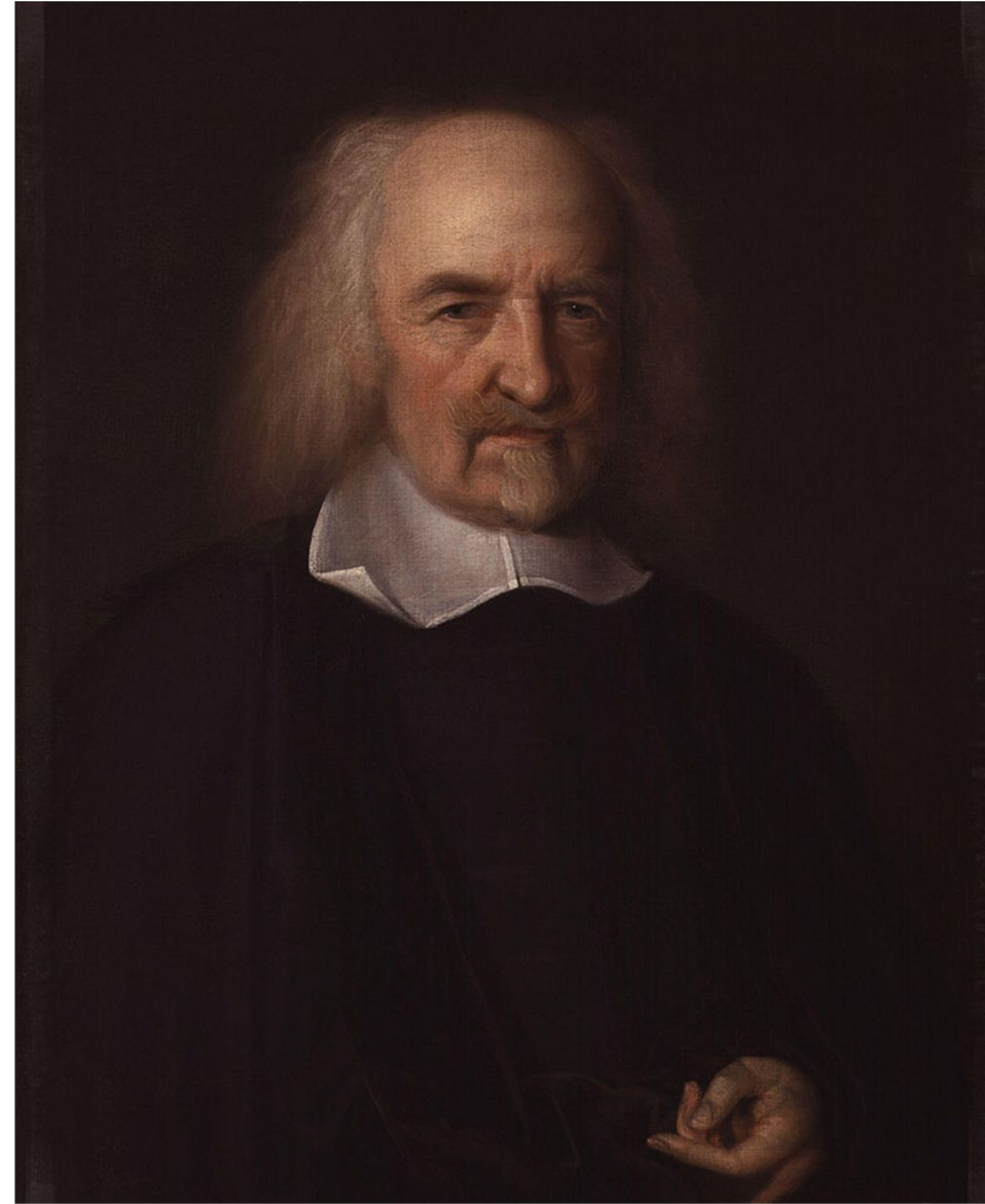


## John Locke

1632 – 1704



Herman Verelst. John Locke. 1689. Oil on canvas, National Portrait Gallery. London. Source: [npg.org.uk](https://npg.org.uk)



John Michael Wright. *Thomas Hobbes*. 1670. Oil on canvas. National Portrait Gallery. London. Source: [npg.org.uk](https://npg.org.uk)

## Thomas Hobbes

1588 – 1679





“Nature (the art whereby God hath made and governs the world) is by the *art* of man, as in many other things, so in this also imitated, that it can make an artificial animal. For seeing life is but a motion of the limbs, the beginning whereof is in some principal part within; why may we not say, that all *automata* (engines that move themselves by springs and wheels as doth a watch) have an artificial life? ... *Art* goes yet further, imitating that rational and most excellent work of nature, *man*. For by art is created that great LEVIATHAN called a COMMONWEALTH, or STATE, (in Latin CIVITAS) which is but an artificial man; though of greater stature and strength than the natural, for whose protection and defence it was intended.” *Leviathan*, The Introduction

“Hereby it is manifest, that during the time men live without a common power to keep them all in awe, they are in that condition which is called war; and such a war, as is of every man, against every man... The nature of war, consisteth not in actual fighting; but in the known disposition thereto, during all the time there is no assurance to the contrary. All other time is PEACE.” *Leviathan* xiii, 8

For the natural laws read Ch. xiv and for the transfer of power to the “Leviathan” read Ch. xvii.



“The **state of Nature** has a **law of Nature** to govern it, which obliges every one, and **reason**, which is that law, teaches **all mankind** who will but consult it, that **being all equal and independent, no one ought to harm another in his life, health, liberty or possessions**; ... the execution of the law of Nature is in that state put into every man’s hands, whereby every one has a right to punish the transgressors of that law to such a degree as may hinder its violation.” *Two Treatises of Government* II.ii.6-7

“The great and chief end, therefore, of men uniting into **commonwealths**, and putting themselves under government, is the **preservation of their property**; to which in the state of Nature there are many things wanting.” *Two Treatises of Government* II.ix.124

“**[E]very man has a ‘property’ in his own ‘person.’** This nobody has any right to but himself. **The ‘labour’ of his body and the ‘work’ of his hands, we may say, are properly his.** Whatsoever, then, he removes out of the state that Nature hath provided and left it in, he hath mixed his labour with it, and joined to it something that is his own, and thereby makes it his property.” *Two Treatises of Government* II.iv.26



Jennie A. Brownscombe. The First Thanksgiving at Plymouth. 1914. Oil on canvas. Stedelijk Museum De Lakenhal, Leiden.  
Source: Wikimedia Commons





## RECAP

*What they share, and how they differ*

### SOCIAL CONTRACT (SC) THEORIES

#### THOMAS HOBBS

- State of war: evil human nature.
- The point of SC is self-preservation.
- Individuals yield their freedom to the sovereign.
- The sovereign has absolute power - except when they violate the SC.
- Shifts of power are chaotic.
- Distinction between private/public life.

#### JOHN LOCKE

- Human beings are endowed with reason and reasonability.
- There is a social life in the state of nature - hence, shifts of power are peaceful.
- SC is a preventive mechanism to protect natural rights (life, liberty and property).
- Citizens can institute new governments.
- Focus on personal conscience and toleration.



# CHECK POINT REFLECTION

What have I learned in this module  
on distributive justice?