

Distributive Justice

Distributive justice concerns the fair, just or equitable distribution of benefits and burdens. These benefits and burdens span all dimensions of social life and assume all forms, including income, economic wealth, political power, taxation, work obligations, education, shelter, health care, military service, community involvement and religious activities. Thus, justice arguments are often invoked in connection with minimum wage legislation, Affirmative Action policies, public education, military conscription, litigation, as well as with redistributive policies such as welfare, Medicare, aid to the developing world, progressive income taxes and inheritance taxes. Distributive justice enjoys a long and honored tradition in political, economic and social thought. It is central to Aristotle's *Nicomachean Ethics* (1976) and *Politics* (1999). In modern political philosophy, it has been construed in broad terms and seen as a foundational for policy formation and analysis. Michael Walzer (1976), for example, writes that "Distributive justice is a large idea," and for John Rawls (1976) "Justice is the first virtue of social institutions." Thus, it is widely regarded as an important concept and influential force in philosophy and the social sciences.

This description begs the question, however, of what, exactly, constitutes a "fair," "just" or "equitable" distribution (we will use these terms interchangeably). It seems that justice terminology is employed with considerable flexibility, and fairness arguments are sometimes even made by both parties on opposite ends of a dispute. There are at least three reasons for this. First, a large part of the literature on justice involves *prescriptive* theories: theories attempt to characterize a phenomenon in general terms, and prescriptive theories concern what "ought to be." They can be contrasted with *descriptive* theories that seek to describe in general terms what "is." Philosophers and social scientists typically propose prescriptive theories of justice as a

guide for how people should behave and what policies should be enacted. One characteristic of prescriptive theories is that they are not verifiable: since they deal with values and what one believes to be just, they cannot be empirically tested. Although good theories should have a coherent internal logic, they otherwise have great latitude to proceed from any assumptions and can lead, therefore, to a wide variety of very different conclusions.

A second source of variation in justice terminology refers to everyday usage and is more patterned than the differences in prescriptive theories of justice. There are different *senses* of justice that pertain to the specificity of ethical principles being addressed. This distinction can be traced as far back as Aristotle, who wrote that “justice and injustice seem to be used in more than one sense.” He identified justice that “is not a part of virtue but the whole of excellence or virtue” versus “justice as a part of virtue.” In other words, in a very general sense, justice refers to the whole of ethics such that “fair” can be equated with “good” and “unfair” with “bad.” Justice in this most general sense, then, is about more than the distribution of benefits and burdens but also the whole of ethics, including virtues such as honesty, courage, loyalty and generosity. The focus here, however, is on the more narrow definition introduced at the start, both in light of the fact that most actual usage is more specific and in order to restrict attention to a tractable subject matter.

Finally, justice arguments are often put forth, not to promote justice, but rather to further the interests of the party employing them. Indeed, skeptics of justice often cite such self-serving arguments as evidence justice is nothing more than cloak for self-interest. Nevertheless, the fact that fairness arguments are regularly advanced is evidence of their moral force: if they were merely subterfuge without any independent ethical content, surely they would cease to carry moral weight. It is now well documented that fairness biases result from the tension between

justice and self-interest and that these even lead to self-deception, i.e., people often form false beliefs about what is fair in order to align those beliefs more closely with their self-interest (see, for example, Babcock and Loewenstein, 1997). Thus, it is important to distinguish biased views of justice associated with *stakeholders*, or those who have stakes in the distribution they are judging, from the unbiased justice of *impartial spectators*, or people who have no such stakes and evaluate fairness from a more or less neutral stance. Whereas stakeholder views can be extremely heterogeneous due to the wide range of opposing interests that mold them, mounting research indicates that unbiased views of justice converge to fairly well defined categories. In the mid-1960s, social scientists began serious efforts to describe attitudes towards justice and their behavioral effects. This research agenda has intensified more recently and now includes work in psychology, economics, political science and sociology. The remaining discussion is based on four elements (or forces) of justice that have been proposed to describe the existing social science evidence on unbiased views of justice (see Konow, 2003). They form not only a descriptive theory of justice, but the four elements can also serve as the organizing framework for categorizing various prescriptive and descriptive theories of justice.

The category *equality and need* includes theories that incorporate a concern for the well-being of the least well-off members of society. The most basic and probably oldest concept equates justice with equality, including equality of opportunity, proportions and rights. The strongest notion of equality is *egalitarianism*, or equality of outcomes. This serves as the foundation for various prescriptive theories of justice, as well as, more recently, for descriptive theories based on experimental findings. Nevertheless, numerous studies of the distributive preferences of people demonstrate almost universal opposition to equality or near equality of income. The equality sometimes found in experimental studies in the laboratory appears to be an

artifact of contextually lean experiments rather than a general preference. Nevertheless, some researchers believe equality is one of several principles people value.

Much of the modern interest in justice can be attributed to the publication of John Rawls's major work, *A Theory of Justice*, in 1971. This book builds upon the theory of the social contract associated with Locke, Rousseau and Kant, and equality, duty and need are central to it. Rawls conceives of a hypothetical original position in which people are behind a "veil of ignorance" of their places in society. Under these conditions, Rawls claims that people would unanimously choose a particular conception of justice. The greatest attention has been paid to his so-called *difference principle*, according to which all goods are distributed equally, unless an unequal distribution is to the advantage of the least favored. Some economists have criticized the difference principle on theoretical grounds, but various surveys and experiments also suggest that his theory is not a good description of actual values.

Although Marxism is commonly thought to be concerned with injustices, equity was actually a controversial concept for Karl Marx and Friedrich Engels, who seemed to consider it a bourgeois construct. To the extent there is a Marxist theory of justice, it seems to be best summed up in the communist distributive principle that Marx (1875) endorsed, namely, "From each according to his ability, to each according to his needs!"

Empirical studies reveal an expressed concern for helping those in need and demonstrate a willingness of people to sacrifice materially to realize that goal. Collectively, they suggest that the themes of equality and need can be integrated in the Need Principle: just allocations provide for basic needs equally across individuals. Specifically, the evidence suggests that need is one of several principles and that it tends to dominate when basic needs are endangered.

The second category of theories is consequentialist, i.e., these theories share the property

that they reflect a concern for the overall consequences of allocations or allocation schemes (as opposed, for example, to the intentions of the actors). These include *utilitarianism and welfare economics*. The former is the dominant consequentialist theory in moral philosophy, and the latter is the dominant approach in prescriptive economics. Utilitarians like Jeremy Bentham and John Stuart Mill advocated acting so as to promote the greatest aggregate happiness. Welfare economics is derived from utilitarianism and is based on evaluating choices in terms of their consequences for “social welfare,” which, in turn, typically depends on a composite evaluation of individual welfare or “utility.” The most widely embraced concept in economics is the *Pareto Principle*, which endorses any change that makes someone better off without making anyone else worse off. A weaker version, called the *Compensation Principle*, approves of any change in which the gains of some are more than sufficient to compensate any and all losses of others, even if the prescribed compensation does not actually occur. The usual definition of equity in welfare economics, however, is the *absence of envy* criterion. In the simplest form, an allocation is envy-free if no agent prefers the bundle of another.

A review of the literature on distributive preferences indicates that people care about the happiness or subjective value derived from allocations. There is also qualified support for the Pareto and Compensation Principles, although this support is significantly compromised when they conflict with other distributive goals. Absence of envy, on the other hand, is at most a second order concern. Together, these studies show that people often seek to maximize surplus, sometimes at a monetary cost, and that this is regarded as “fair.” Efficiency in this sense does not necessarily conflict with justice but instead is itself a kind of justice, viz., the Efficiency Principle.

The common feature among the third category of *equity and desert* is the dependence of

fair allocations on individual actions. *Desert* concerns which individual characteristics are relevant to justice and *equity* what the functional relationship is of individual characteristics to just allocations. The political philosopher Robert Nozick is situated at one extreme. In *Anarchy, State and Utopia* (1974), he argues that justice is exclusively concerned with rights that are determined by the historical acquisition by and transfer of property among individuals. For Nozick, individual choice trumps social choice, and he believes in a limited role for government. Individuals are held responsible for everything. At the other end of the political spectrum, individual responsibility is seen as minimal and state redistribution as necessary to remedy unjust inequalities occasioned by arbitrary factors such as birth and brute luck. Although effort is commonly accepted as a reasonable basis for different allocations, John Roemer, for example, sees even effort partially as something for which a person should not be held entirely accountable. Numerous field, experimental and survey studies have verified the importance of desert for views of justice and have established that, when disagreements arise about what justice requires in specific circumstances, these can often be traced to differences in perceived responsibility.

Another approach that relates individual actions to desired outcomes is equity theory. Equity theorists often trace their origins to the *Nicomachean Ethics*, in which Aristotle proposed proportionality as the foundation for justice. Specifically, fair outcomes for individuals are in proportion to their inputs. Inputs are usually thought of as a participant's contributions and outcomes as the consequences, potentially positive or negative, that a participant incurs in this connection. A significant advance for both desert theory and equity theory came with their merger, which specified that fair outcomes are in proportion to the inputs for which agents are responsible. This version, which has been called the Accountability Principle, or simply the

Equity Principle, has demonstrated considerable robustness in explaining a wide range of attitudes and behaviors.

The three forgoing elements of justice helped organize theories around three distinct principles of justice: the Need Principle, the Efficiency Principle and the Accountability Principle. The fourth element of justice is *context*, which is not a principle at all but rather the means by which the relative importance of each principle is determined. The idea is that unbiased justice is a multi-criterion concept that obeys general principles but that it is also *context dependent*, i.e., the principles of justice require a set of people and variables that the context provides. This approach provides the means to reconcile a wide range of values and behaviors that are otherwise difficult to explain. For example, in developing countries a greater emphasis on need relative to efficiency and accountability has been identified. This is surely consistent with both the perception and reality of greater material need in those countries.

The rapid growth of empirical research on distributive justice has provided a rich source of data that has informed and helped advance descriptive theories of justice. Stimulated by this work, prescriptive theorists are now beginning to employ these findings to evaluate their own theories and even to draw on empirical results to construct prescriptive theories of justice. Distributive justice can no longer be considered as an amorphous or hopelessly differentiated subject matter. Much work remains, especially in identifying the effects of context and in designing prescriptive theories, but justice has proven to be an important force that can be understood and can help decision makers understand and form policy.

Further Readings

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