Introduction: The Idea of Distributive Justice

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Abstract and Keywords

This chapter introduces the idea of distributive justice. It identifies several different views of what characterizes distributive justice, as opposed to other types of justice and to non-justice-based moral demands. The preconditions of distributive justice, its primary subject and its object, and its normative significance are discussed. The chapter then suggests that bringing the diversity of usages of the concept of distributive justice into view helps cast light on some of the many contemporary debates about distributive justice and its limits. This chapter also introduces and outlines the different topics covered by the different sections and chapters of the book.

Keywords: distributive justice, non-justice-based moral demands, preconditions of justice, subject of justice, object of justice, normative significance of justice

As any student of contemporary political philosophy can attest, theorizing about distributive justice has played a considerably large role in the discipline over the past half-century. Distributive justice has concerned political philosophers of other historical periods, but nobody can deny—indeed, this is by now a well-worn refrain—that since the publication of John Rawls’s *A Theory of Justice* in 1971, debates about how we should arrange our social and economic institutions so as to distribute fairly the benefits and burdens of social cooperation have proliferated. Nor can anyone deny that these debates address some of the deepest and most pressing questions in political philosophy. Together with the question of the legitimacy of the state or of political authority, that of distributive justice lies at the heart of our attempt to identify criteria for evaluating and justifying to each other our shared political practices and institutions.

This volume is a reflection of the wealth of issues that contemporary debates about distributive justice have been treating, and continue to treat. The chapters it comprises provide an overview of the state of those debates and identify the trajectory in which they are, or—according to the philosophers who have written these chapters—ought to be, moving. Before providing an outline of what the volume includes, this introduction offers some remarks on the idea of distributive justice: how do theorists of justice, including the
ones who contribute to this volume, conceive of distributive justice, as opposed to other
types of justice, and as opposed to other, non-justice-based, demands?

Like the idea of justice simpliciter, with which it is often used interchangeably, the idea of
distributive justice has been taken to refer to different things: theorists of justice have
adopted different views, mostly without any explicit acknowledgement or defence of
(p. 2) them, about what characterizes and delimits the demands of justice as opposed to
other moral demands (for example, the demands of legitimacy, community, efficiency, or
stability, to mention a few central ones). They have also adopted different views of what
characterizes distributive justice as opposed to other types of justice.

Some, for example, have assumed or claimed that justice, as opposed to humanitarian
concerns or charity, concerns our perfect duties, that is, duties owed to specific individu­
als that leave no room for discretion on the part of duty-holders in deciding how to dis­
charge them (see Buchanan 1987). Some have held that justice regards the negative du­
ties we have to not harm others, as opposed to any duties to assist or aid others (Camp­
bell 1974). Alternatively, or additionally, some have assumed that what characterizes du­
ties of justice is that they are enforceable, that is, they are duties which a legitimate au­
thority may use coercion to ensure are fulfilled (Nozick 1974). As far as distributive
justice is concerned, some have assumed that what distinguishes it from other types of
justice is that it is justice in the distribution of material or economic advantages only, or
that it only concerns the allocation, as opposed to the production, of given goods; others
have instead equated the idea of distributive justice with that of social justice, and used it
to refer to all the principles regulating the balancing of individuals’ claims to all of the
possible benefits of social cooperation (Rawls 1999; Bedau 1978). These different usages
of the ideas of justice and of distributive justice reflect different views of what character­
izes these social values and distinguishes them from other moral demands, and in what
follows I identify some key dimensions along which such views vary.

As a preliminary to that discussion, it is helpful to clarify how the variation I am drawing
attention to here relates to the more familiar variation among different interpretations of
the demands of justice, or between competing principles of justice.

Theorists of justice widely endorse shared, abstract concepts of justice and of distributive
justice: they agree that justice consists in giving each person his or her due, or treating
like cases alike; and that distributive justice is justice in the distribution of benefits and
burdens to individuals, or consists in the balancing of the competing claims persons make
on the benefits that are up for distribution.\(^3\) But, as is often observed, theorists of justice
disagree about how to interpret these abstract ideas and, accordingly, formulate different
conceptions of justice and of distributive justice.\(^4\) Crucially, these conceptions reflect dif­
ferent understandings of what considerations are relevant for treating like cases alike
and different cases unalike, or for determining a balance of claims. For example, is
people’s deservingness, or their neediness, relevant for giving individuals their due? Is
treating people equally necessary for settling fairly their competing claims? These ques­
tions are the staple of many debates among theorists of justice.
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Besides disagreeing on what justice demands, theorists of justice also disagree about which other features, if any, of justice and distributive justice, apart from those that characterize the abstract ideas captured by the shared concepts, are essential to understanding these ideas and to demarcating them from other moral demands. This variation is what interests us here: what do theorists of justice mean by saying, and what follows from their saying, that a particular principle they defend as the most defensible interpretation of the concept of justice (for example, desert, need, or equality) is a principle of distributive justice, rather than, say, one of corrective justice or a humanitarian principle?

In identifying the different views theorists adopt of what characterizes distributive justice, it is helpful to note that there are four main and inter-related dimensions along which they tend to vary, which concern, respectively, (i) the preconditions; (ii) the subject; (iii) the object; and (iv) the normative significance of distributive justice.

(i) The preconditions of distributive justice are the conditions that must obtain for considerations of distributive justice to be pertinent at all. David Hume’s ‘circumstances of justice’ are a case in point: most contemporary theorists agree with Hume that questions of distributive justice arise only when there is relative material scarcity (neither great abundance nor extreme scarcity in the resources people need and want). Under these conditions, there is both an identity and a conflict of interests among individuals that make the quest for principles needed to resolve conflicting claims equitably both necessary and possible. Understanding distributive justice as involving a balancing of competing claims over what is distributable, as was suggested earlier, reflects acceptance of the view that claims of distributive justice only arise if the circumstances of justice obtain. This point is widely shared among theorists of distributive justice, but alternatively, or additionally, some think that the existence of social cooperation is necessary for the demands of distributive justice to arise, in that it is only in the context of relations of reciprocity that individuals can assert claims to sharing fairly the goods that social cooperation makes available (Rawls 1971). A different view holds that considerations of distributive justice are only pertinent where there are shared institutions through which we exercise coercion over each other, or which speak in our name (Nagel 2005), as only these practices trigger a demand for justification which can only be met by making those practices just. We could furthermore believe that, within the context of shared institutions, only disadvantage that is intentionally and avoidably caused by those institutions, rather than the result of natural causes, is unjust (Nagel 1997).

(ii) Discussions of distributive justice also conceive of what characterizes it differently in line with what they take the primary subject of distributive justice to be (see Bedau 1978): is it individuals’ acts that are primarily just and unjust, all social practices, or only certain institutions? Famously, Rawls’s view of justice is institutionalist, in the sense that for Rawls the principles of justice are principles that regulate primarily the basic structure of society. Drawing on Rawls, various theorists now assume that what characterizes the demands of justice is precisely the fact that they are demands which (certain) social institutions, specifically, must satisfy (see, for example, Scanlon 1998; Tan 2004). Demands of
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justice, on this view, identify a subset of the moral considerations that concern what we owe to one another, where what helps demarcate them is the fact that they are to regulate a particular domain. Alternatively, we could think of the demands of justice as applying primarily to distributions of whatever burdens and benefits are thought relevant; on this view, legal institutions, social norms, and individual acts can all be assessed as just or unjust, depending on whether they help to bring about, or disrupt, just distributions (Cohen 2008).

(iii) Thirdly, different theorists of justice take different views of the object of distributive justice. On a doubly narrow interpretation of the object of distributive justice, to focus on distributive justice is to focus on the justice of the mechanisms and procedures that only allocate a given amount of goods, and only a subclass of distributable goods, namely, distributable economic goods like income and wealth. A wider interpretation of the idea of distributive justice adopts a more generous view of the goods whose distribution raises concerns of justice, and/or considers productive mechanisms, as well as allocative ones, as subject to the demands of justice.

For example, we could think that a theory of distributive justice bears on how distributable goods other than economic ones are distributed; or, more broadly still, that it bears on how individuals fare with regard to any aspects of advantage that we think morally relevant (for example, how happy individuals are, or whether they enjoy recognition). These types of advantage may not be themselves distributable, but it is true both that individuals can enjoy them, or have access to them, to different degrees, and that we can affect the degree to which persons can access or enjoy them, and these two facts make it intelligible and sensible to apply justice considerations to the distribution of these types of advantage. A wide interpretation of distributive justice can also take as its concern the productive mechanisms that affect which and what amount of distributable goods there are in the first place, rather than focusing merely on the mechanisms for the allocation of pre-given goods. The idea of distributive justice in this wider sense, which Rawls explicitly endorses (Rawls 1971: 88), is often associated with that of social justice. Although most theorists of justice are silent on whether they conceive of the object of distributive justice as narrow or wide in this sense, their principles often have implications for what productive processes, as well as narrowly distributive mechanisms, should be in place. (A simple example is a principle enjoining maximal equal opportunities for welfare as a demand of justice: different productive arrangements, as well as allocative schemes, affect how great the range of welfare opportunities people enjoy is, and realizing the demands of justice thus understood therefore requires setting up some, rather than other, productive schemes.)

(iv) Finally, and crucially, theorists of distributive justice conceive of it differently depending on what view, sometimes explicitly but mostly implicitly, they take of the normative significance of distributive justice claims. On most views, distributive justice considerations offer us very weighty reasons for action. Even more strongly, injustice is on most views a decisive reason for altering arrangements: as Rawls famously stated, ‘laws and institutions no matter how efficient and well-arranged must be reformed or abolished if
they are unjust’ (Rawls 1971: 3). On some views, as was mentioned earlier, justice considerations offer us reasons for action that leave no room for discretion in deciding what exactly we must do for others, and on most views, moreover, they offer us reasons for action that are enforceable, that is, that can justifiably be backed up by force by a designated legitimate authority. On other views, however, justice-based reasons are not essentially action-guiding, and identifying an injustice is thought to be primarily an evaluative task, one that is carried out independently of whether there are reasons to do something about the injustice and indeed, of whether it is possible for anyone to remedy it (Cohen 2008). Reasons of justice, here, track primarily what we have reason to regret, or find disvaluable.

Detecting variations in the usage of the concept of justice along the lines just sketched is helpful for two main reasons.

First, because theorists of justice have used importantly different concepts of distributive justice, and have generally done so implicitly, without clearly stating what they mean when they affirm or deny that something is a demand of distributive justice, they—and their critics—have sometimes argued at cross-purposes. Some defenders of the politics of identity, for example, who reject the ‘distributive paradigm’ (Young 1990), rely on an understanding of distributive justice according to which it is concerned only with the distribution of material resources. This is a narrower understanding than one that is held by many theorists of distributive justice. Similarly, it has been argued, the anti-constructivist critique of Rawls developed by G. A. Cohen partly relies on Cohen’s using a different concept of justice from Rawls’s (Williams 2008). For Rawls, principles of justice are action-guiding, and more specifically, they are principles for facilitating citizens’ cooperative interaction with one another; so they must be ones which citizens can understand, and which citizens can verify are being followed by others. For Cohen, by contrast, justice considerations need not play this particular social role. (For another diagnosis of Cohen’s critique of Rawls as premised on the use of different concepts of justice, see Anderson 2012.) Noticing that philosophers have used different concepts of distributive justice reveals that some disagreements are more apparent than real.

Bringing the diversity of uses of the concept of justice and of the substantive commitments that underlie that diversity to the fore is also important for another reason, this one directly relevant from the point of view of introducing this volume. Once we notice that the idea of distributive justice can be and has been used in many ways, we get a clearer picture of the vast range of questions that can be tackled by debates on distributive justice. It becomes apparent, for example, that a concern with distributive justice can inform our stance on what productive arrangements a just society should host, as much as what stance we take on the allocation of whatever a just society produces; or that theorists of justice can be as concerned with individuals’ unequal enjoyment of recognition as they are with their unequal access to resources. As Michael Walzer points out: ‘[t]he idea of distributive justice has as much to do with being and doing as with having, as much to do with production as with consumption, as much to do with identity and status as with land, capital, or personal possessions’ (Walzer 1983: 3).
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In line with Walzer’s remarks, the choice of topics for this volume reflects a generous understanding of the purview of distributive justice. The volume opens, in Part I, with discussions of the main competing interpretations of the demands of distributive justice as advanced in contemporary debates—what I earlier referred to as ‘the staple questions’ for theorists of justice. While all contemporary theories of justice are premised on the assumptions that all persons have equal moral status and ought to be treated as equals, thereby sharing an ‘egalitarian plateau’ (Kymlicka 1990: 5), they diverge substantially over exactly what treating people as equals requires. They diverge, centrally, in line with what pattern in the distribution of advantage the demands of justice are supposed to help create, and in line with what the currency of justice is, that is, what aspect of people’s situations should command our attention when assessing whether or not there are distributive injustices among them.

As far as the pattern of distributive justice is concerned, some theorists favour redistributive policies with a view to mitigating or eliminating the gap between the better off and the less well off (whom we might call distributive egalitarians, or egalitarians simpliciter, discussed in Chapters 2 and 3), while others hold that these must only ensure that the badly off have enough, or have their basic needs met (Chapter 4), and yet others that improvements in the situation of the worse off are given priority (Chapter 3). Yet other theorists view redistributive policies as required by justice insofar as they help ensure that people are as well or as badly off as they deserve to be (Chapter 7), while some reject any redistributive policies as unjust because the only rights people have are rights to use, control, and exchange at full tax immunities justly acquired private property rights (these are right libertarian views, discussed in Chapter 6).

Theories of justice also take a stand on what the currency of distributive justice is: according to some, what resources people have access to is what is relevant for justice (see Chapters 1 and 2), while on other views what matters is the opportunities for welfare people have (Chapter 2), or the effective freedom to achieve valuable states of being and doing (or ‘capabilities’ to function, such as, for example, the capability of being well nourished, or escaping morbidity; Chapter 5 discusses the capability approach in general, in its egalitarian and non-egalitarian variants).

These two orthogonally related sets of questions, about the pattern and the currency of distributive justice, have structured many debates among defenders of the main competing contemporary conceptions of justice, and broadly guide the division of topics among the chapters in Part I. Since John Rawls and Ronald Dworkin have offered the two best worked-out contemporary egalitarian theories (both of which take resources to be relevant for justice), the two opening chapters focus on discussing those and related approaches (those of ‘luck egalitarians’) that have taken their inspiration from one or the other of these theories. Other important related questions the chapters of Part I address include the role of personal responsibility for justice, the relevance of individuals’ subjective assessment of their situation as compared to others’ for determining whether they are unjustly advantaged or disadvantaged, and the possibility of reconciling egalitarian commitments with the endorsement of robust rights of private ownership over one’s body.
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and mind (and hence, a strong presumption against paternalism), which animates the left libertarian project.

Parts II and III treat issues, some substantive and some methodological, that are less often treated in the context of debating distributive justice.

As was mentioned earlier, all philosophers acknowledge that distributive justice, however important, is not the only social virtue that we have reasons to endorse, so questions arise about how its demands relate to those of other central values which a society should promote or protect. The chapters of Part II address these questions. They ask how the requirements of justice in punishment, which are often thought to require conferring punishment in accordance with desert, relate to those of justice in the goods of social cooperation (Chapter 8); whether and how the promotion of impersonal values such as excellence in the arts or sciences or environmental goods, while not itself demanded by justice, ought to be pursued in a good society, and whether this would be in tension with justice (Chapter 9); whether a concern with the value of care and caring relationships ought to be endorsed alongside justice (Chapter 10); and whether a just society is also one which heeds individuals’ and groups’ multifaceted demands for recognition, including recognition of people’s distinguishing identities (and hence their differences), social acceptance of their authentic selves, and appreciation of their worth (Chapter 11). As emerges from some of the discussions, and in line with what was said in the opening pages of this chapter, it is possible to conceive of the idea of distributive justice more or less encompassingly, and depending on how wide or narrow an interpretation of justice we embrace, our view of its place relative to other social virtues will differ. (People’s demands for recognition, for example, can themselves be thought to be something which people have a justice-based claim to having met; by contrast, on a narrower understanding of the idea of justice, the latter is claimed to be both different from, and potentially in tension with, the values championed by defenders of the ethics of care.)

The chapters of Part III turn to some central questions concerning the nature of our theorizing about distributive justice; these are questions that any theory must take a stand on, implicitly or explicitly. Do our theories of distributive justice presuppose a particular view of human nature? What would follow, both for the viability and the defensibility of a theory, from acknowledging that certain human dispositions and desires have an evolutionary explanation (Chapter 12)? Do demands of justice arise only in a context in which political institutions exist, and how does the demand that our political institutions be legitimate—which, as I mentioned earlier, is thought to be a fundamental demand that we should make on our shared institutions—relate to the concern with justice (Chapter 13)? What assumptions about the nature of moral demands do competing theories of distributive justice make, and what do we learn about such theories when we keep in view crucial distinctions in normative ethics, between consequentialists and nonconsequentialists, deontological and teleological theories, agent-neutral and agent-centred requirements, and forward-looking and backward-looking views (Chapter 14)?
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The last three chapters of Part III address overtly methodological questions which theorists of justice have been paying increasing attention to. What facts should our theorizing about justice abstract from, and is the attempt to formulate principles that would guide institutions of an ideally just society—one in which we assume that everyone would comply with the principles we formulate, and in which conditions for realizing justice are favourable—a useful and necessary part of a theory of justice, or an unnecessary and potentially misleading idealization (Chapter 15)? What is the defensible method for justifying principles of distributive justice? How do the ostensibly different methods of justification that are deployed by different theorists of justice—constructivism, intuitionism, and conceptual analysis—relate to each other (Chapters 15 and 16)?

The final part of the volume, Part IV, turns to discussions of the demands of distributive justice in various areas of social, economic, and political life. The titles of these chapters are self-explanatory. Many of these pieces deal with different but importantly related topics and could be helpfully read together—this is true, for example, of the chapters on gender, on the family, and on education, or of the chapters on cultural and religious minorities, language, justice beyond borders, and migration. With regard to some of the social and political issues discussed here, there is already widespread agreement that the challenges they raise can fruitfully be analysed through the lens of a distributive justice approach. This is the case, for example, with respect to the distribution of educational opportunities, employment, access to health, and the claims to resources by individuals beyond borders. (Saying this, as was already noted above, does not amount to saying that distributive justice concerns are the only concerns we have reasons to acknowledge with respect to these issues.) With other challenges we face, such as those presented by the persistence of social divisions along racial lines and the need to heed the claims of future generations, but also the wrongs of exploitation and (p. 9) of discrimination, whether the questions we face are helpfully viewed as questions of distributive justice is disputed. The chapters on these topics discuss this important issue among others. While the topics covered by the chapters of Part IV are not supposed to exhaust the areas of our social lives that give rise to problems of distributive justice, they constitute a sizeable selection of the central cases. The debates they survey, and the discussions they contribute, are a good reflection of how rich and wide ranging distributive justice is as an area of political philosophy.

References


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Notes:

(1) For two recent treatments of the history of the ideas of justice and of distributive justice, see Fleischaker 2005 and Raphael 2003. See also Jackson 2005.

(2) For a discussion of the difference and relation between the questions of legitimacy and of justice, see Christiano 2008 and Pettit 2012.

(3) I take these definitions of justice, and of distributive justice, respectively, to be roughly equivalent. These familiar definitions of justice and distributive justice are widely endorsed. See, for example, Hart 1961, Rawls 1999, Cohen 2008.


(5) It is possible to think that some feature typically accompanies justice but that it does not contribute to making justice what it is (see Cohen 2008: 148).

(6) As Ronald Dworkin remarks, at the level of abstraction at which we identify a concept ‘agreement collects around discrete ideas that are uncontroversially employed in all interpretations’, while at the level of conceptions, ‘the controversy latent in this abstraction is identified and taken up’ (Dworkin 1986: 71).

(7) It is possible to characterize the idea of distributive justice by reference to a specific interpretation of its demands, and this is sometimes done when it is suggested that distributive justice is justice in accordance with desert, or a matter of negative rights (see Campbell 1974). This way of characterizing distributive justice is unhelpful, however, as it makes it impossible to even raise the question we are focusing on here—that is, what does it mean to say, and what follows from saying, that desert, or respect of negative rights, are principles of justice, specifically, as opposed to being a non-justice-based moral demand? For another objection to identifying justice with the substantive principle of desert, see Vallentyne 2015.

(8) Some theorists present some of the claims I cite below as claims about justice, rather than distributive justice in particular, but I take it that they think this is what characterizes distributive justice, specifically—that is, distributive justice as opposed to other types of justice (such as criminal justice), as well as to other non-justice-based moral demands (such as the demands of beneficence).

(9) The view on which this is by itself sufficient to demarcate distributive justice, so that justice considerations are any and all considerations that bear on how social institutions should be arranged, is implausible, as Vallentyne 2015 points out. Like Vallentyne, I assume that these usages of the idea of justice (and a fortiori, of distributive justice) are unhelpfully loose.
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