

**Phil 202, spring quarter. Distributive Justice: Basic Issues.**  
**Dick Arneson                      Thursdays 1-4.**

Distributive Justice obtains in a society just in case the distribution of benefits and burdens across persons is fair. This course surveys some prominent approaches, including some recent developments. John Rawls holds that justice requires certain basic liberties for all, strong equal opportunity (those with same native talent and same ambition have the same chances of competitive success for positions that confer extra advantages), and any inequalities in social and economic benefits must work to the greatest advantage of the least advantaged. “Advantages” here are general-purpose resources or primary social goods. Disagreeing, Robert Nozick affirms a Lockean libertarian conception of individual rights. On this conception, each person has the moral right to do whatever she chooses with whatever she legitimately owns provided she does not thereby wrongfully harm others in certain specified ways, each person is the full rightful owner of herself, and each person has the moral right not to be wrongfully harmed in any of the certain specified ways (force, fraud, theft, physically damaging the property of others, extortion, and so on). Nozick adds that starting from these premises and adding uncontroversial further premises, one can show that individuals can acquire full permanent bequeathable private ownership rights over material things; left libertarians disagree.

These are preliminaries. Rawls and Nozick might seem entirely at odds, but in some early writings Ronald Dworkin suggests a hybrid view that splits the difference between Rawls and Nozick. The suggestion is roughly that each person should start (adult) life with a fair (equal) share of resources, and after that, interacting within a fair framework of institutions, a private ownership market economy regulated by standard contract and tort law, whatever distribution that develops from that starting point is fair. At one’s death, one’s resources revert to the state, to supply the initial fair starting distribution for successive newcomers. A complication is that Dworkin holds that one’s resources include unchosen personal traits as well as bank account wealth, so the fair initial distribution must compensate people fairly for bad brute luck in personal traits; this is done via hypothetical insurance markets in which individuals can protect themselves against having low marketable talent and against being afflicted with disabilities.

We spend a fair amount of time looking at Dworkin’s book *Sovereign Virtue: The Theory and Practice of Equality* (A later book, *Justice for Hedgehogs*, does not substantially change the view.) In the course of this book there is a shift: Dworkin gives up the equal starting point idea and in effect proposes justice as fair insurance: People should be left free to act as they choose, so long as they don’t harm others, and bear the consequences, except that a society’s institutions should compensate people fairly for unchosen bad luck. The idea of fair compensation is fixed by hypothetical insurance markets: how much would people of average tastes fairly situated pay to insure themselves against various forms of unchosen bad luck. Our institutions should work to mimic the results of these hypothetical insurance markets, as morally required corrections to free market outcomes.

In both versions of Dworkin’s social justice ideal there is a presumption that there should be a division of moral responsibility between individual and society. If society provides a fair distribution of resources to individuals, then individuals bear responsibility for how they fare in life (meaning that no compensation is owed them if they end up with low quality of life via their own choices). In a slogan: resources not welfare should be the currency of justice. In another slogan: justice is endowment-sensitive but ambition-insensitive. That is to say, justice requires compensation in an equalizing direction for subpar unchosen endowments but no compensation for the results of our actions that flow from and express our ambitions.

Recent developments in the theory of social justice can be read as criticisms of Dworkin-type views from various standpoints. Welfarist luck egalitarians hold that it is morally bad—unjust and unfair—if some are worse off than others through no fault or choice of their own. The right measure of being better off or worse off is individual well-being—how well your life is going for you overall. These egalitarians applaud Dworkin’s idea that unchosen bad luck merits compensation, but deplore his insistence that each person is fully responsible for her own ambitions and values and preferences but not for her natural endowment. My natural endowment may leave me with poor value-identifying and ambition-forming and choice-making talents, and the poor ambitions that spur my actions may just reflect my bad luck in my unchosen endowment, so in this case I cannot reasonably be held (fully) responsible for my ambitions and choices. We look at writings of G. A. Cohen that press this line of thought.

Democratic equality advocates reject Dworkin’s views and their welfarist egalitarian critics together. Their common mistake is to make a fetish of distributive equality—equality in the distribution of resources or stuff or welfare or whatever. The equality that should matter is equality of social relations. Justice calls for a society in which people relate as equals. What this comes to needs further thought. What institutional and distributive arrangements are required to sustain a society of equals is a project still to be worked out. So say democratic equality advocates. One idea is that justice demands above all that all members of society be enabled throughout their adult lives to be full functioning members of democratic society, which requires inter alia that each person has access to certain basic capabilities at a threshold good enough level. Elizabeth Anderson advances this democratic equality ideal, which has affinities with the capability sufficiency approach to social justice pioneered by Martha Nussbaum. Both Anderson and Samuel Scheffler criticize the basic luck egalitarian idea, attributed to Dworkin, that unchosen bad fortune should be undone but chosen and voluntarily courted bad fortune should be left standing. According to Anderson and Scheffler, this view is both too egalitarian and too harshly unforgiving. Not all unchosen inequality should be torn down and not all chosen inequality should be left standing, particularly as regards those who get the sort end of the stick. People deserve second chances, and third chances, and so on. Marc Fleurbaey has advanced especially acute formulations of this concern. Time permitting, we might also look at some views of David Miller that develop another take on the democratic equality ideal.

So, there’s a social justice stew. The issues are unsettled, open. What makes most sense to you and seems most plausible? In what direction should social justice theorizing be going?

**Course requirements:** Regular participation in seminar meeting discussions, one or more seminar presentations, and an essay of about 15-20 pages in length, due at the end of the quarter.

Your term essay should address some issues and readings that are central to course themes. I may suggest some topics, but you are free to work out a topic on your own (check your proposed topic with me before starting serious work on it). Your essay topic may emerge from a seminar presentation you deliver; that’s fine.

A seminar presentation should present /interpret a central argument or idea from the reading you are covering. The idea is to spur good discussion. You are highlighting and clarifying an argument or idea you find especially interesting and commenting on it. You don’t have to take responsibility for summarizing the main arguments of the reading taken as a whole, though this is one option, especially if your own response centers on the overall argument. Rehearsing the entirety of a reading is not helpful.

**Readings:** *Sovereign Virtue* by Ronald Dworkin is at the bookstore. I'll place electronic copies of readings at the Ted course page. Hard copies of readings will be placed in the Philosophy Department Library.

For any given week, only “readings” are required common ground for seminar participation. “Recommended readings” and “further readings” are suggestions for further exploration into the topic especially for those doing a seminar presentation for that week or considering doing a term essay of some aspect of that week's themes.

### **Schedule of seminar topics and readings.**

[There are more than ten weeks' topics listed. With your input, we'll decide what topics to cover and which ones to skip in the last few weeks. There is also the possibility of splitting some week's topics into two separate seminar meetings, reducing the total number of “weeks” covered in the course.]

Week 1. An overview of John Rawls's theory of justice: justice as fair terms of cooperation among free and equal persons, the basic structure, primary social goods as the measure of people's condition, two principles of justice, the original position. Reading: Rawls, *A Theory of Justice*, chapter 1, sections 1-5, chapter 2, sections 11-15, chapter 3, sections 26-29.' Also Rawls, “Social Unity and Primary Goods” (1982).

Further reading: Samuel Freeman's *Rawls* is an excellent exposition of Rawls's views.

Week 2. Criticisms of Rawlsian justice: Reading: Robert Nozick, *Anarchy, State, and Utopia* (1974), chapter 7 (“Distributive Justice”) (also published in *Philosophy and Public Affairs*, vol 3, No. 1, 1973); also Amartya Sen, *Inequality Reexamined* (1993), chapters 2, 3, and 5.

Further reading: Martha Nussbaum, *Frontiers of Justice* (2006), chapters 1 and 3; also Harry Brighouse and Ingrid Robeyns, eds., *Measuring Justice: Primary Goods and Capabilities* (2010). See especially in that volume Thomas Pogge, “A Critique of the Capability Approach.”

Week 3. Equality of what? Reading: Dworkin, *Sovereign Virtue*, chapters 1 and 6. Chapter 1 is also available as published in *Philosophy and Public Affairs*, Summer 1981; this version is also available at the TED course page. Chapter 6 is also available at the TED course page.

Further reading: Derek Parfit, “What Makes Someone's Life Go Best?” (appendix in his *Reasons and Persons* [1984]); also Thomas Hurka, “Objective Theories of Good” (forthcoming).

Further further reading: Arneson, “Cracked Foundations of Liberal Equality” (2005) (mostly a criticism of Dworkin, *Soivereign Virtue*, ch. 6); also Arneson, “Ronald Dworkin and Luck Egalitarianism: A Comparison,” forthcoming (includes criticism of Dworkin on equality of welfare.)

Week 4. Dworkin on equality of resources. Reading: Dworkin, *Sovereign Virtue*, chapter 2.

Recommended: *Sovereign Virtue*, chapter 3.

(Chapter 2 is also available as published in *Philosophy and Public Affairs*, fall 1981; this version is also at the TED course page.)

Further reading: Arthur Ripstein, his essay in his edited collection of essays on Dworkin (2006?); G. A. Cohen, “On the Currency of Egalitarian Justice” (1989); Cohen, *Why Not Socialism?* (2009); Arneson, “Equality and Equal Opportunity for Welfare” (1989) and “Equal Opportunity for Welfare Defended and Recanted” (1999).

Week 5. Justice as fair insurance. Reading: Dworkin, *Sovereign Virtue*, chapters 8 & 9. Also Dworkin, *Justice for Hedgehogs* (2011), chapter 16, “Equality.” Also Marc Fleurbaey: *Fairness, Responsibility, and Welfare* (2008), chapters 2 (“Distributing Fairly”) and 6 (“Risk, Insurance, and Option Luck.”)

Further reading: Fleurbaey, "Equality of Resources Revisited" (his contribution to a symposium on Dworkin's *Sovereign Virtue in Ethics* (2002). Also, Arneson, "Ronald Dworkin and Luck Egalitarianism: A Comparison" (forthcoming).

Week 6. Criticisms of luck egalitarianism. Reading: Marc Fleurbaey, "Equal Opportunity or Equal Social Outcome?" (1995); Elizabeth Anderson, "What Is the Point of Equality?" (1999); and Samuel Scheffler, "What Is Egalitarianism?" (2003) and "Choice, Circumstance, and the value of Equality," reprinted in his *Equality and Tradition* (2010).

Further reading: Arneson, "Luck Egalitarianism and Prioritarianism" (2000); also Arneson, "Luck Egalitarianism Interpreted and Defended" (2006) and "Luck Egalitarianism—a Primer" (2011). See also Elizabeth Anderson, "The Fundamental Disagreement between Luck Egalitarians and Relational Egalitarians," *Canadian Journal of Philosophy*, supp. vol. (2012).

Week 7. Priority. Derek Parfit, "Equality or Priority?" Larry Temkin, *Inequality* (1993), chapter 9 ("A Criticism of Egalitarianism Rejected"), Michael Otsuka and Alex Voorhoeve, "Why It Matters that Some Are Worse Off than Others: An Argument against the Priority View," *Philosophy and Public Affairs* (2009).

Further reading: Nils Holtug, *Persons, Interests, and Justice* (2010), chapters 7 and 8; Derek Parfit, "Another Defense of the Priority View," *Utilitas* (2011); also Temkin, "Justice, Equality, Fairness, Desert, Rights, Free Will, Responsibility, and Luck" (2011) (in Carl Knight and Zofia Stemplowska, *Responsibility and Distributive Justice*).

Week 8. Relationalism and Nonrelationalism; internationalism and globalism. Reading: Michael Blake, "Distributive Justice, state Coercion, and Autonomy," *Philosophy and Public Affairs* (2001); Andrea Sangiovanni, "Global Justice, Reciprocity, and the State," *Philosophy and Public Affairs* (2007); and Mathias Risse, *On Global Justice* (2012), chapters 2 and 3.

Further reading: Simon Caney, "Humanity, Associations, and Global Justice: In Defence of Humanity-Centered Cosmopolitan Egalitarianism.

**This seminar meeting takes place on Friday, May 23.** Week 9. Deservingness. Reading: Shelly Kagan, "Equality and Desert, in *What Do We Deserve?*, ed. by Owen McLeod and Louis Pojman (1998); also Arneson, "Desert and Equality," in *Egalitarianism*, ed. Nils Holtug and Kasper Lippert-Rasmussen (2007).

Further reading: Kagan, *The Geometry of Desert* (2012). Some material from that book is available at the TED course page, in an essay by Kagan also called "The Geometry of Desert."

Week 10. Intergenerational justice. Reading: Hillel Steiner and Peter Vallentyne, "Libertarian Theories of Intergenerational Justice" (2009); Mathias Risse, *On Global Justice*, chapter 9, "But the Earth Abideth Forever: Obligations to Future Generations," and Nils Holtug, *Persons, Interests, and Justice*, chapter 9, "Population Ethics."

Further reading: Daniel Attas, "A Transgenerational Difference Principle" (2009); Joseph Heath, "The Structure of Intergenerational Cooperation," *Philosophy and Public Affairs* (2013).

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Unincluded Week 11. Justice between young and old. Reading: Dennis McKerlie, "Justice between the Young and the Old," *Philosophy and Public Affairs* (2002); also McKerlie, *Justice between the Young and the Old* (2013), "Introduction," and chapters 1 ("Complete Lives Egalitarianism"), chapter 4 ("Equality"), and chapter 5 ("Priority")

Further reading: Larry Temkin, *Inequality* (1993), chapter 8 ("Between Whom, or What, Does inequality Obtain?"); also Matthew Adler, *Well-Being and Fair Distribution* (2012), chapter 6 ("Lifetime Prioritarianism").

Unincluded Week 12. Does the right to a democratic say takes priority over distributive justice? Reading: Philip Pettit, "Justice, Social and Political" (forthcoming).

