**Distributive Justice**

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**Distributive justice** is a concept that addresses the ownership of goods in a society. It assumes that there is a large amount of fairness in the distribution of goods. Equal work should provide individuals with an equal outcome in terms of goods acquired or the ability to acquire goods. Distributive justice is absent when equal work does not produce equal outcomes or when an individual or a group acquires a disproportionate amount of goods.

The economic framework that each society has — its laws, institutions, policies, etc. — results in different distributions of economic benefits and burdens across members of the society. These economic frameworks are the result of human political processes and they constantly change both across societies and within societies over time. The structure of these frameworks is important because the economic distributions resulting from them fundamentally affect people's lives. Arguments about which frameworks and/or resulting distributions are morally preferable constitute the topic of distributive justice. Principles of distributive justice are therefore best thought of as providing moral guidance for the political processes and structures that affect the distribution of economic benefits and burdens in societies.

**Key Principles**

**1. Strict Egalitarianism**

One of the simplest principles of distributive justice is that of strict, or radical, equality. The principle says that every person should have the same level of material goods and services. The principle is most commonly justified on the grounds that people are morally equal and that equality in material goods and services is the best way to give effect to this moral ideal.

Even with this ostensibly simple principle some of the difficult specification problems of distributive principles can be seen. The two main problems are the construction of appropriate indices for measurement (the index problem), and the specification of time frames.

The index problem arises primarily because the goods to be distributed need to be measured if they are going to be distributed according to some pattern (such as equality). The strict equality principle stated above says that there should be ‘the same *level* of material goods and services’. The problem is how to specify and measure levels. One way of solving the index problem in the strict equality case is to specify that everyone should have the same *bundle* of material goods and services rather than the same *level* (so everyone would have 4 oranges, 6 apples, 1 bike, etc.). The main objection to this solution is that it appears likely that there will be many other allocations of material goods and services which will make some people better off without making anybody else worse off. For instance, someone who prefers apples to oranges will be better off if she swaps some of her oranges for some of the apples belonging to a person who prefers oranges. That way, they are both better off and no one is worse off (These are called “Pareto Superior” calculations). Indeed, since most everyone will wish to trade something, requiring identical bundles will make virtually everybody materially worse off than they would be under an alternative allocation. So specifying that everybody must have the same *bundle* of goods does not seem to be a satisfactory way of solving the index problem. Some index for measuring the value of goods and services is required.

Money is an index for the value of material goods and services. It is an imperfect index whose pitfalls are documented in most economics textbooks. Moreover, once the goods to be allocated are extended beyond material ones to include goods such as opportunities, money must be combined with other indices. Nevertheless, using money, either in the form of income or wealth or both, as an index for the value of material goods and services is the most common response so far suggested to the index problem and is widely used in the specification and implementation of distributive principles.

The second main specification problem involves time frames. Many distributive principles identify and require that a particular pattern of distribution be achieved or at least aimed at. But they also need to specify *when* the pattern is required. One version of the principle of strict equality requires that all people should have the same wealth at some initial point, after which people are free to use their wealth in whatever way they choose, with the consequence that future outcomes are bound to be unequal. Principles specifying initial distributions after which the pattern need not be preserved are commonly called ‘starting-gate’ principles. (See Ackerman 1980, 53–59,168–170,180–186; Alstott and Ackerman 1999.)

Because ‘starting-gate’ principles may eventually lead to large inequalities, strict egalitarians do not usually favor them. The most common form of strict equality principle specifies that *income* (measured in terms of money) should be equal in *each* time-frame, though even this may lead to significant disparities in wealth if variations in savings are permitted. Hence, strict equality principles are commonly conjoined with some society-wide specification of just saving behavior (see [justice: intergenerational](http://plato.stanford.edu/entries/justice-intergenerational/)). In practice, however, this principle and the starting-gate version might require more similar distributions than it first appears. This is because the structure of the family means the requirement to give people equal starts will often necessitate redistribution to parents, who due to bad luck, bad management, or simply their own choices, have been unsuccessful in accruing or holding onto material goods.

There are a number of direct moral criticisms made of strict equality principles: that they unduly restrict freedom, that they do not give best effect to the moral equality of persons, that they conflict with what people deserve, etc. (see the sections on [Libertarian Principles](http://plato.stanford.edu/entries/justice-distributive/#Libertarian), and [Desert-Based Principles](http://plato.stanford.edu/entries/justice-distributive/#Desert), and the entry on [equality](http://plato.stanford.edu/entries/equality/)). But the most common criticism is a welfare-based one related to the Pareto efficiency requirement: that everyone can be materially better off if incomes are not strictly equal (Carens 1981). It is this criticism which partly inspired the Difference Principle.

**2. The Difference Principle**

The wealth of an economy is not a fixed amount from one period to the next. More wealth can be produced and indeed this has been the overwhelming feature of industrialized countries over the last couple of centuries. The dominant economic view is that wealth is most readily increased in systems where those who are more productive earn greater incomes. This economic view partly inspired the formulation of the Difference Principle.

The most widely discussed theory of distributive justice in the past four decades has been that proposed by John Rawls in *A Theory of Justice*, (Rawls 1971), and *Political Liberalism*, (Rawls 1993). Rawls proposes the following two principles of justice:

1. Each person has an equal claim to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with the same scheme for all; and in this scheme the equal political liberties, and only those liberties, are to be guaranteed their fair value.

2. Social and economic inequalities are to satisfy two conditions: (a) They are to be attached to positions and offices open to all under conditions of fair equality of opportunity; and (b), they are to be to the greatest benefit of the least advantaged members of society. (Rawls 1993, pp. 5–6. The principles are numbered as they were in Rawls' original *A Theory of Justice*.)

For (2b) Rawls uses an ‘index of primary goods’ to measure the benefits of people for the purposes of the second principle. Where the rules may conflict in practice, Rawls says that Principle (1) has lexical priority over Principle (2), and Principle (2a) has lexical priority over (2b). As a consequence of the priority rules, Rawls' principles do not permit sacrifices to basic liberties in order to generate greater equality of opportunity or a higher level of material goods, even for the worst off. While it is possible to think of Principle (1) as governing the distribution of liberties, it is not commonly considered a principle of distributive justice given that it is not governing the distribution of economic goods *per se*. Equality of opportunity is discussed in the next section. In this section, the primary focus will be on (2b), known as the Difference Principle.

The main moral motivation for the Difference Principle is similar to that for strict equality: equal respect for persons. Indeed the Difference Principle materially collapses to a form of strict equality under empirical conditions where differences in income have no effect on the work incentive of people. The overwhelming economic opinion though is that in the foreseeable future the possibility of earning greater income will bring forth greater productive effort. This will increase the total wealth of the economy and, under the Difference Principle, the wealth of the least advantaged. Opinion divides on the size of the inequalities which would, as a matter of empirical fact, be allowed by the Difference Principle, and on how much better off the least advantaged would be under the Difference Principle than under a strict equality principle. Rawls' principle however gives fairly clear guidance on what type of arguments will count as justifications for inequality. Rawls is not opposed in principle to a system of strict equality *per se*; his concern is about the *absolute* position of the least advantaged group rather than their *relative* position. If a system of strict equality maximizes the absolute position of the least advantaged in society, then the Difference Principle advocates strict equality. If it is possible to raise the absolute position of the least advantaged further by having some inequalities of income and wealth, then the Difference Principle prescribes inequality up to that point where the absolute position of the least advantaged can no longer be raised.

Because there has been such extensive discussion of the Difference Principle in the last 40 years, there have been numerous criticisms of it from the perspective of all the other theories of distributive justice outlined here. Briefly, the main criticisms are as follows.

Advocates of strict equality argue that inequalities permitted by the Difference Principle are unacceptable even if they do benefit the absolute position of the least advantaged. The problem for these advocates has been to explain convincingly why society should be prevented from materially benefiting the least advantaged when this benefit requires a deviation from strict equality.

For the strict egalitarian the *relative* position of people is all important and the *absolute* position is either not important at all or lexically inferior. For Rawls, at least with respect to the social and economic inequalities, the opposite is true. But there have been various plausible explanations given in reply to Rawls' proposed Difference Principle why relative position is a value that should be *weighed* against the value of the absolute position of the least advantaged rather than subordinated lexically to it. In an early reply to Rawls, Crocker explains the value of paying attention to the relative position as a way of understanding the value of solidarity. His approach fits into a set of views in which being materially equal, or striving towards it, is an important expression of the equality of persons.

Another set of views, in opposition to Rawls' Difference Principle, emphasizes the importance of relative position not as a value in itself but because of its effect on other relations. In particular, if some people are significantly better off materially than others then that can result in them having significant power over others. Rawls' response to this criticism appeals to the priority of his first principle: The inequalities consistent with the Difference Principle are only permitted so long as they do not compromise the fair value of the political liberties. So, for instance, very large wealth differentials may make it practically impossible for poor people to be elected to political office or to have their political views represented. These inequalities of wealth, even if they increase the material position of the least advantaged group, may need to be reduced in order for the first principle to be implemented. However, while this provides a partial reply to Rawls' critics, it does not seem to recognize that it is not just differential political power that can come from significant differences in economic position but also economic power and hence economic freedom. Virtual monopoly employers in regions of developing economies give a stark illustration of this phenomenon. Of course, Rawls can appeal in such cases to the empirical claim that such differentials do not maximize the long-term position of the least advantaged. The empirical question will be whether all such large differentials which result in large differences in economic power also demonstrably have the result of worsening the absolute position of the least advantaged.

The utilitarian objection to the Difference Principle is that it does not maximize utility. In *A Theory of Justice*, Rawls uses utilitarianism as the main theory for comparison with his own, and hence he offers a number of arguments in response to this utilitarian objection, some of which are outlined in the section on [Welfare-Based Principles](http://plato.stanford.edu/entries/justice-distributive/#Welfare).

Libertarians object that the Difference Principle involves unacceptable infringements on liberty, property rights, or self-ownership. For instance, the Difference Principle may require redistributive taxation for the benefit of the poor, and libertarians commonly object that such taxation involves the immoral taking of just holdings (see [Libertarian Principles](http://plato.stanford.edu/entries/justice-distributive/#Libertarian)).

The Difference Principle is also criticized as a primary distributive principle on the grounds that it mostly ignores claims that people *deserve* certain economic benefits in light of their actions. Advocates of desert-based principles argue that some may deserve a higher level of material goods because of their hard work or contributions even if their unequal rewards do not also function to improve the position of the least advantaged. Desert theorists as well as libertarians also argue that the explanation of *how* people come to be in more or less advantaged positions is morally relevant to their fairness, yet the Difference Principle ignores these explanations.

Like desert theorists, advocates of Luck Egalitarian principles argue that the Difference Principle does not fully capture the moral roles they believe luck and responsibility should play in principles of distributive justice. Indeed,‘ luck egalitarianism’ as a distinct approach in the distributive justice literature really developed in critical response to Rawls' theory of distributive justice. The reasons for that response are outlined in the next section.

**3. Desert-Based Principles**

Another complaint against welfarism is that it ignores, and in fact cannot even make sense of, claims that people *deserve* certain economic benefits in light of their actions (Feinberg, Lamont 1997). The complaint is often motivated by the concern that various forms of welfarism treat people as mere containers for well-being, rather than purposeful beings, responsible for their actions and creative in their environments.

The different [desert](http://plato.stanford.edu/entries/desert/)-based principles of distribution differ primarily according to what they identify as the basis for deserving. While Aristotle proposed virtue, or moral character, to be the best desert-basis for economic distribution, contemporary desert theorists have proposed desert-bases that are more practically implemented in complex modern societies. Most contemporary desert theorists have pursued John Locke's lead in this respect. Locke argued people deserve to have those items produced by their toil and industry, the products (or the value thereof) being a fitting reward for their effort (see Miller 1989). Locke's underlying idea was to guarantee to individuals the fruits of their own labor and abstinence. Most contemporary proposals for desert-bases fit into one of three broad categories:

1. Contribution: People should be rewarded for their work activity according to the value of their contribution to the social product. (Miller 1976, Miller 1989, Riley 1989)
2. Effort: People should be rewarded according to the effort they expend in their work activity (Sadurski 1985a,b, Milne 1986).
3. Compensation: People should be rewarded according to the costs they incur in their work activity (Dick 1975, Lamont 1997).

According to the contemporary desert theorist, people freely apply their abilities and talents, in varying degrees, to socially productive work. People come to deserve varying levels of income by providing goods and services desired by others (Feinberg 1970). Distributive systems are just insofar as they distribute incomes according to the different levels earned or deserved by the individuals in the society for their productive labors, efforts, or contributions.

Contemporary desert-principles all share the value of raising the standard of living — collectively, ‘the social product’. Under each principle, only activity directed at raising the social product will serve as a basis for deserving income. The concept of desert itself does not yield this value of raising the social product; it is a value societies hold independently. Hence, desert principles identifying desert-bases tied to socially productive activity (productivity, compensation, and effort all being examples of such bases) do not do so because the concept of desert requires this. They do so because societies value higher standards of living, and therefore choose the raising of living standards as the primary value relevant to desert-based distribution. This means that the full development of desert-based principles requires specification (and defense) of those activities which will or will not count as socially productive, and hence as deserving of remuneration (Lamont 1994).

## 4. Feminist Principles

There is no one feminist conception of distributive justice; theorists who name themselves feminists defend positions across the political spectrum. Hence, feminists offer distinctive versions of all the theories considered so far as well as others. One way of thinking about what unifies many feminist theorists is an interest in what difference, if any, the practical experience of gender makes to the subject matter or study of justice; how different feminists answer this question distinguishes them from each other and from those alternative distributive principles that most inspire their thinking.

The distributive principles so far outlined, with the exception of strict egalitarianism, are often described as falling under the broad classification of liberalism — they both inform, and are the product of, the liberal democracies which have emerged over the last two centuries. Lumping them together this way, though clumsy, makes the task of understanding the emergence of feminist critiques (and the subsequent positive theories) much easier.

John Stuart Mill in The Subjection of Women (1869) gives one of the clearest early feminist critiques of the political and distributive structures of the emerging liberal democracies. His writings provide the starting point for many contemporary liberal feminists. Mill argued that the principles associated with the developing liberalism of his time required equal political status for women. The principles Mill explicitly mentions include a rejection of the aristocracy of birth, equal opportunity in education and in the marketplace, equal rights to hold property, a rejection of the man as the legal head of the household, and equal rights to political participation. Feminists who follow Mill believe that a proper recognition of the position of women in society requires that women be given equal and the same rights as men have, and that these primarily protect their liberty and their status as equal persons under the law. Thus, government regulation should not prevent women from competing on equal terms with men in educational, professional, marketplace and political institutions. From the point of view of other feminisms, the liberal feminist position is a conservative one, in the sense that it requires the proper inclusion for women of the rights, protections, and opportunities previously secured for men, rather than a fundamental change to the traditional liberal position. The problem for women, on this view, is not liberalism but the failure of society and the State to properly instantiate liberal principles.

One phrase or motto around which a whole range of feminists have rallied, however, marks a significant break with Mill's liberalism: ‘the personal is political.’ Feminists have offered a variety of interpretations of this motto, many of which take the form of a critique of liberal theories. Mill was crucial in developing the liberal doctrine of limiting the state's intervention in the private lives of citizens. Many contemporary feminists have argued that the resulting liberal theories of justice have fundamentally been unable to accommodate the injustices that have their origins in this ‘protected’ private sphere. This particular feminist critique has also been a primary source of inspiration for the broader multicultural critique of liberalism. The liberal commitments to government neutrality and to a protected personal sphere of liberty, where the government must not interfere, have been primary critical targets.

While issues about neutrality and personal liberty go beyond debates about distributive justice they also have application within these debates. The feminist critics recognize that liberalism correctly identifies the government as one potential source of oppression against individuals, and therefore recommends powerful political protections of individual liberty. They argue, however, that liberal theories of distributive justice are unable to address the oppression which surfaces in the so-called private sphere of government non-interference. Susan Moller Okin, for example, documents the effects of the institution of the nuclear family, arguing that the consequence of this institution is a position of systematic material and political inequality for women. Standard liberal theories, committed to neutrality in the private sphere, seem powerless to address (or sometimes even recognize) striking and lasting inequalities for women, minorities, or historically oppressed racial groups, when these are merely the cumulative effect of individuals' free behavior. Okin and others demonstrate, for example, that women have substantial disadvantages in competing in the market because of childrearing responsibilities which are not equally shared with men. As a consequence, any theory relying on market mechanisms, including most liberal theories, will yield systems which result in women systematically having less income and wealth than men. Thus, feminists have challenged contemporary political theorists to rethink the boundaries of political authority in the name of securing a just outcome for women and other historically oppressed groups.

While the political effects of personal freedom pose a serious challenge to contemporary liberal theories of distributive justice, the feminist critiques are somewhat puzzling because, as Jean Hampton puts it, many feminists appear to complain in the name of liberal values. In other words, their claims about the fundamental flaws of liberalism at the same time leave in tact the various ideals of liberty and equality which inspire the liberal theories of justice. Moreover, the task of defining feasible pathways for modifying the structure of liberal democracies without undermining their virtues and protections has proved more difficult than setting out the criticisms of liberalism. Indeed, despite a legitimate feminist worry about the effects of so-called government neutrality on women's material status, the relative neutrality of liberal democracies compared to non-liberal societies has been one of the significant contributing factors both to the flourishing of feminist theory and to the many significant practical gains women in liberal democracies have made relative to women in other parts of the world. The challenge, being taken up by many, is to navigate both a coherent theoretical and practical path in response to the best feminist critiques available (see the entry on [feminist ethics](http://plato.stanford.edu/entries/feminism-ethics/)).