

# Distributive Justice in Contemporary Political Philosophy

Code: HUM 3045

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## Contents

General Information .....	3
Overview .....	3
Objectives.....	3
Prerequisites .....	3
Recommended Courses .....	3
Structure of the Course.....	4
Literature .....	4
Assessment .....	4
Attendance, Extra Assignments and Resit Policy.....	5
Course Provider.....	6
Schedule.....	7
Assignments .....	8
Assignment 1 – Reflective Equilibrium: How to do Political Philosophy .....	9
Assignment 2 – Equality vs. Priority.....	10
Assignment 3 – Equality, Priority or Sufficiency? .....	11
Assignment 4 – Self-Ownership.....	12
Assignment 5 – Equality or Equality of Welfare? .....	13
Assignment 6 – Equality of Resources .....	14
Assignment 7 – Luck-egalitarianism .....	15
Assignment 8 – Democratic Equality .....	16
Assignment 9 – Desert .....	17
Assignment 10 – Desert & the Market .....	18
Assignment 11 – Incentives, the Difference Principle and Publicity .....	19

## General Information

### Overview

In the wake of the publication of John Rawls's monumental *A Theory of Justice*, there has been an explosion of political philosophy in the field of distributive justice, one that continues to this day. This course will examine the work of some of today's most prominent political philosophers working in the field of justice. In doing so we will study several topics that are related to some of the issues discussed in COR1004 (Political Philosophy). As such, the course is designed to be a sequel to that course, and familiarity with the concepts and authors discussed in that course is presumed. Having said that, this course is distinctive in several respects. First of all the course will strictly focus on debates within academia, rather than hot political debates within the wider community. Secondly, the course will exclusively use original primary texts, i.e. original scientific articles and book chapters. Thirdly, the course will be particularly concerned with the construction and evaluation of the minutia of argument. We will be looking at the strengths and weakness of the arguments presented for certain ethical claims and positions. The level of the material and problems will also be of a higher level than the introductory course.

### Objectives

The course has 4 overarching objectives:

- To provide students with a grasp of contemporary debates within political philosophy and in particular the field of distributive justice after the publication of *A Theory of Justice*.
- To teach students how to critically analyze arguments in political philosophy.
- To enable students to contribute to contemporary debates in political philosophy using the method of reflective equilibrium.
- To allow students to develop their own understanding of their preferred conception of distributive justice.

### Prerequisites

COR1004 Political Philosophy

### Recommended Courses

HUM 1007 Introduction to Philosophy and/or HUM 3031 Ethics: A Thematic Approach

## Structure of the Course

The assignments will revolve around 5 topics which have been the subject of recent debate.

- Equality/Priority/Sufficiency
- Self-Ownership
- Currency of Justice
- Desert
- The Incentives Argument

## Literature

There is no course book. Students will study a variety of classic and cutting-edge articles and book chapters.

## Assessment

Students will be expected to write 2 papers. The first paper will be a critical review of one of the texts discussed in the course. This paper, of approximately 2,000 words, will explicitly analyze the structure of the paper and evaluate its strengths and weaknesses. The point of this paper is to examine structural possibilities for rebutting the argument of the paper under consideration. The review will count for 40% of the final grade, and may be handed in at any time during the course, albeit not later than the last meeting in week 6. The second paper, of approximately 3,000 words, will give students the opportunity to make an argument of their own. Students will be asked to define and defend their preferred theory of justice, drawing on the material offered during the course, and further research into these matters. This paper will count for 60% of the final grade, and is due on the Monday of week 8. More information on the assignments will be provided during the course and students will have individual meetings with their tutor to discuss their papers during the period.

Papers will be graded according to standard UCM criteria, adapted to the nature of this course:

- Purpose: Does the paper have a clear thesis that is well-supported? For the critique this means that the paper should have a clear and devastating angle of attack that successfully casts doubt on the argument presented in the original paper. How damaging is that critique to the argument? How innovative is it? For the positive paper, this means articulating a concrete conception of justice, including a pattern and a currency of justice, and identifying values or procedures that support that conception of justice. How significant is that value or procedure? How well is it connected to the conception of justice? Does it show personal engagement and authenticity?
- Structure: Does the paper build up in a coherent way? Is an appropriate structure laid out, and does the paper stick to it? For the critique, this

means presenting the argument that is going to be discussed in a structured way, and making sure the critique is well-targeted relative to that presentation. For the positive paper, this means making a clear distinction between the values or procedures employed, and the conception of justice presented, as well as showing how the former support the latter.

- Research: In the context of this course, it is not essential to engage with literature outside of the readings. Rather, it is important that you demonstrate command of the material we read. Hence research means showing that the paper fits into and uses the conceptual cannon of this philosophical tradition. Does the paper show awareness of the theories, cases and arguments we discussed? How well does it use the conceptual vocabulary presented?
- Mechanics: How well does the paper observe the style conventions of the tradition of political philosophy used in this course? How clear and rigorous is the argument? How unambiguously are ideas formulated? How clearly are the connections between them articulated? How well does the paper use the methods of analytical political philosophy and reflective equilibrium?

For a grade of 6, a paper must display basic comprehension of the material discussed and an indication of a thesis. For a 7, a paper must show detailed understanding of the material under consideration and the arguments used in that material, as well a clear thesis statement that is argued for. For an 8, the paper must use the material and arguments discussed to support the thesis in question. 9's demonstrate their particularly ambitious theses with particular ingenuity and resourcefulness, transcending the material under consideration. 10's advance the state of that of political philosophy. During the course we will discuss in detail what good philosophy in this particular field is, and how to write a good paper.

### **Attendance, Extra Assignments and Resit Policy**

Students must attend a minimum of 9 of the 11 meetings. Students who have attended 8 meetings may apply for an extra assignment according to UCM procedure. Students who attend 7 meetings or fewer will fail the course.

Students whose final grade is below 5.5 may resubmit one of their two papers, the grade for which will replace the original grade for that paper.

**Course Provider**

The course coordinator, who may be contacted for any reason and at any time, is:

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## Schedule

	Meeting 1	Meeting 2
Week 1	<ol style="list-style-type: none"> <li>1. Introduction</li> <li>2. Pre-discussion Ass. 1 – How to do Political Philosophy</li> </ol>	<ol style="list-style-type: none"> <li>1. Post-discussion Ass. 1 – How to do Political Philosophy</li> <li>2. Pre-discussion Ass. 2 – Equality vs. Priority?</li> </ol>
Week 2	<ol style="list-style-type: none"> <li>1. Post-discussion Ass. 2 – Equality vs. Priority</li> <li>2. Pre-discussion Ass. 3 – Maybe Sufficiency</li> </ol>	<ol style="list-style-type: none"> <li>1. Post-discussion Ass. 3 – Maybe Sufficiency</li> <li>2. Pre-discussion Ass. 4 – Self-Ownership</li> </ol>
Week 3	<ol style="list-style-type: none"> <li>1. Post-discussion Ass. 4 – Self-Ownership</li> <li>2. Pre-discussion Ass. 5 – Equality vs. Equality of Welfare</li> </ol>	<ol style="list-style-type: none"> <li>1. Post-discussion Ass. 5 – Equality vs. Equality of Welfare</li> <li>2. Pre-discussion Ass. 6 – Equality of Resources</li> </ol>
Week 4	<ol style="list-style-type: none"> <li>1. Post-discussion Ass. 6 – Equality of Resources</li> <li>2. Pre-discussion Ass. 7 – Luck-egalitarianism</li> </ol>	<ol style="list-style-type: none"> <li>1. Post-discussion Ass. 7 – Luck-Egalitarianism</li> <li>2. Pre-discussion Ass. 8 – Democratic Equality</li> </ol>
Week 5	<ol style="list-style-type: none"> <li>1. Post-discussion Ass. 8 – Democratic Equality</li> <li>2. Pre-discussion Ass. 9 – Desert</li> </ol>	<ol style="list-style-type: none"> <li>1. Post-discussion Ass. 9 – Desert</li> <li>2. Pre-discussion Ass. 10 – Desert and the Market</li> </ol>
Week 6	<ol style="list-style-type: none"> <li>1. Post-discussion Ass. 10 – Desert and the Market</li> <li>2. Pre-discussion Ass. 11 – Incentives, the Difference Principle and Publicity</li> </ol>	<ol style="list-style-type: none"> <li>1. Post-discussion Ass. 11 – Incentives, the Difference Principle and Publicity</li> </ol>
Week 7	Work on Final Paper	Work on Final Paper

## **Assignments**



## Assignment 1 – Reflective Equilibrium: How to do Political Philosophy

Jerry and John are housemates in Maastricht. One evening John barges in to the kitchen in an agitated mood. In talking about his frustration, they use a method for doing political philosophy called reflective equilibrium, which is designed to use intuitions and principles to formulate, test and support general moral principles. This is how it went:

JOHN: Man, I'm angry.

JERRY: Why? What happened?

JOHN: My parents gave my twin sister twice as much money for her birthday as they gave me. I just have the intuition that this is really unjust.

JERRY: But why would that be wrong? What principle could explain that?

JOHN: Well, I guess the principle that could explain that intuition is that parents should give their children the same. Wouldn't that explain why I think it is unjust?

JERRY: Sure, I can see that. But wasn't your sister ill last year, and had to spend time at a mountain clinic to recuperate? You didn't get that, but I never heard you complain about it, even though she got more than you?

JOHN: No, that doesn't bother me at all. I mean, she was ill, and needed that to get well.

JERRY: So maybe we need a different principle. Maybe something like: parents should make their children equally happy? That means giving them the same for their birthday, but, if one person is ill and needs treatment, they can give that person extra support.

JOHN: You're right. That is a better principle, because it explains both my intuitions, and not just one.

JERRY: But, imagine that your sister were gloomy and sad, and could only be made happier by getting an expensive handbag. Principle 2 says she should get it.

JOHN: No!! I think that would be unfair.

JERRY: So, we have a third intuition, and need a new principle that explains all three.

JOHN: Or maybe I should reconsider my intuition. Now that I think about it, maybe it's not so unreasonable after all. Some people need pills, other people need handbags.

The discussion continued long into the night....

Literature

Rawls, Some Remarks about Moral Theory, 1999  
(E-Reader)

De Maagt, "*Reflective Equilibrium and Moral Objectivity*", 2016  
<http://dx.doi.org/10.1080/0020174X.2016.1175377>

## Assignment 2 – Equality vs. Priority

Many people have a powerful intuition that justice requires equality, that all shall be treated equally, and be given equal shares. Certainly, many political philosophers have this intuition. Interestingly enough, when you ask them why they believe in equality, they will rarely be able to offer an independent justification. And when you think about it, the appeal of equality is hardly self-evident. The single-minded pursuit of equality can have some very strange consequences. For example, it requires that if we can make the better off less well off without making anyone better off, we should do so. So for example, if some people can see and others are blind, and we cannot make the blind see again, then equality requires that we blind the sighted. After all, leveling down would promote equality. This hardly seems like justice. Or, consider this case. Imagine that it is possible to give a benefit to some but not others. We can make one person better off, without making anyone else worse off. Assuming we start from an equal distribution, equality would recommend against such a Pareto improvement. But it seems irrational to refuse to make some better off without making others worse off, as it might require that we destroy resources that could be used to make life better for actual people. How could such a move, that harms no one, not be an improvement?

Some think that this shows that equality is not what we should care about and that we should instead believe that what matters is benefiting the worst off. Instead of equality we should care about the ideal of priority. In this view, we must aid the blind, as they are the worst off, but we do not need to harm those who can see. And if it is possible to benefit some without making anyone worse off, we should do so. In this way priority succeeds where equality fails. But is there nothing to be said in favor of equality?

### Literature

Parfit, *"Equality and Priority,"* 1997.

<http://www3.interscience.wiley.com/journal/119169135/abstract>

Temkin, *Equality, Priority and the leveling down objection*, 2000

[http://www.law.upenn.edu/academics/institutes/ilp/prioritarianism\\_papers/Session2Temkin2.pdf](http://www.law.upenn.edu/academics/institutes/ilp/prioritarianism_papers/Session2Temkin2.pdf)

### Assignment 3 – Equality, Priority or Sufficiency?

First Man: "How are your children?"

Second Man: "Compared to what?"

The ministry for development is preparing its budget for next year. Given the fixed amount of money available for development aid, civil servants have come up with three proposals. The first involves targeting the budget to the worst-off nations. This will make these nations better off, but only by a little bit because the money must be distributed among a large number of countries and they are very badly off. The people of those countries will still have terrible lives. The second proposal involves targeting a few countries that are badly off, but by no means the worst off. By targeting all the resources at these countries, it will be possible to give their inhabitants a decent life, one that they did not have before. A third proposal requires sharing the aid equally over all developing nations.

Obviously, the ministry should go for the second proposal; what matters is not whether people have more than others, what matters is whether or not they have enough. If they do not have enough, it does not matter by how much. And if they have more than enough, how much more is not a matter of moral concern. So both equality and priority, with their fixation on relative levels of wealth, are misguided. As human beings, we need certain resources to live full and decent lives. Justice is making sure that as many people as possible have those resources. And nothing else matters.

#### Literature

Frankfurt, "*Equality as a Moral Ideal*," 1987.

<http://www.jstor.org/stable/2381290>

Casal, "*Why Sufficiency Is Not Enough*," 2007.

<http://www.journals.uchicago.edu/doi/abs/10.1086/510692>

## Assignment 4 – Self-Ownership

Somewhere in June every year a famous disc jockey celebrates his liberation day. It marks the day that he has paid all his taxes for the year. For the first six months he was forced to work for the government. But after liberation day, he may keep the fruits of his labor. At last, he is free from slavery.

Robert Nozick argues that accepting the thesis of self-ownership, the idea that you own your self, your labor and everything you produce with it, commits one to thinking that coercive taxation (the kind that funds most governments) is just as reprehensible and repulsive as slavery. Rawls may believe that our talents are arbitrary, but that does not mean that they are not ours, and is hardly a reason to start redistributing. After all, most of us believe we have property in our own person and own our labor. We can decide what we do with that labor. So when the government, without first asking for our consent, appropriates some of the fruits of that labor it is in effect forcefully appropriating our labor. Because we own our labor, the government taking control of it makes us slaves. So, really, there is no difference between being forced to pay your taxes and being a slave. And because being a slave is morally intolerable, so is taxation.

The problem with taxation is that it treats people as means to other people's ends; it takes my labor, and uses it to fulfill someone else's purposes. The government is using taxpayers as a means to its own redistributive ends. And, following Immanuel Kant, this violates the idea that we should never treat people as means, but only as ends in themselves.

Tax collectors of the world, take that!<sup>1</sup>

### Literature

Nozick, *"Anarchy, State and Utopia,"* 1974, pp. 167-74, 217-31.

(E-reader)

Cohen, *"Self-Ownership, Freedom, and Equality,"* 1995, Chapter 10.

(E-reader)

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<sup>1</sup> WARNING: Do not make this argument in court when the government is persecuting you for not paying your taxes. They will put you in jail.

## Assignment 5 – Equality or Equality of Welfare?

Imagine you are wealthy and about to die. As you prepare your last will and testament, you are faced with the problem how to distribute your wealth over your children. You love them all very much, and want to treat them as equals. However, your children are not all the same.

Ronnie, your oldest child is disabled and requires expensive medical care. He needs lots of money in order to achieve even a reasonable standard of living.

By contrast, Elizabeth, your eldest daughter, can get a lot of enjoyment out of money. She is very good at converting resources into welfare.

Jerry does not need much money either. He is married to a dominatrix, who has convinced him that he is worthless and should be happy staying home and doing the dishes. If he leaves the house to do something for himself, he feels unworthy and unhappy.

Richard used to be like Elizabeth, but ever since he went to college he has developed a taste for expensive cigars. Nevertheless, he can still be happy with moderate amounts of money.

Louis, your youngest child and the black sheep of the family, is a playboy, always jetting off to Monaco and drinking the finest wines. Without these things he becomes utterly depressed.

In the face of this diversity, you first consider equality of money, i.e. giving your children all an equal share. This seems the obvious way to treat them as equals. However, you decided that this would have all kinds of egalitarian consequences. Rather, you think, you should aim for equality of welfare. By using your money to make all your children experience the same welfare, you will treat them as equals. Of course, all you can do is distribute money, so you need to figure out how much money to give each of the children to achieve the desired equality. This requires a deep understanding of what welfare is and a clear way of measuring it. Is welfare a question of whether you achieve your aims in life, or does it have to do purely with how happy you are? Or does it consist in having certain objectively valuable experiences and characteristics? Problem is, when you consider any of these proposals in detail, they suddenly look far less egalitarian.

### Literature

Dworkin, "What is Equality? Part 1: Equality of Welfare", 1981.  
<http://www.jstor.org/stable/2264894>

## Assignment 6 – Equality of Resources

You have come to the conclusion that aiming for equality of welfare is not an egalitarian solution to the problem of distributing your money over your 5 children. But you still love them all, and search for another currency in which to make them equal. In search of the currency of egalitarian justice, you next consider equality of resources.

After all, the problem with equality of welfare is that Louis gets much more money than Elizabeth and Richard. That seems unfair. But if we give them all the same amount of money, Ronnie can barely pay his medical bills, while Elizabeth is extremely happy. This seems unfair as well. The solution is to make a distinction between resources and preferences. Resources are whatever you have to fulfill your plan of life with. This includes your physical abilities, but also the money you have. Preferences are your tastes, and the things you choose to do with your resources.

If you aim to make your children equal in their resources, Ronnie gets lots of money to compensate for his limited physical ability, but Louis does not get anything extra, because he has expensive preferences, but not a resource deficiency. Like Elizabeth and Richard, he has no resource deficiencies, so they all get the same. Louis simply has expensive preferences, and there is no reason why others should get less to subsidize those expensive preferences. So equality of resources it is.

Although, this does raise the problem how exactly to determine what an equal distribution of resources would be. It seems acceptable to say that when all of your children are indifferent between their bundle of resources and that of anyone else, i.e. when the envy test is met, equality of resources has been achieved. With this idea in mind, you think about how to achieve this for your children.

### Literature

Dworkin, "What is Equality? Part 2: Equality of Resources ", 1981.  
<http://www.jstor.org/stable/2265047>

## Assignment 7 – Luck-egalitarianism

In the core course on Political Philosophy students are asked to imagine that they are behind a veil of ignorance and choose the appropriate principles of justice. Behind this veil, they are unaware of their social abilities, talents and abilities. This restriction is justified by the common intuition that how well individuals are doing depends to a large extent on the luck they have had. Nobody can claim that they are entirely responsible for their social position. Whether it be through the talents some have and others lack, through the educational opportunities some have had and others have been denied or through any number of other channels, luck plays a large part in the distribution. This seems morally problematic, justifying the veil of ignorance.

In many cases, students do not come up with Rawls' difference principle. They often decide that, rather than maximizing the position of the worst off, we should neutralize the influence of luck; we should make sure that what people end up with does not depend on their talents and social position, but only on their ambitions, choices and actions. Justice should not be sensitive to what is morally arbitrary, but only on what individuals are responsible for. The aim of egalitarian justice should be to extinguish the effect of the morally arbitrary on the distribution. We should have equality of luck.

We should implement this by providing equality of opportunity or equality of access to advantage, so that how well off individuals become does not depend on their talents but only on their choices. This is equality of opportunity in a far more stringent sense than that phrase commonly refers to. People who try equally hard, should get the same distributive share, regardless of anything for which they are not responsible. While this idea seems vague, it has clear implications for how society should be organized. We start by sorting individuals into types, i.e. groups of people who are the same in every respect for which they are not responsible. Individuals are not responsible for which type they are in. However, they are responsible for how well they do relative to other members of their type. All we have to do now is make sure that people who are in the same position in their type get the same distributive share. If you are the 10<sup>th</sup> best producing person in your type, you should get the same as all the 10<sup>th</sup> best producers in the other types. If we do this for everybody, we can make outcome solely a function of effort. Justice can be attained by this equality of opportunity mechanism.

### Literature

Cohen, "On the Currency of Egalitarian Justice," 1989

<http://www.jstor.org/stable/2381239>

Roemer, "A Pragmatic Theory of Responsibility for the Egalitarian Planner," 1993.

<http://www.jstor.org/stable/2265444>

## Assignment 8 – Democratic Equality

Despite the appeal of luck-egalitarianism, the ideal suffers from several problems. The first of these is the problem of the losers. After all, what happens to those who choose poorly? As Anderson notes:

... an egalitarian view that guarantees equality only ex ante, before adults start making choices for themselves, and makes no provision for people after that, will in fact generate substantial inequalities in people's fates as they lead their lives, to the point where the worst off will often be extremely badly off.<sup>2</sup>

Equality of opportunity, as it features in the previous assignment, is cruel to the losers. Even if a society gives everyone equality of opportunity, there might still be beggars sleeping in the street. How can such a society call itself egalitarian? A second problem concerns how we identify who to compensate. Those who have suffered bad brute luck must identify themselves publicly in order for them to be compensated. They must admit their own inferiority if they are to receive compensation. A society that makes aid to the unfortunate contingent upon them providing public evidence of their handicaps humiliates them and can hardly be said to treat them as equals.

As luck-egalitarianism has proven undesirable, a form of democratic equality, which focuses on the status of individuals in society rather than their distributive share, is more attractive. We should strive to make sure that members of society can regard each other as equals, as members of society that are no better or worse than anyone else. Of course, we still need to find out how to organize our societies to achieve this.

### Literature

Anderson, "*What Is the Point of Equality?*" 1999.

<http://www.jstor.org/stable/2989479>

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<sup>2</sup> Elizabeth Anderson, "What Is the Point of Equality?," *Ethics* 109.1 (1999): p. 300.



## Assignment 9 – Desert

Until now, we have been considering egalitarian conceptions of justice. Many have the intuition that justice requires equal treatment. But, on the other hand, many people also think that we should give individuals what they deserve.

This raises the question: When do we deserve something and what do we deserve? The concept of desert is extraordinarily complex, and those who theorize about it hardly agree about anything. Nevertheless, the concept does seem to have certain definite contours; when individuals make claims to deserve things, their claims all have a certain form. Desert is a triadic relationship between a person, some form of treatment, and a reason justifying that treatment, the desert-base. Of course, not all desert-claims that take this form are valid. So we need to consider what sort of actions make one deserving.

Some people argue that nobody ever deserves anything. After all, in order to deserve something you must be responsible for the desert-base. But because nobody is ever responsible for the things they do and are, you can't ever deserve anything. Despite this, desert still has enormous intuitive appeal as a theory of distributive justice. Even John Rawls, a fierce critic of desert, notes:

There is a tendency for common sense to suppose that income and wealth, and the good things in life generally, should be distributed according to moral desert. Justice is happiness according to virtue. While it is recognized that this ideal can never be fully carried out, it is the appropriate conception [according to common sense] of distributive justice, at least as a *prima facie* principle...<sup>3</sup>

So rather than making people equal in some currency, we should give them what they deserve. We do not want good and evil people to be given equal treatment; we want the good to be rewarded and the evil to be punished.

### Literature

Feinberg, "*Justice and Personal Desert*," 1963.  
(E-reader)

Schmidtz, "*How to Deserve*," 2002.  
<http://www.jstor.org/stable/3072566>

Kagan, "*Equality and Desert*," 1997.  
(E-reader)

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<sup>3</sup> John Rawls, *A Theory of Justice*, Rev. ed. (Cambridge, Mass.: Belknap Press of Harvard University Press, 1999), p.273.

## Assignment 10 – Desert & the Market

A lot of people like Justin Bieber and his music, as evidenced by the fact that they are willing to pay money to buy his records and attend his concerts. One might think that this shows that he deserves to be wealthy. After all, many members of society think that what he produces is valuable. As the point of justice as desert is to reward those who do valuable things, desert requires that he be rewarded.

Conveniently, the market guarantees that this is the case. The fact that lots of people are willing to pay money to enjoy his music, which makes him deserving, also ensures that he is handsomely paid in the market. In the market the rewards we get depend on what other people are willing to pay for what we produce. Those who produce goods that are in demand, which might be said to make them deserving, will be richly rewarded, while those who produce goods and services that nobody values will end up in the poverty they deserve.

Many friends of the market have advanced the argument that it may give people what they deserve. Perhaps David Miller has been the most explicit in this context, arguing that:

First, that there are no deep conceptual grounds for thinking that markets cannot allocate resources in accordance with personal deserts; second that there are good positive reasons for taking equilibrium prices as indicators of value when measuring desert...<sup>4</sup>

Miller's positive reasons seem very much akin to those sketched above. He writes:

I am in a position to judge how much value I will create by doing X rather than Y because I can observe the relative demand for the two activities, measured in a market context by the prices people are willing to pay. ... If customers will pay twice as much for a beaver as for a deer, this provides evidence that the activity of trapping a beaver is twice as valuable as that of hunting a deer.<sup>5</sup>

Literature

Miller, *Market, State and Community*.

(E-reader)

Olson, *Liberty, Desert and the Market : A Philosophical Study*, 2004, Chapter 3.

(E-reader)

Dekker, *"Desert, Democracy and Consumer Surplus,"* 2010

<http://ppe.sagepub.com/content/9/3/315>

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<sup>4</sup> Miller, *Market, State, and Community : Theoretical Foundations of Market Socialism*, p. 174.

<sup>5</sup> Miller, *Market, State, and Community : Theoretical Foundations of Market Socialism*, p.160-61.

## Assignment 11 – Incentives, the Difference Principle and Publicity

John Rawls believes in the difference principle, which means that he believes that inequalities are just only if they serve to maximize the position of the worst off. Imagine that you are a particularly talented believer in the difference principle. You are offered a high-paying job, knowing that the taxes you will pay and the economic growth you will generate will provide welfare programs for the worst off. So you accept this job, and demand the high salary in return for your productive talents. Although from time to time, you do wonder whether it is hypocritical to believe in the difference principle but simultaneously refuse to be productive unless you are paid more than others. If you really believe in the difference principle, shouldn't you just work hard without getting extra money? Then we could make the worst off even better off, and isn't that what the difference principle is all about?

If we accept this idea, then justice is not just a matter of taxation and welfare policies, of social institutions. It would also apply to personal decisions, such as whether to demand incentives for using one's productive talents. Justice makes demands that are not just political but also personal. In every decision we make we need to consider its consequences for justice. But isn't that taking things a bit too far? Consider the following case:

You and your housemates share a fridge. Each of you has a separate shelf, and you have agreed to not steal from one another. Nevertheless, sometimes food disappears from your shelf, but you cannot know who the perpetrator is. But you know that somebody is breaking the rules. You decide to break the rules as well, and steal from others. After all, the fact that others are not complying with a rule excuses you from compliance as well. You made an agreement with each other. When one of you breaks the agreement, the deal is dissolved, and you are no longer bound by it.

Now imagine that the people of a city have agreed that they will not throw batteries in their trash bags. Because these bags are sealed and opaque, it is difficult to know whether others are obeying the rule. You decide that as you cannot know whether others are complying with this rule, you may assume that some are not and so you are excused from recycling your batteries. Although, as you dump your old batteries in the trash, you do realize that this is a bad rule. After all, if you can't know that others are following the rule, then some probably aren't and there is no reason for you to obey. A rule that is not a public rule in this sense is not a rule at all.

There are many rules that are like this, in that it is impossible to know whether or not others are obeying it. Certainly, the idea that personal decisions should take into account the requirements of justice is such a rule. Due to the private nature of one's internal decision process, we cannot know if others are doing so. If we accept that a rule must be public in order to be binding, that justice must be seen to be done, then

personal decisions are beyond the purview of distributive justice. The personal is not political after all.

#### Literature

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