

Christian Ethics. How Should We Live?

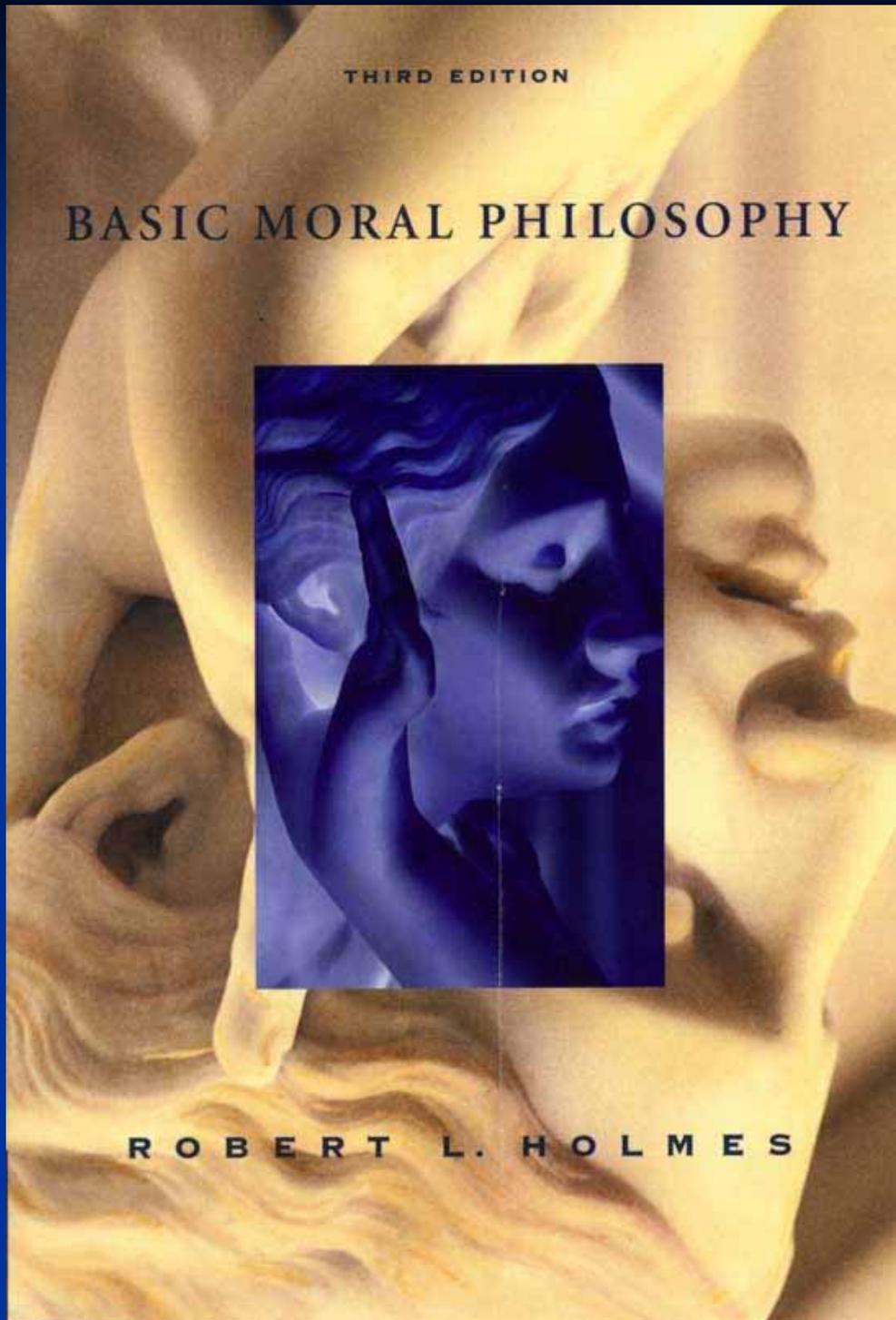
9. Justice

Sunday, July 24, 2005
9 to 9:50 am, in the Parlor.
Everyone is welcome!

St. John in the Wilderness

Grant, O God, that your holy and life-giving Spirit may so move every human heart, that barriers which divide us may crumble, suspicions disappear, and hatreds cease; that our divisions being healed, we may live in justice and peace; through Jesus Christ our Lord.

- Book of Common Prayer, p. 823



- **Basic Moral Philosophy, Third Edition**, Robert L. Holmes. Thomson Wadsworth, 2003. ISBN 0-534-58477-2 (Chapter 10: “Justice”)
- Dr. Holmes is professor of philosophy at the University of Rochester.

Introduction

Introduction

Where We Have Been

- 1. Introduction, the Moral Quest
- **The Ethics of Conduct (= Ethics of Being)**
 - 2. The Greek Ethical Tradition
 - 3. Virtue and Happiness
- **The Ethics of Conduct (= Ethics of Doing)**
 - 4. The Divine Command Theory
 - 5. Natural Law Ethics
 - 6. Kant's Theory of Ethics

Introduction

Where We Have Been / Are Going

- The Ethics of Conduct (= Ethics of Doing)
continued:
 - 7. Ethics based on the Consequences of an Action (Consequentialism); Utilitarianism
 - 8. Ethics based on Self-giving Love (Agapeism)
 - 9. *TODAY: Justice*
- *NEXT WEEK:* we begin discussions of
Applied Ethics

Introduction

Where We Are Going

■ Applied Ethics:

- Human Sexuality and Marriage
- Biomedical Ethics: Life and Death
- Christian Ethics and Ethnicity
- Christian Ethics and the Status of Women
- Citizenship in a Democracy
- Punishment for Crime
- War and the Quest for Peace
- Work, Property, and Community
- Ecology and Moral Responsibility

The Idea of Justice

The Idea of Justice

A Greek Creation Myth

- In Plato's (b. 428 BC; d. 348 or 347 BC) dialogue *Protagoras*, Protagoras describes an ancient Greek creation myth explaining the origin of **justice**:
 - During creation, the gods equip the various animals with special abilities and skills that allow them to thrive. Some get physical strength, other speed ...
 - Only human beings are left without special skills, and Zeus begins to fear for their survival.
 - So he sends Hermes to give human beings a sense of **justice**, so they could thrive in community with each other.

The Idea of Justice

Built Into All of Us?

- All of us do seem to have a “built-in” sense of justice, of “fairness.”
 - Psychologist Jean Piaget has documented a sense of justice even in the play of very young children.
 - Every parent is aware of a child’s concern with what is fair or unfair.

The Idea of Justice

What is Just, and What is Unjust?

- The question

What is just, and what is unjust?

Is clearly an important question in morality and ethics, and is a distinct “twist” on the more general ethical question of:

What is right, and what is wrong?

- For example:

- Some may argue that capital punishment is morally *right*, even though inevitably some innocent people are executed.
- All would agree that executing an innocent person is *unjust*.

The Idea of Justice

Three Kinds of Justice

- We can distinguish three kinds of justice:
 - 1. **Corrective Justice** seeks to restore balance after it has been disrupted by theft, injury, or the like.
Means include:
 - Punishment (= Retributive Justice)
 - Exacting restitution
 - 2. **Procedural Justice** seeks to distinguish between procedures or agreements that are fair versus unfair.

The Idea of Justice

Three Kinds of Justice

- We can distinguish three kinds of justice:
 - 3. **Distributive Justice** seeks to define how benefits and burdens should be fairly apportioned.

Distributive Justice

Distributive Justice

Apportioning Benefits and Burdens

- Suppose someone gives you one million dollars, with the stipulation that you *must* distribute it *fairly* among the members of our parish community.
- How would you do it?

Distributive Justice

Apportioning Benefits and Burdens

- How should we distribute burdens *fairly* or *justly* among the members of a community?
For example:
 - What is the *fair* or *just* way of distributing the financial burdens of supplying our government the funds it needs to operate?
 - What is the *fair* or *just* way of distributing among the citizens of our nation the burdens of our nation waging a war?

Distributive Justice

Formal Principle of Justice

- One ground rule in deciding how to apportion benefits and burdens: we must be *consistent* in how we treat different persons or groups.
- **Formal Principle of Justice:** Persons or groups who are similar should be treated in a similar way.

A “Mechanical” Principle for Just Distributions

A “Mechanical” Principle

Three Components to Consider

- In deciding upon a criteria or principle for a “fair” distribution of benefits or burdens, we have three components we can consider:
 - 1. The **benefits and burden** that need to be distributed
 - 2. The **people** among who we need to distribute the benefits and burdens
 - 3. The **procedure** we use to make the distributions

A “Mechanical” Principle

Focus on Benefits and Burden

- Suppose we choose to *focus* on the first component – the **benefits and burdens** that need to be distributed – to come up with a “fair” criteria of distribution.
- A criteria or principle for a just distribution that is derived by focusing on the **benefits and burdens** themselves is termed a “mechanical” **principle** of distributive justice.

A “Mechanical” Principle

The Egalitarian Principle

- The only viable “mechanical” principle of distributive justice is the **Egalitarian Principle**: distribute the benefits and burdens *equally*. Given each person an *identical* amount of the benefits and burdens.

A “Mechanical” Principle

The Egalitarian Principle

- The **Egalitarian Principle** may sound plausible when it comes to distributing a pot of money.
- But how about the distribution of personal income? Would giving every person an identical, equal amount be just?
- How about the distribution of penicillin? Would giving each person an identical, equal amount be just?
- How about the distribution of things difficult to quantify: freedom, education, health care, child care?

Selective Principles for Just Distributions

Selective Principles

A Focus on the People

- Of the three components we have to consider in coming up with a criteria or principle for a “fair” distribution of benefits or burdens, suppose we choose to focus on the *second* component:
 - 1. The **benefits and burden** that need to be distributed
 - 2. The **people** among who we need to distribute the benefits and burdens
 - 3. The **procedure** we use to make the distributions

Selective Principles

A Focus on the People

- A criteria or principle for a just distribution that is derived by focusing on the **people** among whom we are distributing is termed a “**selective**” principle of distributive justice.
- A selective principle or criteria for distributing benefits and burdens requires that *we assess people* in some way in order to judge what would be a just distribution for them.

Selective Principles

Example: The Marxist Principle

- An example of a selective principle of distributive justice is the Marxist Principle:
 - Distribute *burdens* according to **ability**.
 - Distribute *benefits* according to **need**.

Selective Principles

Principles to Distribute Benefits

- There are many principles that have been proposed as just ways to distribute benefits.
- 1. According to **need** (as in the Marxist Principle)
- 2. According to **wants or desires**.
 - Difficult to implement for things that nearly everyone wants in unlimited amounts (for example: money)
 - Does not work when the wants or desires are manifestly harmful: a desire for crack cocaine for example.
- 3. According to **desert** (what a person deserves)
 - What a person deserves is usually based on a person fulfilling certain responsibilities, or at least trying to.

Selective Principles

Principles to Distribute Benefits

- 4. According to **merit**.
 - Merit is typically judged based on a person's achievement or excellence.
 - Note that excellence is not always achieved by those who are the most “deserving.”
 - The Olympic athlete with the most natural talent, who trained and worked the hardest, might slip coming out of the starting block.

Selective Principles

According to Worth

- 5. According to **worth**.
 - In many societies, worth is based on a person's merit.
 - For a Christian, a person's worth is based on a belief in the *intrinsic worth* of every person as a child of God, made in God's image and likeness.

Selective Principles

According to Worth

- 5. According to **worth**.
 - If we base distributive justice on the *intrinsic worth* of every individual as a child of God, made in God's image and likeness, then we must conclude that what everyone is due should, at some level, be the same or equal.
 - **Equalitarian Principle**: benefits and burdens should be distributed in such a way that there is equality among people.

Selective Principles

According to Worth

- 5. According to **worth**.
 - Note a distribution that *leads to equality* is not the same as an *identical* distribution.
 - The “mechanical” **Egalitarian Principle** would distribute loaves of bread in identical numbers to the starving and the satiated.
 - The **Equalitarian Principle** would distribute loaves of bread preferentially to the starving, so that in the end no one is hungry.

Selective Principles

According to Worth

- 5. According to **worth**.
 - As Christians who believe in the *intrinsic worth* of every individual as children of God, to what “level” are we required to take the **Equalitarian Principle**?
 - An equality in which no one is physically hungry?
 - An equality in which everyone enjoys the benefits of the quality of life provided by modern medicine?
 - An equality in which everyone has a income adequate to feed their family?

Procedural Principles for Just Distributions

Procedural Principles

The Challenge of Selective Principles

- The challenge in applying a **selective principle** to distribute benefits and burdens is the requirement to *assess and judge the people* we are distributing the benefits to.
 - Can we reliably assess a person's need?
 - Can we reliably assess who is deserving?
 - In applying the **Equalitarian Principle**, can we reliably assess what a person lacks in order to lift them to equality?

Procedural Principles

Focus on the Procedure

- Some throw up their hands at the difficulty of assessing people, and focus on the third component to consider in coming up with a criteria or principle for a “fair” distribution of benefits or burdens:
 - 1. The **benefits and burden** that need to be distributed
 - 2. The **people** among who we need to distribute the benefits and burdens
 - 3. The **procedure** we use to make the distributions

Procedural Principles

Focus on the Procedure

- A criteria or principle for a just distribution that is derived by focusing on the **procedure** we use to make the distribution is termed a “**procedural**” principle of distributive justice.

Procedural Principles

Focus on the Procedure

- A common school of thought shared by many is that justice is best served by focusing on having a “fair” *process* of distribution. So long as the process is fair, then the distributions, whatever they may end up being, are just.
- This avoids the difficulties of having to assess the people benefits and burdens are being distributed to.

Procedural Principles

Example: Capitalism

- Example: Capitalism is defended by many as an example of a *fair process* to distribute the economic benefits of society.
 - Some may choose to spend their time playing the stock market, and consequently become rich.
 - Others may choose to spend their time writing poetry, and consequently become impoverished.
 - The stock market player sacrificed his/her artistic creativity to make money. The poet sacrificed his/her financial security to be creative.
- That the end result of the distribution seems unequal misses the point. Justice is served if the *process* was fair. The stock market player and poet freely chose their respective paths.

Procedural Principles

Problems

- Relying on *fair process* to justly distribute benefits and burden also has problems:
 - 1. Is a truly *fair process* ever achievable in practice?
 - 2. On a more fundamental level, to say that justice is served if the process is fair implies a belief that everyone gets what they deserve if the process is fair.
 - But how about bad luck? What about that hard training, hard working, gifted Olympic athlete who slips coming out of the starting block?