



Realistic Justice

How to bring justice talk nearer to ourselves

Anton Leist

Overview today

1. Why justice – in Western countries?
2. Why justice – in non-Western countries?
3. Idealist vs. realist theories of justice
4. Starting with equality: “enlightened” equality
5. Three formulations of equality

1. Why justice – in Western countries?

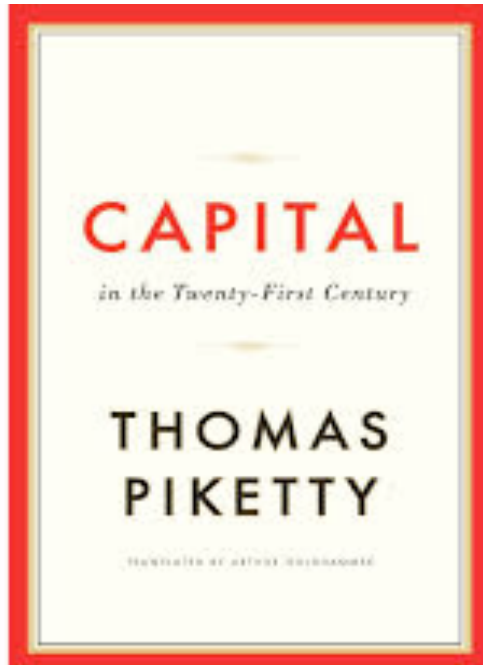
Empirical diagnosis

- (1) There is a growing tendency towards social and economic inequality (OECD, Picketty).
- (2) This growing inequality seems to be inherent to capitalism and unavoidable for capitalist countries.

Moral puzzle

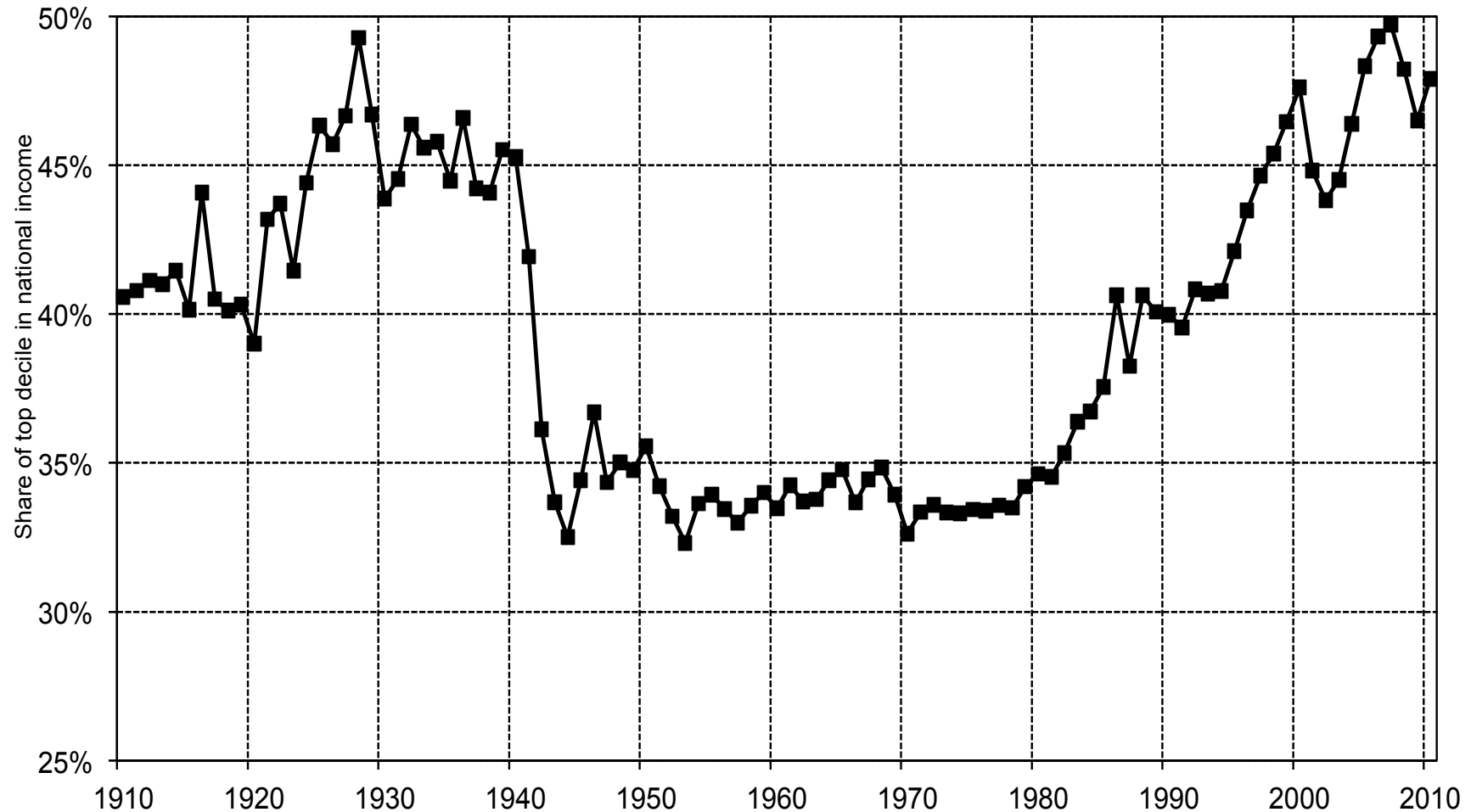
- (1) Why is inequality bad?
- (2) Difference: inequality = injustice? Equality = justice?
- (3) If A works more than B then A deserves higher wages. This is just inequality in wages.
- (4) Is the empirical diagnosis a moral problem?

1. Why justice – in Western countries?



1. Why justice – in Western countries?

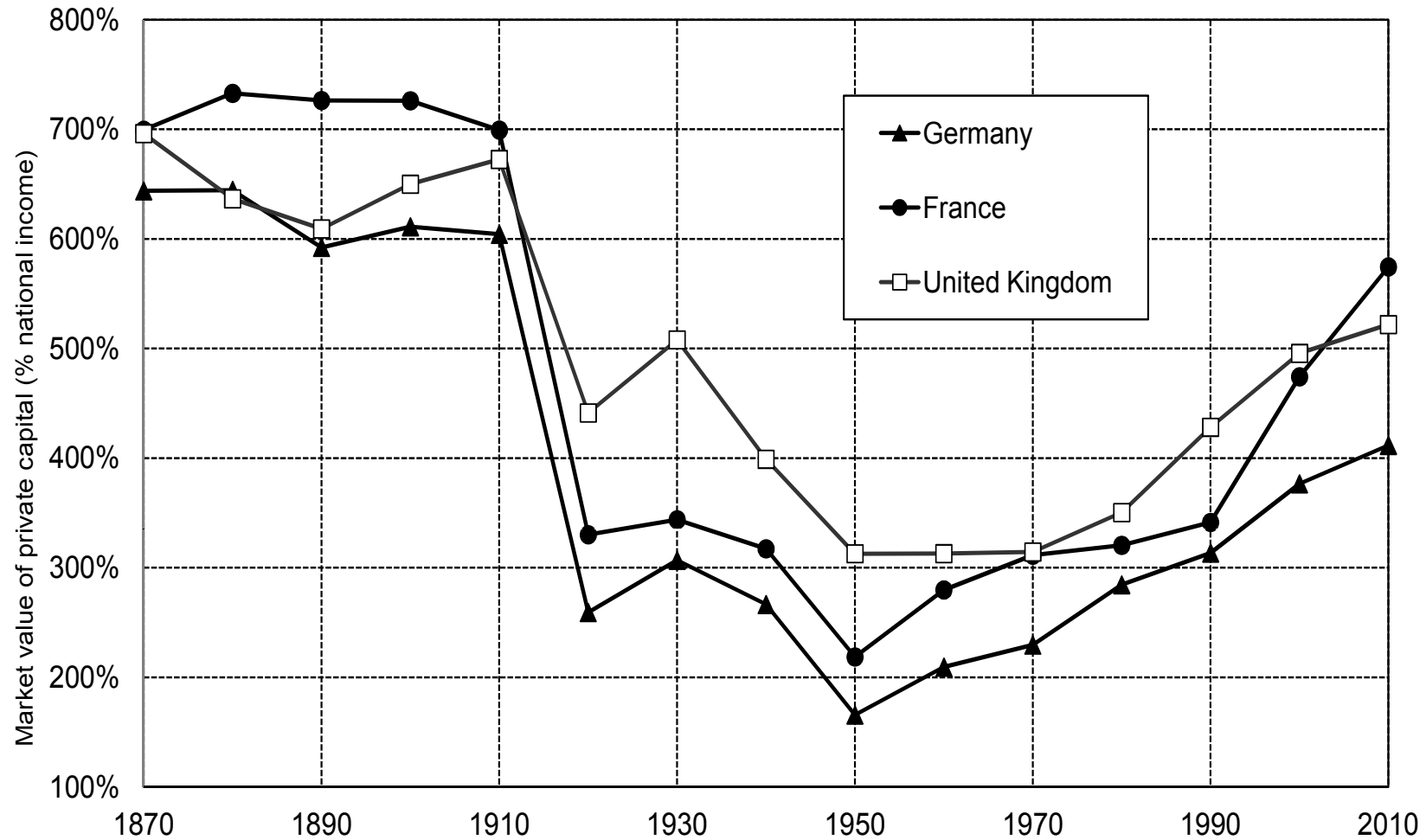
Figure I.1. Income inequality in the United States, 1910-2010



The top decile share in U.S. national income dropped from 45-50% in the 1910s-1920s to less than 35% in the 1950s (this is the fall documented by Kuznets); it then rose from less than 35% in the 1970s to 45-50% in the 2000s-2010s. Sources and series: see piketty.pse.ens.fr/capital21c.

1. Why justice – in Western countries?

Figure I.2. The capital/income ratio in Europe, 1870-2010



Aggregate private wealth was worth about 6-7 years of national income in Europe in 1910, between 2 and 3 years in 1950, and between 4 and 6 years in 2010. Sources and series: see piketty.pse.ens.fr/capital21c.

1. Why justice – in Western countries?

Table 7.3. Inequality of total income (labor and capital) across time and space

Share of different groups in total income (labor + capital)	Low inequality (≈ Scandinavia, 1970s-80s)	Medium inequality (≈ Europe 2010)	High inequality (≈ U.S. 2010, Europe 1910)	Very high inequality (≈ U.S. 2030 ?)
The top 10% "Upper class"	25%	35%	50%	60%
<i>including: the top 1%</i> <i>("dominant class")</i>	<i>7%</i>	<i>10%</i>	<i>20%</i>	<i>25%</i>
<i>including: the next 9%</i> <i>("well-to-do class")</i>	<i>18%</i>	<i>25%</i>	<i>30%</i>	<i>35%</i>
The middle 40% "Middle class"	45%	40%	30%	25%
The bottom 50% "Lower class"	30%	25%	20%	15%
Corresponding Gini coefficient (synthetic inequality index)	0.26	0.36	0.49	0.58

In societies where the inequality of total income is relatively low (such as Scandinavian countries during the 1970s-1980s), the 10% highest incomes receive about 20% of total income, the 50% lowest income receive about 30%. The corresponding Gini coefficient is equal to 0.26. See technical appendix.

1. Why justice – in Western countries?

Three projects in the face of growing injustice

- (1) **Justification project:** Can we argue with our liberal justice ideas against growing inequality?
- (2) **Motivation project:** Are the reasons we bring up from this liberal tradition based in widespread psychology or are they only „in the mind“, a sort of cheap talk.
- (3) **Capitalism project:** is capitalism a structure which allows the potential motivations for justice to catch on?

Realistic Justice: answering these three questions by help of

- (1) Philosophy
- (2) Psychology
- (3) Social science, economics

2. Why justice – in non-Western countries?

Where is the most extreme injustice located?

- Economic inequality – like in the Western countries (also Israel)?
- Economic poverty on a general level?
- Political inequality: racism (India), repression of women (some Islamic countries), missing civic public (Russia)
- Political repression: indoctrination (North-Korea)
- Political dependency: restricted nation-building (Palestine)

Conditions for justice

Cooperative system of mutual advantage in one society, normally a nation-state & widespread interest in a people to participate in it.

If missing: repression, secession, nation-building

3. Idealist vs realist theories of justice

What is an **idealist theory**?

Theory oriented at ideas/ideals which have no clear foundation in human psychology and activities.

What is a **realist theory**?

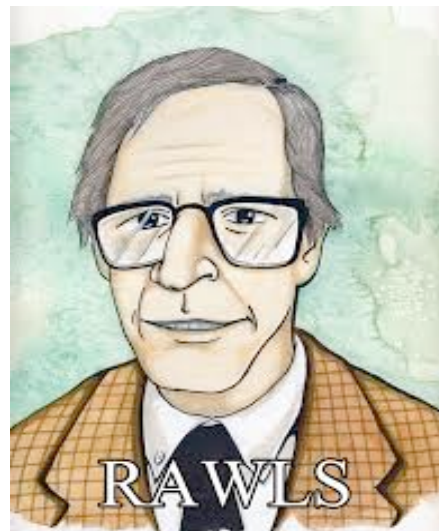
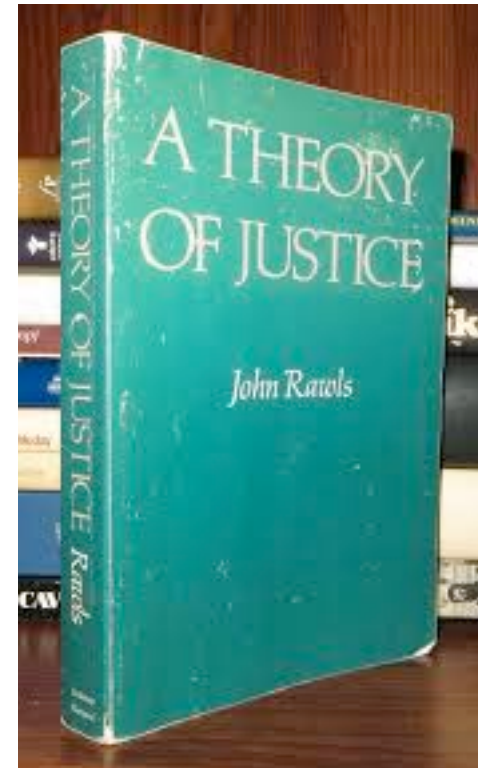
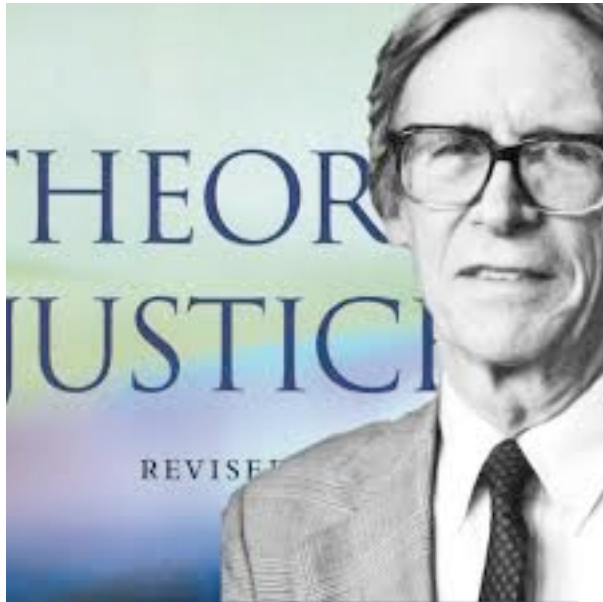
Theory undergoing the burden to show how justice will be possible by drawing on human psychology and activities.

Warnings against realism:

Too much realism: theory will be conservative

Too little realism: theory will be merely rhetoric

3. Idealist vs realist theories of justice



3. Idealist vs realist theories of justice

How to make a theory of justice *realistic*?

Rawls

Justice is a system of principles within a cooperative society for mutual advantage, depending on reciprocity.

What is meant by reciprocity?

Psychological law of reciprocity

There is a tendency in humans to answer actions of kind x with same actions of kind x (nice actions as well as bad actions)

Idea

Justice is a cultural development of this basic human law

4. Starting with equality

„**All humans are equal**“ – but why and what does it imply?

Normative vs. empirical

All humans are equal – in the sense of

“are sometimes hungry”, “live not longer than 100 years”, “do not have wings like birds” etc.

All humans are equal – in the sense of

“have the same (human) rights”, “should have their basic needs satisfied”, “are free, are not allowed to be imprisoned”, etc.

4. Starting with equality

„**All humans are equal**“ – but why and what does it imply?

Positive argument: all humans are equal because of

children of God, same DNA, same needs, same reason, same “humanity” etc.

Problem: either these properties are **metaphysical** (children of God, humanity) or they are **wrong** (same reason, same needs) or they are normatively **irrelevant** (same DNA).

Negative argument: all humans are equal because of

Proofs of human **inequality** are all unsuccessful, and therefore there is a **presumption** of normative/moral equality

4. Starting with equality

„**All humans are equal**“ – but why and what does it imply?

Typical unsuccessful proofs of human inequality

Humans are **inequal** because ...

men are stronger than women, as Catholics/Islamists/Islamists X
they have the right religion, Whites are preferred by the God of
the Bible, etc.

Why unsuccessful? Because either irrelevant (stronger) or
metaphysical (God of the Bible)

4. Starting with equality

Consequence

Moral equality needs a **culture of critical reflection**

There is

- unrestricted **freedom** to put reasons for inequality into doubt
- ability to distinguish between what is said to be right and what **is right** (not depending on what is written in a book, said by an authoritative person, being part of common tradition etc.)
- ability to find out about what is right by finding a **reasonable consent** with others.

4. Starting with equality

Consequence (extended)

Moral equality needs a **culture of critical reflection**

which includes

- an “enlightened” attitude towards claims of rightness
- an attitude which is aware of the burdens of arguments for normative claims
- an attitude which accepts that reasonable others are the addresses and arbiters of these normative claims.

Basic human equality is *procedural* and open in content

4. Three formulations of equality

What is ahead? Looking for a basis of equality which is:

- Within the constraints of enlightened equality
- Has normative content: includes principles of distribution

Suggestion: there are **three possible answers**:

- Equality on basis of **mutual advantage (Hobbes)**
- Equality on basis of **reciprocity (Rawls ?)**
- Equality on basis of **impartiality (Rawls)**

4. Three formulations of equality

What does equality on basis of mutual advantage mean?

- Members of a collective are self-interested (looking for their advantage in material and ideal goods (religion, worldview)) and do not have moral/legal/political principles among them.
- For all of them it is better if there is peace and a social order.
- Therefore, they agree (accept a “contract”) that there should be a social order by principles of equality for all.

Problems:

- Disabled, aborigines/Indians, minorities are not ‘mutual’ enough
- Collective vs individual advantage: Hobbes’ “Fool”
- Instrumental attitude towards others – nothing better? Conflict with enlightened equality

4. Three formulations of equality

Look ahead

Rawls' Theory of Justice: is it equality by reciprocity or by impartiality?

Original position:

All members of society have to decide on principles for their society to their advantage

without knowing about their **personal characteristics** (age, sex, health, wealth, family etc.). What would they decide?



Realistic Justice 2

Anton Leist

Overview

1. Remember starting points: “enlightened” equality and psychological realism condition
2. Three formulations of equality
3. Justice by mutual advantage
4. Justice by reciprocity
5. Justice by impartiality
6. Rawls’ original position (built out of (parts of) 3, 4, 5)

1. Starting points

Idea of arguments pro Justice

1. Premises have to start from **enlightened equality**
2. Premises have to be **psychologically realistic**
3. Both conditions have to be taken up in an **original situation**, which collects (experimentally) the premises of the argument.
4. Conclusion of the argument are **principles of justice**. These principles are the most basic principles for a just society.

Comment 1: This is a contract-like argument, because the original situation is comparable to a legal contract.

Comment 2: So far this is a logical structure, which is experimental in the sense that we can go back and forth.

1. Starting points

Idea of arguments pro Justice

1. Premises have to start from **enlightened equality**

“Enlightened equality”:

- Justification must be acceptable by others in the same way it is acceptable by all. (Impartiality condition)

Or

- Justification must be acceptable by others on behalf of successful cooperation with them. (Cooperation condition)

2. Premises have to be **psychologically realistic**

- They have to fit into the law of reciprocity.

1. Starting points

What we expect from a conception of justice

(Rawls)

Civic and political justice (freedom) – strict equal

1. Principles of **political** rights (equal voting, fair procedure of election, regular control of government)
2. Principles of **civic** rights (equal application of law, freedom of thought, freedom of conscience, freedom of assembly, freedom of the person)

Social and economic justice (social positions & income) – not strict equal?

3. **Equal opportunity** in education and work sphere
4. Distributive justice: **just wealth and income**

2. Three formulations of equality

***Original position* is the core of a just society**

Three alternatives of an “original position”

- Equality on basis of **mutual advantage** (Hobbes)

Idea: take people (as a whole) as they are and let them cooperate instead of fight.

- Equality on basis of **reciprocity**

Idea: take people (as a whole) as they are & let them cooperate fairly.

- Equality on basis of **impartiality**

Idea: take people as they are & let them think about their role impartially & see what that means and how it works for them.

3. Equality as mutual advantage

What does equality on basis of *mutual advantage* mean?

- Members of a collective are **self-interested**: looking for their advantage in material **and** ideal goods (religion, worldview)
- There are **not yet** moral/legal/political principles among them (potential civil war)
- For **all** of them **together** it is better if there is peace and a social order.
- **Therefore**, they agree (accept a “contract”) that there should be a social order by principles of justice for all.

Why is this equality? There are no one-sided rights (feudalism) ahead of the contract. All are equal in being considered in their individual interests as they are.

3.Equality as mutual advantage

Critique of mutual advantage

Not very substantially equal (tested here only for distr.justice)

- Collective vs individual advantage: Hobbes' "Fool"; necessity of heavy sanctions for free-riders.
- Disabled, aborigines/Indians, minorities are not 'mutual' enough and drop out of the contract.
- Could we talk of justice at all? Rather a peace-keeping method.

Not meeting reciprocity

- Instrumental attitude in conflict with reciprocity: free-rider does not reciprocate

Not meeting enlightened equality

- Cooperation will not be successful, if there is no trust, and with free-riders there is no trust.

4. Equality as reciprocity

What does equality on basis of *reciprocity* mean?

- Members of a collective are **self-interested** & fair in **reciprocating** on the same level.
- **Example:** A helps B on condition that B helps A; A provides his contribution, but there will not be further cooperation in the future – will B then contribute? Yes, due to fairness in reciprocation. (Typical behaviour in restaurants!)

How does the whole cooperation **start**?

- Similar to mutual advantage through experience that there is an improvement involved for all collectively by cooperation.

Advantage: cooperation much more stable through reciprocity.

4. Equality as reciprocity

Critique of reciprocity

- Still **neglect** of disabled as those who cannot contribute. If no contribution then no reciprocal contribution: justice here is conditional (different to common sense morality)
- **Different levels** of distributive justice: Rules of justice will document the different degrees of contribution: contribution of 10 will be answered by 10, one of 2 by 2. Therefore, fairness only extends to responses on the same level. (More concrete: different levels of health-care, schools, infrastructure, etc.)
- **Different levels** also of civic and political rights, if reciprocity is extended to these rights. (Political and civic rights depend on costs!)

5. Equality as impartiality



5. Equality as impartiality

What does equality on basis of *impartiality* mean?

- Members of a collective in reality have different abilities and properties
- All personal properties are either ones people are **luck-based** or non-luck-based ones, ones people are **responsible** for.
- **Luck-based** properties: talents, health, beauty, social background.
Non-luck based properties: behaviour, effort, interests, etc.
- Equality asks for correcting luck-based properties (blind-fold in statue of Justitia).
- Impartial morality means:
 1. **Equal political & civic rights**
 2. **Full equal opportunity**
 3. **Luck-sensitive distributive justice.**

5. Equality as impartiality

Full equal opportunity

Everything should be done to **correct** original natural and social inequalities in human abilities, in principle up to the point of full equality.

Luck-sensitive distributive justice

Distributive justice has to be sensitive to what people are able to do and honour the mere intention of the **unable** to the same extent as the effective contribution of the **able**.

5. Equality as impartiality

Critique of impartiality

- Different to Mutual Advantage and Reciprocity in **full contrast** to self-interest: not a correction of self-interest but fully fairness-driven. But is it realistic to abstract totally from self-interest?
- Unclear, what the **psychological force** could be to make impartiality work.
- **Justification** of burden for able **unclear**: why should able step in for unable's deficiency, **if** unable is not among the causes for unable's deficiency?

6. Rawls' original position

Rawls' argument for justice

Combination of elements in the foregoing three models

- Mutual advantage: Members of a collective are **self-interested**
- Reciprocity: The outcome is documenting a wide-ranging form of **reciprocity** among all members of a society
- Impartiality: The **blindfold** is applied on member's knowledge of themselves.

6. Rawls' original position

Principles of justice to be arrived by decision procedure

- Members of a collective are **self-interested (utility maximizers)**
- Members do **not know** about their personal characteristics (“veil of knowledge”)
- Members choose principles on basis of this according to **theory of choice**.
- Expected result:
 1. **Equal civic and political rights for all**
 2. **Fair Equal opportunity**, restricted to socially caused inequalities
 3. **Difference principle**: social and economic inequalities have to be to the advantage to the worst-off

6. Rawls' original position

Principles of justice to be arrived by decision procedure

Maximin-principle: choose in order to maximize the minimum

State of the world	Go to the mountains	Stay at home
rain	10	-5
sunshine	20	-5
earthquake	-200	-100

6. Rawls' original position

Principles of justice to be arrived by decision procedure

Maximin-principle: choose in order to maximize the minimum

State of small business	Unrestricted freedom	Improve the potentially worst case
extremely successful	100 (no taxes)	20 (huge taxes)
medium successful	50	10
bankrupt	-200	-100

6. Rawls' original position

Reciprocity in Rawls' principles of justice?

Fair equality of opportunity: Correction of **socially** caused unequal starting positions, but not in natural ones.

Reciprocity? Social restrictions to the unequal are being made good. Reciprocity between social causes and social compensation.

Difference principle: Differences in wealth and income are just if they help the worse-off in the unequal relation.

Reciprocity? Worse-off accept the better-off to earn more, and the better off subsidize the worse-off.

In both cases reciprocity between classes, not individual persons!



Realistic Justice

3

Anton Leist

Overview

1. How to proceed from equality of reciprocity?
2. Reciprocity as a springboard
3. Classical reasons for just inequality

1. How to proceed from reciprocity?

Reciprocity 1

Members are self-interested & fair in reciprocating

Reciprocity 2

Members are self-interested & **have a need of social recognition** & fair in reciprocating

Reciprocity 3

Members are self-interested & have a need of social recognition **which is critically structured by reasons** & fair in reciprocating

1. How to proceed from reciprocity?

Need of social recognition

Individuality condition

Interest to be accepted as an individual person

Life condition

Interest to have a right to live

Sociality condition

Interest to be involved in social exchange.

Question 1: When will these interests be met?

Question 2: What is the moral import of these interests?

1. How to proceed from reciprocity?

Need of social recognition

When will these interests be met?

If:

1. Collectivity prioritizing beliefs (nationalist, religious, familial, philosophical) are destructed by critical reasoning.
2. Self-interest is not stronger than meeting interests 1-3
3. Most individuals are able to play a productive role within social exchange = cooperation.

1. How to proceed from reciprocity?

Need of social recognition

What is the moral import of these interest?

- Different to **self**-interest a need for social recognition is an interest in (the role of) **others**.
- Interest in others not a purely instrumental interest, because others have to **esteem**. This presupposes mutuality of value.
- Interests secure a basic security within social relationships (different to pure cooperation)
- **But: Need of social recognition is malleable by reasons for justice**

2. Reciprocity as a springboard

Why is the need for recognition malleable?

- People are self-reflective and self-critical
- Reciprocity: A normally has a reason for doing x and accepts B having a reason doing y.
- A accepts an unequal treatment **if** he accepts a **reason** for it.

Question: What are relevant/acceptable reasons for inequality?

Answer: (necessary but not sufficient) All reasons that are fair in the sense of reciprocity: if B gives A a reason for unequal treatment which he himself accepts in a relevant situation

Conclusion: Reasons for and against equal treatment **extend** the sense of one's need for recognition. (Sufficient reasons have to found.)

3. Classical reasons for just inequality

Recognition of others under viewpoints of:

- Priority of **freedom**: all have to be free and if other reasons conflict with freedom, they are neutralized.
- Priority of **self-responsibility**: Personal properties and conditions you are not responsible for have to be socially corrected
- Priority of maximizing **individual welfare** under condition of **fairness** (= veil of ignorance)

These are

- Libertarianism – equality in freedom and only in freedom
- Equality of opportunity – equality in opportunity
- Rawls – equality in choosing for our unknown fate

3. Classical reasons for just inequality

How to proceed from here?

- Describe a social situation according to each position
- See what it means in its clear and hidden consequences under each principle
- Evaluate it by help of reference to our psychological abilities: would we like to live in such a social situation?



Realistic Justice

4

Anton Leist

Overview

1. Models for developing principles of distribution: preconditions
2. 3 models
3. Explanations of some concepts
4. Another 3 models
5. How representative are these models?
6. Which principles did we find?

1. Preconditions

Model “**common production**”:

- Cooperating together in form of common production of a good
- Why **production**? Because production most important social cooperation to make common living possible. (Alternatives: exchange of goods, communication, play, pray, etc.)

Model in form of a **behavioural game** with two agents, A, B.

Basic idea of procedure:

- which principles of distribution would be thinkable, given the process of production?
- Method for finding a relevant number of justice criteria/ principles.

2. 3 models

<i>agents</i>	<i>decision</i>	<i>allocated working time</i>	<i>outcome in units</i>	<i>common outcome</i>
A	computer (fate)	10 min	50	200
B		30 min	150	

Model 1: How to distribute?

50/150 – **libertarianism**: distribution unrestrictedly proportional to outcome

100/100 – **pure egalitarianism**: distribution equally

2. 3 models

<i>agents</i>	<i>decision</i>	<i>allocated working time</i>	<i>outcome in units</i>	<i>common outcome</i>
A	C with an attitude pro B (preference)	10 min	50	200
B		30 min	150	

Model 2: How to distribute?

50/150 – **libertarianism**, because tolerant towards attitudes towards others, if they are not restrictive

100/100 – **pure egalitarianism**

2. 3 models

<i>agents</i>	<i>decision</i>	<i>allocated working time</i>	<i>outcome in units</i>	<i>common outcome</i>
A	C with an attitude anti A (discrimination)	10 min	50	200
B		30 min	150	

Model 3: How to distribute?

100/100 – **libertarianism**, because restriction of freedom

100/100 – **pure egalitarianism**

3. Explanation of some concepts

What to think of this so far?

Two stages of production

- a) **Allocation of labour time** in different ways
 - b) **Same productivity in time**, but different outcome due to time difference
-
- **Libertarianism**: evaluation of effective outcome per agent, with the exception of restricted liberty (3rd model)
 - **Pure equality**: splitting the outcome, however this is produced.

 - Given this alternative, libertarianism is more plausible, because it refers to the way the outcome is produced.

3. Explanation of some concepts

Explanation of some concepts

- “liberty”, “freedom”, as *negative liberty* : liberty not to be restricted.
- Agent is not restricted, if he is not restrained to do what he wants: visit a church, leave the country, meet person x, etc.
- Typical restrictions: to kill another person, to take away another’s money, etc. = no liberty to do restrain the liberty of others.

Conclusion: (negative) liberty is only restricted by the (negative) liberty of others.

3. Explanation of some concepts

Explanation of some concepts

- “equality”: equality of status vs. equality of distribution
- **Equality of status:** A and B share equal basic mutual recognition – recognize each other as equal cooperative partners.
- **Equality of distribution:** A and B may contribute differently to production, and it is open how their output maps on inequalities in distribution. (A and B have to find out about an equal or unequal distribution, given their unequal contributions.)

Conclusion: Equality of status & Inequality of distribution possible

4. Another 3 models

<i>agents</i>	<i>decision</i>	<i>allocated working time</i>	<i>outcome in units</i>	<i>common outcome</i>
A	Computer (fate)	10 min	70	200
B		30 min	130	

Model 4: How to distribute?

70/130 – **libertarianism**, because relevant only individual outcome

70/130 – **formal equality of opportunity** = everyone should have the same chance in the sense of not being discriminated/restricted & nobody is discriminating B

4. Another 3 models

agents	decision	allocated working time	influence	outcome in units	common outcome
A	poor/rich parents	10	poor/rich parents	70	200
B		30		130	

Model 5: How to distribute?

70/130 – **libertarianism**

100/100 – **fair equality of opportunity** = everyone should have the same chance to be successful, so far society is not responsible for the difference

4. Another 3 models

<i>agents</i>	<i>decision</i>	<i>allocated working time</i>	<i>influence</i>	<i>outcome in units</i>	<i>common outcome</i>
A	Computer (fate)	10 min	talent	70	200
B		30 min		130	

Model 6: How to distribute?

70/130 – **libertarianism**

70/130 – **fair equality of opportunity**, because society is not responsible for the difference in talents

100/100 – **luck egalitarianism**, because A is not responsible for his talent

5. How representative?

Models 1-6 are simplifications in these aspects: In real society

- Some A and B are **disabled** and not capable agents
- Production of wealth results also from **decisions** (roulette)
- Production of wealth results also from **gifts and heritage**
- Not all A and B need to work, some are **wealthy**
- Not all A and B find **work** (unemployment in free market) or are allowed to **work** (discrimination, special status (foreigners))

Answer: idealization acceptable because production is centre of society.

5. Which principles did we find?

Principles of distributive justice

1. **Libertarianism**: Distribution according to effective outcome of one`s production, with the exception of infringed **freedom**
2. **Fair equality of opportunity**: Distribution under correction of **socially** caused differences in productivity
3. **Luck egalitarianism**: Distribution under correction of **all** accidental differences, social **and** natural ones.
4. **Repair principle** which **mediates** between social inequalities due to different talents: puts talents under justification. (Why? Because difficult to distinguish social and natural preconditions & fair equality of opportunity not achievable.)

5. Which principles did we find?



Libertarians make bad lifeguards

5. Which principles did we find?



Fair equality of opportunity: disabled needs additional resources

5. Which principles did we find?



Luck egalitarianism: Salieri deserves compensation



Realistic Justice

5

Anton Leist

Overview

1. Critique of libertarianism
2. Critique of luck egalitarianism

1. Critique of libertarianism

Libertarianism cannot be right because

- Recognizing the (negative) liberty of others **alone** is **not** status-equality

Remember: Status equality is (i) **individuality**, (ii) **security of life** and (iii) **general social inclusion** are three basic interests which have to be met in order to recognize others as others.

- Recognizing others individually through negative liberty is not enough for social inclusion.
- Negative liberty allows only instable and short-term cooperative relations („hire and fire“).

2. Critique of luck egalitarianism

Luck egalitarianism: Distribution under correction of **all** social and natural differences.

Social differences: levels of education and material wealth

Natural differences: levels of talents independent of education and wealth (Mozart/Salieri)

Argument 1: social differences at beginning of life are not individually “deserved”, therefore they have to be made equal.

Argument 2: natural differences=talents are not individually deserved, therefore they have to be corrected (compensated, made equal.)

2. Critique of luck egalitarianism

Argument of luck egalitarian:

- (1) Equality needs not be justified, but **inequality needs to be justified.**
- (2) Unequal **distribution** need to be justified in the same way as unequal **status** (basic rights of recognition).
- (3) Unequal social **wealth** and unequal **talents** need to be justified.
- (4) Unequal starting positions at beginning of life and unequal talents are not deserved, so they cannot be justified.
- (5) Inequality which cannot be justified, needs to be corrected.
- (6) **Correction** of unequal talents: either compensation of untalented or downleveling the talented.

2. Critique of luck egalitarianism

Where is the mistake in luck egalitarianism?

- Justice is not a game which humans play against “the world” but a game **against each other**.
- If A has a house and B has a house, and earthquake destroys A’s house, this is not “unjust”.
- If A has Mozart’s talents and B has Salieri’s talents, this is not “unjust”.
- What is not unjust, needs not be corrected on behalf of **justice**. But it can be corrected either out of **prudence** (insurance) or **benevolence** (disabled vs. abled).

Conclusion: Mistake in LE is its conception of justice. LE takes justice to correct the fates of the universe.

2. Critique of luck egalitarianism

Where is the mistake in luck egalitarianism? (cont.)

But **why** is it wrong for justice to correct the fates of the universe?

Because:

- (1) One needs a **metaphysical** presupposition to think of a duty to correct the fate of the universe.
- (2) It is beyond human **psychology** to correct the fate of the universe.

Why (1)? The fate of the universe **is not related to me** – but it is **me** who should correct its outcome.

Difference: The harm to B **is caused by me** – therefore it is **me** who should correct this harm.

2. Critique of luck egalitarianism

Example fate vs. human causation

- a) Brakes in my new car do not respond and I crash with a woman.
- b) Brakes in my new car are working, but I do not see the woman and kill her in driving.
- c) Brakes in my new car are working, but I want to kill the woman.

Fate: (a) - no moral responsibility (new car)

Human causation: (b)-(c) – moral responsibility obvious

2. Critique of luck egalitarianism

Why (2)? Beyond human psychology

- Morality/justice must be a set of rules we can **orient** ourselves to in our activities.
- We need clear criteria of **responsibility** and **non-responsibility**.
- If we miss such criteria, we enlarge the set of “accidental” events (careless driving = accidental)
- Responsibility means **rights claims** of those who are the direct or indirect objects of our actions.
- We have responsibility against **each other**, and not against the fate of the universe.

Conclusion: Social egalitarianism is psychologically adequate, luck egalitarianism is not.

2. Critique of luck egalitarianism





Realistic Justice 6

Anton Leist

Overview

1. The wider perspective: teachings of the critique of luck egalitarianism
2. Suppressive work
3. Suppressive bureaucracy

1. Wider perspective

Equality of luck vs. Equality of social relations

Equality of luck

Inequality in arbitrary properties must be corrected: they are arbitrarily unequal.

Equality of social relations

Inequality of of social relations must be corrected: they are forms of social suppression.

Forms of suppression:

- corruption, nepotism (sphere of economy)
- workers' exploitation (sphere of economy)
- patriarchy, neglect of women, racism, religious discrimination (private sphere, politics, religion)

1. Wider perspective

Absolute morality vs. relational morality

Absolute morality (religious morality)

Moral rights and freedom are **absolute**: given by something 'out there': something absolute (God, reason, oneself) and they make absolute demands (given by a list).

Relational morality (secular morality)

Moral rights and freedom are **relational**: given by **people to each other** and making demands **on each other**.

1. Wider perspective

Absolute freedom vs. relational freedom

Absolute freedom

Freedom to do what one wants: Sartre's freedom (being one's own God), anarchism (Kropotkin), libertarianism (Nozick).

Problem: leads to extreme social inequality.

Relational freedom

Freedom from social suppression = social freedom or freedom regulated by social morality.

Hope: leads to growing social equality.

2. Suppressive work



2. Suppressive work



2. Suppressive work

Criteria for a non-suppressive work (in developing countries)

- Place of work not identical with home of superiors (against servants)
- Wages paid in money, not kind (against servants)
- Humane working conditions (working hours, breaks, etc.)
- Meritocracy: individual success must receive recognition
- Rights of exit for employees
- Alternative work-places (real alternatives, not formal ones)
- State-help in case of unemployment, training, etc.

3. Suppressive bureaucracy

Criteria for a non-suppressive bureaucracy (in developing countries)

- Distinction between person and office
- Institutional instead of personal objectives
- Offices not private property
- Principle of efficiency
- Rule of law
- Democratic control

Overall aim: separating the institution from the person, institutional relations from personal ones.

3. Suppressive bureaucracy



Weber's Theory of Bureaucracy

6 facets

- hierarchical
- division of labour
- centralization
- closed
- rules
- authority

3. Suppressive bureaucracy

Max Weber's Ideal Bureaucracy

1. A division of labor and specific allocation of responsibility based on functional specialization.
2. Exact hierarchical levels of graded authority.
3. A system of rules covering the rights and duties of employees.
4. Written policies, rules, and regulations that guide behavior.
5. An impersonal, bureaucratic environment.
6. The development of longevity of administrative careers, with selection and promotion based on technical competence.



Realistic Justice

7

Anton Leist

Overview

1. Politics or work?
2. Principles of distributive justice
3. Defence of the difference principle
4. Psychological explanation

1. Politics or work?

Against libertarianism and
luck egalitarianism –
against moral
individualism



But what does it mean
concretely?

1. Politics or work?

Model 1



1. Politics or work?

Model 2



1. Politics or work?

Ethical model of cooperation

Practice of cooperation which is representative for a whole society:

- (1) practice necessary for a society
- (2) involves all members potentially
- (3) central in the individual lives of normal members of society
- (4) potentially the basis of mutual moral recognition
- (5) potentially the basis of distribution of commonly produced goods.

1. Politics or work?

Practice	Politics	Work
necessary for society	yes	yes
Involves all members potentially	with strong gradual differences	with mild gradual differences
Is central to individual lives of nearly all members	no	yes (modern societies)
Is potentially the basis of mutual recognition	???	yes (cooperative societies)
Is potentially the basis of distribution of produced goods	???	yes

1. Politics or work?

Conclusion

- Cooperative **work** is the better model for the cooperative part in society
- Principles of justice should relate to the involvement of all members in **work**
- Potential for a just society can be studied in the extent of justice in the **work-sphere**.
- Discursive/democratic cooperation something to follow later.

2.Principles of justice

Fair equality of opportunity (FEO)

Differences in socially caused deficits due to upbringing and unequal wealth must be corrected.

Why: because if differences are socially caused, social responsibility has to be taken for them.

Contrast: natural differences are naturally caused – no social responsibility.

Problem 1: Genetically disabled?

Problem 2: FEO highly idealistic: (i) distinction natural/social in talents vague, (ii) actual societies not fair.

2.Principles of justice

Repair principle = (justification of) difference principle (Rawls)

Inequalities in wealth and income are justified, if the increase in both – relative to a baseline of equality – for the more well-off does also improve the wealth/income of the less-well off.

Example:

1. A and B are each working 5 hours and each produces 3 shoes – income splits **equally** into 3 units for each.
2. A wants to produce 5 shoes (working heavier/longer), B does not.
3. A and B together are producing 8 shoes -- income splits **unequally**. A receives 4,5 units, B receives 3,5 units.

3. Defence of the difference principle

Difference principle generalized

(1)

If there is a social or economic inequality (jobs, positions, income) it is justified only, if it is to the **greatest expected benefit** of the least advantaged.

(2)

If there is a social or economic inequality (jobs, positions, income), it is justified only, if the more well-off **can convince** the less well-off of their increased benefits.

Conclusion: Among people with unequal talents strict equality must be unjust – but inequality also has to be justified.

3. Defence of the difference principle

Bargaining objection to difference principle

More talented: Listen, less talented, I accept to work harder or longer, but only if I receive 99% of the surplus. What do you think?

Less talented: Hm, well yes, but that is brute force.

Does the principle justify a form of blackmail?

- Managers against workers?
- Banks against depositors?
- Capitalists against non-capitalists?

3. Defence of the difference principle

Remind of: (2)

If there is a social or economic inequality (jobs, positions, income), it is justified only, if the more well-off **can convince** the less well-off of their increased benefits.

This means:

- There is the condition of mutual **justification and consent** – different to bargaining and blackmail.
- There are local criteria of **desert**: working longer, taking special risks, being specially capable (sports stars, artists), etc.
- There is a **mutual dependency** within cooperation: no one can work efficiently without the other.

4. Psychological explanation

Reciprocity in Rawls' principles of justice?

Fair equality of opportunity: Correction of **socially** caused unequal starting positions, but not in natural ones.

Reciprocity? Social restrictions to the unequal are being made good. Reciprocity between social causes and social compensation.

Difference principle: Differences in wealth and income are just if they help the worse-off in the unequal relation.

Reciprocity? Worse-off accept the better-off to earn more, and the better off subsidize the worse-off.

In both cases reciprocity between classes, not individual persons!

4. Psychological explanation

The work ahead: hypothetical history

Justice in the **economic sphere**

leads to

Recognition of individual workers in the **economic sphere**

leads to

Recognition of individual citizens in the **political sphere.**

Programme: cooperation in work enables cooperation in politics.