

On the ideological incompatibilities of distributive justice

Volacu, Alexandru

Veröffentlichungsversion / Published Version

Zeitschriftenartikel / journal article

Empfohlene Zitierung / Suggested Citation:

Volacu, A. (2015). On the ideological incompatibilities of distributive justice. *Studia Politica: Romanian Political Science Review*, 15(1), 109-132. <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-448344>

Nutzungsbedingungen:

Dieser Text wird unter einer CC BY-NC-ND Lizenz (Namensnennung-Nicht-kommerziell-Keine Bearbeitung) zur Verfügung gestellt. Nähere Auskünfte zu den CC-Lizenzen finden Sie hier:

<https://creativecommons.org/licenses/by-nc-nd/4.0/deed.de>

Terms of use:

This document is made available under a CC BY-NC-ND Licence (Attribution-Non Commercial-NoDerivatives). For more information see:

<https://creativecommons.org/licenses/by-nc-nd/4.0>

On the Ideological Incompatibilities of Distributive Justice

ALEXANDRU VOLACU¹

INTRODUCTION

Distributive justice is a very complex idea, having shaped much of the literature within analytic political philosophy in the post-Rawlsian age. But can we find a single all-encompassing definition for distributive justice? Knowles for instance defines it as “how wealth and income, goods and services should be distributed or allocated amongst the population of a state”². But although the definition seems to give an adequate *prima facie* characterization of the subject at hand, it is too narrow as (1) it presumes that the agent benefiting from the distribution must necessarily be a citizen, (2) it presumes that the setting of distributive justice must be the state and (3) it suggests that wealth, income, goods and services form an exhaustive list of distributive units. All of these assumptions lead to an implausibly narrow view of distributive justice. Elizabeth Anderson has a different approach which does not suffer from these deficiencies and manages to capture the central debates within the distributive justice literature. She claims that:

“Theories of distributive justice must specify two things: a metric and a rule. The metric characterizes the type of good subject to demands of distributive justice. The rule specifies how that good should be distributed”³.

¹ I would like to thank Mihaela Miroiu for valuable comments on an earlier draft of this paper and the journal’s anonymous reviewers for comments on the final version of the paper. I maintain full responsibility for any remaining shortcomings. This work was supported by the Sectoral Operational Programme for Human Resources Development 2007-2013, co-financed by the European Social Fund, under the project number POSDRU/159/1.5/S/134650 with the title “Doctoral and Postdoctoral Fellowships for young researchers in the fields of Political, Administrative and Communication Sciences and Sociology”.

² Dudley Knowles, *Political Philosophy*, Routledge, London, 2001, p. 177.

³ Elizabeth Anderson, “Justifying the Capabilities Approach to Justice”, in Harry Brighouse, Ingrid Robeyns (eds.), *Measuring Justice: Primary Goods and Capabilities*, Cambridge University Press, Cambridge, 2010, p. 81.

Although the definition takes into account the fundamental elements of metrics and rules, it also fails to include some important elements which differ between competing theories, such as the site and scope of distributive justice. If we are permitted a high degree of abstractization, a general structure of definition might be the following: *justice in setting A demands that B be distributed to C according to some pattern D, constrained by conditions of type E*. The general structure captures all the major operationalizations of distributive justice. Thus, *A* can be thought of as the state, the community, the basic structure, the family, the world etc., solving the second criticism which I raised against Knowles's definition. *B* represents the "currency"⁴ of distributive justice and it can range from welfare/utility to primary goods, resources, capabilities, advantage etc. *C* describes the agents which are eligible for benefiting from the proposed pattern of distribution. The agents can be only rational beings, which exist at the moment when the distribution comes into play, or they can be non-rational but sentient beings such as children, mentally disabled people and animals or rational/non-rational future or past people, which are either definitive or possible⁵. *D* represents the pattern of distribution. Four patterns are usually associated with distributive justice: egalitarianism, prioritarianism, sufficientarianism and desert. Finally, *E* can represent various constraints imposed on the distribution, which are not themselves a structural component of the pattern. An example of such a condition is Dworkin's⁶ criterion of *ambition sensitiveness*, which constrains the egalitarian pattern by allowing compensation only for inequalities which are not a matter of option luck⁷.

Theories of distributive justice combine the five elements described above in different ways, which is why it is a Sisyphean task to ideologically pinpoint distributive justice in general. My claim in this paper is therefore simply that distributive justice is best reflected in one ideology (social-

⁴ In Cohen's terminology (see Gerald Cohen, "On the Currency of Egalitarian Justice", *Ethics*, vol. 99, no. 4, 1989, p. 906). Sen uses the term "metric" and Frankfurt uses the term "parameter" to describe the same concept (see Amartya Sen, "Equality of What?", in Robert Goodin, Phillip Pettit (eds.), *Contemporary Political Philosophy: An Anthology*, Blackwell Publishers, Oxford, 1997, p. 484 and Harry Frankfurt, "Equality and Respect", *Social Research*, vol. 64, no.1, 1997, p. 8).

⁵ Peter Vallentyne, "Distributive Justice", in Robert Goodin, Phillip Pettit, Thomas Pogge (eds.), *A Companion to Contemporary Philosophy (2nd edition)*, Blackwell Publishing, Malden, 2007, pp. 550-551.

⁶ Ronald Dworkin, "What is Equality? Part 2: Equality of Resources", *Philosophy and Public Affairs*, vol. 10, no. 4, 1981, pp. 283-345.

⁷ Volacu and Derviș for instance discuss two other such conditions, namely efficiency (as embodied by the Weak Pareto Principle) and fairness (in the sense of moral constraints on free-riding behavior) and show how they can be incorporated into pluralist welfare egalitarian theories (see Alexandru Volacu, Oana-Alexandra Derviș, "Pluralist Welfare Egalitarianism and the Expensive Tastes Objection", presented at the 8th *European Congress in Analytic Philosophy*, Bucharest, 2014).

democracy), some of its elements disqualify it from being compatible with other ideologies (right-wing libertarianism, socialism, conservatism and non-pluralistic ideologies⁸) and some particular interpretations of the five elements make them fully compatible and even required by other ideologies (environmentalism, feminism and cosmopolitanism). The term “compatibility” should be interpreted here as a property of the relation between principles, and more specifically between core principles of an ideology and core principles of distributive justice (which are operationalizations of its constitutive elements). When the relation is one of mutual exclusion, i.e. both principles cannot consistently share a common theoretical space, an ideology can be said to be “incompatible” with distributive justice. Compatibility between the principles of an ideology and the principles of distributive justice, does *not* however automatically imply that an ideology captures or promotes values related to distributive justice, but only that it does not reject them. A stronger relation between the two types of principles is one where an ideology *requires* certain distributive justice principles as part of its core.

As a first preliminary mention, it is necessary to underline that due to both spatial constraints and the vastness of the literature on both distributive justice and political ideologies, the analysis in this paper is focused on summarily presenting the major topics concerning the constitutive elements of distributive justice, thereby trading-off the possibility of a more thorough examination of the implications of each element of distributive justice on ideologies. The upshot of this approach is the provision of a broad, albeit thin, overview of all major salient contemporary ideologies in relation to distributive justice. The downside of the approach, however, is that none of the ideologies are explored in-depth, leaving the results obtained here to be opened to challenges under a more profound analysis.

Secondly, a methodological issue arises when seeking to map political theories (as is the family of distributive justice theories), which usually have a very abstract content, with political ideologies, which have a more practical nature and differ in interpretations on a case-by-case basis. This differentiation in interpretation refers to the fact that it is not clear where we should seek the expression of the ideology in question, which is both (1) representative for the ideology as a whole and (2) effectively action-guiding, in the sense that political parties actually make use of the respective ideology. My proposal here is to attempt the mapping of distributive justice with ideological platforms of the most relevant parties guided by the respective ideologies⁹. In principle, I will

⁸ See Mihaela Miroiu, “Ideologii politice: o perspectivă etică”, in *Idem* (ed.), *Ideologii politice actuale*, Polirom, Iași, 2012, pp.15-34 for the distinction between pluralistic ideologies, borderline ideologies and monist ideologies.

⁹ This procedure is frequently used in the spatial analysis of electoral competition to map the ideologies of political parties, and is often considered the most reliable (see Elias

either use the ideologies of Europarties¹⁰ or the ideologies of the two major parties in the U.S.A¹¹. While this approach has the disadvantage that it lacks a solid theoretical grounding of ideologies, it is preferable for the limited scope of the paper, since it seeks to depict an image of the actual employment of the idea of distributive justice in contemporary politics¹².

The paper is structured as follows: in the 2nd section I discuss the patterns of distributive justice and show that the pattern element is incompatible with right-libertarianism, conservatism, anarchism. In the 3rd section I discuss the currency of distributive justice and argue that any relevant treatment of the currency in the contemporary literature on distributive justice will eliminate monist ideologies and American-style conservatism. In the 4th section I discuss the problem of responsibility in distributive justice and argue that it is incompatible with the socialist ideology. In the 5th section I discuss the site of distributive justice and argue that under some of the most common interpretations the family is included, thereby making second-wave feminism fully compatible with distributive justice. In the 6th section I discuss the scope of distributive justice. This section is divided into 3 sub-sections. In the first I discuss the problem of intergenerational justice, claiming that some interpretations of right-libertarianism, conservatism and anarchism should be rejected by the empirically possibilist view, but that the case would be different for conservatism in a definitivist view. In the second sub-section I discuss the problem of non-rational sentient beings as belonging to the scope of justice, claiming that while all pluralist ideologies do hold that non-rational human beings are owed moral duties, some versions of libertarianism, conservatism and anarchism could be incompatible with the introduction of non-rational non-human beings in the scope of justice. In the third sub-section I discuss the

Dinas, Costas Gemenis, "Measuring Parties' Ideological Positions With Manifesto Data: A Critical Evaluation of the Competing Methods", *Party Politics*, vol. 16, no. 4, 2010, pp. 427-450.

¹⁰ In the case of social democracy I will use the PES Declaration of Principles, adopted in 2011, in the case of European conservatism I use the Prague Declaration of AECR, adopted in 2009, in the case of socialism I use the Manifesto of the Party of the European Left, adopted in 2007, in the case of environmentalism I use the Manifesto of the European Green Party, adopted in 2009, in the case of Christian-democracy I use the EPP Party Platform adopted in 2012 and in the case of European liberalism I use the 2009-2014 ALDE Strategic Programme.

¹¹ In the case of the two US parties I use the 2012 Republican Platform: http://www.gop.com/2012-republican-platform_home/, accessed on 02.01.2014 and the 2012 Democratic Platform: <http://www.presidency.ucsb.edu/ws/?pid=101962>, accessed on 02.01.2014.

¹² However, in those cases where an ideology cannot be traced to any significant party from the above mentioned category (as in the case of libertarianism, feminism and cosmopolitanism for instance) I will appeal directly to their core theoretical foundations.

problem of internationally owed duties, claiming that monist ideologies and on some issues conservatism is incompatible with the cosmopolitan view. In the 7th section I briefly describe the link between social democracy and the generic understanding of distributive justice, by appealing to a clear example where considerations of the latter type are captured by the contemporary social democratic ideology. In the 8th section I present the conclusions, which are structured according to ideologies, not elements of the general definition of distributive justice, as is the case in the rest of the paper.

PATTERNS OF DISTRIBUTIVE JUSTICE

The pattern of a theory of distributive justice specifies *how* the currency should be distributed amongst eligible agents, in that it “specifies that a distribution is to vary along with some natural dimension”¹³.

As previously mentioned, four main families of patterns can be identified: (1) egalitarianism, which maintains that justice requires that people be equally well off in the currency of distribution^{14,15}, (2) prioritarianism, which holds that justice requires that we give additional weight to benefiting people the worst off they are¹⁶, (3) sufficientarianism, which holds that justice requires that everyone reach a certain threshold in regard to the currency, beyond which inequalities do not require compensation¹⁷ and (4) desert-based principles, which are based on some interpretation of desert, usually taking into account historical considerations such as effort, choices, contribution etc¹⁸.

¹³ Robert Nozick, *Anarchy, State and Utopia*, Blackwell Publishers, Oxford, 1974, p. 156.

¹⁴ Political philosophers sympathetic to this view usually adopt a *pluralist* version of egalitarianism, claiming that while equality is the central value of justice, all things considered it would be better if in some cases other principles would also come into play (see Derek Parfit, “Equality and Priority”, *Ratio (New Series)*, 3, 1997, p. 205). Pure egalitarians, who are value *monists* (i.e. they consider that equality is singularly relevant in considerations of justice) are vulnerable to various critiques, such as the levelling down objection (see Derek Parfit, “Another Defence of the Priority View”, *Utilitas*, vol. 24, no. 3, 2012, p. 399).

¹⁵ See Larry Temkin, “Illuminating Egalitarianism”, in Tom Christiano, John Christman (eds.), *Contemporary Debates in Political Philosophy*, Blackwell Publishing, Malden, 2009, pp. 155-178 for an overview.

¹⁶ Derek Parfit, “Equality...cit”, pp. 202-221.

¹⁷ See Harry Frankfurt, “Equality as a Moral Ideal”, *Ethics*, vol. 98, no. 1, 1987, pp. 21-43 and Roger Crisp, “Equality, Priority, and Compassion”, *Ethics*, vol. 113, no. 4, 2003, pp. 745-763.

¹⁸ See Louis Pojman, Owen McLeod, *What Do We Deserve? A Reader on Justice and Desert*, Oxford University Press, Oxford, 1999.

Can we use the pattern element to limit the set of ideologies compatible with distributive justice? Let us consider Nozickian libertarianism¹⁹, which bases its claims of justice on moral permissibility and more specifically on the entitlements which people have on holdings, respecting three principles: (1) justice in acquisition, (2) justice in transfer and (3) rectification of injustice in holdings²⁰. First of all, Nozick challenges the neutrality of the term *distributive justice*, arguing that:

“hearing the term ‘distribution’, most people presume that some thing or mechanism uses some principle or criterion to give out a supply of things. [...] However, we are not in the position of children who have been given portions of pie by someone who now makes last minute adjustments to rectify carelss cutting. There is no *central* distribution, no person or group entitled to control all the resources, jointly deciding how they are to be doled out”²¹.

Thus, for Nozick the term distributive justice has a bias embedded within its structure which, in his view, mistakenly assumes that there is indeed something to be distributed on moral grounds. His claim is that if we are in a state of the world B which comes into existence from a state of the world A which was just *via* a historical process where all property was acquired and transferred justly, the set of distributive units is void and thus there would be nothing to distribute.

Further, Nozick clearly delineates his own theory of justice as entitlement from a patterned principle, which he claims that “almost every suggested principle of distributive justice is”²². The main thrust of Nozick’s argument against patterned principles is based on the fact that “no distributional patterned principle of justice can be continuously realized without continuous interference with people’s lives”²³. Let us consider his famous Wilt Chamberlain example. In order to neutralize the inequalities which would be generated after a certain amount of time by Chamberlain’s arrangement, the state must do one of two things: (1) forcibly block the transfer of money from

¹⁹ I use Nozickian libertarianism here since it directly targets the issue of distributional patterns. Nevertheless, for this particular issue, other libertarian versions such as that of Friedrich Hayek, *The Road to Serfdom*, Routledge, Abington, 1944 or Murray Rothbard, *For a New Liberty: The Libertarian Manifesto*, Ludwig von Mises Institute, Auburn, 1973 share the same outlook. In fact, Rothbard actually criticizes Nozick for adhering to the idea of a minimal state as being too extensive, claiming that his sequences of evolution from the dominant protective agency to the ultraminimal state and from the ultraminimal state to the minimal state are morally impermissible since they violate people’s rights (Murray Rothbard, *The Ethics of Liberty*, New York University Press, New York, 1998, pp. 237-245).

²⁰ Robert Nozick, *Anarchy...cit*, pp. 150-153.

²¹ *Ibidem*, p. 149.

²² *Ibidem*, p. 156.

²³ *Ibidem*, p. 163.

spectators to Chamberlain, which would be morally impermissible since it was consensual or (2) forcibly take Chamberlain's money once they are in his possession, although they were voluntarily given to him by the spectators, through taxation. Nozick rules out taxation as morally impermissible, considering that "taxation of earnings from labor is on a par with forced labor"²⁴. In other words, through taxation the state institutes a right of partial ownership in the individual, which goes fundamentally against one of the two major principles of any libertarian theory, i.e. self-ownership²⁵.

Thus, regardless of the actual interpretation of the pattern, libertarians would see it as morally impermissible since it violates the right of self-ownership²⁶. The pattern element is incompatible with the libertarian ideology and, *a fortiori*, it is also incompatible with anarchism, in both the individualist and collectivist versions, since the common thread which runs through both of them is that "anarchism is the approach which considers that all forms of human association must be voluntary"²⁷, a formulation which rejects distributive patterns if they are not actually chosen by individuals. Since the same minimalist view of state interventionism is present in both the American strand of conservatism, associated with the Republican Party, who state the following: "we oppose interventionist policies that [...] allow it [the federal government] to pick winners and losers in the marketplace"²⁸ and the biggest conservative Europarty, i.e. the Alliance of European Conservatives and Reformists (spearheaded by the Conservative Party of the U.K.), who state as the first principle of their Prague Declaration: "Free enterprise, free and fair trade and competition, minimal regulation, lower taxation, and small government as the ultimate catalysts for individual freedom and personal and national

²⁴ *Ibidem*, p. 169.

²⁵ *Ibidem*, p.172. The other one being the "moral power to acquire property rights in natural resources and other unowned resources" (Peter Vallentyne, "Left-Libertarianism", in David Estlund (ed.), *Oxford Handbook of Political Philosophy*, Oxford University Press, Oxford, 2012, p. 152).

²⁶ However, left-libertarians claim that the principle of justice in acquisition needs to have a much stronger interpretation than that given by Nozick to the lockean proviso, i.e. that no individual be made worse-off after the appropriation, and that the appropriation should leave for the rest an equal share *per capita* or an equal opportunity for well-being with the individual who has performed the appropriation. This would seem to require some compensation which could be constructed as a distributive pattern, but it might be argued, as Risse does (see Mathias Risse, "Does Left-Libertarianism Have Coherent Foundations?", *Politics, Philosophy and Economics*, vol. 3, no. 3, 2004, pp. 337-364), that in that case (full) self-ownership is inconsistent with the left-libertarian principle of justice in acquisition. See Peter Vallentyne, Hillel Steiner, Michael Otsuka, "Why Left-Libertarianism Is Not Incoherent, Indeterminate, or Irrelevant: A Reply to Fried", *Philosophy and Public Affairs*, vol. 33, no. 2, 2005, pp. 201-215 for a reply.

²⁷ See Valentin Quintus Nicolescu, "Anarhismul", in Mihaela Miroiu (ed.), *Ideologii politice...cit.*, pp. 301-323.

²⁸ <http://www.gop.com/our-party/>, accessed on 30.12.2013.

prosperity”²⁹, it could be claimed that conservatism is also incompatible with distributive justice, since it broadly rejects patterned principles of distribution.

THE CURRENCY OF DISTRIBUTIVE JUSTICE

The other major issue surrounding theories of distributive justice is the currency of the distribution. The currency debate is usually framed in the context of egalitarian justice, so in the following lines I will also adhere to this framework, even though the currency is also relevant to prioritarian and sufficientarian theories. Five currencies are most commonly discussed in the literature³⁰: (1) welfare³¹, (2) primary goods³², (3) resources³³, (4) advantage³⁴ and (5) capabilities³⁵.

But in spite of the different interpretations of the *equalisandum*, all these egalitarian theories as well as the other patterned conceptions of justice described in the previous section adhere to a common core of moral and political equality (without which the various currencies would be inconsistent) based on non-discrimination (formal and informal) on the basis of contingent inequalities such as race, gender, ethnicity, religion, sexual orientation, social and economic status etc. Arneson eloquently makes the case in the following lines:

“Being a member of the human species entitles one to a fundamental equal moral status and dignity, the same for all humans. Ideologies and creeds that deny the fundamental equality of humanity are guilty of prejudice and bigotry. They are beyond the moral pale. For example, sexist views that claim men to be superior to women, racist views that hold that some human groups defined by skin color or lineage are superior to others, and aristocratic doctrines that divide humanity into those naturally fit by quality of birth for membership in a privileged caste or class and those fit for the lower rungs of fixed hierarchies, do not merit serious consideration by reflective minds”³⁶.

²⁹ <http://www.aecr.eu/about-us>, accessed on 30.12.2013.

³⁰ For an overview see Alex Callinicos, “Equality of What?”, in Colin Farelly (ed.), *Contemporary Political Theory: A Reader*, Sage Publications, London, 2004, pp. 36-44.

³¹ Richard Arneson, “Welfare Should be the Currency of Justice”, *Canadian Journal of Philosophy*, vol. 30, no. 4, 2000, pp. 497-524.

³² John Rawls, “Social Unity and Primary Goods” in A. Sen, B. Williams, *Utilitarianism and Beyond*, Cambridge University Press, Cambridge, 1982.

³³ Ronald Dworkin, “What is Equality?...cit”.

³⁴ Gerald Cohen, “On the Currency...cit”.

³⁵ Amartya Sen, “Equality of What?...cit” and Martha Nussbaum, *Women and Human Development: The Capabilities Approach*, Cambridge University Press, Cambridge, 2000. See Ingrid Robeyns, “The Capability Approach: A Theoretical Survey”, *Journal of Human Development*, vol. 6, no. 1, 2005, pp. 103-105) for an outline of the differences between Sen and Nussbaum’s approaches.

³⁶ Richard Arneson, “Equality”, in Robert Simon (ed.), *The Blackwell Guide to Social and*

The claim that all people should be morally and politically equal on the basis of belonging to the human species, regardless of religion, class and race eliminates the possibility that monist ideologies³⁷, such as fascism, national-socialism or religious fundamentalism could encapsulate distributive justice. Although these ideologies can be compatible with some patterned principles (even though they are not actually compatible with the patterned discussed in section 3), the deontic constraints of moral and political equality which are pervasive in theories of distributive justice seems to disqualify them from the range of ideologies which can accommodate distributive justice. Further, it could also be argued that the stance of American conservatism on social issues such as same-sex marriage, abortion, immigration or the place of religion in state affairs is also opposed to the ideal of moral and political equality, favoring the imposition of certain values on minorities or vulnerable groups.

THE PLACE OF RESPONSIBILITY IN DISTRIBUTIVE JUSTICE

Another significant debate which usually also takes place in the context of egalitarianism³⁸ regards the question of whether responsibility should play some constraining role in distributive justice theories or not. More specifically, should it come into play by removing the duties of compensation for morally arbitrary inequalities? The prevalent position is that this is in fact the case. The paradigmatic case for this position is that of Dworkin, who distinguishes between two types of inequalities in outcomes. Those that come about as a result of option luck, which is interpreted as “a matter of how deliberate and

Political Philosophy, Blackwell Publishers, Malden, 2002, pp. 85-105.

³⁷ When referring to monist ideologies in this paper I specifically exclude communism for the following reason: while the communist ideology, in its marxist interpretation, does meet the Andersonian conditions required by a theory of distributive justice (see *supra*, section 1), in that it specifies a pattern of distribution and a distributive currency (*i.e.* needs), it is not clear if it actually specifies a theory of *justice* to begin with. Husami (see Ziyad Husami, “Marx on Distributive Justice”, *Philosophy and Public Affairs*, vol. 8, 1, 1978, pp. 27-64) for instance claims that Marx does indeed offer a moral evaluation of capitalism, but even if this is true, the fact that the communist society is characterized by an abundance of resources and considerations of justice come into play *only* when there is a conflict regarding the distribution of resources lead to the idea that communism does not appeal to justice (distributive or otherwise), but instead transcends the concept of justice (see Jonathan Wolff, “Karl Marx”, *The Stanford Encyclopedia of Philosophy* (Summer 2011 Edition), Edward N. Zalta (ed.), URL = <http://plato.stanford.edu/archives/sum2011/entries/marx/>, 2010).

³⁸ Since it is the dominant pattern prevalent at the moment in distributive justice thinking.

calculated gambles turn out – whether someone gains or loses through accepting an isolated risk he or she should have anticipated and might have declined³⁹ and those that come about as a result of brute luck, interpreted as “a matter of how risks fall out that are not in that sense deliberate gambles⁴⁰. For instance, if you lose your house at a poker game that is the result of bad option luck, but if an earthquake levels it down it can be said that you have had bad brute luck in that respect. Dworkin then goes on to claim that only inequalities resulting from bad brute luck are subjected to compensation. The inequalities resulting from bad option luck are not subjected to compensation because they are based on people’s preference for a risky way of life and to ignore this preference is to treat people differently when composing the bundles of resources which are to be distributed⁴¹. There are authors, however, who challenge the view that responsibility can be deployed through the option luck – brute luck distinction, such as Lippert-Rasmussen⁴², Vallentyne⁴³, Barry⁴⁴ or Knight⁴⁵. However, since at the moment mainstream egalitarian theories seem to agree on giving a significant role to individual responsibility in the establishment of distributive principles, I will consider it plausible in this paper.

What sort of ideologies would be affected in their relation to distributive justice by this fact? First of all, monist ideologies are once again disqualified as incompatible since they do not allow individual choice to

³⁹ Ronald Dworkin, “What is Equality?...cit”, p. 293.

⁴⁰ *Ibidem*.

⁴¹ *Ibidem*, pp. 294-296. Cohen (see Gerald Cohen, “On the Currency...cit”) and Arneson (see Richard Arneson, “Equality and Equal Opportunity for Welfare”, *Philosophical Studies*, vol. 56, no. 1, 1989, pp. 77-93) further develop this view in a different direction than Dworkin, insisting on the full neutralization of brute bad luck (unlike Dworkin who only seeks to partially mitigate it via a hypothetical insurance market). It is essential to note however, that both Cohen and Arneson, whose theories of egalitarian justice constitute the present “mainstream” of luck egalitarianism (Carl Knight, “Distributive Luck”, *South African Journal of Philosophy*, vol. 31, no. 3, 2012, p. 547), are what Holtug and Lippert-Rasmussen (see Nils Holtug and Kasper Lippert-Rasmussen, “An Introduction to Contemporary Egalitarianism”, in *Idem* (eds.), *Egalitarianism: New Essays on the Nature and Value of Equality*, Oxford University Press, Oxford, 2007, p. 20) call “responsibility-agnostic egalitarians”. This means that they agree that the proper concern of egalitarian justice is to mitigate inequalities resulting from bad brute luck, *however*, they do not take a specific metaphysical position on the problem of free will and maintain the view that if hard determinism is true, luck egalitarianism will always collapse into outcome egalitarianism.

⁴² Kasper Lippert-Rasmussen, “Egalitarianism, Option Luck, and Responsibility”, *Ethics*, vol. 111, no. 3, 2001, pp. 548-579.

⁴³ Peter Vallentyne, “Brute Luck, Option Luck, and Equality of Initial Opportunities”, *Ethics*, vol. 112, no. 3, 2002, pp. 529-557.

⁴⁴ Nicholas Barry, “Reassessing Luck Egalitarianism”, *Journal of Politics*, vol. 70, no. 1, 2008, pp. 136-150.

⁴⁵ Carl Knight, “Distributive Luck...cit”, p. 547.

constrain the distributive patterns, however unequal they should be. For instance, the distributive pattern under the national-socialist regime with respect to political rights was that some people should have them based on their ethnicity and some people should not based on the same criterion. Individual responsibility played no part in constraining the distributive pattern and no claims based on it could be raised and satisfied under the respective ideology. But aside from these, it might also be the case that socialism too falls under the incompatible categories of ideologies, because of the role played by responsibility. It is a very difficult task to pinpoint exactly what contemporary socialism is, seen as how it appears to be a mixture of mainly social-democratic and communist values (with other influences such as environmentalism and feminism playing their part as well), accentuating on the latter⁴⁶. The political expression of socialism at a European level, however, seems to be the European Party of the Left, which is an alliance of “socialist, communist, red-green and other democratic left parties”⁴⁷. The Party Manifesto⁴⁸ itself, shows a somewhat blurry vision of what socialism is and how it differentiates itself from other policy platforms. However, a distinctly Marxist approach to societal structure appears to emerge. The most relevant aspect for the purpose of this present section is the couching of policies as being driven by (and affecting) social classes, not individuals. This view permeates the Manifesto, nowhere so clear however as in the following phrase: “In the EU various interests are in conflict with each other. For us this creates a new political space for class struggle and for the defence of the interests of workers”⁴⁹. By framing their ideological conceptions on the idea of social classes rather than individuals, it could be argued that contemporary socialists fall back on the same type of political holism as the basic Marxist theory, which some claim is the “best-known theory” which embodies holism⁵⁰.

It could therefore be claimed that, by basing their normative conceptions on social wholes instead of individuals, socialists do not intend to take responsibility, which is connected at the most primitive level to the preferences of individuals, into account in their ideological proposals.

⁴⁶ For a historical distinction between socialism and communism see Valentin Quintus Nicolescu, “Comunismul”, in Mihaela Miroiu (ed.), *Ideologii politice...cit.*, p. 359.

⁴⁷ <http://www.european-left.org/propos-de-la-ge/documents>, accessed on 31.12.2013.

⁴⁸ http://archiv2007.sozialisten.de/politik/publikationen/newsletter/view_html?zid=24811&bs=1&n=13, accessed on 31.12.2013.

⁴⁹ http://archiv2007.sozialisten.de/politik/publikationen/newsletter/view_html?zid=24811&bs=1&n=13, accessed on 31.12.2013.

⁵⁰ Brian Barry, “Does Society Exist? The Case for Socialism”, in Preston King (ed.), *Socialism and the Common Good: New Fabian Essays*, Frank Cass & Co., London, 1996, p. 118.

THE SITE OF DISTRIBUTIVE JUSTICE

The site of distributive justice “refers to the kinds of objects (individuals’ actions, individuals’ character, rules, or institutions, and so on) appropriately governed by principles of justice, that is, to which the principles of justice rightly apply”⁵¹. The on-going debate on the site of distributive justice is much more far-reaching, but one debate carries especially profound ideological implications, i.e. is the family included in the list of institutions which form the site of distributive justice? The site of distributive justice is, in the Rawlsian account, the basic structure of society. According to Rawls, the basic structure is “the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation”⁵². Amongst the major social institutions which composes the basic structure Rawls directly mentions: the political constitution, the main social and economic arrangements, “the legal protection of freedom of thought and liberty of conscience, competitive markets, private property in the means of production” and the *monogamous family*⁵³. Rawls reiterates this position later on, claiming that once again that “the nature of the family”⁵⁴ belongs to the basic structure and that “the family is part of the basic structure, since one of its main roles is to be the basis of the orderly production and reproduction of society and its culture from one generation to the next”⁵⁵. However, in spite of his very clear, nominal inclusion of the family in the basic structure, Rawls is confronted by two main lines of criticism: (1) Okin’s⁵⁶ critique that in effect he still treats family as a moral, not political domain, and consequently does not apply the principles of justice to the family and (2) Cohen’s⁵⁷ critique that he *cannot* consistently include the family in the basic structure.

The problem which Okin brings to the forefront is that even though Rawls acknowledges that the family is an institution which falls within the domain of the basic structure, seen as how the basic structure “is the primary subject of justice because its effects are so profound and present from the start” and the effects of the family conform to this requirement, he claims a special sort of status for the family, on par with associations and religious institutions,

⁵¹ Arash Abizadeh, “Cooperation, Pervasive Impact, and Coercion: On the Scope (not Site) of Distributive Justice”, *Philosophy and Public Affairs*, vol. 35, no. 4, 2007, p. 323.

⁵² John Rawls, *A Theory of Justice*, Harvard University Press, Cambridge, 1971, p. 6.

⁵³ *Ibidem*.

⁵⁴ John Rawls, *Political Liberalism*, Columbia University Press, New York, 1993, p. 258.

⁵⁵ *Idem*, “The Idea of Public Reason Revisited”, *University of Chicago Law Review*, vol. 64, no. 3, 1997, p. 787.

⁵⁶ Susan Moller Okin, “Political Liberalism, Justice, and Gender”, *Ethics*, vol. 105, no. 1, 1994, pp. 23-43.

⁵⁷ Gerald Cohen, “Where the Action is: On the Site of Distributive Justice”, *Philosophy and Public Affairs*, vol. 26, no. 1, 1997, pp. 3-30.

as non-political forms of organization⁵⁸. But since they are non-political, the principles of justice do not directly apply to them, as Rawls himself argues: “The principles of political justice are to apply directly to this structure, but are not to apply directly to the internal life of the many associations within it, the family among them”⁵⁹. But for Okin this is an obvious problem, as

“by separating out the sphere of the political, to which justice is to apply, from the personal, associational, and familial, within which there is to be great tolerance for many different beliefs and modes of life, he seems to close off the possibility of ensuring that families (and associations) are just”⁶⁰.

In any case, there seems to be a clear ambiguity in Rawls’s thought, since on the one hand he includes the family in the basic structure, but on the other hand he claims that it is not political so it should not be directly regulated by the principles of justice. His own attempt to solve this ambiguity is to claim that although the internal structure of the family, just like any other associations which significantly influence the lives of individuals, is not directly regulated by his principles of justice, there are constraints generated by political institutions which bear down on the members of families, *qua* citizens, and ensure an environment of equality from the standpoint of rights, liberties and opportunities⁶¹. Okin focuses her attention especially on Rawls’s equal treatment of families and other associations (universities, churches etc.), claiming that unlike in the latter case, entrance and exit into the family is often *not* voluntary (at birth and in the case of unwanted divorce) and this is why external constraints are insufficiently adept at bringing justice to the family, which is “perhaps [...] the quintessential place for justice”⁶².

Okin’s position is therefore that Rawls should unambiguously include the family in the basic structure of society and that it should be regulated directly by the principles of justice. Cohen supports Okin’s view about the direct application of justice principles to the family but disagrees with her that the family could be a part of the basic structure. Cohen argues that Rawls stands in the middle of a dilemma by making different claims about what exactly is the nature of the basic structure. Abizadeh identifies three strands of interpretations proposed by Rawls himself, which he subsequently terms theories of the basic

⁵⁸ Susan Moller Okin, “Political Liberalism...cit”, p. 27.

⁵⁹ John Rawls, “The Idea...cit”, p. 788.

⁶⁰ Susan Moller Okin, “Political Liberalism...cit”, pp. 38-39. Furthermore, the direct regulation of the family through the principles of justice is in Okin’s view demanded by the fact that it plays “an important first role in the formation of citizens’ sense of justice” (*Ibidem*, p. 32), a statement explicitly endorsed by Rawls himself.

⁶¹ John Rawls, “The Idea...cit”, pp. 789-790.

⁶² Susan Moller Okin, “Gender, Justice and Gender: An Unfinished Debate”, *Fordham Law Review*, vol. 72, no. 5, 2004, pp. 1564-1566.

structure: (1) *cooperation theory*, in which the basic structure is composed of “the institutions that determine and regulate the fundamental terms of social cooperation”, (2) *pervasive impact theory*, in which the basic structure consists of “the institutions that have profound and pervasive impact upon persons’ life chances” and (3) *coercive theory*, in which the basic structure is composed only by “the institutions that subject persons to coercion”⁶³. Cohen recognizes this ambiguity, but claims that the only consistent theory of the basic structure is the coercive one, a case in which family cannot belong to the basic structure. The reason is very simple: if we are to allow non-coercive social institutions to belong to the basic structure, we cannot consistently draw the line between their regulation and the regulation of individual choices through principles of justice, since “behavior is constitutive of non-coercive structures”⁶⁴. So in order for Rawls to include the family in the basic structure, he must open the door to individual choices as well, but if choices are regulated by the principles of justice there is no need for a basic structure as an instrumental tool for applying distributive justice, which will now be applied *via* a normative ethos in the society. But on the other hand, Rawls cannot consistently exclude family from the site of distributive justice, since it clearly has a profound and pervasive impact on individuals⁶⁵.

Although the discussion on this matter is far from being concluded, the most commonly held views seem to be either that, following Okin, the family should be a site of distributive justice, *qua* basic structure institution, or, following Cohen, that the family should be a site of distributive justice, on the basis of an existing social ethos. Since, as Rawls recognizes, “some believe that the family itself is the linchpin of gender injustice”⁶⁶, including the family as a site of distributive justice seems to point towards a close affiliation of distributive justice with feminist ideology in general, and in particular with the ideas associated with the second wave of feminism⁶⁷. But even if we do not take into account the relation between family and distributive justice, by virtue of considering gender as a morally arbitrary natural contingency generated and by

⁶³ Arash Abizadeh, “Cooperation, Pervasive Impact...cit”, p. 319.

⁶⁴ Gerald Cohen, “Where the Action is...cit”, p. 20.

⁶⁵ *Ibidem*, pp. 17-24. Cohen argues that: “Family structure is fateful for the benefits and burdens that redound to different people, and, in particular, to people of different sexes, where ‘family structure’ includes the socially constructed expectations which lie on husband and wife. And such expectations are sexist and unjust if, for example, they direct the woman in a family where both spouses work outside the home to carry a greater burden of domestic tasks. Yet such expectations need not be supported by the law for them to possess informal coercive force: sexist family structure is consistent with sex-neutral family law” (*Ibidem*, p. 22).

⁶⁶ John Rawls, “The Idea...cit”, pp. 791-792.

⁶⁷ Mihaela Miroiu, *Drumul către autonomie: Teorii politice feministe*, Polirom, Iași, 2004, pp. 68-73.

striving to provide equal rights, liberties and fair equality of opportunity regardless of gender divisions, distributive justice already shows a strong compatibility with the feminist ideology. The extension of the site of distributive justice to the family as well significantly strengthens this compatibility, but is not uniquely constitutive for it.

THE SCOPE OF DISTRIBUTIVE JUSTICE

The scope of distributive justice “refers to the range of persons who have claims upon and responsibilities to each other arising from considerations of justice”⁶⁸. A specification of the scope of distributive justice will answer the questions of “what kinds of beings have ‘justicial standing’?” or “to whom is justice owed?”⁶⁹. There are three distinct issues regarding the scope of justice which have major ideological implications. I will discuss each of these three problems in three separate sub-section, naming them following Vallentyne’s⁷⁰ distinction of the most radical views on each dimension.

The Presentism/Empirical Possibilism Dimension

The presentism/empirical dimension refers to a larger class of issues which fall under the domain of intergenerational justice⁷¹. The question

⁶⁸ Arash Abizadeh, “Cooperation, Pervasive Impact...cit”, p. 323.

⁶⁹ Peter Vallentyne, “Distributive...cit”, p. 550.

⁷⁰ *Ibidem*, pp. 550-551.

⁷¹ Another dimension of intergenerational justice is that of the whole lives view/beings-at-a-time view. This dimension questions what exactly is “the proper unit of [...] concern” (Larry Temkin, *Inequality*, Oxford University Press, Oxford, 1993, p. 232) for distributive justice. The whole lives view states that distributive justice should focus on the whole lives of individuals, as opposed to the beings-at-a-time view, which following McKerlie (see Dennis McKerlie, “Equality and Time”, *Ethics*, 99, 1989, pp. 475-491) can be further split into the simultaneous segments view and the corresponding segments view. The whole lives view is most often adopted by political philosophers, but it is called into question by Temkin (see Larry Temkin, *Inequality*, cit, pp. 235-238) who shows that it can lead to extremely counter-intuitive results. It is also vulnerable to the critique levied by Kekes (see John Kekes, “A Question for Egalitarians”, *Ethics*, vol. 107, no. 4, 2004, pp. 658-669) that distributive justice on the whole lives view should prioritize health care for men since on average they have a shorter expected life span than women. Although the discussions on this issue are very interesting and remain largely unexplored, I do not think that either view would *ab initio* would have significant ideological consequences, since no ideology seems to strictly adhere to any of the above mentioned views. One important application of the distinction concerns restorative justice and it would seem apparent that a form of radical anarchism with unenforceable self-ownership rights might

addressed here is: do we have a duty of justice to both existing and non-existing individuals or only to the existing ones? At one end of the spectrum we have the *presentist* view, which states that we have duties of justice only to those who exist at the present time and at the other we have the *empirical possibilism* view, which states that we have duties of justice to possible future (or past) individuals. Between them lies a somewhat less radical view, termed *definitism*, which holds that we have duties of justice to future individuals if “given the laws of nature and the circumstances”, they will definitely exist (or have definitely existed)⁷².

On the presentist view, I gather that (at the very least) all pluralist ideologies would concur that duties of justice (not necessarily distributive justice) extend to some (if not even all) of the people existing in the present. If this statement is false, than the respective ideology does not have any theory of justice built into its ideological core. The more interesting question is what sort of ideologies are affiliated with the empirical possibilist⁷³ and definitist views. Let us begin with the former. Duties to mere possible future individuals can be ideologically sought out most easily in party platforms by seeking the sustainable use of resources, sustainable growth and references to the well-being of future generations. Following the same pattern of appealing to the documents stating fundamental principles of Europarties, I find that it is compatible with environmentalism (in the 2009 Manifesto of the European Green Party⁷⁴), with social democracy (in the Declaration of principles⁷⁵), with American liberalism⁷⁶, with Christian-democracy (in the 2012 EPP Party Platform⁷⁷), with European liberalism (in the 2009-2014 ALDE Strategic Programme⁷⁸) and socialism (in the Manifesto of the Party of the European Left⁷⁹). The divide actually seems to closely resemble that in section 2, where I

not call for restorative justice, demanded by the whole lives view, but aside from that, no other ideologies would seem problematic from this standpoint. For instance, any sort of reasonably constructed libertarianism would either prevent (*via* natural law) or rectify the injustices occurring in the first phase.

⁷² *Ibidem*, p. 550

⁷³ Especially since empirical possibilist views suffer from what is called the non-identity problem (see Derek Parfit, “Future Generations: Further Problems”, *Philosophy and Public Affairs*, vol. 11, no. 2, 1982, pp. 113-172).

⁷⁴ <http://europeangreens.eu/sites/europeangreens.eu/files/2009%20Manifesto.pdf>, accessed on 02.01.2014.

⁷⁵ http://www.pes.eu/sites/www.pes.org/files/declaration_of_principles_web_en_0.pdf, accessed on 02.01.2014.

⁷⁶ <http://www.democrats.org/issues/environment>, accessed on 02.01.2014.

⁷⁷ <http://www.epp.eu/sites/default/files/content/EN%20with%20cover.pdf>, accessed on 02.01.2014.

⁷⁸ http://www.alde.eu/fileadmin/docs/home/documents/FINAL%20STRATEGIC%20PROGRAMME_web.pdf, accessed on 02.01.2014.

⁷⁹ http://archiv2007.sozialisten.de/politik/publikationen/newsletter/view_html?zid=24811&

discussed the patterning element of a theory of distributive justice. While libertarianism, conservatism and anarchism do not necessarily (for consistency purposes) reject the view that justice is owed to future possible individuals, they do not usually associate themselves with it either. At least two counter-examples however can be given, both regarding libertarianism. On the one hand, some libertarians can be free-market environmentalists, who claim that the preservation of resources can be best provided by following a libertarian political system. Since property rights are well-defined in a libertarian system, privatization of all resources might be required, they argue, for escaping common-pool resources dilemmas⁸⁰ and preserving resources for future generations. Steiner and Vallentyne⁸¹ however, argue that no right-libertarian theory and no joint-ownership libertarian theory would plausibly capture considerations of intergenerational justice and that only a left-libertarian theory, which constrains both the appropriation and use of resources will take such considerations into account.

The definist view might bring another interesting consideration into the picture. First of all, ideologies which defend the empirical possibilist view will, *a fortiori*, also defend the definist view. But while libertarian and anarchist theories do not seem to bring anything new to the table, conservatism, with its stance on abortion seems to claim that we have duties of justice to people who have not yet entered into existence, but will do so with certainty (or at least to a very large degree). Granted, the interpretation of justice may not be consistent with distributive justice from a specific standpoint (it may violate the equal distribution of rights to men and women or might violate the choice condition), but considerations of justice *do* come into play for conservatives when moving from the mere possible future individuals to definitive individuals.

The Rational Agents/Sentient Beings Dimension

This dimension refers to the mental attributes required for agents to be considered to fall within the scope of distributive justice. As Vallentyne contends, “as a substantive matter, it is relatively uncontroversial that contemporary, productive, rational agents of one’s society have some kind of

bs=1&n=13, accessed on 02.01.2014.

⁸⁰ See Elinor Ostrom, *Governing the Commons. The Evolution of Institutions for Collective Action*, Cambridge University Press, Cambridge, 1990, pp. 12-13.

⁸¹ Hillel Steiner, Peter Vallentyne, “Libertarian Theories of Intergenerational Justice”, in Axel Gosseries, Lukas Meyer (eds.), *Justice Between Generations*, Oxford University Press, Oxford, 2009, pp. 50-76.

rights against one”⁸². The question raised is whether we also have duties which extend beyond rational agents, i.e. to children, mentally disabled individuals and sentient non-human beings such as animals. For the first two categories, the problem is relatively uncontroversial, since most ideologies do not appeal to autonomy in their considerations of justice but to the intrinsically valuable status of existing as a human being. Although the exact specification of the rights which children and the mentally disabled individuals have ranges between ideologies – for instance, since it is egalitarian derived, social democracy would plausibly argue in favor of subsidizing at least access to primary education for all children, while libertarians would normally not adopt the same position⁸³ –, at least some general duty is owed to each of them in every ideology, even if it is only a very limited right to life and subsistence. The question of sentient non-human beings may be somewhat more difficult to tackle however and, from the standpoint of its ideological effects, seems to be very close to the distinction in the previous section. Most ideologies would accept the idea that there are some moral duties owed to animals, even though, aside from the environmentalist ideology (mainly deep ecology), perhaps not as strong as to non-autonomous human beings and not as strong as those claimed by Singer⁸⁴ or Regan⁸⁵. The duty to minimize their pain when killed or the duties concerning prohibition of hunting endangered species would fall in a category of policies compatible with most ideologies. It might be the case however that libertarianism, since it is based on the autonomy of beings, would not impose any duties owed to animals. Vallentyne does not agree with this view and suggests an alternative, i.e. the possibility to consider animals as being full self-owners, with the rights involved being understood as protecting their interests rather than their choices⁸⁶. However, he recognizes the absurdity of this possibility and rejects it, since animals such as rats would then be protected by rights of self-ownership on par with humans. Free-market environmentalists however will claim that in many cases, just as preservation of resources can be more adequately achieved by privatization, so would preservation of species. Schmidtz⁸⁷ for instance, offers precisely this sort of argument when defending

⁸² Peter Vallentyne, “Distributive...cit”, p. 550. I will assume that only non-monist ideologies are relevant here. It might be the case that under national-socialism for instance Vallentyne’s statement is false.

⁸³ This is not to be understood as though libertarians would claim that there are no duties addressed to children, which is a false position (see Morris Lipson, Peter Vallentyne, “Libertarianism, Autonomy, and Children”, *Public Affairs Quarterly*, vol. 5, no. 4, 1991, pp. 333-352).

⁸⁴ Peter Singer, *Animal Liberation*, Harper Collins Publishers, New York, 1975.

⁸⁵ Tom Regan, *The Case for Animal Rights*, University of California Press, Berkeley, 1983.

⁸⁶ Peter Vallentyne, “Libertarianism...cit”.

⁸⁷ David Schmidtz, *Persons, Polis, Planet: Essays in Applied Philosophy*, Oxford University Press, Oxford, 2008, pp. 228-238.

libertarian preservation policies of elephants in Botswana and Zimbabwe. There are, therefore, some consequentialist interpretations of libertarianism which are compatible with the extended view of the scope of distributive justice, but, no fully fledged libertarian deontological theory defending the rights of animals exists⁸⁸.

The Statism/Cosmopolitanism Dimension

This dimension refers to the range of agents⁸⁹ to which justice applies, from the point of view of the existence of an underlying requirement of sharing some common political background between agents. The question raised here is: do we have moral duties to agents with whom we do not share a common political framework? In turn, this question is further developed into: is justice national or international in scope?

Most of the literature on global distributive justice is heavily influenced by Rawlsian theory and both answers to the question often claim to be derived from the ideas of Rawls's theory of justice as fairness. Pogge⁹⁰ is one of the main proponents of the position that justice is global in scope, building this view on the fact that: (1) the international system is characterized by a high-level of political and economic interdependency (which is a pre-requisite for the application of justice as fairness) and (2) there are severe inequalities at a global level which need rectification, such as the fact that (2.1) citizens of different nations have unequal chances to influence the transnational political decisions, (2.2) equally talented and motivated individuals do not possess equal chances to obtain public goods, services and positions, regardless of their nation of origin and (2.3) social and economic inequalities are not used in the benefit of the world's worst off positions⁹¹. These concerns are all shared by Rawls in his theory of justice as fairness, but only within the society itself. Pogge's solution to the problems raised is to propose a "global resource dividend", that could be interpreted as a type of difference principle and may be successfully defended by an egalitarian conception of international justice. The dividend demands that people should pay a proportional tax on the resources they extract from the territory within its national borders, whether they use it themselves or export it⁹².

⁸⁸ Peter Vallentyne, "Libertarianism...cit".

⁸⁹ For simplicity I will assume that they are rational human beings, in order to avoid the complications discussed in the previous sub-section.

⁹⁰ Thomas Pogge, "An Egalitarian Law of the Peoples", *Philosophy and Public Affairs*, vol. 23, no. 3, 1994, pp. 195-224.

⁹¹ *Ibidem*, p. 196.

⁹² *Ibidem*, p. 199.

But Rawls himself is actually opposed to the idea that distributive justice is global in scope. He claims that “the principles of justice for the basic structure of society are not suitable as fully general principles. They do not apply to all subjects [...] or to the law of the peoples”⁹³. *In nuce*, the argument is synthesized by Abizadeh as follows: (1) the primary subject of justice is society’s basic structure, (2) a basic structure global in scope does not exist. From (1) and (2) we obtain: (3) the scope of justice is not global⁹⁴. Rawls maintains that there are duties which we owe to international agents, such as the duty to respect the freedom and independence of other peoples, the duty of non-intervention, the duty to observe treaties, the duty to honor human rights etc⁹⁵, but these duties are weaker than those required for the construction of a theory of distributive justice.

The debate on the problem of the national/global scope of distributive justice is on-going, and, unlike most of the discussions present in the other sections of this paper, there appears to be no convergence to a consensual position at the moment. Both positions carry ideological implications. If distributive justice is national in scope, cosmopolitanism is clearly rejected. If distributive justice is global in scope, then economically protectionist policies⁹⁶, opposition to foreign aid and anti-immigrationist policies⁹⁷ cannot be ethically

⁹³ John Rawls, “The Law of the Peoples”, *Critical Inquiry*, vol. 20, no. 1, 1993, p. 39. Rawls is therefore consistent with his theory of justice as fairness by adhering to a *political* conception of justice at an international level as well. This view is defined in relation to the possibility of owing international duties by Nagel: “Every state has the boundaries and population it has for all sorts of accidental and historical reasons; but given that it exercises sovereign power over its citizens and in their name, those citizens have a duty of justice toward one another through the legal, social, and economic institutions that sovereign power makes possible. This duty is sui generis, and is not owed to everyone in the world, nor is it an indirect consequence of any other duty that may be owed to everyone in the world, such as a duty of humanity. Justice is something we owe through our shared institutions only to those with whom we stand in a strong political relation. It is, in the standard terminology, an associative obligation” (Thomas Nagel, “The Problem of Global Justice”, *Philosophy and Public Affairs*, vol. 33, no. 2, 2005, p. 121).

⁹⁴ Arash Abizadeh, “Cooperation, Pervasive Impact...cit”, p. 322. Abizadeh himself considers that this view is mistaken and that proponents of this position wrongly equate the scope of justice with the site of justice (*Ibidem*, pp. 323-324).

⁹⁵ John Rawls, “The Law...cit”, p. 46.

⁹⁶ See Radu Dudău, “Globalizarea și globalismul”, in Mihaela Miroiu (ed.), *Ideologii politice...cit.*, p. 250).

⁹⁷ Although on many occasions at the level of political theory dichotomies on various issues are acceptable (and I think this is the case with nationally/globally owed duties) at the level of policy formulation, most times, dichotomous distinctions cannot be fruitfully used and must be replaced with positions on a continuum. The immigration problem is a relevant example. At one side we can place strict prohibitions on immigration, which might approach (but perhaps not perfectly overlap) the immigration policy of North Korea. At the other side we would have a position where individuals can immigrate without any sort of constraints imposed, even some very non-invasive procedure such as

justified. Ideologies promoting the latter sorts of policies, such as monist ideologies and conservatism⁹⁸ are therefore incompatible with distributive justice, *in the cosmopolitan view*, since they are, at most, based on a political conception of justice. It might be claimed that by rejecting foreign aid, libertarianism should also be excluded as having a purely national scope, but I think that this view is mistaken since in this case the rejection is not based on a political conception of justice, but on a different specification of what sorts of duties are owed to individuals.

ON THE PROXIMAL IDEOLOGICAL AFFILIATION OF DISTRIBUTIVE JUSTICE

In this section I move from the purpose undertaken in sections 2-6, which was to show incompatibilities between various core principles of ideologies and specifications of the constitutive elements of distributive justice, and attempt to sketch a thin outline of the relation between social-democracy and distributive justice, showing that the latter is *required* by the former.

The basic ideological content of social democracy⁹⁹ can be said to have sprung mainly from two different strands of thought, i.e. socialism and liberalism, but at present social-democracy is not reducible to either of them. Further, like all ideologies, social democracy has known a significant amount of alterations throughout its history¹⁰⁰. Some of these alterations, like the *Third Way* version of social democracy supported by Tony Blair, Gerhard Schroder or Jose Socrates were so highly significant in shaping modern day social democracy, that a recourse to prior versions becomes less relevant in the scholarly debate.

As mentioned in the first section, when discussing social-democracy I will primarily refer to the platform of the Party of European Socialists, and,

an ID check at the border. Almost all policies which are ideologically prescribed fall somewhere between the two extremes and our task is to show with approximation where they are situated on this continuum, in relation to the other ideologies and to the extremities of the continuum. By claiming that the conservatives support anti-immigrationist policies I do not therefore mean that they do not allow for any sort of immigration, just as I do not mean that more lenient policies, such as the social democratic ones, do not impose any sorts of constraints on potential immigrants.

⁹⁸ See http://www.gop.com/2012-republican-platform_Reforming/#Item11, 17.02.2014 for American conservatism and Principle 7 of the Prague Declaration for European conservatism.

⁹⁹ Throughout this paper I consider that left-wing liberalism (in the tradition of the Democratic Party in the U.S.) and social democracy in the tradition of social democratic parties in Europe (grouped in the Party of European Socialists) are equivalent. While differences between them may naturally exist, as is the case even within the PES family, the ideological core is sufficiently similar to permit this approximation.

¹⁰⁰ See Alice Iancu, "Social-democrația" in Mihaela Miroiu (ed.), *Ideologii politice...cit.*, pp. 70-104.

more specifically to their *PES Declaration of principles*¹⁰¹ adopted on the 24th of November 2011¹⁰². This procedure has two advantages: (1) the Declaration conveys the basic principles of contemporary social democracy thought at the European level, (2) the Declaration is supported by a group which contains every major social democratic party in Europe, so it is as close as possible to being action-guiding. The most relevant part of the Declaration for the present purposes is principle 8. This principle is formulated as follows:

“A strong and just society is one that instills confidence and inspires trust. To guarantee this trust and confidence, we must ensure that the wealth generated by all is shared fairly. This collective responsibility embodies our conviction that we are stronger when we work together. It also reflects our determination to enable all people to live a dignified life, free of poverty. All members of society are entitled to protection from social risks in life”¹⁰³.

The second sentence of the principle is particularly significant, since it clearly makes the case for distributive justice, with wealth as the unit of distribution^{104 105}. The underlying idea of the formulation of that sentence seems to be very similar to that of Rawls in relation to the understanding of society as “a cooperative venture for mutual advantage”¹⁰⁶. The problem raised both in the Rawlsian conception and the social democratic principle is therefore how to arrange inequalities generated by the surplus of wealth created through the cooperation of individuals in a society and, in both cases, the response is that it should be distributed fairly¹⁰⁷. Of course, it is not clear if the conception of fairness in the Declaration is further decomposed into a maximal scheme of basic liberties, fair equality of opportunity and difference principle as in Rawls’ theory¹⁰⁸ or if fairness is understood as “requiring that individuals get what they are due”¹⁰⁹ or something altogether different, but regardless of its particular interpretation, fairness can be considered to represent a patterned principle of

¹⁰¹ Henceforth *Declaration*.

¹⁰² http://www.pes.eu/sites/www.pes.org/files/declaration_of_principles_web_en_0.pdf, accessed on 29.12.2013.

¹⁰³ http://www.pes.eu/sites/www.pes.org/files/declaration_of_principles_web_en_0.pdf, accessed on 29.12.2013.

¹⁰⁴ This can in turn be compatible with the resourcist interpretation, the primary goods interpretation, the welfare interpretation or the capabilities interpretation of the currency of social justice, depending on the actual policies designed to implement this principle.

¹⁰⁵ A potential candidate for the currency of distributive justice, i.e. well-being, also appears in principle 5 of the Declaration.

¹⁰⁶ John Rawls, *A Theory...cit*, p. 4.

¹⁰⁷ The idea of fairness is also deeply embedded in the 2012 Democratic Party Platform, where the term “fair” appears approximately 30 times in various contexts, most often related to the idea of citizens paying their fair shares in society, fair markets and competitions and fairness in the distribution of opportunities.

¹⁰⁸ *Ibidem*, p. 53.

¹⁰⁹ Peter Vallentyne, “Distributive...cit”, p. 548.

distributive justice. The last two sentences of principle 8 also point to distributive justice. The enabling of all people to live a dignified life which avoids poverty and a requirement that all people have access to decent work (Principle 4) constitute other core ideas of distributive justice, which seem to be most compatible with the sufficientarian view¹¹⁰. Also, the claim that all members are entitled to protection from social risks seems to be undergirded by the same intuition which we can find in Rawls¹¹¹ and Dworkin¹¹², i.e. that the effects of bad luck in the assignment of socio-economic positions are morally arbitrary and must be neutralized. Thus, it also calls for the same type of redistribution from those who benefited from the effects of this type of luck to those who were negatively affected.

Principles 9 and 10 of the Declaration, which call for gender equality and equal access to rights, education, culture and public services for all, regardless of sex, racial or ethnic origin, religion or belief, disability, sexual orientation, gender identity or age are also in line with major egalitarian justice theories such as those of Rawls, Dworkin, Cohen or Arneson which all call for fair equality of opportunity¹¹³. Principles 7 and 12, which call for solidarity between generations and international solidarity are also embedded in certain conceptions of distributive justice, which call for a broad distribution of advantages, as shown in section 6.

Thus, if we agree that the idea of a society where individuals have valid moral claims to a fair-share of the resources produced and distributed is fundamental for social-democracy, as the *PES Declaration of principles* seems to suggest, then we might consider the concept of distributive justice as being not only compatible, but in fact *constitutive* for social democracy.

CONCLUSIONS

In this paper I have sought to broadly discuss the compatibility between contemporary political ideologies and various perspectives concerning distributive justice. Following my analysis, I conclude that social democracy (or left-wing liberalism, associated with the Democratic Party in the US) is the ideology which reflects considerations of distributive justice most faithfully, being compatible with all the elements of a distributive justice theory and even explicitly requiring them as part of its ideological core.

I also show that other ideologies, such as feminism, environmentalism and cosmopolitanism are fully compatible with *some*, but not all, interpretations

¹¹⁰ See Harry Frankfurt, "Equality...cit", pp. 33-34.

¹¹¹ John Rawls, *A Theory...cit*.

¹¹² Ronald Dworkin, "What is Equality?...cit".

¹¹³ See John Christman, *Social and Political Philosophy: A Contemporary Introduction*, Routledge, London, 2002, p. 80 for a distinction between equality of opportunity and equality of outcome.

of distributive justice and further, they *require* principles of distributive justice in the cases where they are fully compatible. Further, I show that right-libertarianism is rejected by the pattern element, and on most interpretations it is incompatible with some definitions of the scope of distributive justice, such as definitivism and empirical possibilism and the sentient beings view. The same is true for anarchism. I also show that conservatism is rejected by the pattern element, by the currency element¹¹⁴, by empirical possibilism, by the sentient beings view and by some implications of cosmopolitanism. Further, I claim that monist ideologies are rejected by the currency element, the responsibility condition and the cosmopolitanism view and by all of the reasonable interpretations of the rational agents/sentient beings debate.

While Christian-democracy and European liberalism are not necessarily found to be incompatible following the analysis of each particular element, they do not take into account any principle of distributive justice in their ideological platforms and do not demand such a principle. Therefore, the conclusion that *social democracy is the only comprehensive ideology which reflects fully developed considerations of distributive justice* seems warranted. Still, it is necessary to mention both that: (1) Christian-democracy and European liberalism *could* theoretically incorporate some principles of distributive justice (extending beyond the basic distribution of rights and duties), but do not appear to do so in their mainstream contemporary interpretations and (2) some ideologies, which are narrower in scope, i.e. feminism, environmentalism and cosmopolitanism are also compatible with *certain* interpretations of distributive justice and require the incorporation of such considerations into their ideological core, so I do consider that distributive justice *is not* ideologically monopolized by social democracy.

As a final note, I underline once again the fact that the conclusions of this paper should be treated with caution, since they follow an analysis which aims to be as comprehensive as possible in the inclusion of ideologies and elements of distributive justice, on pain of a more in-depth exploration of only one of these elements on various ideologies, or alternatively, on the relation between one ideology and the various operationalizations of distributive justice elements. These tasks will unfortunately have to be postponed for other works. However, the results obtained from the sort of broad theoretical inquiry employed here can be used as stepping stones for further contributions in the directions outlined above and are at the same time valuable since they provide a full (albeit imperfect) picture of the range of issues which can be discussed when trying to link ideologies to distributive justice principles.

¹¹⁴ In the Republican version.