

Introduction to *Equality and Justice: Distribution to Whom?*, Peter Vallentyne, ed., Routledge, 2003.

Distribution to Whom?: An Introduction

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This is the third volume of *Equality and Justice*, a six-volume collection of the most important articles of the twentieth century on the topic of justice and equality. This volume addresses the question of who (animals, members of other societies, future people, etc.) is owed justice. Other volumes address the following issues: (1) the concept of justice, (2) whether justice is primarily a demand on individuals or on societies, and (3) the relative merits of conceptions of justice based on equality, on priority for those who have less, and on ensuring that everyone has a basic minimum, of the relevant goods (Volume 1); whether justice requires equality of some sort (Volume 2); the question of what kinds of goods (welfare, initial opportunity for welfare, resources, capabilities, etc.) are relevant for justice (Volume 4 and part of Volume 5); contractarian conceptions of justice (part of Volume 5); and desert and entitlement conceptions of justice (Volume 6).

To whom is justice owed? What kinds of beings have “justicial standing”? That is, what kinds of beings are such that their well-being or will must be taken into account for its own sake (as opposed to its effects on others) in determining what is just? It is relatively uncontroversial (racists, etc. apart) that justice is owed to the contemporary, productive, fully rational agents of one’s society. There is much disagreement beyond that.

The most restrictive view is that justice is owed only to those rational agents with whom one interacts in a mutually beneficial way. According to this *mutual advantage view*, justice is not owed to any of the following: rational agents with whom one does not interact because they

are very far away in space, rational agents with whom one does not interact because they are in the future (or past), rational agents with whom one interacts but from whom one derives no benefits (e.g., severely disabled individuals), sentient but non-rational beings (e.g., many animals, children, and severely demented adult humans). This is, needless to say, a rather radical view.

A slightly less restrictive view, *interactionism*, is that duties of justice are owed to all and only those with whom one interacts in some suitably specified sense. This view agrees that interaction is crucial for determining who is owed a duty of justice, but it denies that mutual advantage is relevant. A common version, *statism*, understands interaction as a kind of political interaction and thus takes justice to be limited to fellow citizens. A different version understands interaction quite broadly (e.g., social, economic, or political) and thus does not limit justice in this way. In a world of increasing interaction between people of different countries, this version views justice as increasingly an international matter.

The broadest view of justice, *cosmopolitanism*, denies the relevance of interaction for at least some of the duties of justice. Justice is owed to all beings in the world who have the requisite psychological make-up. On some cosmopolitan views, the requisite make-up is rational agency (which excludes most animals and children); on other cosmopolitan views, sentience is the requisite make-up.

The question of who has justicial standing is closely related to the question of what kinds of benefit and burden justice is concerned with. If, for example, justice is concerned only with the distribution of the benefits and burdens of social cooperation, then the mutual advantage view or the interactionist view may be relatively plausible. If, however, justice is concerned with the distribution of net benefits of all sorts (e.g., including the benefits of nature), then a cosmopolitan view may be relatively plausible.

In addition to the question of whether societal boundaries are relevant for duties of justice, there is the question of whether “temporal boundaries” are relevant. Do we owe duties of justice to possible future people? One view is that future people do not now exist, and hence they are not now owed any duties of justice. Here we must distinguish between merely possible future people and definite future people. The former may or may not come into existence in the future; the latter definitely will. It’s difficult to see why definite future people would have any less status than currently existing people. Both will definitely exist at some time. The case for merely possible people is more complex. Do we have a duty of justice to bring a merely possible person into existence if she will have a sufficiently good life? Total utilitarianism claims that we have a duty to bring people into existence as long as the quality of their lives is sufficiently positive to offset the costs to others. As Derek Parfit has argued in the *Reasons and Persons*, this leads to the Repugnant Conclusion: a world of trillions of trillions of people with lives just barely worth living is deemed better than a world with much fewer people, whose well-being is much greater, but whose total is slightly smaller. Many authors deny that we have a duty of justice to bring merely possible people into existence. We have, they claim, a duty to make people happy, but not a duty to make happy people. Whether this is so is an on-going debate.

A related issue is this: Is there a duty of justice not to bring a merely possible person into existence if she will have a life worth living but the quality of her life will be significantly lower than average (e.g., because of severe disability)? Consider the following example, which is adapted from one developed by Derek Parfit in the *Reasons and Persons*. Suppose that the potential mother is suffering from a temporary disease that causes the offspring to have a severe disability and a poor, but positive, quality of life. If the couple waits several months, the disease will be cured, and their later offspring will not suffer from this disability. On the assumption that no one else is adversely affected, is there a duty of justice not to procreate while still diseased?

Common sense says that there is, but there is a puzzle here. If the couple waits, then arguably the child they produce will be a *different* child. After all, the sperm and egg will be different, and on many views, that means that it will be a different person. If this is so, then in this case procreating while still diseased gives, under the right conditions, the resulting disabled child the best life she could have (and one that is worth living). How could justice forbid such procreation, if no one, including the disabled person, is adversely affected? If one accepts the Person-Affecting Restriction—the view that an act is not unjust if no one is adversely affected by it—then such procreation is just. Many people, however, are convinced that it is unjust to procreate under these conditions, and hence reject the Person-Affecting Restriction.

Independently of how the above issues are resolved, there is the further question of whether the beings to whom justice is owed are temporally extended beings (e.g., who are born and then live for many years) or beings-at-a-time. The common sense view, of course, is the former, but, in *Reasons and Persons*, Derek Parfit has suggested that beings-at-a-time may be the fundamental unit of moral concern. The difference between the views is very significant. If, for example, justice requires equality of well-being, the temporarily-extended-being view would naturally (although with some additional assumptions) require that whole life well-being be equal, whereas the beings-at-a-time view would require equality at each point in time. The whole life view does not require equality at each time, since, if, in the past, one life has had more well-being than another, this would be offset by it having less well-being now or in the future.

All of the above assumes that those owed justice are individuals of some sort. This could, of course, be questioned. One might hold that justice is owed to groups of individuals. This might require, for example, equality among families, among ethnic groups, or between the sexes. The issue here, of course, concerns normative individualism versus normative collectivism.

Suggested Further Reading

- Barry, Brian. "Justice Between Generations," *Law, Morality, and Society*, edited by P.M.S. Hacker and J. Raz (Oxford: Clarendon Press, 1977), pp. 268-84.
- Barry, Brian. *Theories of Justice* (Berkeley: University of California Press, 1989).
- Beitz, Charles. *Political Theory and International Relations* (Princeton: Princeton University Press, 1979).
- Buchanan, Allen. "Justice as Reciprocity versus Subject-Centered Justice," *Philosophy and Public Affairs* 19 (1990): 227-252.
- Gibbard, Allen. "Constructing Justice," *Philosophy and Public Affairs* 20 (1991): 264-79.
- Miller, David. *On Nationality* (Oxford: Clarendon Press, 1995).
- Okin, Susan Moller. *Justice, Gender, and the Family* (New York: Basic Books, 1989).
- Parfit, Derek. *Reasons and Persons* (Oxford: Oxford University Press, 1984).
- Thomas W. Pogge, "Cosmopolitanism and Sovereignty," *Ethics* 103 (1992): 48-75.
- Steiner, Hillel. *An Essay on Rights* (Cambridge, MA: Blackwell Publishers, 1994).