

ARISTOTELIAN AND RAWLSIAN CONCEPT OF DISTRIBUTIVE JUSTICE

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Abstract: This paper intends to discuss the concept of distributive justice found in the philosophy of Aristotle and John Rawls and also attempts to find out the fundamental difference between them regarding the criteria of distribution of social goods. The concept of justice has been examined and defined by different political and philosophical thinkers throughout history and many have tried to develop a concept of an ideal state that would be based on justice. Since, distributive justice deals with the allocation of social goods, its basic principle, according to Aristotle, is ‘treating equals equally and unequals unequally’. But though the term ‘distributive justice’ first coined by Aristotle yet it was used by him in the quantitative sense and not in the qualitative sense while Rawls’ theory of distributive justice discusses it both in the qualitative and quantitative sense. Aristotle maintained that distribution of social goods must be according to ‘merit or worth’, to have equal share must be equal in worth, that is called proportional equality and it signifies the quantitative sense. On the other hand, according to Rawls’ theory of justice, distribution must be to ‘everyone’s advantage’ or ‘everyone’s position be improved’ and he holds that rights and duties should be distributed equally and thus it signifies the qualitative sense.

Key words: Distributive justice, fairness and equality, social goods, proportional equality.

INTRODUCTION:

Justice can be defined as fairness in the treatment to all people assigning rights and duties, honour and opportunities etc. It demands equal treatment to all. It means placing things in their rightful place. In essence justice means giving everyone what is his or her due. Justice is a moral virtue of individual character as well as a desirable quality of society. Philosophers generally regard justice as the most fundamental of all virtues for ordering interpersonal relations and establishing and maintaining a stable society. For Rawls, “justice is the first virtue of social institutions.”(Rawls 1972, p.3) Social justice is often referred to as distributive justice. The term ‘distributive justice’, was for the first time coined by Aristotle.

ARISTOTLE’S THEORY OF JUSTICE

Justice, as defined by Aristotle in his famous book “*Nicomachean Ethics*”, means either what is lawful, or what is fair and equal. Aristotle said, “the lawless man was seen to be unjust and the law-abiding man just, evidently all lawful acts are in a sense just acts.”(Aristotle 2003, p.98) “The just, then, is the lawful and the fair, the unjust the unlawful and the unfair.”(Aristotle 2003, p.98)

Aristotle talks about two senses of justice – justice in the broad sense and justice in the narrow sense. Justice in the broad sense, which is known universal justice, according to Aristotle, is law-abidingness, because laws in his opinion, address all matters, aim at the common advantage of all, produce and preserve happiness for the community. Aristotle further claims in his book V of his famous “*Nicomachean Ethics*” that justice in the broad sense is the whole of virtue as “in justice is every virtue comprehended and it is complete virtue in its fullest sense.”(Aristotle 2003, p.99) It is complete because he who possesses it can exercise his all other virtues not only in himself but towards others also. What Aristotle means to convey when he says that justice in the broad sense is the whole of virtue is that just acts are not only just but also temperate, courageous and so on and every other virtue exercised for the good of the community is at the same time an act of justice.

Aristotle’s view of universal justice, i.e., justice is law-abidingness seems to be vulnerable to an obvious objection as it cannot provide standard of what is just. It generally believes that people should obey the law in order to be just. But if we obey the law we may be doing what is unjust and sometimes even if we disobey the law our actions may be just. So, the problem is that the law itself may be just or unjust in the sense of being

unfair to some. For Aristotle, “the unjust and injustice in the sense of the unfair are not the same, meaning thereby, all that is unfair is unlawful, but not all that is unlawful is unfair.”(Aristotle 2003, p.101) Thus, Aristotle complements the meaning of justice as law-abidingness by another meaning of justice which is known as particular justice. It is the meaning of justice in the narrow sense. Justice in the narrow sense means fairness or equality. These two meanings collectively constitute the whole meaning of justice.

Aristotle divides particular justice into two types, viz., distributive justice and rectificatory or remedial or corrective justice. Distributive justice, according to Aristotle, “is that which is manifested in the distributions of honour or money or other things that fall to be divided among those who have a share in the constitution (for in these it is possible for one man to have a share either unequal or equal to that of another).”(Aristotle 2003, p.102) In other words distributive justice involves distribution of benefits and burdens, honour and wealth fairly among the citizens of a society. Its basic principle is ‘treating equals equally and unequals unequally’. On the other hand, rectificatory justice remedies unequal distribution of gain and loss between two people. Thus remedial or corrective justice requires that in some circumstances we try to restore a fair balance in interpersonal relations where it has been lost. If a member of a community has been unfairly benefited or burdened with more or less than is deserved in the way of social distributions, then corrective justice is required.

Thus, justice, according to Aristotle, is based on a two-fold ideology-first, that everybody should get what is his right or what is his due and second, that every wrong should be properly remedied. Both right or due and remedy have reference to law and accordingly, justice consists in determination of the rights and remedies as the law provides.

Aristotle also considers justice in relation to equality. But the concept of human equality is something different to him. He does not consider all human beings are equal as human being. “Aristotle regards human society as inevitably and naturally hierarchical: he assumes as self-evident that the male’s abilities are superior to the female’s, and the master’s to the slave’s, and that Greeks are superior to non-Greeks.”(Aristotle 1992, p.56) Accepting human inequality as natural Aristotle holds that some are superior intellectually and fit to rule from birth, while others are inferior and marked from birth to be ruled by others. As Aristotle maintains that male and master are superior to female and slave respectively and being so the former is fit to rule and the latter to be ruled.

Like his teacher Plato, Aristotle also stands for a society divided into various classes like the rulers, the warriors and the workers. This division is made on the basis of virtue possessed by the citizens. Those citizens who possess reason and wisdom are characterized as the rulers and those who possess courage are characterized as the warriors and those who possess appetites are characterized as the traders or artisans or workers. Meaning thereby, according to Aristotle, position of authority is not open to all. It is open to only the virtuous and wise citizens as they are guided by reason. But women, slaves, workers etc. are not regarded by Aristotle as citizens and hence, are not fitted to rule. In Aristotle’s view “a citizen is one who ‘participates in giving judgment and holding office’...even in a Greek democracy, a very large proportion of the population was excluded from office, notably women and slaves.”(Aristotle 1992, p.168) According to him, “citizens are a particular class of men, to which no one who is constantly engaged in commercial or manual labour can belong, at any rate in the ‘best’ state. Such people simply do not have the time and opportunity to fulfil the essential function of a citizen, to rule (while holding office)...”(Aristotle 1992, p.183) Here, a question necessarily arises to Aristotle – who are then fit to rule or to hold office or positions of authority. He holds –

“That the state should confer political power, privilege and status in proportion to ‘value received’, i.e. in proportion to the contribution men make to the total purpose for which the state exists, the good life, which entails the exercise of all the distinctly human virtues. Such a distribution would be ‘just’ in a complete sense... he puts good birth and ownership of property on the list, and the moral qualities of justice and courage; a high level of culture and education too will be a token of merit in one who is to take part in the working of a state which aims at securing the good life. Men are not equal in these respects, and any state which ignores this fact and thinks in terms of absolute equality must be one of the wrong types, a ‘deviation’. The upper groups will always be superior in education and ability.”(Aristotle 1992, pp.193-194)

Aristotle considers democracy as the worst form of government as it considers all human beings are equal. According to him, aristocracy is the best form of government in the sense that it is the rule by a few wise rulers who are superior in virtue and wisdom to other citizens belonging to other classes.

Hence, according to Aristotle, justice involves equality not for everyone, only for equals. Aristotle in his “*Nicomachean Ethics*” said that “the same equality will exist between the persons and between the things concerned; ...if they are not equal, they will not have what is equal.”(Aristotle 2003, p.103) He again said “what is just in distribution must be according to merit.”(Aristotle 2003, p.103) He believes that certain goods such as wealth, honour and opportunity should be distributed among different individuals in accordance with worth or merit. This view is called ‘proportional equality’, “i.e. greater shares for greater merit, as distinct from identical shares irrespective of merit.”(Aristotle 1992, p.206) If people are equal in worth their shares of the relevant goods will be equal, however, if their worth is unequal their share also be unequal that matches the difference in worth.(McKerlie 2010, p.119) Since, the most virtuous people make the most significant contribution to the state, hence, they have the right to receive greatest honour. As women, slaves and workers are unable to make essential contribution to the state, hence, are less virtuous, according to Aristotle, so they will necessarily receive lesser share of wealth and honour. Justice is that virtue of the soul which is distributive according to desert. (Mead 1985, p.261)

According to Aristotle, a sort of social reciprocity among the citizens is necessary but it must be proportional rather than equal. Proportional equality involves the “intermediate” position between someone’s unfairly getting ‘less’ and unfairly getting ‘more’ than is deserved. So, justice must be distributed proportionately. For instance, a shoemaker and a farmer cannot exchange one shoe for one harvest, since shoes and harvests are not of equal value. Rather, the shoemaker would have to give a number of shoes in exchange to the proportional value of the crops that the farmer provides.

In sum and substance Aristotle’s principle is, “what the just is – the proportional; the unjust is what violates the proportion.” (Aristotle 2003, p.104) Aristotle articulates a principle of justice, called merit or virtue that transcends gender, race etc. Despite granting that Greeks and non-Greeks, slaves and masters as well as men and women are all human beings, Aristotle justifies the alleged inequality among them based on worth or merit or desert.

Aristotle’s theory of justice has been criticized on the ground that it is unjust and unfair to discriminate people on account of their race, gender or ethnicity. If women, workers and non-Greeks are given opportunities, they can also prove themselves to be significantly equal. Hence, Aristotle fails to have an account of the conception of human rights as such. He also fails to establish a universal perspective that will respect equal dignity of all humans. Thus, his theory like Plato’s, fails adequately to respect all persons as free and rational agents.

In conclusion it can be said that Aristotle’s view is pragmatic. Aristotle believes that severe economic inequality can make it harder to achieve social and political justice. Some economic inequality, however, is justified implicitly; he suggests that the nature as well as the degree of inequality may be more important. The members of society, when acting impartially, may view even fairly large inequalities as justified if they benefit society.

RAWLS THEORY OF JUSTICE

The most widely discussed theory of distributive justice in the past four decades has been proposed by John Rawls in his book “*A Theory of Justice*”. The concept of justice has several shades of meaning and one of them is that of fairness. Rawls claims that his theory of justice captures the meaning of justice as fairness. It is worthwhile to note that when he talks of justice as fairness, he is not saying that justice is fairness. His theory is a theory of justice as fairness. Although various notions of justice are known to exist in the society, yet most of them seem to revolve around the two major schools – the utilitarian and the social contract. Rawls makes it clear that his theory of justice is a social contract theory. It is worth mentioning that the most important recent theory of justice in which the social contract theory is revived and refined is Rawls theory of justice. Rawls develops his theory of justice around the social contract approach which is an improvement over the utilitarianistic approach. Rawls was dissatisfied with the traditional view of utilitarianism which holds that societies should pursue the greatest good for the greatest number. One of the major objections against this approach is that it gives priority to the majorities over the minorities. On the contrary, Rawls attempts to develop his account of justice within the social contract approach which holds that a society is an agreement among the members within that society and every member enters into this agreement to follow certain rules for the betterment of everyone.

Rawls' theory of justice as fairness involves the idea of the original position, the veil of ignorance and the derivation of two principles of justice. Rawls describes the concept of justice as fairness through the use of a device which he calls "the original position". It is said that persons in hypothetical initial situation, i.e. in the original position are given the task of selecting the principles of justice and these "principles of justice are chosen behind a veil of ignorance." (Rawls 1972, p.12) This veil is that which essentially blinds people to all facts about themselves. Persons in the original position do not know their social status or their position in the society and also do not know their fortune in the distribution of natural assets and abilities like their intelligence, strength etc. Persons in the original position are called original person. (Rao 1981, p.6) It is a hypothetical position, where everyone is under a veil of ignorance. Under the veil of ignorance they are deprived of all knowledge of their conception of their good. (Rawls 1972, p.137) In the original position people do not have any knowledge of their social goods, such as rights and liberties, powers and opportunities, income and wealth. They are totally unaware of their wants, interests, skills and abilities as well as of the conditions which lead to discrimination and conflict in society.

Rawls claims that persons in the original position would adopt two such principles which would govern the assignment of rights and duties and regulate the distribution of social and economic advantages across society. In the words of Rawls, "the first requires equality in the assignments of basic rights and duties, while the second holds that social and economic inequalities, for example, inequalities of wealth and authority, are just only if they result in compensating benefits for everyone, and in particular for the least advantaged members of society." (Rawls 1972, p.14)

Rawls lays great emphasis on equality and believes that all men are created equally. He never encourages to discriminate people on account of their gender, race, ethnic identity, level of intelligence, physical strength etc. He makes it clear that his theory which he calls "justice as fairness" considers persons as free and equal, morally autonomous and rational beings. Rawls theory of justice can be understood by his two principles of justice and they are as follows –

"First: each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.

Second: Social and economic inequalities are to be arranged so that they are both (a) reasonably expected to be to everyone's advantage, and (b) attached to positions and offices open to all." (Rawls 1972, p.60)

Rawls arranges the principles in lexical or serial order. The first principle, which requires equality of rights and duties for all members of society, is lexically prior to the second, which specifies how socio-economic inequalities can be justified. Just as the first principle is lexically prior to the second, Rawls also maintains that second part of the second principle, i.e. 2.b., known as fair equality of opportunity is lexically prior to the first part of the same, i.e. 2.a., known as the difference principle. Rawls point is that the original person gives priority to the first principle over the second. Thus the order in which they were stated is indeed the order in which the original person would choose his principles. In other words, the second principle cannot be justified until the first has been met fully.

In his book "A Theory of Justice", Rawls attempts to solve the problem of distributive justice. These two principles of justice offered by Rawls constitute the essence of his theory of distributive justice. Rawls applies his two principles to the basic structure of society. As the formulation of these principles presuppose that the basic social structure can be divided into two parts, one is political that is related to the assignment of rights and duties and the other is economic that is applied to regulate the distribution of social and economic benefits.

Now, let's proceed to the principles of justice in details. The first principle is a strict egalitarian principle and is known as equal liberty principle since it assumes the equal liberties of citizenship. In this principle, Rawls maintains that basic rights and duties should be distributed equally among all the members, whether more advantaged or least advantaged, of the society without considering their race, gender or ethnic identity. The basic liberties of citizens are – political liberty of the right to vote and to be eligible for public office (or and hold public office), freedom of speech, freedom of assembly, freedom of conscience, freedom of the right to hold personal property, freedom from arbitrary arrest and seizure etc. These liberties should be granted to all equally as the first principle requires, since the members of a just society possess the same basic rights.

Now the second principle, as Rawls points out, has two ambiguous phrases, one is “everyone’s advantage” which signifies the difference principle and the other is “equally open to all” which signifies the principle or condition of “fair equality of opportunity.” As already mentioned above, the second principle is applied to the fair distribution of income and wealth among the members of a community and also to the design of social institutions or offices in which the hierarchies of authority and responsibility, i.e. the order of ranks one above another in offices, occurs. Hence, the second principle requires the distribution of social and economic advantages among the members of the society. Social and economic inequalities that exist in the society is an undeniable fact. But what is emphasized in the first part of this principle by Rawls is that these inequalities should be arranged in such a way that every member, including the person ranked lowest, of the society must be benefitted. Rawls maintains that “the distribution of income and wealth need not be equal, it must be to everyone’s advantage.” (Rawls 1972, p.61) Equal distribution of income and wealth is not possible and this inequality meaning thereby the gulf between the rich and the poor cannot be removed totally from the society, but it can be minimized through proportional distribution of income and wealth which makes benefit the least advantaged persons. Thus the first part of this principle is not egalitarian but it makes benefit everyone. According to Rawls, it is the duty of every people to assist those peoples who are living under unfavourable condition and it is the demand of justice.

The second part of the second principle is also quite egalitarian, since it distributes opportunities to be considered for offices and positions in an equal manner. This part contains the condition of “fair equality of opportunity”. Rawls conjoined his difference principle with the principle of equality of opportunity. In this part of the second principle Rawls asserts that positions of authority and offices must be accessible to all and thus he encourages fair equality of opportunity. Fair equality of opportunity rules out formal discrimination on grounds such as a person’s gender, race, ethnicity etc. There are some factors or elements, such as gender or race over which people have no control and hence, a society in which people’s race or gender have fundamental effects on their lifetime economic prospects treats people unfairly. In such societies, whether people were born as the favoured gender or race, and hence were favoured economically, would simply be a matter of luck. Rawls claim is that structuring a society in this way that this ‘natural lottery’ has such fundamental effects on people’s lives is immoral whereas we have the option to structure it another way, with a system of fair equality of opportunity. This kind of reasoning makes Rawls arguments very interesting as it leads to much stronger requirements for establishing social justice.

In the second part of this principle Rawls discourages the existing system of holding positions of authority as it is hierarchical in nature. According to him, positions of authority and offices should be equally open to all that everyone should get the chance to hold positions.

Thus these two principles which are the special cases of the general conception of justice can be expressed as follows —

“All social values — liberty and opportunity, income and wealth, and the bases of self-respect — are to be distributed of any, or all, of these values is to everyone’s advantage.” (Rawls 1972, p.62)

The above statement makes it clear that unlike utilitarianism, Rawls is not in agreement with the principle that maximum benefit of the maximum number. Rather, he is in favour of the principle that maximum benefit of everyone. He holds that all social primary goods should be distributed equally and this is the general conception of justice. It is also worth noting that if certain inequalities regarding income and wealth and holding positions benefits everyone then it resembles the general conception of justice. As Rawls points out, “the general conception of justice imposes no restriction on what sort of inequalities are permissible; it only requires that everyone’s position be improved.” (Rawls 1972, p.62) To him, hence, inequalities are justified only if they benefit everyone in society. In essence Rawls never overlooks the worst-off or the least advantaged group of the society in comparison to the well-off group of the society.

The connection between justice and fair distribution has been well discussed by Rawls. But as Amartya Sen pointed out, what we need is not the ideal principles of justice in an ideal situation in Rawls’ sense, but an actual or practical implementation of these principles in the real world. Amartya Sen remarked that a theory of justice must include ways of judging “how to enhance justice and reduce injustice”.(Sen 2009, p.105) But Rawls fails to do so as he does not offer any effective measures for achieving this goal. He fails to give an account of the problems like, how to prevent accumulation of wealth, how to minimize social and economic inequalities etc.

Libertarians argue that Rawls has sacrificed liberty for the sake of equality. Why should we force the meritorious and industrious to work for the benefit of the most disadvantaged sections? Moreover, enterprising persons must take risks for their advancement in life. (Gauba 2006, p.156)

Marxists contend that Rawls has tried to determine the principles of justice in a hypothetical condition where people deliberate behind a 'veil of ignorance'. Any deliberations without the knowledge of prevailing social and economic conditions are meaningless. (Gauba 2006, p.156)

CONCLUSION

From the above discussion of these two theories it can be concluded that though the term 'distributive justice' first coined by Aristotle yet it was used by him in the quantitative sense and not in the qualitative or social sense while Rawls' theory of distributive justice discuss it in the social sense or both in the qualitative and quantitative sense. Justice in the quantitative sense refers to the principle of distribution and in the qualitative sense it refers to the principle of equality. Aristotle maintained that distribution must be according to 'merit or worth', to have equal share must be equal in worth, that is called proportional equality and it signifies the quantitative sense. On the other hand, according to Rawls' theory of justice, distribution must be to 'everyone's advantage' or 'everyone's position be improved' and he holds that rights and duties should be distributed equally and thus it signifies the qualitative sense.

It can be concluded that there is one common point on which these two theories are in agreement and that is, social and economic inequalities are justified if they benefit society. Social and economic inequalities among the people that exist in the society is undeniable and cannot be removed totally, but it can be minimized through the distribution of social goods, i.e. wealth, honour and opportunity. They are also in agreement that equal distribution of social and economic resources is not possible. However, there are differences among them. While according to Aristotle, the criteria of distribution is 'worth' or 'merit', according to Rawls' theory the criteria of distribution is 'everyone's position be improved'. Aristotle maintains that who makes more contribution enjoys more privileges and who cannot, enjoys less privileges, while Rawls' theory of justice aims to assist and benefit the weaker sections of the society. Regarding the use of the notion of 'social contract' both Aristotle and Rawls are seemed to be fundamentally different. Rawls differs with Aristotle in that he is avowedly liberal. Rawls believes that individuals should be able to form their own conception of the good to pursue in life, while Aristotle advances a particular conception of the good based on his understanding of merit or virtue. Both of them believe that the problem of social and economic inequalities is best addressed through a community of people seeking to understand one another's perspective where there is not so much inequality that this sense of shared impartiality is undermined. But Aristotle's motivation for employing this framework is pragmatic and his application of it is practical. The notable social contract thinker, Kant also said to use this framework that a potential social contract be consistent with the categorical imperative. Through the application of Kantian notion of moral disinterestedness and rationality to economic distribution, Rawls embarks on an ambitious philosophical project. His goal is idealistic to obtain economic justice and his application of the principles of justice is abstract and his method, the veil of ignorance, is profoundly theoretical.

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