

Justice: Cosmic or Communal?

Bruce M. Landesman
Department of Philosophy
University of Utah

What are the ground rules to be used for determining the scope and breadth of justice? What human activities does it cover, how much does it demand, what duties does it require? How are conflicting “intuitions” on these matters to be adjudicated? These questions are raised by Theodore Benditt’s “The Demands of Justice: The Difference that Social Life Makes” when he tells us that we have a claim against society on grounds of justice only if “social life itself is in some relevant way responsible for the problems for which (we) seek relief.” And Richard DeGeorge has also argued in “Property and Global Justice” that there is no injustice in some nations being rich and others poor if there is no constitution uniting them and

no background institutions in accordance with which redistribution among nations takes place and benefits and burdens distributed. In the absence of such institutions, and further in the absence of a true community among all nations, there is neither distributive justice nor injustice, since such justice is a function of some system. (p. 5)¹

Both these claims suggest that inequalities—even basic and fundamental ones—are a matter of injustice, demanding rectification only if there is interdependence (“true community”) and/or the well-off are responsible for the situation of the deprived. Benditt summarizes this by reference to Nozick’s example of ten Robinson Crusoes on ten separate islands who have different levels of well-being resulting from differences in ability or in the natural resources of the islands. Benditt agrees with Nozick in holding that, because of the absence of relationships between them, none of the Crusoes would be “justified in insisting that some of the others transfer resources to them.” (He does say, however, that such a transfer would make the outcome more just or fairer, a point I’ll discuss below.)

My intuitions disagree. I’m inclined to think it is unjust that Crusoe A be well off and Crusoe B be impoverished and that justice demands that A help B. More generally, I’m inclined to think that the “basic truth” about justice is expressed by the following egalitarian ideal: the equal well-being of all persons at the highest possible level of well-being; that is, maximum equal well-being. And I’m inclined to think that justice demands the

promotion and protection of such a state of affairs.² The project of explicating and defending such a view of justice is certainly a big one, and I won't be so foolish as to try to undertake it here. But let me just note that the project has three parts: First, the ideal needs to be clarified, specified, applied. A theory of the good needs to be developed and the concept of well-being given content. Second, a basic argument for at least *prima facie* equality needs to be given. Something must be said about what is so good "in itself" about equal well-being. The standard egalitarian intuition is that the similarities between human beings are morally a great deal more significant than the differences that develop between them; that their likeness in being conscious, in being subject to pleasure and pain, fulfillment and frustration, and in having conscious aims and purposes—"life-plans"—makes a condition in which some are more able to fulfill their plans than others unjustifiable, or at least difficult to justify. Third, the theory needs to be defended against the standard criticisms: that it is impossible to attain such equality; or that such equality would be highly inefficient; or that it overlooks morally significant claims of desert or merit; or that it is incompatible with liberty and democracy. Whether the theory can overcome some of these typical criticisms and even incorporate some of the values they rely on into a basically egalitarian framework is, for the egalitarian-minded, the fundamental question.

Benditt seems to accept the egalitarian ideal, at least to some extent, for he says that "a more equal society is a more just society, and, at least to that extent, a better society." And he says that redistribution among the Crusoes could lead to greater justice. But, he says, it is not the sort of justice it is obligatory to bring about. And this is his major claim: Not all of what is 'right' or 'good' on grounds of justice is obligatory. Some just states of affairs are such that we are obligated, required to promote and maintain them, but others are only desirable: We act well if we promote them, we are better persons if we do than if we do not, but we have no duty to do this. How, then, do we distinguish the obligatory from the merely desirable states of justice? His criterion is that we have duties to promote justice only when a person's deficiency in welfare is "attributable to his involvement in the collective." Consistent with this he tells us that if "one is impoverished through misfortune, or one's health is poor, there is no right to welfare to relieve these conditions." A society that did provide such help would be more caring and more just than one that did not, he says, but this is not one of the elements of justice required of society.

I find this consequence of Benditt's view unsatisfactory at the level of moral intuitions. Now, one way to respond to his view would be to hold that the disadvantages that result from misfortune or ill health are not unconnected to social institutions. Poor health could be responded to in such a way that it is not a disadvantage, and what is a misfortune in one form of social organization may be a mark of distinction in another. So one might be able to bring these deficiencies under the category of obligatory justice even on Benditt's terms; that is, accepting his criterion of causation by the collective as the necessary condition for duties. And in general it is arguable that the distinction between natural and socially induced deprivations

will be difficult to draw for creatures who are social beings as we are. Even if it can be drawn, very little would fall into the category of nonsocial deprivations.

I would like, however, to push a different and more fundamental criticism. Consider the fact that a certain proportion of people are born with various physical handicaps that make it difficult for them to achieve their life-plans. They start life at a disadvantage compared with nonhandicapped persons. But suppose that a moderate expenditure of funds to provide both training and special facilities (such as ramps for wheelchairs) would for many cancel the disadvantage. (We assume, furthermore, that the disadvantage is not the result of the collective.) Why shouldn't the provision of training and facilities be seen as a societal obligation on grounds of (egalitarian) justice? Benditt would presumably think that such provision is not obligatory, though he would hold that someone whose job skills are no longer adequate because of changed economic circumstances is owed help on grounds of justice. Why obligatory aid in one case, but not in the other? At least at the level of 'intuitions,' the distinction seems arbitrary.

Generalizing a bit, we should note that with regard to a particular inequality, we can distinguish at least three different dimensions for the deprivation: its cause (whether social or natural); its urgency; and the cost of rectifying it. Suppose in a given case the cause is not social, but the need is urgent and the cost of help is small. Then it may very well seem that the help ought to be provided, that it is a duty. On the other hand, a socially induced deprivation, which, however, is not urgent and would be expensive to rectify, may not seem to require action. What this shows is that there are other ways of distinguishing between the obligatory and desirable elements of justice, and Benditt has not given us enough ground for concluding that the cause of the inequality should play the dominant or only role in making the distinction.

Turning now to the view that there is a basic distinction between the obligatory and merely desirable elements of justice, we should note that this is at least verbally strange. We naturally speak of what justice calls for, requires, demands. If justice involves X, it is natural to think that we or someone are obligated to promote and maintain X. Justice 'speaks' in terms of duty, not desirability. In fact, if we thought of some inequality that there was no duty to remove it but that it would be a good thing for it to be removed, we might say that the inequality is not unjust, but merely undesirable. That is, we have the alternative locution of saying that things not *demand*ed by justice are not *justice*, but are good on some other moral value.

This criticism may well be rejected as merely verbal (that is, it may be right that we speak of justice as demanding things, but we should change the concept to recognize the duty-desirability distinction), so I will not press it. Another alternative to Benditt's, and one which I do hold, is that whatever is good on grounds of justice is at least *prima facie* obligatory, but may not be obligatory, all things considered. It may not be obligatory, all things considered, because its provision is too expensive or is only

possible at too great a sacrifice of other values. On an egalitarian view of justice, every inequality of well-being ought to be undone, other things being equal, but, unfortunately, things are not always equal. This way of understanding the matter accounts for Benditt's intuitions that not every element of justice is ultimately obligatory, but it is not subject to the criticism that what has been picked out as decisive—causation by the 'collective'—is arbitrary, or at least of no greater significance than other factors. There are a number of factors, a plurality of difficult-to-weigh considerations, which make it sometimes permissible not to promote what is, other things being equal, a duty to promote.

I suppose that what is ultimately behind Benditt's view is the idea that justice has basically to do with dividing up the fruits and burdens of social cooperation. Rawls clearly starts from this perspective and sees principles of social justice as ways of defining "the appropriate benefits and burdens of social cooperation." From this perspective a notion of justice that looks at how people fare independently of their interconnections might be dismissed as a concept of "cosmic justice" (even "poetic justice"), an ideal of how things ought to be, but involving no obligations or requirements. But for the dismissal of this view, some argument is needed. If some people are born into well-heeled, comfortable, affluent societies through no 'merit' of their own, and others—who possess every bit as much 'intrinsic worth' as the former—are born into poor and deprived societies through no fault of *their* own, it is not obvious that the former owe nothing, in justice, to the latter. A cosmic 'crime' might demand a quite secular rectification. If the ultimate principle that Benditt (and Rawls) relies on is that individuals owe nothing to other individuals unless they are in some way responsible for their ills, then this individualist dictum needs to be explicitly brought out and some of its counterintuitive consequences faced (consider, for example, good Samaritan rescue cases).

I do not wish to deny that the interconnectedness of people, or lack thereof, is relevant to determining our actual ("all things considered") duties to others with regard to justice. My inclination is to think that it is one of a plurality of considerations relevant to the matter, along with such things as cost, urgency, the likely effectiveness of aid, and the degree of responsibility people have for their own misfortune. This is a different way of understanding the scope of justice and the duties involved than the way Benditt gives us, and my argument with him, in short, is that this way is just as intuitively plausible as his and that he has not (yet) given us enough further argument to persuade us to adopt his point of view.

Notes

1. Richard DeGeorge, "Property and Global Justice," unpublished manuscript.
2. For a formulation and partial defense of this ideal, see my "Egalitarianism," *Canadian Journal of Philosophy* 13 (1983): 27-56.