
UNIT 30 DISTRIBUTIVE JUSTICE

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Learning Objectives

After going through this unit, the learner will be able to:

- Explain the concept of justice and fairness;
- Gain an understanding about the philosophical history of distributive justice;
- Identify the concept and principle of distributive justice;
- Critically analyse the social and institutional bases of distributive justice; and
- Evaluate the notions of relative deprivation and equitable sharing of resources.

30.1 INTRODUCTION

Within the framework of the society, justice constitutes the underpinning of an egalitarian structure that ensures effective dispensation of fair and rightful treatment for individuals. The most fundamental principle of justice is fairness. It is the foundation of a robust democracy. Distributive justice and its manifestation in a society forms the cornerstone of ethics and morality. The standards of justice contingent upon western modernity have fashioned structures of governance and control in decolonised nation states like those of the Indian sub-continent. One finds justice as part of academic discourses in early Greek philosophy and in the scholarly contributions by Plato and Aristotle. Justice primarily focuses on the pursuit of providing individuals with what they deserve in terms of a due process. The purpose of upholding justice within a society is to provide its members with a fulcrum on which the social equilibrium balances itself.

30.2 CONCEPT OF JUSTICE AND FAIRNESS

The concepts of justice and fairness are often used interchangeably, and the boundaries

of these concepts remain ambiguous during occasional conversations, but scholars contend that both these terms have distinct epistemological foundation. It is pertinent to point out that the notions of justice and fairness differ in terms of standards of rightness and ability to remain objective while granting an individual's due respectively. Vallentyne (2007) explains justice from multiple points of view beginning from justice being synonymous to moral permissibility; to legitimacy; and to comparative fairness wherein equality in terms of getting similar proportion of due in comparison to others is the norm. Justice is also considered fairness, which is different from comparative fairness, i.e. in fairness an individual is supposed to receive what s/he deserves regardless of other people's share as opposed to a more comparativist approach of comparative fairness where individual share is not a matter of concern instead equal distribution of available resources due among the members is observed.

Justice is the means to conflict resolution and freedom. Justice ensures equitable and adequate distribution of resource in order to ensure not only just allocation of funds, rather social empowerment of weaker sections of the society. It is for this reason that scholars have assumed the principle of equity as a universal feature overriding cultural differences. However, the notion of justice is constantly challenged by structures of power that in turn dispute the universality of equity. Nader and Starr (1973) claimed that *'equity is not universal, but is dependent on time, place, and the restraints set against naked power, which the dominant members of the society might use'*.

Historically, several Greek philosophers of repute had theorised 'justice' as per their proclivity beginning from Socrates to Plato and Aristotle and many more. During those times the philosophical thought surrounding the principle of justice were guided by the moral values of courage, temperance, wisdom, and justice. Socrates was followed by Cephalus who viewed justice as an 'honesty towards one's legal obligations like paying debts and being truthful'. However, Cephalus's understanding of justice was instantly refuted by Plato. Cephalus's son Polemarchus explained justice as a principle that meant favouring friends and vengeance towards foes. The father and son are subsequently followed by Thrasymachus, the Sophist who explained justice in entirely contradictory manner when compared to his predecessors. The Sophist separated all morality from the notion of justice and went on to declare justice a privilege of the dominant group of the society. Thrasymachus completely disregarded the merit of justice for the one who practiced it, rather he claimed that justice served for the benefit of few. It is assumed to be more of an imposition rather than natural element of human behaviour. An additional view on justice was also propounded by Glaucon, which later came to be known as 'social contract theory' which elucidated that human beings are moral, not out of their inner goodness but because they are expected to be. Glaucon also believed that justice was more of a shield for the weaker sections of the society (Reese, 2004).

Plato used the Greek term '*Dikaisyne*' for justice. This word closely relates to morality and righteousness and a moral code of conduct of human beings, hence the equivalence of justice with the highest form of virtues. Justice became the binding force of the society, an ultimate social responsibility of its citizens to conduct themselves in a just manner so as to ensure the sustenance of the society. In order to avoid the disintegration of the society which seemed inevitable if they continued to live as per the old dictum, the citizens had the moral responsibility to overcome their individual selfishness and greed of political power. Plato's understanding of justice conveyed a faith in an institution that was the 'highest of the virtues' with an ability to overcome the vices of the Athenian society following the Peloponnesian war with Sparta. The war had led to the

overthrowing of democratic values by the Spartans and eventually when democracy was restored after few decades, Plato's mentor Socrates was executed by the democrats.

Plato's greatest disciples Aristotle went on to develop his own understanding of justice, especially the philosophy of distributive and rectifying justice that was politically relevant not just in the past but even in modern times. 'The ethical virtue that is most important for Aristotle's political philosophy is justice. In his theory of justice, he distinguishes different forms of justice, which should be applied in different spheres of the city (πόλις). In the tradition of Aristotle, today we associate justice with the laws of a political community, with a fair exchange of private goods, with lawful punishment or a just distribution of public goods. Most significant for Aristotle's political philosophy are his conceptions of universal justice, which requires citizens to abide by the laws of the polis, and distributive justice, a part of particular justice' (Knoll, 2016; p. 58).

In modern times, following the legacy established by Greek philosophers, theorists like Ronald Dworkin, Karl Marx, John Rawls, Robert Nozick, and Amartya Sen made significant contributions towards the theorization and understanding of the notion of justice, specifically distributive justice. Thus, their ideas will be discussed in greater detail in subsequent section from the vantage point of distributive justice. Despite the inherent ambiguity and complexity of philosophical ideas, distributive justice has provided a sound framework for fair distribution of benefits and resources among members of a local or a global community.

30.3 ANTHROPOLOGY AND JUSTICE

In the past, Anthropologists have engaged with cross-cultural notions of justice which were primarily conceived of during the evolutionist era within anthropology when comparisons between indigenous and western conceptions of social institutions were a widespread practice. However, anthropologists did not remain invested in the ideals of justice and injustice vis-à-vis various societies across the world, instead they collected comparative ethnographic material without reflecting on its significance for individuals within the community. As per Lerner & Whitehead (1980) justice forms the basis of every human interaction and it becomes even more relevant during resource distribution and common ends. Justice is not merely a mechanism for granting fair decisions, it includes a constant debate and tussle between people's expectations of what they deserve and the institutional mechanism that often standardizes the process of according people their due. Nader and Sursock (1986) advocate an understanding of justice with the notion of injustice in order to gain insight into the differences between ideal standards and institutionalization of justice as well as mechanisms of coping when people feel they have been made to suffer injustice. Consequently, anthropologists are quick to acknowledge that justice is a notion that varies from society to society as it is culturally informed and based on what majority believe to be the due process in decision making. Additionally, within the same society, justice is differently perceived giving rise to decisions that may not be universally agreed upon.

30.4 RELATIVE DEPRIVATION

One of the most universally accepted definitions of relative deprivation was given by Peter Townsend in 1987. Townsend defined relative deprivation as '*a state of*

observable and demonstrable disadvantage relative to the local community or the wider society or nation to which an individual, family, or group belongs' (Townsend, 1987, p.125). In order to gain deeper insights into the concept of distributive justice or social justice, it is imperative that one understands the notion of deprivation especially relative deprivation. It is this understanding of relative deprivation that allows an individual to assess and evaluate the underlying reasons for inequality in terms of health, socio-economic, and political benefits. Relative deprivation allows for establishment of a standard or benchmark of what may be considered as just and equitable allocation of resources and benefits. The excessive gap between resources and opportunities for people across the world raises concerns about inequitable resource allocation. Going by the scholarly dialogues on the matter of relative deprivation, it is obvious that the concept does not remain confined to a single discipline. Rather it needs to be recognized as an interdisciplinary subject matter that is utilised for the development of statistical deprivation indices within the health and other sectors of social science. Relative deprivation is a common term of reference in high income group nations (Fu et. al., 2014). Salmond and Crampton (2000) distinguish between relative deprivation and other kinds of deprivation that have already been a part of numerous academic conversations namely material deprivation and social deprivation. While material deprivation includes material indicators of the physical environment like goods and items of basic survival, living conditions, access to resources, social deprivation is largely gauged with quality of life, social roles, customs, rights, and responsibilities, social support etc. In many cases both material and social deprivation have included similar indicators which has made their boundaries rather ambiguous. It was due to the obscure and overlapping nature of the indicators in case of material and social deprivation that Townsend favoured a more precise indicator for the lack of equity within a society that did not adhere to the parameters of 'standard of living' of any society. Haase (2006) further elaborated that relative deprivation is '*an absence of essential or desirable attributes, possessions, and opportunities which are considered no more than minimum by that society*'. It is a concept that has been widely utilized to 'describe, monitor, and compare inequalities between individuals, among small areas, in addition to regional and national levels (Fu et. al., 2014, p. 225). Thus, deprivation unlike many other indicators of inequity, does not refer to absence of any one kind of resource, instead it is the shortage or absence of all kinds of resources that should be readily available to more or less everyone. However, relative deprivation highlights hierarchies and differences within the same region owing to differential access to resources owing to various factors like marginalisation due to social status, gender, lack of recognition of agency, and so on. It is for this reason that Townsend advocated for a 'scientific conceptualisation which both allows for comparisons to be made through time about changes in conditions within a single society and differences in conditions between different societies at a simultaneous moment of time (Townsend 1985, p.660).

30.5 DISTRIBUTIVE JUSTICE

Distributive justice clearly illustrates a just distribution of goods, dues, and even burdens among people within a society or community. Often referred to as social justice in contemporary times, distributive justice forms the basis of welfare schemes and the political, cultural, and economic rights of people around the world. Distributive justice is the master normative category that has regulative authority over all kinds of social

institutions of the society especially legal institution. The distributive principle of justice forms the foundation of several laws within the legal framework of a society however Scheffler (2015) argued that a just principle of distribution alone is incapable of providing the necessary foothold to equity and fairness to sustain a stable society.

‘Like the idea of justice *simpliciter*, with which it is often used interchangeably, the idea of distributive justice has been taken to refer to different things: theorists of justice have adopted different views, mostly without any explicit acknowledgement or defence of them, about what characterises and delimits the demands of justice *as opposed to other moral demands* (for example, the demands of legitimacy, community, efficiency, or stability, to mention a few central ones). They have also adopted different views of what characterises distributive justice *as opposed to other types of justice* (Olsaretti, 2018).

To each scholar, distributive justice could be utilised as a normative principle in almost all transactions between human beings however these scholars and philosophers have also recognised that distributive justice is one of the many guiding principles of the society, albeit a significant idea. For instance, Aristotle was primarily concerned with the principle of distributive justice in the field of politics. “In Book V of the *Nicomachean Ethics*, Aristotle distinguishes justice (δικαιοσύνη) as the whole virtue or universal justice, which requires abiding by the laws of the polis, from justice as a part of virtue or particular justice. He divides particular justice (κατὰ μέρος δικαιοσύνης) into distributive justice and rectifying justice. . . . Although Aristotle mentions money and “other things” as the subject of distributive justice, this form of justice primarily concerns the just distribution of political offices (ρχάς) and the honor (τιμή) that the citizens can achieve by exercising them. In the *Politics*, Aristotle even declares that “we speak of offices as honors (Pol. III 10, 1281 a 31)” (Knoll, 2016; p. 67).

In 1971, in *A Theory of Justice* John Rawls introduced an intensive account of distributive justice and concerned himself with fair distribution of all the rights and responsibilities of the citizens. According to Rawls ‘Principles of justice pertain to the assigning of rights and duties and to the distribution of benefits and burdens of social cooperation’. To Rawls justice is the most important characteristic of social institutions and practices. It is an agreement between rational egoists who are interested in social cooperation. As per Rawls, Justice is institutionalist that provides a framework to the basic structure of the society (Rawls, 1971).

To Robert Nozick it is the criteria of distribution that is the central tenet of distributive justice, as the term distribution is heavily laden with meanings. Distribution as per Nozick implies supply of things hence it does not remain a neutral term. ‘*There is no central distribution, no person or group entitled to control all the resources, (jointly) deciding how they are to be doled out. What each person gets, he gets from others who give to him in exchange for something, or as a gift. In a free society, diverse persons control different resources, and new holdings arise out of the voluntary exchanges and actions of persons... The total result is the product of many individual decisions which the different individuals involved are entitled to make*’ (Nozick, 1973; p.46).

Karl Marx believed that justice especially distributive justice was ‘from each according to his ability, to each according to his need’ (Simm, 2011). Needless to say that the weight of the concept of distributive justice is largely balanced on economic and political principles more than socio-cultural institutions of the society. It is the distribution of economic benefits that raises the need for a principle for resource distribution.

Ronald Dworkin's political theory of justice is based on liberalism wherein distributive justice conveys a moral responsibility to the government to ensure equal concern for its citizens which provides political legitimacy to the government (Dworkin, 1981).

Finally, Amartya Sen's theory of 'comparative distributive justice' which he aligned with the social choice theory, intends to bring together political, economic, and social fabrics of the society together in order to build a symphony for equal opportunity and a robust welfare framework that strengthens the weaker sections of the society (Brown, 2010).

30.5.1 Principle of Distributive Justice

The political and economic theorists who have elucidated the concept of distributive justice, supported varying principles of its application in the society. 'Principles of distributive justice are therefore best thought of as providing moral guidance for the political processes and structures that affect the distribution of benefits and burdens in societies, and any principles which do offer this kind of moral guidance on distribution, regardless of the terminology they employ, should be considered principles of distributive justice' (Lamont and Favor, 2017).

Plato condemned individualism and meddling behaviour of citizens in his imagined 'ideal state'. He introduced a three-element ideology that guided human nature namely reason, spirit, and appetite. Each element extended to a social class in the ideal state viz. reason was represented by philosophers that gathered wisdom to run the state for decades; spirit was represented by the warrior class that guarded the state; and finally the appetite of the class of artisans that were fond of materials and could be producers. It is noteworthy that Plato did not propose equality of classes within the state, rather he propounded a peaceful web of understanding between the classes that brought stability and a perfect balance in the state.

Aristotle categorised justice as distributive and rectifying. In order to elaborate further on it, Aristotle used democrats and oligarchs/aristocrats as two worthy contenders who favoured two separate ideologies and to be able to fulfil their demands, the proponents of distributive justice need to remain cognizant of their varying perspectives and grant the two parties their respective dues. He also believed that distributive justice cannot be misled with regard to the distribution of resources of the polis as it is consistently observant about the capacity in which each member of the society has contributed to the 'polis' and their specific abilities. Consequently, the principle of distributive justice isn't equality, rather it is entirely based on equitable allocation of resources, goods, and values to people based on their needs. Both, Plato and Aristotle supported a proportional distribution of resources to the public rather than a numeric or arithmetic distribution. In Aristotle's *Nicomachean Ethics* distributive justice is based on two formal principles of distribution viz. *to everyone in proportion to their worth and equal resources to equals and unequal share of resources to unequals* (Knoll, 2016).

Lamont and Favor (2017) illustrated at least 7 principles of distributive justice. Beginning from Plato to the more modern contributors, each principle of distributive justice holds validity and justification in a particular philosophical context.

- **Strict Egalitarianism** – This is the most basic principle that states that each individual should have same level of material goods, and burdens because all the people are morally equal hence they deserve equal access to goods and services.

- The Difference Principle – This is based on Rawl’s understanding of justice that is in turn based on two propositions i.e.
 - Each individual has a claim to an adequate scheme of equal basic liberties.
 - Social and Economic inequalities are meant to satisfy two conditions viz. provide equal opportunity to all by being associated to all positions and offices that are open to everyone; and they are to overcome the difference between the privileged and the less advantaged by providing greater opportunities to the latter.

Rawls also proposed several safeguards in the form of priority rules so that basic liberties of citizens are not compromised even if it means opportunities of resource and services do not reach the most disadvantaged groups.

- Equality of Opportunity and Luck Egalitarianism – This principle opposes the strict egalitarianism principle as it favours more economic opportunity centric distribution among people even if material assets and services are equitably distributed. Significant contributors to the principle are Brian Barry and Ronald Dworkin. Dworkin posited that ‘*people begin with equal resources but be allowed to end up with unequal economic benefits as a result of their own choices. What constitutes a just material distribution is to be determined by the result of a thought experiment designed to model fair distribution*’ (Dworkin, 1981).
- Welfare Based Principles – The central tenet of this principle is the overall welfare of the people as part of the state’s moral responsibility. ‘Advocates of welfare-based principles view the concerns of other theories—material equality, the level of primary goods of the least advantaged, resources, desert-claims, or liberty—as derivative concerns’ (Lamont and Favor, 2017).
- Desert Based Principles – The desert principles are based on the concept of *deserving*. Hence desert is interpretative at best. Lamont and Favor (2017) listed three categories for the desert principle.
 - a) Contribution – value of people’s contribution.
 - b) Effort – value of effort they put into their duty and work roles.
 - c) Compensation – value of costs incurred by people in their work and duty.
- Libertarian Principles – The significant contributor to the principle Robert Nozick proposed what is known as entitlement theory. Nozick claimed that distribution is just if everyone is entitled to the holdings they possess under the distribution. Nozick went on to share his tripartite theory i.e.
 - a) ‘A person who acquires a holding in accordance with the principle of justice in acquisition is entitled to that holding.
 - b) A person who acquires a holding in accordance with the principle of justice in transfer, from someone else entitled to the holding, is entitled to the holding.
 - c) No one is entitled to a holding except by (repeated) applications of (a) and (b)’ (Nozick, 1973).

- Feminist Principles – While feminist scholars never presented a well-sketches principle of justice owing to its variable interpretation, they have always favoured the protection of rights of women and have highlight the marginal status of women in the society which puts them in a position of disadvantage. Hence, distributive justice can never be fair without the inclusion of rights and privileges of women and opportunities for them as well (Lamont and Favor, 2017).

30.5.2 Social and Institutional Bases of Distributive Justice

Quite like the principles of distributive justice, the social and institutional bases of justice have also been debated and discussed by several scholars. In most cases equity and fairness have been considered as the fundamental social bases of distributive justice, however scholars have also put forth ‘need’ as the bases of justice. Additionally, there is the notion of rights, duties, power, and responsibilities that commands distributive justice in economic, legal, and political institutions. Most of these institutions are established on the basis of social cooperation and this social network in turn is balanced on several socio-political categories each with its unique social and cultural predisposition. For instance, we can consider the work of Nancy Fraser (1998) who classified two bases of social justice, redistribution, and recognition. In contemporary times, both redistribution and recognition are considered to be the fundamental principles that guide distributive justice. The two principles of justice are meant to allocate resources effectively to people that are recognized as ‘worthy’ of such resources. Additionally, Fraser recognised gender as one of the basic organising principle in an economic and social institution of the society. She opined *‘On the one hand, it structures the fundamental division between paid “productive” labor and unpaid “reproductive” and domestic labor, assigning women primary responsibility for the latter. On the other hand, gender also structures the division within paid labor between higher-paid, male dominated, manufacturing and professional occupations and lower-paid, female dominated “pink collar” and domestic service occupations. The result is an economic structure that generates gender-specific form of distributive injustice’* (p.2).

30.5.3 Resource Allocation and Distribution

Aristotle opined that distributive justice was the benchmark or criterion for standardising resource allocation as per the worth of the people that became a matter of contention among people. Much of the disagreement among the citizens was caused by their diverse or conflicting political affiliations that made them question the ideological bases of this standardisation. Hence, Aristotle went on to mention four groups of people with respect to their worth that was defined on the basis of political parameters.

- Democrats that favour freedom
- Oligarchs that favour wealth and capital
- Aristocrats that favour virtue
- Noble Birth

However, one needs to remember that these categories were relevant at a time when Aristotle’s observations allowed him to separate individuals as free, enslaved, foreigner, and resident aliens based on the political climate and the socio-cultural matrix of the society. Moreover, arguments about who deserved what in proportion to their legacy,

birth, hierarchy, rank became a widespread phenomenon. People with higher birth status automatically assumed that they deserved greater political power and control over the state as their claim on the citizenship was more valid than the other. Additionally, democrats and oligarchs also had their own conception of what justice entailed. The problem of defining justice became more profound as each category equated justice with freedom, equality, citizenship, or rank. While Aristotle devised ‘worth’ as the generic nomenclature to justify the notion of distributive justice, however ‘worth’ itself became a term marred with ambiguity. Aristotle held that on the principle of distributive justice, democrats and oligarchs remained political opponents as their origin could be attributed to contending notions of justice (Knoll, 2016).

Olsaretti uses Rawls and Bedau’s understanding to explain *distributive* justice may be separated from other types of justice in the context that it is justice that is concerned only with distribution, redistribution, and allocation of resources and not with the production of the good. To others distributive justice is same as social justice that deals with all the principles of resource allocation that allow an individual a rightful claim on state’s resources and ensure equitable resource allocation (Rawls, 1971; Bedau, 1978, Olsaretti, 2018).

In terms of distributive justice, the central pivot is the fair allocation of resources which makes fairness the commanding principle of resource distribution and thereby justice. However, Eckhoff (1974) pointed out that allocation may also be an extension of exchange, reciprocity, or transfer of resources but in these circumstances, justice may not be a central concern. He distinguished these exchanges with that of resource distribution for the purpose of justice. According to Eckhoff, this resource allocation is a one way distribution of assets, or opportunities to a circle of recipients. Allocation occurs when an allocator distributes valued rewards, resources, rights, and obligations to recipients who may or may not be familiar with the allocator. There are instances when exchange may combine with allocation but it is the recognition of the aspect of justice and equity that sets them apart.

30.6 SUMMARY

This unit is dedicated to a comprehensive discussion on the concept of justice and even what may be considered as injustice. The concept has been historically situated in philosophical thought with references to academic discourses between Socrates, Cephalus, Plato, Aristotle, as well as discussion on contemporary political schools of thought spearheaded by scholars like John Rawls, Robert Nozick, and Amartya Sen. This section primarily deals with the concept of worth, justice, and other moral codes of conduct to a more modern notion of social justice that is valid for the global society. The unit further progresses to a section on the various definitions, ideas, and thoughts propounded by scholars with regard to distributive justice from varying vantage points viz. political, economic, feminist, etc. The subsequent section on distributive justice details the theoretical ideas that are relevant in the contemporary global society. In addition to these notions of relative deprivation, resource allocation and distribution as well as social justice have been dealt with to give the reader a fair understanding of how they operate within a community and lead to the establishment of welfare measures of the state. Finally, social, and institutional bases of distributive justice have also been elucidated in the next section of the unit.

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Sample Questions

1. Briefly discuss the concept of justice.
2. Explore how Anthropologists have understood justice.
3. Discuss how Plato's philosophy of justice is relevant even in contemporary times.
4. Briefly state the relevance of relative deprivation vis-à-vis distributive justice.
5. Discuss various types of deprivation.
6. Elaborate on Aristotle's understanding of distributive justice.
7. What are the various principles of distributive justice.
8. Explain the relevance of resource allocation in situations of distributive justice.