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A Short History of Distributive Justice

Samuel Fleischacker. 2004. Cambridge, MA: Harvard University Press. ISBN 0-674-01340-9. \$39.95.

Reviewed by Jim Halteman, Wheaton College (IL).

Christians who even casually read the biblical teaching on wealth and poverty are inclined to believe that justice has always required some redistribution of income toward the needy. Not so, says philosopher Samuel Fleischacker in his book *A Short History of Distributive Justice*. In fact such an idea is only 200 years old. Before 18th century Enlightenment thinkers began to proclaim that people are created equal, the dominant view toward the poor was that “certain kinds of people ought to live in need, that they would not work otherwise, or that their poverty was part of a divine order” (p. 2). This view Fleischacker calls the Aristotelian concept of distributive justice and the story of this book is how Western thought has moved from the Aristotelian view to the modern view.

Rather than seeing ancient sages, biblical writers, and medieval scholastics as moral proponents of a better life for the poor, the modern era alone claims that all people have a right to a decent life in this world. According to Fleischacker, the old view served the purposes of those who see modernity in general and market capitalism in particular as less compassionate than earlier times and therefore in need of some return to the alleged values of days gone by. In order to elaborate the thesis that views of distributive justice did not include a rationale for an escape from poverty until the 18th century, Fleischacker embarks on a journey in the history of thought from Aristotle to John Rawls. The journey is brief and enjoyable, but is it convincing?

The impetus for this book came from a discussion between Fleischacker and Charles Griswold who, in *Adam Smith and the Virtues of Enlightenment*, argues that Smith relegated distributive justice to private benevolence while focusing on commutative justice as relevant to his system building task. Fleischacker, on the other hand, sees Smith as among the first to break with traditional thought by putting income redistribution into the justice category: “Aquinas and his followers do not recognize any right of the poor to material goods while Smith, although he does not use the word “right” is pivotal in bringing about this modern approach to poverty” (p. 18). Throughout this book the history of natural law thinking before Smith from Aristotle through Aquinas, Grotius, Pufendorf, and Locke is viewed as seeing poverty as worthy of beneficence but the solution to poverty is not understood as a matter of justice or governmental policy.

Aristotle starts with universal justice which pertains to all virtues. From this expansive framework he narrows down the concept to distributive justice and corrective justice. Distributive justice is relevant to the distribution of political offices and income, but equality in this concept is understood to mean reward relative to merit. Corrective justice refers to compensation for wrongs done to another and in this case the compensation should be equal to everyone for similar offenses regardless of one's station in life. Redistribution to reduce income disparities, according to Fleischacker, was never part of the thinking of Plato or Aristotle. Aquinas adopts the Greek concepts arguing that commutative justice corrects wrongs and so equality should apply, but distributive justice allocates according to merit. Again these concepts apply to political goods rather than material goods, because material redistribution as a matter of justice was not considered relevant. All of this does not suggest that those in desperate straits materially should be left to starve. Benevolence among family and friends was important in those cases, but such action was not expected to be institutionalized and framed in systemic justice terms.

Fleischacker carefully sorts out the responses of many writers to argue that taking resources from another is legitimate if one will die without the transfer. This "right of necessity" is seen as fitting the commutative category rather than the distributive category because it is relevant only on a case by case basis, and thus not amenable to general laws. Also examined is the claim that property rights need to be qualified since creation was given to all in common and therefore the right to take personal ownership might relegate those with minimal property to an inevitable life of misery. Again, the prevailing view is that private property is necessary and infringements on such rights must be minimal constraints on the system rather than features of it.

The biblical teaching on poverty and justice is classified as part of communal experiments and utopian writings. Here the Old Testament teaching is regarded as calling for a right to subsistence rather than an escape from poverty. The New Testament teaching of Jesus is spiritualized so that the concern is the impact of wealth on the soul of the rich rather than an appeal to have the poor escape from their poverty. Later monastic life sought more to identify with the poor in order to escape earthly distractions than to connect justice with the escape from poverty. Finally, the 17th century poor laws in England were designed to control the poor and the church rather than to make a statement about how the state should eliminate poverty. They did however provide a stepping stone to the 18th century change in the concept of distributive justice.

The remainder of the book traces the contributions of Rousseau, Smith, Kant, and others up to John Rawls in the 20th century. By the 18th century the individual was viewed as the basic social unit and the belief that all are created equal was generally accepted. In this intellectual climate the task of eradicating poverty by income redistribution became central to distributive justice thinking. This moral bend faced opposition from the positivists, utilitarians, and even the Marxists, but Rawls was able to successfully bring together distributive justice with a moral imperative. Since then distributive justice has become an important concept in public policy that is designed to redistribute income as a tool for the eradication of poverty.

While much of the material in this book is persuasive, there is a sense that the vast literature cited is read with the thesis in mind rather than the literature informing the thesis. The best example of this might be in the selective reading of the biblical sources. The portions of the Hebrew law that fit the thesis are cited, but the sabbatical and jubilee concepts, the teaching of the prophets and the obvious concern of Jesus for the poor of His day are discarded. Also, the dividing line between redistribution as merit based rather than benevolence motivated is not as clear as Fleischacker at times suggests. It is easy for him to see the pre-Smithian writers as exclusively using Aristotelian distributive justice concepts rather than concepts similar to what he calls the modern justice view, but another reader may see in those writings far more interest in redistribution for the sake of justice. Nevertheless, Fleischacker has done a significant service to anyone interested in the categories that are important in understanding distributive justice. In only 133 pages a reader gains a wealth of information and perspective on the subject, and the thesis posed is an excellent framework around which to organize ongoing conversation on the topic. Any economist, and especially Christian economists, should digest this well written, engaging, and superbly documented book.

Reference

Griswold, Charles L. 1999. *Adam Smith and the Virtues of Enlightenment*. Cambridge: Cambridge University Press. ■