

Master Class with Prof. Brad Hooker (University of Reading)

Fairness

27th – 28th September 2013

One of the most often invoked moral requirements is the requirement of fairness. Fairness is invoked in assessing not only decisions made by umpires in sports and other competitions, but also the way trials are conducted, proposals made in business and labour negotiations, and the assumptions underlying various social conventions. More generally, not only individual acts but also actual or possible rules are regularly assessed as fair or unfair. The perceived importance of fairness even drives opposed political parties each to claim to be the party of fairness. And yet they apparently have different conceptions of fairness, given how different their policies are. Nearly everyone seems to think fairness very important, despite widespread disagreement about what is fair. The seminar will focus on attempts to explicate fairness.

Program

Friday, 28th September

- 09:30 – 12:00 Impartiality
- 13:30 – 16:00 John Broome's Theory of Fairness
- 16:30 – 19:00 Needs

Saturday, 29th September

- 09:30 – 12:00 Priority for the Worst Off
- 13:30 – 16:00 Desert
- 16:30 – 19:00 Fairness and Equal Respect

Venue: Philosophisches Seminar, Zürichbergstrasse 43, 8044 Zürich, Room: ZUP-U-8.

Registration: phd@philos.uzh.ch.

No fees apply, but please note that participants are expected to have done the reading of the texts. PhD students at the UZH are required to book the module in order to get credit points.



Sessions and Readings

Impartiality

Fairness is often thought to be conceptually close to impartiality. For example, Garrett Cullity contended that fairness just is appropriate impartiality, though his account of impartiality was strikingly disjunctive. Bernard Gert's account of impartiality was more unified and more philosophically prominent. Gert contended that A is impartial in respect R with regard to group G if and only if A's actions in respect R are not influenced at all by which member(s) of G are benefited or harmed by these actions. This account of impartiality allows that acts can be both biased and simultaneously impartial, as long as these acts are biased towards something other than which members of the group are benefited or harmed by one's actions. His account also denies that impartiality requires consistency. Furthermore, Gert linked impartiality to publicity in that he contended that one can impartially break a good rule if but only if one would be willing for everyone to know that they are allowed to violate that rule in the same circumstance. The first session of the seminar will explore the inadequacies of Cullity's and Gert's accounts and the connection between fairness and public rules.

Gert, Bernard: *Morality*, pp. 130-156, 195-196, 211-214, 254-257.

Hooker, Brad: Partiality, Impartiality. In: Crisp, R (ed.): *The Oxford Handbook on the History of Ethics*, pp. 710-728.

-- Publicity in Morality. In: *Ratio*. 23 (1), pp. 111-117. 2010.

Cullity, Garret: Public Goods and Fairness. In: *Australasian Journal of Philosophy*. 86 (1), pp. 1-21. 2008.

John Broome's Theory of Fairness as the Proportional Satisfaction of Moral Claims

The second session will explore John Broome's contention that fairness is the proportional satisfaction of moral claims. Broome suggested that moral claims must be based on desert, needs, or contracts. So, on his theory of fairness as the proportional satisfaction of moral claims, if by contract I owe Jack 100 bushels of corn and Jill 200 bushels of corn, then (unless needs or desert come into play) either I have to deliver to each of them those amounts or, if I don't have 300 bushels to deliver, then at least I must deliver to her twice as much as I deliver to him. Broome argues for this theory of fairness on the ground that it best explains the fairness of holding lotteries to distribute indivisible goods to which different people have rival moral claims.

Broome, John: Fairness. In: *Proceedings of the Aristotelian Society*. 91, pp. 87-102. 1990.

-- Kamm on Fairness. In: *Philosophy and Phenomenological Research*. 58, pp. 955-961. 1998.

Hooker, Brad: Fairness. In: *Ethical Theory and Moral Practice*. 8 (4), pp. 329-352. 2005.

Saunders, Ben: The Equality of Lotteries. In: *Philosophy*. 83 (3), pp. 359-372. 2008.

Needs

The third session will explore the idea that rules have unfair content unless they are sensitive to people's needs, and societies themselves are unfair if they leave some people with less than they need while others have more than they need. David Miller follows David Wiggins, Joel Feinberg, and others in holding that you need something if and only if you must have it to avoid being harmed. Miller considers 3 possible sources of harm: (a) biological or quasi-biological facts (e.g., I will be harmed if I don't get water & chemotherapy), (b) aims specific to individuals (e.g., I will be harmed if I don't get a cool car), (c) shared social norms (I will be harmed if I have to live the



rest of my life with crooked teeth). Do any of these offer a plausible benchmark in terms of which a morally important sense of 'need' can be defined? If the concept of fairness should not be dependent on the concept of needs, what is the most promising alternative egalitarian proposal?

Miller, David: *Principles of Social Justice*. Harvard University Press. 2001. (Chapters 4 and 10).
Casal, Paula: Why Sufficiency Is Not Enough. In: *Ethics*. 117, pp. 296-326. 2007.

Priority for the Worst Off

The fourth session will focus on prioritarianism, the view that benefits to the worse off matter somewhat more than the same size benefits to the better off. Is prioritarianism egalitarian enough? Is it impartial? Can it be operationalized?

Parfit, Derek: Equality and Priority. In: *Ratio*. 10, pp. 202-221. 1997.
-- Another Defence of the Priority View. In: *Utilitas*. 24, pp. 399-440. 2012.

Desert

The fifth session will consider the idea that rules have unfair content unless they accord with what people deserve, and a society is unfair if its members don't get what they deserve from society. One question to be considered is whether economic desert should be based on effort or on productivity (of things that others want) or on some combination of effort and productivity (e.g., effort + productivity, or effort x productivity). Another, and more fundamental, question is whether as for example David Miller thinks, desert should come into our moral thinking at a level prior to selection of moral rules, social practices, and institutions. On this view, no system of rules and practices can be justified unless it respects certain principles of moral desert which are not themselves a product of social institutions or practices. Other philosophers think that the appropriate moral first principle — that is the appropriate principle for selecting moral rules, social practices, and institutions — does not mention desert, but rather that what people deserve is determined by rules, practices, and institutions selected on other grounds (such as utility).

Feinberg, Joel: Justice and Personal Desert. In: *Doing and Deserving*. Princeton University Press. 1994.
Miller, David: *Principles of Social Justice*. Harvard University Press. 2001. (Chapters 7,8, and 9).
Scanlon, Thomas, M.: *Desert* (forthcoming).

Fairness and Equal Respect

In the final session of the term, we will discuss Jonathan Wolff's suggestion that the egalitarian ethos' involves not just the idea that fairness requires equal opportunity (not equality of outcome) but also the idea that fairness requires equality of respect. But then we have a kind of paradox. Fairness requires that there be redistribution from the productive to the unwillingly unproductive but not to the willingly unproductive. Forcing people to disclose and indeed try to prove that they are unproductive because of lack of ability undermines equality of respect. So one part of the egalitarian ethos (preventing the willingly unproductive from exploiting the productive) damages another part of the egalitarian ethos (equality of respect).

Wolff, Jonathan: Fairness, Respect, and the Egalitarian Ethos. In: *Philosophy and Public Affairs*. 27, pp. 97-122. 1998.
-- Fairness, Respect, and the Egalitarian Ethos Revisited. In: *The Journal of Ethics*. 14 (3-4), pp. 335-350. 2010.