

COMPENSATORY JUSTICE

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Compensatory Justice Compensatory Justice

John W. Chapman



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has been attempted or not in selected cases of internal armed conflicts and how it should be attempted in principle Although most chapters closely examine the Colombian case some provide a comparative perspective that includes countries in Latin America Africa and Eastern Europe while others examine some of the more general theoretical issues involved Theories of Distributive Justice Jeppe Platz,2020-02-14 How should we design our economic systems Should we tax the rich at a higher rate than the poor Should we have a minimum wage Should the state provide healthcare for all These and many related questions are the subject of distributive justice and different theories of distributive justice provide different ways to think about and answer such questions This book provides a thorough introduction to the main theories of distributive justice and reveals the underlying sources of our disagreements about economic policy It argues that the universe of theories of distributive justice is surprisingly simple yet complicated It is simple in that the main theories of distributive justice are just four in number and in that these theories each offer a distinct well defined theoretical approach to distributive justice yet it is complicated in that the main theories disagree at several distinct fundamental levels and in that it is possible to spin innumerable new theories from the elements of the four main theories Key Features Covers the four major theories of distributive justice and their leading philosophers elucidating the attractions and drawbacks of each Friedrich A von Hayek and right liberalism John Rawls and left liberalism Robert Nozick and libertarianism Gerald A Cohen and socialism Explains why these four theories have come to dominate most philosophical discussions on distributive justice highlighting the essential answer provided in each that is lacking in other theories Written for any reader interested in the topic with an annotated reading list at the end of each chapter and helpful glossary at the back of the book Need-Based Distributive Justice Stefan Traub,Bernhard Kittel,2020-04-29 This book explores the foundations and potential of a theory of need based distributive justice supported by experimental evidence The core idea is that need based distributive justice may have some legitimacy advantages over other important principles of distribution like equality and equity and therefore involves less dispute over the distribution and redistribution of scarce resources In seven chapters eleven scholars from the fields of philosophy psychology sociology political science and economics outline the normative and positive building blocks of such a theory by critically reviewing the literature on distributive justice from their respective disciplinary perspectives They address important theoretical and practical issues concerning the rationality of needs identification at the individual level and the recognition of needs at the societal level They also investigate whether and how the dynamics of distribution procedures that allocate resources according to the need principle leads to social stability focusing on the economic incentives that arise from need based redistribution The final chapter provides a synthesis and outlines a framework for a theory of justice based on ten hypotheses derived from the insights presented Corrective and Distributive Justice Izhak Englund,2009-02-17 Corrective and Distributive Justice From Aristotle to Modern Times retraces the intricate history of the distinction between corrective and distributive justice This distinction is elaborated in the 5th book of Aristotle s

Nicomachean Ethics which was rediscovered in Western Europe in the 12th and 13th centuries by the Scholastics and turned into a central topic in legal and theological scholarship After a decline of interest in the wake of the enlightenment and secularization a surprising revival of these notions of justice occurred in U S legal and philosophical discourse during the last four decades that has made this distinction a central issue in tort law restitution and other important fields of private and public law In literally hundreds of articles and a considerable number of books the Aristotelian distinction has been elaborated discussed and applied England s unique contribution to this aspect of legal history grants the contemporary reader a historical perspective that is vital for a deepened understanding of the distinction and modern concerns Organized chronologically England s research covers Aristotle High Scholastics Late Scholastics Post Scholastics and Modernity The relevant literature is notoriously difficult to access not only because of its Latin language but because of the physical rarity of the relevant books scattered throughout the world This book offers the modern reader a touchstone synthesis of intellectual and legal history

The Oxford Handbook of Distributive Justice Serena Olsaretti, 2018-06-11 Distributive justice has come to the fore in political philosophy in recent decades how should we arrange our social and economic institutions so as to distribute fairly the benefits and burdens of social cooperation Thirty two leading figures from philosophy and political theory present specially written critical assessments of the state of research on a broad range of questions about distributive justice The first seventeen chapters examine different views of distributive justice and its role in political philosophy and consider some key methodological questions facing theorists of justice The remaining fifteen chapters investigate questions about the implementation of distributive justice with regard to a range of aspects of society including gender race the family education work health language migration and climate change This Oxford Handbook will be a rich and authoritative resource for anyone working on theories of justice

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Responsibility and Distributive Justice Carl Knight, Zofia Stemplowska, 2011-03-03 This volume presents new essays investigating a difficult theoretical and practical problem how do we find a place for individual responsibility in a theory of distributive justice Does what we choose affect what we deserve Would making justice sensitive to responsibility give people what they deserve Would it advance or hinder equality

Distributive Justice Fred Feldman, 2016-07-07 This book presents and defends a novel theory of distributive justice according to which political economic distributive justice reigns in a state if the government of that state ensures that citizens receive the benefits and burdens they deserve from it The book starts with a more precise characterization of the target of this inquiry political economic distributive justice It then proceeds to explicate the concept of desert evaluate proposed ways of justifying desert

claims formulate a number of desertist theories of justice and draw out the special features of the version defended here. Once the proposed form of desertism has been stated its implications are compared to those of egalitarianism, luck egalitarianism, sufficientism, the difference principle, libertarianism and prioritarianism with the aim of showing that desertism yields more attractive results in cases that prove difficult for other theories currently being discussed in the literature. Arguments, especially arguments deriving from Rawls, against desertism are explained and shown to be ineffective. There is discussion of the distinction between comparative and non-comparative justice. Emphasis is placed on the distinction between a theories about the moral rightness of distributions, b theories about the intrinsic value of distributions and c theories specifically about the justice of distributions. There is discussion of the unfortunate results of confusion of these different sorts of theory. The views of Rawls, Nozick, Parfit, Frankfurt, Feinberg and others are discussed. A version of the method of reflective equilibrium is explained and defended. The book concludes with a series of admissions concerning puzzles that remain unsolved.

Distributive Justice and Taxation Jørgen Pedersen, 2020-12-29. Providing a thorough examination of distributive justice. Distributive Justice and Taxation presents and discusses different theories of what constitutes a just society and how goods should be distributed in such a society. The distribution of goods in society has direct and serious consequences on the lives of the people. There are therefore important questions to be asked regarding the justice of that distribution. Is it just that some people inherit large fortunes while others inherit nothing? Do rich people have additional access to political power because of their wealth? If so, is that just? And should the ambition for economic policies be to combat poverty or to reduce inequality? This book explores these questions and a number of others through the analysis of related theories spanning from strong egalitarian theories on the left to right wing libertarianism. The chapters also explicitly examine the case of taxation, one of the most important and controversial measures of distribution of goods in society. Placing emphasis on the case of Norway and using data from both the UK and USA as a point of comparison, the work details and explores the key features of the tax system. It concludes by presenting and evaluating arguments for and against taxes such as income tax, wealth tax and inheritance tax. This book is essential reading for those interested in distributive justice as well as students and scholars of philosophy, law, political science and economics.

Risk Allocation and Distributive Justice in the Energy Industry Smith I Azubuike, 2024-09-30. Brings the concept of gross negligence to the fore and highlights how distributive justice forms a better foundation for risk allocation in the offshore energy industry. Assessed the practice of risk allocation in gross negligence cases in offshore petroleum drilling contracts. Presented a public policy perspective on risk allocation in offshore drilling contracts. Discussed gross negligence as a sui generis risk and provides a definitional pathway for determining when gross negligence has occurred and how it should apply to offshore energy drilling contracts to encourage a pollution free drilling operation. Advanced the concept of distributive justice as a basis for risk allocation between participants when a downside arises due to gross negligence. This book examines the practice of risk allocation in

the offshore energy industry through the public policy lens and offers a novel perspective on the concept of gross negligence in risk allocation This perspective is founded on the proportionality element of distributive justice in burden distribution The assessment of how mutual indemnity clauses apply as an absolute shield against liability arising from gross negligence reveals that moral hazard can result from the practice In the analysis this book considers the risk allocation practice in PSC and Concession regimes and how parties liability is determined in drilling contracts This book considers gross negligence a sui generis risk and provides a definitional pathway for determining when gross negligence occurs and how it should apply to offshore drilling contracts Thus it advances an environmental sustainability approach to offshore petroleum drilling operations This book will be useful to operators and contractors resource rich countries insurance companies practitioners scholars and academics interested in risk allocation in the petroleum industry

Distributive Justice and World Trade Law Oisin Suttle,2018 This book proposes a novel theory of justice in international trade law examining what justice means and demands in this domain *Distributive Justice Debates in Political and Social Thought* Camilla Boisen,Matthew C.

Murray,2015-10-23 Who has what and why in our societies is a pressing issue that has prompted explanation and exposition by philosophers politicians and jurists for as long as societies and intellectuals have existed It is a primary issue for a society to tackle this and these answers have been diverse This collection of essays approaches some of these questions and answers to shed light on neglected approaches to issues of distribution and how these issues have been dealt with historically socially conceptually and practically The volume moves away from the more dominating and traditionally cast understandings of distributive justice and shows novel and unique ways to approach distributive issues and how these can help enlighten our course of action and thought today by creating new pathways of understanding The editors and contributors challenge readers by exploring the role and importance of restorative justice within distributive justice exploring the long shadow of practices of trusteeship and concepts of social and individual rights and obligations in welfare and economic systems social protection provision schemes egalitarian practices and post colonial African political thought *Distributive Justice Debates in Political and Social Thought* empowers the reader to cast a more critical and historically complete light on the idea of a fair share and the implications it has on societies and the individuals who comprise them

Institutions in Global Distributive Justice Andras Miklos,2013-02-20 Defining an institution as a public system of rules that sets out positions rights and duties Andras Miklos uses a philosophical argument to analyse the roles that social economic and political institutions play in conditioning the justification scope and content of principles of justice He critically evaluates a number of positions about the role of institutions in generating requirements of distributive justice and considers their implications for the scope global or otherwise of justice He then develops a novel theory about the role political and economic institutions play in determining the content of requirements of distributive justice and in a cosmopolitan argument against statist positions shows how they can affect the scope of application of these requirements [A Short History of Distributive Justice](#)

Samuel Fleischacker, 2004-06-15 A fascinating account of the development of our contemporary notion of distributive justice
Stephen Darwall University of Michigan author of *Welfare and Rational Care* Distributive justice in its modern sense calls on the state to guarantee that everyone is supplied with a certain level of material means Samuel Fleischacker argues that guaranteeing aid to the poor is a modern idea developed only in the last two centuries Earlier notions of justice including Aristotle's were concerned with the distribution of political office not of property It was only in the eighteenth century in the work of philosophers such as Adam Smith and Immanuel Kant that justice began to be applied to the problem of poverty To attribute a longer pedigree to distributive justice is to fail to distinguish between justice and charity Fleischacker explains how confusing these principles has created misconceptions about the historical development of the welfare state By examining major writings in ancient medieval and modern political philosophy Fleischacker shows how we arrived at the contemporary meaning of distributive justice Engaging and very readable This is a marvelous book which should be read by all social workers *Journal of Sociology and Social Welfare* An important book Highly original and interesting Daniel Brudney University of Chicago author of *Marx's Attempt to Leave Philosophy* A succinct coherent and wide ranging history of distributive justice that will be a boon for teachers and students Ross Harrison University of Cambridge author of *Hobbes Locke and Confusion's Masterpiece*

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