PHPE 308M/PHIL 209F Fairness

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V*—FAIRNESS

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This paper presents a theory about fairness, as it applies to the distribution of goods between people. I shall concentrate particularly on random lotteries. Sometimes a lottery is the fairest way of distributing a good, and my theory explains, better than any other theory I know, why this is so. That is the main evidence I offer for it. But the theory is not limited to lotteries; it is intended to apply whenever goods are distributed between people. I shall use the fairness of lotteries as a guide to fairness in general.[1]

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- ▶ Have an authority judge the merits of the candidates and select the best.
- ▶ Use a fixed rule.
- ▶ Use a lottery.

Have someone pick the "best" candidate

Some problems:

▶ The job of assembling and assessing the necessary information may be expensive and time consuming.

▶ The responsibility of deciding who is to live and who to die (if that is in question) may be an intolerable emotional burden.

▶ The authority may not actually succeed in picking the best candidates. For instance, it may choose the candidates who best meet corrupt or prejudiced criteria, rather than the ones who are actually the best.

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E.g., for life saving, the rule of picking the youngest will do this. Age will certainly be one of the factors that helps determine which candidates are the best. Other things being equal, it is better to save a younger person than an older, because it does more good to the person who is saved: it gives her, on average, more years of life.

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How can a lottery be fairer than a rule such as picking the youngest, which has a tendency to select the better candidates? **Answering this question is the main test that has to be passed by any account of the fairness of lotteries.**

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So in explaining the fairness of lotteries we shall need **a criterion for distinguishing when lotteries are fair from when they are not**.

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A lottery is sometimes more than just a handy means of getting the decision made when there is a tie. It is sometimes a better means than others because it is fairer.

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Two examples illustrate this point:
1. Choosing who moves first in a game.
2. Selecting someone to go on a dangerous mission.

Example: Games

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Let us suppose there is a referee who, without prejudice or corruption, is easily able to pick out the best candidate. **It would still be wrong to leave the decision to the referee rather than a lottery.**

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These two views are not incompatible. It may be that fairness requires a lottery, so that it would be unfair not to hold one, but that in this case fairness is outweighed by expediency, so that on balance it is right to send the talented candidate without a lottery.

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But how, exactly, do the reasons combine together to determine what ought to be done?

Teleology: the good ought to be distributed in whatever way maximizes overall benefit. So the only sort of reasons it recognizes for a particular candidate to get the good is a benefit that would result. Reasons are *weighed up* and the good is given to the candidate that maximizes the overall benefit.

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A problem for the teleology view: Some reasons are *side constraints*. A side constraint determines directly what ought to be done; it is not subject to being weighed against other reasons. For example, *rights* are often thought to be side constraints.

E.g., Suppose that we are considering a candidate's income, which she has earned. The side-constraint theory says simply that she should have it; no question of weighing arises.

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▶ Whatever claim they have to this good, the talented candidate also has it.

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How do claims combine with each other and with other reasons, in determining what should be done?

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One approach: The right thing to do, and the right way to distribute a good, is determined by the balance of reasons, whether claims or not. Claims are thrown together with other reasons on to the same scales, in the same maximizing calculation.

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But the fact that conflicting claims are duties owed to different people gives rise to an alternative intuition. Simply weighing claims against each other may not seem enough. Weighing up is the treatment we would naturally give to conflicting duties owed to a single person. Applying it between different people may not seem to be giving proper recognition to the people's separateness. **In particular, weighing up claims does not seem to give proper attention to fairness**.

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Broome's Account of Fairness

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It requires that **claims should be satisfied in proportion to their strength**: equal claims require equal satisfaction, stronger claims require more satisfaction than weaker ones, and also—very importantly—weaker claims require some satisfaction. Weaker claims must not simply be overridden by stronger ones.

Claims give rise to two separate requirements:

1. Satisfaction requirement: Claims should be satisfied.
2. Fairness requirement: Claims should be satisfied proportionally.

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Each person can be given a sort of surrogate satisfaction. **By holding a lottery, each can be given an equal chance of getting the good.** This is not a perfect fairness, but it meets the requirement of fairness to some extent.

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But if she was sent because a lottery is held and she lost, she could make no such complaint.