

Ethics Tests



Justice Test

Is this a fair distribution of benefits and burdens?

You may wish to begin with the discussion of **Justice and Fairness** (www.scu.edu/ethics/ethics-resources/ethical-decision-making/justice-and-fairness/) from the Markkula Center for Applied Ethics. Then return here to see how the test is operationalized and study the two examples linked at the bottom of the page.

How to use the Justice Test

To use this test, ask

- Is this a fair distribution of benefits and burdens?

Why is this a valid way to decide right and wrong?

If everyone is equal – that is, has equal value as a human person– then everyone has an equal claim to a share. The default distribution is to give everyone an equal share since all are worth the same.

But there are circumstances in which everyone does not have an equal claim because they worked harder or less hard, contributed more or less, have greater or less need, etc.

So a fair distribution in each situation depends on their equality or inequality: Treat equals equally and unequals unequally.

The reasons for inequality:

- **Effort** – some may have worked harder
- **Accomplishment** – some may have achieved more or performed better
- **Contribution** – some may have contributed more to the group or society
- **Need** – some may have a greater need to be served first or receive a larger share
- **Seniority** – some may have arrived in line first, be older or younger, or have more years of service
- **Contract** – a prior agreement about how the distribution should be made.
- **Relationship or In-Group Status** – some may have a claim because they are members of my family or a group to which I owe loyalty.

Applying the test

STEP 1: What is the distribution?

- Who is getting the benefits and burdens in the situation?
- Do those who get benefits also share burdens?
- Do those with benefits share some of the burdens?
- These are factual questions. Once you know the distribution you can decide if it is fair or not.

STEP 2: Is the distribution fair?

- Which criterion for distribution would be most fair in this situation?
- Why would it be most fair in this situation?
- You have to defend the distribution and the criterion or reason for the distribution.

STEP 3: If disagreement persists over which outcome is fair or over which criterion for inequality is best in the situation, then **select a fair process to decide what is fair**, for example, an election, dispassionate judge, pick winners out of a hat, chance decided by a coin, or paper-rock-scissors.

STEP 4: Draw a conclusion

Will this action produce a fair distribution, and why?

Strengths

Research shows fairness to be one of the most fundamental ethical instincts in humans. It is present in many animals, including primates and dogs. Subjects will give up rewards that would make them better off than they are, if others are getting greater rewards that are not justified.

Weaknesses

There is no single criterion for a fair distribution so the Justice test is always open to disagreement among ethical persons.

Case Examples

For case examples, see

- **“Less Sugar” Marketing** (<http://bit.ly/less-sugar-marketing-case>)
- **Phantom Expenses** (<http://bit.ly/phantom-expenses-case>)

For a page of quick links to move between ethical theories and steps to operationalize these theories, refer to the EthicsOps **Theory + Practice** page (bit.ly/theory-plus-practice).