



Justice

JUSTICE OF OPPORTUNITY

JUSTICE OF ACCESS

Stakeholder Analysis (for Every Issue in Bioethics)

- ▶ Which stakeholders would benefit in which ways?
- ▶ What factors make one stakeholder's stake more *ethically valuable*?
- ▶ Should a financial stake matter?
- ▶ Personal stakes like health, outcome, personal ability to meet financial needs have more ethical heft than a
 - ▶ corporate stake in making money, providing solutions, or employing people
 - ▶ A state interest in certain actions that could violate autonomy or liberty
- ▶ State interest in life, general welfare, national security, an educated populace, a sustainable environment should not allow leaving some behind but restraint should be used to preserve individual liberties.

Justice of Access—to which goods do all or certain people have a claim?

Is the claim shored up by a moral or statutory right (e.g. public school) ?

- What about access to a laptop for every student?
- Minimum class size?
- Good ethical rule: If the absence of one part makes the whole insufficient, that part should also be provided.

Is there an expectation that flows to everyone but in fact is not equal (e.g. clean air)?

- Is clean air a promise or an obligation?
- Good ethical rule: decrease pollution
- Secondary ethical rule: those subject to more exposure should have relocation and health expenses covered

Is basic health care a moral right (it is not a legal right in the US although the ACA moved toward more minimum care)?

- Arguably a minimum is both moral and guaranteed.
- Piecemeal and Medicaid expansions were not required preventing some access.
- Health care is a private good.

Access for Everyone is Owed

- ▶ Justice of access requires lifting people to the standard required (arguably morally rather than by law).
- ▶ Broad framework requires a second look at the laws in place. Do they actually ensure access to the types of goods that they should?



Justice of Opportunity

- ▶ When access is not good enough.
- ▶ Some people are starting out behind (sometimes for reasons inherent in society creating an obligation)
- ▶ How should we analyze whether they should have more (for example, a tutor paid for by taxpayer dollars)?
- ▶ A question for justice of opportunity: is the additional thing (that others do not receive from government) necessary for the person to reap value from the thing which government does have a responsibility to provide? (A person can't appreciate the education without the tutoring.)

Social Determinants of Health as Equal Opportunity

- ▶ Justice through regulating employers
- ▶ Discrimination laws
- ▶ Work hours, overtime pay
- ▶ OSHA
- ▶ Affordable housing
- ▶ Affordable college (even if someone pays full, sliding scale tuition helps make people even)

Independent Contractor vs. Employee

- ▶ California referendum and lobbying affects drivers, delivery people, and many fulltime workers.
- ▶ Justice of Opportunity or Justice of Access (Access if they do deserve the health insurance other businesses would have to provide; opportunity if the insurance is seen as an extra benefit that someone should provide so that they can reap the benefit of fulltime employment.)
- ▶ Zimmerman, A. (2020). The California Gig Economy Law: Just How Far Will Employers Go to Avoid Providing Health Insurance? . *Voices in Bioethics*, 6. <https://doi.org/10.7916/vib.v6i.6961>

Preschool & Higher Education Influence Health Outcomes

Justice of opportunity is the framework. Some movement toward universal preschool. Income determines both need and access.

Hard to get ahead without higher education (a change in how we compensate labor could reduce the wage discrepancy—value people who work with their hands)

Some states offer better paid or sliding scale college

Corporate welfare allows colleges to fill in by “training” people in administrative tasks at community colleges using public funding.

Improved on-the-job training and paid apprenticeships could alleviate the need for higher education by those not seeking a career requiring it

Changing tax structure could cover the costs—is there political will to make this opportunity a guaranteed good with access for all?

Justice of Equal Access	A Framework for Equal Access to Equal Public and Public-like Goods (clean air, education, living wages, global, police treatment)
Is the problem in the public sphere?	Identify it as a public problem. Justice of equal access acts as a floor but it does not apply to certain arguably private goods. It is difficult to use it to justify things seen as “extra”. For example, should it apply to a laptop for every student or just access to public school. It seems to apply to the COVID vaccine in the US.
Stakeholders	To identify the stakeholders, who is deprived; who provides; taxpayers. How detrimental is the deprivation to the party deprived?
Ethical Issue	Is it ethically permissible to fail to provide certain “public” goods? Is scarcity or a lack of funding a permissible excuse? How to identify which public goods are ethically compelled or merely permissible. That can identify which goods fall within the narrow fully public domain and which society is split about or may see as extras.
Learn the Causes and Solutions	Role of the power structure; politics, political will, philosophy, communitarianism, or social programs within capitalism, Economic structures producing the most wealth (capitalist countries with safety nets for the poor –some redistribution, welfare) Will private contributions fill the gap? How much will it cost and then what government entity must budget for it.
Think Critically	Are resources scarce? consider voting power, labor unions, political power, use of media to draw attention to deficit. Is there an issue of fiscal federalism—identify the role of federal government in providing even if the benefits flow to a state or locality.
Solutions	Public policy, identify the deficit, financial analysis, determine costs. Identify macro policy and benefits to individuals.

Justice of Opportunity	A Framework for Leveling the Playing Field (By Providing Something Additional) (Distinguishable from "distributive")	Fact Pattern: the extreme cases-- A subset of the population needs extra help with homework. They do not have financial means to finance private tutoring.
Distinguish Kinds of Justice	Justice can require providing something additional to people or groups. In bioethics, justice is stretched to cover a lot of issues. This framework is designed to recognize an additional need and to provide a way to analyze whether it is a public responsibility.	Can we influence this subset's success in a way that is empowering? Defining success. Education correlates to better wages and is a social determinant of health. They do have access to public school. Check on prevailing beliefs: resources are not always scarce.
Stakeholders	To identify the stakeholders, look to who is not thriving or needs something extra and who (if anyone) should have a role in providing it. Government should provide it if it would address the social determinants of health for a group. The responsibility of government to an individual is difficult to prove. Private, corporate, charitable, family members etc. can be sources of support. Power resource theory provides a backdrop to how political power can shape policy choices.	Government, taxpayers, society, parents, local community nonprofits, volunteers, corporate partners, children, business WHO BEST KNOWS WHAT THEY NEED
Ethical Issue	Should the person in need have access to help? Is it ethically compelled or preferred? Should justice go beyond distributive justice of equal access? Competing ways to be fair, competition for public goods. Is it ethical to fail to devote public resources to solve the problem?	Beneficence, justice, philosophy, rhetorical implications: dignity-based, possibly avoid terms like entitlement, charity, handout
Analyze the origin	Is there a lapse in policy? Upstream tax policy or school management? Is there a breakdown of the family unit? Is the family too busy or financially strapped to help? Objective and subjective components. Do high school kids need to earn money after school? Do parents want help for them—cultural values, religion, psycho-social.	If one hour of supervised homework daily would help, who can provide it? Should the school provide it or should a private tutor trade services with a parent? Is there a corporate incentive to contribute or mentor?
Think Critically	Resources are scarce, consider political will, local volunteerism, fairness, create objective goals	In the short term, innovative mentoring programs. Promote self-sufficiency. Dignity-based.. Strong basis for need for government action.
Solutions	Public policy, nonprofits, private, corporate. Consider long term policy changes. Practical solutions from ethics-driven analysis.	Immediate solutions include local community center using government grants and nonprofit infrastructure to provide group study halls after school. Is a long-term solution more ethical—prevention.