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Types of corrective justice

1. KINDS OF INQUIRIES

- a. One kind of inquiry is to ask: what weight does the claim to reward have? Another is to ask: what are the built-in limits or exceptions (places where the claim to reward has zero weight)?

What does it mean to assert, as many courts and commentators have, that "one should not reap where another has sown?" The proposition is not plausibly viewed as a flat prohibition, since (as Dawson notes) we all reap without sowing; the very language we speak others have created. Reaping what others have planted is at the center of what is meant by civilization, both in the sense of material and moral progress (we need not each invent the wheel or the golden rule anew) and in the sense of daily interaction (the continual production of beneficial externalities that links neighbors). So the statement seems not to be a rule in Dworkin's sense, something that must always be obeyed or be broken; it is either a principle (something with weight, which sometimes prevails and sometimes does not, depending upon the opposing principles) OR the statement is a

short version of a rule more complex than the bare statement, a rule that has built-in exceptions and limits not so far obvious.

So my task can take one of two routes: discuss what kind of weight the statement has, viewing it as a principle, & discovering the competing or supplementary principles & their weight; or discover the rules complexities, exceptions & limits (such as the proviso). Or perhaps do both: find the exceptions and limits AND the weight of what remains.

2. ---

3. Is harm automatically a bad thing? For utilit or eco, it might seem to be so: if one aims at utility or value maximization, the destruction of utility or value would seem to be p/f a bad thing.

4. But harm to one person may not mean destruction. It may just mean a TRANSFER to another person (cf., pecuniary effects).