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A THEORY OF AESTHETIC JUSTICE

by

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ABSTRACT

Theories of distributive justice give us the appropriate determination of who ought to have what, where ‘who’ are the members of society and ‘what’ are social goods and burdens. Traditionally, social goods have taken the form of rights and privileges, as well as more tangible economic goods. However, it is not clear that these are the only kinds of social goods relevant to justice. There is a substantial body of literature showing that environmental benefits and burdens can and should be thought of as social goods. In this paper, I will argue that we ought to make a comparable extension for aesthetic benefits and burdens. Specifically, I will show that aesthetic goods are objects of significant public interest, and therefore must be subject to our principles of justice. I begin by explaining and evaluating a theory of aesthetic justice offered by Monroe Beardsley. I will expand this theory by showing its broad applicability to myriad examples, especially to nature aesthetics. Then I will show that this theory is compatible with two leading conceptions of justice: John Rawls’s liberal conception and Michael Walzer’s communitarian conception. In doing so, I will show that the theory of aesthetic justice must be taken seriously by those who have these philosophical commitments.

I

Theories of distributive justice give us the appropriate determination of how social goods and burdens are distributed among members of a society. Traditionally, social goods have taken a variety of forms that include but are not limited to various rights, privileges, and securities, as well as more tangible items like economic goods. Major trends in thinking about justice hold that all members of a society ought to have access to goods produced by the society; indeed, this reflects the central incentive to participate in society. As for economic goods, we are interested in how wealth and capital should be distributed among the people of a society. But, in recent decades, theories of distributive justice have been used to determine the right distribution of other kinds of goods and burdens; perhaps ones less central than wealth and capital, but goods that do indeed represent crucial social values and that play significant roles in the welfare of societies and the individuals within them.

Some important and overlooked examples of such goods are environmental benefits and burdens. Environmental benefits can be thought of as “protection(s) from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.”¹ Environmental burdens tend to include such environmental health risks as well as unattractive or unwanted land uses. It is often claimed that minorities and people of low economic status bear such

burdens disproportionately.² Let us consider lead exposure as an example. Exposure to lead is associated especially with older, inexpensive housing, and there is a further correlation to be drawn between vulnerability to lead poisoning and the poor.³ One 2006 HUD funded study found:

- 28% of the residents of contaminated homes had annual incomes under \$9999
- 26% had annual incomes between \$10,000 and \$19,999
- 17% had incomes between \$20,000 and \$29,999
- 16% had incomes between \$30,000-\$39,999⁴

Only 3% had incomes above \$50,000. Moreover, African-American children are more likely to be lead poisoned.⁶ Robert Bullard offers some frightening statistics to make this point. He estimates that in 1988, in families earning under \$6,000, 68% of African-American children were lead poisoned, where 36% of white children were lead poisoned.⁷ Other examples of environmental burdens include water and air pollution from power plants, mineral refineries, toxic waste facilities, and large-scale agriculture, all responsible for health problems among people living near them. Even the contamination of local food sources, like fish from lakes and rivers, are a burden on people who depend on these resources for sustenance.

Justice claims about the distribution of environmental benefits and burdens are predicated on this disparate effect on racial and socio-economic groups. As these studies show, environmental burdens are distributed with much greater incidence among racial minorities and among poor peoples. Such disparities have given rise to a strong national grassroots movement against the unequal exposure to, and protection from,

environmental burdens. Moreover, such disparities have been condemned in both passed and proposed national legislation.⁵ Philosophers and social scientists alike have put forth an ever-growing body of literature claiming that racial minorities and poor people are victims of environmental injustice, simultaneously calling for environmental justice.

Although claims about environmental justice are not without objection, they have met a fair degree of acceptance, establishing precedent for distributive justice claims about social goods other than wealth and capital. Here, I propose that we make a similar move toward establishing a philosophical basis for claims about aesthetic justice.

Conceiving of aesthetic justice requires some starting definition of *aesthetic objects*, as well *aesthetic benefits* and *aesthetic burdens*. I have adopted a general and uncontroversial understanding of aesthetic objects. Alexander Baumgarten defined aesthetic objects as those which we perceive with the senses.⁶ Yet, merely noting that objects or experiences are sensuous does not adequately describe the conditions under which they are aesthetic. We might look to Malcolm Budd's definition of *the aesthetic* to ground our understanding here.⁷ Budd discusses the perceiver's role, specifically her response to perceived objects, in making a sensory experience an aesthetic one:

[...] a response is aesthetic in so far as the response is directed at the experienced properties of an item, the nature and arrangement of its elements or the interrelationships among its parts or aspects, and it involves a positive or negative reaction to the item not as satisfying a desire for the existence or non-existence of some state of affairs in which the item figures, but considered 'it itself' [...] so that what governs the

response is whether the object is intrinsically rewarding or displeasing
to experience in itself (p. 14)

So, as Budd argues, an aesthetic experience is one in which the experiencer has a pleasure based-response to what she senses, and aesthetic objects are those that elicit such an experience. Aesthetic experiences and objects are not just a matter of sense perceptions, but instead sense perceptions that can be evaluated on the degree to which they involve pleasure or pain derived via the relations between an object's formal properties. It is important to point-out that the aesthetic value of the experience must be pleasurable or displeasurable only because of its aesthetic properties, and not for some other reason. Here, reference is made to Kant's 'disinterest' requirement for aesthetics, where 'disinterest' is understood as lacking the desire for a certain state of affairs to obtain.⁸

To inform my account of aesthetic appreciation and aesthetic judgment, I will adopt Hume's sentiment-based view. According to Hume, we perceive an object, and then its formal qualities evoke a sentiment in us of either approval or disapproval.⁹ Beauty, for Hume, is not a quality in objects themselves but instead a characteristic of our perception; to designate something 'beautiful' is to have a sentiment of approval about some aesthetic object. Although there is some room for disagreement about the quality of aesthetic objects among experts, for the most part our aesthetic judgments are uniform and adhere to a somewhat objective standard of taste. Now, it certainly can be the case that some people are not adequately trained or do not have the adequate natural capacities to make good judgments about aesthetic objects, which implies that we can be better or

worse judges of beauty and also that we can improve our ability to judge aesthetics with the right education.¹⁰ This discussion of aesthetic judgment is relevant to my analysis in a few important ways concerning the capacity to have a positive aesthetic experience. If I intend to argue that objects that produce aesthetic experiences ought to be subject to our principles of justice, I must account in some way for the possibility that different people have disparate abilities to enjoy aesthetic benefits and detest aesthetic burdens. For now, I will go on without solving this issue, but will pick it up again after I have laid-out more of the foundations of the theory of aesthetic justice.

Aesthetic benefits can take the form of access to decision making about the use of aesthetic objects, of aesthetically valuable objects themselves, and also of protections from aesthetic burdens. We may take a public park also as an example of an aesthetically valuable object, something that I will define shortly. An aesthetic benefit associated with this aesthetically valuable object might consist in access to decision making about where parks are located. Aesthetic benefits can be intrinsic or instrumental, and simultaneously both. That is, something can be aesthetically beneficial because it itself is aesthetically valuable, because it is a means to something that is aesthetically valuable, or both at the same time. For example, most would agree that a placid lake in a city park is aesthetically valuable in itself,¹¹ However, other things only provide benefits instrumentally via their aesthetic properties. An example of instrumental aesthetic value includes property value raised by concrete driveways. Although people may find concrete driveways aesthetically preferable to other kinds of driveways, like rock driveways, the driveway itself is not particularly aesthetically valuable. Instead, it is

primarily valuable because it raises the value of real estate, although it does so because of its aesthetic qualities.¹²

Aesthetic burdens include aesthetic objects that are devoid of aesthetic value and the effects such objects have on people's general experience. Aesthetic burdens are also of two kinds: intrinsic burdens and instrumental burdens. Some things are aesthetically burdensome in themselves; i.e., they create a bad aesthetic experience. An example of such burdens is noise pollution. Many find disruptive, extremely loud, or shrill noises very displeasurable. For instance, living next to an airport is often unattractive because of the associated noise. Another example of an intrinsic aesthetic burden is a landfill. Landfills are generally unappealing at the aesthetic level. Other things are also aesthetically burdensome instrumentally. For instance, urban decay is associated with high crime¹³. While urban decay is itself devoid of aesthetic value, and a burden for this reason, it is also a conduit for facilitating other social, non-aesthetic burdens including not only crime, but also lower property values.

This discussion of kinds of aesthetic value must distinguish this variety of properties (kinds of value) from the one associated with which category of social good or burden a thing belongs to. Things we take to be aesthetic goods and burdens can also fall under other categories of social burdens as well. Public parks are indeed both environmental and aesthetic benefits. Landfills, while clearly aesthetic burdens, might also be environmental burdens. In such cases, the presence of another social context in which we might have value, or a lack thereof, toward things that are clearly aesthetic

goods and burdens does not exclude that which we have for them based on their aesthetic properties.

Let me pause to briefly motivate the intuition that aesthetically valuable objects are indeed social goods. To do so, I return to the example of a public park, which I claimed was an environmental benefit. It is indeed an environmental benefit, but as I argue, it is also an aesthetic benefit. Most of us find public parks pleasurable for aesthetic reasons, and many of us even prefer the aesthetics of a public park to the aesthetics associated with other parts of a city. Indeed, parks serve a partially aesthetic function in our society. Such parks are valued especially in vast urban centers like New York City or Chicago. Spending time in Central Park or Millennium Park is part of the culture in these parks' respective cities; it is a way to break-up the hectic pace and industrial feel of the city, and it is appreciated and enjoyed by all varieties of these cities' residents. Certainly, parks are valuable in other ways, like for various forms of recreation, including jogging, soccer, etc. But even though parks offer opportunities to do these activities, the opportunities to do so in a park are ones that tend to be more aesthetically enhanced than other possible venues, and thus have this value added. For instance, one can jog on a track, but jogging through a scenic park on trails that have been designed for such an experience usually reflects a choice to carry out this activity in a way that has more aesthetic appeal than other opportunities provide.

Now, shouldn't our principles about fair distribution govern the decisions we make about where parks like these are located, who has access to them, and who they benefit? Wouldn't we say that the location of a public park that excludes and is

inaccessible to poor people or a racial minority is unfair in some way? What if it turns out that in racial minority and poor neighborhoods, we find fewer public parks? I think the most of us would agree that this would be unfair.¹⁴ We think that where aesthetic benefits are offered, they ought to be offered in a fair way.

Later in the paper, I will discuss in specific detail some of the ways that a distribution of aesthetic goods can be fair and, in doing so, elucidate some of the philosophical foundations for a theory of distributive justice. But for now, I hope it suffices to say that a fair distribution is one that reflects in some way a notion of equal citizenship in society. As I have previously claimed, the goods that are generated by society are social goods, and many of us, though not all, hold the view that these goods should either be distributed equally throughout the society, or else in a way devised to maximize the benefit of such goods for members of society. One thrust of this paper is to show how a theory of aesthetic justice might be tenable under popular and compelling conceptions of justice. Again, I will give these arguments later.

I will begin by introducing a theory of distributive aesthetic justice offered by aesthetician Monroe Beardsley. Beardsley writes primarily about art. So, over the course of the paper, I will modify this theory to accommodate cases in which nature aesthetics and urban aesthetics can be seen as aesthetic goods and burdens. In doing so I will refer the modified theory as “the theory of aesthetic justice,” as I know of none other. Then, I will argue that both Rawls’s and Walzer’s conceptions of justice support Beardsley’s theory, a move which I take to evidence the integrity of the theory. I will consider a number of examples that go above and beyond Beardsley’s notion of aesthetic value, but

that demonstrate the usefulness that this theory has in describing justice issues in urban planning, nature aesthetics, and public policy,

II

Beardsley begins with a discussion of *aesthetic value* and *aesthetic level*. He defines *aesthetic value* as a thing's capacity to generate a positive aesthetic experience¹⁵, and *aesthetic level* as the measure of aesthetic value in a given area or community.¹⁶

Aesthetic value and level are features of experience in general, and an increase in aesthetic value can make experience more desirable. Here is an example to reassure the reader that we are on stable ground. Consider the search for a new home. There are many qualities that we typically look for in this search: structural integrity, energy efficiency, ample yard space (or perhaps minimal yard space for those who abhor yard work), safe neighborhood, etc. Surely there are others than I have just listed, but let's say these are the minimum necessary criteria that a home must satisfy before it can be considered for purchase. Now, other criteria can improve the status of the home, one of which is its proximity to commercial areas where home-owners like to shop, to their places of work, or other places they will need to go. Another is the aesthetic value of the home. Between two houses that meet the minimum criteria and are otherwise equal, one that has superior aesthetic value will increase aesthetic level, and thus will surely be the more desirable of the two in a general sense; i.e., where all other relevant factors are equal, something that increases aesthetic level yields a more desirable experience all around.

Beardsley writes that the aesthetic component of an experience is compatible with other components, and that the other components also bear on the level of desirability. That withstanding, he claims that a reoccurring high aesthetic level in experience is necessary for a good life. He does not specify directly whether or not a high aesthetic level is sufficient for a good individual experience, just that experience with high aesthetic level must occur at times for one's entire life to be good.

Next, he begins a discussion of *aesthetic wealth*. He defines aesthetic wealth as the "totality of aesthetically valuable objects" (p. 41) in one's environment. These objects can be of any sort: a person, a scene, art, other built objects, etc., so long as they have aesthetic value and are part of one's environment. In another way, we can think of aesthetic wealth as the sum of all potential aesthetic value in a given area. Beardsley then contrasts aesthetic wealth with *aesthetic welfare*, a measure of "all the aesthetic levels of the experience of members of the society at a given time" (p. 42). Where "wealth is a potentiality; welfare is an actualization" (Ibid). That is, where wealth gauges the possible aesthetic level, welfare gauges actual aesthetic level. He thinks it is possible to have an intuitive, relative measure of aesthetic level, and he draws an analogy between measuring aesthetic level and measuring temperature. The measure of degrees Fahrenheit is not very revealing about the ontology of the temperature of the world, but it does allow us to measure differences in temperature over time. Since we have no instrument with which to measure the aesthetic level of a society, he thinks that we can talk about aesthetic welfare in the same way we could have talked about temperature before the invention of the thermometer. I.e., we can describe differences in aesthetic level from one time to

another. Indeed, in St. Louis we do not need a thermometer to acknowledge the difference between the temperatures of a January ice storm and a sunny August afternoon. In the same way, we should be able to get a general sense of the level of aesthetic welfare in a society, although having an instrument like a thermometer to measure this level would be very helpful.

To flesh out the distinction between aesthetic wealth and welfare, we can consider an example. Imagine that the St. Louis Art Museum decides to sell some paintings of high aesthetic value. What the SLAM does with these paintings may affect the aesthetic welfare and wealth of the community, which we can define as St. Louis. For instance, if it sells the paintings to some private collector and he destroys them, then the aesthetic wealth decreases because the potential for high-level positive aesthetic experience has decreased. If the paintings are kept in good condition but locked away from public viewing, then the aesthetic welfare of the society decreases because very few people now have access to those paintings. If the SLAM has instead sold the paintings to another public gallery in St. Louis and buys more paintings with high aesthetic value to show, then the aesthetic wealth and welfare of St. Louis will go up, especially if the community receiving the old paintings is such that its residents have little access to the SLAM and their access to good art increases as a result of the move. This is so because the missing high value pieces of art at the SLAM will be replaced, and the ones removed from the SLAM are kept in the community in a way that has increased people's access to them. Of course, this is true only if the old paintings are kept in the same condition they were in

at the SLAM. If they were destroyed, their contribution to the wealth and welfare would diminish.

So, in this example, the distinction between wealth and welfare is a matter of access and distribution. The SLAM's getting new paintings increases the wealth because, whether anyone sees them or not, the potential level of aesthetic value has gone up. Since the SLAM is a free, public museum, it is fair to say that many people in St. Louis have some degree of access to its collection. With this in mind, we can take the addition to increase St. Louis's aesthetic welfare as well. We can note that although many people in St. Louis have access to the SLAM, it is certain that not all people do. St. Louis's aesthetic welfare could then be increased by increasing access to aesthetically valuable objects already in St. Louis, without ever having to add more. Welfare could also be increased by relocating the SLAM's old paintings to such communities. However, even if the SLAM makes its old paintings inaccessible, then the aesthetic welfare can still increase if the level of aesthetic value of the new paintings is higher than that of the old ones.

It is important to notice that if the SLAM sells the old paintings to a private collector, an opportunity to increase aesthetic welfare has been missed by not keeping the old paintings accessible to the public. Beardsley would take such examples to illustrate his principle of *aesthetic justice*: there should be a fair distribution of aesthetic value among the population. Beardsley takes the SLAM's selling old paintings to private collectors to be an example of their ignoring an ethical demand to keep good art public. That is, it is unjust for the SLAM, or other members of the community, to make items of

high aesthetic value inaccessible to the public. Or, in other words, to decrease the level of aesthetic welfare. This demand holds especially in cases where a given area or neighborhood has little access to items of high aesthetic value. One way of correcting such injustice might be to stage plays in urban areas, or for a city to commission large sculptures in public, urban areas. Perhaps the city of St. Louis attempted to fulfill this duty by installing Serra's "Twain" downtown.

Beardsley recognizes that an objection could be made to the notion of aesthetic justice on the grounds that it is too specific; i.e., there is no need to designate aesthetic distributive justice, but rather that the equal distribution of all and any values in general is all that justice requires. Beardsley responds that it is important to obtain just distributions of individual social goods by showing that deficiencies of any social good cannot be compensated for with extra portions of other social goods. For instance, it would be unjust for one person to have only health but no access to other social goods, while another has a commensurate amount of aesthetic value but no other values, and so on. Each social good is designated as such because it is necessary or very desirable on its own. There is no social good such that it is desirable or necessary if a sufficient amount of another cannot be had. So, it should be clear that trade offs among social goods, at least core social goods, is not permissible.

Next, he considers a more serious problem for his attempt to formulate a theory of aesthetic justice. This problem lies in identifying stable philosophical grounds for establishing that a given society has reached the point of just distribution of aesthetic value:

The problem with justice is to formulate an acceptable criterion, or set of philosophically defensible principles, such that we can say that a society is just to the degree that it lives up to those principles. This [...] task may be even a bit more difficult for aesthetic justice than for other types. We certainly cannot legitimately aim at ensuring equal distribution of aesthetic welfare, since the capacity for aesthetic experience [...] is not itself equally distributed, [...]. We can at best frame a principle of equal opportunity. (p. 44)

Let us look into this problem a bit further. We might begin by posing the epistemic question about how we are to know whether or not a society is aesthetically just. One way might simply be to measure each person's level of aesthetic experience. But, as Beardsley established earlier, we have no instrument for doing so. And even if we could take such a measure, other problems remain. For one, as Hume claims, different people have different capacities for high-value positive aesthetic experiences, and these capacities depend on both their natural abilities and the amount of education and training they have had in aesthetic appreciation. Moreover, it may very well be that this capacity varies for different kinds of aesthetic experiences. The amount of training and natural ability to appreciate nature aesthetics seems less than that required for art.

So, if people are not equally capable of appreciating high-level aesthetic value, and different kinds of aesthetics vary in the degree of appreciative capacity is required to obtain a desirable experience from them, then it seems certain that our theory of aesthetic justice cannot require that each person actually have an equal amount of positive aesthetic experience. What we can do is make it possible for each person to maximize

the level of her experience by making items of high aesthetic value equally available to all of a society's residents. Therefore, aesthetic justice is not a matter of forcing good art down the throats of all a society's people, but rather of insuring a fair distribution of the opportunity for all people to have high-level positive aesthetic experiences.

There are two important issues that arise here. The first deals with art education and the second with political agency. First, I will discuss education. Beardsley champions education as a means by which to promote aesthetic justice. He discusses a few ways in which this is possible, but the way most relevant here concerns education's role in developing aesthetic capacity.¹⁷ There are two important elements up for discussion: the content of aesthetic capacity building and its just distribution. Beardsley focuses more on the first, and his account is satisfactory. To increase aesthetic capacity, we must increase one's ability to make good aesthetic judgments via correct perception and sentiment: "we want to help them develop greater sensitivity of perception, as in hearing the subtle differences in the way two pianists play the same passage" (p. 59).¹⁸ We also must focus on the more cognitive elements of aesthetics; i.e., cultural movements in art, understanding of theory, etc. This kind of education consists in helping people having more positive and valuable aesthetic experiences. Doing so raises aesthetic welfare by giving more people the opportunity to take advantage of the valuable aesthetics already in the world.

At this point, it is appropriate to address the possibility that there may well be a difference in the capacity to derive aesthetic value from artifacts and from nature aesthetics. I will look to Allen Carlson's account of natural environment appreciation to

bring out this difference.¹⁹ According to Carlson, appreciating both art and nature involves two elements: what to appreciate and how to appreciate it. For art, deciding what to appreciate involves some knowledge about the object or event up for appreciation: “we can distinguish a work and its parts from that which is not it nor part of it” and “we can distinguish its aesthetically relevant aspects from its aspects without such relevance” (p. 155). Doing so, of course, requires some knowledge about the art, especially about its formal aspects. Knowing ‘how’ deals in “acts of aspection”: a set of actions directed at understanding a particular work of art. Knowledge about the particular piece up for appreciation is also a necessary component of how to appreciate, and different kinds of art will require different modes of aspection. This includes different mediums as well as different schools or trends within the same medium. So, the aspection performed appreciating painting will be different than that for music. But also the aspection for hard jazz will be different than that for electronica. Indeed, Carlson thinks our knowledge of art directs both elements of appreciation.

A similar process applies to nature appreciation, although the ‘what and how’ are slightly different. The ‘what’ of nature appreciation is not an object, scene, or event. Instead, it applies to an environment. We can think of the ‘environment’ as whatever would normally make-up our background environment in daily life, but then forced up into the foreground of our attention. Thus, nature appreciation does not consist only in the use of a single sensory faculty. Rather, it encompasses all sensory faculties, which speaks to the ‘how’ of nature appreciation. Nature is appreciated by taking in the collection of sensory stimuli around us that make-up our environment. For example, let

us consider Carlson's description of forest appreciation: "we [...] examine and scrutinize, inspecting the detail of the forest, listening carefully for the sounds of birds and smelling carefully for the scent of pine and spruce" (164). Analogously to art appreciation, aspection will vary for different natural environments. As Carlson writes, the aspection performed in the forest will be different than the one for prairies.

It is important to point out that knowledge is an important part of his account of nature as well, and that nature appreciation for Carlson is not a matter of being consumed in raw sensory data. The difference in these modes of appreciation consists in the kind of knowledge each requires. For art, the knowledge required for appreciation is about the art itself and our construction of it. We must know about its formal qualities and about what parts of the art should be taken into consideration and how. This is a wholly specified and technical knowledge. For nature appreciation, the knowledge is scientific and common sense. It is not grounded in what we have created, but what we have discovered about the world.

Carlson's account makes sense of the intuition I expressed a few paragraphs ago concerning the capacities required to appreciate different kinds of aesthetics. I wrote that nature aesthetics seemed to require less capacity for appreciation than art. The role of knowledge in Carlson's account corroborates this intuition well because it requires less technical knowledge for nature appreciation than for art. As Hume argued, art appreciation takes a great deal of training, which involves increasing one's understanding of art itself. But, nature appreciation depends partly on common sense. Given this, we might conclude that in as much as we are concerned about the degree to which people are

capable of appreciating aesthetics, in general people will be able to appreciate nature more easily than art. We might feel more at ease then about the task of increasing aesthetic welfare via natural beauty, since most people should be equipped, at least to some degree, with the capacity to appreciate it. However, this does not mitigate the hurdles associated with increasing aesthetic welfare via art. So, it seems appropriate that art education be aimed at this task. Next, I will perhaps shed new light on this issue by discussing some of the constraints justice places on promoting high-level aesthetic experiences.

Regardless of what kind of aesthetic we learn to experience, it is important that such training be distributed fairly among the members of society. It would be unfair if aesthetic capacity building were concentrated dominantly in the schools and institutions of one socioeconomic group or schools of one racial group. Indeed, aesthetic education can be conceived of here as an instrumental aesthetic benefit, something that does not give positive aesthetic experience itself but is a means to doing so. Indeed, public policy can intervene in a disparity of this kind, and where one exists justice requires that it do so.

Now, I will return to the second salient topic in our discussion of aesthetic capacity: political agency. Beardsley admits that people are bound to disagree about what counts as aesthetically valuable objects. This seems to be a natural consequence of varying capacities for aesthetic appreciation. Hume notes that different groups of people will have different music and art that they enjoy for this reason. While I think it is clear that there is an interest in maximizing aesthetic experience among people, it is also

important that all people, regardless of aesthetic capacity, are able to participate in decision making about what aesthetic objects are publicly distributed.

Later in this paper, I will defend a notion of participative justice wherein I will flesh-out this solution more fully. But for now, I hope it suffices to say that while it is important that every individual has the appropriate capacity to appreciate aesthetic objects that are distributed throughout society, and indeed that access to capacity building is also distributed fairly, it is a higher priority for people to have a say in what aesthetic objects get distributed. In as much as we have a fair political process, we will have fair opportunity for each individual to realize the aesthetic level of their choosing, and thus a just level of aesthetic welfare. This does entail that perhaps the just level of aesthetic welfare could be lower than is possible. But, it is good to remember that we are looking for aesthetic justice, not aesthetic maximization. Perhaps people could generally be richer through unfair and unjust political and economic policies wherein people had absolutely no political agency. This society will be an unsatisfying and undesirable one, despite the amount of money its citizens have.

Next, I will give a brief discussion of Rawls's justice as fairness. I will then tease-out the ways in which Beardsley's theory is supported by and consistent with justice as fairness. In doing so, I hope to reassure the reader that Beardsley's theory is in accord with the foundations of our thinking about justice. If I can show that Beardsley's theory is indeed consistent with justice as fairness, I think I am in a position to offer it as the basis of a serious theory of aesthetic justice. After this has been established, I will go

through a few examples with the intent of showing the theory's ability to characterize important ethical issues we face in the distribution of social goods.

III

One way to test the plausibility of a theory is to find out whether or not it is consistent with other, related theories and conceptions that people find compelling, insightful, or true. Here, I will measure Beardsley's theory of aesthetic justice against Rawls's conception of justice as fairness. Since Rawls's conception of justice represents, to a greater or lesser extent, a major tide in our thinking about distributive justice, drawing strong comparisons in the philosophical underpinnings of Beardsley's and Rawls's theories should make the theory of distributive aesthetic justice more attractive, not least to the Rawlsian.

In *A Theory of Justice* Rawls argues for "justice as fairness."²⁰ Justice as fairness is an interpretation of the social contract wherein principles of justice are determined in a socially cooperative agreement about the basic structure of society (p. 10). He claims that these principles are ones that "free and rational persons concerned to further their own interests would accept in an initial position of equality as defining the fundamental terms of their association" (Ibid). For Rawls, these principles must be agreed upon from "behind a veil of ignorance" (p. 11). By the "veil of ignorance," Rawls means a hypothetical situation in which equal rational, moral persons do not know their social station, including information regarding their socio-economic class, race, personal abilities, psychological dispositions, or even conceptions of the good. Behind the veil,

members of society will reason about how to fairly organize the society. The agreement will be fair because no one will be inclined to establish advantage for any particular group. This is so because no one knows what social position he/she will occupy. Rawls calls the hypothetical situation the “original position,” and hereafter I will refer to decision making from within the original position as ‘original position reasoning’. It is from the original position that we derive our principles of social justice, and Rawls hopes to show that fair principles of social justice are the only rational choice for original position reasoners.

Although it is obvious that we can never actually participate in the original position in the process of ordering a society that we are charged with designing, we can use the original position hypothetical to decide what social rules are fair and also how well a particular policy accords with principles of social justice. Rawls thinks two principles are derived from original position reasoning. They are as follows:

1. Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.
2. Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity. (p. 266)

Rawls argues that these principles must be heeded in the order in which they are presented; that is, the satisfaction of the first is a necessary condition for the second.

Rawls’s primary concern in this ordering is to establish that restriction of fundamental

liberties cannot be justified by the benefits of the second. For instance, it is impermissible to deprive a person of her fundamental liberties even where she is compensated with money or social office.

While the first principle designates equal access to fundamental liberties in the name of justice, the second principle speaks to the just distribution of goods. This principle yields what Rawls has called the ‘difference principle’, which is expressed in (a). The difference principle designates any unequal distribution unjust unless it is to the greatest benefit to those in the lowest social station that there be such inequity. When Rawls writes of distribution, he has primary goods in mind. His list of primary goods includes self-respect, the most important good, but also “rights, liberties and opportunities, and income and wealth” (p. 54). This is not an exhaustive explanation of the conception of justice offered by Rawls, but it is sufficient enough to establish his view of distributive justice, and also to draw out the bits necessary to establish how well justice as fairness accommodates and is consistent with the distributive theory of aesthetic justice offered by Beardsley.

To begin my analysis, I will turn to the difference principle. Here, I will consider examples wherein aesthetic goods are the object of distribution, and also cases wherein aesthetic burdens, which I will define later, are the object of distribution. I think this is a fair use of the difference principle. Certainly, we can understand protection and relief from social burdens as a social good. For example, should our local government decide to hand-out gasoline vouchers in order to mitigate the negative impact of rising gas prices, we want to say this is a social good. In the same way, protection from some

negative aesthetic impact is a good. For instance, if some trees that grew naturally in a neighborhood shed leaves and buds that, once dried, gave off a horrible odor, a city-provided clean-up service would count as an aesthetic social protection.

Rawls writes that “if certain inequalities of wealth and differences in authority would make everyone better off [...] then they accord with the general conception [of justice as fairness]” (p. 55). We must ask, then, whether inequality in aesthetic goods is to the benefit of the least well-off, or, in this case, those who have the least access to aesthetic goods. It is clear to me that it is not. Let us take into consideration the concept of *urban decay* and also the *broken-window thesis*.²¹ The broken-window thesis, offered by criminologist George L. Kelling and public policy scholar James Q. Wilson, holds that signs of urban disrepair like broken windows and abandoned, dilapidated buildings attract crime and other undesirable elements to neighborhoods and, consequently, result in a significantly reduced quality of life for the residents of such neighborhoods. The idea is that broken windows, dilapidation, and disrepair in a neighborhood send out the signal that no one cares, so those who want to commit crimes feel safe to do so in these areas. While the thesis has been challenged, it enjoys a good reputation due to its implementation in and close correlation with a significant decline in crime in New York City during the 1990's.

Instances of broken windows and other such conditions have come to be known as urban decay. The link between urban decay and crime is one of several wherein criminological and social psychological research has been able to make a strong correlation between the conditions and/or perceptions of urban environments and

undesirable social behaviors. Social psychologists Astor, Meyer, and Pitner have linked concepts of *territoriality* and *undefined areas* to draw conclusions about why particular kinds of urban design are perceived to be and tend to be associated with violence and crime²². Briefly, their claim is that public areas that are designed in a way that minimizes public interaction are seen as un-owned and, therefore, outside of anyone's responsibility to maintain, which attracts anti-social activities. Such designs are opposed to those that promote 'sociopetal', or common areas. These designs were found in great numbers of housing projects designed in the 1970's and 1980's, as well in public schools.

If we can understand urban decay and designs that minimize sociopetal spaces as aesthetic objects, then this empirical research seems to establish that our well-being is significantly negatively affected by the kind of aesthetic experience we have. I think it is appropriate to call such aesthetic experiences *aesthetic burdens*. Such burdens manifest instrumentally. They are means to some other burdens, specifically crime and economic depression. However, urban decay is also a source of intrinsic aesthetic burden. Piles of trash, dilapidated buildings, presence of refuse, etc. constitute for most people objects that give people a negative aesthetic experience. Now, Rawls's principle seems to require that aesthetic burdens not be distributed unfairly among the society. If it is the case that aesthetic burdens disproportionately affect the poor and racial minorities, Rawls's difference principle tells us that this is unjust because it certainly does not benefit these groups to bear unequal share of crime and violence.

Society could offer protections from urban decay in the form of neighborhood clean-ups, development promotion, and enforced aesthetic standards among property

owners. It will be determined by original position reasoning that this kind of good ought to be distributed equally since everyone has an equal interest in avoiding negative aesthetic experiences, as well as exposure to crime and violence. Moreover, there will be no quarrel over whether or not these protections are a good since it is clear that they are necessary in order for people to obtain a desirable standard of living.

Now, I will explain another way in which Rawls's first principle supports Beardsley's theory. Earlier in the paper I responded to a worry about our ability to effectively distribute aesthetic benefits because of the varied capacities for appreciation among people. I offered a two-tiered solution wherein capacity building via education would work to distribute capacity and thus raise the level of aesthetic value very many people are capable of appreciating and, in turn, increase aesthetic welfare. I also brought attention to the political constraints on this issue; i.e., that it would be necessary for people to participate in determining what aesthetic objects are distributed. This part of my solution attempts to side-step this issue by showing that justice requires political participation. In doing so, I put a potential constraint on the level of aesthetic value a society might have. I conclude that it is more important to have a just process than to realize the maximum possible amount of a social good because doing so could indeed deprive people of their fundamental liberties. So, while an attempt should be made to increase aesthetic capacity, political processes should be such that people have the opportunity to advocate for the distribute of aesthetic objects that reflects their taste, even if the aesthetic objects they choose are inferior to others that people with higher

capacities for aesthetic experience might choose. In this way, capacity takes a back seat to political agency

There is also support for this solution in the second part of Rawls's second principle of justice. At risk of being simple, I see no reason not to include this social decision making role among the "offices and positions open to all under conditions of fair equality and opportunity." So, we do not have to have to meet any particular standard of aesthetic value established by some external source, only what people decide has aesthetic value through a fair process. Although, this certainly does not mean we cannot try to do so with aesthetic education. Everyone has equal and fair opportunity to offer input as to what is a good aesthetic and then, via a fair process, a consensus will be reached about what kinds of things to distribute and in what way.

This standard of equal opportunity is analogous to the discussion Rawls gives of open positions, and is useful in fielding an objection to what I propose. Some one opposed to my view may hold that everyone will benefit from exposure to aesthetic objects possessing this high aesthetic value. So, given this, we might then be tempted to let those who have the most knowledge about aesthetic quality make the decisions about how aesthetic quality ought to be distributed. Citing the utilitarian ethic that it is right to maximize happiness, we might think that such people, given their superior knowledge, will know how to maximize happiness via aesthetic quality. It is a tempting argument, but it does not reflect justice.

Rawls argues that "if some places were not open on a basis fair to all, those kept out would be right in feeling unjustly treated even though they benefited from greater

efforts of those who were allowed to hold them” (p. 73).²³ This is consistent with the notion that disparities are just if they issue from equally open offices. Now, we can read “greater efforts of those who were allowed to hold them” as “the decisions concerning aesthetic quality made by those who possessed the right knowledge about such quality” and we will have an appropriate response to this objection. Even if people do glean pleasure from the aesthetics that are unfairly appointed distributors allocate, they will feel wronged by not having been able to help decide what is distributed. So, a democratic-style vote procedure, or something of the like, will be in order to make sure that aesthetic goods are fairly distributed.

Let us take as an example a public music radio station. It might be said that those who know what the best music is ought to decide what is played on this station because the music they choose will benefit everyone the most. However, this will not do. People will feel that their tastes are not represented, even if they do like the music it plays. Moreover, they will feel little investment in the station, which is a product of injustice: “They would be justified in their complaint not only because they were excluded from certain external rewards of office but because they were debarred from experiencing the realization of self which comes from a skillful and devoted exercise of social duties” (p. 73).

I think this analysis matches-up with our intuitions about music now. Many of us indeed would like that music played on major radio stations was other than the brand of pop music that tends to currently go over on most stations. We have to take seriously the possibility that, given its over-whelming popularity now, this kind of music would be the

kind that was most often played on a just national radio station. Again, many of us would be disappointed by this. However, I think we would prefer this kind of radio station, even though it played music we did not enjoy, to one where music experts played high-value music against everyone else's wishes.

This concludes my analysis of Rawls's conception of justice. I have tried to show it can accommodate and give us reason to endorse the theory of aesthetic justice I previously discussed. I think we find ample resources in Rawls to cover the two essential elements of our theory of aesthetic justice: fair distribution and fair participation. However, Rawls is not the only justice theorist whose work can bolster the theory of aesthetic justice. In the next section I give a similar analysis of Michael Walzer's conception of aesthetic justice wherein I try to show that communitarian notions about justice are compatible with the goals of aesthetic justice, and that Rawlsians are not the only ones who ought to take the theory of aesthetic justice seriously.

IV

Distributive justice, Walzer argues, answers to two values: (1) recognition of need and (2) recognition of membership. "Goods must be provided to the needy because of their neediness, but [...] provided in such a way as to sustain their membership" (p. 204).²⁴ First, need plays a role in just distribution because members of a community have some very basic rights against the community to the provision of general things. Walzer gives the example of life: "no community can allow its members to starve to death when there is food available to feed them [...]" (p. 204)²⁵. He goes on to argue that included in

these basic rights is the right to whatever the community deems a need. It is important to note that this claim does not produce rights to specific things absolutely across societies, except for very basic necessities. While a society cannot ignore its people's need of food, no one individual has a right to something like education absolutely; only people whose society has designated education as a need have a right to it, which means such rights are conventional. Second, membership is respected by acknowledging every member's input in the course of communal decision-making about needs. So, everyone has a right to what everyone decides is a need, not to what the ruling class decides is a need.

Walzer takes time to differentiate his version of social contract from Rawls's. He agrees that rational people would opt for equality from behind the veil of ignorance. However, he argues, we are not and cannot be behind such a veil. So, he says, we need a system of just distribution that allows us to know about our stations in the communities we create. His system does so. Indeed, it embraces and necessitates culture-specific knowledge in order to generate claims about justice.

So, for Walzer, in order to evaluate whether or not a community is just, we must find out what the community, as a collective, has decided are human needs. Then, we must see if it is distributing these needs to its members in a fair way. Walzer uses the contemporary U.S. society's healthcare policy as an example of an unjust distribution. First, he argues that we value bodily health as a human need. He takes cases of physicians helping even those who cannot pay for help, and our expectation that they should, as evidence of this claim. So, when in an emergency it is called out, "Is there a doctor in the house?," we think that any doctor who hears this call is morally obligated to

respond and help any way she can. But, as Walzer points out, we do not as a society ensure that all members of our society have equal access to health care; instead, we subject it to the market. As a result, people with greater wealth end-up getting more and better health care than people with lesser wealth. On Walzer's theory, this is unjust.

I hold that the theory of aesthetic justice can accommodate a Walzerian reading as well. At the most general level, it is clear that many societies, if not most societies, have identified aesthetic goods as values. In the contemporary U.S., we care deeply about the arts as well as natural beauty. While my arguments regarding Walzer's conception of justice will apply to any society that meets the criteria I established forthwith, I will stick to using the contemporary U.S. society as an example. We can cite many, many examples of how the arts have established a huge presence in our society via private channels, especially the market: our expansive commercial music industry, consumer interest in literature, and popular theater tours to name a few. In the public arena, the arts demand a great deal of attention and resources as well. The programs and grants of the National Arts Endowment, public art museums, and public art education all serve as indicators of the level of value the arts have in our society. At this point, my readers might object that public funding for and promotion of the arts is, in fact, insufficient in our present society, and then conclude that I have overstated the degree to which the arts are indeed a value. But isn't the presence of this opinion more evidence of my general point? That the society at large might be critical of our government's treatment of the arts, claiming that the arts ought to have an even larger public presence than they do now only goes to show that we do, as a society, value the arts.

An equal degree of value and appreciation are aimed at natural beauty. Publicly, we as a society set aside huge tracts of land for, among other things, our own aesthetic enjoyment. Take national parks for example. There are 391 national parks in the U.S. that cover a total of over 84 million acres. We spend over \$2 billion a year on national parks, and the parks are visited by over 270,000,000 people a year.²⁶ This is a clear indicator of our interest in and commitment to natural beauty. These figures do not cover state parks or city parks. Moreover, many people desire to have their own land in the rural areas so that they can enjoy and appreciate such aesthetics.

It is important to emphasize that these examples of our devoting private and public resources to aesthetics are meant only to establish that we do indeed care about aesthetic experience. It is not a comprehensive account of everyone's aesthetic interest. After reading my examples concerning nature aesthetics, one might want to point out that many people enjoy the aesthetics of a city, including the architecture of city buildings and appearance of city streets. This appreciation could include the way people themselves change the aesthetic of a place; many people do enjoy and appreciate the look of people pouring down a busy New York sidewalk, along with the traffic jams. Perhaps the city sounds that accompany this scene are even more pleasurable for this person. Moving to a more extreme example, some people even enjoy the aesthetics of industrial sights, including oil refineries and smoke stacks.

I think these examples are compatible with, and even complementary to the point I want to make. I do not want to show that we care about any one variety of aesthetic. Instead, I just want to show that we care about the aesthetic experiences we have in

general, and that we do so in serious way. That someone would point out the diversity of aesthetic appreciation we as a society have only bolsters the notion that we do value aesthetic experience.

Now if it is clear that we value aesthetics, and that we do so in no partial or unsubstantial way, then I think we have paved the road to understanding aesthetics as 'needs' in the sense that Walzer claims must be provided to a society's constituents by the society. To make this next step, it will be good to point out that although basic needs like food, water, shelter, etc. are part of what Walzer understands as needs, his version of needs is not limited to this. We see this clearly as we examine his use of Athenian public baths as an example of a public good:

The ancient Athenians, for example, provided public baths and gymnasiums for the citizens but never provided anything remotely resembling unemployment insurance or social security. They made a choice about how to spend public funds, a choice shaped presumably by their understanding of what the common life required. It would be hard to argue that they made a mistake. (p. 203)²⁷

Since Walzer holds a relativistic view about what can count as a need wherein anything the society decides is a need actually is one, there is no objection to be made against counting aesthetics as a need on the basis that it is not as essential to human well-being as are food and protection from invading militaries. It is clear that public baths are not as essential as these either, but Walzer is fine with the Athenians counting them as a need. So, he should have no problem with us counting aesthetics as a need so long as we collectively decide that it is one

Before I can conclude that a Walzerian must agree that, for the contemporary U.S., there ought to be aesthetic justice, I must close-in on the claim that we in the contemporary U.S. accept that it is a need. To do so, let us refer back to Walzer's example regarding health care in the contemporary U.S. Walzer thinks that instances like the one where, in an emergency, a doctor is morally obligated to give medical services to anyone in need, whether or not the doctor is paid for doing so, can establish well enough that we think health care is a need. I will now set-up what I think is an analogous example concerns aesthetics. Here I hope to access our intuitions about whether or not there is an element of need tied-in with any of our positive aesthetic experiences.

Suppose that the general standard concerning public trash collection was a little different than most of us know it to be now. On this system, not all kinds of trash are collected for free, or for minimal charge, by municipalities. Instead, only trash that poses some human health threat is collected at this rate. There is a high premium that must be paid to the city to collect all other forms of trash; that is to say that collecting non-health hazardous trash is very expensive relative to the economies of most cities. Let's say only people within the top 50% of wage-earners can afford to have non-hazardous trash collected. There are places in the city where this trash can be dumped, but it is only slightly less expensive to do this than it is to have it hauled away by the city. Only those in the top 75% of wage-earners can afford to dump the trash themselves.

This means that those who cannot afford to dump their trash in designated areas must simply keep it on their property. It is illegal to burn, but it can be buried. In essence, each person's own yard is their personal waste-dump. The result of this policy

is that, in poorer areas of the city, trash is piled-high on peoples lawns. Typically, old paper and plastic products are abound and strewn about people's property. The smell is rank, and the scene is unsightly. This last judgment I make on the basis of the aesthetic standards we now hold, but it is also on those of the example community as well, since they share the same value for aesthetics that I previously described. There is no human health concern; it is truly a matter of low aesthetic quality.

I think we can safely conclude that by our standards, having such trash removed from people's yards is indeed a need. We generally agree that people should not be made to live in these conditions, regardless of their economic status. Where a case like this one occurs in our society, an aesthetic injustice obtains because it offends the standards we tend to have for the level of aesthetic welfare people should have, which is the same as saying that we agree that it is a need that people should not have to live in circumstances wherein this kind of positive aesthetic experience is entailed. So, the Walzerian in contemporary U.S. society should agree that we can make sense of this theory of aesthetic justice wherein aesthetic benefits and burdens are distributed fairly.

One last thought about the relationship between Walzer and the theory of aesthetic justice. Earlier in the paper, I argued that the theory of aesthetic justice contained not only a distributive element, but also a participative element, that all people ought to have decision-making roles in public decisions about aesthetics. Walzer's conception of justice can accommodate this requirement as well. Walzer argues that what counts as a need must be established by all members of a society (p. 204). In his discussion of communal decision-making, Walzer writes of societies that:

Its culture, its character, its common understandings can define the ‘wants’ that are to be provided for. But culture, character, and common understandings are not givens [...]. [People] must argue about the meaning of the social contract, the original and reiterated conception of the sphere of security and welfare.” (pp. 204-205)²⁸

This conclusion is consistent with the one I came to previously concerning the need for some democratic, inclusive system of public decision-making about what counts as aesthetic goods. Indeed, design theorists have used this principle to call for more just participation in urban design on the grounds that it reinforces the citizenship of all those living in a community.²⁹

As I pointed-out earlier, Walzer thinks that no philosophical principle can govern the extent to which each need is provided for, and that instead political negotiating would only serve this purpose. We can see this claim as also being consistent with requirement for political participation in decision-making about aesthetic goods. On Walzer’s picture, we would identify aesthetic welfare as a need, then we would make decisions about how to distribute aesthetic goods and burdens based on fair principles of political participation. So, in the end Walzer’s theory of justice as one that would also call for aesthetic justice as it is understood in the ways I’ve described starting with Beardsley’s theory and then making some adjustments.

Lastly, I'd like to demonstrate how the theory might work in action. Let us go all the way back to the example of the public park to consider a rather straightforward example. Let us imagine that a public park is going to be built in St. Louis. Before the project can get off the ground, an external watch-dog group wants to know if the decision to site the park in this location is a just one. The first line of inquiry goes toward the decision making process that led to determining the park's location. If the decision making process was a just one, it would have to represent the opinions of St. Louisans from many parts of the city as well as many groups within the city: racial groups, economic groups, age groups, etc. Such decisions might include those regarding the contents of the park. Will it be entirely green? Will it include sculpture, and if so, what kind? On this level, we are interested in whether there is just participation in decision making concerning aesthetic goods

The next interest is in distribution. Since the park is an aesthetic good, it is important to understand how its construction affects the aesthetic welfare of St. Louis. The final decision about where to locate the park would have to be sensitive to the present distribution of parks: if it turned out that remarkably fewer parks existed in poorer areas, and that poor people had indeed advocated for locating parks in their neighborhoods, then the city council would be responsible for locating the proposed park in a poorer neighborhood. That is, a decision to locate the park in a more affluent neighborhood would be an unjust one given that residents of poor neighborhoods lacked parks and that the residents of such neighborhoods advocated for parks. To make the

park inaccessible to people who have less access to aesthetic goods already within the city would raise the aesthetic wealth only to decrease the city's aesthetic welfare.

Now, let's move to another example. In many urban centers, the controversial practice of new urban development, or gentrification, has garnered attention on the basis that it excludes poor and minority peoples from the benefits of the revitalization of their neighborhoods. In general, gentrification refers to the practice of "recharging" urban neighborhoods on a number of fronts: economic, cultural, and aesthetic. Developers will come into low-economic and often ethnic neighborhoods and buy-up commercial and residential real estate. The goal is to transform the neighborhood from one that tends to reflect low-economic and ethnic cultures to one that reflects middle-class tastes. One major complaint about gentrification is that it displaces the neighborhood's original inhabitants by raising the prices of rent and consumer goods to a price higher than they can afford.

In the realm of design, one major thrust of gentrification is to "upgrade and reconstruct our urban communities," (p. 39)³⁰ and it is this aspect that is relevant to my analysis. This upgrading and improving generally includes restoring antique homes, cleaning-up abandoned and degraded buildings, and the installation of green spaces. It is indeed a central goal of the agents of urban change to increase the aesthetic value of urban neighborhoods. We are forced to consider whether or not the new appearance of the neighborhood is a good in some way; i.e., if the neighborhood can produce a high-level positive aesthetic experience. If this is the case, then we are forced to consider whether or not it is just that residents be forced out of having access to such goods. In as

much as original inhabitants are excluded from access to the aesthetic benefits newly born in their neighborhoods, we may find an instance of aesthetic injustice.

I think the theory of aesthetic justice helps us come to see gentrification as the systematic dislocation of people from aesthetically valuable neighborhoods and into less aesthetically valuable ones. This process increases the aesthetic wealth of a city exponentially. As more and more neighborhoods get more beautiful, the potential for high-level positive aesthetic experiences increases by great degrees. However, the level of aesthetic welfare generally does not increase because as more aesthetically valuable places are added to the city they are not distributed in such a way that more people have access to them.

One may object here that in cases in which more people move into cities from suburban areas, more people do actually have access to aesthetic goods. This proposition makes a crucial mistake in that it ignores the great probability that select groups of people are routinely excluded from access to aesthetic goods. Typically, people who leave gentrified neighborhoods are of low-economic status and also often identify as racial minorities. So even if the actual number of people who have access to aesthetic goods within a city's limits increases, the rise in aesthetic welfare is artificial because it does not reveal the class and race based discrimination inherent in the process. We can think of the systematic exclusion of people of low-economic status from aesthetic goods as *aesthetic classism* and the systematic exclusion of racial minorities from aesthetic goods as *aesthetic racism*.

Here, I have offered and defended a theory of aesthetic justice. I have discussed elements of distributive and participative justice, and also their intersection. Reflecting on Bearsley, I hope to have brought-in the necessary conceptual ground work to understand such a theory. In revising his version of the theory to fit the Rawlsian conception of justice, I hope to have made it more plausible. I offer this theory as the philosophical basis for claims about social justice. Such claims are necessary in order to characterize moral issues in public policy and urban design. So, I submit that my theorizing be considered in that context.

NOTES

¹ <http://www.epa.gov/compliance/environmentaljustice>

² Bullard, et al (2007). Toxic wastes and race at twenty: 1987-2007. Retrieved March 18, 2007, from Environmental Justice/ Environmental Racism Website:
<http://www.ejnet.org/ej/twar20.pdf>

³ Krisberg, K. (2006, April). Safer housing conditions mean healthier lives for children. *The Nation's Health*, pp. 21-23.; Yiin, L., et al. (2005). Efficacy of the community reinvestment act in promoting lead abatement. *Journal of Environmental Health*, 67(8), 44-48.

⁴ Wilson, J., et al. (2006). Evaluation of HUD-funded lead hazard control treatments at 6 years post-intervention. *Environmental Research*, 102(2), 237-248.

⁶ Bullard, R. D. (1994). Overcoming racism in environmental decisionmaking. *Environment*, 36(4), 10.

⁷ Ibid.

⁵ Retrieved July 11th from HUD website:

<http://www.hud.gov/offices/fheo/FHLaws/EXO12898.cfm>

⁶ Baumgarten, A. G. (1954). *Reflections on poetry: Alexander Baumgarten's meditationes philosophicae de nonnullis ad poema pertinentibus*. University of California Press.

⁷ Budd, M. (2002). *Appreciation of nature as nature. The Aesthetic appreciation of nature*. Oxford University Press.

⁸ Ibid.

⁹ Hume, D. (1995). Of the standard of taste. *The philosophy of art: Reading ancient and modern*. (Alex Neill and Aaron Ridley, eds.) Boston: McGraw Hill.

¹⁰ Ibid.

¹¹ For now, I will not comment on aesthetic realism. However, this topic will come-up later in the paper.

¹² Retrieved July 11th 2007 from Remax Real Estate website:

<http://illinoisproperty.com/RemaxIL/index.asp?p=pagecontent.asp&pid=1488>

¹³ Wilson, J.Q. and Kelling, G.L. (1982, March). Broken windows. *The Atlantic*. Retrieved July, 11th 2007, from Atlantic website:

<http://www.theatlantic.com/ideastour/archive/windows.mhtml>.

¹⁴ I realize that some accounts of social justice, particularly Nozickian libertarian accounts, that leave a significant amount of social provision up to the market may not agree with me here. I am afraid I will have to leave people who hold such views unsatisfied. However, later in the paper I do indeed show how people who hold either a Rawlsian or Walzerian view of social justice should agree with me.

¹⁵ Recall my above discussion of the aesthetic and aesthetic objects for an analysis of positive aesthetic experience.

¹⁶ Beardsley, M. C. (1973). Aesthetic welfare, aesthetic justice, and educational policy. *Journal of Aesthetic Education*, 7(4), 49-61.

¹⁷ Ibid.

¹⁸ Ibid.

¹⁹ Carlson, A. (2002). Appreciation and the natural environment. *Arguing about art: Contemporary philosophical debates*. 2nd ed. (Alex Neill and Aaron Ridley, eds.) London: Routledge.

²⁰ Rawls, J. (1999). *A theory of justice: Revised edition*. Harvard University Press.

²¹ Wilson and Kelling. (1982).

²² Astor, R.A., Meyer, H.A., and Pitner R.O. (2001). Elementary and middle schools students' perceptions of violence-prone school subcontexts. *The elementary school journal*, 101(5), 511-528.

²³ Rawls. (1999).

²⁴ Walzer, M. (1984). Welfare, membership, and need. *Liberalism and its critics*. (Michael Sandel, ed.) New York University Press.

²⁵ Ibid.

²⁶ Retrieved June 28th 2007 from National Parks Service website:

<http://www.nps.gov/faqs.htm>

²⁷ Walzer. (1984).

²⁸ Ibid.

²⁹ Mattila, H. (2006). Aesthetic justice and urban planning: Who ought to have the right to design cities? *Geojournal*, 58(2-3), 131-138.

³⁰ Basch, D. (1972). The uses of aesthetics in planning: A critical review. *Journal of Aesthetic Education*.