

THEORIES OF JUSTICE

is the application of ethical fairness to the community or nation in which everyone is given their proper due. This handout will highlight three key issues:

- 1) **WHO RULES?** Who should the decision makers be (the law givers) and what procedures should guide their decisions?
- 2) **CITIZENSHIP & RIGHTS:** Who gets political rights and what are those rights? and
- 3) **DISTRIBUTION OF MATERIAL GOODS:** What is the best just or fair distribution of goods & opportunities? Hopefull you will have a clearer sense of your own view after examining this handout.

WHY POLITICAL PHILOSOPHY? HOW DOES THAT AFFECT ME?

ANSWER: To accept society "as it is" (life is life!) is a vote for "status quo politics"; To advocate a different kind of sociey is a vote for "a better politics" - there is no escape from taking a political position. Ignoring politics is also a political position. There is no escape. But political philosophy can help make our values and choices more clear.

Philosopher John Locke's notion of the social contract: —————→ used to morally justify the American Revolution and the principles of the U.S. Consitution

Locke's doctrine of natural property rights + Adam Smith's "invisible hand" of free markets —————→ used to morally justify CAPITALISM

Blue = the current type of "justice" in the U.S. presently

The ideas of economists and political philosophers, both when they are right and when they are wrong, are more powerful than is commonly understood. Indeed, the world is ruled by little else." - Economist John Maynard Keynes

VIEWS ON REALITY & HUMAN NATURE ARE FUNDAMENTAL: Is it just "survival of the fittest"? Is a God or spiritual force behind it all? Pure Reason?

#1 - WHO SHOULD MAKE THE LAWS? WHO SHOULD RULE? SOME REAL OPTIONS:

1-Tyranny/Dictatorship - an individual rules based on his or her own opinions and preferences (if a small group rules, say the wealthiest then it's called an oligarchy)

2-Monarchy - an individual ruler or family based on heredity

3-Aristocracy - a group of people considered the "best humans" who then rule for, and over, others

6-Constitution - a formal written document is created that lists the rules or principles by which the community will be governed.

7-Judicial System (Courts) - individuals who have special powers to determine whether a given law is consistent with the constitution; 2) a (hopefully) unbiased procedure to decide whether one has broken a law.

4-Direct Democracy - everyone is tasked with periodically voting on and/or creating or modifying new and existing laws.

5-Representative Democracy - individuals are elected who then do the work of writing laws for the rest of us. The masses delegate the poltiical work to its representatives

HISTORICALLY, THERE ARE MANY HYBRIDS AND COMBINATIONS OF ABOVE ELEMENTS

Theocracy: Usually 2 or 3 perhaps with 6 and/or 7; Theocracies claim to be grounded in beliefs in a God. Monarchs or an elite aristocratic group then rule in the name of this God

1+6 = Constitutional Monarchy

A Republic: "rule by the people or for the public"; usually 4 or 5 with 6 + 7

United States (elements in blue): 5+6+7

#2 - WHO IS A MEMBER OR CITIZEN? WHAT ARE THEIR RIGHTS?

ZERO RIGHTS - No basic liberties for anyone except for the rulers. Everyone else is a "subject"

RIGHTS/FREEDOMS FOR SOME - ETHNO-CULTURAL CENTRISM: only certain citizens (by age, gender, culture, or religion should have basic liberties. If you lack the right gender, religion, ethnicity, age, or ability to read or write then you do not enjoy some or all basic liberties); Whether to admit non-native newcomers (immigrants) adds a further level of complexity

RIGHTS/FREEDOMS FOR ALL - UNIVERSAL RIGHTS - All humans who are "sufficiently law-abiding" are equal political members if native-born. Ethnocultural background is irrelevant even if restrictions on newcomers (immigrants)..

"Socially Conservative"

"Socially liberal"

COMMUNITARIANISM - since you cannot step outside of your own history and culture, the state (gov't) should encourage people to conform to the community's way of life; economically the aim isn't "equality" but harmony between different stakeholders of society; Tradiitonal community norms might supercede individual rights.

LIBERAL INDIVIDUALISM - Maximum freedoms extended to all individuals as long as individuals do not infringe the negative rights of others. Thus gay marriage, 1st trimester abortion, is legally permitted; all citizens should have equal basic liberties (right to vote, run for office, due process, free speech, mobility.. standard civil and political rights). A state that support this is usually a "neutral state" with respect to the kind of life its citizens should live.

HISTORICALLY, including the U.S., there are many MANY HYBRID COMBINATIONS: for instance allowing traditional religious communities to minimize "liberal individualist" influence or even limit the rights of their own members while living within a liberal individualist nation state. There are ways to combine communitarianism and liberal individualism to support Ethnocentrism or Universal Rights, etc

#3 - DISTRIBUTION OF EXTERNAL GOODS - WHO GETS WHAT? SOME MODERN IDEOLOGIES...

MAXIMUM INEQUALITY OF EXTERNAL GOODS: REWARD FOR AMBITION ONLY.

A 100% unrestricted free market (no regulations, no redistributive taxes except for property protection (police, military, the courts)).

1) **Everyone gets basic liberties;**

2) a just distribution of goods is whatever results from individuals freely trading with one another.

In the purest version there are no positive rights to anything including education, healthcare, and welfare. If you cannot trade your labor for money and no charity comes your way, then no education, healthcare, welfare, etc for you. This is a version of EQUALITY - everyone is treated exactly the same.

"Fiscally Conservative"

YES, BASIC RIGHTS FOR ALL

LIBERTARIANISM

LIMITED INEQUALITY OF EXTERNAL GOODS: REWARD FOR AMBITION BUT COMPENSATE FOR UNCHOSEN DISADVANTAGES

1) YES, **BASIC LIBERTIES: As in libertarianism everyone gets basic liberties;**

2) THE ZIPCODE ARGUMENT: If success in life is due primarily to the individual's own efforts (hard work, etc) and not external influences (culture, background, etc) then every zipode (where one is raised) will have the same bell curve distribution of success vs failure in life. However different zipcodes have very different outcomes. Thus success in life is not due simply to the individual's own efforts.

3) THUS everyone deserves "fair equal opportunities" to develop their capacities and talents and to compete for social positions. Thus **positive rights to extensive educational** and health care benefits for all.

4) THUS, per John Rawls's "difference principle" economic inequalities should be arranged to provide maximum benefit to society's least advantaged members so that the least advantaged class is better off than it would be in any other economic system (this is a version of EQUITY - treating different people differently to achieve justice).

THUS inequality is GOOD to the extent that the inequality benefits the undeserving worst off in society.

EXAMPLE: the poor benefit from antibiotics or technology made possible by folks motivated by external rewards. The poor benefit from this type of inequality.

"Fiscally Liberal or left (but one can be a fiscal conservative too depending on the version..)"

YES, BASIC RIGHTS FOR ALL

LIBERAL EGALITARIANISM (Rawls)

In one version, positive rights to education, healthcare, etc are paid for by taxes on the relatively wealthy and then provided by the state directly or indirectly

In another version, a certain percentage of business profits are taxed and then returned to every citizen in the form of a monthly "basic income" check which they can then use to purchase things like education, child care, and healthcare on their own

HISTORICALLY, THERE ARE MANY HBRIDS AND COMBINATIONS OF ABOVE ELEMENTS. For example one can be a "Left-Libertarian" or be a liberal egalitarian with limited taxes.

GOT UTILITARIANISM? SHOULD UTILITARIANISM BE THE ULTIMATE JUDGE OF WHICH COMBO IS BEST of this handout?

FATAL FLAW? OBJECTION!: UTILITARIANISM ignores SOCIAL GOODS of rights, liberties, opportunities, etc b/c it only cares about MAX HAPPINESS (literally it's ok to sacrifice the few for the happiness of the many). Utilitarianism totally ignores respect for persons (if disrespect of some leads to happiness of most), and freedom and equality of democratic citizens (if enslavement of some leads to happiness for most...)

MINIMIZE INEQUALITY OF EXTERNAL GOODS;

You can own personal private property but there is no moral right to the private ownership of/control of productive resources. Each person has equal participation in collective decisions about how we use productive assets whether in a business or gov't

The state or government or even decentralized communes organizes labor and produces commodities needed by its citizens. This may be done in combination with limited free markets.

Economically on the Left or the Right (if Fascism)

IF YES, BASIC RIGHTS THEN...

DEMOCRATIC SOCIALISM (a weak version of this; usually a hybrid with a free market);

ANARCHISM (outside of a state) - justification is decided by a given community

IF NO BASIC CIVIL LIBERTIES FOR INDIVIDUALS...

COMMUNISM (in its extreme form; run by a state); usually appeals to history, nature, reason, as its ground (vs a divine source); No private ownership of businesses, modes of production; decisions made by committees

or

FASCISM (the state organizes the corporate sector, employs protectionism (tariffs) and grounds its legitimacy in eternal values, religion, a charismatic "strong" leader, anti-intellectualism, cult of power/strength, hatred of representative democracy as "weak" and "slow")