

## THREE THEORIES OF JUSTICE

### THEORY OF JUSTICE ONE: JOHN RAWLS'S POLITICAL LIBERALISM

#### The original position:

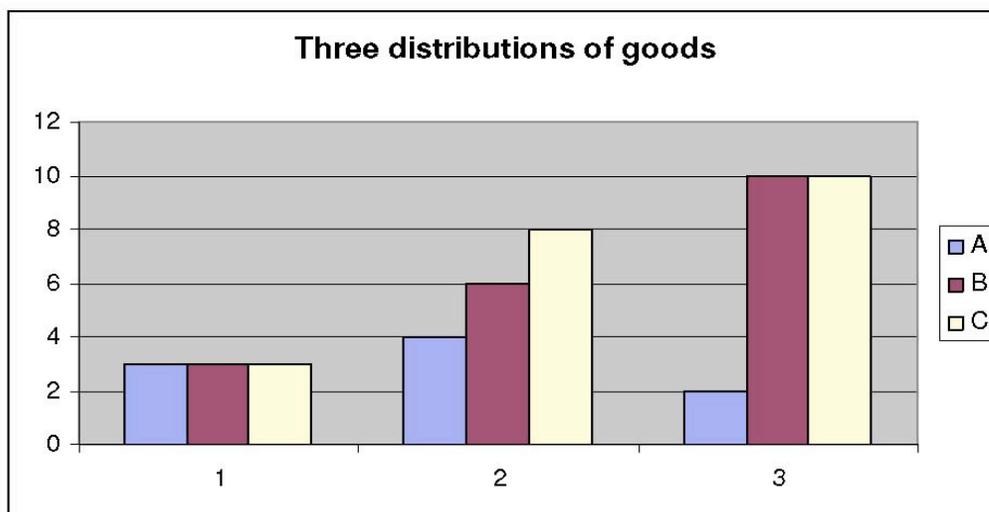
- In the spirit of a hypothetical contract theory.
- A method of legitimating principles of justice that respect the two values of fairness and autonomy.
- Assumes that one's particular talents, social position, race, sex, and conception of the good are arbitrary from a moral point of view.
- The denizens of the original position are assumed to be means-end rational, somewhat risk-averse, and mutually disinterested. Not assumed to be self-interested.

#### The two principles of justice:

**The Principle of Equal Basic Liberties:** Each person is to have an equal right to the most extensive total system of basic liberties compatible with a similar system of liberties for all.

**The Difference Principle:** Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.

- According to Rawls, the first principle is lexically prior to the second. No amount of benefit is sufficient to justify an infringement upon basic liberties.
  - Note that the priority of the first principle underscores how anti-consequentialist Rawls's view is. The right to basic liberties is a right that each enjoys to non-interference from others even when that interference would maximize the good.
- What about the difference principle? How does it differ from egalitarianism and utilitarianism about the distribution of goods? Note, to begin, that unlike egalitarianism and utilitarianism, the difference principle is not about the distribution of (say) happiness at all. It is about the distribution of primary goods, which are at best means to happiness, or indeed means to whatever else you happen to be aiming at.



- An egalitarian would insist that distribution 1 – the *most equal* distribution– is best.
- A utilitarian would insist that distribution 3 – with the *highest total number of goods* – is best.
- But Rawls's difference principle tells us that distribution 2 is most preferable, because *the least well-off party receives the most goods* in this distribution.

## THEORY OF JUSTICE TWO: ROBERT NOZICK'S LIBERTARIANISM

**Nozick's Entitlement Principle:** Whatever arises from a just situation as a result of fully voluntary transactions on the part of all legitimately concerned persons is itself just.

- E.g. if from some just situation one voluntarily gives someone else one's car, the resulting situation would be just. Likewise when one "wins at gambling, others receive a share of their mate's income, others receive gifts from foundations, others receive interests on loans, others receive gifts from admirers, others receive returns on investment, others make for themselves much of what they have, others find things, and so on" (A,S&U, p.157).
- Also note that Nozick accepts the result that if one voluntarily commits oneself to a lifetime of slavery, the arising situation that one is someone else's slave will itself be just.

Nozick's principle is *historical*: whether some distribution is just depends upon how it came about. We contrast historical principles with *time-slice* or *patterned* principles, according to which whether some distribution is just depends upon how things are distributed as judged by some structural principle (e.g. each has an equal amount of some particular resource).

This presupposes certain further principles:

- A principle of *justice in acquisition (of holdings)*:
  - Individuals have property rights over their bodies and whatever land they acquire before anyone else.
- A principle concerning the *transfer of holdings*:
  - Basically any old voluntary transfer will do (though see A,S&U, p. 159).
- A principle of *rectification for past injustice* (cf. A,S,&U, p.152ish).

## THEORY OF JUSTICE THREE: G.A. COHEN'S SOCIALISM

**Principle One: Socialist Equality of Opportunity:** All unchosen unequal advantages are unjust. Specifically the inequalities arising from the following are unjust

- (a) socially constructed status restrictions such as serfdom or racism,
- (b) class or other social position,
- (c) natural talents.

Since this is a principle concerned with equality of *opportunity* it is consistent with certain inequalities of *outcome*, specifically the following:

- (d) inequalities in some specific goods – which are counterbalanced by corresponding inequalities in others (you have more apples than me but I have more oranges than you)
- (e) inequalities due to regrettable choices (e.g. making the wrong career choice)
- (f) inequalities due to bad option luck (e.g. losing a reasonable gamble)

In order to deal with these prospective inequalities in outcome, which may be quite extreme, Cohen also endorses the following:

**Principle of Community** (possibly a principle of morality rather than justice): People should care about, and, where necessary and possible, care for, one another, and, too, care that they care about one another.

"To illustrate. You have to ride the crowded bus every day, whereas I pass you by in my comfortable car. One day, however, I must take the bus, because my wife needs the car. I can reasonably complain about that to a fellow car-driver, but not to you. I can't say to you: "It's awful that I have to take the bus today." There is a lack of community between us of just the sort that naturally obtains between me and the fellow car-driver. And it will show itself in many other ways, for we enjoy widely different powers to care for ourselves, to protect and care for offspring, to avoid danger, etc."