

# What's the "job description" of principles of justice?

## tell us how to:

- distribute the **burdens and benefits** of living in political society
- **arrange our major legal, economic, and political institutions**
- **judge the actions of the state**



## What, if anything, justifies coercive force by the state?

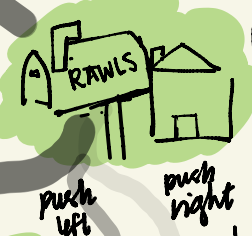
- ### Within the State
- #### A. Punishment
- backwards looking justifications
  - grounded in what happened in the **past**
  - **retributivism** - desert-based
  - **forward looking justifications**
  - grounded in what will happen **on the future**
  - **consequentialism** - act consequentialism
  - **hybrid justifications** - rule consequentialism
  - **Rawls's Duty View**
  - **Duff's communicative view**

- ### Within the State
- #### B. Dangerous Speech
- standard view: the right to free speech has **broad scope**
  - even speech that advocates harming others is protected unless it is directed at **imminent production** of imminent lawless action
  - **Hate Speech** - speech that incites violence
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## What, if anything, grounds the duty to obey the law?

How should we decide which principles to choose?



Limits state meddling in the name of **freedom**

still licenses a lot of state meddling in the name of **equality and social justice**

- ### C. Socialism
- Rawls didn't go far enough!
  - Equality of opportunity should correct for both **social and natural luck**
  - **inequality is almost always wrong**
  - the only justified inequality is that which results from **choice**

# Which principles are right for the job?

## A. "Justice as Fairness"

- grounded in the "two moral powers"
    - capacity for a sense of justice
    - capacity to form, revise, & pursue **well-ordered principles** ("conception of the good")
- Liberty Principle**
    - broadest scheme of **basic rights and liberties** consistent of everyone getting the same scheme
  - Democratic Equality**
    - 2a) Fair Equality of Opportunity**
      - for those with equal talents & ambitions
      - corrects for **social luck**
    - 2b) Difference Principle**
      - deviations from egalitarianism only ok if to the benefit of the **least advantaged**
      - **materialist**



## B. Libertarianism

- Rawls went way too far!
- we are **self-owners**, which means we can use our bodies and minds however we want to (so long as we don't violate other peoples self-ownership rights!)
- **state coercion (interference)** is almost always wrong
- the only justified state is the **minimal state** to enforce self-ownership/property
- **Nozick's Entitlement Theory**

# How far should the principles apply?



## Beyond the State

### Cosmopolitanism vs Statism

- the scope of justice is **global** (principles apply **between** states)
- the scope of justice is **local** (principles apply **only within** state)
- A. Cosmopolitan Egalitarianism**
    - Whether you happen to be born in a rich country or a poor country is **not arbitrary from the moral point of view**
    - **view** as whether you happen to be born to rich parents or poor parents
    - **state borders have no fundamental significance** for a persons claims of justice
    - closed borders prevent **equality of opportunity** at the global level
  - B. Cosmopolitan Libertarianism**
    - All persons are **self-owners**
    - closed borders interfere with **rights transactions** among consenting adults (where those transactions do not violate the rights of others)



## Within the State

### Public Sphere vs Private Sphere

- "domain" of public process and institutions of society
  - "domain" of the private uses of individuals
- A. The Family**
    - Is the family a part of the "basic structure"? (Rawls says yes!)
    - Is it a **voluntary association**?
    - for parents, presumably yes
    - but for **children**, no
    - Is it a threat to **equality of opportunity**?
    - often emphasizes the importance of **care** in household **division of labor**
  - B. Religious Practice**
    - religion also seems like a matter of **voluntary association**
    - but most decent religions endorse **major gender inequality**
    - **objection**: leaving room for "private" religious practices upbringings may **conflict** with requirements of justice

## How do we repair past injustices?



## At the border

### Immigration

- Discretionary coercive exclusion of would-be immigrants is justified (closed borders)
- **Cultural preservation**
- **self-determination**
- **national economy**
- **coercive exclusion is not justified** (open borders)
- **immigration as a human right**
- **cosmopolitanism**
- **liberalism**

## Beyond the State

### Just War

- "jus ad bellum"
- just cause
- right intention
- proportionality
- **reasonable chance of success**
- last resort
- **least possible** additional force
- **public declaration**