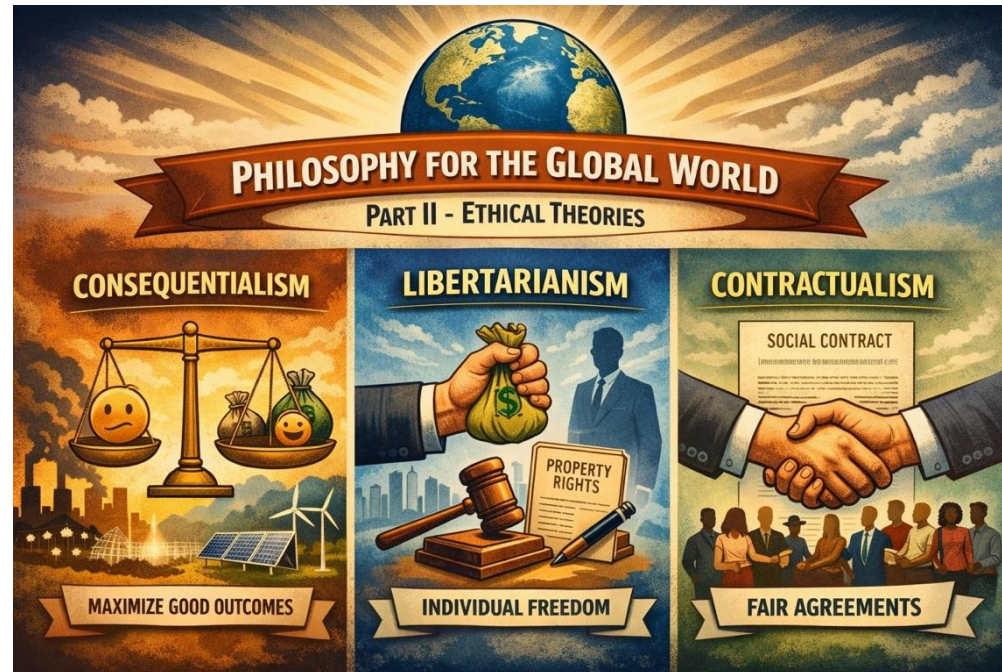


Global Justice

Part II



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CONSEQUENTIALISM, WELFARISM, AND UTILITARIANISM

Consequentialism and Teleology (2.2)

Consequentialism: The Core Idea

- The moral rightness of an action depends solely on its consequences.
- Intentions and duties are irrelevant.
- The morally right act = the one that produces the best overall outcome.

Maximization Principle

- Agents are required to maximize the good.
- If all options are bad → choose the least harmful.
- Teleological Ethics

Defined by John Rawls (1971):

***The good is defined independently of the right;
the right is what maximizes the good.***

Key Idea:

Right = function of Good

Teleological vs. Non-Teleological Ethics

Different Orders of Moral Evaluation

Teleological Ethics

Start with the **good state of affairs**

Right act = maximizes good

Outcome-focused

Non-Teleological (Deontological) Ethics

Start with **moral rules/duties**

Some acts are wrong *in themselves*

Rule- or duty-focused

Example

Breaking a promise:

- Deontological view → Wrong in itself.
- Teleological view → Right if it produces the best outcome overall.

Conclusion:

Consequentialism is a form of teleological ethics, but it still needs:

- A theory of value (what is “good”?)
- A principle of aggregation (how goods are combined)

Formal Structural of Consequentialism

Consequentialism as Maximization

Expected moral value:

$$E(v) = \sum (\text{Probability} \times \text{Value})$$

Example

If action A produces:

- Outcome 1 → 0.7 probability, value 10
- Outcome 2 → 0.3 probability, value -2

$$E(v) = (10 \times 0.7) + (-2 \times 0.3) = 6.4 \quad E(v) = (10 \times 0.7) + (-2 \times 0.3) = 6.4$$

If no alternative yields higher expected value →

A is morally right.

Important Limitation

Consequentialism alone is incomplete.

It must specify:

- What counts as value?
- How individual values are aggregated?

That move leads to **utilitarianism**.

Utilitarianism: The Most Influential Form

Utilitarianism combines three principles (John Broome):

1. **Consequentialism** – Rightness depends on outcomes.
2. **Sum-Ranking** – Utilities are added together.
3. **Welfarism** – Only individual well-being matters intrinsically.

Classical Formulation

John Stuart Mill (1863):

Actions are right insofar as they promote happiness.

Happiness = the only intrinsic good.

Other goods (wealth, freedom, rights, virtue) matter only if they promote well-being.

The Good: Subjective vs. Objective Theories

(a) Subjective Theories – Hedonism

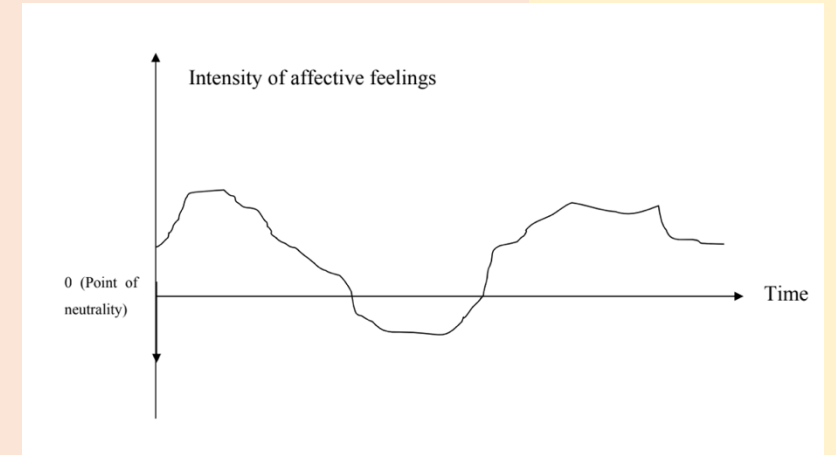
- Jeremy Bentham
- John Stuart Mill
- Henry Sidgwick

Good = Pleasure – Pain

Happiness = net balance of positive over negative feelings.

Later economic version:

- Paul Samuelson
- Welfare = revealed preferences.



(b) Objective Theories – Capabilities & Flourishing

- Aristotle → Eudaimonia (living well through virtue).
- Amartya Sen
- Martha Nussbaum

Good = Realization of human capabilities and functionings.

*Teleological ethics asks:
Does this action make the world better overall?
Utilitarianism answers:
Maximize aggregate happiness and well-being.*

Utilitarian Foundations of Welfare Economics (2.3)

Modern welfare economics emerged from utilitarianism:

- Society should maximize the sum of individual happiness (utility)
- Social welfare = aggregate utility
- Policy evaluation = comparison of total utility outcomes

Key thinkers:

- Jeremy Bentham
- John Stuart Mill

Classical and neoclassical economists adopted this view:

- William Stanley Jevons
- Alfred Marshall
- Francis Edgeworth
- Arthur Pigou

Core Assumptions:

- Utilities are cardinally measurable
- Utilities are interpersonally comparable

→ Society can be treated as the sum of individual well-beings.

The Collapse of Utilitarian Aggregation

The Ordinal Revolution (1930s)

Economists began to reject:

- Cardinal measurement of utility
- Interpersonal comparisons of happiness

Rise of ordinal utility theory:

- Preferences can be ranked
- But not measured in absolute units

Shift to Pareto Efficiency

Pareto Optimality:

- *No one can be made better off without making someone worse off.*

Pareto Improvement:

At least one gains, no one loses.

Result:

Welfare economics became “value-free” — avoiding ethical comparisons.

Problem:

Most policies create winners and losers → Pareto is silent.

Efficiency and the Two Fundamental Theorems

First Fundamental Theorem of Welfare Economics

Under:

- Perfect competition
- Complete markets
- Rational preferences

→ Competitive equilibrium is Pareto efficient.

Markets naturally generate efficiency.

Second Fundamental Theorem

Any Pareto-efficient allocation can be achieved through:

1. Redistribution of initial endowments
2. Competitive market exchange

Key Implication:

- Efficiency = technical issue
- Equity = political issue

This preserves utilitarian intuition but removes explicit aggregation.

Normative Shift:

Welfare becomes identified with efficiency, not happiness.

The Limits of Collective Rationality

Arrow's Impossibility Theorem (1951)

No social choice rule can satisfy simultaneously:

- Unrestricted domain
- Pareto principle
- Independence of irrelevant alternatives
- Non-dictatorship

(when ≥ 3 options)

Conclusion:

Coherent aggregation of individual preferences is impossible.

→ Marks the mathematical breakdown of classical utilitarian welfare economics.

Sen's Liberal Paradox (1970)

A society cannot be both:

1. Fully Pareto efficient
2. Fully liberal (respecting minimal individual rights)

Revealed Tension:

1. Efficiency
2. Individual liberty
3. Collective rationality

Cannot always coexist.

From Condorcet's Paradox to the Problem of Collective Rationality

The Core Question

How can we derive a consistent and fair social decision from diverse individual preferences?

Condorcet's Voting Paradox (18th Century)

Even when individuals have rational and consistent preferences, majority voting can produce irrational collective outcomes.

Example (3 voters, 3 options x, y, z):

- Voter 1: $x > y > z$
- Voter 2: $y > z > x$
- Voter 3: $z > x > y$

Pairwise Majority Results:

x beats y

y beats z

z beats x

→ Cycle: $x > y > z > x$

This violates **transitivity**, a basic condition of rational choice.

Key Insight:

Individual rationality does not guarantee collective rationality.

Majority rule can fail to produce a coherent social preference.

Arrow's Impossibility Theorem

Arrow's Breakthrough (1951)

In Social Choice and Individual Values, Kenneth Arrow showed that the problem is not limited to majority rule — it is universal. He proposed four reasonable conditions for any fair social decision rule:

- **Unrestricted Domain (U)** – Must work for all possible preferences
- **Pareto Principle (P)** – If everyone prefers x to y, society must prefer x to y
- **Independence of Irrelevant Alternatives (I)** – Social ranking of x and y depends only on preferences between x and y
- **Non-Dictatorship (D)** – No single individual always determines outcomes

The Impossibility Result

If there are at least three alternatives:

No social welfare function can satisfy all four conditions simultaneously.

To preserve rationality and fairness, one must sacrifice something — often leading to dictatorship or inconsistency.

Philosophical Impact

- Democracy, fairness, and consistency cannot fully coexist.
- Social rationality cannot be mechanically derived from individual preferences.
- Inspired alternatives:

Amartya Sen → rights and capabilities

John Rawls → justice beyond preference aggregation

Capabilities Approach (Sen & Nussbaum)

Conclusion:

From Condorcet's cycles to Arrow's impossibility, collective choice is not merely technical — it is normatively complex and inherently conflictual.

Sen's Liberal Paradox — Freedom vs. Efficiency

The Question

After Arrow showed that democracy cannot perfectly combine fairness and rationality, Amartya Sen asked:

Can a society respect both individual liberty and Pareto efficiency at the same time?

Surprisingly, the answer is no.

Two Principles in Conflict

1. Minimal Liberalism

Each individual must have at least one personal sphere of decision free from interference.

2. Pareto Efficiency

If a change makes at least one person better off without making anyone worse off, society should adopt it.

Sen proves that even in a simple society of two individuals and one decision, these principles can conflict.

The “Prude and Lewd” Example

Prude dislikes Lady Chatterley's Lover, but dislikes even more the idea of Lewd reading it.

Lewd enjoys the book, but enjoys even more imagining Prude being forced to read it.

Liberal Outcome (respecting freedom):

Prude does not read; Lewd reads.

→ Respects autonomy, but is not Pareto-efficient.

Pareto Outcome (efficient):

Prude reads; Lewd does not.

→ Efficient, but violates personal freedom.

The Meaning and Implications of the Paradox

The Core Insight

Freedom and efficiency cannot always coexist.

To achieve Pareto efficiency, society may need to coerce individuals.

To respect liberty, society may need to accept inefficiency.

Why the Conflict Arises

- Preferences are interdependent (each cares about what the other does).
- This creates a kind of moral externality.
- Welfare economics assumes private, independent preferences — but real preferences often involve moral judgments, envy, or resentment.

Philosophical Significance

- Arrow: Democracy vs. rational consistency
- Sen: Liberty vs. efficiency

Both show the limits of **pure preference aggregation**.

Social justice cannot be reduced to counting preferences.

It requires reasoning about:

- Rights
- Freedom
- Moral agency
- Capabilities (Sen's later approach)

Conclusion

Sen's Liberal Paradox demonstrates that:

**No society can be perfectly liberal and perfectly efficient
if social choice is based only on individual preferences.**

Justice requires more than utility — it requires a deeper account of freedom and human dignity.

Beyond Utilitarianism: Capabilities and Human Development

From Utility to Capabilities

Sen reorients welfare economics:

Well-being $\neq$ subjective utility

Well-being = capabilities

Capabilities = real freedoms to:

- Choose
- Act
- Live a life one values

Welfare economics reflects a continuing dialogue with utilitarianism.

The central challenge remains:

How can society balance:

- Individual welfare
- Collective rationality
- Moral fairness

When utilities cannot be perfectly measured or compared?

- The evolution of welfare economics is both:
- A continuation of utilitarianism
- And a critique of its limits.

From Divine Command to Secular Welfare

Modern utilitarianism emerged from the Enlightenment:

- Ethics grounded in reason, not tradition or divine authority
- Aim: maximize happiness, minimize suffering
- Moral evaluation becomes a rational calculus

Foundational figures:

- Jeremy Bentham
- John Stuart Mill

Core Premise:

The good society is one that promotes the well-being of all.

Yet between Bentham and Mill, utilitarianism evolves:

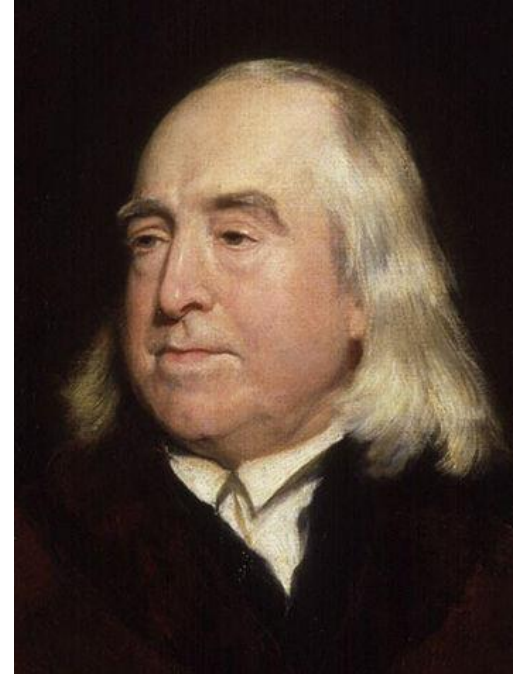
- From quantitative pleasure
- To qualitative human flourishing

Jeremy Bentham (1748-1832)

- Jeremy Bentham is the founder of modern utilitarianism and a great reformer.
- He had as student and collaborators James Mill, John Stuart Mill, John Austen and Robert Owen, founder of the Utopian Socialism.
- On his death he left instruction to have his body dissected and preserved as an «auto-icon» (University College London).
- He was in correspondence with many influential people like Adam Smith. On monetary issues he had different views from Ricardo advocating monetary expansions to stimulate the economy.
- The greatest happiness principle is the cornerstone of his philosophy:

Nature has placed mankind under the governance of two sovereign master, pain and pleasure. It is for them alone to point out what we ought to do , as well as to determine what we shall do. On the one hand the standard of right or wrong, on the other the chain of causes and effect, are fastened to their throne. They govern us in all we do/say/think...

- He is one the earliest proponent of animal rights. It is the ability to suffer not to reason should be the "insuperable line»
- Bentham spoke for a complete equality between sexes and in a essay unpublished until 1931 he argued for the liberalization of laws prohibiting homosexual sex



Hedonistic Empiricism

Jeremy Bentham (1748–1832)

- Humans governed by pleasure and pain
- Right action = maximizes total happiness
- Moral standard: Principle of Utility
- “Nature has placed mankind under the governance of two sovereign masters, pain and pleasure.”

The Felicific Calculus

Pleasures measured by:

- Intensity
- Duration
- Certainty
- Extent

All pleasures are commensurable — no qualitative hierarchy.

Strengths & Limits

✓ Radical egalitarianism (women’s rights, animal welfare, legal reform)

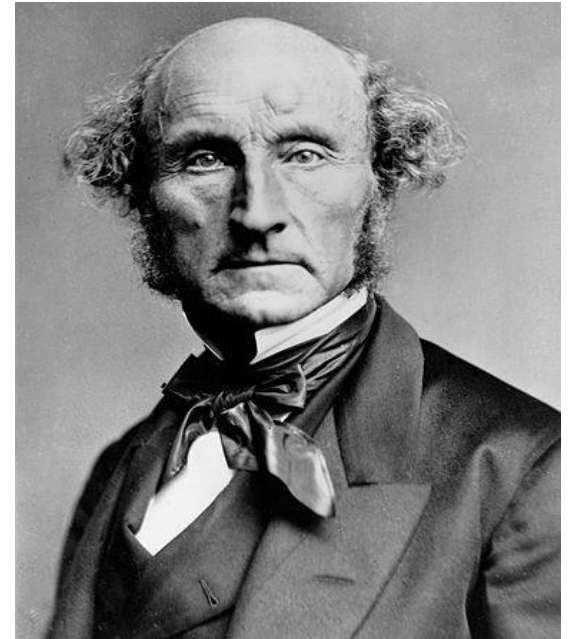
✗ Risk of moral flattening (no distinction between noble and base pleasures)

Bentham’s vision:

Ethics as a **scientific, impartial calculation.**

John Stuart Mill (1806-1873)

- He was a philosopher, political economist egalitarian and civil servant.
- He was the son of the philosopher and economist James Mill, a close friend of Ricardo and Bentham. He was a prodigious child who began to study Greek from the age of 3. He was not eligible to study at Cambridge and Oxford because as Nonconformist (Puritans, Pilgrims) he did not subscribe the doctrine of the Church of England. Later he defined himself as agnostic. He received most of his education from his father.
- He spent 25 years as a colonial administrator at the English East India Company. In the last part of his life he became Member of the Parliament for the Liberal Party. He became a strong advocate of such social reform as labor union, farm cooperatives, the extension of suffrage and equality between sex.
- His major works are: *On liberty* where addresses the nature and limits of the power that can be exercised by the society over the individual; *Utilitarianism* where he revises Bentham's view and allows for the qualitative separation of pleasure; *Principle of Political Economy*, a text in the classical tradition of free market although in the latest editions went towards a more socialist bent speaking for a co-operative wage system.



«The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness» *Utilitarianism*

Mill: Liberty, Higher Pleasures, and Human Dignity

The Humanization of Utilitarianism

John Stuart Mill (1806–1873)

Mill inherits Bentham but transforms the doctrine.

Influenced by:

- Intellectual crisis in youth
- Literature and moral reflection
- Political reformism

In *On Liberty*:

“Over himself, over his own body and mind, the individual is sovereign.”

Liberty is justified because it promotes:

- Intellectual progress
- Moral development
- Long-term social happiness

Qualitative Pleasures

In *Utilitarianism* (1861), Mill distinguishes:

- Lower pleasures (sensory gratification)
- Higher pleasures (intellectual, moral, aesthetic)

“Better to be Socrates dissatisfied than a fool satisfied.”

Happiness becomes:

- Not mere pleasure
- But the cultivation of higher human faculties

Two Faces of Utilitarian Modernity

Bentham

Quantitative

All pleasures equal

Social engineering

Calculation

Mill

Qualitative

Higher & lower pleasures

Moral education

Character

Bentham: Rational, Mechanistic, Impartial

Mill: Humanistic, Aspirational. Dignity-centered

Final Insight

Utilitarianism evolves:

- From the science of pleasure
- To a theory of human flourishing

Both thinkers share a radical commitment:

Society should be organized not by privilege or tradition, but by the well-being of all.

Yet Mill expands the doctrine — integrating:

- Liberty
- Individual development
- Moral dignity

Utilitarianism thus moves

from arithmetic happiness to cultivated humanity.

The Challenge: Justice vs. Utility (2.5)

Can Utilitarianism Protect Moral Rights?

Utilitarianism judges actions by consequences:

- Right = what maximizes overall happiness

The Objection:

If violating a right increases total utility,
why not do it?

Justice seems to require:

- Stringency – absolute moral force
- Correlativity – respect for others' rights

This tension is central in:

- John Stuart Mill, Utilitarianism (Chapter V)
- Later critique by John Rawls

Mill's aim:

To show that justice is not opposed to utility —
but is its most essential expression.

Mill's Analysis of Justice

The Psychological Origin of Justice

Mill distinguishes:

Subjective Origin

The sense of justice arises from:

- Desire for retaliation against harm
- Sympathy with others

Moral education transforms these into:

- Stable commitment to fairness

Objective Justification

Justice derives its authority from:

- Its indispensable social utility

Justice protects:

- Security
- Trust
- Social cooperation

Mill writes that justice concerns the rules

“which stand higher in the scale of social utility than any others.”

Rule Utilitarianism and Moral Hierarchy

Mill anticipates the distinction between:

Act-Utilitarianism

- Judge each act by immediate consequences

Rule-Utilitarianism

- Judge moral rules by their general tendency to maximize happiness

In Chapter V, Mill adopts a rule-utilitarian framework:

- Rules of justice (do not harm, keep promises, respect rights)
- Are binding because their general observance secures long-term happiness
- Violations undermine social trust

Example:

Punishing an innocent person might calm public anger,
but a rule permitting this would destroy confidence in justice.

Mill's Moral Hierarchy

1. Ultimate principle → Utility (greatest happiness)
2. Secondary principles → Stable moral rules
3. Justice → Highest among them (secures basic security)

Utility remains foundational,
but operates through stable moral institutions.

Rights, Dignity, and the Limits of Expediency

Mill's Concept of Rights

A right = A valid claim society ought to protect.

Rights are justified because:

- Their protection promotes long-term welfare
- They secure conditions of mutual respect

Rights are not:

- Natural absolutes
- Nor mere conventions

They are **social guarantees of utility**.

Justice as the Moral Core of Utilitarianism

For Mill:

- Justice names the rules that protect the most vital conditions of happiness.
- The sense of justice is emotional in origin, but rational in justification.
- Rights are constraints justified by their role in maximizing welfare.

Mill transforms utilitarianism:

From:

- A mechanical calculus of pleasure

To:

- A structured moral system integrating liberty, dignity, and institutional trust

Justice is not a limit on utility —
it is its **moral culmination**.

The Trolley Problem & The Transplant Case

The Trolley Driver Case

- A trolley driver discovers the brakes have failed.
- Ahead: 5 people on the track.
- Two options:
 1. Do nothing → 5 people die.
 2. Turn the trolley onto another track → 1 worker dies.

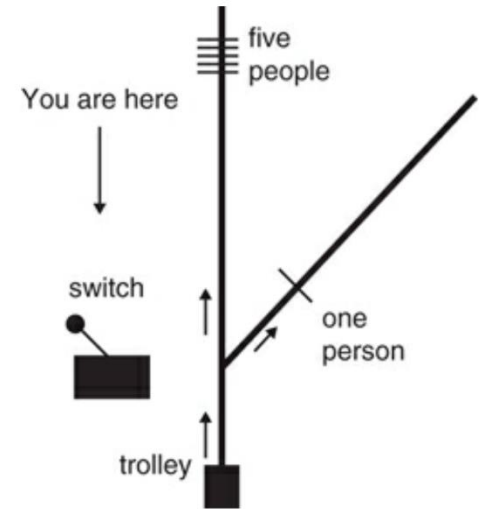
Most people believe the driver may (or must) turn the trolley.

The Transplant Case

- A surgeon has 5 patients who need organs (heart, kidneys, lungs, liver).
- Without transplants today, all 5 will die.
- A healthy patient in his office is a perfect donor.

If the surgeon removes his organs, 1 dies but 5 live.

Yet most people believe the surgeon must not kill the one patient — even to save five.



The Philosophical Puzzle

The Central Question:

Why is turning the trolley often considered permissible, but killing the patient for organs is not — when in both cases 1 dies and 5 are saved?

Foot's Proposed Solution (Philippa Foot):

- **Transplant Case:**
 - Killing one is worse than letting five die.
 - Therefore, the surgeon must refrain from acting.
- **Trolley Driver Case:**
 - Killing five is worse than killing one.
 - Therefore, the driver may (or must) turn the trolley.

The Complication: The Bystander at the Switch

- The driver has fainted.
- A bystander can pull a switch:
 - If he does nothing → 5 die.
 - If he acts → 1 dies.

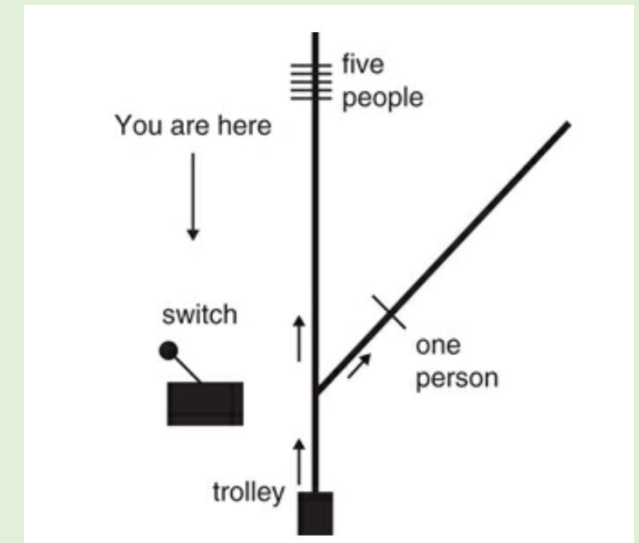
Most people say the bystander may pull the switch, which suggests:

Killing one is better than letting five die.

But this contradicts Foot's reasoning in the transplant case.

Conclusion:

The moral difference between these cases is not easily explained — raising deep questions about intention, action vs. omission, and moral responsibility.



Rights, Kant, and the Limits of Utility

What is the fundamental difference between the Bystander and the Transplant case?

To understand the difference, we appeal to Kant's Categorical Imperative (C.I.):

"Treat others as ends in themselves, never merely as means."

This principle emphasizes respect for persons and their rights, especially the right to life.

Transplant Case

- The surgeon actively creates the threat.
- He kills one innocent person to save five.
- The patient is used purely as a means.
- This is a direct violation of the victim's fundamental right to life.

→ The surgeon commits murder.

Bystander at the Switch

- The threat already exists (the runaway trolley).
- The bystander did not create the danger.
- He redirects an existing threat to minimize harm.
- All victims have equal rights.

The death of the one is a tragic consequence, but not a rights violation in the same way.

→ He does not use the victim as a means; he redistributes unavoidable harm.

Key Moral Insight

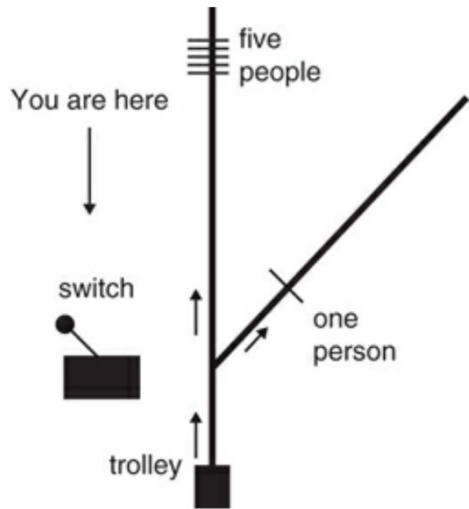
This suggests that:

- Rights can override utility.
- Not all maximization of lives saved is morally permissible.
- There are limits to utilitarian reasoning.

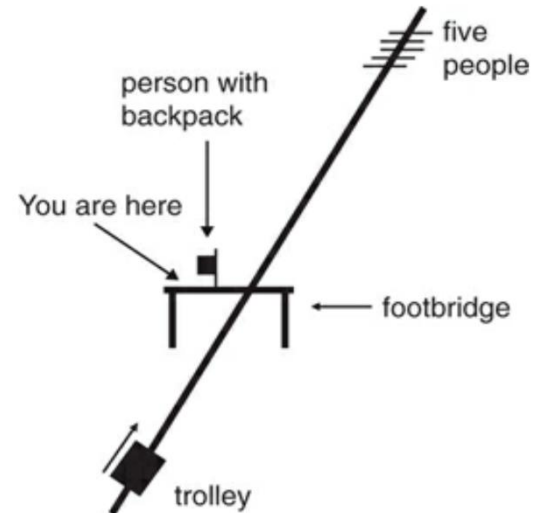
between creating a threat and redirecting one, and the primacy of rights over pure utility, reveals deep tensions between Kantian ethics and utilitarianism.

The Runway Trolley Problem

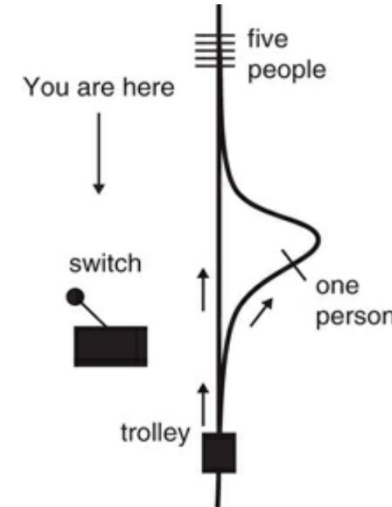
Green's Experiment



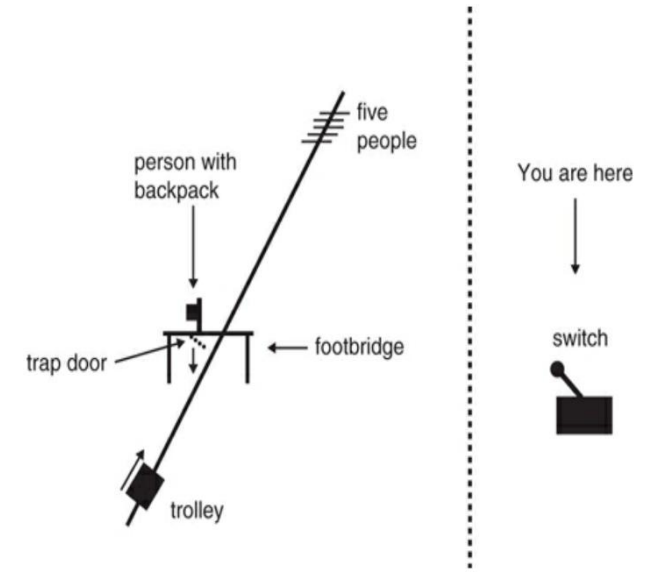
A) The **Switch** case



B) The **Footbridge** case



C) The **Loop** case



D) The **Remote Footbridge** case

Joshua Greene's research explores how people respond differently to variations of the trolley problem:

- Switch Case → Most say it is permissible to pull the switch (killing one as a side effect).
- Footbridge Case → Most say it is not permissible to push the person (killing one as a means to an end).
- Loop Case → Most say it is permissible to pull the switch, (killing one as means to an end).
- Remote Footbridge Case → Most say it is permissible to press the switch remotely.

Greene's Explanation

- In the Switch case, we rely on controlled cognitive reasoning.
- In the Footbridge case, the need for personal force triggers strong emotional and instinctive responses.
- Our moral intuitions may reflect evolved emotional mechanisms designed to limit violence within our social group.
- However, these automatic responses may not always be reliable guides for modern moral dilemmas.

Conclusion

Greene argues that we should not judge moral theories by whether they match our intuitions.

If we set aside emotionally driven responses, consequentialism may emerge as the most rational moral framework.

BOX #3.2 — The Omelas Parable: A Critique of Utilitarianism

The Story (Ursula K. Le Guin, 1973)

- The city of Omelas is perfectly happy and prosperous
- Its flourishing depends entirely on the suffering of one innocent child
- Citizens know the truth
 - Most accept it
 - Some “walk away” in moral refusal

The Philosophical Challenge

Omelas embodies classical utilitarian logic:
Sacrifice one → maximize happiness of many
If morality = maximizing total happiness,
Omelas is justified.
Yet morally, it feels intolerable.

Libertarian & Deontological Insight

- Individuals are inviolable ends in themselves
- Rights act as side constraints
- No person may be sacrificed for aggregate welfare

Parallels:

- Nozick’s Utility Monster
- Nozick’s Experience Machine

Core Question

Is happiness still good
if it is unjustly bought?

For libertarian thought:

Justice depends not on total pleasure,
but on respecting each person’s freedom and dignity.

The Moral Conflict over Shooting Down Hijacked Aircraft

The 9/11 Emergency Scenario (U.S.)

- During the 11 September 2001 attacks, U.S. authorities faced reports of hijacked civilian aircraft possibly heading toward major targets.
- Vice President **Dick Cheney**, acting under emergency conditions, authorized the military to shoot down a hijacked plane if necessary.
- No interception occurred: the aircraft crashed after passenger resistance.
- The episode illustrates a **utilitarian emergency logic**: accepting the possible killing of innocents to prevent a far greater loss of life.

Utilitarianism, Human Dignity, and State Power

- 9/11 confronted democracies with an extreme question:
Can the state intentionally kill innocents to prevent greater harm?
- Scenario: a hijacked civilian aircraft used as a weapon
- Two real responses:
 - U.S.: executive authorization under emergency conditions
 - Germany: law permitting shoot-down, later declared unconstitutional

Reveals a deep ethical conflict between utilitarian reasoning and rights-based limits

The Moral Conflict over Shooting Down Hijacked Aircraft

The Utilitarian Argument

Preventing the Greater Harm

- Moral value of actions judged by their consequences
- If shooting down a plane saves thousands on the ground:
 - The act may be **morally permissible or obligatory**
- Innocent deaths are tragic but outweighed by lives saved
- Attractive in emergencies because it offers:
 - A clear rule: minimize total loss of life

Moral risk:

- Treats individuals as part of a cost–benefit calculation

The Moral Conflict over Shooting Down Hijacked Aircraft

Deontology and the Core Conflict

Rights, Dignity, and Moral Limits

- Deontological ethics reject sacrificing innocents for collective benefit
- Human beings possess inviolable dignity and must not be used as means
- German Constitutional Court:
 - State may never intentionally kill innocent civilians
 - Even to prevent catastrophic harm
- Core tension:
 - Utilitarianism → prioritizes outcomes and security
 - Deontology → enforces absolute moral and constitutional limits
- Key takeaway:
 - A liberal constitutional order is defined by what it refuses to do, even in emergencies

The Moral Conflict over Shooting Down Hijacked Aircraft

The Moral Dilemma

Utilitarianism, Human Dignity, and State Power

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The Justification Problem: Why Happiness? (2.6)

The philosophical challenge:

Why should happiness be the ultimate moral end?

In Utilitarianism (Chapter IV), Mill argues:

- Moral principles cannot be proven deductively
- Ultimate ends are justified through experience
- “The only proof that something is desirable is that people desire it”

Mill's two-step argument:

1. Each person desires their own happiness
→ Happiness is a good for each person
1. General happiness = sum of individual happiness
→ General happiness is good for all

Conclusion:

Happiness is the only intrinsic good; all other goods (wealth, virtue, power) are valuable because they contribute to it.

The Alleged «Naturalistic Fallacy»

Criticism (notably by G. E. Moore):

- Mill moves from:
 - “People desire happiness”
 - to “Happiness ought to be desired”
- Called the naturalistic fallacy

Mill’s defense (interpreted charitably):

- He does not claim logical deduction from “is” to “ought”
- Instead:
 - What humans stably desire under reflection
 - Provides evidence of what counts as good

Key idea:

Moral value is grounded in human nature → a form of moral naturalism.

From Individual to General Happiness

Problem:

Why should I care about others' happiness?

Mill's answer: moral psychology + social development

- Humans are naturally social
- Possess sympathy and capacity for identification
- Education expands moral concern
- We internalize a “social feeling of mankind”

Three layers of justification:

1. **Empirical:** Happiness is the only ultimate end
2. **Social:** My happiness depends on cooperation & justice
3. **Moral:** Enlightened sympathy expands self-interest

Result:

Maximizing general happiness = realizing our higher rational and social nature.

Why We Ought to Maximize Social Utility

Mill's cumulative justification rests on three levels:

1 Empirical

- Happiness is the only thing desired for its own sake.

2 Social

Individual happiness depends on:

- Justice
- Trust
- Stable institutions
- Cooperation

3 Moral-Psychological

- Internal sanctions (conscience) motivate us.
- Virtue becomes part of happiness itself.

Virtue is not opposed to happiness — it becomes a component of it.

Final Synthesis

People ought to maximize social utility because:

- Happiness is the only ultimate end.
- The happiness of each depends on the happiness of all.
- Acting for the general good fulfills our rational and social nature.

For Mill, utilitarianism is not cold calculation —

it is the moral development of humanity toward a state where:

The happiness of each is bound up with the happiness of all.

Mill vs. Kant

The source of Moral Authority

Immanuel Kant

- Morality grounded in pure reason
 - The only unconditionally good thing: the good will
 - Moral law = Categorical Imperative
- Act only on maxims you can will as universal law.

Obligation is:

- A priori
- Autonomous
- Independent of consequences

Right action = **conformity to duty**

John Stuart Mill

- Morality grounded in human nature and experience
- People naturally desire happiness
- Moral obligation arises from:
 - Sympathy
 - Education
 - Internal sanctions (conscience)

Right action = what promotes the greatest happiness

Core Contrast:

Kant → morality justified by rational necessity

Mill → morality justified by human well-being

Mill vs Kant

Consequences, Reason, and Motivation

a) The Role of Consequences

Kant

- Non-teleological
- Outcome irrelevant to moral worth
- Even disastrous consequences do not negate a good will

Mill

- Teleological & consequentialist
- The good (happiness) defines the right
- Consequences are morally decisive

(b) Reason and Desire

Kant

- Moral agent rises above inclination
- Desire = heteronomy
- Acting morally = acting from reason alone

Mill

- Does not reject desire — refines it
- Happiness is a natural end
- Reason expands sympathy and aligns self-interest with social good

Key Difference:

Kant → morality restrains desire

Mill → morality cultivates and enlarges it

Mill vs Kant

Moral Progress and Mill's Legacy

Two Visions of Moral Universality

Aspect	Kant	Mill
Basis of morality	Pure reason	Human nature
Right action	Duty	Utility
Motivation	Respect for law	Enlightened sympathy
Moral law	Categorical imperative	Greatest happiness principle
Consequences	Morally irrelevant	Morally decisive

Two Paths to Moral Progress

Kant:

- Progress = triumph of rational autonomy over inclination
- morality as obedience to rational law

Mill:

- Progress = expansion of sympathy, liberty, and social cooperation
- morality as the rational pursuit of shared human flourishing

Mill's Legacy: Justice, Liberty & Liberal Equality

Mill transforms utilitarianism into a liberal moral theory:

- Rights protect long-term happiness
- Liberty is a condition of social progress
- Individuality strengthens collective well-being

Influence on later thinkers:

- John Rawls – A Theory of Justice
→ Justice as fairness (correcting utilitarian aggregation)
- Amartya Sen
→ Capability approach (human flourishing beyond utility)

Mill's Achievement:

- Reconciles justice and utility
- Grounds rights in social well-being
- Unites reason, sympathy, and liberty

Utilitarianism becomes not a cold calculus —
but a philosophy of moral progress and human development.

The Population Challenge to Utilitarianism (2.7)

Derek Parfit and the Limits of Utility

Utilitarianism:

- Maximize happiness
- Minimize suffering
- Promote the greatest good for the greatest number

But when applied to:

- Population size
- Future generations
- Intergenerational justice

It generates paradoxes.

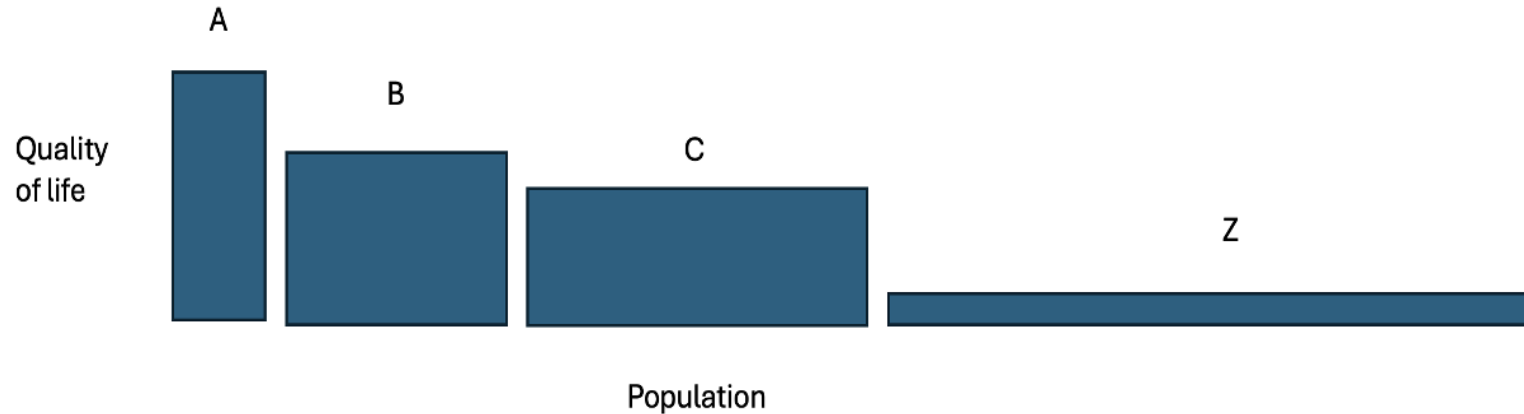
Two major challenges from Reasons and Persons (1984):

- The Repugnant Conclusion
- The Non-Identity Problem

Both expose a structural tension:

Can happiness be meaningfully aggregated when the number and identity of persons change?

The Population Challenge to Utilitarianism



Parfit's thought experiment:

- World A → Small population, very high quality of life
- World B → More people, slightly less happy
- Continue expanding population while lowering average happiness
- Eventually reach World Z:
 - Billions of people
 - Lives barely worth living

Under **total utilitarianism**:

If total happiness in Z > total happiness in A

→ Z is morally better than A.

The Repugnant Conclusion:

A vast, mediocre population is better than a smaller, flourishing one.

This seems morally grotesque — yet it follows logically from maximizing total utility.

Failed Escape: Average Utility & Non-Identity Problem

1 Average Utilitarianism

Instead of maximizing total happiness, maximize average happiness.

Problem:

- Imagine “Paradise Island” (100/100 happiness).
- Discover another island (90/100 happiness).
- The global average decreases.

Average utilitarianism implies:

The world becomes worse by adding more happy people.

This leads to the “sadistic implication”:

Fewer happy people may be better than more happy people.

2 The Non-Identity Problem

Key insight:

Different policies create different future people.

Example:

- Policy A: Resource depletion
- Policy B: Sustainability

Future generations under A and B will be different individuals.

If future people under A have lives worth living:

- They cannot claim to be harmed
- Without A, they would not exist

Therefore:

No specific person is made worse off.

This undermines person-based moral reasoning about future generations.

Why Utilitarianism Becomes Unstable

Utilitarian responses:

Option 1: Total Utilitarianism

- Maximize total happiness
- Leads back to the Repugnant Conclusion

Option 2: Average Utilitarianism

- Maximize average happiness
- Can prefer fewer happy people

Utilitarianism oscillates between:

- Vast mediocre populations
- Smaller exclusive ones

The Deeper Problem

Utilitarianism assumes:

- A fixed set of individuals whose welfare can be aggregated

But in intergenerational contexts:

- The identity of persons varies
- There is no stable moral community

This undermines the foundation of utilitarian calculation.

Epicurus vs. Utilitarianism — What Is the Value of Life?

The Central Question

How should we evaluate life — and death?

Is death a harm? Can life be “weighed”?

Epicurus: Death Is Nothing to Us

In the Letter to Menoeceus, Epicurus argues:

“When we exist, death is not present; and when death is present, we do not exist.”

- Good = pleasure (absence of pain, ataraxia)
- Death = absence of sensation
- No subject → no experience → no harm

Implications:

1. Death does not harm the person who dies.
2. Fear of death is irrational.
3. Wisdom consists in cultivating tranquility, not fearing mortality.

Epicurus offers psychological liberation — not a theory of social value.

The Utilitarian Reversal — Life as Future Happiness

Utilitarianism (Bentham, Mill, Singer) defines value by:

- Pleasure vs. pain
- Happiness vs. suffering
- Consequences for sentient beings

The Deprivationist Account of Death

Death is harmful because:

- It deprives a person of future positive experiences.
- The harm lies in the loss of potential happiness.

Life's value = the “area under the curve” of well-being over time.

Practical Implications

- In medicine: quality of life may outweigh mere longevity.
- In triage: saving the person with more potential life-years may maximize utility.
- Life is valuable not because it is sacred, but because it can be good.

Death is bad when it reduces total well-being —

unless continued life would produce more suffering than happiness.

Peter Singer and the Ethics of Euthanasia

Singer's Utilitarian View

In Practical Ethics, Singer argues:

- The value of life depends on its quality of consciousness.
- Moral priority: minimize suffering and respect preferences.
- Biological life alone has no intrinsic sacred status.

Euthanasia

- Voluntary euthanasia → justified if it relieves unbearable suffering.
- Non-voluntary euthanasia → may be justified if no prospect of net positive experience exists.

Core principle:

*The morally relevant question is not "Is it human?"
but "Can it suffer?"*

Objections & Tensions

Critics argue:

- It undermines human dignity.
- It risks instrumentalizing vulnerable lives.
- Utility is difficult to measure.

Conclusion

- **Epicurus:** Death is nothing to us.
- **Utilitarianism:** Death is harmful because it removes future happiness.

Modern bioethics often follows the utilitarian insight:

Life matters because it contains experience and well-being.

When suffering irreversibly outweighs happiness, the moral priority may shift from prolonging life to relieving pain.

Utilitarianism's enduring legacy: rational compassion grounded in the reality of sentient experience.

From Bentham to Singer: A Living Tradition (2.8)

Two centuries after

Jeremy Bentham formulated the principle of utility, utilitarianism remains central to applied ethics.

Core idea:

Right actions maximize happiness and minimize suffering.

Originally:

- Reform of law and institutions
- Rational calculus of pleasure and pain

Today:

- Global poverty
- Bioethics
- Animal rights
- Climate change

Modern revival through

Peter Singer

Singer transforms utilitarianism into a global ethic of responsibility.

From Bentham to Singer: A Living Tradition (2.8)

1 Bioethics: Life, Death, and Suffering

In *Practical Ethics*:

- Moral status depends on consequences for sentient beings.
- Sanctity of life is not absolute.
- If future life contains only severe suffering, ending it may reduce total harm.

Applications:

- Euthanasia
- Assisted suicide
- Abortion
- Severe infant disability

Focus shifts from:

“Is life sacred?”

to

“Does continued life increase well-being?”

2 Animal Liberation

Animal Liberation

Bentham asked:

Can they suffer?

Singer rejects speciesism:

- Animal suffering counts morally.
- Factory farming and animal testing impose vast avoidable harm.

Impact:

- Ethical veganism
- Animal welfare legislation
- Expansion of moral considerability beyond humans

Utilitarianism becomes cosmopolitan and cross-species.

Effective Altruism & Environmental Ethics

1 Effective Altruism

In:

The Life You Can Save

The Most Good You Can Do

Singer argues:

- Each person's suffering counts equally.
- Wealthy individuals are morally obligated to donate effectively.
- Use evidence to maximize positive impact.

This transforms utilitarianism into:

- Data-driven philanthropy
- Global impartiality in action

2 Environmental Ethics & Future Generations

Utilitarian reasoning extends to:

- Climate change
- Deforestation
- Species extinction

Future suffering counts as much as present suffering.

Ethical imperative:

- Reduce carbon emissions
- Limit consumption
- Protect ecosystems

Utilitarianism becomes planetary in scope.

Critiques & Enduring Legacy

Major Criticisms

Rights-based theorists

- Risk of sacrificing individuals for aggregate welfare.
- Insufficient respect for dignity.

Virtue ethicists

- Reduces morality to calculation.
- Neglects character and moral emotion.

Communitarian & feminist critics

- Ignores relational and contextual dimensions of moral life.

Bioethical critics

- Undermines intrinsic worth of vulnerable persons.

Enduring Legacy

Despite criticism, modern utilitarianism:

- Expands the moral circle
- Grounds ethics in suffering and well-being
- Promotes global responsibility
- Encourages consistency between belief and action

From Bentham's social reform to Singer's global activism, utilitarianism remains:

A rational ethic of compassion applied to real-world consequences.

LIBERTARIANISM

Libertarianism in the 21st Century

Core Foundations

- Rooted in Enlightenment individualism
- Central principle: self-ownership
- Rights to:
 - Private property
 - Freedom of contract
 - Resistance to coercion
- Moral affinity with rational/ethical egoism
 - Self-interest → human flourishing

Key Thinkers & Strands

- Classical Liberalism: Markets as ethical & spontaneous order (Hayek, Friedman)
- Minimal State: Protect against force, theft, fraud (Nozick)
- Anarcho-Capitalism: All state functions privatizable (Rothbard)
- Left-Libertarianism: Equal claim to natural resources; basic income (Steiner, Van Parijs)

Libertarianism & Global Challenges

Strengths

- Voluntary cooperation
- Decentralization
- Entrepreneurial initiative
- Moral self-responsibility

Tensions

- Climate change → diffuse harm & collective action problem
- Migration → open borders vs. associative autonomy
- Global poverty → rejection of coercive redistribution

Central Question

Can a theory grounded in individual rights and self-interest adequately address collective global risks and interdependence?

Enduring Appeal:

Justice through the protection of liberty —
but in a deeply interconnected world, liberty itself may need rethinking.

Murray Rothbard (1926 – 1995)

- American heterodox economist of the Austrian school and political theorist whose writing have played a seminal role in the development of the modern American libertarian movement and anarcho-capitalistic views.
- He asserted that all services provided by “the monopoly system of the corporate state” could be provided more efficiently by the private sector and wrote that the state is “the organization of robbery systematized and writ large”.
- He opposed central banking and the fractional-reserve banking system. He was critical of classical economists (Smith, Ricardo) but also some “libertarian “ economists such as Milton Friedman. He accused Friedman to be a statist for his views on monetary matters that favored a positive role of the Central Bank. He was very critical of J.M. Keynes for his statist views labelling him a shallow political opportunistic.
- On ethics he was a fierce opponent of utilitarianism. He also distanced himself from his mentor, the Austrian school’s economist Von Mises, by accusing him of often using utilitarian arguments. On the contrary, Rothbard attempted to assert an objective, natural law basis for the free market founded on a theory of ownership borrowed from John Locke’s ideas.
- He was a strong critic of egalitarianism and of the civil rights movement. “Equality is not on the natural order of things, and the crusade to make everyone equal in every respect (except before the law) is certain to have disastrous consequences”.
- He opposed the war. He believed that “war is the health of state”. This was the reason for his opposition to aggressive foreign policy. War is a means for imposing a permanent militarization upon the economy and society in bringing to the country a permanent industrial military structure and a permanent system of conscription. He made two exception to general condemnation of war: the American Revolution and the War for Southern Independence. He sided with the Confederates.



Rothbard: Foundations of Anarcho-Capitalism

- **Who Was Rothbard?**
- Austrian School economist
- Architect of anarcho-capitalism
- Combined:
 - Austrian economics
 - Lockean natural rights
 - Radical anti-statism

The State as Systematic Coercion

- State = “organization of robbery systematized”
- Not a neutral guarantor of order
- Every state function replaceable by voluntary markets
- Rejects:
 - Socialism & welfare statism
 - Minimal state (against Nozick)

The Non-Aggression Axiom (NAA)

Core Principle

No person or group may initiate force against the person or property of another.

Aggression = invasion.

- Everyone has the right to be free from aggression.

Political Implications

- Defense of civil liberties:
- Freedom of speech, press, assembly
- Legality of “victimless crimes” (drugs, prostitution, pornography)

Opposition to:

- Conscription → “slavery on a mass scale”
- War → “mass murder”
- Taxation → “robbery”

Economic Implications

- No state interference in property or markets
- Laissez-faire capitalism
- Free contract & voluntary exchange
- Right to inheritance and bequest

View of the State:

Historically the central aggressor and intruder.

The Non-Aggression Axiom (NAA)

Three Justifications

1. Emotivism
 - Based on subjective moral intuition
2. Utilitarianism
 - Liberty maximizes welfare
 - But allows exceptions (police, military, welfare, education)
3. Natural Rights (Rothbard's View)
 - Rights derived from human nature
 - Part of natural law tradition
 - Humans are rational, self-directed beings

Interference through violence violates human nature.

Self-Ownership

To deny self-ownership implies:

- I. One class owns another → slavery
- II. Everyone owns everyone equally → impossible communalism

Both alternatives are incoherent or self-destructive.

Property Rights & Homesteading

Ownership of Material Goods

- Survival requires transforming nature
- Property acquired by mixing labor with resources (Locke)

Alternatives:

- Another person/group owns the product → unjust
- Collective world ownership → oligarchic control in practice

Ownership of Land

Three possibilities:

1. First user (homesteading)
2. Group ownership
3. Ownership by “the world”
 - Henry George: land tax (“single tax”)
 - Rothbard: pioneer transforms land → legitimate owner
 - Accepts Lockean proviso (minimally interpreted)

Core Claim

Property rights and human rights are inseparable.

Without control over resources, liberty becomes meaningless.

Property Rights, War, Egoism & Anti-Egalitarianism

Property Rights = Human Rights

- Free speech requires control over resources
- No meaningful liberty without private property

Society & Individualism

- “Society” is not a moral agent
- Only individuals act and hold rights
- “Collective interests” = rhetorical cover for coercion

War & Civil Liberties

- “War is the health of the state”
- Opposed nearly all wars
- Defended:
 - Free speech, press, assembly
 - “Victimless crimes” (drug use, prostitution, pornography)

Rational & Ethical Egoism

- Individuals should pursue rational self-interest
- Moral self-assertion justified if respecting others’ equal rights
- Grounded in natural law (not Rand’s metaphysical egoism)

Critique of Egalitarianism

- Equality beyond equality before the law = coercive
- Redistribution violates natural rights
- Anti-egalitarianism central to his political ethics

Environment, Migration & Property Rights

a) Environment: Property as the Solution

- Environmental harm = violation of property rights
- Pollution = aggression under the Non-Aggression Axiom
- Remedies:
 - extend private ownership (air, water, land)
 - Trade emission rights
 - Legal redress through private lawsuits

Rejects:

- Regulation & environmental taxation
- Utilitarian cost–benefit reasoning
- Rawlsian intergenerational justice
- → Prioritizes present individual rights over collective or future claims

b) Migration: Freedom & Association

- Individuals have the right to move & contract freely
- In a fully privatized society:
 - No “public space”
 - Entry depends on property owners’ consent

Migration becomes:

A matter of property rights, not state policy

Critics: may enable exclusion or discrimination

Rothbard: morally permissible within voluntary relations

Global Inequality & the Limits of Libertarian Justice

c) Poverty & Redistribution

- Poverty $\neq$ injustice
- Redistribution = coercion
- Rejects welfare, taxation, foreign aid

Only legitimate aid:

- Voluntary charity

Opposes:

- Utilitarian global welfare (Singer)
- Contractarian cosmopolitan justice (Pogge)

Ethical Foundation

- Justice = absence of aggression
- Liberty > equality
- Resonates with rational/ethical egoism
- No altruistic duties beyond consent

Conclusion: Rothbard in the Global Age

- Radical defense of natural liberty
- State = obstacle to justice
- Strength: exposes dangers of coercive paternalism
- Limit: struggles with collective goods & global interdependence

Central Question:

Can justice exist without coercion in a world of shared vulnerability?

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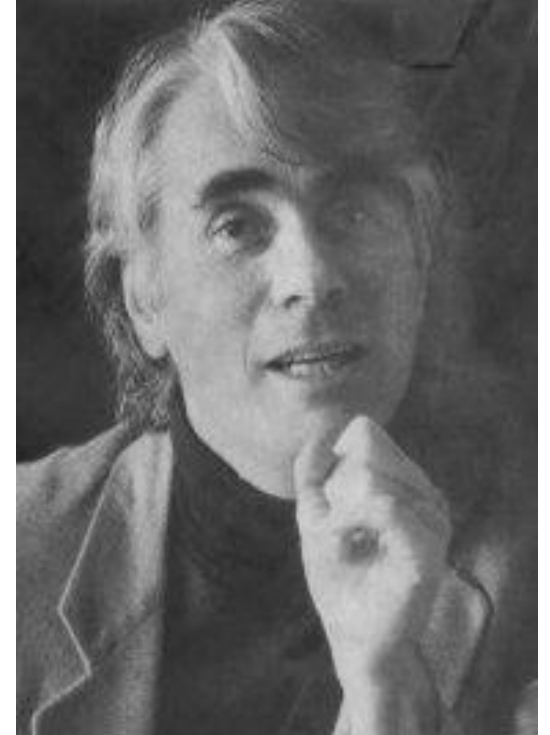
Robert Nozick (1938 – 2002)

➤ He was born in Brooklyn. When he was very young he joined the Norma Thomas's Socialist Party. Later, he will be influenced by the anarcho-capitalist economist Murray Rothbard and he will develop a libertarian view.

➤ In “Anarchy, State, and Utopia” he challenged John Rawls' A Theory of Justice. He argued that only a “minimum State limited to the functions of protection against force, theft, fraud and enforcement of contracts, could be justified”. For Nozick a distribution of goods is just if brought about by free exchange among consenting adults from a just starting positions even if large inequalities emerge from the process.

➤ Nozick appealed to the Kantian notion that people should be treated as end not merely as means to other ends and criticizes redistribution policies because violate this principle.

➤ He created the idea of the “Experience Machine” and of the “Utility Monster” to show that utilitarianism was fundamentally flawed.



Robert Nozick: From Socialism to Libertarianism

- Born 1938, Brooklyn; early socialist sympathies
- Influenced by Hayek and Rothbard
- Major work: Anarchy, State, and Utopia (1974)
 - Response to Rawls' A Theory of Justice
- Shift from egalitarianism → strong defense of:
 - Individual autonomy
 - Property rights
 - Anti-redistribution

Central Concern:

What is the morally legitimate scope of the state?

Entitlement Theory: Self-Ownership & Justice in Acquisition

1 Self-Ownership as Moral Foundation

- Individuals are inviolable ends in themselves
- Each person owns:
 - Their body
 - Their talents
 - Their labor

Inspired by Locke & Kant

→ No one may use another without consent.

2 Justice in Acquisition

How can someone come to own something?

- Initially unowned resources may be appropriated
- Legitimate if:
 - Acquired without force or fraud
 - Lockean Proviso respected
(others are not made worse off)

Example:

- Mixing labor with land → ownership
- Homesteading creates entitlement

Justice is about how property originates, not about equal starting points.

Entitlement Theory: Self-Ownership & Justice in Acquisition

3 Justice in Transfer

- Voluntary exchange between consenting adults
- Gifts, trade, inheritance are legitimate
- If acquisition was just, and transfer is voluntary → resulting holdings are just
Even if distribution becomes highly unequal (*just preserving principle*).

4 Rectification of Injustice

- Past injustices (theft, slavery, expropriation) must be corrected
- Current holdings unjust if rooted in coercion
- BUT: Nozick gives no detailed mechanism for large-scale historical repair
Major open problem in global contexts.

Pattern vs. History

Nozick rejects patterned theories of justice (e.g., equality, need, merit).

Key claim:

Justice is historical, not end-state.

Any attempt to maintain equality requires:

Continuous interference

Repeated violations of liberty

Redistribution disrupts voluntary patterns that naturally emerge from free exchange.

Locke's Original Proviso (1690)

- Property acquired by mixing labor with nature
- Moral constraint:

One may appropriate only if “enough and as good” is left for others.

Meaning:

- Private property must not deprive others of access to survival
- Property legitimate only if others are not disadvantaged

Locke's baseline = fair access to common resources

Nozick's Reformulation: From Equality to Non-Worsening

Nozick weakens the proviso:

Appropriation is just if it does not worsen others' situation compared to the state of nature.

Key shift:

- From “equal share” → to “no harm”
- Baseline = not equality, but absence of deterioration

Justice = non-worsening, not fairness.

The Proviso in Entitlement Theory & Its Limits

The Water Hole Example

- Fencing a desert water hole is legitimate
 - ✓ If others can still access water reasonably
 - ✗ If exclusion threatens survival

Legitimacy depends on:

Whether others are made worse off than before property existed.

Role in Entitlement Theory

Just distribution arises from:

1. Just acquisition (respecting proviso)
2. Just transfer (voluntary exchange)
3. Rectification (correcting past injustice)

Justice is historical, not patterned.

Inequality is acceptable if produced through just processes.

Minimal Constraint in Practice

Nozick argues:

- Market economies increase productivity
- Most people are better off than in a pre-property state

→ Proviso rarely violated

Critiques

Dilutes Locke's egalitarian spirit

Allows extreme inequality

Ignores structural power and cumulative disadvantage

For libertarians:

Minimalism preserves liberty

Strong property rights remain intact

Historical Justice & Critique of Redistribution

- Justice depends on how holdings were acquired
- Redistribution violates entitlement
- Taxation of labor = comparable to forced labor

However:

- History includes slavery, colonization, theft
- Rectification principle required
- No clear blueprint for correcting historical injustice

Tension:

How to address deep global inequalities within entitlement theory?

Patterned vs. Historical Justice

Many theories of justice rely on a pattern:

- Equality
- Distribution by need, merit, or contribution

Nozick calls these “patterned principles.”

The Thought Experiment

1. Start with a perfectly just equal distribution (D_1).
2. Wilt Chamberlain signs a voluntary contract:
3. Each fan gives him 25 cents.
4. A million fans attend → Wilt becomes much richer (D_2).

All transfers are voluntary.

If D_1 was just, and transfers were voluntary, then D_2 must also be just.

The Core Argument

To restore equality:

- The state must forcibly redistribute Wilt’s earnings.

But this violates:

- Self-ownership
- Property rights
- Voluntary exchange

Conclusion

“Liberty upsets patterns.”

Justice is historical, not end-state.

Maintaining equality requires continuous coercion.

Redistribution treats individuals as means to collective goals.

For Nozick:

Respecting liberty means accepting inequality when it arises from voluntary choice.

From State of Nature to the Ultraminimal State

1 The Starting Point: Lockean State of Nature

- Individuals possess natural rights:
 - Life
 - Liberty
 - Property
- Rights function as moral side constraints
- No central authority

But problems arise:

- Disputes over justice
- Biased self-enforcement
- Risk of escalating retaliation

Even if people have rights, enforcement is unstable.

2 Rise of Private Protection Agencies

To secure rights, individuals:

- Hire private protection agencies
- Agencies compete in the market
- Provide arbitration, enforcement, defense

Over time:

- One agency becomes dominant in a territory
- Smaller agencies either merge or disappear

This produces the Ultraminimal State:

- Protects only paying clients
- Holds a monopoly on force in practice

Important:

No rights violation has occurred yet — this emerges through voluntary processes.

From State of Nature to the Ultraminimal State

3 The Problem of Independent Enforcers

What about individuals who:

- Refuse to join the dominant agency?
- Try to enforce justice themselves?

The dominant agency may:

- Prohibit them from using private force
- To prevent risky or biased enforcement

But this restriction limits their liberty.

4 The Compensation Principle

To justify this restriction:

- The dominant agency must compensate those excluded
- It extends protection to everyone — even non-clients

Now we have the Minimal State:

- Monopoly on legitimate force
- Protects all individuals
- Limited strictly to:
 - Protection against force, theft, fraud
 - Contract enforcement

No: Redistribution – Welfare - Paternalistic laws

Key Claim

The minimal state emerges through an “invisible-hand process”, not through social contract or coercive imposition.

It is morally justified because:

No one's rights are violated in its formation.

Critique of Utilitarianism

Rights as Side Constraints

Rights are absolute moral boundaries.

Two Thought Experiments:

- Experience Machine
Pleasure ≠ authentic life
We value reality & agency.
- Utility Monster
Maximizing utility may sacrifice individuals.

Utilitarianism ignores inviolable rights.

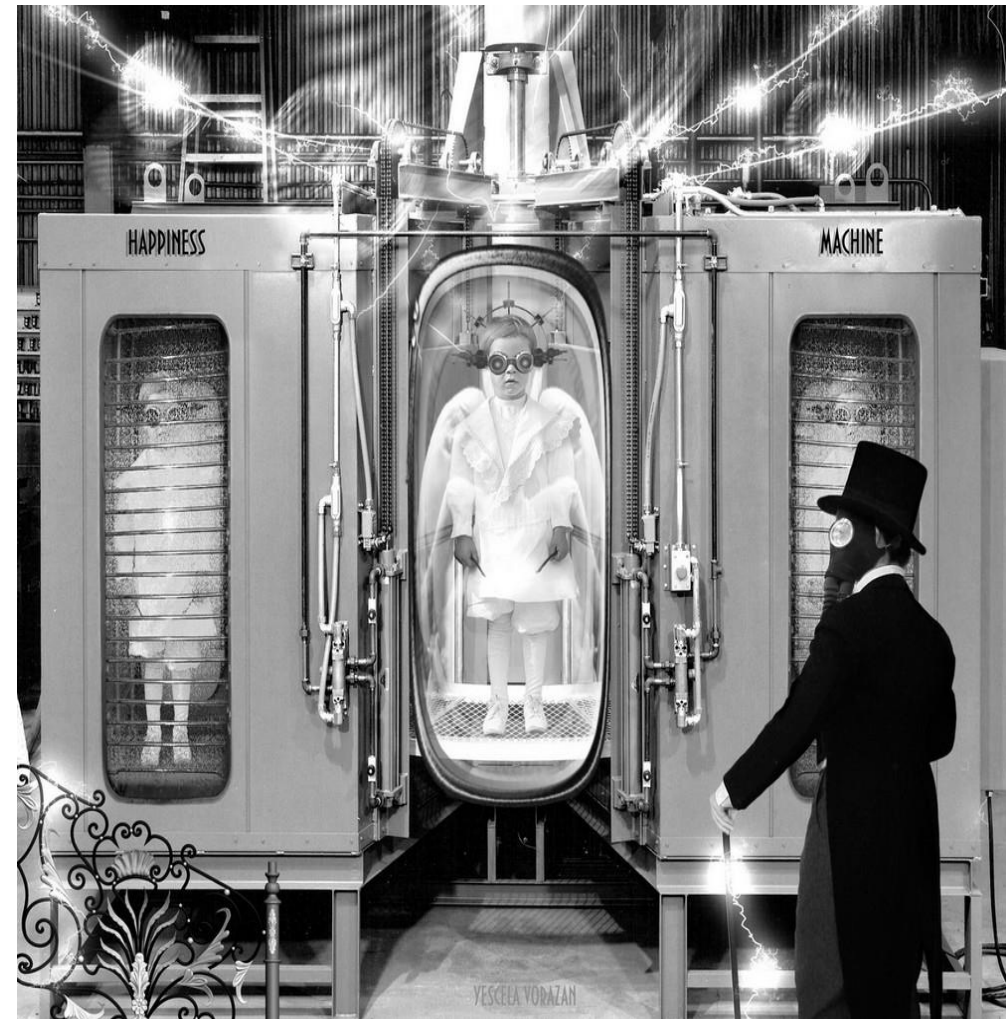
Conclusion:

Individuals cannot be used merely as means for aggregate welfare.

The Experience Machine

“Suppose there were an experience machine that would give you any experience you desired. Superduper neuropsychologist could stimulate your brain so that you would think you were writing a great novel, or making a friend, or reading an interesting book. All the time you would be floating in a tank, with electrodes attached to your brain. Should you plug in this machine for life, preprogramming your life’s desires?... Of course while in the tank you won’t know you are there; you will think it’s actually happening...Would you plug in? What else can matter to us, other than how our lives feel from the inside?

Robert Nozick, *Anarchy, State, and Utopia*, 1974



Utility Monster

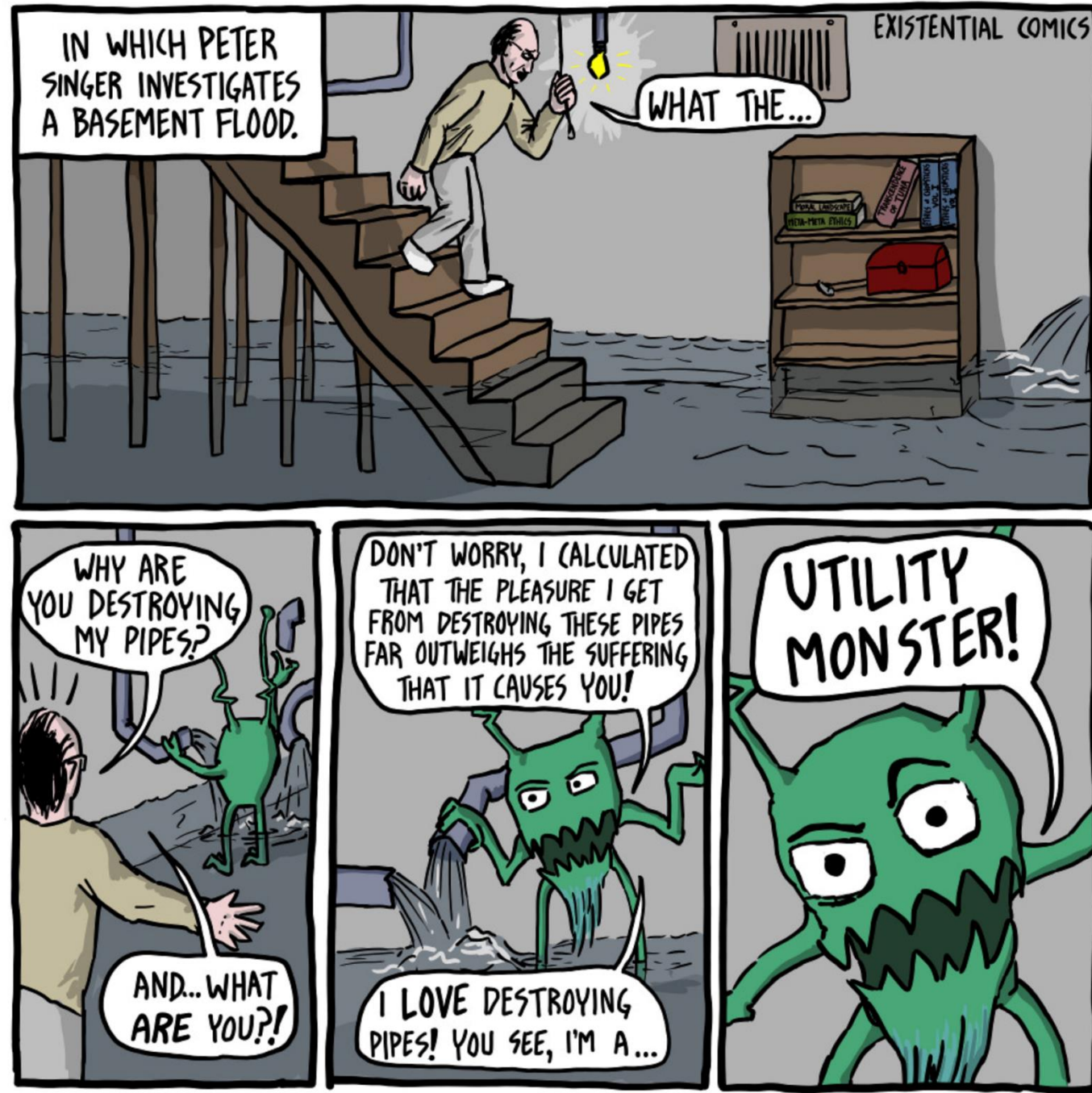
Utilitarian theory is embarrassed by the possibility of utility monsters who get enormously greater gains in utility from any sacrifice of others than these others lose. For, unacceptably, the theory seems to require that we all be sacrificed in the monster's maw, in order to increase total utility. Robert Nozick, *Anarchy, State, and Utopia*, 1974



Utility Monster

A **Utility Monster** is a thought experiment by Robert Nozick, which criticizes utilitarianism. He asks us to imagine a monster which receives more utility (more pleasure basically) from each unit of resources than any humans do. It is therefore logical, and indeed morally required, to give everything to the monster. For example, if we had a piece of cake, the Utility Monster would get 1000 times more joy out of eating it than any human, so the action that would cause the most total pleasure would always be to give the cake to the monster.

The pun based 'Utility Monster' depicted in the comic gets a great deal of pleasure from destroying pipes. Apparently that pleasure is so great it outweighs the pain it would cause us to have the pipes destroyed. Since that would still result in more net pleasure, it is morally required to destroy the pipes. Peter Singer is a contemporary utilitarian.



BOX #3.2 — The Omelas Parable: A Critique of Utilitarianism

The Story (Ursula K. Le Guin, 1973)

- The city of Omelas is perfectly happy and prosperous
- Its flourishing depends entirely on the suffering of one innocent child
- Citizens know the truth
 - Most accept it
 - Some “walk away” in moral refusal

The Philosophical Challenge

Omelas embodies classical utilitarian logic:
Sacrifice one → maximize happiness of many
If morality = maximizing total happiness,
Omelas is justified.
Yet morally, it feels intolerable.

Libertarian & Deontological Insight

- Individuals are inviolable ends in themselves
- Rights act as side constraints
- No person may be sacrificed for aggregate welfare

Parallels:

- Nozick’s Utility Monster
- Nozick’s Experience Machine

Core Question

Is happiness still good
if it is unjustly bought?

For libertarian thought:

Justice depends not on total pleasure,
but on respecting each person’s freedom and dignity.

Libertarianism & Global Ethics

Global Inequality

- Inequality not unjust if voluntarily produced
- No duty of enforced global redistribution
- Charity must be voluntary

Migration

- Self-ownership → supports movement
- Property rights → justify exclusion
- Unresolved tension

Environment

- Private property may prevent overuse
- But climate change = collective-action problem
- Minimal state lacks coordination power

Final Reflection

Nozick offers:

- A powerful defense of negative liberty
- A moral limit on state coercion

But raises enduring questions:

Can justice in a globalized, interdependent world be sustained solely through voluntary exchange?

Left-Libertarianism: Self-Ownership + Equality

Core Idea

Left-libertarianism combines:

- Self-ownership (libertarian principle)
- Equality of natural resources (egalitarian concern)

Key thinkers:

- Peter Vallentyne
- Hillel Steiner
- Philippe Van Parijs

Shared with Right-Libertarians (e.g., Nozick)

- Individuals own themselves
- Strong negative rights:
 - Freedom from coercion
 - Control over one's labor
 - Right to fruits of one's work

Key Difference

Natural resources:

Do NOT belong absolutely to first appropriators

Originally belong to everyone equally

Self-ownership ≠ unlimited ownership of the earth.

Locke's Proviso & Real Freedom

Egalitarian Interpretation of Locke

Appropriation is just only if:

“Enough and as good” is left for others.

Modern reading:

- Unequal use of natural resources requires compensation
- Individuals have no moral right to a disproportionate share of the earth

Policy Implication: Universal Basic Income

Philippe Van Parijs (Real Freedom for All):

- Distinguishes:
 - Formal freedom (non-interference) – negative liberty
 - Real freedom (effective capacity to act) – positive liberty

UBI funded by:

- Tax on land rents
- Natural resource value
- Common assets

Redistribution here = not coercion,
but fair sharing of common inheritance.

BOX # 3.4: The idea of Universal Basic Income

What is UBI?

- Regular cash payment
- Universal (everyone receives it)
- Individual (not household-based)
- Unconditional (no work requirement)

Core Idea: Real Freedom for All

Van Parijs distinguishes:

- Formal freedom → legal rights
- Real freedom → effective capacity to act

Justice requires:

The greatest real freedom for all, compatible with others having the same.

UBI provides:

- Security to refuse exploitative work
- Freedom to study, care, create, or participate civically
- Independence from coercive economic necessity

“Real Libertarianism”

Agrees with libertarians on self-ownership
But argues freedom must be equally meaningful
Natural resources & social capital = shared inheritance
UBI = dividend from common wealth.

Contrast with Nozick

Nozick	Van Parijs
Redistribution violates self-ownership; it takes from the entitled.	Basic income honors self-ownership by maximizing real freedom for all, funded from common resources (not others’ labor).
Liberty upsets patterns — voluntary exchanges destroy equality.	Liberty without basic security is hollow; UBI ensures genuine, not merely formal, liberty.
Justice is historical (based on voluntary transfers).	Justice must ensure fair access to opportunities and resources that are collectively created.

Key Principle

Each person should receive the highest sustainable basic income compatible with economic viability.

Freedom is not just non-interference — it is the real capacity to choose one’s life.

Contrast with Nozick & Global Implications

Against Right-Libertarianism

Nozick:

- Weak interpretation of Lockean proviso
- Inequality acceptable if voluntarily produced

Left-libertarians:

- Reject inequalities based on luck & geography
- Equal claim to value of external resources
- Self-ownership + equal world share

Global Justice Implications

If natural resources belong equally to all:

- Global inequalities require rectification
- Possible global UBI
- Carbon taxes, seabed rights, global commons funding

Core Claim

Freedom and equality are not opposites.

True liberty requires:

- Self-ownership
- Fair access to the planet's resources

Left-libertarianism = Autonomy + Equal Share of the Earth.

Libertarianism & Future Generations: No Coercive Duties

Core Position

- No enforced obligation toward future generations
- Duties cannot be imposed through:
 - Taxation
 - Redistribution
 - Regulation

Grounded in:

- Self-ownership
- Non-aggression principle
- Protection of present property rights

Policies justified “for the future” (e.g., heavy environmental mandates, public debt)

→ Seen as infringements on current liberty.

Key Claim

Moral concern may exist,
but coercive obligation does not.

Voluntary Responsibility & Market Stewardship

1 Voluntary Responsibility

- Individuals may freely act with foresight
 - Conservation, innovation, sustainability
 - Moral and prudential responsibility encouraged
- No legal compulsion required.

2 Property Rights & Long-Term Incentives

Strong private property rights:

- Encourage preservation of assets
- Promote investment & inheritance
- Align self-interest with sustainability

Markets & innovation:

- Generate technological solutions
- Adapt to scarcity through price signals

State intervention seen as:

- Distortionary
- Inefficient
- Ethically problematic

Comparison & Global Ethical Tension

Contrast with Other Theories

Rawls

- “Just savings principle”
- Collective duty to preserve institutions

Utilitarianism

- Future welfare included in aggregate calculus

Libertarian response:

Rights are side constraints

Future-oriented duties must remain voluntary

Global Challenges

In issues like:

- Climate change
- Global poverty
- Migration

Libertarian solution:

- Free markets
- Technological innovation
- Voluntary cooperation

Philosophical Tension

Can voluntary action alone:

- Protect non-existent future persons?
- Address collective long-term risks?

Libertarianism shows:

- Strong respect for autonomy
- But uncertainty about intergenerational justice

Conclusion — Libertarianism in a Shared and Wounded World

Enduring Strengths

- Moral primacy of self-ownership
- Justice as protection against coercion
- Defense of consent & voluntary cooperation
- Powerful critique of paternalism and authoritarian control

Libertarianism reminds us:

Progress must not override individual rights.

Emerging Limitations in the Global Age

- Global problems are:
- Diffuse (climate change)
- Structural (world poverty)
- Interdependent (migration systems)
- Intergenerational (future harms)

Core libertarian concepts:

Self-ownership

Non-aggression

Historical entitlement

→ Struggle to address systemic and collective harms.

Key Tensions

- Climate change ≠ easily identifiable aggression
- Poverty as misfortune vs. structural injustice
- Migration: self-ownership → open borders?
Property rights → exclusion?

Left-libertarianism softens inequality

—but remains largely individualistic.

Final Reflection

Libertarianism is:

- A vital moral warning against coercion
- A partial theory of justice

In a shared and wounded world,

liberty may require:

- Just institutions
- Collective coordination
- Intergenerational responsibility

The challenge is not liberty versus justice—

but how to rethink liberty within common, sustainable structures.

RAWLS'S CONTRACTUALISM

Contractualism: Foundations and Core Idea

What is Contractualism?

A family of political theories within the social contract tradition

Rooted in **Hobbes, Locke, and Rousseau**

Explains how legitimate political order and justice arise from voluntary agreement

Core Assumptions

Individuals are rational and self-interested

Rights and identities exist prior to social arrangements

The contract is freely accepted because it provides mutual benefit

Why Accept the Contract?

Protects individuals from harm

Enables cooperation

Promotes security and prosperity

Justifies limited restrictions (e.g. taxation, law enforcement)

👉 Justice emerges from rational agreement among free individuals.

Two Traditions of Contractualism:

1 Mutual Advantage Tradition

(Hobbes, Hume, Gauthier, game theory)

- Justice = rational compromise
- Cooperation is chosen because it produces better outcomes
- Based on bargaining power in the “initial position”
- Existing inequalities often shape agreements
- Motivation: prudence and self-interest

2 Impartiality Tradition

(Stoics, Kant, Rawls)

- Justice = impartial moral standpoint
- Principles must be acceptable to all as free and equal persons
- Independent of bargaining power
- Motivation: moral reasoning and fairness

Key Difference

Mutual Advantage: Justice is beneficial cooperation.

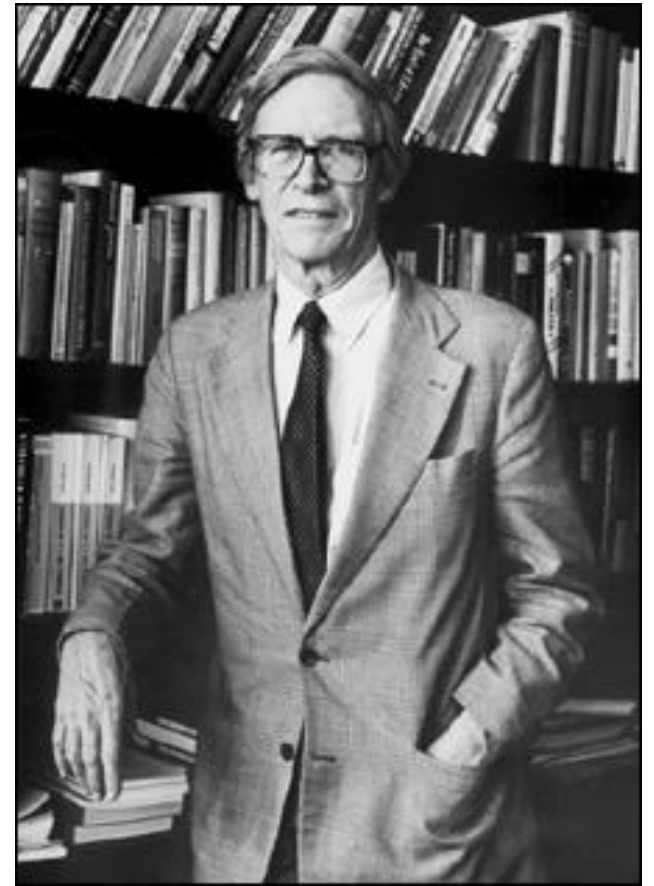
Impartiality: Justice is fairness from an equal moral standpoint.



Contractualism bridges individual freedom and social cooperation through rational agreement.

John Rawls (1921-2002)

- He was born in Baltimore the second of five son. His father was a well respected lawyer and his mother was a political activist of the League for Women Voters.
- He graduated from Princeton University. During the war he served as Infantryman in the Pacific (New Guinea and Philippines). He witness horrific scenes and lost his Christian faith. He was promoted Sergeant but since he disobeyed an order to punish a soldier because he thought it was not right he was demoted back To simple soldier.
- He was very impressed by the atomic blast in Hiroshima. He participated at some rallies in Washington against the use of atomic bombing. In the 60s he questioned the correctness of the US participation at the Vietnam's war.
- His major work is *A Theory of Justice*. Justice as fairness: "the most reasonable Principles of justice are those everyone would accept and agree to from a fair position"
- In *Political Liberalism* he points out the question of finding a political conception of justice in the context of philosophical, religious and moral disagreement among citizens regarding the human good. He also pointed out that a liberal State must commit itself to the "ideal of public reason". Citizens in their public capacity must engage one an others only using reasons whose status as reasons is shared between them.
- The *Law of People* is a comprehensive theory of international politics where he takes an anti cosmopolitan stance.



John Rawls: Life and Intellectual Formation

John Rawls (1921–2002)

- Born in Baltimore, Maryland
- Studied at Princeton University
- Served in WWII (Pacific front)
- War experiences deeply shaped his moral outlook
- Publicly critical of nuclear weapons and the Vietnam War

Major Work

- A Theory of Justice (1971)
 - One of the most influential works in 20th-century political philosophy
 - Recentered moral reasoning in political thought
 - Challenged utilitarianism
- 👉 Rawls introduced “justice as fairness” as a new foundation for liberal democracy.

From Comprehensive Doctrine to Political Liberalism

Early Phase – A Theory of Justice (1971)

- Presented a theory of justice as fairness
- Could be read as a comprehensive moral doctrine

Later Development – Political Liberalism (1993)

- Recognized permanent pluralism in democratic societies
- Distinguished between:
 - Comprehensive doctrines (religious, moral, philosophical worldviews)
 - Political conceptions of justice

Key Idea

- Citizens do not need to share the same view of the good life
- They must agree on a fair political framework

👉 Stability depends on an overlapping consensus among free and equal citizens.

From Comprehensive Doctrine to Political Liberalism

Impact

- Reshaped debates on justice, equality, and democracy
- Rejected the idea that justice = maximizing collective welfare
- Grounded justice in fairness and equal moral status

Major Critiques

Robert Nozick (libertarian critique of redistribution)

Amartya Sen (capabilities approach; focus on real freedoms)

Global Extensions

- Thomas Pogge, Charles Beitz, Martha Nussbaum
- Applied Rawlsian ideas to:
 - Global inequality
 - Human rights
 - Poverty
 - Climate justice

💡 Rawls's vision: a fair system of cooperation among free and equal persons — within and beyond national borders.

The Five Fundamental Ideas of Rawls's Theory

Justice as Social Cooperation

1 Society as a Fair System of Cooperation

- Political society = a fair system of social cooperation
- Endures over time and across generations
- Not imposed by a central planner
- Based on public rules accepted by free and equal citizens

Key Point

Cooperation requires accepting fair terms

Fair terms generate reciprocal advantage



Justice provides the moral basis for stable democratic cooperation.

The Five Fundamental Ideas of Rawls's Theory The Well-Ordered Society

2 The Idea of a Well-Ordered Society

- Governed by a public conception of justice
- Everyone accepts the same principles
- Everyone knows that others accept them too

Why It Matters

Ensures mutual trust and stability

Must work within **permanent pluralism**

Avoids imposing one single moral or religious doctrine

👉 Political unity is possible **without suppressing diversity.**

The Five Fundamental Ideas of Rawls's Theory

The Basic Structure

3 The Basic Structure

- The framework of major institutions shaping life chances
- Includes:
 - Constitution
 - Legal system
 - Property laws
 - Economic system
 - Political institutions

Function of Justice

- Regulates the basic structure
- Guides rights and duties
- Constrains institutions (churches, universities, families)

👉 Justice shapes the institutional framework that determines opportunities from birth.

The Five Fundamental Ideas of Rawls's Theory

The Original Position

4 The Original Position

A hypothetical device to determine fair principles.

Key Features

- Parties are rational and free
- Behind a veil of ignorance
- Do not know:
 - Social class
 - Wealth
 - Talents
 - Ethnicity
 - Status

Result

No one can design rules to their advantage

Ensures fairness, equality, and reciprocity

👉 Justice as fairness is grounded in impartial choice.

The Five Fundamental Ideas of Rawls's Theory

The Original Position

5 Free and Equal Citizens

Citizens possess two moral powers:

1. Sense of justice

- Ability to understand and apply fair principles

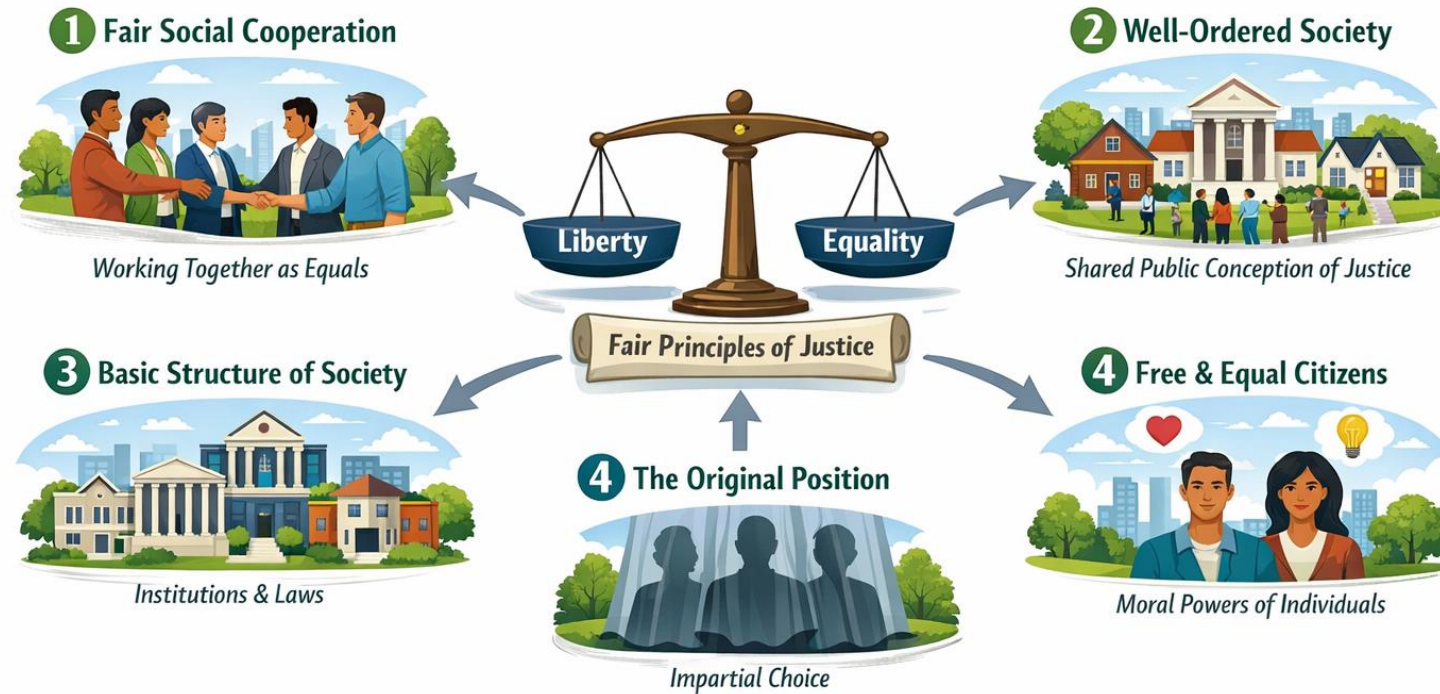
2. Capacity for a conception of the good

- Ability to form, pursue, and revise life plans

Implications

- All individuals share equal moral status
- Freedom = self-governance
- Equality = shared moral powers

Rawls's Theory of Justice: The Integrated Framework



These five ideas form one coherent structure
Together, they provide the moral foundation for Rawls's two principles of justice and the stability of democratic institutions.

The Principles of Justice

The Problem of Inequality

The Starting Point

Life prospects are shaped by factors beyond our control:

- Social class of origin
- Natural talents
- Access to education
- Luck

Rawls's Central Question

👉 When are inequalities legitimate in a society of free and equal citizens?

- Inequalities are inevitable
- They are just only if they arise from fair and publicly accepted rules

A society is stable only when citizens see inequalities as legitimate.

The Principles of Justice

The Two Principles of Justice

Rawls argues that inequalities are acceptable only if they satisfy:

1 Equal Basic Liberties

Each person has an equal right to the most extensive basic liberties compatible with the same liberties

2 Social and Economic Inequalities Must:

- Be attached to positions open to all under fair equality of opportunity
- Be to the greatest benefit of the least advantaged (Difference Principle)

Priority Rules

Basic liberties > social and economic gains

Fair equality of opportunity > difference principle

No trade-offs between liberty and economic efficiency

The Principles of Justice

Basic Liberties & Fair Opportunity

Basic Liberties Include:

- Political Rights
- Freedom of speech
- Right to vote
- Freedom of association

Civil Liberties

- Freedom of conscience and thought
- Non-political association
- Protective Rights
- Protection from coercion
- Protection against arbitrary arrest
- Fair judicial procedures

Fair Equality of Opportunity

Not merely formal equality

Individuals with similar talents must have genuinely equal chances, regardless of background

Requires institutional measures (e.g. inheritance taxation)

👉 Justice regulates the basic structure of society.

The Principles of Justice

The Difference Principle & Institutional Justice

Difference Principle

- Inequalities are justified only if they benefit the least advantaged
- Incentives are allowed — but only if they improve everyone's position

Justice is Institutional

- Justice is built into the rules of cooperation (ex ante)
- Not simply redistribution after outcomes occur

Why Regulation is Necessary

- Wealth and power accumulate over time
- Markets alone cannot preserve fairness
- Institutions must be continuously adjusted

👉 Justice does not preserve itself — it must be maintained through fair institutional design.

Primary Goods

What Are Primary Goods?

The two principles of justice regulate the basic structure of society, which determines how primary goods are distributed.

Primary Goods = Means for a Complete Life

They enable citizens:

- To exercise their two moral powers
- To pursue their own conception of the good
- To realize their life plans

👉 They are means, not ends — instruments for living freely and equally.

Primary Goods

The Five Categories of Primary Goods

Rawls identifies five main categories:

- 1 Basic Rights and Liberties
- 2 Freedom of Movement & Occupational Choice
- 3 Powers and Prerogatives of Public Office
- 4 Income and Wealth
- 5 Social Bases of Self-Respect

Distribution Principle

In the original position, citizens choose rules that

👉 maximize the index of primary goods of the least advantaged

Inequalities are justified only if they improve the condition of the least advantaged (Difference Principle).

Primary Goods

The Five Categories of Primary Goods

Amartya Sen's Critique

- Focus on goods ignores how people actually use them
- Well-being depends on capabilities (real freedoms and opportunities)
- People differ in their ability to convert goods into well-being

Rawls's Response

- Justice concerns fair terms of cooperation among fully participating citizens
- “Least advantaged” refers to the worst-off participating group (e.g. unskilled workers)
- Those at the margins (e.g. severely disabled persons) require additional principles of assistance

👉 Primary goods structure distributive justice, but questions of vulnerability and exclusion may require complementary frameworks.

How the Difference Principle Works

Position in Rawls's Framework

Subordinate to:

- 1 Equal Basic Liberties
 - 2 Fair Equality of Opportunity
- Must always operate within these constraints

Choosing a Scheme of Cooperation

Imagine society choosing between different economic systems:

Each scheme = (a, b)

a = income (primary goods index) of workers

b = income of managers

Example:

Egalitarian scheme → (10, 10)

More productive but unequal scheme → (12, 18)

👉 The second scheme is preferable because it improves the position of the least advantaged (workers).

Key Idea

Inequality is allowed — but only if it benefits the worst-off.

Rawls vs. Utilitarianism

Consider another scheme:
(11, 26)

Managers gain a lot.

Workers earn less than in (12, 18).

Utilitarianism might accept this (higher total welfare).

- Rawls rejects it — because the least advantaged are worse off.
- Core Rule of the Difference Principle

Society must choose the scheme that:

👉 Maximizes the position of the least privileged group.

What the Principle Expresses

Inequality is not an intrinsic good

It is justified only as a functional instrument of mutual benefit

Cooperation must be structured as reciprocity

💡 A just society is one where even the least advantaged can reasonably see social cooperation as working in their favor.

Talent as a Common Asset

Core Idea

Under the difference principle:

Society does not reward mere possession of natural talent

It rewards the development and cooperative use of talent

Rawls calls natural endowments:

👉 a “common asset”

This does not mean:

- The state owns individuals
- People lose ownership of their abilities

It means:

- The social value of talents arises within institutions of cooperation
- Talents become productive through interaction

Their benefits must be regulated by fair rules

💡 Inequalities are justified only when they contribute to mutual benefit.

Merit, Desert, and Rawls's Response

The Meritocratic Objection

Critics argue:

- People deserve rewards based on effort and ability
- Justice = giving individuals what they deserve

Rawls's Reply

- No one deserves their natural talents
- Being born intelligent or gifted is morally arbitrary
- Talent itself is not a basis of moral desert

However:

- Effort and contribution are rewarded
- Ambition and excellence are encouraged
- Greater rewards are permitted —
 but only if they benefit the least advantaged

Result

Merit is not abolished — it is redefined within justice.

Talent, Justice, and Global Implications

Rawls vs. Libertarianism (e.g. Nozick)

- Nozick: Redistribution violates self-ownership
- Rawls: Fair institutional rules regulate the social use of talent

In a Rawlsian society:

- Talent flourishes under fair opportunity
- Excellence is recognized
- Inequality is constrained by reciprocity
- Broader Impact

Rawls's idea of talents as a common asset influenced global justice debates:

- Charles Beitz
- Thomas Pogge

The logic extends beyond borders:

- Natural resources
- Knowledge
- Climate
- Global inequalities

👉 The accident of birth — whether talent or geography — should not determine life prospects.

From Social Contract to the Original Position

Classical Social Contract

- Hobbes, Locke, Rousseau, Kant
- Justice derived from a hypothetical “state of nature”
- Criticism: purely fictional → why would anyone be bound by it?

Rawls's Reformulation

- Introduces the Original Position
- A procedural device to make Kantian morality political
- Designed to identify rational and objective principles of justice

Key Question:

👉 Why would rational agents choose Rawls's two principles rather than utilitarianism?

The Structure of the Original Position

Who are the parties?

- Rational and instrumentally reasoning
- Self-interested but not envious
- Risk-averse
- Possess a sense of justice

Veil of Ignorance

- They do not know:
- Social class
- Natural talents
- Gender, race
- Conception of the good

They deliberate about primary goods.

Immediate Consequence

Basic liberties cannot be traded for economic gain

No one would risk ending up oppressed

👉 The first principle (equal basic liberties) is secured.

Why Choose the Difference Principle?

Possible schemes:

- A (10, 15)
- B (12, 18)
- C (11, 26)

First number = least advantaged

Second = most advantaged

Between A and B → choose B (better for all)

Between B and C → dilemma

C increases inequality but slightly harms the poor.

Utilitarian Max E(v)

Rawls's Answer: Maximin Rule

Choose the scheme that maximizes the minimum position.

This is rational if:

1. Probabilities of ending up rich or poor are unknown
2. The minimum level ensures a decent life
3. Worse schemes risk intolerable conditions

👉 Leads to the **difference principle**.

Why Choose the Difference Principle?

Possible schemes:

- A (10, 15)
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Rawls vs. Harsanyi: Fairness or Utility?

John Harsanyi's Critique

- Rational agents should maximize expected utility
- If all positions are equally likely → maximize average welfare
- Leads to utilitarianism

Core Disagreement

Rawls

Justice = fairness

Maximin rule

Protect worst-off

Moral equality

Harsanyi

Justice = efficiency

Expected utility rule

Maximize average welfare

Rational symmetry

Fundamental Tension

- Justice as fairness

vs.

- Justice as welfare maximization

💡 Rawls prioritizes moral protection of each person over aggregate efficiency.

The Law of People

From Domestic Justice to International Justice

What is the Law of Peoples?

A political conception of justice for:

Foreign policy

International law

Relations among nations

Domestic vs. International Context

Domestic Theory

Actors: Citizens

Goal: Fair social cooperation

Justice as Fairness

International Theory

Actors: Peoples (nations)

Goal: Just and peaceful global order

Law of Peoples

Inspired by Kant's Perpetual Peace, but:

-  No world government
-  A pluralist society of independent but cooperative peoples

The Law of People

From Domestic Justice to International Justice

Rawls classifies societies into five types:

1. **Liberal Peoples**
2. **Decent Peoples (together: well-ordered societies)**
3. **Outlaw States**
4. **Burdened Societies**
5. **Benevolent Absolutisms**

International Original Position

- Representatives of liberal peoples
- Veil of ignorance (don't know size, power, resources)
- See themselves as free and equal

Only societies meeting minimal standards of justice may participate.

👉 The international contract presupposes a domestic one.

The Law of People

The Eight Principles of the Law of Peoples

Delegates would agree on:

1. Freedom and independence of peoples
2. Observance of treaties
3. Equality of peoples
4. Duty of non-intervention
5. Right of self-defense only
6. Respect for human rights
7. Restrictions in war
8. Duty to assist burdened societies

⚠ No global redistribution principle

✓ Focus on human rights & institutional development

Also envisioned:

Fair trade system

World bank

Confederation of Peoples (similar to UN framework)

The Law of People

The Eight Principles of the Law of Peoples

Rawls's Key Conjecture:

👉 Liberal democracies do not wage war against one another.

Why? Internal Conditions Matter:

- Equal educational opportunity
- Moderate economic inequality
- Public reason & open debate
- Stable employment
- Social welfare guarantees
- Public financing of politics

War-prone states:

- Serve elites or powerful lobbies
- Exhibit severe inequality
- Lack democratic accountability

Core Idea

Peace is not accidental —
it flows from just domestic institutions.

The Law of People

Extending the Social Contract to Decent Peoples

Key Question:

How far should liberal peoples tolerate non-liberal societies?

Toleration means:

- No coercive sanctions
- Acceptance as full members of the Society of Peoples
- Participation in international public reason

To qualify, non-liberal societies must:

- 1 Be non-aggressive and respect other societies
- 2 Meet minimum internal standards of justice

👉 Rawls calls such societies “decent hierarchical societies.”

The Law of People

Conditions for Membership

Key Question:

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- Participation in international public reason

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- 2 Meet minimum internal standards of justice

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The Law of People

The Duty Toward Burdened Societies

Burdened societies:

- Non-aggressive
- Lack institutions or traditions needed to become well-ordered
- May suffer poverty, weak governance, or instability

Rawls's Key Point:

The goal is not global income equality.

Instead:

- 👉 Help establish just institutions
- 👉 Promote human rights
- 👉 Encourage sustainable self-government

Financial aid alone is insufficient.

Institutional reform is essential.

The Law of People

Human Rights, Development & Non-Paternalism

Rawls draws on Amartya Sen:

- Human rights are not luxuries
- They promote development
- They improve crisis response (e.g. famines)
- Women's empowerment reduces demographic pressures

Example contrast:

- Coercive population control vs. institutional reform

Assistance must:

- Avoid paternalism
- Respect traditions
- Prioritize institutional justice over GDP growth

👉 The aim is political self-sustainability.

The Law of People

Human Rights, Development & Non-Paternalism

Rawls

- Justice applies within societies
- Global order based on reciprocity
- Limited duty of assistance
- No global redistribution principle

Charles Beitz

- Global economy = cooperative system
- Distributive justice should extend globally

Thomas Pogge

- Global system perpetuates poverty
- Affluent states share responsibility
- Justice requires structural reform

Rawls

Justice within societies

Political autonomy

Duty of assistance

Moral minimalism

Beitz & Pogge

Justice beyond borders

Global distributive equality

Structural global reform

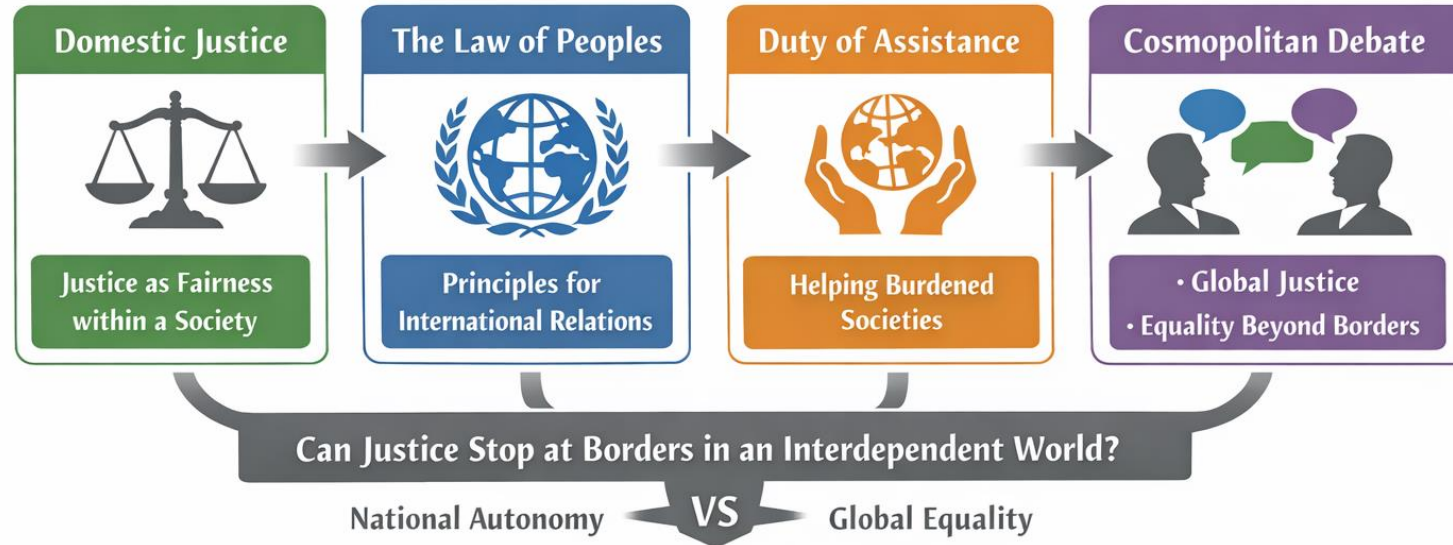
Cosmopolitan egalitarianism

Can justice remain tied to political communities
in an interdependent world shaped by inequality and climate crisis?



The debate defines contemporary philosophy of global justice.

From Domestic Justice to Global Debate



The Just Savings Principle

Core Idea:

Justice applies not only within generations but between generations.

Rawls's principle of just savings:

- Each generation must preserve sufficient resources
- To maintain just institutions over time
- Savings are a moral duty, not just economic policy

Capital includes:

- Physical resources (infrastructure, technology)
- Knowledge and culture
- Social and political institutions

👉 The difference principle governs justice within generations.

👉 The just savings principle governs justice across generations.

The Problem in the Original Position

Rawls considers two models:

Model (a): All generations deliberate together → rejected (unrealistic).

Model (b): Only contemporaries deliberate → adopted.

Problem:

- Parties are rational and self-interested
- They will not benefit from sacrifices for future people
- Therefore, they have no reason to save

Rawls introduces:

- “Ties of sentiment” across family lines
- Limited intergenerational concern

Difficulty:

- Altruism conflicts with the self-interest assumption
- Long-term problems (climate, ecology) remain insufficiently addressed

The Problem in the Original Position

Rawls revises the principle:

Each generation should adopt the saving rate:

- It would wish previous generations had followed
- And would want future generations to follow

This introduces:



Temporal reciprocity



Kantian universalizability across time

Yet problems remain:

- Future generations cannot reciprocate
- Motivation gap persists
- Risk of an “n-generation prisoner’s dilemma”

Justice between generations remains structurally fragile.

Parfit's Challenge & Sustainability

Derek Parfit – The Non-Identity Problem

- Our actions determine which future people will exist
- Hard to say we “harm” specific future individuals
- Justice cannot rely on reciprocity alone

Parfit shifts the focus:

- From contractual justice
- To the impersonal value of ensuring future lives are worth living

👉 Ethics without reciprocity

👉 Responsibility for humanity's long-term survival

Philosophical Outcome

Rawls: Justice through fair institutions across time

Parfit: Moral responsibility for the long-term future itself

💡 The debate anticipates modern issues:

- Climate change
- Environmental degradation
- Sustainability
- Intergenerational inequality

Justice must now operate not only across borders —
but across time.

APPENDIX

The Social Contract Tradition

The social contract explains:

- The origin of political authority
- The foundation of legitimate government
- The relationship between freedom and law

Three Founders:

- Thomas Hobbes
- John Locke
- Jean-Jacques Rousseau

Common Question:

👉 How can political authority be justified among free individuals?

Different answers depend on:

- Their view of human nature
- Their view of the state of nature
- Their understanding of freedom and sovereignty

Hobbes: Authority for Security

Human Nature

- Self-interested, competitive, distrustful
- Driven by survival instinct
- “Homo homini lupus”

State of Nature

- No law, no justice
- “Solitary, poor, nasty, brutish, and short”

Social Contract

Individuals surrender all rights to a sovereign

Justice arises only after the contract

Absolute authority is necessary

👉 Freedom is exchanged for security.

👉 Sovereignty must be unlimited.

Locke: Government to Protect Rights

Human Nature

- Rational and cooperative
- Governed by natural law

State of Nature

- Generally peaceful
- But property insecure (no neutral judge)

Social Contract

- Individuals transfer limited rights
- Retain natural rights:
 - Life
 - Liberty
 - Property

Government:

- Must protect rights
- Limited and constitutional
- Can be replaced if it fails

👉 Authority exists to protect rights, not to dominate.

Rousseau: Freedom Through the General Will

Human Nature

- Naturally good and compassionate
- Corrupted by inequality and institutions

State of Nature

- Simple, free, equal
- Property creates inequality

Social Contract

- Individuals unite under the general will
- Sovereignty remains with the people
- Laws express the common good

Freedom:

- Not doing whatever one wants
- Obeying laws one has helped create

Hobbes

Order

Absolute sovereign

Fear & security

Locke

Rights

Limited government

Natural rights

Rousseau

Freedom

Popular sovereignty

Moral autonomy

Final Comparison

Hobbes

Order

Absolute sovereign

Fear & security

Locke

Rights

Limited government

Natural rights

Rousseau

Freedom

Popular sovereignty

Moral autonomy

Final Comparison

	Hobbes	Locke	Rousseau
Human Nature	Self-interested, fearful, competitive	Rational, cooperative, morally guided	Naturally good, corrupted by society
State of Nature	Violent, insecure, chaotic	Generally peaceful but unstable	Simple, free, equal
Main Problem	Fear of violent death	Insecure property	Inequality from private property
Purpose of Contract	Create order & security	Protect natural rights	Restore freedom & equality
What Is Given Up?	All rights to sovereign	Some rights (retain life, liberty, property)	Natural freedom transformed into civil freedom
Type of Government	Absolute sovereignty	Limited constitutional government	Popular sovereignty
View of Freedom	Security under authority	Protection of individual rights	Obedience to laws one makes oneself
Key Idea	Authority creates justice	Government protects rights	General will expresses common good

Affirmative Action

Ideal vs. Non-Ideal Justice

Rawls's Distinction

- Ideal Theory → A perfectly just society under full compliance
- Non-Ideal Theory → Justice under unjust historical conditions

Affirmative action belongs to:

👉 Non-ideal justice

Why?

- Legal discrimination may be abolished
- But structural inequality persists
- Historical injustice shapes present opportunity

Core Question:

Is affirmative action unfair favoritism —
or corrective justice?

Affirmative Action

The Bakke Case (1978)

Regents of the University of California v. Bakke

- UC Davis Medical School reserved 16/100 seats for minority applicants
- Allan Bakke (white applicant) was denied admission twice
- Claimed reverse discrimination

Legal issue:

- Violation of the Equal Protection Clause (14th Amendment)?
- Violation of the Civil Rights Act (1964)?

Supreme Court Decision

-  **Racial quotas unconstitutional**
-  **Race may be considered as one factor among others**
- **Diversity recognized as a compelling interest**

Justice Lewis Powell's opinion became decisive.

 The Court rejected rigid quotas but allowed limited affirmative action.

Affirmative Action

Rawls: Fair Equality of Opportunity

Rawls's second principle requires:

Fair equality of opportunity

Not just:

Formal equality before the law

But:

- Substantive equality of prospects
- Similar talent + motivation → similar chances

In a society shaped by:

- Slavery
- Segregation
- Intergenerational disadvantage

Formal neutrality reproduces inequality.

From a Rawlsian view:

Affirmative action may function as a

 temporary corrective mechanism
to restore real equality of opportunity.

Affirmative Action

Thomson: Preferential Hiring as Moral Repair

Judith Jarvis Thomson (1973):

Affirmative action is:

- Not punishment of innocent individuals
- Not reverse discrimination

It is:

👉 **Institutional moral repair**

If historical injustice still shapes outcomes,
fairness requires intentional correction.

Important dimension:

- Psychological repair
- Restoring dignity
- Breaking cycles of exclusion

Justice here means rebalancing a distorted starting point.

Affirmative Action

Justice as Transitional Correction

Rawls's difference principle:

- Inequalities justified only if they benefit the least advantaged

Affirmative action:

- Introduces limited inequality
- Aims to benefit historically excluded groups
- Functions as a non-ideal extension of Rawlsian justice

Key Insight:

In an unjust world,
strict neutrality can perpetuate injustice.

Sometimes justice requires:

👉 Partiality toward the wronged
to restore impartiality in the future.



Affirmative action can be understood as
a transitional instrument of justice —
designed to move society closer to fair equality of opportunity.