

# JUSTICE: INTRO TO POLITICAL PHILOSOPHY



**Alexandra Ellison**

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Overview:

The Fundamental Question  
of Justice

John Locke and the Social  
Contract

John Rawls and the  
Original Position

Friedrich Hayek and the  
Market-Based Basic  
Structure

Which is the correct  
Theory of Justice?

# INTRODUCTIONS

- ❑ Alexandra Ellison, [ellison9@stanford.edu](mailto:ellison9@stanford.edu)
- ❑ she/her pronouns, call me Alexandra
- ❑ Sophomore, majoring in Political Science and minoring in Spanish
  - ❑ Research interests include political philosophy about distributive justice, voting rights, and Latin American politics!

# THE FUNDAMENTAL QUESTION OF JUSTICE

How should we set up our society in a way that can fairly split the **benefits** and **burdens** of social cooperation?



# NO JUSTICE (OR INJUSTICE) WITHOUT COOPERATION

Alice



# NO JUSTICE (OR INJUSTICE) WITHOUT COOPERATION

Alice



If Alice lives by herself, she takes on **100%** of the benefits of her labor and **100%** of the burdens

Burden: picking the coconut  
Benefit: eating the coconut

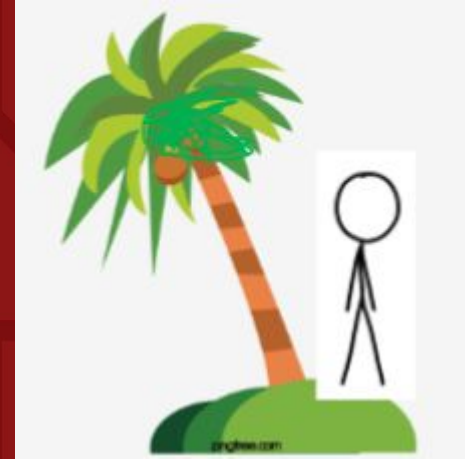
# NO JUSTICE (OR INJUSTICE) WITHOUT COOPERATION

Alice



Alice can produce one coconut on her own.

Bernardo

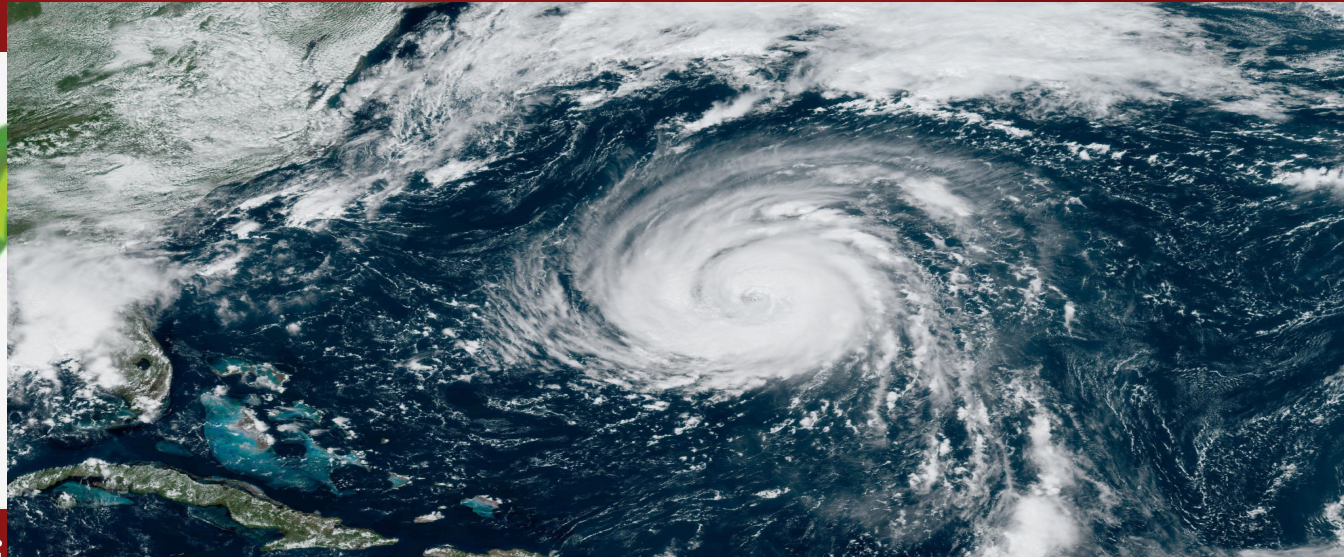


Bernardo can produce one coconut on his own.

# NO JUSTICE (OR INJUSTICE) WITHOUT COOPERATION

Alice

Bernardo

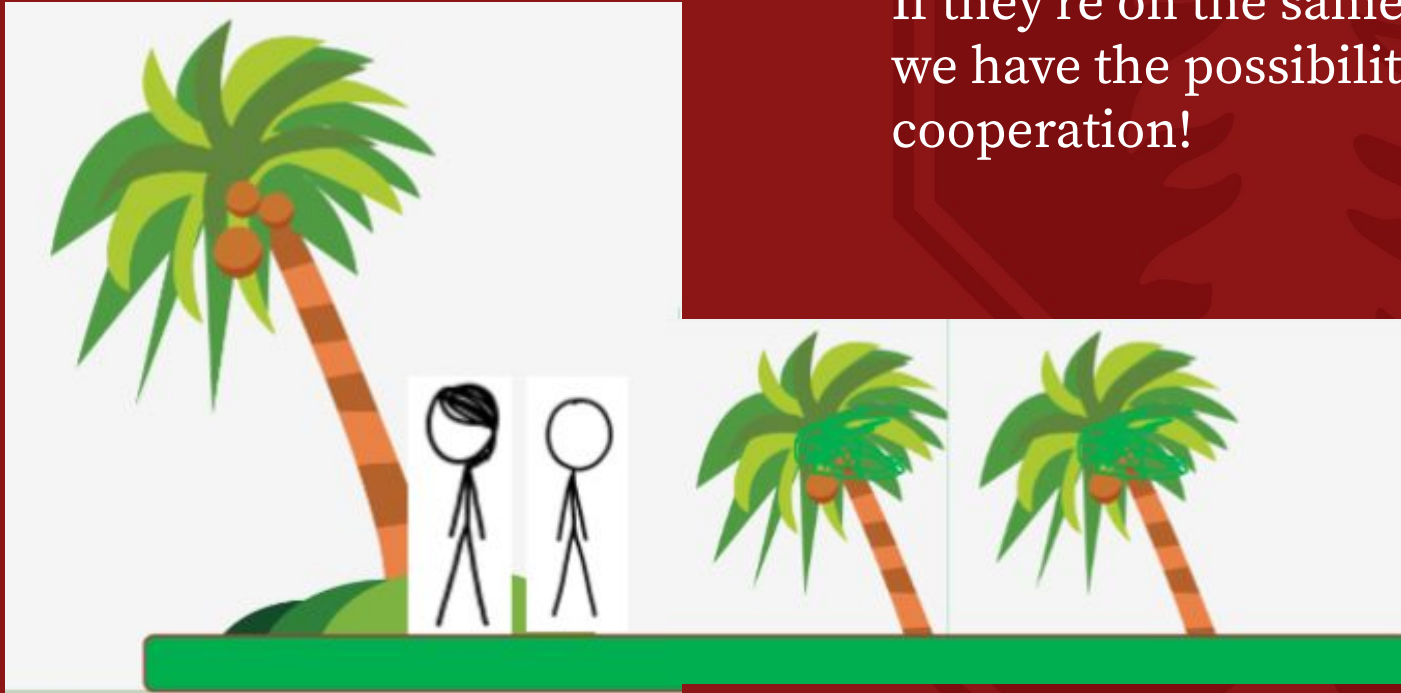


Alice can produce one coconut on her own.

Bernardo can produce one coconut on his own.



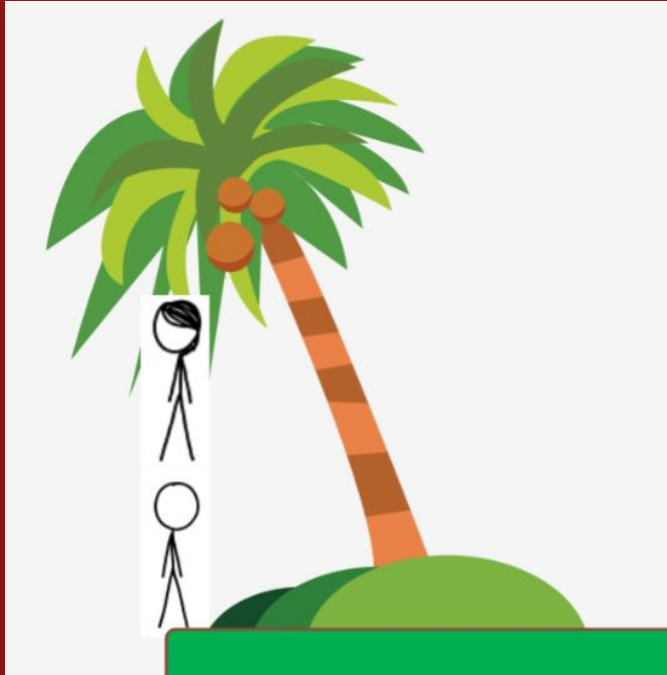
# SOCIAL COOPERATION



If they're on the same island,  
we have the possibility of  
cooperation!



# SOCIAL COOPERATION



If one stands on the other's shoulders, they can reach the taller tree with 3 coconuts.

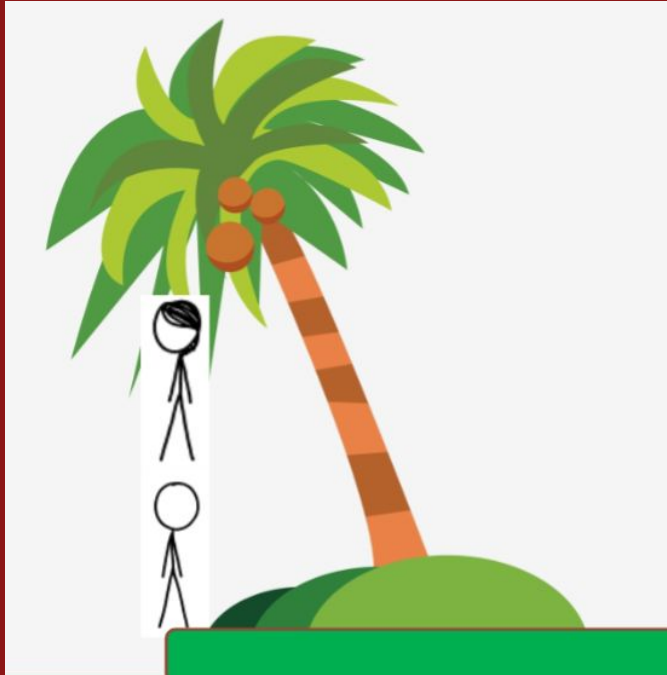


# SOCIAL COOPERATION

*Social cooperation generally produces much more than the sum of what the people cooperating could produce solely as individuals.*



# SOCIAL COOPERATION

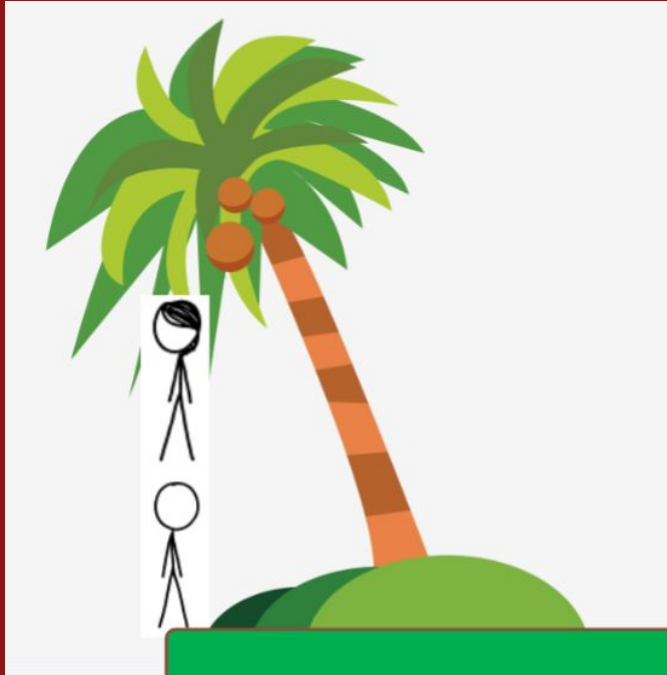


3 coconuts = *benefit of social cooperation*

Having someone stand on your shoulders = *burden of social cooperation*



# SOCIAL COOPERATION



The fundamental question of justice:  
How should Alice and Bernardo split up  
the benefits and burdens of social  
cooperation?



# BENEFITS OF SOCIAL COOPERATION



*Social cooperation generally produces much more than the sum of what the people cooperating could produce solely as individuals.*

Why might this be true in real life?

# BENEFITS OF SOCIAL COOPERATION

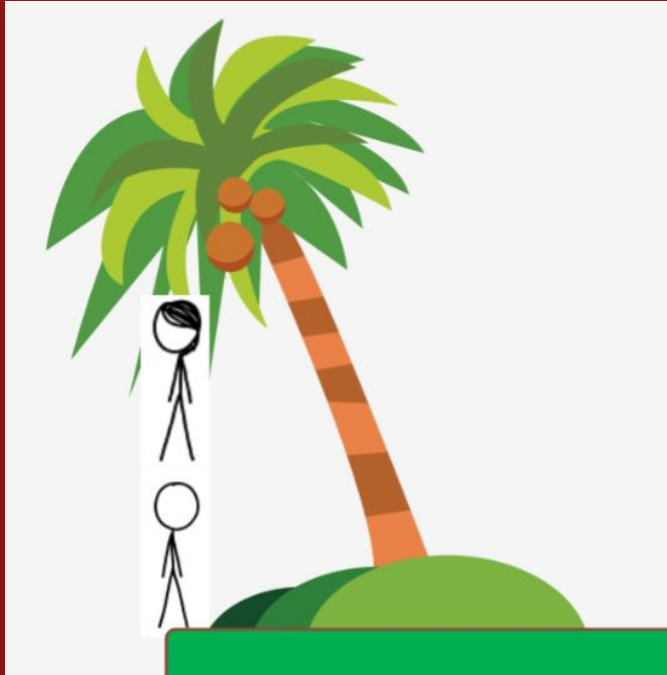


Lots of reasons, including...

- Specialization
- Efficiency of scale
- Many tasks require multiple people
- Use of stuff and ideas produced in the past



# HOW BIG ARE THE “BENEFITS OF SOCIAL COOPERATION?”



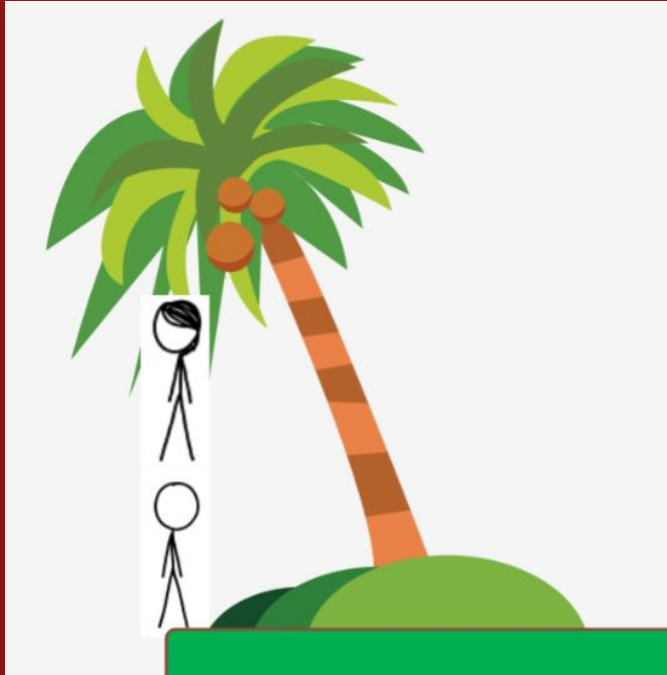
If they don't cooperate, A and B can pick 2 coconuts total.

Working together, they can pick 5 coconuts total, so 60% of their stuff is a benefit of social cooperation.





# WHAT DO THEORIES OF JUSTICE DO?



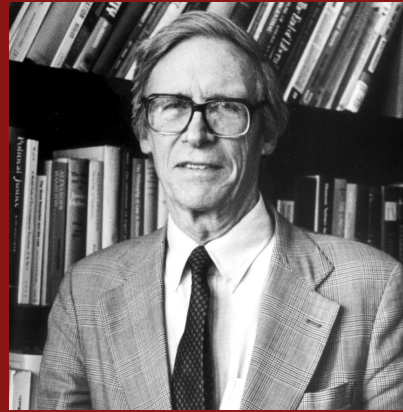
*A theory of justice is a set of claims about (1) how the benefits and burdens of social cooperation should be split up, and (2) why that's the right way.*



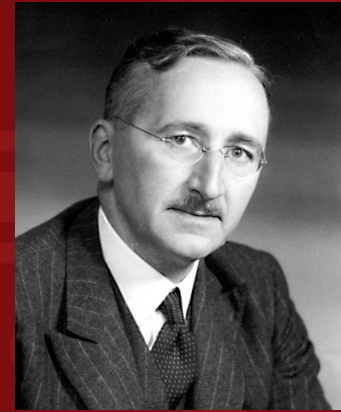
# PHILOSOPHERS



John Locke



John Rawls



Friedrich hayek

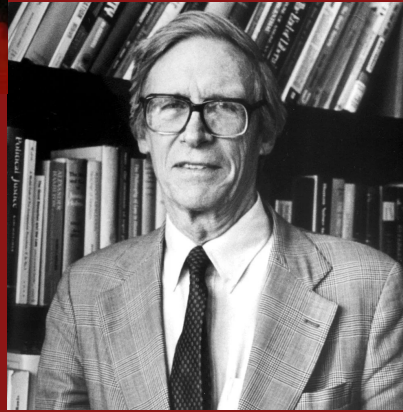
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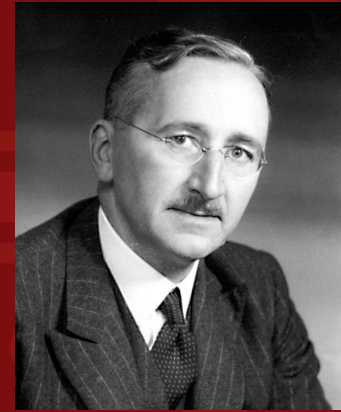
David Hume



John Locke



John Rawls

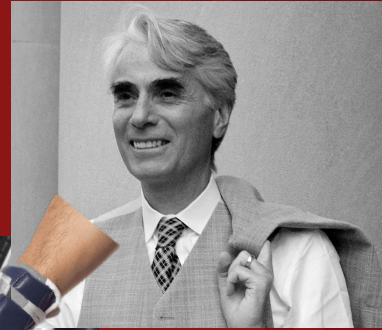


Friedrich hayek

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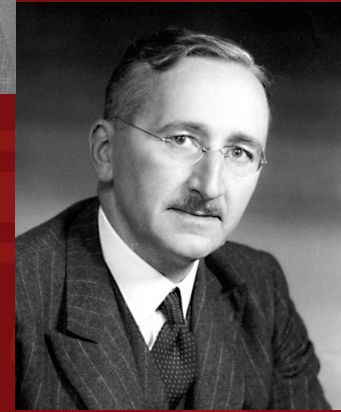
Robert Nozick



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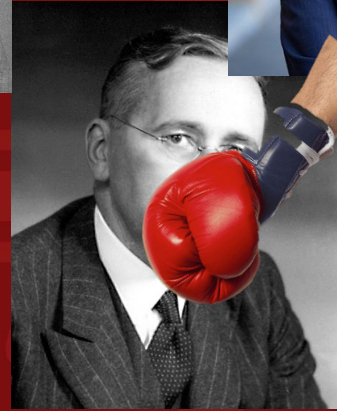
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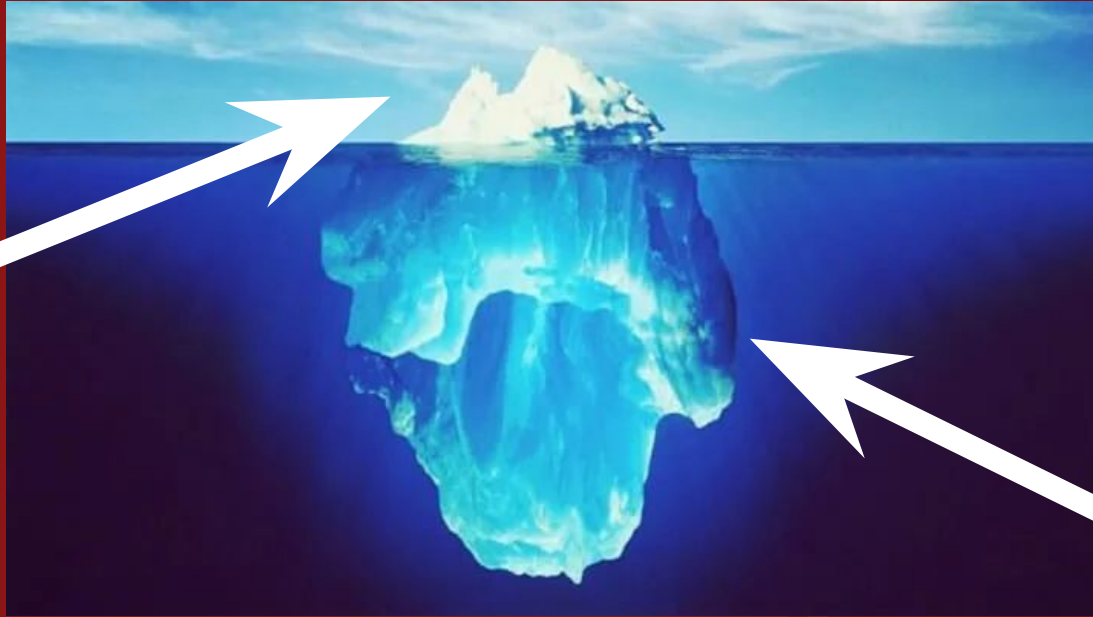


Debra Satz

# ICEBERG THEORY



# ICEBERG THEORY



What we  
will cover

What there  
is left to  
explore

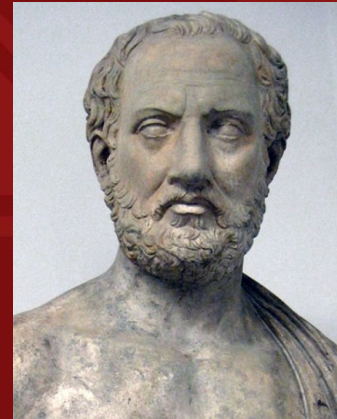


# WHY SHOULD WE CARE ABOUT JUSTICE?



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“We shall not trouble you with specious pretenses [...] since you know as well as we do that right, as the world goes, is only in question between equals in power, while **the strong do what they can and the weak suffer what they must.**” -Thucydides, *History of the Peloponnesian War*



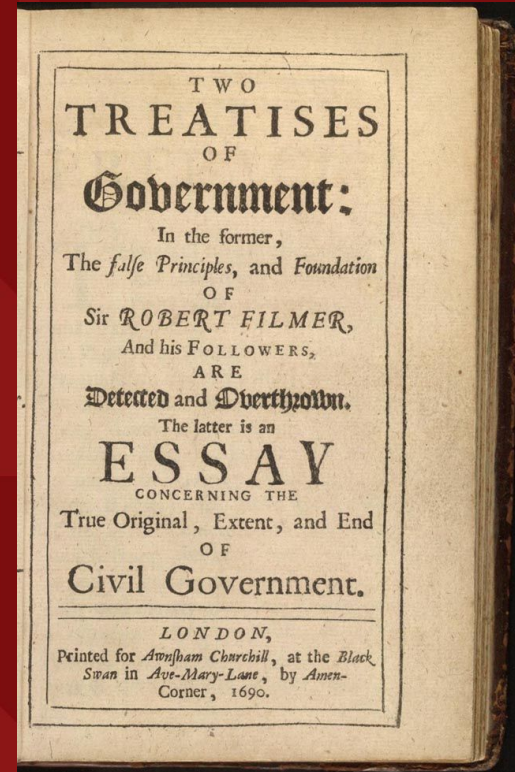
Thucydides

# WHY SHOULD WE CARE ABOUT JUSTICE?

- ❑ In Thrasymachus' world, Might makes Right.
  - *"The strong do what they can and the weak suffer what they must."*
- ❑ Thomas Hobbes calls the Thrasymachus world the "state of nature."
  - If we live in the state of nature, there's no point in discussing justice at all.
- ❑ However, in the modern world people are born into a pre-existing society. Because we expect people to grow up, become citizens, and follow the rules of society, **we have reason to care whether or not they are being treated fairly within that society.**

# THE STATE OF NATURE

“[W]e must consider, what state all men are naturally in, and that is, a state of perfect freedom to order their actions, and dispose of their possessions, as they think fit, [...] without asking leave, or depending upon the will of any other man.”  
-John Locke, *Second Treatise of Government*, Ch. 2.



# THE STATE OF NATURE

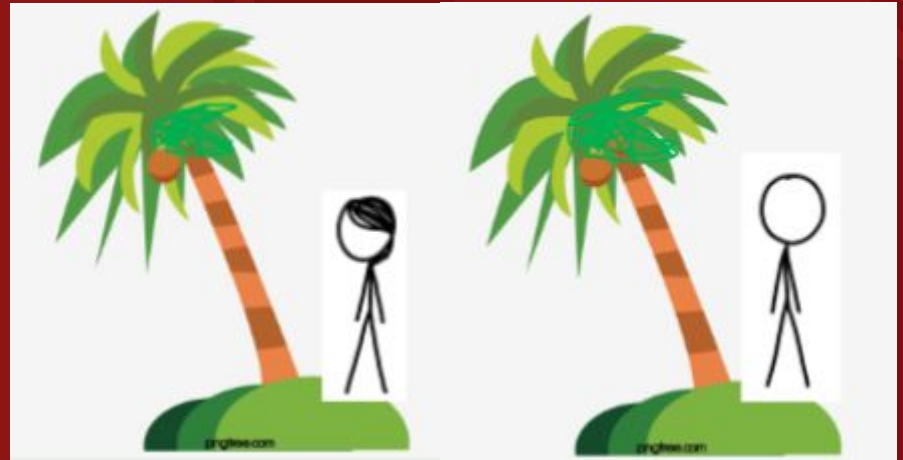
Locke believes that all people start out in the state of nature, where there is no government and everyone can do whatever they want.



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- ❑ In the state of nature, laws are useless because no one can enforce them
- ❑ If Bernardo takes Alice's coconut, she has the right to take it back by force

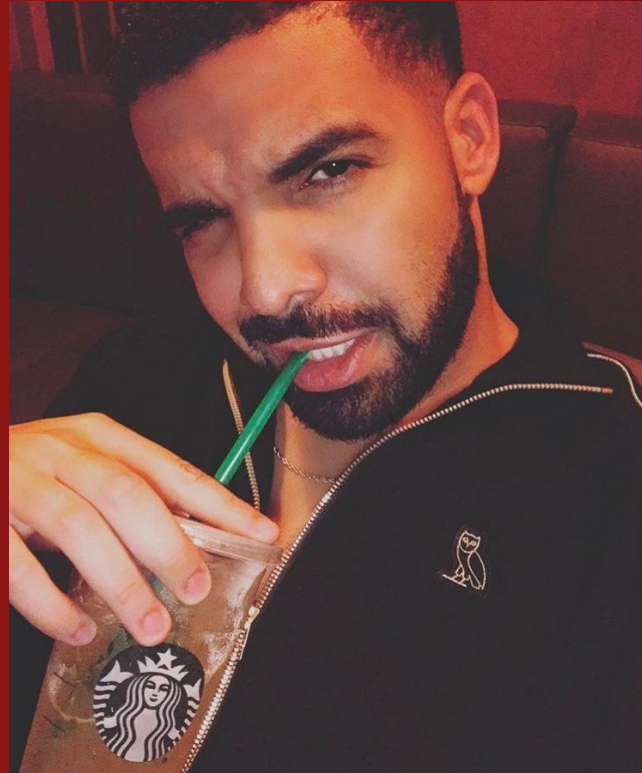




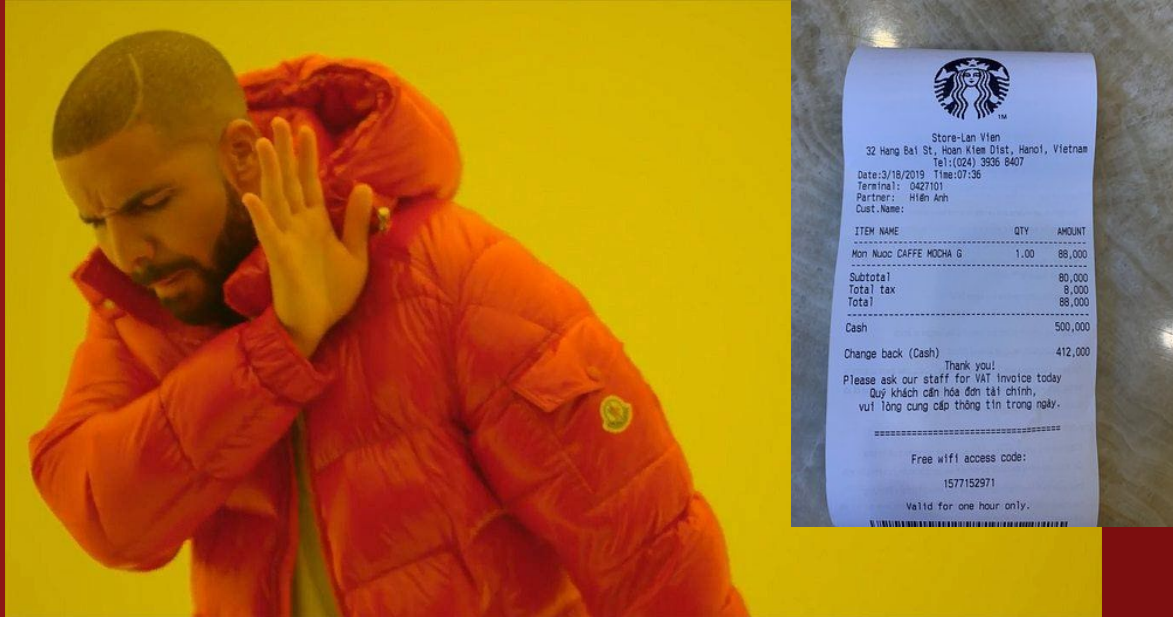
# SOCIAL CONTRACT THEORY



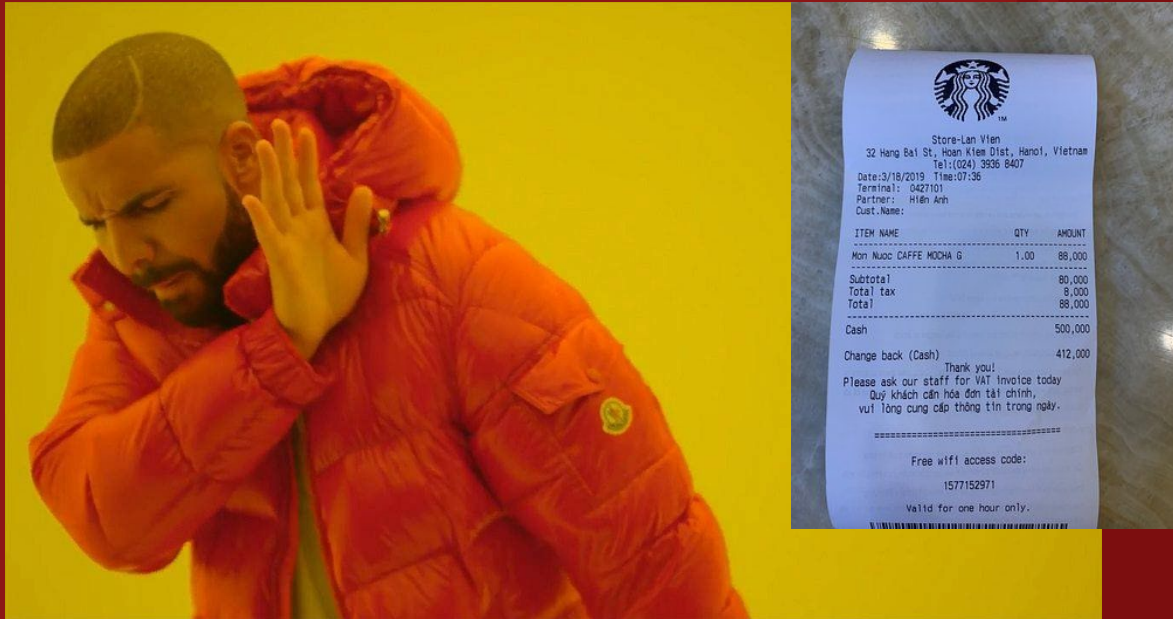
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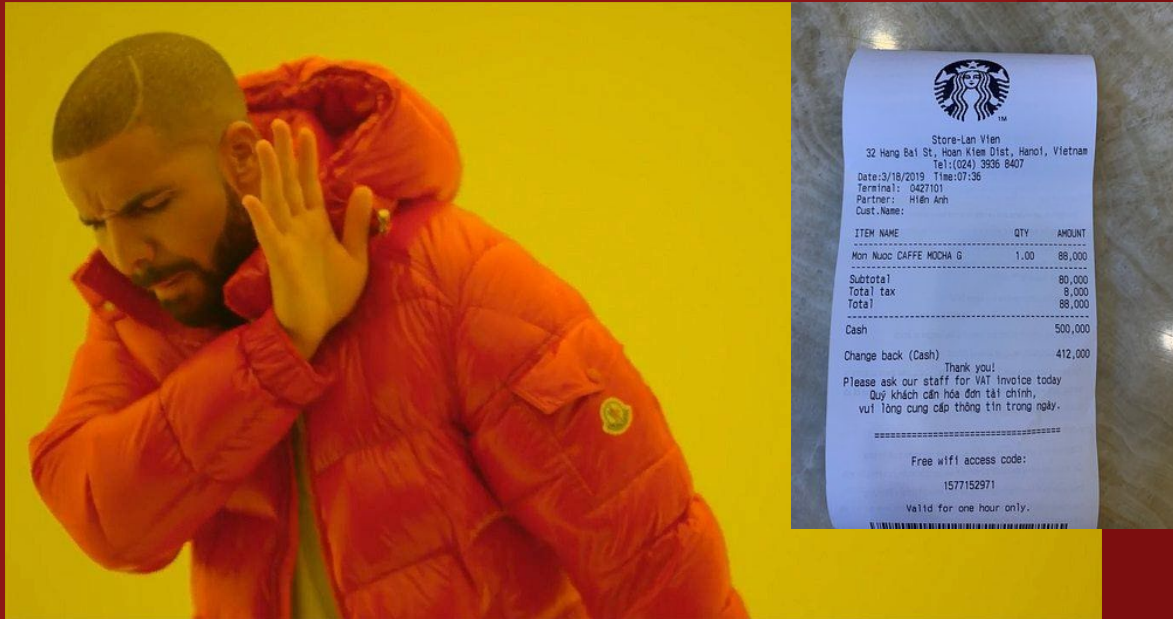
# SOCIAL CONTRACT THEORY



A core intuition of liberal democratic theory: *Liberty is important, and we should only restrict people's liberty with very good reasons.*

Why do we think that Drake has to pay for his Starbucks drink?

# SOCIAL CONTRACT THEORY



Before he ordered the drink, Drake was free to leave at any time without paying.

Now that he has drunk the drink, the Starbucks employees will try to stop him from leaving without paying.

# SOCIAL CONTRACT THEORY

- ❑ “Why should I (or anyone) obey anyone else? Why should I not live as I like? Must I obey? If I disobey, may I be coerced? By whom, and to what degree, and in the name of what, and for the sake of what?” -Isaiah Berlin, *Two Concepts of Liberty*, p. 2.
- ❑ If it's available, “**Because you consented it it!**” seems like a pretty good response to Berlin's question.





# SOCIAL CONTRACT THEORY

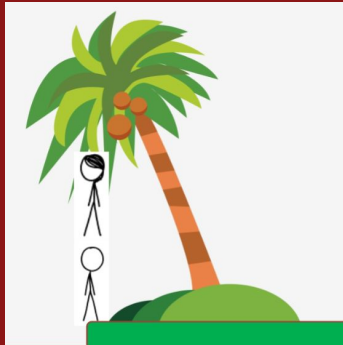


- Consent seems like a promising way to establish the legitimacy of a system of government/social cooperation.



# CONSENT AS JUSTIFICATION FOR LIMITS ON FREEDOM

- ❑ To Locke, people are naturally free.
- ❑ But because the state of nature is inconvenient, they might choose to do social cooperation instead. Once people consent to being ruled by a government, they give up some of their liberty in exchange for protection and other benefits of social cooperation.
- ❑ People can revoke this consent at any time if social cooperation starts to look worse than solitary freedom.



# DAVID HUME AS A CRITIC OF SOCIAL CONTRACT THEORY

“[F]orce [...] is the origin of almost all [governments], which were ever established in the world. And [...] in the few cases where consent may seem to have taken place, it was commonly so irregular, so confined, or so intermixed either with fraud or violence, that it cannot have any great authority.” -David Hume, *Of the Original Contract*



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The No Contract problem



The Unfree Contract problem



# THE NO CONTRACT PROBLEM

Let's say you found in the national archives a record of a Locke-style social contract happening 1000 years ago with the signatures of everyone living in society at the time. Would that discovery have any bearing on whether the government today is compatible with freedom?

# LOCKE ON THE NO CONTRACT PROBLEM

Locke bites the bullet on this critique!  
He agrees that people do not literally  
sign their names on a dotted line to  
signal their consent to government.

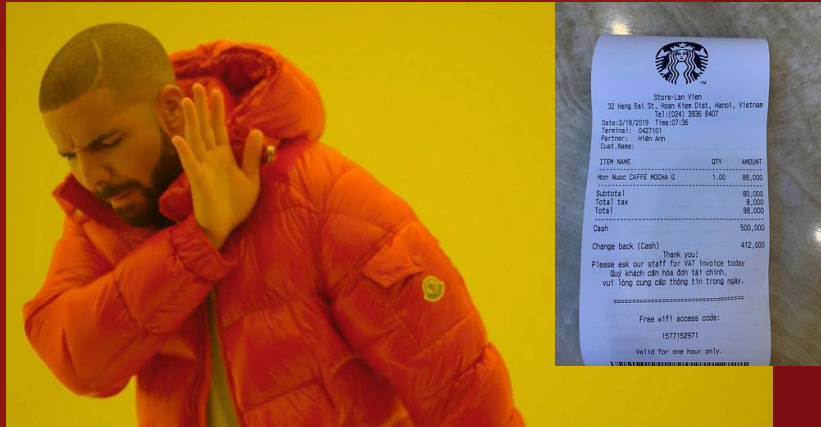
Instead, Locke relies on the idea of  
**tacit consent.**

Don't like America?  
There's the Door!



# LOCKE ON TACIT CONSENT

We know that Drake consents to paying for his Starbucks drink because he could have walked away from the counter at any time without ordering instead.





# THE UNFREE CONTRACT PROBLEM

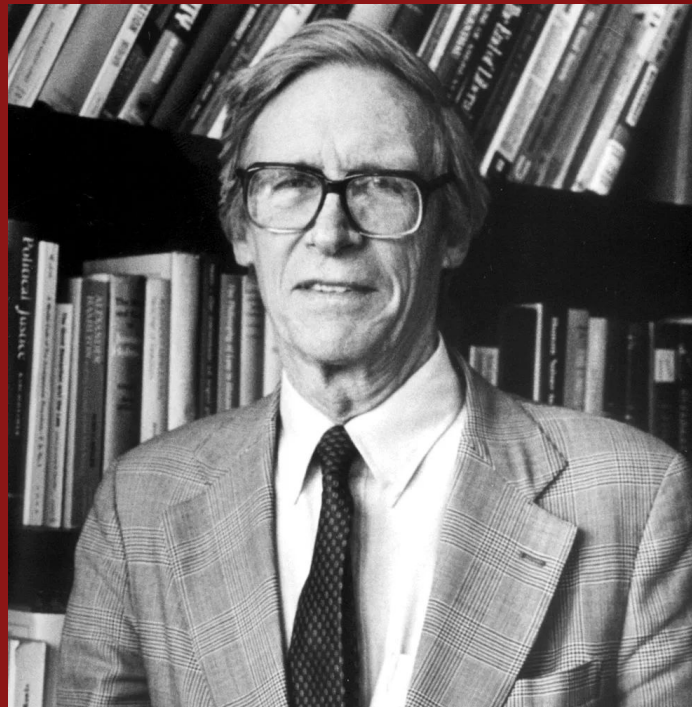
In situations of very unequal power, it seems reasonable to worry about whether “consent” is genuine.



# RAWL'S ANSWER TO THE UNFREE CONTRACT PROBLEM

Locke's question: "do people consent to their current social system?"

Rawls changes the question: "under what circumstances would people hypothetically consent to their current social system?"



# HYPOTHETICAL SOCIAL CONTRACT

- ❑ Core idea of hypothetical social contract theory: a fair division of the benefits and burdens of social cooperation is one that people would accept under free and fair conditions, regardless of what they accepted or do accept here and now in our unfair and unfree conditions.

# HYPOTHETICAL SOCIAL CONTRACT

- ❑ Core idea of hypothetical social contract theory: a fair division of the benefits and burdens of social cooperation is one that people would accept under free and fair conditions, regardless of what they accepted or do accept here and now in our unfair and unfree conditions.
- ❑ Key question for social hypothetical social contract theory: how do we figure out what division of benefits and burdens people would accept under fair conditions?

# ECONOMIC ANSWER

If you had to split the last slice of cake with your sibling, how would you go about cutting it so that both of you are happy with the outcome?





# ECONOMIC ANSWER





# ECONOMIC ANSWER



“Divide and Choose” answer in economics:

1. Sibling A cuts the cake.
2. Sibling B chooses which slice to take.

Regardless of how you cut the cake, *everyone should be happy about the outcome.*

# THE ORIGINAL POSITION

“The original position” is a thought experiment that Rawls proposes:

- ❑ Fair division of **benefits and burdens** of social cooperation (the best theory of justice) is the division that people would accept in the original position.
- ❑ To be in the original position is to be behind a “**veil of ignorance**” in which you don’t know which bundle of benefits and burdens you would end up with.

# WHAT'S IT LIKE IN THE ORIGINAL POSITION?

The original position is a thought experiment in which we imagine what theory of justice would be attractive to people who don't know...

- ❑ Their race, ethnicity, sex, gender, physical (dis)abilities, etc.
- ❑ Their talents, strengths, skills.
- ❑ Their particular goals in life.
- ❑ The social position they're born into.

# WHAT'S IT LIKE IN THE ORIGINAL POSITION?

But we assume they do know...

- ❑ Basic principles of economics, psychology, etc.
- ❑ That they will want to think of themselves as free and equal citizens
- ❑ That they will want to have and pursue some goals in life.
- ❑ That they will want things everyone wants (food, clothing, shelter, companionship, money) (“primary goods”).

# HOW DO WE USE THE ORIGINAL POSITION?

- ❑ Choose a proposed theory of justice and ask: would we expect someone behind the veil of ignorance to be happy about living in a society based on this theory of justice?
- ❑ Example: “would we expect someone who didn’t know their gender identity to accept a theory of justice that assigned most benefits of social cooperation to men and most burdens of social cooperation to women?”

# HOW DO WE USE THE ORIGINAL POSITION?

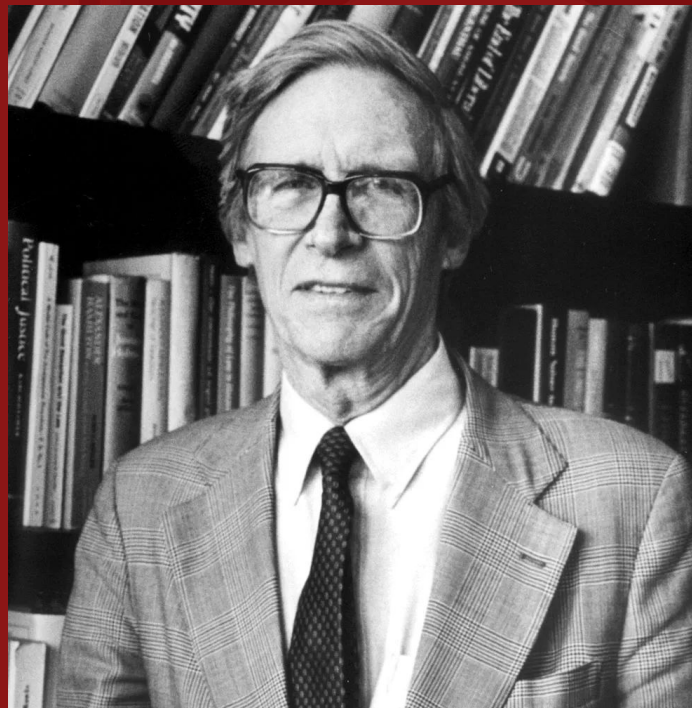
- ❑ The OP is a way we can argue with each other here and now about fairness...
- ❑ Example: “Look, you say now that the current economic system seems fair to you because it rewards innovation, but would you really be willing to sign on to it if you didn’t know whether you’d be a stanford educated consultant or a minimum wage worker?”



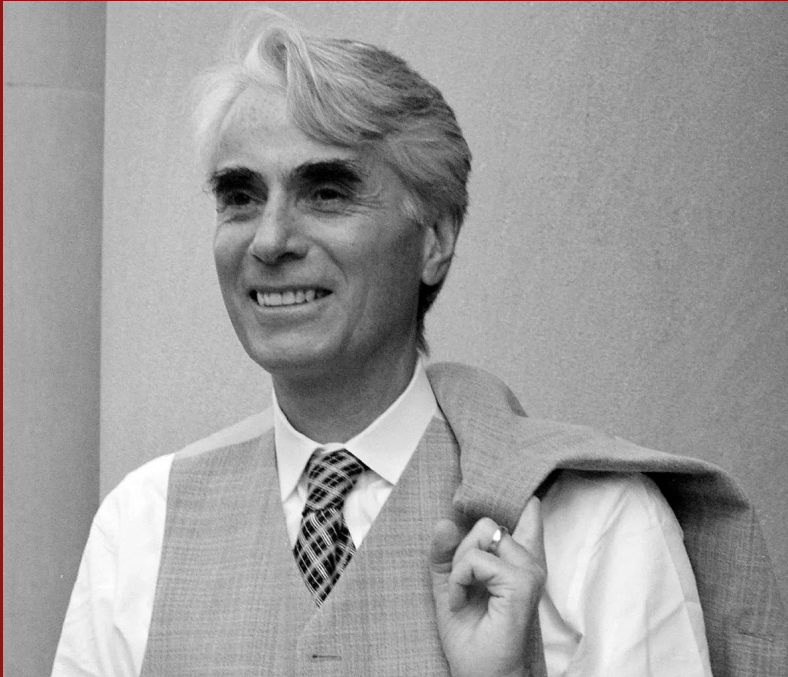
# RAWL'S ANSWER TO THE UNFREE CONTRACT PROBLEM

Locke's question: "do people consent to their current social system?"

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# ROBERT NOZICK AS A CRITIC OF DISTRIBUTIVE JUSTICE



Objection! We live in a capitalist society, where people choose to make **economic interactions** of their own free will. So long as these interactions are fair (i.e. free of fraud, theft, etc.) It's actually **more unfair** to distribute the benefits and burdens of social cooperation.

“Whatever arises from a just situation by just steps is itself just” -Nozick, *Anarchy, State and Utopia*, p. 151.

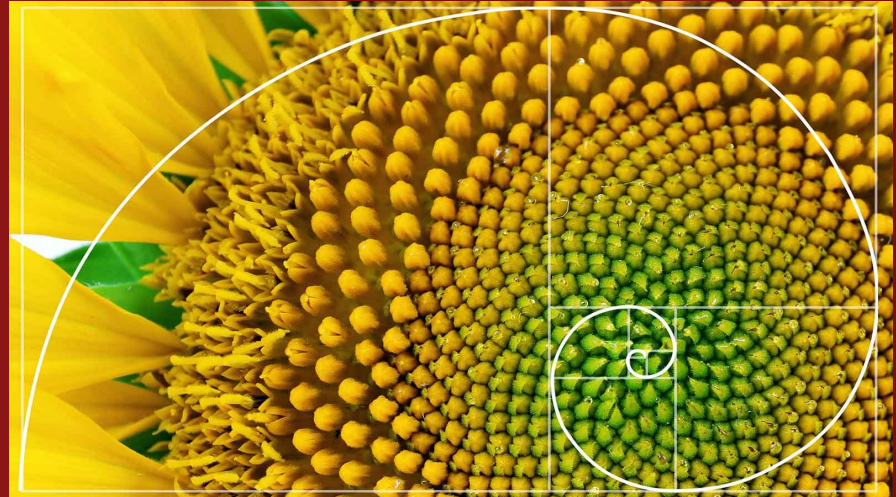
# HAYEK'S ANSWER: MARKETS AS A BASIC STRUCTURE OF SOCIETY

❑ What is a market?:  
“Markets are institutions in which exchanges take place between parties who voluntarily undertake them.” -Satz, *Why Some Things Should Not Be For Sale*, p. 15.



# CAN MARKETS BE JUST OR UNJUST?

- ❑ In a market system, the set of benefits and burdens particular individuals end up with is not directly chosen, intended, or known in advance by any particular individual, group, or authority.
- ❑ Hayek calls this “spontaneous order.”





# CAN MARKETS BE JUST OR UNJUST?

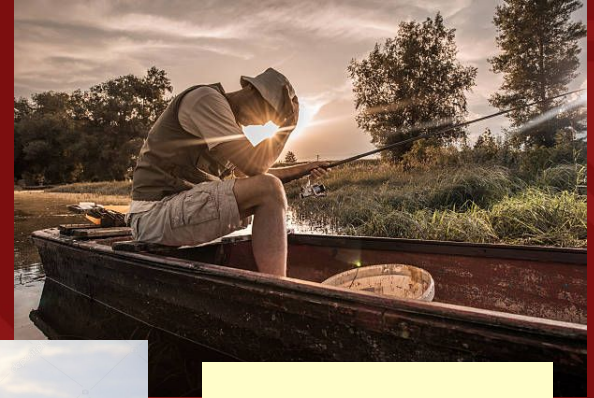
“As primitive thinking usually does when first noticing some regular processes, the results of the spontaneous ordering of the market were interpreted as if some thinking being deliberately directed them, or as if the particular benefits or harm different persons derived from them were determined by deliberate acts of will, and **could therefore be guided by moral rules.**” -Hayek, *Law, Legislation, and Liberty*, p. 62.

Moral claim: only “deliberate acts of will” can be guided by moral rules → properly evaluated as just or unjust.

# CAN MARKETS BE JUST OR UNJUST?

Conclusion: Economic outcomes in a market system are properly regarded as neither just nor unjust.

- “[W]hile in a market order it may be a **misfortune** to have been born and bred in a village where for most the only chance of making a living is fishing (or for the women cleaning the fish), it does not make sense to describe this as **unjust**.” -Hayek, p. 93.



# SATZ'S CRITIQUE OF THE MARKET

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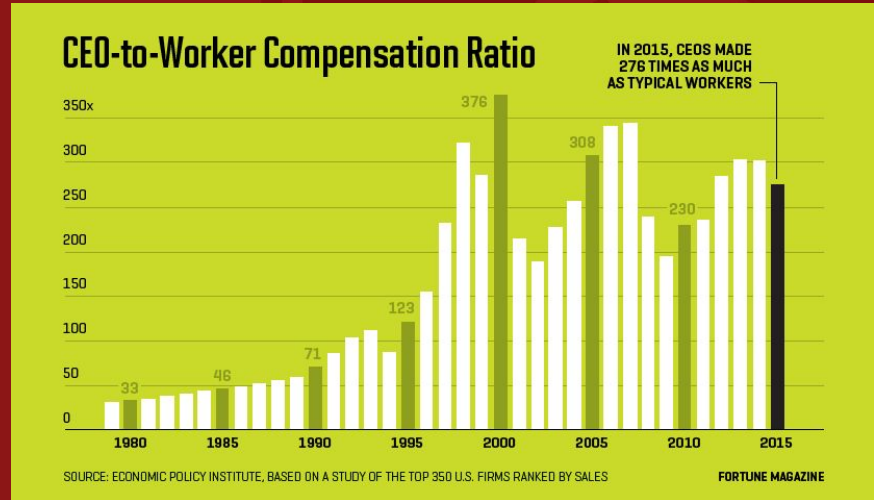
“[A]ll markets depend for their operation on background property rules and a complex of social, cultural, and legal institutions...

- ❑ Property rights
- ❑ Rules for making contracts and agreements
- ❑ Information
- ❑ People need to be induced through internal and external mechanisms to behave in a trustworthy manner
- ❑ Monopolies need to be curtailed.”

-Satz, p. 16.

# SATZ'S CRITIQUE OF THE MARKET

Different choices about what market policies to adopt can produce foreseeably different distributions of benefits and burdens.



# HAYEK V. RAWLS?

Hayek: it is a mistake to act as if the “results of the spontaneous ordering of the market” being deliberately directed at specific people.



Rawls: the laws and policies of a given society shapes how the benefits and burdens should be distributed, therefore we are responsible for making these laws and policies as fair as possible.

# WHICH IS THE CORRECT THEORY OF JUSTICE?

Recall the fundamental question of justice: How should we set up our society in a way that can fairly split the **benefits** and **burdens** of social cooperation?

# WHICH IS THE CORRECT THEORY OF JUSTICE?

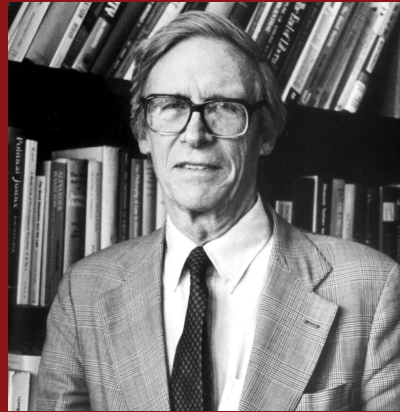


John Locke

# WHICH IS THE CORRECT THEORY OF JUSTICE?

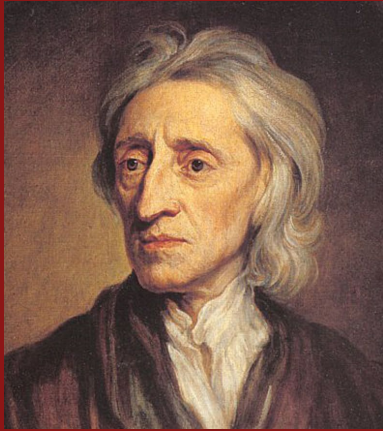


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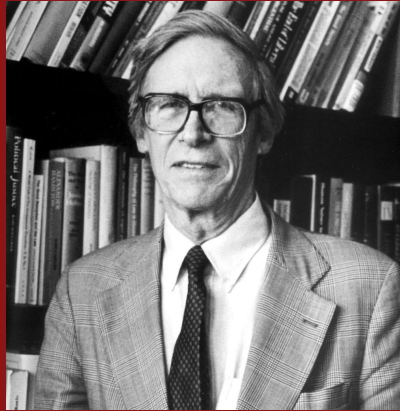


John Rawls

# WHICH IS THE CORRECT THEORY OF JUSTICE?



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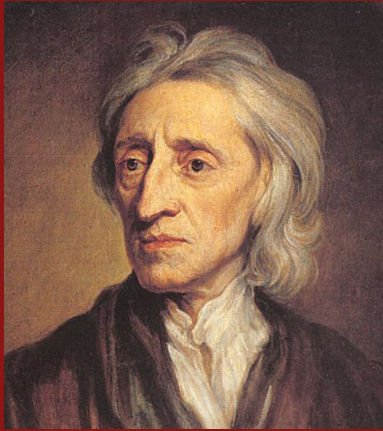
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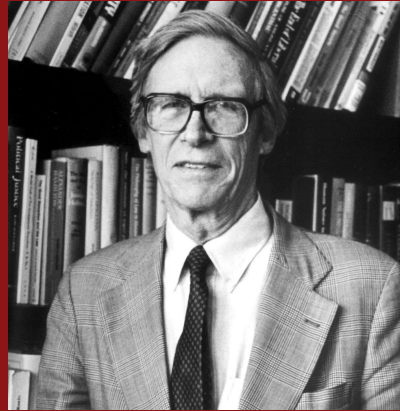
Friedrich Hayek



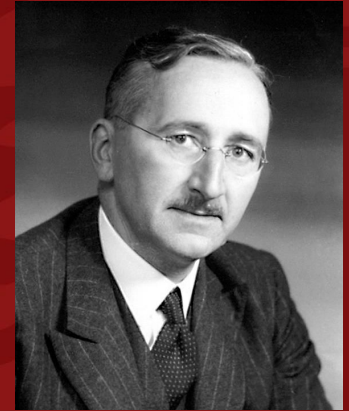
# WHICH IS THE CORRECT THEORY OF JUSTICE?



John Locke



John Rawls



Friedrich hayek

The correct Theory of Justice is...





*Thank you!*