

Ancient Greek/Roman philosophers: humans are by their very natures social animals bound to each other through relations of mutual dependence, respect, & sympathy. Since a society is as much an organic whole as humans beings are themselves, the need for central authority coordinating the parts of an organic group of human beings called society is as obvious as is the need for the human body to be subjected to the central control of human reason. This organic view of social relations finds its classic expression in Plato's *Republic* & is echoed in Aristotle's writing on political philosophy. Taking for granted the legitimacy of gov't. authority, Plato & Aristotle turned their attention to the questions of who should exercise that authority, under what conditions, & within what limits. But following Prot. Reformation (believer priesthood doctrine), the individualistic political theorist saw gov't. & laws for the satisfaction of private human needs that are independent of a specified social setting. The central question was how human beings could justify the loss of freedom entailed by submission to gov't. authority. As Jean Jacques Rousseau put it: "*Man is born free, and everywhere he is in chains.*" Can such chains be justified? Are they really chains, or is submission to authority self-imposed, that is, a result of some type of mutual consent?

Center of Kant's ethical theory is the claim that people are capable of being fully self-governing in moral matters. In fact, the center moral concept was the maximization of human freedom (not maximization of human happiness). Most people could know, without being told, everything that morality requires of them. This "*autonomy*" involves 2 parts: (1) no authority external to ourselves is needed to constitute/inform us of the demands of morality. We can know without being told what we ought to do because moral requirements are requirements we impose on ourselves; (2) In self-gov't. we can effectively control ourselves. The obligations we impose on ourselves override all other calls for action, & frequently run counter to our desires. We nonetheless have a sufficient motive to act as we ought. No external source of motivation is needed for our self-legislation to be effective in controlling our behavior. Although not one can lose autonomy that is part of the nature of rational agents, social arrangements, & actions of others can encourage lapses into governance by our desires, or heteronomy. Nevertheless, there is no place for others to tell us what morality requires, not has anyone the authority to do so-not our neighbors, magistrates, their laws, or religious leaders. Because we are autonomous, each of us must be allowed social space within which we may freely determine our own action. This freedom cannot be limited to members of some privileged class; the structure of society must reflect the common & equal moral capacity of its members. We must think and decide for ourselves. To foster this, public freedom of discussion is necessary (see What is Enlightenment). Kant believes that our autonomy to express itself was incompatible with certain kinds of social regulation; there is no place for others to tell us what morality requires-nor has anyone the authority to do so. In fact, obligation to respect rights of others to be left alone always overrides the obligation to provide assistance to those whom we have no specific obligation. A tyranny exercised for the good of its victims may be the most oppressive for they can strip us of our freedom & dignity as persons with a clear conscience that they are helping us, when in reality, they are doing nothing of the kind.

Beginning with the view that the legitimacy of government derives from the consent of the governed, **Hobbes** saw the necessity for unlimited & undivided sovereignty (**security lies in the concentration of power into the hands of one man**). People want above all else the security & freedom from fear that is impossible in a state of nature; state of nature motivates us to accept civilizing coercion of an external gov't. Locke saw the necessity for limited powers of gov't. & for checks & balances (gov't. depends on the consent of the governed).

Rawls, who emphasizes 2nd form of categorical imperative, like Kant, exhorts one to follow his duty. His justification for that duty is human reason but in contrast to Kant he does not appeal to the abstract version of categorical imperative but by thought experiment that includes a situation of choice: **constraint is original position and veil of ignorance**. In **veil of ignorance** the participant is ignorant of all of the acts that would make her individual (such as like/dislikes, abilities, values, etc). The participant in the **original position** is still an individual with whom we can relate in a more concrete way. Rawls also appeals to intuitionism (with rational input in reflective equilibrium model).

The most reasonable principle of justice are those everyone would accept and agree to from a fair position. A fair agreement is one whereby everyone is impartially situated as equals (the original position) and a certain degree of rationality (a certain conception of the good) we want to realize and that it requires a certain set of primary goods (all purpose or good needs) to realize a fair agreement and is situated by a hypothetical veil of ignorance (no extra bargain powers).

First Principle: Each person is to have an equal right to the most extensive basic liberty compatible with similar liberty for others.

Second Principle: Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged, consistent with the just savings principle [which obligates us to deal justly with future generations by, for example, conserving natural resources], and (b) attached to the offices & positions open to all under conditions of fair equality & opportunity.

The first principle has priority over the **second**. Liberty can legitimately be infringed only for the sake of greater liberty, and not for the sake of utility. Having agreed upon the basic principles of justice that are to be the foundations of society, Rawls envisions the veil of ignorance slowly being lifted to allow more facts to be known as they are relevant to decisions concerning the application of the basic principles to concrete realities & for choices between alternative secondary moral principles. Yet faithful to Kantian perspective, Rawls assumes that the veil of ignorance would always prevent a participant in his hypothetical social contract from knowing their own particular interests, assuring the impartiality & universality which he takes as presupposed by the moral point of view. No greater disadvantage, however small, for the worst-off members of society can justify a greater advantage, however large, for those better off. From this perspective, Rawls views rational people acting under the constraint of the veil of ignorance as very cautious people who plan their lives on the basis of the least favorable possibility about how things will turn out.

Rawls general conception of Justice: All social primary goods—liberty and opportunity, income and wealth, and the bases of self-respect—are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored. (303). This flows from Kant's categorical imperative, "*Desire to treat one another not as means only but as ends in themselves.*" People are to be treated as ends in themselves because of their capacity for moral choice.

Similarities: Rawls (liberal welfare-state theory) & Nozick (libertarian theory) both are (1) deeply Kantian in outlook, (2) acceptance of Kantian view of people as autonomous rational agents, (3) and rejection of utilitarian (as mere pleasure seekers); (4) see justice, not utility, as primary moral value; (5) see justice as cornerstone of human dignity & respect.

Critique: Nozick & Rawls (rights/autonomy vs. benevolence /entitlements (1) overplay reason in moral judgment & underplay role of feelings (e.g., Nozick's preoccupation with individ. freedom entitlement to goods & services that one produces in a free market, finds no central place for the concepts of need & benevolence in his model); (2) can't provide a logically compelling argument for controversial position for the view that entitlement has priority over those based on need; (3) As stressed by Marx in his critique of capitalism, Nozick neglects the pattern that present distribution tend to trap the poor in a cycle of poverty that is not easily broken. Does Nozick (4) sidestep the issue of the rectification of previous injustice? Rawls (5) finds no place for an individual's right to control that which he has produced & (6) sidesteps the question of how those in grave need came to be in grave need (injustice and disutility of rewarding the lazy is not easily forgotten when individuals are asked to sacrifice some their earnings to help those in grave need). (2) Perhaps the principles we choose to live by cannot be reconciled into a single coherent moral system.

Rawls & Nozick Differ: (1) libertarians claim they have a right to what is earned legitimately in free economy; no one else has *right* to confiscate earnings through redistributive taxation; (2) social-welfare liberals focus on undeserved inequalities in distribution of income, wealth, opportunities, & grave, unfair difficulties poor often have to break out of the cycle of poverty that engulfs them. Thus they support a greater degree of redistributive taxation while reduce unfair social inequalities. To libertarians, this is not unfair.

Nozick, like Locke & Kant, equate justice with an absolute respect for certain human rights; people's rights are respected only when they are allowed to keep & control that to which they are entitled. Nozick argues for a minimum state which is limited to the narrow passive function of protection against force, theft, fraud, & enforcement of contracts. Nozick argues first that a minimum state would naturally arise out of an association of human beings 'even though no one intended this or tried to bring it about, by a process which need not violate anyone's rights.' A more extensive state can't be justified. A state is not justified in redistributing the wealth of its citizens or in paternalistic legislation.

Hume states, "*There is a maxim very current in the world, which few politicians are willing to avow, but which has been authorized by the practice of all ages, that there is a system of morals calculated for princes, much more free than that which ought to govern private persons.*" *Treatise* pg. 597. **While morality may extend to princes, it does not have the same force as that of private persons. Hume believes that neither justice or injustice is in the state of nature because justice and injustice are conventional.** Questions of justice arise exclusively in connection with social rules, adopted in the expectation of mutual benefit, & observed in expectation of mutual conformity. Rawls would respond by saying that contracts need to be made in such a way that it bears equality & responsibility on both prince and pauper.