

Philosophical Schools of Justice



based on the work of
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Liberalism



→ 4 Theories of Liberal Justice:

- **Social Contract**

- ✍ Thomas Hobbes, John Locke, Jean-Jacques Rousseau
- Relationship: government ↔ individuals

- **Utilitarianism**

- ✍ Jeremy Bentham, J. S. Mill
- morally right actions produce the greatest amount of good

- **Deontology**

- ✍ Immanuel Kant
- principles - morally permitted/ forbidden actions

- **Justice as Fairness**

- ✍ John Rawls
- to create principles for just basic structure of society

→ Key Concepts: Distribution & Rights

→ Criticism:

- Who is the recipient of justice?
 - rights of disadvantaged/discriminated?

Libertarianism



→ **Respect for individual liberty is central requirement of justice**

→ *Does action violate the principle rights of property? Is property protected & distributed according to how individual rights are protected?*
≠ common understandings of justice as a means toward equality

→ **Natural Rights to Life, Liberty & Estate**



John Locke

→ requires political authority to protect rights

→ **Liberty Rights**

- positive: freedom to act

- negative: freedom from interference

→ need to be strictly enforced to preserve liberty

→ **Principles of Justice in Acquisition, Transfer &**

Principle of Rectification of Injustice



Robert Nozick

→ redistribution of property must be voluntary

→ has nothing to do with justice

→ **Criticism**

- Under what circumstances can property be owned/appropriated?

Capabilities Approach



→ **method for evaluating human wellbeing**



Amartya Sen, Martha Nussbaum

- compare & measure (in)equality among individuals in given societies → justice
 - ↳ *how well are people able to realize certain opportunities which allow them to lead a dignified life?*

→ **Functionings:**

- a person's living/ set of beings & doings
(being well-nourished, receiving an education, being able to travel, etc.)

→ **Capabilities:**

- combination of functionings a person can achieve
- freedom to undertake actions/activities/be with individuals the person wants to engage in/be with

→ **Criticism:**

- focus on individual - need to acknowledge:
 - social relation people depend on to realize capabilities & functionings
 - cross-cultural differences in objects of value
- role of political economy?

Cosmopolitanism



→ **Weight of obligations towards the subject of rights within & across borders**

→ including 'soft' identity borders, and relations between generations & species

→ **Cosmopolitan Theories of Justice:**

- Critical, Legal, Political, Moral, Cultural

→ **Duties of Justice are Global ≠ Limited by State Borders**

- all individuals have moral value, irrespective of ethnicity, class, nationality, culture or age

→ moral worth binds everyone to moral duties

→ **Decolonial Cosmopolitanism:**

- taking 2 basic characteristics of contemporary world into account:

→ division between developed/developing/underdeveloped regions

→ based on highly uneven distribution of political & economic power

- embraces possibilities of heterogenous cosmopolitanism on basis of learning from global episodes of wrongdoing

- recognition of categories of thought/life/labor/belief/interaction beyond western divisions between 'human' & 'non-human', 'higher' & 'lower' forms of life

Feminism

→ **Women must be understood as individuals, as full & equal status as men**

→ **Individuals are always in relation to others & these relations are definitive**

→ a just family is a precondition for a just society

→ *relationship between public & private/ personal & political*

→ **Need to consider social context and intersectionality**

→ taking into account:

- gender *and* race, sexuality, ethnicity, class, etc.
- histories of colonial domination & oppression

→ **Just (economic) redistribution needs to be considered in relation to (cultural) recognition & (political) representation**

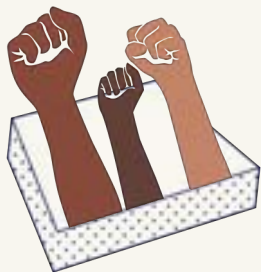
→ **Oppression is structural**

→ can manifest in scales as small as the home or office and as large as the globe

→ **Justice arises in efforts to minimize or eliminate domination and oppression**



Radical Theories of Justice



→ Typically grounded in critique of the injustice of contemporary arrangements & need for their transformation

→ Utopian Socialist, Anarchist, Marxist & Postcolonial Theories

UTOPIAN SOCIALISM

 Charles Fourier

→ Social & spatial preconditions for radical egalitarianism

→ Just society = pleasurable society, allowing people to liberate their human passions through cooperatively organized work & sexual liberation

ANARCHISM

 Pierre-Joseph Proudhon

→ Replace state & labor with federations of free communes

→ Just society does not need to be economically egalitarian, unless such a principle arises from mutual agreement

MARXISM

 Karl Marx

→ Under capitalism, nothing is unjust about exploitation



Radical Theories of Justice continued...

POSTCOLONIALISM

→ Addressing the structures of power & knowledge production

- asserting the centrality of peoples, societies & countries in the (historical) periphery
- challenging dominance of 'western', 'global north' or 'Eurocentric' thinking
- cutting across politics, economics, culture, symbols & language

→ Seeks to create means for peoples previously & currently oppressed to speak for themselves

→ Justice as non-domination

- focus on unjust & unequal structures of politics, economy, knowledge, etc. that result from the history of colonialism & imperialism

→ Rectificatory Justice

≠ retributive/corrective justice

- setting unjust settings right/ righting injustice

→ reparation, restoration, compensation and apology