Recent Moral and Political Philosophy

The moral order is just as much a part of the fundamental nature of the universe as is the spatial or numerical structure expressed in the axioms of geometry or arithmetic. —W. D. Ross

Hamlet: There is nothing either good or bad, but thinking makes it so. —William Shakespeare

Contemporary ethical theory begins with G. E. Moore (1873–1958). Moore opened up new issues for consideration and altered the focus of ethical discussion. Much of twentieth-century analytic ethics, at least until recently, treated issues that were raised by Moore or by philosophers responding either to him or to other respondents. Although analytic ethical philosophers discussed many questions that were not directly (or indirectly) considered by Moore, even these questions were raised along tributaries that can be traced back to the main waterway Moore opened. Some people regret the influence Moore had on ethics. You will have to draw your own conclusions.

G. E. MOORE

Moore believed that the task of the ethical philosopher is to conduct a “general inquiry into what is good.” This seems reasonably straightforward, down to earth, and useful. If you know what good or goodness is, and if you know what things are
good, then you also know what proper conduct is, right? This, at any rate, is what Moore maintained, because he believed that the morally right act is the one that produces the greatest amount of good.

Now, good, or goodness, which is the same thing, is a noncomplex and non-natural property of good things, Moore argued. Goodness is noncomplex in that it cannot be broken down or “analyzed” into simpler constituents. It is not at all like the property of being alive, for example. A thing’s being alive consists in many simpler things, like having a beating heart and a functioning brain (at least for humans and other animals). But a thing’s being good is rather more like a person’s being in pain, at least with respect to the question of complexity. Pain is pain, and that is that. Pain cannot be broken down into simpler constituent parts. (How we come to have pain can be explained, but that is a different matter.) Good, too, is simple, according to Moore: it is a property that cannot be further analyzed or broken down into simpler constituent parts. Thus, good is also indefinable, he said; at least you cannot come up with a definition of good that states its constituent parts (because there are none). Good is good, and that is that.

Good is also a nonnatural property, Moore stated. This is what he meant. Suppose that you pronounce that something is good. Is that equivalent to saying that it is a certain size or shape or color or that it is pleasant or that it is worth a lot of money? Of course not. Size, shape, color, pleasantness, and monetary value are all natural properties: they are a part of nature, construed broadly. They can be perceived. But good is not equivalent to these or any other natural properties, or so said Moore. Take something you regard as good, like an act of generosity, for instance. Now list all the natural properties (that is, all the properties that can be
apprehended by sense) of this act. Do you find goodness on the list? Not at all. What you find are items such as the duration, location, causes, and consequences of the generous act. The goodness of the act is not identical with any of these items. It is something quite different from the act’s natural properties.

That goodness does not equate with any natural property is easily seen, Moore argued, in a passage that became one of the most famous in all of twentieth-century ethics. Think of any natural property, for instance, pleasantness. Now, it is certainly reasonable to ask if pleasantness is good. But if pleasantness were equivalent to good, then asking, Is pleasantness good? would be the same as asking, Is good good? and that is not a reasonable question. Because it is legitimate and intelligible to ask of any natural property whether that property is good, it follows that good is not equivalent to any natural property. You can see that Moore did not agree with the utilitarians, who equated the goodness of an act with the pleasure it produced as a consequence.

Moore wanted especially to know which “good” things we can really hope to obtain. His answer: personal affection and aesthetic enjoyments. He wrote: “Personal affection and aesthetic enjoyments include by far the greatest good with which we are acquainted.” Note how different this answer is from any that would have been proposed by the other philosophers we have discussed.

But the remarkable thing is that it was not Moore’s opinion about what things are good that interested other philosophers. Rather, it was his “metaethical” opinions that were most discussed. If you are new to philosophy, you may never have heard of metaethics, and so we must digress for a moment from Moore to explain.

NORMATIVE ETHICS AND METAETHICS

Let’s go back to the concept of a moral value judgment, or, more succinctly, the concept of a moral judgment, a judgment that states or implies that something is good or bad, right or wrong, a judgment like “You should be more generous,” or “It was wrong for the president not to speak out more vigorously for minorities when she had the chance to do so,” or “Act so as to promote the greatest happiness.” Making and defending (or criticizing) moral judgments is the business of normative ethics. It’s called “normative” because, when you make or defend (or criticize) a moral judgment, you are appealing to a moral standard, or norm.

Many people assume that moral philosophy is concerned primarily with supplying moral judgments; in other words, many people assume that moral philosophy is normative. And, indeed, prior to Moore, moral philosophy was mainly normative. However, a moral philosopher need not be concerned only (or even at all) with making moral judgments. Instead, he or she may be concerned with such issues as how moral value judgments are verified or validated, or what sort of thing is goodness, or how goodness and rightness are related, or what sort of thing is a moral judgment. Notice that questions of this sort do not require a moral judgment as an answer. The attempt to find answers to questions of this sort, in other words,
the attempt to understand the sources, criteria, meaning, verification, or validation of moral value judgments—rather than to make moral judgments—is known as metaethics.

It was Moore’s metaethical views, not his normative claims about what actually is good, that provoked the most discussion in the professional philosophical literature. Most important, Moore had held that goodness is a simple, nonnatural, and indefinable property. Is this antinaturalism doctrine correct, as Moore had argued? Much contemporary analytic ethical philosophy, which has grown out of the issues raised by Moore and by those who in turn responded to Moore, has been concerned with this and related metaethical issues. Now, frankly, many people outside moral philosophy find this state of affairs just awful. Philosophers, they say, should propose theories about what people (and societies and governments) should do and about what things are good. They should recommend courses of action, offer ethical counseling, and take a stand on the issues of the day. In short, they should make moral judgments. But—until fairly recently—contemporary analytic moral philosophers haven’t regarded the making of moral judgments as an important aspect of their professional work in philosophy. Further, contemporary analytic moral philosophers interested in metaethics regard their work as quite important, even if to others it may seem boring or even trivial. Take Moore’s antinaturalist position, that goodness is a simple, nonnatural, and indefinable property. If this metaethical position is correct, then all who equate goodness with a natural property, as many have done for more than twenty centuries, have based their values on a mistake.

W. D. ROSS

In an influential book, The Right and the Good (1930), W. D. Ross (1877–1970) defined his purpose as “to examine the nature, relations, and implications of three conceptions which appear to be fundamental in ethics—those of ‘right,’ ‘good’ in general, and ‘morally good.’” Ross’s purpose, therefore, was to conduct a metaethical inquiry, and his work was devoted largely to criticism of certain metaethical ideas set forth by G. E. Moore. Let’s consider Ross briefly to get the sense of what he and metaethics in general were about.

Moore, as we noted, believed that that which alone makes right actions right is that they produce more good than alternative actions do. This seems reasonable enough, does it not? If a course of action is right, it must be because it is more productive of good than are alternative courses of action. But Ross disagreed. Certainly, he wrote, it is right and morally obligatory and our duty (these expressions all mean the same, for Ross) to bring into existence as many good things as possible. But the production of maximum good is not the only thing that makes an act right: we have other duties than to bring about good results.

For example, it is your duty to keep promises, Ross said. What makes it right for you to do what you have promised to do is not that your doing it will produce more good, as Moore thought, but simply the fact that you promised to do it.
In short, according to Ross, there exist prima facie duties—things it is our duty to do unless that duty is overridden by some other duty. Our prima facie duties include, for example, keeping promises, relieving distress, showing gratitude, improving ourselves, and being truthful. What makes it right to do these things is not that doing so produces the maximum good (though it may have this as a side benefit) but simply that it is right to do them.

According to Ross, our prima facie duties are not absolute duties—for example, though it is our duty to keep promises, we are justified in breaking a promise to save someone’s life—but it is our duty to do them unless other moral considerations take precedence.

And further, according to Ross, that it is right to keep promises, return services rendered, and so forth, is self-evident, “just as a mathematical axiom or the validity of a form of inference, is self-evident.” “The moral order expressed in these propositions,” Ross asserted, “is just as much part of the fundamental nature of the universe . . . as is the spatial or numerical structure expressed in the axioms of geometry or arithmetic.”

Ross’s views are similar in this regard to those of Kant. Kant, too, proposed a duty-based moral philosophy and was committed to the idea that our moral duty is self-evident. A duty-based moral philosophy is known as a deontological moral philosophy. Deontological ethics are usually contrasted with consequentialist ethics and virtue ethics, as explained in Chapter 10.

Now, Ross recognized not only prima facie duties but also intrinsic goods, specifically virtue, knowledge, and (with certain limitations) pleasure. We do indeed have a prima facie duty to produce as much of these good things as possible, Ross maintained. But what other philosophers mainly discussed was not Ross’s thoughts about what things actually are good or about what our duties actually are but rather his metaethical theories. Philosophers explored Ross’s ideas that right is not reducible to good, that some true moral propositions are self-evident, and that some duties are prima facie.

EMOTIVISM AND BEYOND

The utilitarians defined the rightness of an action in terms of the happiness it produces as a consequence. Accordingly, moral judgments in effect are a type of factual judgment, a judgment about how much happiness some action produces.

Moore and Ross denied that the rightness of an act or the goodness of an end can be defined in terms of happiness or any other natural property or thing. (They disagreed with each other about the relationship between rightness and goodness.) But like the utilitarians, they believed that moral judgments are a type of factual judgment. To say that an end is good or that an act is right, for Moore and Ross both, is to state a fact. It is to attribute a property to the thing in question, a “non-natural” property. Whether a certain type of act possesses the property of rightness and whether a certain end possesses the property of goodness are questions of fact,
even though the fact is nonempirical. That it is right to keep a promise, Moore and Ross would agree, is a fact: it is true that you should keep your promises and false that you should break them.

A radically different view of moral judgments was set forth by the emotivists, a group of analytic philosophers who had read Moore and Ross and disagreed with them both.

The emotivists maintained that moral judgments have no factual meaning whatsoever. Such judgments, according to the emotivists, are not even genuine propositions. In their view, the judgment “It is right to keep your promises” is neither true nor false: the utterance is not really a proposition at all.

Thus, according to the emotivists, there is no question about what we are saying if, for example, we state, “Abortion is wrong.” Because we are not really asserting a genuine proposition, we are not really saying anything at all. The question there is only what we are doing when we open our mouths and voice an expression like “Abortion is wrong.”

And what we are doing, they said, is expressing our distaste for abortion and also, sometimes, encouraging others to feel the same way. Thus, C. L. Stevenson (1908–1979), an influential emotivist, maintained that an ethical judgment like “Abortion is wrong” is a linguistic act by which the speaker expresses her or his attitude toward abortion and seeks to influence the attitude, and in turn the conduct, of the listener.

Emotivism had some strong adherents within analytic philosophy, but it seemed to many other analytic philosophers that the emotivist analysis of ethical judgments was not essentially correct. The contemporary British linguistic philosopher R. M. Hare (1919–2002) said that the function of moral discourse is not to express or influence attitudes but rather to guide conduct.

A moral judgment, according to Hare, is a kind of prescriptive judgment that is “universalizable”: when I make a moral judgment such as “You ought to give Smith back the book you borrowed,” I am prescribing a course of conduct, and my prescription is general and exceptionless (i.e., I believe that anyone else in the same or relevantly similar situation ought to conduct himself or herself similarly).

That emotivism misrepresents, or indeed trivializes, moral discourse is now fairly widely accepted by contemporary philosophers.

Despite their differences, Moore, Ross, and the emotivists all agreed that descriptive statements and value judgments are logically distinct. If you say that (1) I did not do what I promised you I would do, you are making a purely descriptive statement. If you say that (2) I did not do what I ought to have done, you are making a value judgment. Most of the philosophers of the first half of the twentieth century accepted Hume’s opinion that “you cannot deduce an ‘ought’ from an ‘is’” and held that it is a mistake to think that any moral value judgment is logically entailed by any descriptive statement. This mistake was called the naturalist fallacy. Thus, for example, it would be committing the naturalist fallacy to suppose that (2) is logically deductible from (1).

But is the naturalist fallacy really a fallacy? The issue is important because, if you hold that moral evaluations are logically independent of descriptive premises,
it would then seem that you could commend morally any state of affairs you pleased—and would not logically have to accept as evidence for a moral evaluation the empirical evidence that most people accept as evidence. Eventually, philosophers began to consider this issue carefully. Among the first to do so were Oxford University’s Phillippa Foot (1920– ) and University of California at Berkeley’s John Searle (1932– ), and now many philosophers do not accept the idea that moral evaluations are logically independent of the descriptive premises on which, in everyday conversation, they are often based. Instead, they maintain there are empirical criteria for ascribing moral predicates to actions, people, and states of affairs.

Now, these two related developments—the rejection of emotivism and the emerging idea that there are empirical criteria for moral evaluations—are important. Here is why. If it is assumed that moral judgments are just expressions of taste and are logically independent of any empirical facts about the world, then why bother discussing concrete moral issues? Given these assumptions, there would seem to be little room for reasoned deliberation in ethical matters. Consequently, as these assumptions were called into question, there was a renewal of interest in concrete ethical issues by moral philosophers. Much discussed in recent years, for example, have been issues of sexual morality, affirmative action, biomedical ethics, business ethics, and treatment of the environment. For an example, see the box “Environmental Philosophy.”
But now a word of caution: that there has been a recent widespread and apparently growing interest in concrete moral questions should not lead you to conclude that metaethics is dead. It is probably true, as we move forward in the twenty-first century, that many professors of ethics focus their courses on concrete moral dilemmas such as abortion, equal rights, pornography, and so on. Nevertheless, several issues in metaethics are currently in controversy. Included are these:

- What makes a principle a moral principle? Can moral principles be about just anything? Or do they have some essential type of content?
- A morally obligatory act is one you ought to do, other things being equal. A supererogatory act is one that is morally commendable but beyond the call of duty. Is this a legitimate distinction? Can traditional philosophical theories of ethics accommodate this distinction, if it is legitimate?
- Is ethical truth relative to the ethical beliefs of a society or culture? That is, is ethical relativism true?
- How should one understand the question, Why should I be moral? Is it a legitimate question?
- Is there a necessary connection between believing that something is morally obligatory and being motivated to choose to do it? (So-called internalists assert that there is such a connection; externalists deny that there is.)
- What gives a being moral standing?
- Do some beings have a higher moral standing than others?
- How are moral judgments about institutions and other collectives to be understood? Groups are sometimes said to be morally responsible for their actions. Is this responsibility something over and above the responsibility of the individuals in the group?
- Is there a moral difference between doing something that you know will have certain undesirable consequences and doing it with the intention of producing those consequences?

On the other hand, a good example of a contemporary essay in moral philosophy that is not a piece of metaethics is included among the readings at the end of the chapter, the piece by James Rachels (1941–2003). In the article, Rachels discusses whether it is true that letting people die of starvation is as bad as killing them (the idea that the two are equally bad is known as the Equivalence Thesis). Although Rachels does not try to prove that the two are equally bad, he does try to show that letting people die is considerably worse than we usually think it is.

Further, at the same time that emotivism and antinaturalism were being examined, an independent development in political philosophy occurred, one that has also had a terrific impact on current moral philosophy. This development stems from the work of John Rawls, who, as we shall see shortly, set forth a contractarian theory of distributive justice—a theory for determining the appropriate distribution of the benefits and burdens of social cooperation. As a result of Rawls’s work, there has been widespread discussion of the soundness of contractarianism itself and considerable interest in applying contractarian principles toward the resolution of
specific moral issues. Therefore, Rawls’s work also served to reinforce the current interest in “real-life” moral issues.

JOHN RAWLS, A CONTEMPORARY LIBERAL

Perhaps the single most influential publication in moral philosophy in the twentieth century was *A Theory of Justice* (1971), by Harvard professor John Rawls (1921–2002). The work heralded a renewed concern in philosophy with justice; further, virtually every philosophical writer on justice subsequent to the publication of this work identified his or her position with reference to it. One recent commentator, Professor Charles Larmore of the University of Chicago, believes that Rawls is one of the three most important philosophers of the twentieth century, the other two being Wittgenstein (Chapter 9) and Heidegger (Chapter 8).

Rawls writes from within the liberal tradition, but he had grown dissatisfied with the utilitarianism on which liberalism was often based. He was also dissatisfied with attempts merely to circumscribe utilitarianism with ad hoc “self-evident” principles about our duties (see the section on W. D. Ross earlier in this chapter). Rawls said that in writing *A Theory of Justice* he wanted to “carry to a higher order of abstraction the traditional doctrine of the social contract.” The result was a lengthy and systematic attempt to establish, interpret, and illuminate the fundamental principles of justice; to apply them to various central issues in social ethics; to use them for appraising social, political, and economic institutions; and to examine their implications for duty and obligation. We focus our discussion on the principles themselves.

The Fundamental Requirements of the Just Society

According to Rawls, because society is typically characterized by a conflict as well as an identity of interests, it must have a set of principles for assigning basic rights and duties and for determining the appropriate distribution of the benefits and burdens of social cooperation. These are the *principles of distributive or social justice*. They specify the kinds of social cooperation that can be entered into and the forms of government that can be established. (It is here that Rawls’s theory of justice intersects with traditional philosophical questions about the ethically legitimate functions and organization of the state.) For Rawls, a society (or a state) is not well ordered unless (1) its members know and accept the same principles of social justice and (2) the basic social institutions generally satisfy and are generally known to satisfy these principles.

If a society is to be well ordered, its members must determine by rational reflection what are to be their principles of justice, says Rawls. If the principles selected are to be reasonable and justifiable, they must be selected through a procedure that is *fair*. (Rawls’s book is an elaboration on a 1958 paper he wrote titled “Justice As Fairness.”)
The Veil of Ignorance and the Original Position

Now, if the selection of principles of justice is to be fair, the possibility of bias operating in their selection must be removed, correct? Ideally, therefore, in our selection of the principles, none of us should have insider’s knowledge. We should all be ignorant of one another’s—and our own—wealth, status, abilities, intelligence, inclinations, aspirations, and even beliefs about goodness.

Of course, no group of people ever were or could be in such a state of ignorance. Therefore, says Rawls, we must select the principles as if we were behind a veil of ignorance. This is to ensure that nobody is advantaged or disadvantaged in the choice of principles by her or his own unique circumstances.

If from behind a veil of ignorance we were to deliberate on what principles of justice we would adopt, we would be in what Rawls calls the original position (or sometimes the initial situation). Like Locke and Rousseau’s state of nature, the original position is an entirely hypothetical condition. (As noted, people never were and never could be in such a condition of ignorance.) Rawls’s concepts of a veil of ignorance and an original position are intended “simply to make vivid to ourselves the restrictions that it seems reasonable to impose on arguments for principles of justice, and therefore on these principles themselves.” Determining our principles of justice by imagining ourselves in the original position simply ensures that we do not tailor our conception of justice to our own case.

In short, according to Rawls, the basic principles of justice are those to which we will agree if we are thinking rationally and in our own self-interest and if we eliminate irrelevant considerations. Because the basic principles of justice are those
to which we will agree, Rawls’s theory of justice is said to be a contractarian theory, as were the theories of Hobbes, Locke, and Rousseau.

The Two Principles of Social Justice

The principles we would select in the original position, if we are thinking rationally and attending to our own self-interest, are two, Rawls says.

The first, which takes precedence over the second when questions of priority arise, requires that each person has an equal right to “the most extensive basic liberty compatible with a similar liberty for others.”

The second requires that social and economic inequalities be arranged “so that they are both (a) reasonably expected to be to everyone’s advantage and (b) attached to positions and offices open to all.”

These two principles, writes Rawls, are a special case of a more general conception of justice to the effect that all social goods (e.g., liberty, opportunity, income) are to be distributed equally unless an unequal distribution is to everyone’s advantage.

We are led to this concept, Rawls writes, when we decide to find a concept of justice that “nullifies the accidents of natural endowment and the contingencies of social circumstances as counters in quest for political and economic advantage.”

It follows from these principles, of course, that an unequal distribution of the various assets of society—wealth, for instance—can be just, as long as these inequalities are to everyone’s benefit. (For example, it may be to everyone’s benefit that physicians are paid more than, say, concrete workers.)

It also follows from the priority of the first principle over the second that, contrary to what utilitarian theory seems to require, someone’s personal liberty cannot be sacrificed for the sake of the common good. Does the pleasure of owning slaves bring more happiness to the slave owners than it brings unhappiness to the slaves? If so, then the total happiness of society may be greater with slavery than without it. Thus, slavery would be to the common good, and utilitarianism would require that it should be instituted. Of course, utilitarians may maintain that slavery or other restrictions of liberties will as a matter of fact diminish the sum total of happiness in a society and for this reason cannot be condoned, but they must nevertheless admit that, as a matter of principle, violations of liberty would be justified for the sake of the happiness of the many. According to Rawls’s principles, such violations for the sake of the general happiness are not justified.

The Rights of Individuals

Although Rawls does not explicitly discuss the “rights” of individuals as a major topic, his theory obviously can be interpreted as securing such rights (see, for example, Rex Martin’s 1985 book, Rawls and Rights). Many have believed that, without God, talk of rights is pretty much nonsense; Rawls does not discuss God, and it seems plain that he does not need to do so to speak meaningfully of a person’s rights. According to Rawls, a just society guarantees persons the right to pursue their own ends so long as they do not interfere with the right of others to pursue their own ends. It is not acceptable to restrict this “right” for some supposed higher good.
Rawls, in effect, attempts to derive social ethics from a basis in rational self-interest rather than from God, natural law, human nature, utility, or other ground.

**Why Should I Accept Rawls’s Provisions?**

If Rawls’s theory is correct, he has spelled out in plain language the fundamental requirements of the just society. Furthermore, if his theory is correct, these are the requirements that self-interested but rational people would, on reflection, accept. This means that Rawls’s theory provides a strong answer to the person who asks of any provision entailed by one or the other of the two principles just stated, “Why should I accept this provision?”

Let’s say, for example, that you want to know what is wrong with enslaving another person. The answer is that the wrongfulness of slavery logically follows from the two principles of social justice. But why should you agree to those principles? The answer is that you would agree to them. Why? Because they are the principles that would be selected by self-interested but rational people playing on a level playing field—one, that is, on which no one has an unfair advantage. They are the principles that would be selected by self-interested but rational people if the procedure through which they were selected was unbiased by anyone having insider’s knowledge of his or her or anyone else’s unique circumstances. They are, in short, the principles that self-interested but rational people would select if the procedure by which they were selected was a fair one. So, then, the reason you should accept that slavery is wrongful is because you would accept the principles from which the wrongfulness of slavery logically follows.

Few philosophical works by analytic philosophers have received such widespread attention and acclaim outside the circles of professional philosophers as did Rawls’s *A Theory of Justice*. Though uncompromisingly analytical, it dealt with current issues of undeniable importance and interest and did so in light of recent work in economics and the social sciences. The book was reviewed not merely in philosophical journals but also in the professional literature of other disciplines and very widely in the popular press and in magazines of opinion and social commentary. It also became the focal point of numerous conferences, many of them interdisciplinary.

In a later work, *Political Liberalism* (1993), Rawls considers more carefully how his conception of justice as fairness can be endorsed by the diverse array of incompatible religious and philosophical doctrines that exist over time in a modern democratic society like ours. To answer this question, he finds that he must characterize justice more narrowly than he did earlier, as a freestanding political conception rather than as a comprehensive value system (like Christianity) that governs all aspects of one’s life, both public and private. Political justice becomes the focus of an overlapping consensus of comprehensive value systems and thus can still be embraced by all in a pluralistic democratic society. This change in Rawls’s theory marks a change in Rawls’s own theoretical understanding of justice as fairness. As a practical matter, though, the two principles of justice mentioned earlier still constitute the best conception of political cooperation required for stability in a democratic regime, in Rawls’s view.
ROBERT NOZICK’S LIBERTARIANISM

If any other book by an analytic philosopher attracted as much attention as *A Theory of Justice*, it was *Anarchy, State, and Utopia*, published three years later (1974) by Robert Nozick [NO-zik] (1938–2002). By this time (thanks largely to Rawls), it was not unusual to find analytic philosophers speaking to “big” issues, and Nozick certainly did that.

The reaction to *Anarchy, State, and Utopia* was more mixed than that to Rawls’s book, and, though many reviewers acclaimed it enthusiastically, others condemned it, often vehemently. These negative reactions are easily understandable in view of Nozick’s vigorous espousal of principles of political philosophy that are not very popular with many contemporary liberal political theorists.

The basic question asked in *Anarchy, State, and Utopia* is, simply: Should there even be a political state and, if so, why? Nozick’s answer is worked out in elaborate detail through the course of his book, but it consists essentially of three claims:

1. A minimal state, limited to the narrow functions of protection against force, theft, fraud, breach of contracts, and so on, is justified.
2. Any more extensive state will violate persons’ rights not to be forced to do certain things and is unjustified.
3. The minimal state is inspiring as well as right.

To each of these three claims, Nozick devotes one part of his book. The first two parts are the most important.

**A Minimal State Is Justified**

The first claim, that a minimal state is justified, will seem so obvious to many as hardly to require lengthy argument. The basic idea accepted by political theorists in the liberal political tradition, from John Locke through Mill and up to and including Rawls, is that the political state—as compared with a state of anarchy or
Invisible-Hand Explanations

Often an action intended for a certain purpose generates unforeseen indirect consequences. According to Adam Smith, people, in intending only their own gain, are “led by an invisible hand to promote an end” that was not part of their intention, namely, the general good.

Nozick, after Adam Smith, calls an invisible-hand explanation one that explains the seemingly direct result of what someone has intended or desired to happen as not being brought about by such intentions or desires at all.

For example, it looks as if the state is the result of people’s desire to live under a common government, and this is indeed what Locke—and many philosophers, political scientists, economists, and others—thought. But Nozick attempts to provide an invisible-hand explanation of the state as the by-product of certain other propensities and desires that people would have within a state of nature. Nozick’s explanation is intended to show how a minimal state can arise without violating people’s rights.

Another famous invisible-hand explanation presents the institution of money as the outcome of people’s propensity to exchange their goods for something they perceive to be more generally desired than what they have. Another describes the characteristics and traits of organisms as the result of natural selection rather than God’s wishes.

“The state of nature”—“advances the good of those taking part of it” (to quote Rawls). But does it?

If, as Nozick believes, “individuals have rights, and there are things no person or group may do to them (without violating their rights),” then it may well be true, as anarchists believe, that “any state necessarily violates people’s moral rights and hence is intrinsically immoral.” In the first part of his book, Nozick considers carefully whether this anarchist belief is true. His conclusion is that it is not. To establish this conclusion, he attempts to show that a minimal state can arise by the mechanism of an “invisible hand” (see box) from a hypothetical state of nature without violating any natural rights. As intuitively plausible as Nozick’s conclusion is on its face, his defense of it is controversial, and the issue turns out to be difficult.

Only the “Night-Watchman” State Does Not Violate Rights

The main claim advanced by Nozick in the second part of his book, and by far the most controversial claim of the work as a whole, is that any state more powerful or extensive than the minimal night-watchman state that protects its citizens from force and fraud and like things impinges on the individual’s natural rights to his or her holdings and therefore is not legitimate or justifiable. It is further a corollary to this claim that concepts of justice that mandate the distribution of assets in accordance with a formula (e.g., “to each according to his ____”) or in accordance with a goal or objective (e.g., to promote the general happiness) always require redistributing the goods of society and thus require taking from some individuals the goods that are rightfully theirs. Such concepts of justice are therefore illegitimate, according to Nozick.
Nozick’s own concept of justice rests on an idea that comes naturally to many people (at least until they imagine themselves in Rawls’s “initial situation” behind a “veil of ignorance” about their own assets and abilities). The idea is that what is yours is yours: redistributing your income or goods against your wishes for the sake of the general happiness or to achieve any other objective is unjust. Nozick defends this idea. A person is entitled to what he or she has rightfully acquired, and justice consists in each person’s retaining control over his or her rightful acquisitions. This is Nozick’s entitlement concept of social justice.

Nozick does not clarify or attempt to defend his entitlement concept of social justice to the extent some critics would like (he basically accepts a refined version of Locke’s theory of property acquisition, according to which, you will remember, what is yours is what you mix your labor with). Instead, he mainly seeks to show that alternative conceptions of social justice, conceptions that ignore what a person is entitled to by virtue of rightful acquisition, are defective. According to Nozick, social justice, that is, justice in the distribution of goods, is not achieved by redistributing these goods to achieve some objective but rather by permitting them to remain in the hands of those who have legitimately acquired them:

Your being forced to contribute to another’s welfare violates your rights, whereas someone else’s not providing you with things you need greatly, including things essential to the protection of your rights, does not itself violate your rights, even though it makes it more difficult for someone else to violate them.

According to Nozick’s view of social justice, taking from the rich without compensation and giving to the poor is never just (assuming the rich did not become rich through force or fraud, etc.). This would also be Locke’s view. According to the strict utilitarian view, by contrast, doing so is just if it is to the greater good of the aggregate of people (as would be the case, for example, if through progressive taxation you removed from a rich person’s income an amount that he or she would miss but little and used it to prevent ten people from starving). Finally, according to Rawls’s view of justice, taking from the rich and giving to the poor is just if it is to the greater good of the aggregate, provided it does not compromise anyone’s liberty (which, in the case just envisioned, it arguably would not).

The Rights of Individuals

In the opening sentence of his book, Nozick asserts that individuals have rights, and indeed his entire argument rests on that supposition, especially those many aspects that pertain to property rights. Unfortunately, Nozick’s theoretical justification of the supposition is very obscure: it has something to do, evidently, with a presumed inviolability of individuals that prohibits their being used as means to ends and perhaps also with the necessary conditions for allowing them to give meaning to their lives. If Nozick has not made his thought entirely clear in this area, he has set forth very plainly the implications for social theory, as he sees them, of assuming that natural rights exist. In addition, his work contains many interesting and provocative side discussions, including critical discussions of Marx’s theory of exploitation.
Animals and Morality

One interesting side discussion in Nozick’s *Anarchy, State, and Utopia* concerns the moral status of animals.

Animals are not mere objects, Nozick says: the same moral constraints apply to what one may do to animals as to what one may do to people. Even a modern utilitarian, who holds that the pleasure, happiness, pain, and suffering that an action produces determine its moral worth, must count animals in moral calculations to the extent they have the capacities for these feelings, Nozick suggests.

Furthermore, he argues, utilitarianism is not adequate as a moral theory concerning animals (or humans) to begin with. In his view, neither humans nor animals may be used or sacrificed against their will for the benefit of others; that is, neither may be treated as means (to use Kant's terminology) but only as ends. Nozick’s argument for this view is a negative argument that challenges a reader to find an acceptable ethical principle that would prohibit the killing, hurting, sacrificing, or eating of humans for the sake of other ends that would not equally pertain to animals. Can you think of one?

Here is a good place to mention that the question of animal rights has been widely discussed by contemporary philosophers—and the animal rights movement of recent years, which frequently makes headlines, has received strong theoretical support from several of them. Others do not think that animals have rights in the same sense in which humans have them, and they are not philosophically opposed to medical experimentation involving animals or to eating them. (As far as we know, Nozick was not an activist in the animal rights movement.)

COMMUNITARIAN RESPONSES TO RAWLS

According to Rawls, in a just society individuals are guaranteed the right to pursue their own ends to the extent that they do not interfere with the right of others to pursue their own ends. Compromising this basic right to individual liberty for the sake of any so-called higher good is not acceptable in the Rawlsian view, and any
such “good” is not really a good thing at all. You could say that, for Rawls, the right to personal liberty is more basic or fundamental than goodness. This is a view widely held by liberals.

However, some recent critics of Rawls say there exists a common good whose attainment has priority over individual liberty. Some of these critics are known as **communitarians**, for they hold that this common good is defined by one’s society or “community.” Important communitarian critics of Rawls include Michael Sandel (*Liberalism and the Limits of Justice*, 1982), Michael Walzer (*Spheres of Justice*, 1983, and *Thick and Thin*, 1994), and Alasdair MacIntyre (most widely known work: *After Virtue*, 1984).

Sandel believes that the community is an intersubjective or collective self because self-understanding comprehends more than just an individual human being: it comprehends one’s family or tribe or class or nation or people—in short, one’s community, with its shared ends and common vocabulary and mutual understandings. The Rawlsian principle of equal liberty is subordinate to the good of this social organism, for Sandel.

Walzer (also famous for his theorizing on just and unjust wars—see the box “War!”) contrasts “thick” or particularist moral argument, which is internal to and framed within a specific political association or “culture,” with “thin” moral argument, which is abstract and general and philosophical. Political philosophers, according to Walzer, seek an abstract, universal (thin) point of view and are concerned with the appropriate structure of political association in general. But any full account of how social goods ought to be distributed, he says, will be thick; it
The philosophical literature on war—its legality, morality, causes, and significance—is pretty expansive, and we simply do not have space to go there, except briefly.

One important ethical issue pertains to the justness of war: when is a war just, and when is a war fought justly? The classical theory of the justness of a war comes from Augustine and especially Aquinas. Augustine said that just wars are those that avenge injuries: a state should be punished if it fails to right a wrong done by its citizens. Aquinas held that there are three conditions for a just war: (1) the ruler leading the war must have the authority to do so, (2) a just cause is required, and (3) right intention is required: those making the war must intend to achieve good and avoid evil.

A landmark discussion of justness in war was the 1977 book *Just and Unjust Wars* by Michael Walzer. Walzer covered many important issues that were later widely talked about in connection with the U.S. invasion of Iraq in 2003: preventive war and preemptive war, noncombatant immunity versus military necessity, terrorism, the right to neutrality, war crimes, and nuclear deterrence. Here we will say a few words about Walzer’s view on when a war is just, as an example of philosophical discussion of the subject.

Walzer held that states have rights, including the right to political sovereignty, territorial integrity, and self-determination. He did not just throw this thesis out as a talk-radio host might but attempted to derive the rights of states from the rights of individual people, arguing that states’ rights are simply the collective form of individual rights. States, like people, have duties to one another (as well as to their citizens) and can commit and suffer crimes (just as people can). Any use of military force by one state against another constitutes criminal aggression and justifies forceful resistance. However, the use of military force by one state on another can be justified only as a response to aggression and (except for a few unusual cases) not for any other end. For Walzer, democratic governments are not the only ones that have a right to political sovereignty; undemocratic and even tyrannical governments may have such a right as well. “Though states are founded for the sake of life and liberty,” he wrote, “they cannot be challenged in the name of life and liberty by any other states.”

These same themes were discussed, of course, when the United States went to war with Iraq in 2003. They will be discussed again, of that you can be sure.
“will be idiomatic in its language, particularist in its cultural reference, and historically detailed.” For Walzer, a society is just if its way of life is faithful to the shared understanding of its members. There “are no eternal or universal principles” that can replace a “local account” of justice. All such principles are abstractions and simplifications that nevertheless still reflect particular cultural viewpoints. (Notice how Walzer’s political philosophy echoes some of the relativistic themes discussed in current epistemology and metaphysics—see Chapter 9).

Alasdair MacIntyre and Virtue Ethics

Alasdair MacIntyre’s (1929– ) famous book *After Virtue* (2nd ed., 1984) was the major impetus behind a recent surge in interest by philosophers in virtue ethics.

Prior to MacIntyre, the theories most influential in contemporary moral philosophy were those from the utilitarians and from Kant. Moral philosophy (excluding metaethics) usually took the form of rules or principles of conduct: *act so as to promote the most happiness possible; social and economic inequalities should be arranged so that they are to everyone’s advantage;* and so forth. But after MacIntyre, there’s been much interest in the virtues, those beneficial traits of character—courage, compassion, generosity, truthfulness, justness, and the like—that enable individuals to flourish as human beings. The idea is that traits of character are in many ways morally more fundamental than rules for action. A cowardly act, for example, seems less commendable than a courageous one, even if the cowardly act happens to have better consequences. Whether acts count as moral or immoral seems to depend less on their consequences or on the intent of the person acting and more on the type of character they reflect. Other philosophers in the virtue ethics tradition include Plato, Aristotle, Aquinas, Nietzsche, and (in certain respects) Hume.

In *After Virtue*, MacIntyre wrote that “there is no way to possess the virtues except as part of a tradition in which we inherit them and our understanding of them from a series of predecessors.” The first in this series of predecessors, according to MacIntyre, were the “heroic societies” typified in Homer’s *Iliad*. Here, “every individual has a given role and status within a well-defined and highly determinate system of roles and statuses.” Consequently, moral duties are known and understood, and affairs lack ethical ambiguity.

MacIntyre went on to trace the evolution of ethical thought through the Sophists, Plato, Aristotle, the Stoics, the Middle Ages, and the Enlightenment, right up to Nietzsche. For MacIntyre, it is from Aristotle and the Aristotelian tradition that we have the most to learn. Among other lessons, MacIntyre accepted Aristotle’s view that human nature cannot be specified merely by stating the average human’s characteristics; instead, we must conceive of human nature in terms of its potentialities. Virtues, from this perspective, are traits that promote human flourishing and thus naturally produce pleasure.

For MacIntyre, Nietzsche represents the ultimate alternative to Aristotle. For with Nietzsche, the person must “raze to the ground the structures of inherited moral belief and argument.” Nietzsche or Aristotle? For MacIntyre the choice is clear.

In addition to these themes, MacIntyre emphasized the “concept of a self whose unity resides in the unity of a narrative which links birth to life to death as
narrative beginning to middle to end.” That is, according to MacIntyre, the only way to make sense of decisions and actions is in their context in the person’s story in which they happen. An action viewed in and of itself, independent of its place in the story that is this person’s life, is unintelligible. This does not mean that your life can follow just any old story line. Your life story must be the search for attainment of your potential as human; that is, it must be the search for your excellence or good. The virtues, MacIntyre wrote, sustain us in a relevant kind of quest for the good.

However, each person’s own quest for her or his own good or excellence must be undertaken from within that person’s moral tradition. “The notion of escaping . . . into a realm of entirely universal maxims which belong to man as such, whether in its eighteenth-century Kantian form or in the presentation of some modern analytical moral philosophies, is an illusion.”

How do we find the good? MacIntyre distinguishes between the excellences or goods that are internal to a practice and those that are external to it. For example, a good internal to the practice of medicine is patients’ health; an external good is wealth. To attain a good internal to a practice, you must operate within a certain social context, abiding by the rules of the practice, which have arisen through the history of the practice. A virtue, for MacIntyre, may be analyzed as a quality required to attain a good internal to a practice. Unless some of the practitioners are virtuous, the practice will decay. Entire moral traditions are also subject to degeneration unless they have their virtuous practitioners.

Further, to understand the human good, we can begin with the goods internal to human practices, noting how they are ordered in comparison with each other. For example, the good internal to one practice, medicine, let’s say, stands at a higher level than the good internal to another practice, playing football, perhaps. As we try to rank goods and to order our own affairs accordingly, we come to have a clearer understanding of the human good and ourselves.

Putting this complex understanding of virtue together, MacIntyre concluded:

The virtues find their point and purpose not only in sustaining the relationships necessary if the goods internal to practices are to be achieved and not only in sustaining the form of an individual life in which that individual may seek out his or her good as the good of his or her whole life, but also in sustaining those traditions which provide both practices and individual lives with their necessary historical context.

MARTHA NUSSBAUM

To the general public, few if any contemporary professional philosophers are better known than Martha Nussbaum (1947– ), currently of the University of Chicago, who has written and spoken widely on issues interesting to the general public. However, if one had to identify three areas of scholarship with which Nussbaum is associated in the minds of professional philosophers, they would perhaps be

- Virtue theory and Greek ethics (The Fragility of Goodness: Luck and Ethics in Greek Tragedy and Philosophy, 1986)
• International social justice, particularly regarding women’s opportunities and human development (especially the work she did with Nobel Prize–winning economist Amartya Sen)

• The role of emotions in decision making (Upheavals of Thought: The Intelligence of Emotions, 2001; Hiding from Humanity: Disgust, Shame, and the Law, 2004).

A more recent book, Frontiers of Justice: Disability, Nationality, Species Membership (2005), is (among other things) a treatise on how John Rawls’s contract theory of social justice can be improved to take care of three unfinished pieces of business: doing justice to people with physical and mental disabilities, extending justice to the people of all nations, and extending justice beyond the realm of the human to nonhuman animals. In contrast to the contractarian approach of Rawls, Nussbaum set forth a contrasting “capabilities approach,” which emerged in her earlier collaboration with economist Amartya Sen. The theory of Rawls, she wrote, offers a fair and impartial procedure to generate a just outcome, and “just” means whatever follows from decisions made in the “original situation” from behind the “veil of ignorance.” By contrast, according to the capabilities approach favored by Nussbaum, all nations and governments should provide for the core ingredients of human dignity such as (for example) the ability to live a life of normal length in good health and with the freedom to move about safe from violent assault, to be
able to exercise one’s mental, physical, imaginative, and creative powers, and to be able to laugh and play and enjoy recreational opportunities. The Nussbaum capabilities approach thus focused on specific desirable outcomes rather than on a specific just procedure that may (or may not) yield such outcomes. It is also cross-cultural and universal and “is under no pressure to hypothesize that the parties to the social compact are ‘free, equal, and independent.’” Most importantly, for Nussbaum, the capabilities approach denies that social justice must secure mutual advantage, a key desideratum of contract theories. It is likely, she wrote, that “the arrangements we need to make to give justice to developing nations, and to people with severe impairments within our own nation, will be very expensive and will not be justifiable as mutually advantageous in the narrow economic sense of advantage. That is too bad.” Her concept that creatures have a natural good and are entitled to pursue it is distinctly Aristotelian.

**HERBERT MARCUSE, A RECENT MARXIST**

The thought of Karl Marx has been interpreted, expanded, and amended by his many followers, conspicuously so, of course, by the Communist Party. Today, Marxism, like Christianity (as philosopher and social historian Sidney Hook said), is a family of doctrines continually being renewed and revised. It is more appropriate to treat the details of the further evolution of Marxist in a text on political history than in this summary overview of political philosophy. Still, because Marxism has been very important in contemporary political philosophy, we shall describe briefly the views of a contemporary Marxist.

In the late 1960s, the most famous philosopher in the United States was Herbert Marcuse [mar-KOO-zeh] (1898–1979). This was the era of tumultuous social and political unrest, the era of the New Left, Vietnam War protest, “people power,” militant black and feminist disaffection, hippies, acid, four-letter words, and Woodstock. Marcuse was in. (See the box “Marcuse in Southern California” on page 407.)

Marcuse’s reputation on the street arose from his book *One-Dimensional Man* (1964), a Marxist-oriented appraisal of contemporary industrial society. For the New Left, the book was a clear statement of deficiencies in American society.

As we have seen, it is a Marxist doctrine (or, at any rate, a doctrine of orthodox Marxists) that a disenfranchised working class is the inevitable instrument of social change. But according to Marcuse, the working class has been integrated into advanced capitalist society. Indeed, it has been integrated so well that it “can actually be characterized as a pillar of the establishment,” he said. This integration has been effected, he believed, through the overwhelming efficiency of technology in improving the standard of living. Because today’s workers share so largely in the comforts of consumer society, they are far less critical of the status quo than if they had been indoctrinated through propaganda or even brainwashed.

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1 *Frontiers of Justice*, pp. 89–90.
In fact, Marcuse said, today’s workers do not merely share these comforts, they actually “recognize themselves in their commodities.” “They find their soul in their automobile, hi-fi set, split-level home, kitchen equipment.” Their needs have been determined by what are, in effect, new forms of social control, such as advertising, consumerism, the mass media, and the entertainment industry, all of which produce and enforce conformity in what people desire, think, and do.

Thus, according to Marcuse, in the West, with its advanced capitalist societies, the workers have lost their individual autonomy, their capacity to choose and act for themselves, to refuse and to dissent and to create. Yes, needs are satisfied, but the price the workers pay for satisfaction of need is loss of ability to think for themselves. Further, the perceived needs that are satisfied, in Marcuse’s opinion, are false needs, needs stimulated artificially by producers to sell new products, needs whose satisfaction promotes insane wastefulness and does not lead to true fulfillment of the individual or release from domination.

Marcuse emphasized that the integration of the working class into the advanced capitalist society by the satisfaction of false needs created by advertising, television, movies, music, and other forms of consumerism does not mean that society has become classless. Despite the fact that their “needs” are satisfied, members of the working class are still slaves, in effect, because they remain mere instruments of production that capitalists use for their own purposes. Further, he wrote in One-Dimensional Man,

if the worker and his boss enjoy the same television program and visit the same resorts, if the typist is as attractively made up as the daughter of her employer . . .
Marcuse in Southern California

What may sometimes be the penalty for advocating an unpopular political philosophy is illustrated by the treatment Herbert Marcuse received during his stay in Southern California in the late 1960s. Marcuse left Germany after Hitler’s rise to power and became a U.S. citizen in 1940. He obtained work with the Office of Strategic Services and the State Department and thereafter held positions at Harvard, Columbia, and Brandeis. Later, in 1965, he accepted a postretirement appointment at the University of California, San Diego, where he was a quiet but popular professor. Although he had acquired by then a worldwide reputation among leftists and radicals for his social criticism, in San Diego he was not widely known beyond the campus.

In 1968, however, it was reported in the national media that Marcuse had invited “Red Rudi” Dutschke, a notorious West German student radical, to visit him in San Diego. After this, the local populace quickly informed itself about Marcuse. The outcry against any possible Dutschke visit and against the perceived radicalism of Marcuse in that conservative naval community was vigorous and strident. In thundering editorials, the San Diego Union denounced Marcuse and called for his ouster. Thirty-two American Legion posts in San Diego County demanded termination of his contract and offered the regents of the University of California the money to buy it out. Marcuse began receiving death threats and hate mail, and his student followers armed themselves with guns to protect him.

When his appointment neared its end in 1969, the question of reappointment arose and attracted nationwide attention. With the strong support of the faculty but in the face of strenuous opposition from the Union, the Legion, and other powerful groups, university chancellor John McGill decided to offer Marcuse a one-year contract of reappointment. When the regents of the University of California met to discuss McGill’s decision, they had to do so under the protection of the San Francisco Police Department’s Tactical Force. Though a substantial number strongly dissented, the majority supported McGill. Marcuse was reappointed.

By the expiration of the reappointment contract, Marcuse had passed the age of mandatory retirement. Nevertheless, he was permitted to keep his office and to teach informally.

if they all read the same newspaper, then this assimilation indicates not the disappearance of classes, but the extent to which the needs and satisfactions that serve the preservation of the Establishment are shared by the underlying population.

Thus, the working class in advanced capitalist societies, according to Marcuse, has been transformed from a force for radical change into a force for conservatism and the status quo.

The neutralizing of possible sources of radical social change through the integration of the working class into a one-dimensional society is visible everywhere to Marcuse. In the political sphere, the one-dimensionalization of society is apparent in the unification of labor and capital against communism in a “welfare and warfare state,” in which the cold war and the arms race unite all against the Communist threat while simultaneously stimulating the economy through the production of weapons.

Likewise, he said, a one-dimensional quality pervades contemporary art, language, philosophy, science, and all of contemporary culture. Thus, for example, art has lost its power to criticize, challenge, and transcend society and has been integrated as mere entertainment mass-produced in paperbacks, records, and television shows. As such, art now serves to promote conformity in thought, aspiration, and deed. The same is true of philosophy and science, he believed. The elite classes...
can tolerate free speech simply because such conformity of thought in art, philosophy, science, and politics is present.

Thus, as Marcuse saw it, advanced capitalist society has managed to assimilate and integrate into itself the forces that oppose it and to “defeat or refute all protest in the name of the historical prospects of freedom from toil and domination.” Still, at the very end of One-Dimensional Man, Marcuse acknowledged that there is a slim chance of revolutionary change at the hands of a substratum of the outcasts of society, such as persecuted ethnic minorities and the unemployed and unemployable.

In his later thought, moreover, Marcuse perceived a weakening of the integration of the working classes into society and a growing awareness on the part of workers, students, and the middle class that consumer prosperity has been purchased at too high a price and that a society without war, exploitation, repression, poverty, or waste is possible. The revolution that will produce this society, Marcuse said—and only through revolution can it be created, he maintained—will be born not of privation but of “disgust at the waste and excess of the so-called consumer society.”

**THE OBJECTIVISM OF AYN RAND**

**Ayn Rand** (1905–1982), born Alissa Rosenbaum, graduated from the University of Petrograd (Leningrad) in 1924, moved to the United States the following year, and eventually became a Hollywood screenwriter. She achieved renown with the publication of two novels, *The Fountainhead* (1943) and *Atlas Shrugged* (1957). Rand founded a philosophical movement called objectivism, which was based on her interpretation of Aristotle. She saw Aristotle as a realist who established ethics on an objective understanding of human behavior rooted in knowable principles. Unlike Aristotle, however, she thought that certainty in morality was possible. Rand’s philosophy has not attracted quite as much interest among academic philosophers as have some of the others we have mentioned in this chapter, but it has been a source of widespread popular discussion.

Rand’s early writings were based on her understanding of Nietzsche, and she followed his contempt for the ignorance of most humans. She has Kira, her protagonist in *We the Living* (1936), say: “What are your masses but millions of dull, shrunken, helpless souls that have no thoughts of their own, no dreams of their own, no will of their own, who eat and sleep and chew helplessly the words that others put into their brains? . . . I loathe most of them.” Nietzsche scorned having pity on such herd animals, and Rand thought there was no worse injustice than giving to the undeserving. She thought of pity as a dangerous weakness that, historically, has allowed the weak, the ignorant, and the undeserving to become parasites on the strong and the productive. She spoke of the “sanction of the victim,” the unwitting assent of the man of ability (the victim) to concede the false premise that his inferiors have the moral right to the product of his labor. In truth, she thought, progress is to be made only by the brilliant few who affirm life and pleasure, who think for themselves, and who are the creative artists of life. These are the heroic, larger-than-life figures who change the world for the better.
Rand, still following Nietzsche, saw human fulfillment as the struggle of the individual to improve, to become something higher. However, she added to this concept the idea that the maximally fulfilled life involved productivity and money making. She embraced a form of laissez-faire capitalism so pure that it alienated her from conservatives and libertarians, whom she eventually came to despise. She talked of an ideal society based on a “utopia of greed” in which the government would be so noninterventionist as to be invisible. In this utopia, the ideas and actions of the brilliant would provide the basis for the just state according to her moral principles. Essentially, for Rand, morality meant creating something and then making money from it. She considered inheritance, fraud, or any other kind of nonproductivity as looting. The dollar symbolized the victory of the creative mind over the state, over religion, and over the unthinking masses.

Rand believed that rights are vested in the individual, never in the group. The state exists to protect individual rights, to the exclusion of almost all else. The government certainly must not provide undeserved bonuses to the mediocre, mindless, and meaningless masses.

Targets of objectivists include feminism and environmentalism. Rand held that men are superior to woman, and she called her position “male chauvinism.” She thought a woman should not become president of the United States, for example. But she did not want women to be dependent upon or obedient to men.

A web page with Ayn Rand quotations is http://www.hypermall.com/cgi-bin/randquotes.pl.

“ISMS”

Liberalism, communism, socialism, capitalism, fascism, conservatism—these ill-defined terms are sometimes thought to denote mutually exclusive alternative forms of government. Actually, they do not stand for parallel alternatives at all. We shall conclude this chapter with a brief scan of some of these “isms.”

Classical liberalism emphasized the rationality and goodness of humans, individual freedom, representative government, individual property rights, social progress through political reform, and laissez-faire economics, which, by the way, is the view that the government should not interfere in economic affairs beyond the minimum necessary to maintain peace and property rights. A guiding principle of liberalism was eloquently articulated by Mill: the sole end for which people are warranted in interfering with an individual’s liberty is never the individual’s own good but rather to prevent harm to others.

Contemporary liberals also subscribe to these assorted concepts, except they are not so wedded to the laissez-faire idea. They are willing to put up with (or even ask for) government involvement in economic affairs when such involvement is perceived to promote equality of opportunity or to protect people from exploitation or discrimination or to protect the environment, or is done even merely to raise the overall quality of life. Thus, contemporary liberals tend to support social welfare programs paid for through taxation, as well as civil rights, women’s rights, gay rights, affirmative action, and environmentalism. But contemporary liberals
tend to oppose militarism, imperialism, exploitation of third world countries, censorship, governmental support of religion, and anti-immigration crusades. American liberals are inclined to interpret the Bill of Rights very, well, liberally.

**Conservatism** was originally a reaction to the social and political upheaval of the French Revolution. Conservatives, as the word suggests, desire to conserve past social and political traditions and practices as representing the wisdom of a society’s experience and are opposed to widespread social reform or experimentalism. Even so, Edmund Burke (1729–1797), the most eloquent and influential conservative writer of the eighteenth century, if not of all time, advocated many liberal and reform causes. Burke considered “society” as a contract among the dead, the living, and those to be born, and each social contract of each state but a clause in the great primeval contract of eternal society.

Contemporary American conservatism is in large measure a defense of private enterprise, laissez-faire economic policies, and a narrow or literal interpretation of the Bill of Rights. Conservatives are reluctant to enlist the power of government, especially its power to tax, to remedy social ills. Critics (liberals, mostly) charge that conservatives give mere lip service to the importance of individual liberty and consider it of lesser importance than a free-market economy. Conservatives respond that individual liberty is best protected by limiting the scope of government, especially in economic matters, and by dispersing its power. In emphasizing both personal freedom and free-market economics and in distrusting centralized power, modern conservatism is similar to nineteenth-century laissez-faire liberalism.

**Communists** (with a capital C), as explained in Chapter 11, accept the social, political, and economic ideology of the Communist Party, including the idea that the dictatorship of the proletariat will come about only through revolution; **communism** (lowercase c) is simply a form of economic organization in which the primary goods (usually the means of production and distribution) are held in common by a community. The definitions of **socialism** and communism are essentially the same, and Communists, of course, are advocates of communism.

**Capitalism** is an economic system in which ownership of the means of production and distribution is maintained primarily by private individuals and corporations. Capitalism, therefore, is an opposite to socialism and communism.

**Fascism** is the totalitarian political philosophy espoused by the Mussolini government of Italy prior to and during World War II, which emphasized the absolute primacy of the state and leadership by an elite who embody the will and intelligence of the people. Adolph Hitler and the National Socialists (Nazis) of Germany embraced elements of fascism; today the term **fascist** is used loosely to denounce any totalitarian regime.

Finally, another important political “ism” is **democratic socialism**, a term that denotes a popular political structure (especially in Western Europe) that many Americans have not heard of. Under democratic socialism, there are a democratically elected executive and legislature, and there is no state ownership of business, though it permits considerable government intervention in the business sector. Yet this type of system provides guarantees of individual rights and freedom as well as a social safety net for the poor, the old, and the sick, as in Communist political arrangements.

Despite the myriad changes in the world political scene, one trend does appear fairly global: the preference for personal freedom and democratic government.
Killing and Starving to Death*

James Rachels

[Is it as bad, morally, to let a person die as it is to kill him or her? Many say “no.” In this selection, James Rachels challenges this view.]

Although we do not know exactly how many people die each year of malnutrition or related health problems, the number is very high, in the millions. By giving money to support famine relief efforts, each of us could save at least some of them. By not giving, we let them die.

Some philosophers have argued that letting people die is not as bad as killing them, because in general our “positive duty” to give aid is weaker than our “negative duty” not to do harm. I maintain the opposite: letting die is just as bad as killing. At first this may seem wildly implausible. When reminded that people are dying of starvation while we spend money on trivial things, we may feel a bit guilty, but certainly we do not feel like murderers. Philippa Foot writes:

Most of us allow people to die of starvation in India and Africa, and there is surely something wrong with us that we do; it would be nonsense, however, to pretend that it is only in law that we make a distinction between allowing people in the underdeveloped countries to die of starvation and sending them poisoned food. There is worked into our moral system a distinction between what we owe people in the form of aid and what we owe them in the way of noninterference.

No doubt this would be correct if it were intended only as a description of what most people believe. Whether this feature of “our moral system” is rationally defensible is, however, another matter. I shall argue that we are wrong to take comfort in the fact that we only let these people die, because our duty not to let them die is equally as strong as our duty not to kill them, which, of course, is very strong indeed.

Obviously, the Equivalence Thesis is not morally neutral, as philosophical claims about ethics often are. It is a radical idea that, if true, would mean that some of our “intuitions” (our prereflective beliefs about what is right and wrong in particular cases) are mistaken and must be rejected. Neither is the view I oppose morally neutral. The idea that killing is worse than letting die is a relatively conservative thesis that would allow those same intuitions to be preserved. However, the Equivalence Thesis should not be dismissed merely because it does not conform to all our prereflective intuitions. Rather than being perceptions of the truth, our “intuitions” might sometimes signify nothing more than our prejudices or selfishness or cultural conditioning. Philosophers often admit that, in theory at least, some intuitions might be unreliable—but usually this possibility is not taken seriously, and conformity to prereflective intuition is used uncritically as a test of the acceptability of moral theory. In what follows I shall argue that many of our intuitions concerning killing and letting die are mistaken, and should not be trusted.

I

We think that killing is worse than letting die, not because we overestimate how bad it is to kill, but because we underestimate how bad it is to let die. The following chain of reasoning is intended to show that letting people in foreign countries die of starvation is very much worse than we commonly assume.

Suppose there were a starving child in the room where you are now—hollow-eyed, belly bloated, and so on—and you have a sandwich at your elbow that you don’t need. Of course you would be horrified; you would stop reading and give her the sandwich or, better, take her to a hospital. And you would not think this an act of supererogation; you would not expect any special praise for it, and you would expect criticism if you did not do it. Imagine what you would think of someone who simply ignored the child and continued reading,
allowing her to die of starvation. Let us call the person who would do this Jack Palance, after the very nice man who plays such vile characters in movies. Jack Palance indifferently watches the starving child die; he cannot be bothered even to hand her the sandwich. There is ample reason for judging him very harshly; without putting too fine a point on it, he shows himself to be a moral monster.

When we allow people in faraway countries to die of starvation, we may think, as Mrs. Foot puts it, that “there is surely something wrong with us.” But we most emphatically do not consider ourselves moral monsters. We think this, in spite of the striking similarity between Jack Palance’s behavior and our own. He could easily save the child; he does not, and the child dies. We could easily save some of those starving people; we do not, and they die. If we are not monsters, there must be some important difference between him and us. But what is it?

One obvious difference between Jack Palance’s position and ours is that the person he lets die is in the same room with him, while the people we let die are mostly far away. Yet the spatial location of the dying people hardly seems a relevant consideration. It is absurd to suppose that being located at a certain map coordinate entitles one to treatment that one would not merit if situated at a different longitude or latitude. Of course, if a dying person’s location meant that we could not help, that would excuse us. But, since there are efficient famine relief agencies willing to carry our aid to the faraway countries, this excuse is not available. It would be almost as easy for us to send these agencies the price of the sandwich as for Palance to hand the sandwich to the child.

The location of the starving people does make a difference, psychologically, in how we feel. If there were a starving child in the same room with us, we could not avoid realizing, in a vivid and disturbing way, how it is suffering and that it is about to die. Faced with this realization our consciences probably would not allow us to ignore the child. But if the dying are far away, it is easy to think of them only abstractly, or to put them out of our thoughts altogether. This might explain why our conduct would be different if we were in Jack Palance’s position, even though, from a moral point of view, the location of the dying is not relevant.

There are other differences between Jack Palance and us, which may seem important, having to do with the sheer numbers of people, both affluent and starving, that surround us. In our fictitious example Jack Palance is one person, confronted by the need of one other person. This makes his position relatively simple. In the real world our position is more complicated, in two ways: first, in that there are millions of people who need feeding, and none of us has the resources to care for all of them; and second, in that for any starving person we could help there are millions of other affluent people who could help as easily as we.

On the first point, not much needs to be said. We may feel, in a vague sort of way, that we are not monsters because no one of us could possibly save all the starving people—there are just too many of them, and none of us has the resources. This is fair enough, but all that follows is that, individually, none of us is responsible for saving everyone. We may still be responsible for saving someone, or as many as we can. This is so obvious that it hardly bears mentioning, yet it is easy to lose sight of, and philosophers have actually lost sight of it. In his article “Saving Life and Taking Life,” Richard Trammell says that one morally important difference between killing and letting die is “dischargeability.” By this he means that, while each of us can discharge completely a duty not to kill anyone, no one among us can discharge completely a duty to save everyone who needs it. Again, fair enough: but all that follows is that since we are only bound to save those we can, the class of people we have an obligation to save is much smaller than the class of people we have an obligation not to kill. It does not follow that our duty with respect to those we can save is any less stringent. Suppose Jack Palance were to say: “I needn’t give this starving child the sandwich because, after all, I can’t save everyone in the world who needs it.” If this excuse will not work for him, neither will it work for us with respect to the children we could save in India or Africa.

The second point about numbers was that, for any starving person we could help, there are millions of other affluent people who could help as easily as we. Some are in an even better position to help since they are richer. But by and large these people are doing nothing. This also helps explain why we do not feel especially guilty for letting people starve. How guilty we feel about something depends, to some extent, on how we compare with those around us. If we were surrounded by people who regularly sacrificed to feed the starving and we did not, we would probably feel ashamed. But because our
neighbors do not do any better than we, we are not so ashamed.

But again, this does not imply that we should not feel more guilty or ashamed than we do. A psychological explanation of our feelings is not a moral justification of our conduct. Suppose Jack Palance were only one of twenty people who watched the child die; would that decrease his guilt? Curiously, I think many people assume it would. Many people seem to feel that if twenty people do nothing to prevent a tragedy, each of them is only one-twentieth as guilty as he would have been if he had watched the tragedy alone. It is as though there is only a fixed amount of guilt, which divides. I suggest, rather, that guilt multiplies, so that each passive viewer is fully guilty, if he could have prevented the tragedy but did not. Jack Palance watching the girl die alone would be a moral monster; but if he calls in a group of his friends to watch with him, he does not diminish his guilt by dividing it among them. Instead, they are all moral monsters. Once the point is made explicit, it seems obvious.

The fact that most other affluent people do nothing to relieve hunger may very well have implications for one’s own obligations. But the implication may be that one’s own obligations increase rather than decrease. Suppose Palance and a friend were faced with two starving children, so that, if each did his “fair share,” Palance would only have to feed one of them. But the friend will do nothing. Because he is well-off, Palance could feed both of them. Should he not? What if he fed one and then watched the other die, announcing that he has done his duty and that the one who died was his friend’s responsibility? This shows the fallacy of supposing that one’s duty is only to do one’s fair share, where this is determined by what would be sufficient if everyone else did likewise.

To summarize: Jack Palance, who refuses to hand a sandwich to a starving child, is a moral monster. But we feel intuitively that we are not so monstrous, even though we also let starving children die when we could feed them almost as easily. If this intuition is correct, there must be some important difference between him and us. But when we examine the most obvious differences between his conduct and ours—the location of the dying, the differences in numbers—we find no real basis for judging ourselves less harshly than we judge him. Perhaps there are some other grounds on which we might distinguish our moral position, with respect to actual starving people, from Jack Palance’s position with respect to the child in my story. But I cannot think of what they might be. Therefore, I conclude that if he is a monster, then so are we—or at least, so are we after our rationalizations and thoughtlessness have been exposed.

This last qualification is important. We judge people, at least in part, according to whether they can be expected to realize how well or how badly they behave. We judge Palance harshly because the consequences of his indifference are so immediately apparent. By contrast, it requires an unusual effort for us to realize the consequences of our indifference. It is normal behavior for people in the affluent countries not to give to famine relief, or if they do give, to give very little. Decent people may go along with this normal behavior pattern unthinkingly, without realizing, or without comprehending in a clear way just what this means for the starving. Thus, even though those decent people may act monstrously, we do not judge them monsters. There is a curious sense, then, in which moral reflection can transform decent people into indecent ones; for if a person thinks things through, and realizes that he is, morally speaking, in Jack Palance’s position, his continued indifference is more blameworthy than before.

The preceding is not intended to prove that letting people die of starvation is as bad as killing them. But it does provide strong evidence that letting die is much worse than we normally assume, and so that letting die is much closer to killing than we normally assume. These reflections also go some way towards showing just how fragile and unreliable our intuitions are in this area. They suggest that, if we want to discover the truth, we are better off looking at arguments that do not rely on unexamined intuitions.
A Theory of Justice*  

John Rawls

[Here, Rawls explains his conception of justice as fairness, the original position, the veil of ignorance, and the two basic principles of social justice.]

My aim is to present a conception of justice which generalizes and carries to a higher level of abstraction the familiar theory of the social contract as found, say, in Locke, Rousseau, and Kant. In order to do this we are not to think of the original contract as one to enter a particular society or to set up a particular form of government. Rather, the guiding idea is that the principles of justice for the basic structure of society are the object of the original agreement. They are the principles that free and rational persons concerned to further their own interests would accept in an initial position of equality as defining the fundamental terms of their association. These principles are to regulate all further agreements; they specify the kinds of social cooperation that can be entered into and the forms of government that can be established. This way of regarding the principles of justice I shall call justice as fairness.

Thus we are to imagine that those who engage in social cooperation choose together, in one joint act, the principles which are to assign basic rights and duties and to determine the division of social benefits. Men are to decide in advance how they are to regulate their claims against one another and what is to be the foundation charter of their society. Just as each person must decide by rational reflection what constitutes his good, that is, the system of ends which it is rational for him to pursue, so a group of persons must decide once and for all what is to count among them as just and unjust. The choice which rational men would make in this hypothetical situation of equal liberty, assuming for the present that this choice problem has a solution, determines the principles of justice.

In justice as fairness the original position of equality corresponds to the state of nature in the traditional theory of the social contract. This original position is not, of course, thought of as an actual historical state of affairs, much less as a primitive condition of culture. It is understood as a purely hypothetical situation characterized so as to lead to a certain conception of justice. Among the essential features of this situation is that no one knows his place in society, his class position or social status, nor does any one know his fortune in the distribution of natural assets and abilities, his intelligence, strength, and the like. I shall even assume that the parties do not know their conceptions of the good or their special psychological propensities. The principles of justice are chosen behind a veil of ignorance. This ensures that no one is advantaged or disadvantaged in the choice of principles by the outcome of natural chance or the contingency of social circumstances. Since all are similarly situated and no one is able to design principles to favor his particular condition, the principles of justice are the result of a fair agreement or bargain. For given the circumstances of the original position, the symmetry of every one’s relations to each other, this initial situation is fair between individuals as moral persons, that is, as rational beings with their own ends and capable, I shall assume, of a sense of justice. The original position is, one might say, the appropriate initial status quo, and thus the fundamental agreements reached in it are fair. This explains the propriety of the name “justice as fairness”: it conveys the idea that the principles of justice are agreed to in an initial situation that is fair. The name does not mean that the concepts of justice and fairness are the same, any more than the phrase “poetry as metaphor” means that the concepts of poetry and metaphor are the same.

Justice as fairness begins, as I have said, with one of the most general of all choices which persons might make together, namely, with the choice of the first principles of a conception of justice which is to regulate all subsequent criticism and reform of institutions. Then, having chosen a conception of

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justice, we can suppose that they are to choose a constitution and a legislature to enact laws, and so on, all in accordance with the principles of justice initially agreed upon. Our social situation is just if it is such that by this sequence of hypothetical agreements we would have contracted into the general system of rules which defines it.

I shall maintain . . . that the persons in the initial situation would choose two rather different principles: the first requires equality in the assignment of basic rights and duties, while the second holds that social and economic inequalities, for example inequalities of wealth and authority, are just only if they result in compensating benefits for everyone, and in particular for the least advantaged members of society. These principles rule out justifying institutions on the grounds that the hardships of some are offset by a greater good in the aggregate. It may be expedient but it is not just that some should have less in order that others may prosper. But there is no injustice in the greater benefits earned by a few provided that the situation of persons not so fortunate is thereby improved. The intuitive idea is that since everyone’s well-being depends upon a scheme of cooperation without which no one could have a satisfactory life, the division of advantages should be such as to draw forth the willing cooperation of everyone taking part in it, including those less well situated. Yet this can be expected only if reasonable terms are proposed. The two principles mentioned seem to be a fair agreement on the basis of which those better endowed, or more fortunate in their social position, neither of which we can be said to deserve, could expect the willing cooperation of others when some workable scheme is a necessary condition of the welfare of all. Once we decide to look for a conception of justice that nullifies the accidents of natural endowment and the contingencies of social circumstance as counters in quest for political and economic advantage, we are led to these principles. They express the result of leaving aside those aspects of the social world that seem arbitrary from a moral point of view.

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SELECTION 12.3

Anarchy, State, and Utopia*

Robert Nozick

[If the members of your society voluntarily limit their liberty for their mutual advantage, then are you obliged to limit your liberty if you benefit from the arrangement? Nozick says “no.”]

A principle, suggested by Herbert Hart, which (following John Rawls) we shall call the principle of fairness, would be of service here if it were adequate. This principle holds that when a number of persons engage in a just, mutually advantageous, cooperative venture according to rules and thus restrain their liberty in ways necessary to yield advantages for all, those who have submitted to these restrictions have a right to similar acquiescence on the part of those who have benefited from their submission. Acceptance of benefits (even when this is not a giving of express or tacit undertaking to cooperate) is enough, according to this principle, to bind one.

The principle of fairness, as we stated it following Hart and Rawls, is objectionable and unacceptable. Suppose some of the people in your neighborhood (there are 364 other adults) have found a public address system and decide to institute a system of public entertainment. They post a list of names, one for each day, yours among them. On his assigned day (one can easily switch days) a person is to run the public address system, play records over it, give news bulletins, tell amusing stories he has heard, and so on. After 138 days on which each person has done his part, your day arrives. Are you obligated to take your turn? You have benefited from it, occasionally opening your window to listen, enjoying some music or chuckling.

at someone’s funny story. The other people have put themselves out. But must you answer the call when it is your turn to do so? As it stands, surely not. Though you benefit from the arrangement, you may know all along that 364 days of entertainment supplied by others will not be worth your giving up one day. You would rather not have any of it and not give up a day than have it all and spend one of your days at it. Given these preferences, how can it be that you are required to participate when your scheduled time comes? It would be nice to have philosophy readings on the radio to which one could tune in at any time, perhaps late at night when tired. But it may not be nice enough for you to want to give up one whole day of your own as a reader on the program. Whatever you want, can others create an obligation for you to do so by going ahead and starting the program themselves? In this case you can choose to forgo the benefit by not turning on the radio; in other cases the benefits may be unavoidable. If each day a different person on your street sweeps the entire street, must you do so when your time comes? Even if you don’t care much about a clean street? Must you imagine dirt as you traverse the street, so as not to benefit as a free rider? Must you refrain from turning on the radio to hear the philosophy readings? Must you mow your front lawn as often as your neighbors mow theirs?

At the very least one wants to build into the principle of fairness the condition that the benefits to a person from the actions of the others are greater than the costs to him of doing his share. . . .

If the principle of fairness were modified so as to contain this very strong condition, it still would be objectionable. The benefits might only barely be worth the costs to you of doing your share, yet others might benefit from this institution much more than you do; they all treasure listening to the public broadcasts. As the person least benefited by the practice, are you obligated to do an equal amount for it? Or perhaps you would prefer that all cooperated in another venture, limiting their conduct and making sacrifices for it. It is true, given that they are not following your plan (and thus limiting what other options are available to you), that the benefits of their venture are worth to you the costs of your cooperation. However, you do not wish to cooperate, as part of your plan to focus their attention on your alternative proposal which they have ignored or not given, in your view at least, its proper due. (You want them, for example, to read the Talmud on the radio instead of the philosophy they are reading.) By lending the institution (their institution) the support of your cooperating in it, you will only make it harder to change or alter.

On the face of it, enforcing the principle of fairness is objectionable. You may not decide to give me something, for example a book, and then grab money from me to pay for it, even if I have nothing better to spend the money on. You have, if anything, even less reason to demand payment if your activity that gives me the book also benefits you; suppose that your best way of getting exercise is by throwing books into people’s houses, or that some other activity of yours thrusts books into people’s houses as an unavoidable side effect. Nor are things changed if your inability to collect money or payments for the books which unavoidably spill over into others’ houses makes it inadvisable or too expensive for you to carry on the activity with this side effect. One cannot, whatever one’s purposes, just act so as to give people benefits and then demand (or seize) payment. Nor can a group of persons do this. If you may not charge and collect for benefits you bestow without prior agreement, you certainly may not do so for benefits whose bestowal costs you nothing, and most certainly people need not repay you for costless-to-provide benefits which yet others provided them. So the fact that we partially are “social products” in that we benefit from current patterns and forms created by the multitudinous actions of a long string of long-forgotten people, forms which include institutions, ways of doing things, and language (whose social nature may involve our current use depending upon Wittgensteinian matching of the speech of others), does not create in us a general floating debt which the current society can collect and use as it will.

Perhaps a modified principle of fairness can be stated which would be free from these and similar difficulties. What seems certain is that any such principle, if possible, would be so complex and involuted that one could not combine it with a special principle legitimating enforcement within a state of nature of the obligations that have arisen under it. Hence, even if the principle could be formulated so that it was no longer open to objection, it would not serve to obviate the need for other persons’ consenting to cooperate and limit their own activities.
SELECTION 12.4

Frontiers of Justice*

Martha Nussbaum

[From Martha Nussbaum’s Introduction to her most recent book.]

Theories of social justice should be abstract. They should, that is, have a generality and theoretical power that enables them to reach beyond the political conflicts of their time, even if they have their origins in such conflicts. Even political justification requires such abstraction: for we cannot justify a political theory unless we can show that it can be stable over time, receiving citizens’ support for more than narrowly self-protective or instrumental reasons. And we cannot show that it can be stable without standing back from immediate events.

On the other hand, theories of social justice must also be responsive to the world and its most urgent problems, and must be open to changes in their formulations and even in their structures in response to a new problem or to an old one that has been culpably ignored.

Most theories of justice in the Western tradition, for example, have been culpably inattentive to women’s demands for equality and to the many obstacles that stood, and stand, in the way of that equality. Their abstraction, though in some ways valuable, concealed a failure to confront one of the world’s most serious problems. Attending adequately to the problem of gender justice has large theoretical consequences, since it involves acknowledging that the family is a political institution, not part of a “private sphere” immune from justice. Correcting the oversight of previous theories is therefore not a matter of simply applying the same old theories to a new problem; it is a matter of getting the theoretical structure right.

Today there are three unsolved problems of social justice whose neglect in existing theories seems particularly problematic. (No doubt there are still other such problems, which as yet we do not see.) First, there is the problem of doing justice to people with physical and mental impairments. These people are people, but they have not as yet been included, in existing societies, as citizens on a basis of equality with other citizens. The problem of extending education, health care, political rights and liberties, and equal citizenship more generally to such people seems to be a problem of justice, and an urgent one. Because solving this problem requires a new way of thinking about who the citizen is and a new analysis of the purpose of social cooperation (one not focused on mutual advantage), and because it also requires emphasizing the importance of care as a social primary good, it seems likely that facing it well will require not simply a new application of the old theories, but a reshaping of theoretical structures themselves.

Second is the urgent problem of extending justice to all world citizens, showing theoretically how we might realize a world that is just as a whole, in which accidents of birth and national origin do not warp people’s life chances pervasively and from the start. Because all the major Western theories of social justice begin from the nation-state as their basic unit, it is likely that new theoretical structures will also be required to think well about this problem.

Finally, we need to face the issues of justice involved in our treatment of nonhuman animals. That animals suffer pain and indignity at the hands of humans has often been conceded to be an ethical issue; it has more rarely been acknowledged to be an issue of social justice. If we do so acknowledge it (and readers of this book will have to judge for themselves whether the case for so doing has been well made), it is clear, once again, that this new problem will require theoretical change. Images of social cooperation and reciprocity that require rationality in all the parties, for example, will need to be reexamined and new images of a different type of cooperation forged.

There are many approaches to social justice in the Western tradition. One of the strongest and most enduring has been the idea of the social contract, in which rational people get together, for

mutual advantage, deciding to leave the state of nature and to govern themselves by law. Such theories have had enormous influence historically, and have recently been developed with great philosophical depth in the distinguished work of John Rawls. Such theories are probably the strongest theories of justice we have. At any rate, Rawls has powerfully made the case that they do better than the various forms of Utilitarianism in articulating, probing, and organizing our considered judgments about justice.

A theory may, however, be truly great and yet have serious limitations in some area or areas. Classical theories that rested on the public-private distinction had severe problems when it came to confronting the equality of women, and even Rawls’s very astute approach to this problem has shortcomings. Rawls himself acknowledged that the three problems I have just described are especially difficult ones for his contractarian theory to solve. He believed that the second might after all be solved, and he devoted much of his work at the end of his life to solving it; the first and third he called problems “on which justice as fairness may fail”¹. He suggested that the issues needed further examination so that we could see how serious these problems were and what it might take to solve them.² Although my project in this book did not begin with Rawls’s self-critical statement, that statement is a useful way of articulating its intentions.

I begin from the conviction that these three problems are indeed serious unsolved problems of justice. I argue that the classical theory of the social contract cannot solve these problems, even when put in its best form. It is for this reason that I focus throughout the book on Rawls, who to my mind expresses the classical idea of the social contract in its strongest form and makes the strongest case for its superiority to other theories. If Rawls’s distinguished theory has serious shortcomings in these three areas, as I hope to show, a fortiori other, less developed or less appealing forms of the contract doctrine are likely to have such problems. I hope to show that the type of difficulty we shall encounter cannot be handled by merely applying the old theoretical structure to the new case; it is built into the theoretical structure itself, in such a way as to lead us to search for a different type of theoretical structure, albeit one in which major elements in Rawls’s theory will survive and provide valuable guidance.

These problems are not simply problems in academic philosophy. Doctrines of the social contract have deep and broad influence in our political life. Images of who we are and why we get together shape our thinking about what political principles we should favor and who should be involved in their framing. The common idea that some citizens “pay their own way” and others do not, that some are parasitic and others “normally productive,” are the offshoots, in the popular imagination, of the idea of society as a scheme of cooperation for mutual advantage. We could challenge those images in practical politics without identifying their source. It is actually quite helpful, however, to go to the root of the problem, so to speak: for then we see much more clearly why we got into such a difficulty and what we must change if we wish to advance. Thus, although this book engages with philosophical ideas in detail and with attention to the complexities and nuances of the theories in question, it is also intended as an essay in practical philosophy, which may guide us back to some richer ideas of social cooperation (old as well as new) that do not involve such difficulties. Although people can certainly engage in practical politics on all these issues without such a detailed philosophical investigation, I believe that the detailed investigation is helpful, both because it shows respect for the people one is criticizing and because it is always helpful to see exactly where the problem kicks in, so that one can change the right thing rather than the wrong thing. In fact, I am skeptical that a less detailed philosophical investigation has much practical relevance, when the questions are complex and the theoretical structures elaborate. If we go too quickly to the “bottom line,” we lose the characteristic type of illumination that philosophy is able to provide. Certainly the great practical works in political philosophy are not great because of lack of detail. John Stuart Mill’s On Liberty is great despite its frustrating lack of detail, and would have been even better had it spent more time working out foundational issues, such as the account of harm, or the relationships between liberty and preferences, liberty and rights. Rawls’s two great books supply especially valuable practical guidance because they do try to answer hard foundational questions with rigor and pleasing detail.

My project here is both critical and constructive. For I shall argue that, with respect to all three of

² Ibid.
the problems under consideration, the version of the “capabilities approach” that I have long been developing, suggests promising insights, and insights superior to those suggested, for those particular problems, by the social contract tradition. (As we shall see, I also hold that my approach converges in large measure with a different type of contractarianism, one based purely on Kantian ethical ideas without the idea of mutual advantage.) My previous account of the capabilities approach in Women and Human Development outlined the view, spoke about issues of method and justification, and discussed in detail its treatment of two particularly difficult problems, the problem of religion and the problem of the family. It also commended the approach as superior to preference-based Utilitarianism, in a detailed confrontation with that theory.

CHECKLIST

To help you review, here is a checklist of the key philosophers and terms and concepts of this chapter. The brief descriptive sentences summarize the philosophers’ leading ideas. Keep in mind that some of these summary statements are oversimplifications of complex positions.

Philosophers

- **Alasdair MacIntyre** was a leading twentieth-century exponent of virtue ethics. 402
- **Herbert Marcuse**, a Marxist, held that the working class has been transformed from a force for radical change into a force for preserving the status quo because of the false needs created by consumerism and advertising. 405
- **G. E. Moore** was the most important early figure in contemporary analytic ethics and metaethics. He held that goodness is an indefinable, noncomplex, and nonnatural property of good things. He said that what makes right actions right is that they produce more goodness than alternative actions. 384
- **Robert Nozick**, an analytic (libertarian) political philosopher, held that a limited “nightwatchman” state is ethically justified but that any more extensive state violates people’s rights. 396
- **Martha Nussbaum**, contemporary moral philosopher known also for social commentary. Known especially for work in virtue ethics and Greek philosophy, the role of emotions in decision making, and issues in international social justice. 403
- **Ayn Rand** was the founder of “objectivism,” a philosophy that championed the brilliant individual who rises to the top in an ideal society based on the freedom of the individual to create. 408
- **John Rawls**, an analytic (liberal) political philosopher, attempted to establish the fundamental principles of distributive justice through consideration of a hypothetical “original position” in which people’s choice of principles is not biased by their individual unique circumstances. He held that all social goods are to be distributed equally unless an unequal distribution is to everyone’s advantage. 392
- **W. D. Ross** held that the production of maximum good is not the only thing that makes an act right; some things are just simply our moral duty to do. 387

Key Terms and Concepts

- antinaturalism 387
- applied ethics 390
- capacities 387
- approach 404
- liberalism 409
- capitalism 410
- metaethics 387
- Communist 410
- moral judgment 386
- communism 410
- naturalist fallacy 389
- communitarians 400
- night-watchman state 397
- conservatism 410
- normative ethics 386
- democratic socialism 410
- original position 393
- deontological ethics 388
- prescriptive judgment 389
- emotivism 389
- prima facie duties 388
- entitlement concept of social justice 398
- socialism 410
- veil of ignorance 393
- equivalence thesis 391
- virtue ethics 402
- fascism 410
- invisible-hand mechanism 397
QUESTIONS FOR DISCUSSION AND REVIEW

1. Is happiness identical with pleasure?
2. What does it mean to say that good is a non-natural property? Explain in your own words Moore’s reasons for saying that good is not equivalent to any natural property.
3. Are moral value judgments merely expression of taste? Explain.
4. Is it worse morally to send starving people poisoned food than to let them starve to death? Why?
5. Explain the differences among liberalism, communism, socialism, capitalism, fascism, and conservatism.
6. Is it true that a state is not “well ordered” unless both (a) its members know and accept the same principles of social justice and (b) the basic social institutions generally satisfy and are generally known to satisfy these principles? Does the United States meet these conditions?
7. Do you agree that the principles of justice stated by Rawls are those to which we will agree if we are thinking rationally and in our own self-interest and are not influenced by irrelevant considerations? Explain.
8. Can an unequal distribution of the various assets of society be just? Explain.
9. Would it be right and proper to legalize human slavery if that resulted in an increase in the overall happiness of society? Why or why not?
10. “Any state necessarily violates people’s moral rights and hence is intrinsically immoral.” Give some reasons for thinking that this is true. Then give some reasons for thinking that it is false.
11. Can you think of an ethical principle that would prohibit the killing, hurting, sacrificing, or eating of humans for the sake of other ends that would not equally pertain to animals?
12. Compare and contrast the concepts of social justice proposed by Rawls and Nozick.
13. Is self-respect the most important good, as Rawls says?
14. Which do you think is more important, the common good or individual freedom? Why?
15. Different cultures may have different conceptions of what is Good. Is the Good definable only in terms of some particular culture’s standards?
16. Critically discuss Marcuse’s theory that the needs satisfied by advanced capitalist societies are to a large extent false needs.
17. Are our needs determined by advertising, consumerism, the mass media, and the entertainment industry?
18. “A revolution will come, born of disgust at the waste and excess of the so-called consumer society.” Is this very likely? Explain.

SUGGESTED FURTHER READINGS

Anthony de Crespigny and Kenneth Minogue, eds., Contemporary Political Philosophers (London: Methuen, 1975). An overview of contemporary political philosophy, including figures not covered in this text.
questions concerning the critical, contemporary issue as to when life support may be withdrawn and/or death hastened.


Robert E. Goodin and Philip Pettit, eds., *Contemporary Political Philosophy* (Malden, Mass.: Blackwell, 2006). An anthology of articles on current political issues such as democracy, rights, liberty, equality, and oppression.


John Harris, ed., *Bioethics* (New York: Oxford University Press, 2001). Recent writings in bioethics on such topics as the value of life, the sustaining of life, abortion, and professional ethics.

Dale Jamieson, ed., *Singer and His Critics* (Malden, Mass.: Blackwell, 1998). We haven’t said much about the moral status of animals, but it is an important current topic. Singer is among the best known in this field and is one of the most important contributors to applied or “practical” ethics.


Alasdair MacIntyre, *AfterVirtue: A Study in Moral Theory*, 2nd ed. (London: Duckworth, 1981). Widely known to the general public, this is MacIntyre’s most important work.


John Searle, “How to Derive ‘Ought’ from ‘Is,’” *Philosophical Review* 73(1964): 43–58. This is technical academic philosophy, but laypersons will find it quite readable.


Peter Singer, *Practical Ethics* (New York: Cambridge University Press, 1999). A well-received introduction to applied ethics that considers many controversial social questions.

Peter Singer, ed., *Applied Ethics* (New York: Oxford University Press, 1990). A series of papers on diverse issues in applied ethics, such as overpopulation, abortion, and capital punishment.


Michael Walzer, *Thick and Thin, Moral Argument at Home and Abroad* (Notre Dame, Ind.: University of Notre Dame Press, 1994). An extension and revision of *Spheres of Justice*.