

Week 1: Utilitarianism

(1) Utility: A standard unit of measurement used to quantify the pleasure or pain caused by particular activities such that they can be compared to one another.

(2) Consequentialism:

Consequences determine morality.

(3) Benthamite utilitarianism (The general utilitarian principle):

We must maximize utility not only for ourselves, but for the community. "If we add up all of the benefits and subtract all of the costs, the correct policy is that which leaves us with the greatest net benefit."

(4) Bentham's view of the community:

The community is simply the group of individuals who comprise it.

(5) 2 sovereign masters: Pleasure and pain. Any moral system must take account of them.

(6) 3 "pros" to utilitarianism:

- (1) Promotes the general welfare, the collective happiness.
 - Helps explain why numbers matter
 - Each individual counts
- (2) Non-judgmental
 - Weights preferences without judging them
 - Everyone's preferences count
- (3) Offers a universal currency of value
 - Single scale for comparison

(7) 3 "counters" to utilitarianism:

- (1) No framework for individual rights
 - The rights of the individual are made secondary to the utility of the society
- (2) Inability to place a value on all things
 - What is the value of human life? Numbers seem arbitrarily assigned.
 - The failings of cost-benefit analysis
- (3) Cannot translate all values onto a single scale
 - The utility of things may not be transitive
 - Thorndike's price list

(8) Noble v. base pleasures:

There are some pleasures that may be considered qualitatively higher or more valuable. Mill proposes that those who have experienced both can identify the more desirable pleasures. The

Justice Terms

pleasures chosen by an experienced majority is the pleasure that has more value.

(9) Incommensurability:

A claim that pleasures may be heterogeneous and so unable to be measured on the same scale. I.e., not all things can be directly compared to each other (think apples and oranges, or love and admiration).

(10) Mill's definition of utilitarianism:

"I regard utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of mankind as a progressive being." We must seek out those actions that maximize utility in the long run, for all of humanity. It is utility in this largest sense that we must obey.

(11) Mill's view of the community:

The community is the collection of people who are governed by certain social laws and are granted social liberties which are created to ensuring the community's maximum general utility over time.

(12) Role of education and experience:

"It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. And if the fool, or the pig, are of a different opinion, it is because they only know their own side of the question." Education and experience matter, and it is only with these things that we are able to make the correct choices or discern lower from higher pleasures.

(13) Mill's derivation of and definition of rights:

"Justice remains the appropriate name for certain social utilities which are vastly more important, and therefore more absolute and imperative, than any others are as a class." Rights are those rules that provide a social utility that is of such great value over the long run that they override immediate considerations.

(14) Rule-based utilitarianism:

Instead of simply seeking the actions that allow the greatest immediate benefit to the individual, we should instead seek the rules that allow the greatest benefit over time to society. It is these rules which are important and which we should follow. These rules create the foundation for justice.

Justice Terms

Week 2: Libertarianism

(15) Libertarian view of individuals:

The libertarian view of the individual sharply contrasts the utilitarian view of the individual. Libertarians emphasize the differences between individuals. They believe that the individual should be respected, not just considered as a means to maximize the community's utility – an individual cannot be disadvantaged for the sole purpose of providing another person's happiness. Individuals have a fundamental right to liberty, and this rights trump utility. Individuals are proprietors of themselves, so they own themselves as well as the fruit of their labor.

(16) The general libertarian principle:

The fundamental principles underlying libertarianism are the inherent rights to liberty and equality. So long as an individual's actions do not interfere with another's liberty (commitment to equality), he ought to be allowed to live his life in whatever way he pleases (commitment to liberty). Although technically extending to all types of force, in political society this commitment becomes closely aligned with a theory about government. The government ought not interfere with the way individuals choose to live; it should have very limited control in order to preserve freedom and avoid coercion. Furthermore, because of the libertarian commitment to equality, to the extent that the government is allocating benefits (for example, a public education) these benefits cannot be allocated arbitrarily (where arbitrariness depends on the purpose of the benefit).

(17) Libertarian theory of ownership:

The libertarian theory of ownership posits that people have property rights stemming from the fundamental principle of liberty. This extends to self-ownership – individuals ought to be able to control the way they use themselves, and the government ought not interfere with this right – as well as ownership of things, though the libertarians differ on the method of acquiring things. When it comes to redistribution of either – a person's self (i.e., time) or justly acquired things – the government takes away an individual's liberty.

(18) Three types of equality (personal, opportunity, outcome):

(1) Equality of outcome: Aiming for everyone to “finish the race at the same time,” end up with the same result. Beyond the obvious infringements on liberty, this concept of fairness has some of the incommensurability problems as utilitarianism and would likely eliminate incentives to work. Furthermore, there are forms of unfairness, including the inheritance talents, that seem absurd to attempt to ‘level.’ You would, for example, have to give the best education to those children who demonstrate the least intellectual ability or the best athletic training to the most uncoordinated., and giving the best musical teaching to those who show no inherent musical ability.

(2) Equality of opportunity: Holds that no one should be prevented from pursuing his or her goals by arbitrary obstacles. A literal reading of this might make equality of outcome impossible, since every individual has a different situation, both in terms of economics and

Justice Terms

abilities. But this is not what equality of outcome represents; equality of outcome means that no arbitrary factor, such as race, gender, or religion, should prevent an individual from achieving those positions that suit their talents and values. It envisions a meritocracy. According to Freidman, equality of outcome respects individuals' liberties and is a legitimate objective.

(3) Personal equality: Guarantees all persons certain unalienable rights. Different choices and lifestyles need to be respected; no one should be able to impose their values on others. An individual is free to act however he pleases, so long as this doesn't interfere with the rights of others to do the same.

(19) Patterned Principles of Justice/Patterned Distributions (and the argument against):

Under a patterned distribution, holdings are distributed according to a certain quality or set of qualities. For example, one might choose to determine one's holdings based on their moral merit, usefulness to society, production, or IQ. Patterned distributions are not practical because (1) we would need to know everything about a person's situation and behavior in order to factor it in, including information that we could not possibly gather, and (2) patterned distributions tend to need constant realignment because, so long as voluntary transactions (either purchases *or gifts*) are allowed, it is unlikely that future distributions will continue to be consistent with the pattern. Example, Michael Jordan ticket sales. Thus, bilateral and unilateral transfers would need to be significantly curtailed or eliminated. This is both impractical and intuitively unjust – commercial behavior is unavoidable and loving behavior feels morally valuable.

(20) Historical Principles/Historical Distributions:

Historical principles of distribution are based on how the current arrangements arose. It does not matter what you have, it only matters how you got it. This is in contrast to an end-state, or current time-slice, principle of justice, which only considers the current distribution of holdings. This system does not tell the whole story – the way that people came about their money seems relevant when determining the justice of the distribution. The libertarians propose that a free market system is historical. It allows for the transfer of goods through giving gifts, gambling, sharing income, earning money in the stock market, etc. Some aspects of the distribution are patterned (for example, within a company, incomes usually depend upon contribution), but this patterning is not insisted upon, it has naturally arisen and may also pass away.

(21) Entitlement theory of justice:

States that a distribution is just so long as each member is entitled to the holdings that he or she possesses, where entitlement to any holdings is determined by the principles of justice in acquisition and justice in transfer. This is an example of a historical principle of justice.

(22) Justice in Holding:

If a transfer is made in accordance with the principles of justice in acquisition and justice in transfer, then it is just. Nozick writes:

“1. A person who acquires a holding in accordance with the principle of justice in acquisition is

Justice Terms

entitled to that holding.

2. A person who acquires a holding in accordance with the principle of justice in transfer, from someone else entitled to the holding, is entitled to the holding.

3. No one is entitled to a holding except by (repeated) applications of 1 and 2.” (61)

(23) Justice in Acquisition:

In order for a holding to be considered just, the original acquisition must have been just. The appropriation of things that were previously unheld must have been just – the way that the individual came to hold the object must have not infringed on the liberty of anyone else. If the property was acquired without the use of forgery, fraud, theft, force, or any other violation of liberty, then the initial holding is just, and the owner has the right to do whatever he or she wishes with the property.

(24) Justice in Transfer:

The principle of justice in transfer states that for a transfer of holdings to be just, it must be a free exchange. Both parties must consent to the change in distribution. The original possessor of the holding must have been entitled to the holding in order to be able to transfer it.

(25) Principle of Rectification:

If a holding does not meet the principles stated in 1. Or 2. (see #22 above), then restitution is required. As 3. states, every holding must have followed these two principles throughout each transfer and initial acquisition. In cases where these principles are not met, Nozick proposes a theoretical principle of rectification.

In order to determine how to rectify the situation, one must take into account the history of the situation, and the actual course of events that ensued. One must attempt to calculate the value of various possible situations that might have resulted had this injustice not occurred. One would have to consider how the situations of others would have been in each possible outcome. In the calculation, one would have to take into account the probability of each different situations and the value of each different outcome. If the current holdings do not match a possible outcome, then they must be made to do so through redistribution.

(26) Objection to Redistributive Taxation:

The main libertarian objections to redistributive taxes is that they are a form of forced labor and that they violate justice in holdings. Taxation *forcibly* takes away a portion of the product of a person’s labor. Because labor is interchangeable with the product of labor, taxation is little different than the government *enslaving* an individual and requiring them to act in a particular way. Therefore, an individual who is being taxed does not own himself. This contradicts the basic human right to liberty, we ought to be free to act as we wish, short of harming others. It also violates justice in holdings. Under a Lockean-type theory of acquisition, because we own ourselves, we also own the product of our labor. It is improper for the government to appropriate that property without a voluntary exchange. This only applies to redistributive taxation, not

Justice Terms

taxation used to maintain the minimal state required to preserve the libertarian freedoms of its members.

(27) Taxation of earned income v. inherited wealth:

The libertarian case against the taxation of earned income is undisputed; however, libertarians argue both ways on the issue of taxation of inherited wealth. Many libertarians argue against the inheritance tax because they believe that the natural right to property extends to the right to distribute that property upon death. Some believe that as long as the transfer of the inheritance was in accordance with the principles of justice in acquisition and justice in transfer, it is the property of the recipient. Still others state that inheriting wealth is no different than inheriting good genetics – both put you at an advantaged starting point – and it is inconsistent to address one but not the other.

The libertarian argument for a tax on inherited wealth is based on the idea that this type of income is unearned. When a child receives an inheritance, it is not in receipt for any contribution he or she has given to society, he or she is simply benefiting from the work of others. Because you have not put any labor into it, it is not truly your property, so you have no rights over it. Therefore, the government should be able to tax the inheritance.

(28) Minimal state:

The only type of government which can be justified, and not be in opposition with the right to liberty, is a minimal state. The government would serve only to ensure that each individual maintained his liberty, without interfering with the liberty of anyone else. The government would be responsible for enforcing contracts, protecting private property, and providing public justice. It would not have the power to pass paternalistic, moral, or redistributive legislation.

(29) 3 types of laws viewed as unjust

(1) Paternalism: These laws, such as mandating the use of seatbelts or helmets, are unjust because they serve to protect individuals from themselves. Libertarians do not oppose the use of seatbelts or helmets – they just believe that the government does not have the right to enforce these laws. Because the individual owns himself, he has the right to act in whatever way he wishes, even if it means putting himself in danger. The state cannot mandate what risks are worth taking.

(2) Morality: These laws, which include any law that attempts to promote certain virtues, are unjust because they violate the individual's fundamental right to liberty. They take away the individual's ability to decide his views on morality for himself. Individuals should be able to choose what to believe in, and decide how to act based upon this set of virtues.

(3) Redistribution: These laws are unjust because they are coercive in that they force one group of people to use their resources for the benefit of others. Redistributive laws include things such as public services like health care and education. Individuals should be able to choose whether or not they would like to participate in these programs.

Justice Terms

Week 3: Locke

(30) Social Contract Theory:

The idea that moral and political situations are decided upon by a contract or agreement amongst the people to form a society. For Locke, men in a state of nature come to an agreement amongst themselves for a society and government that can better protect their rights, such as property.

(31) State of Nature:

The state of nature is a state of liberty with no hierarchical or birth rights, and in which everyone is free and equal. However, it is a state of liberty, but not license. Even though man is free to do as he chooses, there is still a law of nature that exists, which constrains what man can do. The laws of nature include limits on the appropriation of property (spoilage and 'enough and as good' left for others) and limits on the willful infringement of the property rights of god (which extends to our own body) or others.

(32) State of War:

A state of force or a declared force upon another person in which there is no higher power to appeal to. In an attempt to preserve oneself or one's property, a person may forcibly resist infringements of others with enough force to deter the infringement. The continued state of war between a conquered man and his captor is what produces slavery. This right of self-protection is given up to a common authority once society is formed. This protects against the problems with self-interest in the state of nature.

(33) Inalienable Rights:

The ever-present rights of life, liberty and property that no one can violate and that an individual cannot give away. They can be derived from God (God has a greater property in us than we do and thus we cannot violate God's rights) or reason (if a person is truly to be free then even they themselves cannot violate these laws that pertain to themselves).

(34) Main theory of private property / acquisition:

Initially, all things are held in common. Private property can arise before government through the mixing of land and labor. However, a man can only claim common land as his own if it leaves as much and as good land left, and if he properly uses his property (i.e. does not allow it to spoil).

(35) Importance of money:

Locke recognizes that persons will often create more than they can use. In order to avoid spoilage Locke suggests trading perishable goods for nonperishable ones. Since nonperishable goods often have little value, Locke supports assigning a common value to nonperishable metals to use as money. Money allows man to own more property than she can use while also avoiding

Justice Terms

spoilage. “And thus came in the use of money – some lasting thing that men might keep without spoiling, and that, by mutual consent, men would take in exchange for the truly useful but perishable supports of life.” (96)

(36) Political society:

Political society arises from the need to protect private property. In the state of nature, the enjoyment of property is uncertain because there is incentive to take from the weak. The distinguishing features of a political society are consent, the abandonment of self-help in exchange for a common authority to decide disputes, and majority control (over all issues not decided by the inalienable rights of man).

(37) The legislative power:

The supreme power of a commonwealth and the only law-making institution of a society. The consent of the people give the power to the legislative to make laws. Because the people transfer their power, and only the power that they have, to the government, the government cannot do anything that the people could not do before the formation of government. Thus, government does not have the power to violate life, liberty property because the people themselves did not have this power.

(38) Purpose of government:

The main purpose of government, according to Locke, is to preserve the peoples’ natural rights, particularly their property. “The great and chief end, therefore, of men’s uniting into commonwealth, and putting themselves under government, is the preservation of their property; to which in the state of nature there are many things wanting.” (109) Government also provides an established law, a known and impartial judge to determine differences about the law, and punishment when the laws are broken.

(39) Constraints on government action –

Although the government, particularly the legislative power, is the supreme power of the society, there are many things that it cannot do because it only has the power that could be given by the people and thus remains constrained by the laws of nature. Consequently, (1) they must rule by standing laws that apply with equal force to the whole population, not one rule for the rich and another for the poor, for this would be an absolute power to determine the individual’s fate arbitrarily; (2) laws must be designed for the good of the people; (3) government cannot take from any man any part of his property (i.e., tax) without his own consent; and (4) government cannot transfer the power of making laws to any other hands; the people gave the power to a particular legislative.

(40) Dissolution of the government:

The people retain the power to dissolve the government in certain cases:

When the legislative is altered.

Justice Terms

When a single ruler rules with his own arbitrary will.

When a single ruler prevents legislative from assembling in its due time.

When, by the arbitrary power of a single ruler, the ways of elections are altered without the peoples' consent.

When a single ruler allows the people to be under foreign rule.

When the legislative or sovereign ruler act contrary to their trust.

When the legislative endeavors to invade the property of the people.

These cases are a breach of the legitimate ends of government (see #41 above). When this government is overtaken, the people regain their political power that they gave up to the government, and are able to once again consent to a new government. However, note that they are still part of the same society. Dissolution of government does not dissolve society.

(41) Taxation:

Locke allows taxation, the government taking the peoples' property, only when consent is given. However, contrary to what many libertarians argue for, the consent can be the consent of the majority. When people enter into a society, then consent to be ruled by the majority.

Justice Terms

Week 4: Markets and Morals

(42) Informed consent:

Informed consent is a situation in which a person gives voluntary consent based on a clear understanding of the facts and consequences involved in a decision. Some believe that consent may have the power to create moral obligations but only if supported by adequate information.

(43) Contemporaneous consent:

Contemporaneous consent stands opposed to advance consent. It is consent given at the same time that the agreement is to be *executed*. The idea is that certain transactions are uniquely significant and should not be engaged in unless persons are willing to do so *at the time of exchange*, i.e., they give consent contemporaneously. This means that advance consent would not morally bind a person in these situations.

(44) Objection from commodification:

One objection to certain types of agreements is that it commodifies, makes into an object, something that should not be commodified, like a woman's labor or a child. They should not be commodified because the market-based modes of valuation that attach to commodities necessarily devalues these types of objects or forms of labor. For example, surrogacy forces a woman to give up her emotional attachment to a child, thus causing her pregnancy to be alienated into a form of labor. Surrogacy can also treat the child as an object; it is often viewed as purchasing a child from the surrogate mother. One response is that the payment is not for the child or the emotional attachment, but for the time that the surrogate mother must put into the pregnancy.

Justice Terms

Week 5: Kant: Freedom as Autonomy

(47) Deontological v. consequentialist moral theories:

Deontological moral theories posit that the moral value of an act is derived from the respect of the intention to do particular acts that we have an obligation to perform, rather from the consequences of that act. Consequentialist theories argue that the moral value is derived from the consequences (The most obvious version of a consequentialist theory being utilitarianism).

(48) A priori vs. a posteriori and analytic vs. synthetic:

A posteriori knowledge is based on the content of experience. A priori knowledge is independent of the content of experience and is purely the result of one's cognitive faculties. Analytic knowledge is that which is understood by virtue of a concept's meaning while synthetic knowledge is that which is understood by virtue of experience. A priori knowledge is ordinarily analytic; a posteriori ordinarily synthetic. Kant posits *a priori synthetic* knowledge, which looks at the *common content of all possible experience*, rather than the content of particular experiences.

(49) Duty v. Inclination:

Duty is "the necessity of an act done out of respect for the law" (165), while inclination is a feeling towards an action based on favoritism towards the objective or outcome of the action. More plainly, duty v. inclination = what you should do v. what you want to do. A good will is manifested when we act out of duty rather than inclination; only these acts have moral worth.

(50) Autonomous v. Heteronomous Acts:

Autonomous acts are acts I choose for myself – ultimately turning out to be acts done in accordance with the categorical imperative solely because they accord with the categorical imperative. Heteronomous acts are acts done according to a desire I did not choose for myself – because of some external force, whether it is some law or one's own desire.

(51) Freedom as autonomy:

We respond to inclinations, hungers, appetites but when we're acting out of these drives we are simply acting to satisfy an end or purpose that just given by nature. Thus our will is being determined for us. I didn't choose this particular hunger or appetite, so when I try to satisfy it, I'm just acting according to natural necessity. Freedom is the opposite of necessity. To act freely is to act autonomously. To act autonomously is to act according to a law that I determine myself, to "exercising [my] causality" through my ability to reason, not according to the laws of nature.

(52) Autonomy as morality:

Justice Terms

Autonomy of the will is the property the will has of being a law unto itself. For a will to act rationally (to choose its own law), it must choose free from heteronomous inclination. This is the choice that the categorical imperative is designed to allow. Moral laws are laws that are universal, set apart from heteronomous desires. Maxims that pass the categorical imperative will have this universal nature. Thus, the principle of autonomy is the same as the principle of morality, 'Never chose except in such a way that the maxims of your choice are also comprehended as universal law in the same act of will.' Maxims that pass this formulation are universal and, if done for the sake of their universality, the subsequent actions are free.

(53) Conforming to the moral law v. acting for the sake of the moral law (& why this matters; think about *contingency*):

An individual may act conforming to moral law if he performs an action because the specific circumstances accord with one's own inclinations, but that at the same time an individual acting in accordance with the categorical imperative would perform these actions. In contrast, an individual acts for the sake of moral law when one performs an action because moral law requires it, and would do it if the situation were slightly different (ex. Saving a friend vs. saving a stranger). The problem with merely *conforming* with the moral law is that your conformance is contingent on the particular situation. Vary the situation and you may do an immoral act rather than a moral one.

(54) Hypothetical Imperatives:

A hypothetical imperative is a rule of action that is predicated on some condition: "If x, then do y". They "declare a possible action to be practically necessary as a means to the attainment of something that one wants." Because it depends on specific circumstances, it does not have universal force.

(55) Categorical Imperatives:

A categorical imperative is a rule of action that must be followed at all times and is applicable for all: "Do y". It is an action that represents an action as itself objectively necessary, without regard to any further end. Because a categorical imperative is divorced from the specific circumstances of an action it is easily universalizable.

(56) Maxim:

A statement of an action and the principle underlying the action. An individual can formulate a maxim to see if it accords with the formulations of the categorical imperative, and if so it can regard as universal law.

(58) The three formulations of Kant's Categorical Imperative:

(1) The Humanity as an End Formulation: Human beings must be viewed at all times as an end. Rational nature exists as an end in itself. This is the way in which a human being necessarily conceives his own existence and it is therefore a subjective principle of human actions. The practical imperative is : Act in such a way that you treat humanity,

Justice Terms

whether in your own person or in any other person, always at the same time as an end, never merely as a means. "Act only according to that maxim whereby you can at the same time will that it should become a universal law."

(2) The Autonomy Formulation: The will of every rational being is a will that legislates universal law. Thus all maxims are rejected which are *inconsistent* with the wills own universal law. "Act in such a way that you treat humanity, whether in your own person or in the person of any other, always at the same time as an end and never merely as a means to an end."

(3) The Kingdom of Ends Formulation: The systematic union of different rational beings under common laws. Never perform any action except on whose maxim could also be a universal a law, and thus to act only on a maxim through which the will could regard itself at the same time as enacting universal law. Although an individual should not be subject to any interest in the formulation of laws, he must nevertheless regard these laws as binding towards others, and act only by maxims which could be universal and harmonize in this hypothetical "kingdom." In other words, an individual should act such that he desires that everyone should follow the maxims that underlie his actions. "Therefore, every rational being must so act as if he were through his maxim always a legislating member in the universal kingdom of ends."

(59) Moral/amoral/immoral/morally irrelevant actions:

A moral action is an action which one performs out of duty, rather than inclination. An amoral action is one which one performs out of inclination, but which conforms with duty. An immoral action is one that goes directly against duty. A morally irrelevant act one which does not fall within the realm of morally significant actions. The Categorical Imperative often has trouble logically dealing with morally irrelevant actions (the maxim "I should leave early to beat traffic" from class is one example.)

(60) The Assumption of Freedom:

We must necessarily grant the idea of freedom to every rational being who has a will since only under that idea can such a being act. For we think of such a being as having a power of reason that is practical. But it is impossible to conceive of a power of reason that consciously regards its own judgments as directed from outside. Thus freedom is following the maxims one creates for himself.

Justice Terms

Week 6: Rawls: Justice as Fairness

(61) Importance of Distributive Justice:

Justice lies in the allocation of rights and benefits among cooperating members of society. The natural distribution of rights and benefits is neither just nor unjust. What is just and unjust is the way that institutions deal with these facts. The principles of social justice “provide a way of assigning rights and duties in the basic institutions of society and they define the appropriate distribution of the benefits and burdens of social cooperation.” (p. 204)

(62) Social Contract Theory:

The idea that moral and political situations are decided upon by a contract or agreement amongst the people to form a society. The contract’s objects are the principles of Justice for the basic structure of society. “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.” (p. 204) For Rawls, only by establishing a contract in which the principles of justice (upon which the society agrees) are determined under an initial condition of equality can the resulting ‘contract’ be considered voluntary and so fair.

(63) Justice as fairness:

This represents the idea that the primary drive behind the principles of justice is that they ought to be fair, not simply voluntary. Rawls believes that principles determined under the veil of ignorance have been established in a fair and nondiscriminatory manner. Because no one knows their particular situation, there is no way for anyone to design principles of justice that would favor themselves. Thus, the principles that result come from a fair agreement. It “conveys the idea that the principles of justice are agreed to in an initial situation that is fair.” (p. 205) 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.” (p. 205) Parties in the initial situation are rational and mutually disinterested.

(64) Consent and benefit (reciprocity) as grounds of contract:

Consent and benefit as grounds of a contract obligate individuals to uphold the terms of the contract. Consent is a necessary grounds of contract because it allows individuals to exercise their autonomy as free beings. Reciprocity is another grounds of contract because it insures that both parties receive some benefit from the contract.

(65) Background conditions (& their relevance to fairness):

In a contractarian society, background conditions can influence the way in which people choose principles of justice or laws. Each person will do anything to maximize her own position even at the expense of others. Rawls fixes this problem by proposing an idea of justice as fairness in which background conditions are made irrelevant by the original position and veil of ignorance.

Justice Terms

(66) The original position (and its justification):

This refers to the initial position under which the social contract should be created. “The original position is the appropriate initial status quo which insures that the fundamental agreements reached are fair.” (p. 207) “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 anyone 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.” (p. 205)

(67) The veil of ignorance:

A thought experiment designed to allow the creation of principles consistent with the constraints of the original position and thus consistent with justice as fairness. “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.” (p. 205)

(68) Moral Arbitrariness (think contingency of social and natural wealth/talents):

Rawls argues there are numerous morally arbitrary factors (for example, the family we're born into) that shouldn't determine the distribution of rights and duties, benefits and burdens. Rawls goes so far as to claim that we do not deserve our inborn talents and so are not entitled to the benefits we receive from them. Since we have no individual entitlement to these assets, all the assets of society (natural and social) should be considered collectively held and thus can be allocated by the initial agreement.

(69) Rawls Two Principles of Justice:

- (1) Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others. The basic liberties discussed in the first principle include political liberty, freedom of speech and assembly, liberty of conscience and freedom of thought, freedom to hold personal property and freedom from arbitrary arrest and seizure.
- (2) Social and economic inequalities are to 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 principles are arranged in a serial order (lexicographical order) with the first principle prior to the second, any law that satisfies the second but denies the first would not be just.

Rawls says that the two principle are a special case of the more general conception of justice which states, “All social values—liberty and opportunity, income and wealth, and the bases of self-respect—are to be distributed equally unless an unequal distribution of any, or all, of these values is to everyone's advantage.” (Justice Reader p 215)

Justice Terms

(70) The four interpretations of the two principles (aristocracy; natural liberty; liberal equality; democratic equality):

Because the 2nd principle of justice is somewhat ambiguous with regard to the phrases “everyone’s advantage” and “equally open to all,” Rawls divides it up into four interpretations (all interpretations assume that the first principle of basic liberty is satisfied). The first of these systems, Natural Liberty (libertarianism), asserts that “a basic structure satisfying the principle of efficiency and in which positions are open to those able and willing to strive for them will lead to a just distribution.” Thus, for a system of natural liberty to occur, the distribution of wealth and income is to “everyone’s advantage” in the sense that it is socially efficient. Also, careers must be open to all whose talents merit such positions. The second system, Liberal Equality (meritocracy), takes this a step further by saying that all should have a fair opportunity to attain the positions they seek. In other words, “the expectations of those with the same abilities and aspirations should not be affected by their social class.” Thirdly, Natural Aristocracy sticks with the idea of equality as careers open to talents (from Natural Liberty), but also adds the difference principle, which is interpreted to mean that “the advantages of persons with greater natural endowments are to be limited to those that further the good of the poorer sectors of society.” The final system, Democratic Equality, combines the idea of equality as equality of fair opportunity with the difference principle. This claims that the higher expectations of the more advantaged citizens are only just if they work as part of a “scheme” that benefits the lesser advantaged of society. (p. 215-217)

(71) Instability (in the four interpretations):

Rawls believes that once we move away from natural liberty to either aristocracy or liberal equality (meritocracy) we cannot but end with Democratic Equality. “Now both the liberal conception and that of natural aristocracy are unstable. Or once we are troubled by the influence of either social contingencies or natural chance on the determination of distributive shares, we are bound, on reflection, to be bothered by the influence of the other. From a moral standpoint, the two seem equally arbitrary. So however we move away from the system of natural liberty, we cannot be satisfied short of the democratic conception.” (p. 217)

(72) The Difference Principle:

The difference principle permits inequalities of goods only if those inequalities benefit the most disadvantaged members of society. Rawls believes that this principle would be a rational choice in the original position. The difference principle can be framed in two ways, there can be inequalities that directly benefit the least advantaged or there can be inequalities that may not directly benefit the least advantaged but if taken away would harm them.

“The difference principle represents, in effect, an agreement to regard the distribution of natural talents as a common asset and to share in the benefits of this distribution whatever it turns out to be. Those who have been favored by nature, whoever they are, may gain from their good fortune only on terms that improve the situation of those who have lost out.” (Justice Reader p 218)

(73) Reflective equilibrium:

Justice Terms

“By going back and forth, sometimes altering the conditions of the contractual circumstances, at others withdrawing our judgments and conforming them to principle, I assume that eventually we shall find a description of the initial situation that both expresses reasonable conditions and yields principles which match our considered judgments duly pruned and adjusted. This state of affairs I refer to as reflective equilibrium. It is an equilibrium because at last our principles and judgments coincide; and it is reflective since we know what principles our judgments conform and the premises of their derivation.” (p. 208) Thus, reflective equilibrium refers to the result of a mental process during which one moves back and forth between altering the social contract and conforming our judgments (that we have without the original position). In the end we shall come to an initial situation that represents not only our judgments, but also reasonable, rational thought (although this is always revisable in light of new situations).

(74) Legitimate Inequalities:

Distributive inequalities that have arisen between people, but have nevertheless benefit society as a whole (in other words, which have served to help the worst off). (Justice Reader p. 215)

(75) Considered convictions:

Society harbors considered convictions of justice based on which it selects principles to apply. When establishing the original position or the basic structure of a society, we strive to design principles that will match our considered convictions as much as possible.

(76) Lexicographical (or lexical) Ordering:

An ordering which requires that the first principle is satisfied before the second one, and so on. Rawls' two principles of justice follow lexical ordering because a departure from equal liberty that the first principle demands cannot be justified or balanced by fulfillment of the second principle.

(77) Primary Goods:

Goods that every person should have in a just society. Rights, income, offices, etc. It is the distribution of these goods that Rawls is principally concerned with for they are essential to the exercise of citizens' two moral powers (**Note: we did not cover this**).

Justice Terms

Week 7: Distributive Justice (More Rawls and Nozick)

(78) Moral desert:

The state or fact of morally deserving certain benefits or rewards. Rawls argues that distributive justice and moral desert are separate entities; distributive shares are irrelevant to one's moral worth because endowment of natural talents and assets is a morally arbitrary fact. In other words, just distributive shares do not reward individuals according to their moral worth.

(79) Entitlements to legitimate expectations:

“It is incorrect to say that just distributive shares reward individuals according to their moral worth. But what can we say is that, in the traditional phrase, a just scheme gives each person his due: that is, it allots to each what he is entitled to as defined by the scheme itself” (Justice Reader p 225). In other words if a person complies with just arrangements and fulfills the duties set forth by society within whatever agreement, then they have a legitimate expectation as to the results of that contract which have previously been agreed upon. He acquires a claim to the social share or goods by doing certain things arranged by social institutions and establishments. Distributive justice is a matter of legitimate expectations, not of moral desert.

(80) Collective assets:

The moral arbitrariness of natural talents and social standing requires that we consider the totality of a society's talents and social assets as a common asset. The consequence is that the initial agreement can place limits on the individual use of these assets. According to Rawls the limit we would place is difference principle – that the use of these contingencies must work for the good of the least fortunate.

(81) The idea that the “right is prior to the good” v. “the right is defined in relation to the good”:

Under rights-based systems justice (morality) is not a matter of rewarding certain actions perceived as virtuous (telos) or certain actions that achieve a particular end (utility). It is, rather, a matter of providing a fair framework of rights within which individuals can pursue their own values. Under a good-oriented system justice (morality) is a matter of fit, of giving persons what they deserve in relation to a particular end.

Justice Terms

Week 9: Aristotle: Justice and Virtue

(82) Telos:

Greek for “end”; the purpose for which something exists or was created. “The end term of a goal-directed process; the Aristotelian final cause.” A goal, reason, or purpose.

(83) Teleological moral theory:

Defines the moral right and morally correct actions by the extent to which they accomplish some end goal or purpose. For Aristotle, that end goal is the flourishing of mankind as political animals. He calls this flourishing “the good life,” a life of involvement in the polis and fulfillment of one’s proper role. One criticism is that this leaves no room for choice, as one’s proper role is, according to Aristotle, at least largely determined at birth.

(84) Justice as a matter of *fit*:

According to Aristotle, justice is a matter of fit “between persons and the social roles appropriate to their virtues” (263). There must be proportionality between the purpose of offices and objects and the purpose of the person. Thus, it governs the positions of the members of the City, their offices, etc. If a man’s telos is to be a slave, then it is just that he slaves for a master. Justice is obtained when an individual actively engage in his proper role.

(85) The Good Life:

The highest end of man; a virtuous life lived in accord with reason and without indulgence in excess.

(86) Distributive justice as honorific:

Aristotle’s notion of distributive justice can be said to be honorific because the allocation of offices and honors is designed not only to allow individuals to realize their telos but also to celebrate the realization of society’s most valued ends. Thus, we allocate the highest honors to those among us who hold high offices in the polity, not necessarily because this is required for them to fulfill their telos, but also because we place a high value on the activities in which they engage.

(87) Essential character:

Derived from something or someone’s function and capacity. If that thing or man can no longer perform the same function, it is no longer the same thing because its essential character has changed. The allocation of offices and honors is based on a man’s essential character and telos.

(88) The Polis:

The Polis, or city-state, is Aristotle’s idea of the highest good, the “most sovereign and inclusive association” because “it completes and fulfills the nature of man and is thus natural to him” (264)

Justice Terms

by affording a venue for engaging with others about the public good (i.e., by affording the opportunity for politics). The city-state exists for the sake of the good life by the order of nature; it is the proper realm of politics and of justice; it is the natural congregation of men into a political society.

(89) Man as political animal:

Man is a “political animal” because his nature—which is only accurately gauged by his abilities and their best end—rests in being a participant or member of the political association as evidenced by his ability for language and to reason about the public good. Consequently, man can only achieve his telos through freedom and active participation in the political structure of a city-state.

(90) Purpose, origin, and priority of the City:

Every association aims at some good, and everything that association does is for the sake of that good. The most authoritative association is the political association, or the City. The City is self-sufficient and exists for the highest goal of living well and being self-sufficient.

(91) City as existing by nature and prior to the individual:

A city exists by nature because it “comes into existence for the sake of a good life” and because it consists of associations of villages, which are associations of households, which in turn are unions of male and female. Unions of male and female exist naturally for the reproduction of humans. Since each of these associations in turn arises naturally, its final and most self-sufficient result, the City, also arises naturally. Aristotle is not claiming that the City is *temporally* prior to the individual, just that as the City is a necessary part of an individual’s fulfillment (as a political animal) it is thus ontologically prior to the fulfillment of man. That is, the true nature of man—as is reflected by his best end—cannot be defined or established without first recognizing the City, which makes this best end attainable.

(92) Proper slavery:

Proper slaves are those “who possess only bodily powers and the faculty of understanding the directions given by another’s reason”, who lack rationality themselves, and who are by nature born to be slaves. This slavery is beneficial to such individuals because it fulfills their nature. Slavery is justified insofar as it remains both necessary to society and beneficial to (or the just fit for) the slaves.

(93) Citizenship (and good men vs. good citizens):

The status of “citizen” is dependent on the type of constitutional arrangement, as citizen is one who is entitled to share in the political or juridical office of his city. A good citizen is not necessarily a good man because the extent to which one is a *good* citizen is determined in relation to the constitution of the city of which one is a citizen. A good citizen is one who excels in the specific functions that the constitution demands of him or her. The extent to which one is a good man is determined in relation to a single, absolute, and unvarying standard—their degree

Justice Terms

of moral wisdom. Thus, the excellence of a good citizen is not the same as that of a good man in all cases, but it may be in certain particular cases, specifically where the *citizen* is called upon to be the *ruler*.

(94) Good v. bad constitutions (and why they are grouped as such):

Aristotle's regime theory groups different types of government into who is ruling—the one, the few, or the many—and also by the object of the government. Good, right constitutions are directed to the common interest of achieving a good life, whereas bad constitutions work for the “selfish interest of the ruling body” (284). Good governments are Kingship/Monarchy, Aristocracy, and Constitutional Government. Bad governments are Dictatorship/Tyranny, Oligarchy, and Democracy.

(95) Practical Wisdom:

This is the only kind of knowledge (or excellence as Aristotle calls it) that is peculiar to the ruler. Excellence in subjects is instead called “right opinion.” Practical wisdom is the ability of the good ruler to use and coordinate the various roles and duties of citizens to promote the necessary functions of life in the best way possible. Cannot be reasoned to; must be developed through experience.

(96) Virtue (and how it is formed) (Nico. Ethics):

Aristotle distinguishes between intellectual and moral virtue; intellectual virtue has to do with learning and teaching. We are more concerned with moral virtue, however, which arises as a result of practicing virtuous behavior, and is also evidenced by and consists in virtuous behavior. Virtuous behavior is that behavior which tends toward the realization of the good life and is illustrated by the examples of temperance and bravery. Aristotle defines the virtuous behavior in these cases as the middle ground between two extremes (cowardice and rashness for bravery, and self-indulgence and insensibility for temperance).

(97) Habit / Education (focus on their relationship to the formation of virtue; Nico. Ethics):

Since man is not born with a fully developed sense of virtue, but only a potential to acquire it, virtue cannot be acquired unless one experiences situations that necessitate an exercise of virtue or a deliberation of virtue. For example, one cannot claim to be brave unless one has encountered a situation in which one could be either fearful or brave. By exercising good virtue in one situation, one develops a better ability to exercise good virtue in subsequent situations. Moral virtue then is developed by consistently or habitually acting virtuously, in the right proportion, in some situation that demands the exhibition of virtue. Because pleasure often dictates action, the purpose of education is to condition our minds to take pleasure in virtuous acts and be disgusted by non-virtuous acts so that we can act virtuously.

(98) Nature:

The essence of thing; that which defines it and is natural to it.

Justice Terms

Week 11: Communitarianism: Justice, Community, and Membership

(99) Universal/Natural Obligations:

Non-voluntary duties binding on all persons that derive from membership to humanity. They encompass treating others with respect as the bearers of duty and respecting the rights of others.

(100) Voluntary Obligations:

Obligations that only arise by virtue of consent.

(101) Non-voluntary obligations of Solidarity and Membership:

Non-voluntary obligations that arise through membership to a particular group or a relationship with particular people. For example, the special obligation to save one's parent rather than a stranger.

(102) Voluntarist Self:

The choosing self; unencumbered, modern individualism; championed by Kant and Rawls, among others. The belief that individuals are related to their ends as choosers or freely choosing selves (12/1 lecture). MacIntyre (communitarian) argues that the voluntarist believes the self to be detachable from its social and historical roles (12/1 lecture). MacIntyre argues that the to cut one's self off from their past deforms present relationships (12/1 lecture).

(103) Narrative/Encumbered Self:

The situated self; encumbered by its history. This is the Communitarian conception of the self. Communitarians still believe in that the morality of our actions depend on us fulfilling our obligations (like Rawls or Kant) but posit that duties incurred rest not only on our lives and actions but also on the context and history of our lives, which was created by the actions of our ancestors and groups. The self thus comes along with the 'good' partially pre-selected for us. What is good for me has to be good for one who inhabits the roles I am born into. It gives life our moral particularity or starting point.

(104) Relation between the self and its ends (unless covered in the above two definitions):

Volunteerist supporters would state that the individual alone determines their ends and thus the *self* is *prior* to the ends it affirms. MacIntyre and Sandel believe that the ends of an individual are at least partially determined by their context within their community and thus the *ends* exist *prior* to action by the self.

(105) Relativism:

"Justice is relative to social meanings". "We cannot say what is due to this person or that one until we know how these people relate to one another through the things that they make and distribute". (Walzer, 341)

Justice Terms

(106) Relationship between the IS and the OUGHT (compare the communitarians with Kant/Rawls's abstraction approach):

For the communitarians, obligations (or at least some of them) arise out of what a person 'is' and these obligations determine how a person 'ought' to act. For Kant and Rawls how a person 'ought' to act is determined not by how a person 'is' but rather by an abstraction from the individual to the universal (through either the Categorical Imperative or the Veil of Ignorance). Consequently, how a person ought to act is common to how all persons ought to act, rather than, as is the case with the Communitarians, how that person happens to be (i.e., actually is). Moral reasoning thus requires us to remove ourselves from the circumstances.

(107) Behavior and intentions:

Alasdair MacIntyre claims that "we cannot characterize behavior independently of intentions, and we cannot characterize intentions independently of the settings which make those intentions intelligible both to agents themselves and to others" (*Justice, A Reader*, 317). He explains this concept by giving a variety of answers to the question "What is he doing?" Some of the answers will characterize the agent's intentions, while others will characterize the unintended consequences of the action. Therefore, behaviors and intentions are inherently connected. A behavior can only be characterized adequately when we know what the long and short-term intentions are and how they are related. This is an argument in favor of the communitarian conception of morality and the self.

(108) Contextuality:

In order for actions to be "intelligible," we must understand the context in which the action takes place; we must "find its place in a narrative" (319). Therefore, we must comprehend both the intentions of the individual and the context in which an action takes place in order to understand the particular behavior. Furthermore, "in successfully identifying and understanding what someone else is doing we always move towards placing a particular episode in the context of a set of narrative histories" (320). MacIntyre argues that Rawls's veil of ignorance, in which individuals are stripped of knowledge about their identity, prevent man from being able to properly reason without an understanding of the layers of the settings and narratives of which their lives are made up. Consequently, they are unable to identify what the good is for their lives.

(109) Embedded narratives:

MacIntyre argues that narratives may be embedded in each other. For example, the history of the Confederacy is embedded within the history of the United States. During the course of our lives, we are characters in a number of narratives simultaneously, some of them embedded in others (321).

(110) Co-authors of our own lives:

Justice Terms

“...We are never more (and sometimes less) than the co-authors of our own narratives. Only in fantasy do we live what story we please. In life...we are always under certain constraints. We enter upon a stage which we did not design and we find ourselves part of an action that was not of our making. Each of us being a main character in his own drama plays subordinate parts in the dramas of others, and each drama constrains the others” (321). In other words, we are born into circumstances that are out of our hands and that we did not and cannot choose. Therefore, we can at best be co-authors of our own lives, and are sometimes so controlled by our obligations of solidarity that we are not even that.

(111) Quests:

MacIntyre's process of self-discovery. 1. Requires the definition of a *telos* or purpose, (for communitarians) the conception of what is good for man. This allows for the ordering of other goods. From here, the good life (and the human quest for it) can be defined (p. 325). 2. The road traveled to complete a quest is also part of the learning and education experience as well (hence the saying that *the journey is the reward*) (p.325). “A quest is always an education both as to the character of that which is sought and in self-knowledge” (MacIntyre, p.325)

Consequently, MacIntyre's general conception of the good life for man is simply a quest for the good life for man. Virtues are those qualities that enable us to pursue our quest for the good. In order to seek the good, one must be just, honest and courageous. If we lack the virtues, we will be corrupted by particular circumstances, be intimidated by the obstacles we face, and be tempted by things which are irrelevant to or destructive of our quest for the good.

(112) Traditions:

MacIntyre states “what I am...is in key part what I inherit, a specific past that is present to some degree in my present. I find myself part of a history...one of the bearers of a tradition” (326). “[T]he individual's search for his or her good is generally and characteristically conducted within a context defined by those traditions of which the individual's life is a part...” (327). Traditions “[e]mbody continuities of conflict” (MacIntyre, 326); they are “an historically extended, socially embodied argument...precisely in part about the goods which constitute that tradition. Within a tradition the pursuit of goods extends through generations, sometimes through many generations” (MacIntyre, 326-7). Tradition thus connects and individual to his or her past and is an integral part of understanding what constitutes the ‘good’ for the individual.

Justice Terms

Week 12: Moral Argument and Liberal Toleration

(113) Purpose of Rawls's reformulation:

In *Political Liberalism* Rawls addressed the most common criticism leveled at *A Theory of Justice* – the criticism that the principles of justice were simply one reasonable conception of justice among many (thus not superior to utilitarianism or any other comprehensive theory). It failed to distinguish between a comprehensive moral theory that addressed the problem of justice and a political conception of justice that was independent of any comprehensive theory. As Sandel states, *A Theory of Justice* raises three waves of debate, “utility versus rights”, “libertarian versus egalitarian notions of distributive justice”, and “the priority of the right over the good” (362). *Political Liberalism* focuses on defending the priority of the right over the good. Rawls also moves away from basing justice on a Kantian conception of the person. Furthermore, he introduces the concepts of overlapping consensus, public reason, the political conception of justice, as well as slightly modifying the principles of justice.

(114) Reasonable pluralism:

According to Rawls, reasonable pluralism is the “inevitable outcome of free institutions” (344). “The political culture of a democratic society is always marked by a diversity [in other words, a pluralism] of opposing and [incompatible] religious, philosophical, [moral, and even *comprehensive* doctrines.” (343). “[T]he problem is to find principles of justice that free and equal citizens can affirm despite their moral, philosophical, and religious differences...the solution to this problem must be one that upholds the priority of the right over the good” (37

(115) Overlapping consensus:

Ideas of the good shared by many. Some of Rawls' changes from *A Theory of Justice* to *Political Liberalism* were a result of overlapping consensus.

Agreement on *justice as fairness* between citizens who hold different religious and philosophical views (or *conceptions of the good*); according to Rawls, the term refers to how supporters of different comprehensive doctrines can agree on a specific form of political organization. These doctrines can include religion, political ideology, or morals. However, Rawls is clear that such political agreement is narrow and focused on justice. This consensus is reached, in part, by avoiding the deepest arguments in religion and philosophy. Sandel explains the concept of overlapping consensus as meaning that “different people can be persuaded to endorse liberal political arrangements, such as equal basic liberties, for different reasons, reflecting the various comprehensive moral and religious conceptions they espouse” (363).

(116) Comprehensive doctrines:

Rawls' concept of comprehensive doctrines includes moral philosophies (such as Utilitarianism), philosophical systems, and religious doctrines. A comprehensive doctrine may include a political conception of justice but a political conception of justice falls far short of addressing questions of interest to the comprehensive doctrine. Therefore, a political conception may address whether we are to respect freedom of speech and assembly for other comprehensive doctrines than our own,

Justice Terms

but it will not address the question of precisely how we should conduct ourselves so as to secure our happiness or eternal salvation. Rawls distinguishes “general”, “comprehensive”, “fully comprehensive”, and “partially comprehensive” conceptions on pg. 348 of the *Reader*. Rawls is not looking to set up a comprehensive doctrine but rather a political system for mediating between comprehensive doctrines (see below).

(117) Political conception of Justice:

The political conception of justice that Rawls introduces in *Political Liberalism* is the view of justice that people with conflicting, but reasonable, metaphysical and/or religious views would agree to regulate the basic structure of society. Rawls regards his own theory of justice as fairness (involving his idea of the original position, the veil of ignorance, and the derivation of two principles of justice) as a political conception of justice.

(118) Modus vivendi liberalism:

The term *modus vivendi* is defined as “compromise among conflicting views” (365). Rawls explicitly states “an overlapping consensus is not a mere modus vivendi” (353). In other words, it is *not* an agreement only agreed upon because no better compromise can be found. It has more meaning than a desperate compromise. It is actually the kind of society that people would *choose* to live in the first instance.

(119) Grave moral questions:

Rawls argues in *Political Liberalism* that moral and religious ideals must be bracketed, or set aside, for political purposes. We must separate “our political from our personal identities” (366). This is necessary to “secure social cooperation on the basis of mutual respect” (366). Sandel argued that it’s not always possible to do so because a government decision to avoid the debate means a decision to retain the status quo, which is a position in the debate. For example, deciding upon whether the state can permit gay marriage.

(120) Liberal public Reason:

Rawls defines public reason as “citizens’ reasoning in the public forum about constitutional essentials and basic questions of justice” (347). “Political discourse should be conducted solely in terms of ‘political values’ that all citizens can reasonably be expected to accept. Because citizens of democratic societies do not share comprehensive moral and religious conceptions, public reason should not refer to such conceptions” (374). In other words, political discussion cannot be informed by moral and religious ideals. These restrictions are essential to maintain a just society.