

# Group 4

## Chapter 2

Zhongtian Yu, Geyang Wu, Zishuo Li, Yihan Diao

# Justice and Beneficence

## Beneficence

- Personal virtue
- Voluntary and optional
- Can be criticized, **not enforced**

## Justice

- Stronger moral obligation
- Injustice is a serious wrong
- **Strictly binding** on individuals

Justice and beneficence are both virtues, but they are not morally equivalent.

# Why Justice Can be Enforced

Beneficence = ornament of society

Without beneficence → society becomes cold

Justice = main pillar of society

Without justice → society collapses

Justice warrants force because it is a necessary condition for social existence.

**Paradox:** Morality requires us to be both **bound** and **free**.

**Law**

Obedience is enough

Motives do not matter

**Morality**

Requires free choice

Acting rightly *because it is right*

**Justice**

Binding and obligatory

Can be enforced through coercion

# Promises and Contracts

## Promises Make a Moral Difference

- Kindness alone does not generate obligation
- A promise creates a special moral relationship
- Obligation depends on a specific fact about the agent:  
*“because you promised to”*



## Why Can't We Simply Change Our Minds?

- Promises remain binding even when inconvenient
- Time does not weaken a promise
- Contracts are formalized promises



# From Promises to Contractualism

## Can Morality Be Based on Agreement?

- If promises create obligation between individuals
- Perhaps social rules arise from collective agreement

## Contractualism

- Moral rules = rules people agree to follow
- Emphasizes autonomy + social order



# However?

Promises only create obligations if they are consented to.

My opinion:

Respect others' decisions

Find balance

Keep perceiving



Legitimacy, Social Contract and John Locke's Tacit Consent

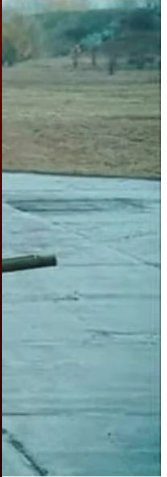
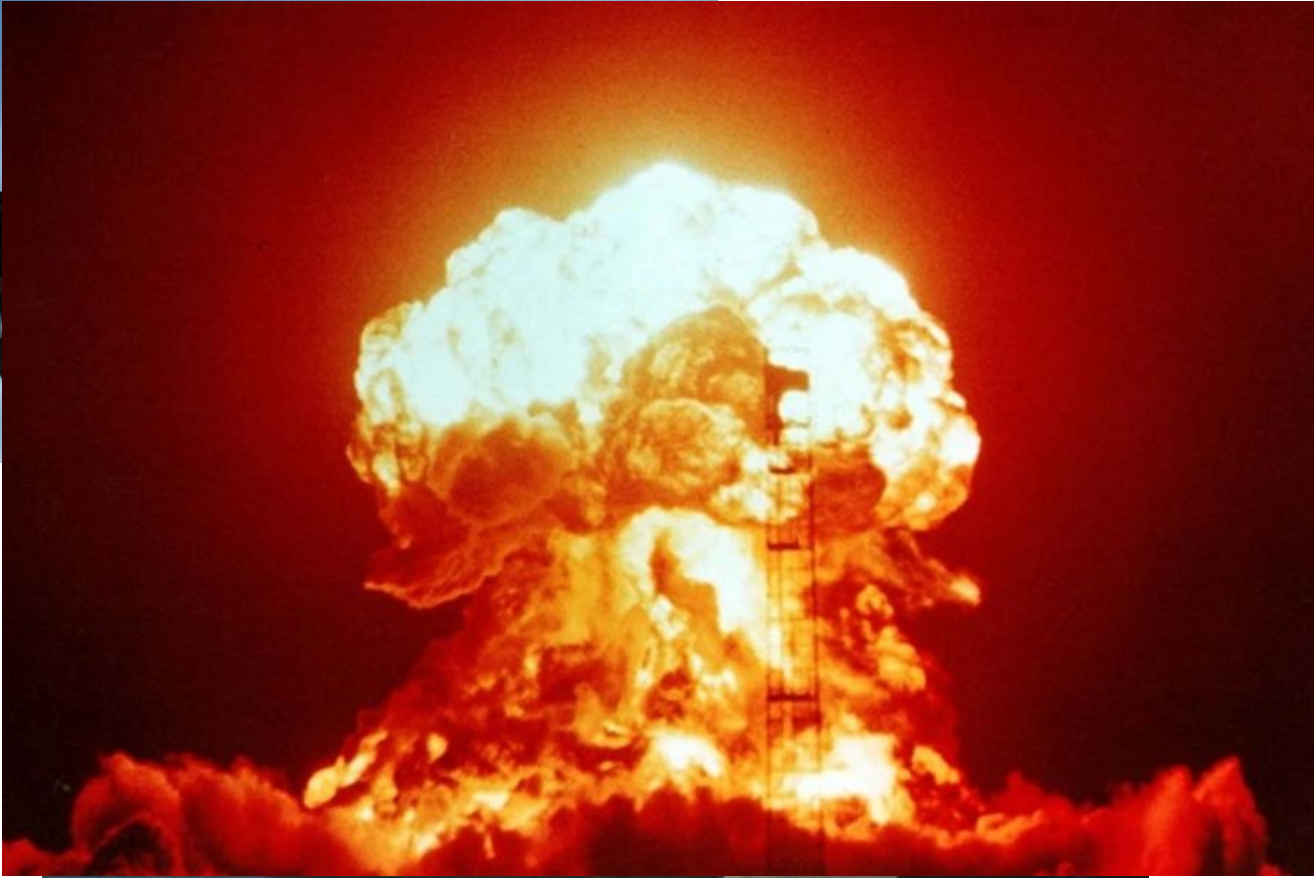
Why rulers can rule?



can rule?











Few reasons why this doesn't work:

1. Violence alone cannot maintain daily governance.
2. Ruler needs people to use the guns, tanks, jets, nukes, or death star.
3. We can do better than that.



# LegitimacyQ

A reason why a government or ruler has the "**right**" to make and enforce rules.

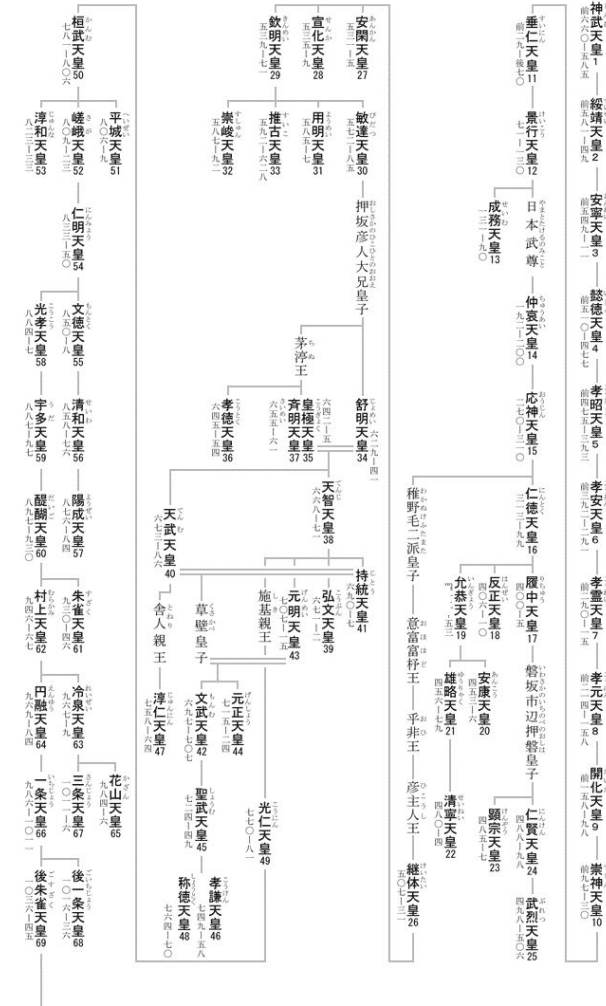
# Divine right of kings

Legitimacy given by god.



# Sacred kingship

Legitimacy given by the holiness of kings  
bloodline.



# The Social Contract

# The Social Contract

The power of the king/government is **not** an "inherent right," but rather the transfer of individual rights by the people to the state for more effective protection and enforcement.

Therefore, the legitimacy of the ruler is from the **consent** of the people.

**"GOVERNMENTS ARE INSTITUTED AMONG MEN,  
DERIVING THEIR JUST POWERS FROM THE  
CONSENT OF THE GOVERNED."**

Thomas Jefferson



But nothing is perfect.

In reality, most people never explicitly said, "I consent."



# “Tacit” Consent

John Locke’s idea:

Even if you never explicitly say “I agree,” you can still be treated as consenting **through conduct**, specifically by **enjoying the benefits of living under a government’s jurisdiction**.

But Tacit Consent Doesn't Work.

# You don't always have a choice to disagree.

A man, by remaining in a vessel, freely consents to the dominion of the master; though he was carried on board while asleep, and must leap into the ocean and perish, the moment he leaves her.

He doesn't have a choice.



# You need to use the “benefits” in order to reject

Counter examples from the textbook authors:

“Suppose that for the sole purpose of registering my rejection of the social contract, I entered a country “Lodging only for a week” and “barely travelling on the Highway.” By Locke’s account these minimally necessary actions that I can’t avoid taking in my efforts to register disagreement can and should be interpreted as agreement— given tacitly.”

## 2.4 “Original Position”

This is also an imaginary circumstance in which people are placed behind a “Veil of ignorance” and asked to decide about the kind of society in which they would be willing agree to live.

Do not know: social status, natural talents, class / race / gender, life prospects

Make decisions under this condition.



# Examples

1. Imagine a group of students are asked to choose a grading curve for a course. However, they must make this decision **before seeing their own raw scores**.

Root curve or adding  $n$  points for everybody

2. Hidden tests for autograder. Programmers do not know about all test cases. The code should satisfy as many requirements and consider as more edge cases as possible.

original position -> hypothetical consent

The original position is designed to model fair conditions of choice, in order to determine which principles of justice free and rational persons would hypothetically consent to.

### **hypothetical consent**

The principles that **rational agents** would agree to **in the original position**

# critique

People are not rational agents in real life.



# critique

people in original position have a very conservative attitude to risk.

*(high risk, high reward)*

*(low risk, low reward)*

My thoughts:

Conservatism itself is a stance, just as saying 'I am wealthy' is also a stance; putting 'conservatism' into the original position itself goes against its purpose of eliminating stances.

## 2.5

Forget consent altogether and appeal directly to the force of reasoning itself.

T.M Scanlon and Unreasonable Rejection

“Our thinking about right and wrong is structured by... the aim of finding principles that others, insofar as they too have this aim, could not reasonably reject”

# Example

P: Allow residents to play loud music at 2 a.m. as long as they are happy.

**Night shift worker C's position:** He needs to work a surgery / drive a bus / take an exam the next day.  
Long-term sleep deprivation → health damage / risk of unemployment.

His reasons against P are: serious, predictable, and continuous harm.

**Music player D's position:** If banned, his loss would be: entertainment, relaxation, enjoyment

His reasons against 'banning nighttime noise' are: discomfort.

comparing the strength of the reasons on both sides: serious health and survival impact vs. loss of entertainment.

It is clear: the principle of allowing nighttime noise can be reasonably rejected. Therefore, we would choose: The principle of banning nighttime noise. ...

**Egoist: I do not care about these principles. Even if I admit this is the right principle, why should I live by it?**

Normal answer: If everyone breaks the rules, society will be doomed.

This does not persuade the egoist.

Society does not collapse.

A certain amount of cheating, stealing, and free-riding can exist without destroying social systems.

And in many cases, these behaviors are individually advantageous.

Thank You!