Chapter 5

Domestic Theories of Justice

In this chapter I will deal primarily with principles of justice for a particular society, a society whose members share benefits and burdens and regard themselves as cooperating members of that society. This type of justice is called domestic justice, to contrast it with transnational or global justice. Usually it is people in a given nation who constitute a society and regard themselves as belonging to a single economic and political unit. As I mentioned in the discussion of globalized institutions in Chapter 2, federal arrangements such as the US and the EU are possible with subsidiary units with partial autonomy, both economic and political.

Although such divided autonomy can raise problems of justice, they are minor compared to the problems raised by ethically globalized institutions. As a comparison, at the domestic (federal) level, consider the (so-called) Clean Air Act of 2007. This act prohibits states from setting their own fuel efficiency standards. California historically has set its own standards, and the issue of whether it can continue to do so is being litigated in the courts. (California Office of the Attorney General 2009) The problem here is a political one. The procedures for settling the dispute are agreed on by all, even if some are not happy at the outcome.

But at the transnational level, problems are much worse. At the national level, we can have disagreements about what policies contribute most to national well-being. But there is no dispute at the national...
level about what societies are affected, about who the relevant stakeholders are, and what legal and political authority applies for a given problem. All of these are up for grabs at the transnational level. For example, at least in the short run, offshoring jobs results in lost jobs in developed countries (a burden for those countries) and in increased numbers of lower wage jobs in developing countries (a benefit for those countries). But the countries involved are not part of the same economy or the same society. India and the US do not share benefits or burdens and cannot regard themselves as part of the same cooperative scheme. There may be ways to extend domestic justice to handle cases like these, but they are far from self-evident. In the following chapters in Section 2, *Theories of Globalized Ethics*, we will examine several proposals for principles of globalized justice.

Ethics for individuals and ethics for a particular society depend upon each other. This is not surprising. As we saw in the previous chapter, ethical principles for individuals are principles which override self-interest in order that we can realize cooperative benefits. Thus they make it possible for us to live peaceably and productively with each other in society. An individual ethical principle is thus implicitly a social rule.

At the level of a society, there are additional ethical considerations contained in the concept of justice. People, say the employees of a firm or the citizens of a state, can do the right thing as individuals and yet keep in motion institutions of great evil. Thus justice—the ethics of a society—requires principles for institutions over and above individual ethical principles. And conversely, a just society must respect the rights of the individuals in that society. Individual ethical principles are not simply engulfed by principles of justice. There is a name for societies for which observance and enforcement of laws and social rules is more important than individual rights. Such societies are called totalitarian.

In this chapter I will deal mostly with the two most popular theories of what a just society is: Utilitarianism and the social contract theory of John Rawls. (Rawls 1999a) Much discussion of the structure of social institutions is done by economists, and most economists almost invariably assume some version of utilitarianism: The set of institutions for society is just if it produces the greatest value for the greatest number. Utilitarianism does not directly concern itself with how value is distributed. (Indirectly, a very uneven distribution of value could lead to a lower overall amount, and thus could be ruled out on utilitarian grounds.) The social contract theory of John Rawls does concern itself directly with the distribution of value, and has become a viable alternative since its introduction in the 1970s.

**OTHER THEORIES OF JUSTICE**

A few other theories of justice besides utilitarianism and the social contract theory have some popularity and are worth mentioning. They are meritocracy, libertarianism, perfectionism, egalitarianism, and pluralism:

- Meritocracy holds that a just distribution of goods is allocation according to the merit of the person. Merit is determined by the individual’s achievement through the use of his or her ability and talent.
- Libertarianism holds that a just distribution of goods is any distribution that started from an initially just position and resulted from transactions which are, roughly, honest ones. Libertarianism calls for minimal interference with people’s transactions in maintaining a just distribution. (This is the version of Robert Nozick (1974))
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