# Justice as Fairness

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## Introduction

The aim of justice as fairness is to provide a basis for democratic institutions (13)
- E.g. the ideas that society is a fair system of social cooperation, citizens are free and equal persons and a well-ordered society is one effectively regulated by a public conception of justice
- Though these ideas play a fundamental role in society, they are often not expressly formulated

The central organising idea of social cooperation (14)
- Social cooperation is distinct from merely socially coordinated activity
    - The former is guided by publicly recognised rules and procedures
    - The latter can be issued by an absolute central authority
- Cooperation must be undertaken with fair terms
- Each participant must gain rational advantage or good

## Two principles of justice

Principles (15)
1. Each person has the same, indefeasible claim to a fully adequate scheme of equal basic liberties
2. Social and economic inequalities are to satisfy the following conditions:
    - Attached to offices and positions open to all under conditions of fair equality of opportunity
    - They are to be the greatest benefit of the least-disadvantaged members of society

These principles specify the fair terms of social cooperation, thereby answering the question: what is the most acceptable political conception of justice for specifying the fair terms of cooperation between citizens?

## The idea of a well-ordered society

Implied by the idea of a public conception of justice, a well-ordered political society is one in which everyone accepts the very same political conception of justice (16)
- This knowledge is mutually recognised

The implied by the idea of effective regulation by a public conception of justice, society's basic structure is known to satisfy those principles of justice

Citizens have a normally effective sense of justice

## The idea of the basic structure

The basic structure of society is the way in which the main political and social institutions fit together into one system of social cooperation

Justice as fairness takes this basic structure as the primary subject of political justice (17)
- However, these regulating principles do not apply to institutions and associations within society
    - E.g. churches, families, universities are regulated indirectly by their own associations and groups

# The idea of the original position

The fair terms of social cooperation are to be given by an agreement entered into by those engaged in it

This agreement must be entered into under certain conditions (18)

The original position requires the agreement to be interpreted as both hypothetical and non-historical:

- We ask what the parties could or would agree to, not what they have agreed to
- We do not suppose the agreement has ever been entered into
    - Principles are determined by the analysis

# Understanding the Modern-Postmodern Tension

## The battle lines

How should post-structuralism inform ethical-political reflection? (13)
- Render the insights of post-structuralism directly into the various idioms of ethical-political reflection
    - Issue: becomes merely a new manifestation of what post-structuralism has seen to be  (14)
- Adopt the post-structuralist viewpoint

Structuralism
- The structuralist method assumes that meaning is made possible by the existence of underlying systems of conventions (15)
    - Promised to provide the net within which the meaning of particular actions could be captured
    - Meaning emerges within the logical workings of key sets of binary oppositions

Post-structuralism
- In contrast, Derrida deconstructs such oppositions, showing how their claimed foundational character collapses when they are thought through
    - This always has a politicising effect, exposing political thought as less reason driven and more power driven (16)
- One either follows post-structuralism down a trail that persistently shies away from important political questions, or one finds some way of domesticating it and forcing it onto more familiar conceptual ground (17)
- Foucault, like Derrida, interrogates conventional conceptions of power

A thoroughly post-structuralist approach would be perpetually withholding (19)

## Two dimensions of language

Language is analysed in its capacity to act, and allow us to do things in the world (20)
- The language distinction can be described as one between language that coordinates action-in-the-world and language that is world-disclosing
- Derrida attacks this on the basis that it focusses on constructing distinctions between:
    - Literal/figurative
    - Normal/abnormal
    - Serious/fictive
- Derrida argues that conventional conditions for normal speech usage can never be clearly delineated
    - Habermas counters that this perception of speech could never account for the reproduction of social life and the occurrence of many learning processes that take place within it (25)

Translate to politics
- It is the underlying mutual expectation between actors that they can defend

specific claims they raise that creates the 'binding force' (25)
- Post-structuralism's concerted deployment of new fictions against whatever fictions are socially in force is key (26)
- Political reflection pursued under the pull of the responsibility to act in the world will generate cognitive machinery attuned to problems of action coordination (28)

## Between modernity and postmodernity

A key ethical-political idea in modernity is that part of the responsibility to act includes the responsibility to take others into account (29)

Foucault: we ought also to read our history a different way, as warranting another (less empirical) generalisation

The idea is that modern subjectivity's infinite urge to expand control over all aspects of life is strongly tied to a growing fixation an language as simply a means of action coordination (30)