



CHAPTER 4

Freedom and Justice

This chapter is about freedom and justice, two political concepts that are fundamental to democracy. Since freedom is most commonly defined as the absence of constraints, we begin by examining a variety of constraints that may be relevant to political freedom. Then we explore the degree to which freedom is desirable by considering other values (such as equality, concern for others, and the maximization of happiness) that might conflict with freedom, mainly in the context of the political thought of John Stuart Mill. In the second part of the chapter we turn to the concept of justice and examine various criteria for determining its meaning through readings of John Rawls and Robert Nozick. We conclude with a look at three alternative theories of justice that challenge the conventional liberal assumptions about justice: cosmopolitan, communitarian, and green thought.

Chapter Outline

- **Constraints on Freedom**
 - Non-Democratic Government
 - Physical Coercion
 - Physical Incapacity
 - Rationality
 - Psychology
 - Economic Impediments
- **Negative and Positive Freedom**
- **Is Freedom Special?**
 - Mill, Utilitarianism, and Freedom
 - Freedom, Happiness, and Paternalism
 - Mill, Marx, and Socialism
- **The Meaning of Justice**

- **Rawls's Theory of Justice**
- **Critiques of Rawls**
- **Alternative Theories of Justice**
 - Cosmopolitan Theories of Justice
 - Communitarianism and Justice
 - Green Political Thought and Justice
- **Conclusion**

Key Terms

Agency	Harm principle	Positive liberty
Communitarianism	Intergenerational justice	Procedural justice
Cosmopolitan justice	Intragenerational justice	Social contract
Cultural pluralism	Meritocratic theory of justice	Social justice
Global justice	Original position	

Discussion Questions

1. Is a democratic form of government required in order to be free?
2. Do you agree with Rousseau that only the rational and moral can truly be free? What are the advantages and disadvantages of adopting this position?
3. Justice is often treated as having two types: procedural, and social or distributive. This allows for the possibility that a just decision could at the same time be an unjust decision. Does either procedural justice or social justice have priority over the other?
4. Mill argues that self-regarding action should be left unregulated by the state, unlike other-regarding action. In practice, how do you distinguish between the two types of action? Is it always easy to draw the line between them?
5. Justice typically presumes an obligation to our fellow human beings. Is there an obligation of justice to future generations? Is there an obligation to the memory or legacy of the past? Is there an obligation of justice to non-humans, or to the planet as a whole?
6. Is freedom special? Why would we want to limit freedom?
7. What is the difference between negative liberty and positive liberty? Can you think of some concrete current examples of each?

Further Resources

- <http://plato.stanford.edu/entries/rawls/>
Stanford Encyclopedia of Philosophy page on John Rawls
- <http://www.libertarianism.com/>
Libertarianism home page, including basic information on the ideology and a number of opinion pieces
- <http://www.utilitarian.net/>
Web page dedicated to a range of utilitarian thinkers including Bentham, Mill, and Singer
- <http://www.socialjustice.org/>
Home page for the centre for social justice
- <http://icps.gwu.edu/>
Institute for Communitarian Policy Studies home page
- <http://www.iroquoisdemocracy.pdx.edu/html/greatlaw.html>
Full text of *The Great Law of Peace* that formed the basis for the Six Nations model