

# NORMATIVE FRAMEWORKS: GOVERNING TOWARD THE GOOD

# WHAT IS THIS CLASS ABOUT?

Analytical Politics core classes reflect the Harris view that understanding politics is central to understanding policy

Three themes of AP 1

- ▶ What do we mean by *good policy*?
- ▶ How do we think about good policy outside market settings?
- ▶ How does politics constrain and shape policymaking?  
(deeper dive in AP 2)

Our key methodological tool is *game theoretic* models

# WHAT IS THIS PART OF THE COURSE ABOUT

What do we mean by *good* public policy?

What constraints limit our ability to achieve normative goals?

How might we talk about normative ideas of good policy while working within these constraints?

# WHAT IS THIS LECTURE ABOUT?

Introduction to important ideas from *ideal theory*

What constitutes a good society?

What is the proper role of government/policy in pursuing that vision of the good?

# NOTIONS OF THE GOOD

## Extreme points

- ▶ Hobbesian minimalism
- ▶ Theocratic maximalism

## Four important ideal theories

- ▶ Comprehensive Liberalism
- ▶ Utilitarianism
- ▶ Distributive Justice
- ▶ Communitarianism

# OUTLINE

COMPREHENSIVE LIBERALISM

UTILITARIANISM

DISTRIBUTIVE JUSTICE

COMMUNITARIANISM

TAKE AWAYS

# OUTLINE

COMPREHENSIVE LIBERALISM

UTILITARIANISM

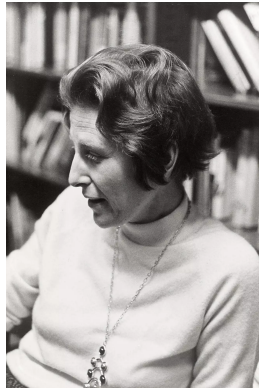
DISTRIBUTIVE JUSTICE

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# WHAT IS LIBERALISM?

*...to secure the political conditions that are necessary for the exercise of personal freedom by separating a public and private sphere and rigorously resisting the use of policy to infringe on the private sphere.*



Judith Shklar



# COMPREHENSIVE LIBERALISM

Arguments for liberalism derived from an overall theory of the good life or society

Perfectionist arguments

- ▶ Kantian autonomy
- ▶ Mill's falibilism

Natural rights

- ▶ Locke's Natural Law
- ▶ Nozick's self ownership

# LIBERAL TOLERATION

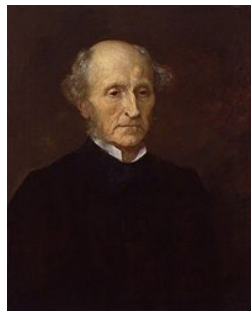
The chief virtue of a liberal citizen is tolerance

In the private sphere, people make their own choices about how to live

For liberalism to work, citizens must tolerate private behaviors and values that they find personally obnoxious or repugnant

## DELINEATING THE PRIVATE SPHERE

*the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is **to prevent harm to others**. His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise or even right.*



J.S. Mill

# HOW FAR DOES THE HARM PRINCIPLE GET US?

Most actions have some effect on other's wellbeing. Is everything in the public sphere?

Where's the line between real harm and "mere offense"?

Contemporary cases

- ▶ Isolating when sick
- ▶ Using hateful language, mentioning hateful language
- ▶ Teaching children knowledge contrary to parents' beliefs or values

# POLICY IN A LIBERAL ORDER

Government constrained from intruding on the private sphere

Policy used to promote liberal virtues of tolerance and civic pride

Gray area with respect to many important policies

- ▶ Perfectionists and libertarians might disagree on whether things like education, redistribution, social safety net are necessary for freedom

# SOME CONCERNS

Children and the private sphere

Foundations of property rights

Lack of clarity about what to do in the public sphere

Perfectionist critiques of normative individualism

## SB 818: SEX ED IN ILLINOIS

Requires K–12 age appropriate education on:

- ▶ developing healthy relationships
- ▶ anatomy, physiology, and adolescent development
- ▶ preventing harassment, abuse, sexual violence
- ▶ sexual orientation, gender identity, and gender expression
- ▶ preventing STIs and unintended pregnancy
- ▶ local resources for information and confidential services related to reproductive health, gender identity, and gender expression

Parents can opt student out

Local communities choose materials and instructors

# DISCUSSION

This legislation has been controversial

What might be some arguments in favor and against, from a comprehensive liberal point of view?



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# WHAT IS UTILITARIANISM?

**Utilitarianism.** The rightness of a policy or social organization depends only on its consequences for net aggregate human wellbeing

**Consequentialism.** The rightness of a policy or social organization depends only on the goodness of the state of affairs it brings about

**Welfarism.** We evaluate states of affairs based on their implications for human wellbeing



Jeremy Bentham

# SOME UTILITARIAN TERMINOLOGY

	policy $x$	policy $y$	policy $z$
Person 1	5	2	4
Person 2	1	3	7
Person 3	4	1	1

policy  $x$  is a **utilitarian improvement** over policy  $y$

policy  $z$  is the **utilitarian optimum**

# WHY BE A UTILITARIAN

Easy to think about and quantify

- ▶ *If* you can measure and compare people's wellbeing

Provides a powerful way of thinking about trade-offs

- ▶ Just maximize the sum of the utilities

Treats individual welfares equally

# POLICY IN A UTILITARIAN ORDER

Not concerned with rights, justice, etc.

Rigorously measure costs and benefits, pursuing policies and procedures that maximize aggregate wellbeing

Foundations of modern policy analysis

# SOME CONCERNS

Lack of concern for distribution

- ▶ sacrificing the few for the many

Is utility fixed and independent of policy?

How do we think about future generations?

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What might be some arguments in favor and against, from a utilitarian point of view?



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# WHAT IS DISTRIBUTIVE JUSTICE?

A just society is one that conforms to two moral principles:

- ▶ People's life outcomes should not be determined by matters of mere luck, outside their control
- ▶ People are responsible for things that are within their control, notably their life choices

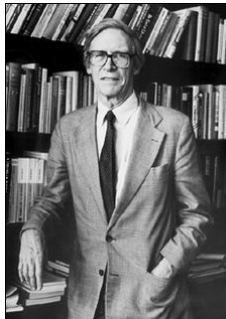
Policy should be aimed at achieving outcomes and social arrangements that advance justice

# THE DIFFERENCE PRINCIPLE

Unequal access to *social primary goods*—political rights, educational opportunities, family wealth—is mere luck

**Inequality in social primary goods should be arranged to the greatest benefit of the least advantaged**

Why doesn't justice require complete equality?



John Rawls

## WHERE DOES LUCK END?

Dworkin argues that inequality of *natural primary goods*—abilities, talents, and capacities—are also luck

Justice requires governing toward similar life opportunities regardless of

- ▶ Socially constructed categories (race, gender, socio-economic status)
- ▶ Natural endowments

What is involved in extending the difference principle in this way?

# POLICY UNDER DISTRIBUTIVE JUSTICE

Distributive justice theorists typically advocate for some sort of “social democracy”

- ▶ Market economy consistent with commitment to responsibility for choices
- ▶ Substantial redistribution to rectify luck-based inequality

Rectification takes two forms

- ▶ Ex ante equality of opportunity
- ▶ Ex post equality of outcomes

## SOME CONCERNS

Is there a slippery slope such that everything is luck?

- ▶ Preferences with which we do or do not identify

Does a focus on the least well off really follow from Rawls' moral principles?

- ▶ Do we get something like weighted utilitarianism?

Disributive justice theories are ahistorical, failing to confront pressing real-world problems of justice

- ▶ How do we overcome deeply entrenched historical subordination?

## STRUCTURAL INJUSTICE

Men's physiology defines most sports, their needs define auto and health insurance coverage, their socially-designed biographies define workplace expectations and successful career patterns, their perspectives and concerns, define quality in scholarship, their experiences and obsessions define merit, their objectification of life defines art, their military service defines citizenship... For each of their differences from women, what amounts to an affirmative action plan is in effect, otherwise known as the structure and values of American society.



Catharine  
Mackinnon

# JUSTICE IN AN STRUCTURALLY UNEQUAL WORLD

To treat everyone in a “color-blind” way would in this context be equivalent to ignoring the history, and thus particularizing rather than universalizing respect by taking as one’s reference point those persons whose personhood has not historically been in question. Abstracting away from the history... tempting as it may be, actually undermines universality, because it does not genuinely include the [subordinate group] on the terms necessary to correct their situation.



Charles Mills



## MILLS ON RECTIFICATION

*Transformation will require the repudiation of internalized inferiority on the part of blacks and of internalized superiority on the part of whites.*

*—Charles Mills*

Not about backward looking accountability or forward looking redress

Requires undoing subordinating social structure

The “symbolic” may be much more important than the material

Renders moot seemingly intractable questions about accountability for historical wrongs

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What might be some arguments in favor and against, from a distributive justice point of view?

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# WHAT IS COMMUNITARIANISM?

Starts as a critique of liberalism's normative individualism

Our understandings of the good are deeply shaped by the communities in which we exist

Individual thriving is dependent on communal thriving

A good society is one with robust, thriving, traditional communal structures

# WHY BE A COMMUNITARIAN?

Social scientific arguments about the importance of community and “social capital”

Burkean arguments about tradition and the wisdom of incrementalism

Religious or other arguments for traditional/communal morality

# WHAT DOES COMMUNITARIAN POLICY LOOK LIKE?

Notion of the good toward which we govern is highly contingent on time and place

Communitarianism typically cuts across standard left-right dimension on policy issues

- ▶ **Society:** Support family, church, and other traditional intermediate organizations
- ▶ **Economy:** Support labor unions, skeptical of free trade and other disruptive market forces
- ▶ **Politics:** Deferential to local-level decision making

# SOME CONCERNS

Ends in theocracy, relativism, or both

Preservation of traditional injustice and subordination

Are intermediate institutions socially destabilizing?



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There are many potential visions of the good

They are often in conflict with one another

Any plausible normative framework has good arguments in its favor and good arguments against it

# WHERE WE ARE GOING

Reasonable people will disagree about visions of the good

Even within a vision of the good, there is lots of room for reasonable disagreement about values

How do we have normative standards in a society when we fundamentally disagree?

What are the constraints that an answer to that question must contend with?