

An Assessment of the Republican and Democratic Party Platforms with Respect to Justice

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An Assessment of the Republican and Democratic Party Platforms with Respect to Justice

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I. Preface

This paper is intended to be an assessment of justice within the modern Republican and Democratic Parties. The paper aims to declare which party, if either, has a political platform and policies that are truly just.

First, the Republican and Democratic Party platforms are presented. In this section of the paper the main convictions of the two parties with respect to the role of government and their view of justice are presented. This section aims to define the underlying values and vision of justice that shape the individual parties. The next section looks specifically at the tax platforms and policies of each party. It considers the way in which each Party's vision of government and justice plays into their tax policies.

Following the summary of the Republican and Democratic Party platforms, the paper shifts to the task of defining what is meant by justice as well as considering the role of government. The first philosopher presented is Aristotle. The section on Aristotle first describes and assesses different forms of government and then moves onto how justice is applied within each form of government. Additionally, the section considers how Aristotle views justice in a broad sense.

Montesquieu and his evaluation of the components and characteristics of Democracy follows. Unlike Aristotle, Montesquieu only considers a Democratic government in his assessment. Montesquieu's views on taxation are then outlined in detail. Underneath his discussion of government as a whole and taxation specifically his view of justice is revealed.

An appraisal of The Federalist and Anti-Federalists follows. The influence of Aristotle and Montesquieu in their beliefs with respect to government and justice is evident. This section considers the Federalists and then the Anti-Federalists, pointing out the similarities and differences in their conviction and notions of the role of government and justice.

Next the assessment of theories of justice moves into the modern setting with Rawls. Rawls clearly presents a theory of justice. He creates a hypothetical social situation for which his views on justice and the role of government become clear. Sandel's critique of Rawls as well as the other philosophers follows. Sandel is a good completion of all of the theories and a segue into the modern political debate.

The assessment portion of the paper compiles and summarizes all of the theories of justice presented. It recounts the basic arguments and theories of the Republican and Democratic Parties. Then the theories on government and justice are applied to different components of the platforms as well as tax policies to assess which Party has the most support. Considering the appraisal of the alignments in theory between the modern political parties the conclusion section declares which platform can be considered as truly in accordance with justice, if in fact either can.

II. Introduction

When considering the distinctions between the Republican Party Democratic Party platforms and the main issues they address, the central component of their respective affirmations is the notion of justice. Their distinctive conceptions of justice emerge from their convictions regarding morality and values.

Given that justice is central to each Party's platform, the modern political debates are not debates of the issues and policies of the Republicans and Democrats but rather are a dispute about how to determine and define what is meant by justice. In some cases justice is closely aligned with fairness and/or equality, yet depending on the given outlook, interpretation, values, and so forth, these concepts may be considered entirely separate and in some cases even contrary to justice.

A specific and crucial area that appears in the debates between the Republican and Democratic Parties is the issue of tax policies. The direct impact that taxes have on individuals and the extensive reach that issues of taxation and government revenues have in modern political debates make the parties notions of justice with respect to taxation of critical importance.

It is the mission of this paper to determine which Party's platform and policies, the Democrats or Republicans, are most just. First, we must explore the basis of their individual platforms; their vision of what government should look like, the role it should play, and the tax policies it should enact. Second, we shall consider different philosophers' conceptions of government including its role and defining characteristics of justice. Looking at these varying notions of justice with respect to

government and society from both ancient and modern thinkers we then can assess which political party's notion of justice has the most support with respect to quantity as well as persuasive quality from the philosophers discussed.

III. Political Party Platforms

1. Republican

The primary differences between the Democratic and Republican Party's tax platforms and ideals stem from differences in their fundamental visions of the role that the federal government should play in the lives of the American people. The social policies that support these visions and the ultimate goals of each party necessarily differ as well.

The Republican Party, also known as the "Grand Old Party," holds the Constitution as the key component of the American Democratic government. In the Republican platform for the 2012 election they state that the Constitution of the United States is the greatest document ever to be written, and that they "are the party of the Constitution" (2012 Republican Platform¹). The Constitution defines the limits and purpose of government. It outlines citizen's "God-given" rights and declares individuals equal before the law (RP12). As such, Republicans hold that ultimately government must act in a way that facilitates all of the rights and fulfills all of the promises of the United States Constitution.

¹ United States. We Believe in America: 2012 Republican Party Platform. Republican Party, 27 Aug. 2012. Web. 10 Oct. 2012.
-To be referenced at "RP12"

Ultimately the Republican vision of the United States federal government centers on the protection of the freedoms and liberties of the individual (RP12). Justice under the Republican platform is not material equality for all in a material and economic sense. Justice is facilitated through individual freedoms and a limited government and free economy that “rewards self-reliance and hard work” (2008 Republican Party Platform²).

They believe that the “social preferences” displayed in the Democratic platform, which benefit only select groups of citizens, directly limit a free economy because they interfere with free market spending, trade, business, and reject citizens the ability to attain their just compensation for work (RP08).

In the 2012 Republican Party platform it declares,

We support efforts to help low-income individuals get a fair chance based on their potential and individual merit; but we reject preferences, quotas, and set-asides as the best or sole methods through which fairness can be achieved, whether in government, education, or corporate boardrooms. In a free society, the primary role of government is to protect the God-given, inalienable, inherent rights of its citizens, including the rights to life, liberty, and the pursuit of happiness. Merit, ability, aptitude, and results should be the factors that determine advancement in our society” (2012 Republican Platform³).

² United States. 2008 Republican Party Platform. Republican Party, 1 Sept. 2008. Web. 10 Oct. 2012.
-To be referenced at “RP08”

³ United States. We Believe in America: 2012 Republican Party Platform. Republican Party, 27 Aug. 2012. Web. 10 Oct. 2012.
-To be referenced at “RP12”

The element they see as vital to living in accordance with the Constitution is a limited government that does not infringe on the freedoms and liberties of its citizens or act as a social engineer. The Republicans state that the United States must, “reaffirm that our rights come from God, are protected by the government, and that the only just government is one that truly governs with the consent of the governed” (RP12). Such a limited government not only respects the consent of the individuals it governs, but also respects Federalism. By definition, Federalism is, “a system of government in which sovereignty is divided between a central authority and constituent political units, such as states or provinces” (“Definition of Federalism”⁴). Republicans stress the need for improvements in the balance between state and federal government contending that the federal government has taken on too much power (RP12⁵). Through limiting government Republicans aim to protect individual’s right to interact without restriction in a free market society, which is central to through notion of justice.

In order to enable a successful limited government it is crucial that government aligns with Jefferson’s vision of a “wise and frugal government” (RP12). Republicans assert that the deficit and spending of the U.S. government has gotten out of control. A frugal government under their vision limits its spending to strictly essential services in order to reduce the tax burden placed on citizens and ultimately reduce the large government deficit (RP12).

⁴ "Definition of Federalism." Chegg, n.d. Web. 20 Nov. 2012.

⁵ United States. We Believe in America: 2012 Republican Party Platform. Republican Party, 27 Aug. 2012. Web. 10 Oct. 2012.
-To be referenced at “RP12”

Part of what Republicans believe makes it possible for government to be more frugal within a limited government is a free economy (RP12). A free economy is a laissez-faire economic environment in which economic transactions are only limited by the minimal government regulations sufficient for the protection of property rights, but otherwise free of government intervention (Republican Party⁶). Ideally a free economy facilitates efficiency, which allows for optimal distribution of resources and trade without the need for government intervention. Republicans contend that Americans should keep more of what they earn. By this they mean are referring to reduction of taxes on the income of citizens. With fewer taxes citizens maintain a higher amount of disposable income that allows them to participate more in free market spending (RP08⁷).

2. Democratic

The Democrat's vision of government's role and ultimate goals differs immensely from the Constitution-focused Republican platform. Their vision of government focuses on the middle class and the civic responsibility of individuals and government as a whole to act in the promotion of the general welfare of all citizens (Democratic Platform⁸). Their notion of justice lies within this vision of government. Justice is that which promotes the good of society as a whole. Additionally, justice is contingent on the individual receiving sufficient reward for

⁶ "Republican Party (political Party, United States, 1854-present)." Encyclopedia Britannica, n.d. Web. 20 Apr. 2013.

⁷ United States. 2008 Republican Party Platform. Republican Party, 1 Sept. 2008. Web. 10 Oct. 2012.
-To be referenced at "RP08"

⁸ United States. Moving America Forward: 2012 Democratic National Platform. Democratic Party, 3 Sept. 2012. Web. 10 Oct. 2012.
-To be referenced as "Dem12"

hard work and dedication (Dem12). At the basis of this vision of government and justice are the Democratic Party's three pillars of leadership: a prosperous and inclusive economy, unsurpassed military, and a commitment to advance American values (Dem12).

The first pillar, a prosperous and inclusive economy, is centered on the belief that any individual can succeed in America if they put in the work, regardless of who they are, where they are from, or what they look like (Dem12). The platform states that; "In America hard work should pay off, responsibility should be rewarded, and each one of us should be able to go as far as our talent and drive take us" (Dem12). Central to their conviction that anyone should be able to succeed no matter their financial or social circumstances, the Democratic Party places the middle class as the driving force and focus of a successful government. They hold that our nation is built from the middle class out, that the middle class are truly "our people" ("Jobs and the Economy⁹). Given the vital role of the middle class in the prosperity of the American economy Democrats enact policies that allow the middle class and impoverished to prosper. Such actions include promoting tax cuts for the middle class and impoverished that are not granted to the wealthy. This is in agreement with the Party's conviction, as stated by President Obama, that the wealthy "have a civic responsibility of bear more of the burden of deficit reduction" (Harwood¹⁰). This notion of paying a greater portion of the burden is what the Democrats are referring

⁹ "Jobs and the Economy." Democrats.org. N.p., n.d. Web. 10 Oct. 2012.

¹⁰ Harwood, John. "Obama's Tax Policy Targets Rising Sector of His Base: the Affluent." The New York Times. 20 Feb. 2012. 10 Oct. 2012.

to with their notion of “fair share” (Dem12¹¹). In other words those with greater financial means should contribute a greater monetary amount through means of taxation. This monetary amount facilitates the prosperity of less fortunate individuals and the nation as a whole, which aligns closely with the Democratic vision of justice.

The second pillar in the Democrat’s vision of government holds that there is no greater responsibility of government than protecting the American people (Rep12). This is done through promoting peace, forming alliances, countering emerging threats, and adapting and retooling forces and strategy with the changing times and circumstances (Rep12). However, benefit of protection to society cannot be accomplished without public revenue, which is attained through taxation.

The last of the three pillars, a commitment to advancing and preserving American values, is a defining characteristic of the Democratic Party. The Democratic platform contends that the United States must aim to, “out-educate, out-innovate, and out-build the world” (Rep12). The surest path to this goal for the Democrats is through the first component of education, which they hold as a critical institution of a Democracy. Democrats aim to keep American education well funded and effective as well as keeping higher education within reach for all individuals regardless of financial or social circumstances through means of government funding and subsidies (Rep12). In addition to education Democrats are committed to the values of providing affordable healthcare and sufficient retirement funds, stating

¹¹ United States. Moving America Forward: 2012 Democratic National Platform. Democratic Party, 3 Sept. 2012. Web. 10 Oct. 2012.

-To be referenced as “Dem12”

“every American deserves a secure, healthy, and dignified retirement,” to reward the hard-working middle-class that they assert are the core of the American population (Rep12). These social programs and pillars overall promote the Democratic vision of justice in their promotion of each receiving and contributing their “fair-share” while also considering the general welfare and prosperity of society as a whole.

What is important to note is that while Democrats do declare the need for tax revenues that allow the government to put more money into social programs, they have a similarity with the Republican Party in that they aim at a United States Government that is simpler, smarter, and more cost effective (Rep12). They recognize that the Federal government is overspending and has a massive deficit. However, their views of where to cut spending and how to raise money differ from the Republicans as will be seen in the discussion of taxation and related uses of government revenues.

IV. Tax Platforms and Policies

1. Republican

The differences observed between the two primary political parties in the United States extend beyond just their overall outlook on government and the role it should serve. More specific issues arise with respect to their opposing views on tax policies. These contrasting policies are influenced by their concepts of the role of government and the goals it should accomplish as well as their overarching views

on justice. In the wake of the recent presidential election each Party's standing on the issue of taxation has been clearly laid out through their party platforms as well as speeches, articles, and interviews.

Republicans hold that "taxes, by their very nature, reduce a citizen's freedom." (1). Republicans feel strongly that Americans should keep more of what they earn, given that it was attained through hard work and self-discipline (3,1). In order to ensure that Americans have more money in their pocket for spending in the free market, Republicans propose a number of tax reductions.

The Republican platform first asserts that the Bush tax cuts, which were temporary tax reductions passed in 2001 and 2003 that applied to all income levels, should be renewed in order to keep taxes at a lower level. According to the Romney Tax Plan, the Republican tax cuts would reduce individuals taxes by 20% overall ("The Romney Tax Plan"¹²). In addition to cuts in income taxes they wish to eliminate taxes on capital gains for low and middle income tax brackets (RP12¹³). However, while they make concessions to these lower income tax payers Republican tax cuts do not just aid the those who are financially less fortunate. Republicans contend that the cuts should apply to all, even the wealthy, and would cut taxes for those making over \$3 million by an average of \$250,000 a year (Dem12¹⁴).

¹² "The Romney Tax Plan." *Tax Policy Center*. 1 March 2012. 10 Oct. 2012.

¹³ United States. We Believe in America: 2012 Republican Party Platform. Republican Party, 27 Aug. 2012. Web. 10 Oct. 2012.
-To be referenced at "RP12"

¹⁴ United States. Moving America Forward: 2012 Democratic National Platform. Democratic Party, 3 Sept. 2012. Web. 10 Oct. 2012.
-To be referenced as "Dem12"

Among the strongest Republican convictions inherent in their tax policy is the belief that taxes should not be used as a means of redistributing income (RP12¹⁵). They believe that the forceful redistribution of wealth will create a divide among the classes of America and promote a tension that they refer to as “class warfare” (RP12). In targeting certain income groups with higher tax rates Republicans accuse Democrats of using the tax code as a means of social engineering. By this Republicans are addressing their concern that Democrats aim to rework and remold society to fit their vision of justice in which citizens must take on a greater share of the burden, thus working against their own individual prosperity in order to contribute to the prosperity of others. This undermines the Republican notion of justice where self-reliance and hard work is rewarded and most importantly where government does not interfere or impose on the freedoms and liberties of individuals.

Republicans not only think that it is important allow individual citizens to keep a greater portion of the income they earn as through means of tax cuts, they also support the prosperity of American corporations with corporate tax cuts. America has the highest corporate tax rate in the world (RP12). Republicans argue that this reduces corporation’s ability to compete and forces them to move business and subsequently jobs offshore (RP12). In order to allow corporations to grow, create jobs, and remain competitive Republicans want to cut the corporate tax rate from 35% to 25% (“The Romney Tax Plan”¹⁶). With lower tax rates corporations may be

¹⁵ United States. We Believe in America: 2012 Republican Party Platform. Republican Party, 27 Aug. 2012. Web. 10 Oct. 2012.
-To be referenced at “RP12”

¹⁶ “The Romney Tax Plan.” *Tax Policy Center*. 1 March 2012. 10 Oct. 2012.

able to keep more of their business within the United States which Republicans argue benefit individuals and the American economy overall.

To enable government to lower taxes on individuals and corporations Republicans emphasize the importance of reducing the government deficit. The current government debt is over \$16 trillion (RP12¹⁷). Republicans hold that this debt is due to overspending and inefficiencies in government. Republicans believe current government tax dollars are being used to fund what they consider to be unnecessary and ineffective programs (RP12). These programs include the heavily funded educational and social welfare programs endorsed by the Democrats. While Republicans do not condone cutting these sorts of programs all together, their notion of a limited government and free economy is better facilitated with these funds going to other sources such as global relations and trade.

2. Democratic

The Democrat's tax platform has little in common with the Republican's. Their approach is to build American from the "middle out", meaning putting their focus on the middle class as well as the impoverished which together make up the majority of the American population (Dem12¹⁸). In a recent speech President Obama stated that the economy and America as a whole always functions best when the

¹⁷ United States. We Believe in America: 2012 Republican Party Platform. Republican Party, 27 Aug. 2012. Web. 10 Oct. 2012.
-To be referenced as "RP12"

¹⁸ United States. Moving America Forward: 2012 Democratic National Platform. Democratic Party, 3 Sept. 2012. Web. 10 Oct. 2012.
-To be referenced as "Dem12"

middle class is doing well (Rubin¹⁹). In order to help the middle class to prosper Democrats propose tax cuts for the middle class, working families, and especially for those struggling to pay their bills for basic necessities (Dem12²⁰). The Democrat's plan would cut taxes for 95% of American families. Already during Obama's four years in office, the average family has saved \$3,600 in taxes (Dem12).

While Democrats promote tax cuts for the majority of the population they propose raising or at the very least maintaining the tax rate on the wealthy. They don't support renewal of the Bush tax breaks, which implemented tax cuts on those households earning \$250,000 or more annually (Rubin). Democrats contend that the wealthy have a civic responsibility "to bear more of the burden of deficit reduction and pay for government spending priorities" (Harwood²¹).

Democrats believe that wealthy corporations, just like wealthy individuals, should pay a higher tax contribution. Unlike Republicans, Democrats propose to maintain and not cut the corporate tax rate (Dem12). Additionally, they would seek to end the tax loopholes that are allowing large corporations to hide their money or pay their taxes offshore at a cheaper rate ("Jobs and the Economy"²²). In doing so the large corporations are avoiding paying taxes to the American government, which they legally owe, and which the government desperately needs. However, not all businesses would be subject to the higher tax rate. Democrats hold small businesses, like the middle class, to be the backbone of American society. Therefore,

¹⁹ Rubin, Richard. "Democrats Keep Tax-Raising Focus on Top 2% of Households." 4 Sept. 2012. 10 Oct. 2012.

²⁰ United States. Moving America Forward: 2012 Democratic National Platform. Democratic Party, 3 Sept. 2012. Web. 10 Oct. 2012.

-To be referenced as "Dem12"

²¹ Harwood, John. "Obama's Tax Policy Targets Rising Sector of His Base: the Affluent." The New York Times. 20 Feb. 2012. 10 Oct. 2012.

²² "Jobs and the Economy." Democrats.org. N.p., n.d. Web. 10 Oct. 2012.

Democrats support tax cuts for small business in order to continue their growth and help them compete with the large corporations (Dem12²³).

The justification behind the higher tax rate on the exceptionally wealthy and corporations rest in Democrats' notion of civic responsibility. Obama has stated that the Democratic Party holds that wealthy individuals have a civic responsibility to bear more of the burden of deficit reduction through paying more taxes. In other words Democrats are asking the wealthiest to pay what Democrats consider to be their "fair share", a greater portion of the tax burden for purpose of government spending priorities such as the promotion of freedom, justice, and the welfare of all (Dem12).

In order to justify the need for collecting taxes at all income levels and declared rates Democrats focus on spending tax revenues on important governmental services such as education, health care, and security. Democrats believe that if it is apparent what the money is paying for; solid programs that contribute to America's success, then people will be more understanding and willing to pay their "fair share" (Harwood²⁴). Areas that Democrats stress a need for funding are infrastructure, the environment, sustainable energy, and most importantly education and job creation (Dem12) While Democrats recognize that improvements do need to be made in budgeting and that spending cuts are crucial in reducing the nation's deficit they not believe taking funds away from essential social institutions and programs is the proper means to achieve that end. Democrats worry that doing

²³ United States. Moving America Forward: 2012 Democratic National Platform. Democratic Party, 3 Sept. 2012. Web. 10 Oct. 2012.

-To be referenced as "Dem12"

²⁴ Harwood, John. "Obama's Tax Policy Targets Rising Sector of His Base: the Affluent." The New York Times. 20 Feb. 2012. 10 Oct. 2012.

so would be detrimental to the success and prosperity of the American people and the nation as a whole (Dem12).

The differing views of the Democratic and Republican Parties with respect to the role of government, views of tax policies, social programs, and so forth all stem from an underlying view how to define justice. These notions and subsequent policies and platforms have a historical context stemming back to as early as Aristotle and his convictions with respect to government and justice.

V. Aristotle

1. On Forms of Government

For the modern United States Republican and Democratic Parties the debates regarding the role and aim of government always has Democracy as the given form of government. While the Republicans and Democrats may disagree on the notion of justice within such a government and the level of power that such a government should hold the question of a different form of government altogether is not central to the debate.

However, for Aristotle a Democratic form of government is not a given. He considers the possibilities of additional forms of government as viable and even potentially preferred. Additionally he examines the role that justice plays within different government frameworks. This is crucial in examining the different party platforms and how they align with the forms of government Aristotle presents.

The three forms of government that Aristotle considers valid are Royalty, Aristocracy, and Constitutional. While these governments are different in nature,

Aristotle holds them all as legitimate because they fulfill his conviction that, “The true forms of government, therefore, are those in which the one, or the few, or the many, govern with a view to the common interest” (Aristotle “Politics” Book3, VII²⁵). For Aristotle the words “constitution” and “government” have identical meanings; hence, a just constitution within a government is one that is geared toward the well being of all of its citizens as a true form of government is one that acts in the common interest (AP Book3, VII).

Additionally, for Aristotle all true governments and constitutions are based on the notion of justice. He declares that, “justice is the bond of men in states, for the administration of justice, which is the determination of what is just, is the principle of order in political society” (AP Book1, II). However, like the modern political parties the different forms of government have different notions of justice.

Aristotle defines the three types of government in their legitimate forms as well as their perversions. Royalty is a government in which there is one ruler who is virtuous in nature and acts with regard to the common interest. The perversion of such a government is tyranny, a form of government where the ruler acts in his own personal interest. The second form of government, Aristocracy, has more than one but not many rulers. Aristotle calls it by this name “either because the rulers are the best men, or because they have at heart the best interests of the state of the citizens” (AP Book3, VII). The perversion of Aristocracy is Oligarchy, in which the interests of the wealthy are central. Modern Democrats could argue that the Republican platform shapes a government that ends up looking more like an Oligarchy, as they

²⁵ Aristotle. Rackham, H. *Politics*. Cambridge: Harvard UP, 1957. Print.
-To be referenced as “AP”

believe that the Republicans are too sympathetic to the interests of the wealthy. The final form of government, Constitutional, is one in which many lead. The negative form of this sort of government for Aristotle is Democracy, which is the very government America has claimed to maintain throughout its history. Aristotle states that with many sovereign voices and leaders, “as the number increases it becomes more difficult for them to attain perfection in every kind of virtue,” and that Democracy ends up acting only in the interest of the needy (AP, Book3, VII). This argument can be found within the modern Republican platform in their critique of the Democratic platform.

Considering Aristotle, one is left to question if the modern form of government in America is truly a Democracy. The Democratic platform aligns closely with Aristotle’s vision of Democracy. It works in the interest of the majority, the middle class, and promotes a large governing body and participation. Unfortunately, Aristotle holds Democracy as a perversion of government all together. The Republican platform seemingly aligns with an Oligarchical form of government or at the very least Aristocracy. Republicans aim at a limited government that coincides with a small number of leaders. Democrats would argue however that the Republican platform in their mission to limit government and promote a free market economy ends up looking like an Oligarchy, a form of government that only looks out for the interests of the wealthy.

2. On Justice

Aristotle presents the role that justice plays within the forms of government above outlined. In a Democracy, which Aristotle believes acts only in the interest of the needy, all are equal in free birth and thus should have an equal share. Justice within this form of government is all being equal, regardless of merit or virtue (AP Book3, IX). Although not exactly parallel this view of justice in Democracy is reminiscent of the modern Democratic platform.

In contrast, within an Oligarchy justice lies in granting benefits in accordance with wealth. In the non-perverted form Aristocracy, justice is granting benefits in accordance with virtue and contribution to the well-being of society (AP Book3, IX). Within such a government inequality is just for those who are unequal (AP Book3, IX). The modern Republican platform makes similar contentions to those of Aristocracy with respect to the definition of justice. They hold justice as freedom and the liberty to prosper as a result of self-reliant work (Republican Platform 2012²⁶). This hard work parallels the merit and contribution to society that Aristotle promotes.

Aside from considering specific notions of justice within different forms of government Aristotle analyzes the concept of justice as a whole in *Nicomachean Ethics* Book V. First he differentiates universal justice from particular justice. Universal justice deals with the general demeanor of being lawful and fair. It is what is commonly expected of all human beings (Aristotle, "Nicomachean Ethics" BookV²⁷). The second form of justice, particular justice, addresses circumstances where one

²⁶ United States. We Believe in America: 2012 Republican Party Platform. Republican Party, 27 Aug. 2012. Web. 10 Oct. 2012.
-To be referenced at "RP12"

²⁷ Aristotle. Martin Ostwald. *Nicomachean Ethics*. Indianapolis [Ind.: Bobbs-Merrill, 1962. Print.
-To be referenced as "NE"

person's gain is another person's loss. It deals with goods, money, honor, and other tangible goods (NE BookV). This is the form of justice that is central to the discussion of taxation present in the writings of the Federalists and Anti-Federalists and modern political debates. The primary concern of distributive justice is that there is no unfair advantage or disadvantage granted. It is centered on the conviction that people should get what he or she deserves proportional to their merit and contribution to the well-being of society (NE BookV). Therefore the "good" person should get more than the "bad" person. An "unfair advantage or disadvantage" is thus occurs when an individual receives more or less than they have earned based on their merit and contribution alone. By good and bad Aristotle is referring to the idea of virtue, which is central to distributive justice (NE BookV). Justice is honorific and rewards certain virtues through distributive justice (Sandel, pg.186-187²⁸).

Aristotle fully supports distributive justice. An important thing to notice though is that distributive justice does not necessitate equality. Equal amounts are given to people who are equal in virtue and merit. However, inequality is just for those who are not equal in virtue (AP Book3, IX²⁹). This points to why Aristotle holds Democracy as a perversion and favors a form of government more in line with Aristocracy. He contends that it is just for inequality to exist within a society so long as it is among those who are unequal in virtue, which he believes along with merit are the only legitimate way to judge what one deserves.

²⁸ Sandel, Michael J. *Justice: What's the Right Thing to Do?* New York: Farrar, Straus and Giroux, 2009. Print.

²⁹ Aristotle. Rackham, H. *Politics*. Cambridge: Harvard UP, 1957. Print.
-To be referenced as "AP"

A case where “equity” becomes necessary in support of absolute justice is when people possess greed and desire and attempt to attain more than they are due (NE BookV³⁰). To remedy situations of injustice when unequal distribution occurs and should not Aristotle introduces rectificatory justice. This form of justice corrects for the imbalances from when the laws of the government fail to produce true justice (NE BookV). This true justice is receiving what one is due based virtue and merit. The equity of refractory justice is meant to remedy a situation in which someone did not receive their due share based on their level of virtue. It is not equity in the leveling sense in which all are made equal in a material sense no matter their level of virtue or contribution to society. This form of equality is what is not supported by Aristotle but is what he holds Democracy, a perversion of government in his view, to condone (AP Book3, IX³¹).

Aristotle states that, “It is natural circumstance that some have little while others have too much” (AP Book3,IX). However Aristotle does recognize limits to this disparity in possession. He holds that wealth should be finite not infinite and is against acquisition for acquisitions sake. At the heart of the facilitation of such acquisition Aristotle sees currency as a primary evil. Currency allows men to indulge and acquire with no limit, which is unnatural (AP Book3, X). Aristotle declares, “property is limited to the amount required by household needs; and it is the nature of all true wealth to be limited.” What is natural with respect to possession is what is necessary to sustain a household comfortably. Anything in excess of this is

³⁰ Aristotle. Martin Ostwald. *Nicomachean Ethics*. Indianapolis [Ind.: Bobbs-Merrill, 1962. Print.
-To be referenced as “NE”

³¹ Aristotle. Rackham, H. *Politics*. Cambridge: Harvard UP, 1957. Print.
-To be referenced as “AP”

unnatural and thus unjust (AP Book3, IX). The modern Democratic Party would agree with Aristotle regarding infinite or abundant wealth as an unnatural occurrence that needs to be suppressed. Modern Democrats promote suppressing such acquisition means of taxation that is at a higher level on the wealthy. Democrats would also agree that that which is natural is what is needed at the most basic level to sustain oneself. Therefor they promote lower levels of taxation on the middle class and impoverished class as well as social programs that ensure all individuals can attain these natural needs (Dem12³²).

VI. Montesquieu

1. Components and Characteristics of Democracy

Montesquieu addressed the construction of government as well as the issue of taxation from a philosophical and classical perspective. He begins by discussing Democracy and the political liberty within. In order to understand Montesquieu's view of taxation and subsequently the modern convictions of the Democratic and Republican Parties ,it is crucial to first understand his view of the responsibilities and roles of Democratic Republican Government.

In a Republican Democracy it is the people who possess the power. In essence the people are both the sovereign and the subjects in this respect. The fundamental basis of such a government is suffrage. Suffrage gives a voice and

³² United States. Moving America Forward: 2012 Democratic National Platform. Democratic Party, 3 Sept. 2012. Web. 10 Oct. 2012.

-To be referenced as "Dem12"

sense of service to the members of the society. Additionally, Democracy must make the rights of the citizens a high priority (Montesquieu "Spirit of the Laws," BookII, Chp.2³³).

Another necessary element of a functional and effective Democracy is virtue and the love of virtue. Part of what this entails according to Montesquieu is the willingness of members of society to put the interest of all above their individual interest (SL BookII, Chp.2). If virtue is not present in a popular state such as Democracy then the society is bound to fail. Montesquieu states that, "When virtue is banished, ambition invades the minds of those who are disposed to receive it, and avarice possess the whole community" When virtue is present in Democracy the wealth of all individuals can be thought of as what Montesquieu calls the "public treasure." (SL BookIII, Chp.3). In essence wealth in any one person's hand is shared among the members of society. However, if virtue is forfeited and avarice runs rampant than wealth and prosperity become privatized. No longer are citizens working for the interest of all but rather they are driven by self-interest and greed (SL BookIII, Chp.3). This rampant greed and pursuit of wealth is what the Democratic Party contends occurs under the free market economy emphasis of the Republican platform. Democrats more closely align with Montesquieu and his conviction that society must have members willing to put the interest of all above their individual interest in order to be truly just.

Beyond the need for virtue of individuals in a Democracy, which Montesquieu defines as a commitment to putting the needs of society as a whole beyond the individual, it is necessary that the government ensures the protection of

³³ Montesquieu, Charles De Secondat. *The Spirit of the Laws*. New York: Hafner Pub., 1949. Print.
-To be referenced as "SL"

its citizen's liberties. These liberties include both philosophic liberties that allow individuals to freely exercise their will so long as it is within the law and political liberties, which ensure the security of freedoms of the individual (SL BookVI, Chp.2-3).

2. Views on Taxation

Liberty plays an important role when Montesquieu considers the issue of taxation. For Montesquieu, the payment of taxes for the purpose of raising public revenues is a responsibility of all citizens. In order to properly function the government needs these funds. He holds that the payment of taxes from each subject in turn benefits the subject (SL BookVIII, Chp.12). It benefits the subject in that the revenues facilitate the government's ability to properly function and fulfill its responsibility to secure the safety and liberties of its subjects. Montesquieu declares that in moderate governments there is an indemnity for the weight of the taxes, which is liberty" (SL BookVIII, Chp.12).

From the modern standpoint tax revenues are used to fund everything from social programs to military security. Republicans would agree that these funds should be collected but only to the extent that they are used to fund programs that are absolutely necessary. Democrats on the other hand contend that these programs should go beyond the bare minimum to ensure that everyone truly benefits and has a fair chance to prosper in American society.

Aside from the clear benefits that citizens receive from the government's use of their tax dollars there are less apparent ways in which the government services its people for which it needs tax revenue. It is necessary for the government to have

revenue provided through taxes due to the significant role the state plays both as a creditor and debtor. The debts that the state holds are created on behalf of the citizens in order to secure citizens liberties. Thus Montesquieu believes that it is the people who hold the responsibility to contribute to the funds that pay off these debts (SL BookXXII, Chp.18). If funds are insufficient, it can be detrimental to the Democracy and subsequently to the sovereign individuals. Montesquieu declares that, "The state may be a creditor to infinity, but it can only be a debtor to a certain degree" (SL BookXXII, Chp.18). If the government fails to pay its debts it can no longer serve the role of creditor and the negative repercussions have a ripple effect from there.

Due to the overwhelming necessity of public revenue, Montesquieu holds it as necessarily just for a Democracy to place taxes on people, land, goods, or any combination of these things (SL Book XIII, Chp.7). Montesquieu believes that it is the responsibility of all citizens to pay taxes in contribution to their society; however, he acknowledges that not everyone can give as much. Rather, every individual should give what they "ought," which means that which they are able to contribute in "constancy" (SL Book XIII, Chp.1). Every man should have his due share of what is necessary by nature for survival, such as food, clothing, basic shelter, and so on and should not be taxed on this.

This is not to say that the sovereign individual can not or should not be able to enjoy comforts above the most basic, it simply implies that these things will be necessarily be subject to taxation. However, Montesquieu does have an issue with acquisition beyond the most basic when it reaches a point of superfluity. This is

similar to Aristotle's conviction that excessive accumulation of wealth is unnatural and should be suppressed. Montesquieu declares, "that to this succeeded the useful, which ought to be taxed, but less than superfluous; and that the largeness of taxes on what was superfluous prevented superfluity" (SL BookXIII, Chp.7). In other words Montesquieu is promoting not just taxation of higher wealth, but a graduated system of taxation that taxes excessive wealth at a higher level to prevent unnecessary extravagance. The modern Democratic Party similarly holds that there should be a graduated and higher level of taxation on the wealthy. However, their reasoning for this higher rate is a bit different than Montesquieu's. They declare that the wealthy should pay a higher tax rate due to their In "civic responsibility to bear more of the burden of deficit reduction and to pay for government spending priorities," for the benefit of society as a whole (Harwood³⁴).

The notion of graduated taxation may raise questions regarding limits on excessive taxation in Republican Democracies. Montesquieu addresses this concern. He proposes the question as to how much the state should tax its subjects. The first option he proposes is that the state taxes heavily, "impoverishing its subjects," for its own gain and benefit. This is similar to what the Republicans contend the Democratic platform is doing in taxing the wealthy and corporations at such a high rate. By doing this they are placing an undue burden on the wealthy in essence "impoverishing" them or at the very least diminishing their financial well-being in order to benefit the government and its needs for revenue. The second option, which Montesquieu seems to support, is that the state should wait to be enriched by

³⁴ Harwood, John. "Obama's Tax Policy Targets Rising Sector of His Base: the Affluent." The New York Times. 20 Feb. 2012. 10 Oct. 2012.

its subjects although it may take time. This is achieved through fair and moderate taxation (SL BookXIII, Chp.12). This option would appeal more to the Republican platform than the first , as they aim to enact tax cuts and avoid excessive taxation at any level of wealth.

Moderate taxation maintains the necessary balance between the needs of the states and those of its subjects. Democracies should avoid the greed, passions, and wants of the politicians taking precedence over the needs of its citizens. To confirm this belief Montesquieu states, “The real wants of the people ought never to give way to the imaginary wants of the state” (SL BookXIII, Chp.1³⁵). This issue has a heavy presence in the modern political environment. The issue of defining the “real wants of the people,” is what a primary debate that separates the parties. The Republicans would contend what people want is freedom and liberty to participate in the free market. Conversely Democrats may argue that the “real wants of the people” align with the need for social programs and tax reductions that benefit the middle class and impoverished who they declare to be “our people”.

Montesquieu does not explicitly define what he views to be the real wants of the people. He does addressing individuals willingness and ability with respect to taxes stating that government should have the ability to increase taxes, but only if the people truly are willing and able to pay the increases (SL BookXIII, Chp.13).This issue is also prevalent in the modern political debates. The question of willingness and ability to pay taxes is address in the modern political debate as well.

Republicans focus on the willingness of the people to pay the taxes. The higher

taxes imposed on the wealthy under the Democratic platform may be something they are able to pay but the Republicans would argue that they may not be willing to take on this injustice.. Democrats on the other hand are more concerned with the ability of citizens to pay taxes. They hold that since the wealthy have the ability to pay a larger amount of tax contribution that it is thus their civic responsibility to do so.

Lastly Montesquieu considers government's right to raise taxes. He contends that with simply because a government has done well for its citizens thus far does not justify the raising of taxes. If the government has too much freedom with respect to taxes, "liberty produces excessive taxes; the effect of excessive taxes is slavery" (SL BookXIII, Chp.14). Modern Republicans are concerned that this is what Democrats are doing in disproportionately taxing wealthy individuals at what they view to be unjustly high rates.

Montesquieu's discussions of what Democratic Republican Government should look like as well as his views of the necessity and role of taxes within this government were very influential to the writers of the United States Constitution. While creating the Constitution the Federalists and Anti-Federalist had substantial disagreements. They debated everything from the proper way to set up government, its laws, values, taxes, and so forth. Their views were influenced by many philosophers of the past such as Aristotle, but most crucially by the works and political philosophy of Montesquieu.

VII. The Federalists and Anti-Federalists

Like Montesquieu, the Federalists and the Anti-Federalists address the issue of taxation from a pre-modern perspective. Their stances on the subject are heavily influenced by their political standings and respective views of government. However, they maintain some philosophical grounds and notions of justice in their arguments.

1. The Federalists

The Federalist papers, which were mostly the work of Alexander Hamilton, exhibit their view of the role of Democratic government just as Montesquieu does in *Spirit of the Laws*. In Essay 51 Hamilton declares that, "Justice is the end of government. It is the end of civil society" (Wooton, "The Essential Federalist and Anti-Federalist Papers", pg.249³⁶). For the Federalists justice is based on government promoting the good of all its citizens. This is strikingly similar to the modern Democrat's aim of a government in which justice stems from facilitating the general welfare of all. Included in promoting the good of all citizens in the view of the Federalist is protecting their liberties and freedoms and ensuring security. The government must guard society and its citizens against not only foreign threats but also against injustice from others in society and from the government itself (Wooton,

³⁶ Wooton, David. *The Essential Federalist and Anti-Federalist Papers*. Indianapolis: Hackett Pub., 2003. Print.

pg. 248). This requires a government that is able through laws and its powers to control the governed as well as to control itself.

With justice and the security thereof as the ultimate end of government it is no surprise that the Federalists were concerned with factions and issues of equality. Primarily in Essay 10, Hamilton outlines his concern with factions. Factions are groups of people united by a common passion that is adverse to the rights of others or adverse to the interests of the community (Wootton, pg.168). Factions stem from a mutual animosity in groups of society, in which they would rather oppress some other individuals than to work for the common good. This is often the source of unequal distribution of power and property (Wootton, pg.169). The Federalists worried that factions and their influence over tax policy may end up burdening the less powerful. Hamilton states, "Every shilling with which they overburden the inferior number, is a shilling saved to their own pockets" (Wootton, pg.169). The unequal distribution of power and property has been addressed by a number of the thinkers mentioned thus far. Aristotle and Montesquieu were both concerned with superfluous and infinite accumulation and declared this sort of extreme disparity of wealth to be unnatural. The modern Democrats also align closely with the concern of too much power falling in the hands of the wealthy. They promote a government that does not act adversely toward the majority, which they hold to be the middle class, and aims at the public welfare over the personal interests that factions endorse. Democrats promote the idea that the wealthy should pay a higher tax rate as their civic responsibility in order to avoid overburdening the middle class and impoverished.

Despite concerns over the issue of unequal distribution of power and property in society, the Federalist present no viable remedy. Hamilton discusses the views of the theoretical politicians who believe that “by reducing mankind to a perfect equality in their political rights, they would, at the same time, be perfectly equalized and assimilated in their possessions, their opinions, and their passions.” He views this as unfortunately flawed and too optimistic and contends that political equality and liberties on their own will not defeat factions nor lead to equality among all men (Wootton, pg. 171).

While perfect equality may not be attainable, a government that protects the rights of citizens and works for the benefit of the society as a whole could perhaps be achieved.. However, the Federalists affirm that this ideal government will need the financial means to enable it to provide effectively and efficiently for its citizens. In order to have a government that promotes justice and works for the good of all citizens, the Federalists advocated the necessity of federal taxation (Wootton, Essay 31,33,and 35). The Federalists saw major flaws in the Articles of Confederation in this respect declaring that it did not provide means to collect revenue because it did not permit the government the power to directly tax citizens. With no source of revenue it threatened the ruin of the public credit as well as the safety of the citizens (Wootton, Essay 31,33,35). Hamilton states that, “As revenue is the essential engine by which the means of answering national exigencies must be procured, the power of procuring that article in its full extent, must necessarily be comprehended in that of providing those exigencies” (Wootton, pg.209). In other words, to provide the roles

that government ought it is necessary for government to have the power to raise such revenues through taxation.

When writing the Constitution of the United States of America they thus placed great emphasis on the need for the power to taxation. Federalists could not understand why taxation, which they declared to be “necessary and proper” for the execution of government power, was experiencing so much adversity (Wootton, pg. 212). In order to accomplish its role of providing security, justice, and promoting the public good Federalists saw that public revenues would be necessary.

This argument can be seen in modern Democrats highlighting the necessity of funding for crucial government programs that support the prosperity of the nation and its individuals such as health care, military, and education for all. Montesquieu would also agree on the necessity of taxation. He declares that since citizens create the obligations for which government needs revenue it is the citizens’ responsibility to pay taxes to help deal with the debts and obligations they created. He declares that the indemnity for paying taxes is the liberty which the subjects receive and that benefit all of society (SL BookXIII, Chp.12³⁷).

The Federalists provide what they believe is constitutional justification for the federal government’s power of taxation. Considering the last clause of the eighth section of Article one, Hamilton declares, “Power to lay and collect taxes must be a power to pass all laws necessary and proper for the execution of that power” (Wootton, pg.212³⁸). What is considered to be necessary and proper is left up to the

³⁷ Montesquieu, Charles De Secondat. *The Spirit of the Laws*. New York: Hafner Pub., 1949. Print.
-To be referenced as “SL”

³⁸ Wootton, David. *The Essential Federalist and Anti-Federalist Papers*. Indianapolis: Hackett Pub., 2003. Print.

federal government to judge. If the people have objections to what the government deems as such, they have the right to seek redress for their injury (Wootton, pg. 212-213).

Such objections may relate to the burden of taxation and any inequalities that could arise. The Federalists feel that a wise government such as the United States Federal Government will avoid over burdening its citizens. If the government understands the principles of taxation and its own needs for revenue it will be less likely to sacrifice any particular class in order to attain revenue. He declares that, "The most productive system of finance will always be the least burdensome," and that this system is what the federal government will reach towards. Government will think of the people at large and the necessary resources of the country, not specific groups or classes of people (Wootton, pg.219). This vision of taxation that avoids burdening or sacrificing a particular class agrees closely with the convictions of the modern Republican platform. Republicans advocate avoiding disproportionate taxation on the wealthy.

Another outlet through which Federalists fear inequality of taxation may become a concern is when tax revenue is confined to specific objects. With restrictions on what government can tax "it will naturally occasion an undue proportion of the public burdens fall upon those objects." Hamilton contends this brings about two evils, "the oppression of particular branches of industry, and an unequal distribution of the taxes" (Wootton, pg. 215). Again, this most closely resembles the concern of an unequal and unjust distribution of taxation that the Republican Party fears.

2. The Anti-Federalists

While the Federalists, under the leadership of Alexander Hamilton, envisioned a Democratic Republican government in which the federal government held greater powers especially with respect to its ability to raise revenues through taxation, the Anti-Federalist had serious concerns regarding the power of federal government.

The Anti-Federalists held that the power of the federal government within Democracy must be limited (Wootton, Brutus 6). Still relatively fresh off the American Revolution they were dedicated to ensuring that the independence of the people was maintained. The Anti-Federalist were also concerned that the Federal government's power would take away from the power of the states, due to the fact that the laws of Federal government would trump those of the states (Wootton, Brutus 6).

Similar to the Federalists, the Anti-Federalists agreed that one of the great ends of government is to establish justice. The Federal government should aim at establishing justice and preserving internal peace (Wootton, Brutis 12). However, their view differed in some respects from that of the Federalists. For Federalists promoting the good of all citizens facilitated justice but for Anti-Federalists a greater focus was put on ensuring the freedoms of individuals through limited government (Wootton, Brutis 15).

In Centinel 1, the Anti-Federalist author declares that a "free government, can only exist where the body of the people are virtuous, and where property is pretty equally divided" (Wootton, pg.68). This stems directly from Montesquieu's

conviction of the necessity of virtue to avoid greed and avarice within a Democracy. The author goes on to declare that when this is no longer the case, the government ends up looking like an Aristocracy, Monarchy, or Despotism rather than Democracy (Wootton, pg.73-74).

Anti-Federalists argue that the limits prescribed to the federal government are too vague. Terms in the constitution such as “necessary,” “proper,” and the “public welfare” leave too much freedom for interpretation and differences in judgment of meaning and extent. Brutus raised the question, “Are these terms definite, and will they be understood in the same manner, and to apply to the same cases by everyone?” (Wootton, pg.78). With the opportunity of free interpretation of vague terms the Federal government threatens to trample on the liberties of its subjects.

Similar to the Federalists, the Anti-Federalists fear class based issues and inequalities in governments. They contend that every society naturally has class divides (Wootton, pg. 50). As a result of these differences, tensions within a society arise. The Anti-Federalists assert that all the power and positions in government will be given to those of the highest class who are primarily the wealthy and educated. This will leave the middling class unrepresented and without a voice in government. They fear that with only high-class citizens holding the positions of power in government they will act in their own self-interest and hurt the interests of the majority (Wootton, pg.50-51). The government that would thus emerge is not the Democracy, as defined by Aristotle, but ends up looking more like an Aristocracy or Oligarchy.

In accordance with their conviction that the power of Federal government must be limited to prevent infringing on the liberty and independence of citizens, Anti-Federalists also oppose federal government's power to collect taxes. The Anti-Federalists believe that the power of taxation, like the power to create laws that are "necessary" and "proper," is too vague and thus is vulnerable to abuse. In Essay 6 Brutis discusses how the money collected is designated for use to pay government debts and to provide for the general welfare. However, he questions how "general welfare" is defined. He and the other Anti-Federalists are concerned that Congress will be the sole judge in the matter, which will give them free reign of interpretations (Wootton, pg.78). With total reign over interpret the government has immense power. This unlimited power is contrary to the limited government that the Anti-Federalist as well as the modern Republicans promotes. In an address at the Pennsylvania Convention the Anti-Federalists stated that, "by virtue of their power of taxation, Congress may command the whole, or any part of the property of the people" (Wootton pg.12). This kind of power over the property of citizens infringes on what the Anti-Federalists hold as the essential liberties and is contrary to that which they hold to be just.

Specifically within the federal government's power to tax the Anti-Federalists are opposed to the idea of direct taxes. Direct taxes include are those on goods, imports, land, jobs, and so forth that are required by law to be paid. Any resistance on the part of the citizen is entirely in vain. Either the taxes demanded by the Federal government are paid or the citizen's property is confiscated (Wootton, pg. 21). This is conflicting with Montesquieu's conviction that people must be able and

willing to pay the taxes imposed on them. In the case of direct taxes it does not matter whether they are able or willing, they simply have to pay. Additionally, direct taxes are central to the modern political debate considering that the income taxes in discussion are placed directly on the individual and are mandatory to pay. Such mandatory payment sparks debates of the importance of willingness and ability. Republicans would proclaim that willingness is most important as freedoms and limited government are at the root of their view of justice. Democrats would argue that when considering mandatory taxes the issue of ability is most crucial. They would contend that those who are able should pay a higher portion of the tax burden so that those are not able will not have to.

VIII. Rawls

The discussions of justice, the role of government, and tax policies present in the works of Aristotle, Montesquieu, The Federalists and Anti-Federalists and numerous other philosophers were brought into a modern setting by John Rawls. He demonstrates how questions of justice, equality, fairness and so forth appear in the American political debates of today. His views on justice along with those of his counterpart Sandel are drawn upon heavily by the modern political parties in the development of their overall platforms and in their respective tax policies.

Rawls is well known for his hypothetical and idealized notion of an “original position” (Rawls, “A Theory of Justice”, pg. 204³⁹). The basis of the original position is the veil of ignorance. Under the veil of ignorance no one knows their class, social status, nor his own strengths, weaknesses, and fortune (ToJ, pg. 219). Rawls contends that if a social contract were to be created behind this veil of ignorance it would result in an original position of equality (ToJ, pg. 204).

In his idealized societal situation people are impartial and act rationally in the selection of the principles of justice in society (ToJ, pg.205). He assumes that a person behind the veil of ignorance will choose a position of equal liberty for all that restricts economic and social inequalities because he will not have his own interests in mind nor know where he would fall in the social hierarchy if equality were not the case (ToJ, pg. 204-207).

Unfortunately, such a world of ignorance and absolute equality is only hypothetical. People in reality will not create a social contract in which principles of justice are chosen impartially and society is fair for all. He recognizes that when man does have knowledge of his personal situation, as is the case in reality, judgments on justice may be skewed. He gives the example of the situation in which, “if a man knew that he was wealthy, he might find it rational to advance the principle that various taxes for welfare measures be counted unjust; if he knew that he was poor, he would most likely propose the contrary principle” (ToJ, pg. 207). However, Rawls maintains faith that a social contract can be created in real society that at the very least ensures justice and a level of fairness.

³⁹ Rawls, John. *A Theory of Justice*. Cambridge, MA: Belknap of Harvard UP, 1971. Print
-To be referenced as “ToJ”

Such a society in reality is facilitated by what Rawls calls overlapping consensus. Overlapping consensus holds that people agree enough on the basic principles of justice that even if they disagree in some capacity on other issues, such as religion and politics, they will still overlap in their ideas of issues of social justice (Sandel, "Justice: A Reader", pg. 352-353⁴⁰).

The primary area that concerns Rawls with respect to social justice is the individual circumstances of birth and the effect they have on the life of the individual. Rawls states that inequalities of birth are undeserved and are entirely out of their control (ToJ, pg. 217⁴¹). Additionally he holds that the natural lottery is morally arbitrary (Sandel, "Justice: What's the Right Thing to Do?", pg. 154⁴²). Given that some have more luck in the natural lottery society must correct for these arbitrary advantages. One way in which Rawls declares this can be done effectively is by eliminating obstacles of achievement (WRTD, pg. 154). Considering the modern political platforms, examples of removals of obstacles of achievement and compensation for undeserved inequality can be seen in social programs, education, welfare and so forth provided to the less advantaged. Additionally, looking directly at the issue of taxation, the lower tax rate supported by Democrats on the middle to lower class helps remove what they see as undeserved financial obstacles.

While the social contract of the original position is not possible in reality, Rawls does envision American society as capable of embodying the underlying

⁴⁰ Sandel, Michael J. *Justice: A Reader*. Oxford: Oxford UP, 2007. Print.

-To be referenced as "Reader"

⁴¹ Rawls, John. *A Theory of Justice*. Cambridge, MA: Belknap of Harvard UP, 1971. Print

-To be referenced as "ToJ"

⁴² Sandel, Michael J. *Justice: What's the Right Thing to Do?* New York: Farrar, Straus and Giroux, 2009. Print.

-To be referenced as "WRTD"

values of fairness and justice for all regardless of their circumstances of birth or level of advantage. Such a social contract must be based on a “conception of justice shared by citizens on basis of reasoned, informed, and willing political agreement” (“Reader”, pg.346⁴³). Rawls’ ideal social contract ensures equal access to liberty, rights and opportunities to all.

Central to a just and fair society for Rawls is equality. He states that equality is the most important element of social justice. He defines equality as the fair distribution of what is needed. For Rawls the right to equality among all citizens is the right “to be a normal and fully cooperating member of society over a complete life” (Justice as Fairness, pg.18⁴⁴). Although stated differently, this seemingly parallel’s both Aristotle and Montesquieu. Both hold that that which is natural is what is necessary to sustain oneself and one’s household. This is a basic right that they both support and thus is justified in Rawls’ definition of the right to equality.

To achieve this sort of equality Rawls declares that social justice is dependent on the overall system working to the advantage of the least advantaged. The least advantaged are those discussed above whose circumstances of birth were not ideal and who lack the primary goods needed to participate and function sufficiently in society (Rawls, “Justice as Fairness”, pg.53). Rawls contends that we must accept and agree to share in one another’s fate. He states, “the natural distribution is neither just nor unjust; ...what is just and unjust is the way that institutions deal

⁴³ Sandel, Michael J. *Justice: A Reader*. Oxford: Oxford UP, 2007. Print.
-To be referenced as “Reader”

⁴⁴ Rawls, John. *Justice as Fairness*. New York: Irvington, 1958. Print.
-To be referenced as “JaF”

with these fact” (ToJ, pg.218⁴⁵). What makes up the natural distribution are the arbitrary advantages of birth. It is natural that some will be born better off than others, however Rawls contends that this is morally arbitrary as it is none of their doing. As a result it is up to society to justly deal with the natural disparity of advantages. The right way of dealing with these facts according to Rawls is through compensation for inequalities and removal of obstacles of achievement as previously discussed.

Achieving the sort of social justice in which society works for the advantage of the least advantaged is not easily accomplished. For this Rawls introduces his three principles of justice. The first of the three principles is the liberty principle. The liberty principle declares, “each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others” (ToJ, pg. 214). An example of that which can be considered a basic liberty is the right to personal property. However, Rawls holds that the right to unlimited private property is not a basic liberty (ToJ, pg. 214). This is reminiscent of Montesquieu’s conviction that superfluity should be prevented as well as Aristotle’s convictions against infinite acquisition. A means by which he proposes controlling the acquisition of property, wealth, etc. to infinity is through means of graduated taxation. Graduated Taxation is also supported by modern Democratic tax platform.

The second principle, fair equality of opportunity, declares that offices and positions should be open to all individuals, which removes obstacles of achievement. The final principle, the difference principle, works closely with the

⁴⁵ Rawls, John. *A Theory of Justice*. Cambridge, MA: Belknap of Harvard UP, 1971. Print
-To be referenced as “ToJ”

fair equality of opportunity principle. It declares that only inequalities that work to the advantage of the least advantaged should be permitted. Rawls encompasses both of these principles when he states that, "Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society" (JaF, pg. 42-43⁴⁶).

Overall the three principles stick to Rawls' belief that society needs to give more of its attention to the less fortunate (ToJ, pg. 217-219⁴⁷). Wealth should diffuse up through means of removal of obstacles and equality of opportunity. The modern Democratic platform is similar to this belief in their sentiment that the impoverished and less financially fortunate middle class in general need more attention and aid from their fellow citizens and government through means of social programs and a reduced tax burden. By taxing the wealthy at a higher level the burden on the less fortunate is reduced and wealth is in essence "diffusing up."

Rawls takes this a step further in declaring that society needs to come to an "agreement to regard the distribution of natural talents as a common asset and to share in the benefits of this distribution" (ToJ, pg. 218). In essence Rawls is saying that in a socially just society, which is one that treats all as equals no matter their circumstances of birth and corrects for arbitrary advantages, success and the wealth do not belong to the individual alone. Rawls is not saying that individuals lack the right to gain fortune and success. But rather he contends that their gain must help

⁴⁶ Rawls, John. *Justice as Fairness*. New York: Irvington, 1958. Print.
-To be referenced as "JaF"

⁴⁷ Rawls, John. *A Theory of Justice*. Cambridge, MA: Belknap of Harvard UP, 1971. Print
-To be referenced as "ToJ"

the situation of all and not just themselves (ToJ, pg.218). The modern Democratic platform seems to parallel this idea in their declaration of the social responsibility that the wealthy possess to pay a greater burden for the benefit of society as a whole. Rawls believes that the less fortunate will have less resentment toward those who are better off if they also benefit and gain in some way when wealthy individuals gain (ToJ, pg.219).

Despite his principles of justice focusing on creating equality of basic liberties and opportunities and his devotion to society aiding the less fortunate, Rawls permits inequality of some sorts in society. Rawls accepts that some inequality is natural and acceptable in any society (ToJ, pg. 218). Allowing for a certain amount of inequality in economic standing demonstrates that he does not promote a leveling equality in which all are exactly equal in a material and fiscal sense. Rather, Rawls holds that the fortunate can possess more and continue to acquire so long as their gain somehow benefits the least fortunate. The idea of the benefit of an individual benefiting all of society is contrary to Aristotle's discussion of particular justice, a form of justice in which one person's gain is another's loss. In Rawls' idea of justice Aristotle's particular justice would not occur because one person's gain would be another's gain as well. Considering the issue of taxation, taxing the wealthy at a higher rate as the modern Democratic Party promotes, could seemingly facilitate Rawls' notion of justice. Under a graduated taxation plan the wealthy can continue to attain but are taxed at a higher rate. The money attained through that taxation is used to fund programs that in turn benefit the less fortunate; hence the gain of the fortunate also helps the less fortunate. The Republican Party could use

this same argument argument of Rawls in a different way to support their platform. They hold that the gain of wealthy individuals and corporations can lead to the creation of jobs and that this in turn creates opportunities, benefits less fortunate individuals, and the prosperity of society as a whole. Taxing the wealthy at a significantly higher rate as the Democrats support may hinder this sort of job creation in the eyes of the Republicans.

Rawls goes on to identify specific instances in which inequality is allowable. The first is to meet the equal opportunity principle. He declares that extreme concentrations of wealth are likely to “undermine fair equality of opportunity and fair value of political liberties” (JaF, pg. 59-60⁴⁸). As a result a form inequality is allowed to remedy this situation. As previously discussed possible instances of a remedy to such a situation in the modern political debate on taxation is through graduated taxation, under which the wealthy pay a higher level of taxation and take on a larger burden of the public debt.

The second specific allowable circumstance of inequality is when it works to the greatest advantage of the least advantaged. Rawls maintains that society should select the scheme and principles where the least advantaged are better off than under any other scheme (JaF, pg. 59-60). Again this can be applied to the modern state debate where government revenues are used to fund programs that work to the advantage of those in less fortunate circumstances. Rawls clarifies this in stating, “The function of unequal distribution of shares is to cover the costs of training and education to attract individuals to places and associations where they are most

⁴⁸ Rawls, John. *Justice as Fairness*. New York: Irvington, 1958. Print.
-To be referenced as “JaF”

needed from a social point of view” (ToJ, pg. 226⁴⁹). In other words he condones inequality when it creates opportunity, removes barriers of entry, and works to the greatest advantage of the least advantaged and society as a whole.

Rawls’ notion of justice as fairness can be observed underlying the modern political platforms in a number of ways. The primary conviction of Rawls that society should work to the advantage of the least advantaged most closely aligns with the Democratic Party platform. They declare themselves a party focused on the middle class and working to the benefit of this sector of society. In order to aid the less fortunate Rawls supports the removal of obstacles of opportunity and achievement. The Democratic Party similarly stresses this point. The means by which they aim to remove barriers of the least advantaged is with well-funded and effective education, affordable healthcare, retirement funding, and additional means to reward and aid the hard-working middle-class that they view as the core of the American population (Democratic Platform⁵⁰).

However these programs and initiatives do not come cheap and require abundant government funds collected through means of taxation. Rawls declares that no citizen has a moral entitlement to have more, since the advantages of birth are morally arbitrary (WRTD, pg. 160⁵¹). Applying this notion to taxation, Rawls contends that if taxes are higher on the more fortunate they can’t complain that they are being deprived of something that they morally deserve. The Democrats make a

⁴⁹ Rawls, John. *A Theory of Justice*. Cambridge, MA: Belknap of Harvard UP, 1971. Print
-To be referenced as “ToJ”

⁵⁰ United States. Moving America Forward: 2012 Democratic National Platform. Democratic Party, 3 Sept. 2012. Web. 10 Oct. 2012.
-To be referenced as “Dem12”

⁵¹ Sandel, Michael J. *Justice: What's the Right Thing to Do?* New York: Farrar, Straus and Giroux, 2009. Print.
-To be referenced as “WRTD”

similar point. They hold that it is the social responsibility of the wealthy to aid their fellow Americans by taking on a greater tax burden to contribute to government funding which benefits society as a whole, the wealthy, middle class, and poor alike (Dem12).

Rawls presents an idealized social structure based on a theoretical 'veil of ignorance' that even he recognizes cannot exist in reality. In this theoretical society the plight of the least advantaged is combated through citizens that see their own success as belonging to society as a whole rather than the individual alone and are willing to sacrifice personal gain in order to help the least fortunate. Additionally, in Rawls' vision of society circumstances of birth have no effect on potential for opportunity and success. The modern Democrats agree on many of these points declaring the wealthy have a social obligation and civil responsibility to take on a greater burden and sacrifice their own prosperity in order to benefit the less fortunate. Even the Republican platform recognizes that the gap between the wealthy and the poor is too high but they don't support using means such as extreme taxation on the wealthy to combat the issues. So the challenge that emerges is how to deal with this issue in a just, fair, and socially acceptable manner. For Rawls that which is just, fair, and socially acceptable can be considered the same thing considering that he holds justice as fairness and contends that what is just is what is declared by society as such under social contract. For other philosophers we have considered this may not be true because justice is not always held as fairness under contrasting viewpoints. Rawls contends that society must value social justice and believes that there is an overlapping consensus on issues of social issues. But in

modern times is this truly the case? With people from so many different walks of life making up the American population can we really come to a social contract that has full public support and agreement on issues of social justice. Additionally, in reality would it be possible to have all groups of people, the wealthy and impoverished, agree on the proper means to address taxation?

IX. Sandel

Sandel, a fellow modern philosopher on justice, would argue that Rawls' vision is far too idealized. However he does agree that there is an issue with regard to justice in America and with the plight of the least advantaged. Sandel declares that, "too great of a gap between the rich and the poor undermines that solidarity that democratic citizenship requires" (WRTD, pg.266⁵²). This is a fact that is hard to deny in modern times considering that the wealthiest one percent of American's own forty percent of the nation's wealth ("How We Are Unequal" ⁵³).

For Sandel, the inequality in society with respect to income and wealth as they relate to consumer goods is unimportant. This pertains to things such as buying big houses, nice clothes, and expensive vacations. What is significant is the effect this inequality has on the individual in our market economy. Inequality in wealth at the extreme level impacts individual's ability to attain jobs, provide for their most basic needs, and affects the ability of individuals to access medical care, education,

⁵² Sandel, Michael J. *Justice: What's the Right Thing to Do?* New York: Farrar, Straus and Giroux, 2009. Print.
-To be referenced as "WRTD"

⁵³ "How Unequal We Are: The Top 5 Facts You Should Know About The Wealthiest One Percent Of Americans." *ThinkProgress* RSS. N.p., n.d. Web. 10 Apr. 2013.

political influence, and so forth (Sandel, "What Money Can't Buy"⁵⁴). Many of these things are the very basis of what is natural for survival and thus are a natural right of all human beings, according to Montesquieu, Aristotle, and Rawls.

So when approaching the question of justice Sandel declares the importance of looking at how such wealth is distributed in society. He declares, "To ask whether a society is just is to ask how it distributes the things we prize – income and wealth, duties and rights, powers and opportunities, offices and honors" (WRTD, pg.19⁵⁵). Sandel agrees with many of the previous thinkers in that a just society must give each person his or her due. However, he addresses the issue that deciding what one is due is rather subjective.

For Montesquieu what is due is that which is necessary for survival. Aristotle similarly believes that what is naturally due is what is necessary for survival or as he words it for sustaining a household. For Rawls what is due goes a bit beyond the basic necessities of survival and includes equality of opportunity. Sandel explores a few other prominent viewpoints with respect to justice and what one is due in his assessment. These views of justice are relevant in that components of them can be found in the underlying notions of justice of the modern Republican and Democratic Parties.

Under Utilitarianism justice is founded on what attains the greatest benefit for the most people. Jeremy Bentham aims at a society in which happiness is

⁵⁴ Sandel, Michael J. *What Money Can't Buy: The Moral Limits of Markets*. New York: Farrar, Straus and Giroux, 2012. Print.
-To be referenced as "MCB"

⁵⁵ Sandel, Michael J. *Justice: What's the Right Thing to Do?* New York: Farrar, Straus and Giroux, 2009. Print.
-To be referenced as "WRTD"

maximized (Reader, pg. 34⁵⁶). John Stuart Mill takes this a step further in adding an element of quality and not just quantity to such happiness (Reader, pg. 52). Under such a standpoint what is due to each citizen is in essence happiness. A second school of thought, Libertarianism, declares that what is just is whatever rises from the free exchange of goods and services in an unfettered market. It declares the fundamental liberty to act freely with our possessions and property (Reader, pg. 60-61). Under Libertarianism what is due to citizens is freedom over ourselves and our possessions and this includes wealth. These two schools of thought on justice are evident in the modern political setting. The Utilitarian standpoint of justice being founded on the greatest good and happiness for all is clearly seen in the Democratic conception of justice. Libertarianism has a heavy influence on the Republican view on justice given its focus on liberty to participate freely in the market economy and society.

Sandel is critical of these narrow conceptions of justice and the “due” which they entail. With respect to Utilitarianism he declares that the focus on happiness may infringe on other important areas. Additionally Utilitarianism construes “universal duties” which all have to work toward the greatest happiness. However, Sandel believes that it fails to take into account the distinctions between people and the differences and subjective nature of their views of happiness and the greatest good (Reader, pg.330) In assessing Libertarianism Sandel observes the American market economy. He states that we “have drifted from having a market economy to

⁵⁶Sandel, Michael J. *Justice: A Reader*. Oxford: Oxford UP, 2007. Print.
-To be referenced as “Reader”

being a market society” (MCB⁵⁷). Sandel has no problem with the market economy and acknowledges its benefits of creating prosperity for the economy and country as a whole. A market society on the other hand concerns Sandel. A market society takes elements of society outside of the economy and turns them into commodities. In essence everything, social programs, political influence, education, and so forth is for sale. This he contends leads to mass inequality and corruption (MCB). As an all-encompassing market society rather than simply a market economy the ability of individuals to participate in the free market impacts all aspects of life. This concerns Sandel because he believes that there should be such a thing as market morality and that this morality, values, and reasoning need to be brought back to the market in order to properly facilitate justice and provide to each citizen what is due, whatever that may be (MCB). This goes back to his concern with the respect to inequalities that restrict access to basic needs and things such as medical care and education. A market morality would deal with the corruption of market society and recognize the importance that things such as altruism, friendship or civic virtue have in society despite their lack of monetary value and benefit (MCB). Republicans would argue that morality in the market is present and justice is facilitated through individuals freely participating in the market. Democrats on the other hand would seem to align more closely with Sandel’s concern holding that the free market lacks morality and justice because it doesn’t aim at the general welfare of citizens as a whole and is too focused on individual prosperity and accumulation.

⁵⁷ Sandel, Michael J. *What Money Can't Buy: The Moral Limits of Markets*. New York: Farrar, Straus and Giroux, 2012. Print.
-To be referenced as “MCB”

This conviction is also indicative of the utilitarian undertones of the Democratic platform discussed previously.

For Sandel the different schools of thought have been too narrow minded in the way they assess how things should be valued. In response to Rawls and his convictions Sandel's biggest objection is that he universalizes values. Sandel believes that Rawls overestimates the similarity among people in morality and beliefs with his notion of the overlapping consensus. Rawls holds that a social contract can be created given the overlapping consensus and that this social contract will declare what is just in society. However, Sandel does not see this as possible or preferable. Such a social contract forces a universalized set of values on citizens that Sandel does not feel truly exists. Sandel declares, "Justice is not only about the right way to distribute things. It is about the right way to value things" (WRTD, pg.261). The right way to value things comes from the inherent morality of citizens and society as a whole.

Sandel presents three categories of moral responsibility that shape the way in we view justice. The first is universal natural duties and the second is particular obligations of solidarity which are both unconsented and are required by all of humanity. The final category of moral responsibility is voluntary obligations. These are particular and must be consented to (WRTD, pg. 225). This category of moral responsibility, voluntary obligations, shapes the conception of an individual's due that has been a debate brought forth by the philosophers thus far discussed.

When it comes to voluntary obligations and subsequent notions of justice Sandel believes that it falls on humans to supply a meaning of their own (Sandel,

“Liberalism and the Limits of Justice,” pg.176⁵⁸). However he maintains the importance of the other two categories of moral responsibility and their nature of not requiring consent. Sandel declares that our conception of freedom is flawed (WRTD, pg. 241⁵⁹). We are not free over our natural and particular moral obligations but we are free over our voluntary obligations. While we do have some control over our conception of morality and what we hold to be just with respect to voluntary obligations to our fellow man not all of our duties and obligations can be traced strictly to will and choice (WRTD, pg. 241-242). Those natural obligations and obligations of solidarity which are unconsented to and required of all of mankind do not allow for will and choice and thus must be followed with respect to justice. Society and its conceptions of justice possesses some necessary control over the actions and obligations of individuals while still maintaining the important element of individuality of morality and values that voluntary obligations encompass. Sandel contends that a just society “regulates each person’s choice of ends in a way compatible with similar liberty for all” (LL, pg. 177).

Liberty for all includes the freedom to choose individual values with respect to voluntary obligations. He contemplates if we as individuals still have the right to choose what we value. Sandel questions whether we are bound by moral ties that we have not chosen for ourselves but rather that are prescribed by a government or a social contract such as that discussed by Rawls (WRTD, pg. 220⁶⁰). An example of this

⁵⁸ Sandel, Michael J. *Liberalism and the Limits of Justice*. Cambridge [Cambridgeshire: Cambridge UP, 1982. Print.
-To be referenced as “LL”

⁵⁹ Sandel, Michael J. *Justice: What's the Right Thing to Do?* New York: Farrar, Straus and Giroux, 2009. Print.
-To be referenced as “WRTD”

⁶⁰ Sandel, Michael J. *Justice: What's the Right Thing to Do?* New York: Farrar, Straus and Giroux, 2009. Print.
-To be referenced as “WRTD”

that Sandel outlines is under Rawls' philosophy. Rawls holds natural duties and values with respect to social justice as universal and consented to. Sandel has a problem with this because he recognizes that Rawls' idealized veil of ignorance cannot exist in reality nor can the overlapping consensus which Rawls believes exists in society because people are too diverse and value different things. Sandel declares that there are some ties that human beings have which are impossible to separate. For Sandel values are subjective to the person. Therefore, in order to properly value things the individual needs to have control over what he or she values. Sandel believes that Rawls' approach of an overall sweeping consensus of social justice and values is flawed. He attests that it disempowers the self and denies a necessary level of independence from the individual. Sandel holds it important for individuals to maintain self-knowledge and free choice. He views modern society and the idealized and over generalized schools of thought presented as thwarting this independence. "As agents of construction we do not really construct, and as agents of choice we do not really choose" (LL, pg.178). Therefore Sandel promotes individuals right to construct choose their own values in the hope that individuals will end up valuing things in the correct way and not as the corrupt market society that he condemns does.

For Sandel an element included in facilitating a society with a proper values and conception of justice that others have not yet highlighted is community. Sandel declares, "We cannot know each other, or our ends, well enough to govern by the common good alone" (LL, pg. 183). For this an overarching understanding of justice will be necessary. He attests that we as a society must find the right form of

government and community to facilitate justice. There is a need for a sense and conception of community that is stronger in which citizens are morally engaged and recognize a mutual indebtedness to one another (Reader, pg. 334⁶¹). This concurs with the modern Democratic Party's notion of a civic responsibility to take on burden, due to mutual indebtedness, in order to promote the general welfare of society. Sandel captures this in his statement, "As the independent self finds its limits in those aims and attachments from which it can't stand apart, so justice finds its limits in those forms of community that engage the identity as well as the interests of the participants" (LL, pg.181⁶²).

Although critical of Rawls and other schools of thought on justice, Sandel is not as pessimistic with respect to justice as it may seem. He has faith in humanity's ability to arrive at a notion of justice that society can agree on and that works toward the common good. He believes in "the possibility that when politics goes well, we can know a good in common that we cannot know alone" (LL, pg.183).

IX. Assessment

Sandel provides an assessment of the notions of justice and values in varying schools of thought and overall theories of government. The modern political platforms and tax policies of the Republican and Democratic Parties can be assessed in the same manner. At the heart of the debate is their notion and application of justice. The philosophies of different thinkers presented thus far all possess their

⁶¹ Sandel, Michael J. *Justice: A Reader*. Oxford: Oxford UP, 2007. Print.
-To be referenced as "Reader"

⁶² Sandel, Michael J. *Liberalism and the Limits of Justice*. Cambridge [Cambridgeshire: Cambridge UP, 1982. Print.
-To be referenced as "LL"

own ideas of justice. In assessing these notions of justice and the role of government we will look at how closely they align with components of the Republican and Democratic Party's essential beliefs and tax platforms to varying degrees.

1. Support for the Republican Platform

The Republican Party puts an immense focus on the Constitution as the central component of American government. With the Constitution and the sovereign people as the basis of government they hold that it is necessary for government to be limited.

Along with a government that is limited in nature and centered on the Constitution the Republican platform contends that government must be frugal. They advocate the necessity of government spending cuts and only using funds for the most necessary and essential programs. Through creating a more frugal government the Republican Party foresees a reduction in the need for tax revenues. This will allow citizens to keep more of the money that they earn. With more money free market spending is facilitated. With a reduced need for government revenues Republicans aim to reduce taxes for all income levels, even the wealthy. Their platform states that "taxes by their very nature, reduce a citizen's freedom" (Dem12⁶³). In reducing freedom, taxation goes against Republicans overall concept of justice. They hold justice to be founded on the freedom and the liberty of the individual.

⁶³ United States. Moving America Forward: 2012 Democratic National Platform. Democratic Party, 3 Sept. 2012. Web. 10 Oct. 2012.

-To be referenced as "Dem12"

Support for these aspects of the Republican platform is provided by some of the before mentioned philosophers. Montesquieu held that citizens as the sovereign possess the power. He believed that the rights of the citizens should be top priority. Similar to the Republicans he maintained that the powers of government must be separated and limited in order to ensure the liberty of the people. Holding freedom as central to justice consistent with the Republicans, Montesquieu also aligns with their convictions with respect to taxation. He states that excessive taxation is in essence slavery (SL BookXIII, Chp.14⁶⁴). High taxes take away the very freedom and powers that the citizens are supposed to possess as the sovereign and thus are unjust. The Anti-Federalists also support the idea of a limited government fearing that a government with too much freedom and power could be dangerous. They point to the subjective nature of the wording of the laws and the constitution such as “necessary,” and “proper.” With the right to interpret these terms as they see fit they may put their own interests above that of the citizens who they, like the Republicans, contend should hold the power. Sandel, the most modern thinker considered in this assessment, admits the importance of limitation of government. He appreciates the free market economy and the prosperity it brings America. However, he does bring up a concern not addressed by the Republicans. This concern is regarding the “market morality,” which he sees as lost in the modern economy and society. The Democrats platform addresses this concern more directly.

⁶⁴ Montesquieu, Charles De Secondat. *The Spirit of the Laws*. New York: Hafner Pub., 1949. Print.
-To be referenced as “SL”

Perhaps the most important underlying notion of the Republican platform that shapes all of their policies and convictions is the assertion that justice is not equality for all. For the Republicans justice lies in the freedom of the individuals that make up society to act as they please and be rewarded for hard work and self-reliance. They do not feel that justice lies in each person receiving their “fair share.” This idea plays heavily into their tax policies specifically. They reject of social preferences, quotas, and set-asides as entirely unjust. Republicans believe that by targeting a certain group with higher tax rates government is in effect performing social engineering, which is similar to the redistribution of wealth that they also condemn. By redistributing wealth in order to create a more equal society the Republicans believe that Democrats are infringing on the freedom of individuals and thus the justice of society. Their platform states that “merit, ability, aptitude, and results should be the factors that determine advancement in society” (RP12⁶⁵). This includes advancement with respect to wealth and financial success. Thus, they feel it is an unjust punishment on the wealthy to tax them at a substantially higher rate.

Aristotle, Montesquieu, Sandel, and even Rawls would agree on the basis of this component of the Republican platform and philosophy. All acknowledge that some level of inequality in society is not only allowable but is also natural and ultimately just. Aristotle specifically declared that distributive justice does not necessitate equality. He has concern with Democracy as a form of government in general for the same reasons the Republicans are critical of the Democratic platform

⁶⁵ United States. We Believe in America: 2012 Republican Party Platform. Republican Party, 27 Aug. 2012. Web. 10 Oct. 2012.
-To be referenced at “RP12”

and vision of justice.. Aristotle contends that that Democracy ends up acting only in the interest of the needy, and thus ignores the interest and justice of those better off and therefor fails to be a legitimate government under his definition. For Aristotle a just government ends up looking a lot like what the Republican platform is promoting. Benefits are granted in accordance with virtue and one's contribution to society. While what counts as virtue and contribution is debatable in the modern setting this aligns with the Republican view that citizens deserve to attain the benefits of their hard work and this includes keeping more of the money that they earn and not sacrificing it to heavy taxation or the redistribution of wealth. The Federalists agree with the conviction of the Republican platform that no particular class should have to pay a disproportionate level of taxes. They declare that taxation should avoid burdening or sacrificing a particular class as this is unjust by their standards as well as the Republican Party's. Sandel also provides support for this element of the Republican platform but primarily as a matter of technicality. He agrees that justice can't be based solely on equality and individuals receiving their "fair share" because what constitutes a fair or just share is subjective.

2. Support for the Democratic Platform

The Democratic Party has a strikingly different view of justice and subsequently contrasting views with respect to tax policy. Central to the Democratic platform is the belief that government should promote the general welfare of all citizens and work to the benefit of society as a whole. In their promotion of the general welfare they place their focus on the middle class who they

declare as “our people” (“Jobs and the Economy”⁶⁶). Coinciding with their middle class focus Democrats maintain that anyone can and should be able to attain success in America regardless of their background. They state in their platform that; “In America hard work should pay off, responsibility should be rewarded, and each one of us should be able to go as far as our talent and drive take us” (Dem12⁶⁷). In order to facilitate such opportunity for success they promote a vision of formal equality yet not material equality in the leveling sense that Aristotle sees occurring in Democracy. To facilitate the possibility for people from all socioeconomic backgrounds to succeed and to eliminate obstacles of achievement they place great emphasis on social programs. They believe that the American needs to focus its tax revenues on creating and maintaining solid social programs that benefit the general welfare. They believe that if substantial spending reductions are made or these programs are cut altogether it will have a negative impact on society as a whole.

Many of the philosophers discussed in this paper agree with the most central component of the Democratic platform, the promotion of the general welfare. Aristotle held that the only true forms of government were those that governed with the common interest at heart. Montesquieu similarly declared that government and its people should put the interest of all above the interest of the individual and proclaimed that wealth and its benefits were a public treasure not an individual right. The Federalists also believed that it was the role of government to promote the good of all of its citizens and to sufficiently fund programs that promote the

⁶⁶ “Jobs and the Economy.” Democrats.org. N.p., n.d. Web. 10 Oct. 2012.

⁶⁷ United States. Moving America Forward: 2012 Democratic National Platform. Democratic Party, 3 Sept. 2012. Web. 10 Oct. 2012.

-To be referenced as “Dem12”

prosperity of society as a whole. Like the Democrats, the Federalists supported some level of formal equality in society but also recognized that material and fiscal equality was not realistic or the goal of society. The Anti-Federalists agreed stating that a free government can only exist where it is virtuous and fairly equally divided. The more modern philosopher Rawls took the idea of society working in the promotion of the general welfare a step further in declaring that the overall system of government should work to the advantage of the least advantaged of its citizens. His main reasoning for this belief is that the circumstances of birth are morally arbitrary. Given that these arbitrary advantages cause arbitrary advantages or disadvantages determine the prosperity of the individual Rawls felt that declared that something must be done to bridge these obstacles of achievement. The Democrats use of social programs and education to create opportunity promotes this conviction. Sandel also was concerned with correcting for the arbitrary advantages of birth and ensuring that the Democratic conviction that anyone can prosper in America was attained. His primary concern was the effect inequality of wealth had on access to social programs like those promoted by the Democratic platform. He stated that those who were less fortunate had more trouble accessing medical care, education, political involvement, etc.

To aid in creating a greater level of equality in society and ensuring that everyone has a fair chance to prosper the Democrats declare, declare that the wealthy have a civic responsibility to take on more of the debt burden. In taking on a greater portion of the tax burden they contribute to the public revenues that are used to fund programs and aid the less advantaged. This in turn leads to the

promotion of the general welfare of society. In line with their notion of justice as working to the benefit of society as a whole the Democratic tax policies aim to benefit the middle class and impoverished. Democrats propose maintaining higher tax rates on the wealthy while lowering taxes on the middle class and the poor who together constitute 95% of American families. Democrats are especially concerned with lowering taxes on those who struggle to pay for the most basic necessities. With respect to raising taxes on the wealthy, Democrats maintain that the ultra wealthy, those earning \$250,000 or more annually, as well as wealthy corporations should pay a greater tax rate in order to fulfill their responsibility to take on a greater portion of the financial burden of the government.

The Democratic platform is heavily supported in this portion of their philosophy, primarily based on the notion that is central to the philosophies of Aristotle and the other thinkers that wealth should be finite not infinite. Aristotle declared that it was unnatural to possess more than what was necessary to maintain a household. The root of this evil for Aristotle, which is even more prevalent in modern society, was currency. Currency has the ability to be accumulated to infinity which taxation aids in controlling. Montesquieu held a similar conviction of Aristotle and the modern Democrats in his condemning of superfluity. Montesquieu promoted a level of graduated taxation superfluous wealth that he defined as that which was beyond useful. He believed that everyone should pay what they “ought”, which is what they can contribute with constancy and that the most basic needs for survival should not be subject to taxes. This is strikingly similar to the Democratic tax platform. They promote lower taxes on the middle class and impoverished,

especially at the level where basic needs are a concern. Additionally they agree with the graduated taxation on excessive wealth of the wealthy. The Federalists similarly had concerns with the burden of the impoverished. They state that, “every shilling with which they overburden the inferior number, is a shilling saved to their own pocket” (Wooton, pg.169⁶⁸). The concern with overburdening the less fortunate with respect to wealth present in the Democratic platform and the support demonstrated above is central to Rawls’ entire theory of justice. He contends that government should work to the advantage of the least advantaged. He views the distribution of natural talents as a common asset and therefor maintains the gain of the wealthy must lead to the gain of the less fortunate in order to be just. This is similar to the role that taxation plays in the Democratic platform of higher income individuals prospering from their income while the less fortunate benefit from the taxation on that income in the form of social programs.

XI. Conclusion

Based on the theories of justice presented in this paper I would rule that neither Party presents an ultimately just political platform and tax policy. Concerning the amount of support from the philosophers presented in this paper I believe that the Democratic platform has the most support. Their overall view of justice in their political platform as that which promotes the general welfare and prosperity of society as a whole has a great deal of endorsement from nearly all of

⁶⁸ Wootton, David. *The Essential Federalist and Anti-Federalist Papers*. Indianapolis: Hackett Pub., 2003. Print.

the thinkers considered. For example, Aristotle held that the only legitimate forms of government were those that, “govern with a view of the common interest” (AP, Book3 VII⁶⁹). Similarly Montesquieu, the Federalists, and Rawls were adamant that government should put the interest of all above that of the individual in order to uphold justice. Another area that the Democratic Platform has immense support with respect to justice was regarding limiting excessive accumulation.. Aristotle and Montesquieu both assert that such accumulation and excess are unnatural. This point was central to the claims of the Federalists and Rawls proceeding them.

This is not to say that there are not areas with respect to justice that the Republican Platform were heavily endorsed by the philosophers presented. Especially with respect to the notion that justice is not equality for all. All of the thinkers assessed in this work held that some level of inequality is natural and thus just. Even Rawls, who heavily aligned in his views with the Democratic Party, admits that inequality is a natural phenomena. Additionally, the Republican’s rejection of social preferences had the support from other philosophers, most specifically Aristotle. Aristotle contends that the redistribution of wealth and social preferences displayed in the Democratic platform, which are characteristics of his view of Democracy as a form of government overall, are not just and are a perversion of government altogether.

Given that both Party’s platforms and visions of justice have comparable levels of support from the various philosophers and given that these philosophers many times support one aspect of the Republic platform while simultaneously

⁶⁹ Aristotle. Rackham, H. *Politics*. Cambridge: Harvard UP, 1957. Print.
-To be referenced as “AP”

advocating a different aspect of the Democratic platform, I conclude that neither Party's overall platform, tax policies, or view of the role of government are ultimately or perfectly just.

When considering the views of justice I would contend, as does Sandel, that these two different schools of thought are too narrow minded. Both make solid and well advocated arguments in favor of their standpoint but are at opposing and extreme ends of the spectrum. America in its nature is diverse. It is a nation that is diverse not only in levels of wealth but also in ethnicity, religion, language, and so on which subsequently lead to differences in morality and corresponding values. These differences make for disparate conceptions of justice among each and every individual. It is idealized, as Sandel contends, to come to an overall conclusion among all citizens on the definition of justice let alone to agree on its application to the role of government, social programs, and specific tax policies.

In conclusion, I believe that the best the American society can hope for is to arrive at some sort of compromise between the Democratic and Republican Party's platforms with respect to justice and how this applies to taxation. I affirm Sandel's conviction that society has the potential to come to an agreement or compromise on the notion of justice that works for the common good and that "when politics goes well, we can know a good in common that we cannot know alone" (LL, pg.183⁷⁰).

⁷⁰ Sandel, Michael J. *Liberalism and the Limits of Justice*. Cambridge [Cambridgeshire: Cambridge UP, 1982. Print.
-To be referenced as "LL"