

Democratic Justice

Principle of Affected Interest

“I am charged with inciting people to commit an offence by way of protest against the law, a law which neither I nor any of my people had any say in preparing.”

“But in weighing up the decision as to the sentence which is to be imposed for such an offence, the court must take into account the question of responsibility, whether it is I who is responsible or whether, in fact, a large measure of the responsibility does not lie on the shoulders of the government which promulgated that law, knowing that my people, who constitute the majority of the population of this country, were opposed to that law, and knowing further that every legal means of demonstrating that opposition had been closed to them by prior legislation, and by government administrative action.”

Nelson Mandela

Statement to the court before sentencing (1962)

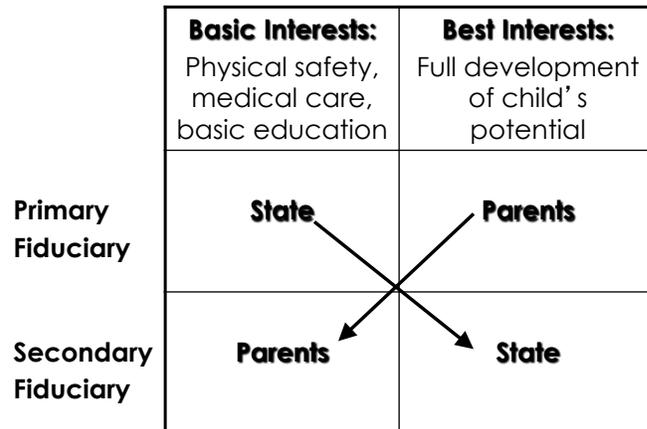
The General Argument

- A broad conception of politics
- A semi-contextual argument
- Subordinate vs. superordinate goods
- Two dimensions of democracy:
 1. Collective self government
 2. Institutionalization of opposition: presumption against hierarchy

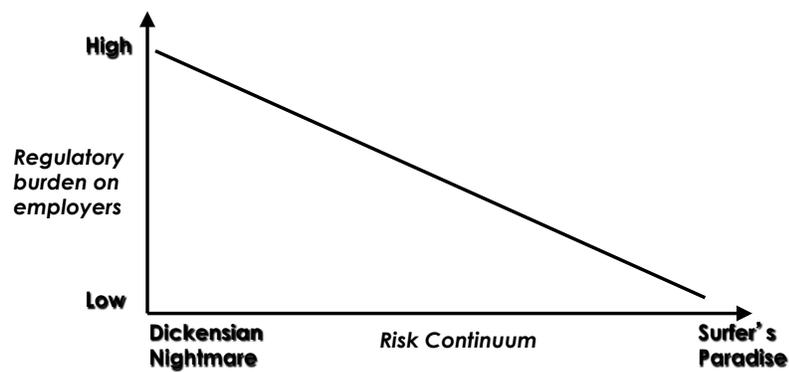
Interrogating hierarchies

- Is the hierarchy inevitable?
- Is the degree of hierarchy appropriate?
- Whose interests does it serve?
- How fluid is the hierarchy?
 - Is it self-liquidating?
 - Is there vertical mobility within it?
- Is the hierarchy symmetrical?
- What are the opportunities for exit?
- How insular is the hierarchy?

Democratic Justice at Home: Governing Children



Democratic Justice at Work: Sliding Quantum Rule



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