Contents

Preface		xiii
Part I D	on't Shoot the Trumpeter!	
PF	ROBLEMS OF FAIR DIVISION	1
Chapter 1.	The Case of the Noxious Neighbors	3
	1. Two Theories of Justice	3
	2. Bargaining and Arbitration	9
	3. Two Lectures	30
	4. Braithwaite versus Nash	33
	5. Bargaining and Equal Utility Gain	41
Chapter 2.	What Is a Fair Solution?	50
	6. Fair Division of the Cooperative Surplus	50
	7. Alternative Baselines	56
	8. What's Wrong with Threat Advantage?	68
	9. Baseline-Independence	76
	10. A Resourcist Solution	85
Chapter 3.	FAIR DIVISION FROM A WIDER PERSPECTIVE	96
	11. Introduction	96
	12. The Elusiveness of Utility	101
	13. Implications	110

x Contents

	14. Social Rules and Fair Division15. Smoking and Contemporary Mores16. Conclusion to Part I	128 133 139
Part II Hu	JME AND RAWLS ON JUSTICE IN SOCIETY	143
Chapter 4.	Hume on Justice	145
	17. Introduction	145
	18. The Circumstances of Justice	152
	19. Justice and Impartiality	163
	20. Implications of the Two Theories for the	
	Rules of Justice	168
	21. Hume's Legacy as a Problem of Fair	
	Division	173
C	D. Transport (1) Interpretation	
Chapter 5.	Rawls on Justice (1): International	170
	and Intergenerational Justice	179
	22. The Circumstances of Justice	179
	23. International Justice	183
	24. Intergenerational Justice	189 203
	25. Why Not Noah's Ark?	203
Chapter 6.	Rawls on Justice (2): The Difference	
	Principle	213
	26. Introduction	213
	27. From Equal Opportunity to Equality	217
	28. From Equality to the Difference Principle	226
	29. Why a Cooperative Venture?	234
	30. Why Mutual Advantage?	241
	STICE AS MUTUAL ADVANTAGE VERSUS	
Ju	STICE AS IMPARTIALITY	255
Chapter 7.	Some Questions of Method	257
· •	31. Introduction	257
	32. Intuitionism	260
	33. Constructivism	264
	34. Is Constructivism a Form of	201
	Intuitionism?	271
	35. Justice as Impartiality	282

Contents xi

CHAPTER 8.	Constructing Theories of Justice (1):	
	Two-Stage Theories	293
	36. Introduction	293
	37. Two-Stage Foundations of Social	
	Institutions	299
	38. Fair Division and Social Justice	304
Chapter 9.	Constructing Theories of Justice (2):	
	Original Position Theories	320
	39. Introduction	320
	40. Justice as Fairness	322
	41. Constructing an Original Position	330
	42. Original Positions without Self-Interest	340
Chapter 10.	Conclusion	354
	43. The Subject of Social Justice	354
	44. Justice and Motivation	357
	45. The Content of Justice	366
	46. Envoi	372
Appendix A	Braithwaite's Solution and Rationale	377
Appendix B	Splitting the Difference as a Bargaining	
11	Solution	388
Appendix C	Economic Motivation in a Rawlsian Society	393
Notes		401
Index		421