14 October 2019

Justice I: John Rawls

The Rawlsian Paradigm

* Rawls’s revival of social contract theory exemplified by Hobbes, Locke, Rousseau, and Kant.
* Later thinkers **adapts** earlier ideas, rather than **adopting** them.
* Rawls takes social contract theory to a “higher order of abstraction” by theorising the principles of justice that govern the basic structure as themselves as the objects of a social contract.
* Rawls adapts the Kantian idea of autonomous moral agency by basing this abstract idea on the “public political culture” of actual liberal democratic societies and their intellectual and political histories.
  + We are all familiar with the basic ideas of Rawls’s theory as citizens.

Liberal Democratic Citizens’ Intuitions

* Society is an **intergenerational**, **closed**, **self-sufficient**, **fair system of social cooperation** between citizens as **free** and **equal persons**.
  + **Contingency**: the social order is not **fixed** or **natural**. It can be **changed**.
  + **Political liberalism**: the social order is not an institutional hierarchy publically justified by theocratic or aristocratic values.
* Social cooperation is distinct from merely socially coordinated activity (such as uncritically following orders from a central authority).
* Social cooperation involves some idea of **fair terms of cooperation**, reciprocity and mutuality, which are recognised and shared by all.
* Social cooperation is to the **mutual rational advantage** of members.

The Basic Structure as the Primary Subject of Justice

* A society is **well ordered** if it is designed to mutually advance the good of its members and is effectively regulated by publically recognised principles of justice (the ideal).
* A well ordered society is one in which everyone accepts and knows everyone else accepts the same principles of justice (ideally).
* A well ordered society’s main political and social institutions are believed to satisfy these principles of justice (ideally).
  + These comprise the **basic structure of society**.
* **Pluralism** about conceptions of justice is one of the defining features of our **modern circumstances of justice**.
* The basic structure constitutes the system of social cooperation and distributes the benefits and burdens of social cooperation.
* The basic structure of society comprises the interlocking institutions that form the background of common rules, norms, and meanings within which individuals and collectives both act and interact.
* It includes political, social, economic, and legal structures ranging over the constitution, law, state, market, civil society, family, etc.
* The basic structure is to be governed by a public conception of justice that establishes the fair terms of social cooperation.
* The public conception of justice does not apply to:
  + Private associations within the basic structure
  + Individuals
  + Actions
  + Relationships
* These are governed by private conceptions of the good, within limits.
* The basic structure is the subject of justice insofar as its effects on the lives of individuals are pervasive and immediate.
* Society is difficult to exit, and its rules are coercively enforced.
* The basic structure shapes our:
  + Identities
  + Interests
  + Talents
  + Capabilities
  + Characters
  + Ambitions
  + Final Ends
  + Prospects

The Original Position

* How do we determine the fair terms of social cooperation?
  + Through a **fair procedure** resulting in a **fair agreement**.
* Rawls designs a reasoning game – a **thought experiment** called the original position (OP).
  + The OP is not historical. It is hypothetical.
* The participants in the reasoning game are like the pieces in chess or positions in a sport: they have defining qualities and rules.
* They must choose, by agreement, the principles of justice that will govern the basic structure of society from a menu from the (Western) history of moral and political philosophy.
* **Free** and **equal** democratic citizens justify the basic structure of society in a particular way: they are **rational** and **reasonable**.
* Citizens are “mutually disinterested” (not jealous, impartial).
* Citizens are in possession of the two “moral powers”:
  + The first is the capacity for the sense of justice: she can understand, apply, and act from a conception of justice.
  + The second is the capacity to formulate, revise, and rationally pursue a conception of the good.
* They are not actual people: the moral psychologies of human beings born and raised in our societies is different (e.g. altruistic, partial).
* How do we control for inequalities of bargaining power, etc. to ensure that the procedure for reaching agreement is fair?
* Parties to the original position reason under a “veil of ignorance”.
* Parties do not know:
  + The race, ethnicity, gender, age, income, wealth, natural abilities, comprehensive doctrine, etc. of themselves or any of the citizens in society, or to which generation they belong.
  + The political system, class structure, economic system, or level of economic development of the society to which they belong.
* Parties do know:
  + That citizens have different comprehensive doctrines and plans of life (**reasonable pluralism**);
  + That citizens have interests in more primary goods insofar as they are rational;
  + That the society is under conditions of **moderate scarcity**;
  + General facts and common sense about human social life and the world; general conclusions of natural and social sciences.
* The original position replaces the **state of nature**.
* For Rawls, unlike his predecessors in the social contract tradition, human beings are **socialised** within our practices and institutions.
* The basic structure of society is justified from **within** the practices and institutions of liberal democracy by drawing on its latent ideals.
  + The Rawlsian paradigm **abstracts** from the public political culture.
* **Positivism** about rules, rights, and roles: we can only **make sense** of and **explain** our practices and institutions and, secondly, **justify** them, from within the liberal democratic tradition.
  + There are no **prior** rights to property or power.