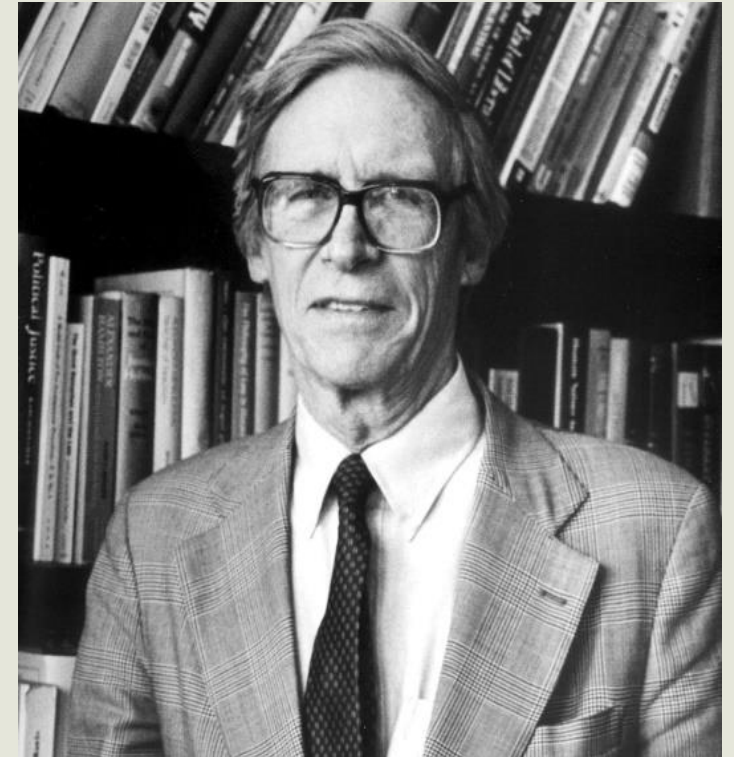


CONVERGENCE BETWEEN CONSEQUENTIALISM & DEONTOLOGY

- Both consequentialists and Kantians can perhaps deal with the main counterexamples to their fundamental ethical principles.
- If this is true, then both consequentialist and Kantian ethical theories can fit our pre-theoretical intuitions about what is right and wrong.
- This means that these theories can also agree about right and wrong. Perhaps the best way to understand why they still disagree is to think that they have different views about what makes the intuitively right acts right.
- Consequentialists claim that the acts which we all believe to be right are right because they bring about the best outcomes. In contrast, Kantians claim that these acts are right because the relevant maxims for them can be willed to be universal laws.
- Consequentialists and Kantians give competing explanations for why certain acts are right even if they can agree on which acts are right

JOHN RAWLS (1921-2002) – DISTRIBUTIVE JUSTICE

- Immanuel Kant appeals to hypothetical consent. A law is just if it could have been agreed to by the public as a whole.
- How can a hypothetical agreement do the moral work of a real one?
- John Rawls (1921–2002), an American political philosopher, offers an illuminating answer to this question.
- In *A Theory of Justice* (1971), he argues that the way to think about justice is to ask what principles we would agree to in an initial situation of equality



BACKGROUND - SOCIAL CONTRACT THEORY

- Western tradition for a long time believed that contracts are the basis of justice (Hobbes, Locke, Rousseau)
- Both the individual-state and individual-individual relations could be decided as just/unjust on the basis of whether they fulfill contract requirements
- Contract theory could be taken to argue that for any relationship to be just, there must be an explicit/implicit agreement that the parties part of the agreement are
 - Acting with consent
 - Behaving reciprocally with one another

CRITICISMS OF SOCIAL CONTRACT THEORY

- Monopolies can exploit individuals even while following consent and reciprocity
- There are obligations we have to fulfill even if consent and reciprocity are not present
- Rawls felt that existing social contract theories had a basic flaw
 - Individual will try to further their own interests always
 - As long as people are unequal they'll end up exerting unequal influences on the terms of contract
 - This means that injustice is highly likely to be present in any societal relationships

RAWLS' NEO-SOCIAL CONTRACT THEORY

- Rawls felt that the only way to achieve perfect justice is to somehow prevent people from furthering their own interests
- This led Rawls to design a thought experiment, he calls the original position
- Rawls proposed a method, called the original position, from which just principles for governing society could be constructed.
 - Imagine yourselves to be standing behind a veil of ignorance that makes you forget all your particular identities (class, gender, caste, preferences, abilities...) and just be a rational human being.
 - A world of moderate scarcity, basic laws of psychology and economics
 - Nothing to bias things in your own favour
 - Rawls believed that whatever individual chose at this original position would be the perfect system of justice

VEIL OF IGNORANCE

- This means that they aren't to know which social role they might end up occupying.
 - The idea is that if you don't know whether you will end up rich or poor, male or female, boss or worker, you will bend your mind to adopting principles of justice between each group.
 - It is rather like cutting a cake and not knowing which bit you will end up with: a procedure that enforces a fair distribution.
- Rawls in fact calls his conception 'justice as fairness'.
 - His contractors are also not allowed to bring specific values to the conversation. They can, however, bring care about the basic things virtually all human beings care about for themselves:
 - safety,
 - security of possession,
 - the satisfaction of basic needs,
 - a basis for self-respect

FINDING JUSTICE THROUGH ORIGINAL POSITION

- Because everyone would choose the same basic principles in the original position, Rawls saw it as a hypothetical contract formed by society's members concerning how goods and liberties should be ideally distributed
- In the original position individuals would reject any organization of society based on luck, as luck is not compatible with justice.
- . Consider, then, four rival theories:
 1. Feudal or caste system: fixed hierarchy based on birth.
 2. Libertarian: free market with formal equality of opportunity.
 3. Meritocratic: free market with fair equality of opportunity.
 4. Egalitarian: Rawls's difference principle.

FINDING...

- Rawls argues that each of the first three theories bases distributive shares on factors that are arbitrary from a moral point of view—whether accident of birth, or social and economic advantage, or natural talents and abilities.
- All prominent society structures that have come to existence so far like feudalism, aristocracy, free-market would stand to be rejected
- Individuals would choose policies that promote liberty while directing benefits from any inequalities to the least well off in society.
- In other words, the poor and the disadvantaged would benefit from those with the good luck to have been born into advantage

FINDING....

- Rawls undermines the meritocratic view by calling into question its basic premise-people can be said to legitimately enjoy what their talents bring:
- “We do not deserve our place in the distribution of native endowments any more than we deserve our initial starting point in society. That we deserve the superior character that enables us to make the effort to cultivate our abilities is also problematic; for such character depends in good part upon fortunate family and social circumstances in early life for which can claim no credit. The notion of [deserving] does not apply here.”
- “A just scheme, then, answers to what men are entitled to; it satisfies their legitimate expectations as founded upon social institutions. But what they are entitled to is not proportional to nor dependent upon their intrinsic worth. The principles of justice that regulate the basic structure of society . . . do not mention [what one morally deserves] , and there is no tendency for distributive shares to correspond to it”
- “The natural distribution is neither just nor unjust; nor is it unjust that persons are born into society at some particular position. These are simply natural facts. What is just and unjust is the way that institutions deal with these facts”

PRINCIPLES OF JUSTICE

1. Each person is to have an equal right to the most extensive total system of basic liberties compatible with a similar system of liberty for all.
 2. Social and economic inequalities are to be arranged so that they are
 - (b) attached to offices and positions open to all under conditions of fair equality of opportunity and
 - (a) to the greatest benefit of the least advantaged, consistent with the just savings principle
- The ambition is that we can give a procedural foundation to ethics. Ethical principles are those that would be agreed upon in any reasonable cooperative procedure for coming to one mind about our conduct.
 - The standpoint of justice is the standpoint of the most disadvantaged position

APPLICATIONS OF PRINCIPLES OF JUSTICE

- Progressive taxation
- Affirmative actions
- Reservations for the historically oppressed and marginalized
- Critical standards for evaluating governments apart from utilitarianism

CRITICISMS

- Libertarian critique

- Redistribution is futile and never ending
- There is no need for redistribution on many occasions

- Feminist critique

- Rawls perpetuates a public-private distinction
- Gender justice is not truly possible

- Communitarian critique

- Original position is conceptually impossible
- Humans are not isolated creatures but social beings