

8. Why a social contract?

- To defend principles of justice, Rawls uses idea of social contract (Hobbes, Locke, Rousseau, Kant). Contract idea is that the right ordering for a society is the ordering *that members would unanimously agree to* to regulate their own relations.
- But with conflicts of interest, and disagreements about moral, political, religious issues, how could we ever expect to arrive at a non-arbitrary unanimous agreement on the terms of a social contract?
- To get unanimity, then, Rawls proposes to impose conditions on circumstances in which people agree on principles: perhaps the constraints will make an agreement possible. Of course the conditions and constraints must be justified themselves: otherwise the agreement is arbitrary.
- The conditions of the Rawlsian social contract are based on certain (alleged) points of agreement:
 - ✓ Settled convictions about the *injustice of race discrimination and religious intolerance*.
 - ✓ Conception of citizens as *free and equal moral persons*: (i) distinguish "accidents of natural endowment and contingencies of social circumstance" from features of people relevant to issues of justice; (ii) relevant features include conception of the good, capacity to choose, and capacity for sense of justice; (iii) shared features define us as free and equal moral persons.
 - ✓ Ideal of *fair cooperation* among free and equal persons.
- Idea is to use these points of agreement to define the shape of the initial situation in which the social contract is made. Through the social contract, then, we figure out what fair cooperation among free and equal moral persons comes to.

9. What is the Original Position (OP)?

- To connect ideal of fair cooperation among free/equal moral persons to principles of justice, make a social contract in an OP, behind a **veil of ignorance** (VI): we do not know whether we are blessed by natural chance, or whether the contingencies of social circumstance are favorable or unfavorable/ These factors are irrelevant to determining principles of justice.
- Parties in the original position know only that they represent the interests of a *free and equal moral persons*, and this suffices for them to know that they need **primary goods**: basic liberties; freedom of movement and choice of occupation, with variety of opportunities; powers and prerogatives of office and positions of responsibility; income and wealth; social bases of self-respect.
- Rationale for assuming interest in primary goods: moral persons need primary goods regardless of their particular conception of the good. They need these goods to pursue their ends, and to develop their capacities as moral persons.

10. What is the intuitive idea behind the OP argument?

- OP argument is that parties would prefer their expected level of primary goods under the two principles than under any of the alternatives, and therefore would choose those principles. Why?

- Democratic equality provides strong downside protection (insurance) under conditions in which it makes sense to look for such protection.
- The crucial idea is that, in a society of free and equal moral persons, circumstances should be acceptable from the point of view of each person: VI makes us focus on that condition.
- But why focus on downside protection? Isn't this choice a reflection of high risk-aversion?

11. How does self-respect lead to the two principles?

- Self-respect requires reasonable prospects of success in achieving aims that person takes to be worth achieving.
- Three main ideas connecting self-respect to choice of principles of justice
 - ✓ self-respect is a fundamental good;
 - ✓ self-respect has “social bases,” both objective and subjective;
 - ✓ Other primary goods provide the social foundations of self-respect.
- So ensuring acceptable situation requires ensuring social conditions supportive of self-respect.
- Ensuring equal liberties fosters self-respect.
- Moreover, concern with self-respect leads to concern about material resources, but why to the difference principle (maximized minimum)?
 - ✓ DP only permits inequalities that contribute to lifetime expectations at minimum position
 - ✓ The worth of liberties to a person depends on that person's resources.
 - ✓ So, therefore, the minimum value of worth of liberty is maximized under DP.
 - ✓ But self-respect depends on the value of liberties.
 - ✓ Because the two principles achieve maximin worth of liberty, they ensure bases of self-respect.
 - ✓ Because they ensure bases of self-respect, they provide support for acceptability at all positions.
- So increasing material well-being for citizens who are least well-off is not simply a matter of improving their welfare: given that income distribution depends on collective decisions, it provides social recognition of equal worth.