***Outline of Discussion, TJ, §§1-4***

1. Let’s walk through the opening paragraph of the book noting important points to be taken up in sections to come:

*Note the [symphonic] expository strategy: ideas sketched initially, then filled in in more detail later.*

*We won’t get the pay-off for these arguments until section 26.*

* 1. Role of justice – he means “the role of principles of justice, principles which express what justice demands”

*The principles of justice he identifies will be the centerpiece of the theory.*

* 1. Primary subject of justice – basic structure of society
  2. Main idea – generalize and carry to a higher level of abstraction the social contract doctrine
  3. provide an alternative to the utilitarianism and intuitionism.

1. The role of justice
   1. What does he mean by saying that justice is the “first virtue” of social institutions? What are the other virtues?
   2. What does Rawls mean by saying that “the rights secured by justice are not subject to political bargaining or to the calculus of social interests” (p. 2)? The structure of the sentence seems to connect this with “equal citizenship”. What is the connection?
   3. How do questions of justice arise? What features of social life make principles of justice necessary? - p. 4
   4. Express “the role of justice” in your own words. Explain the role with reference to the distinction Rawls draws between a concept of justice and various conceptions of justice.

*Rawls’s conception is called “justice as fairness”* 🡪 *§3 to see the propriety of the name, then back to §2.*

1. The subject of justice
   1. what does it mean to call something the subject of justice?
   2. What is the basic structure of society?
   3. Why make it the primary subject of justice?
   4. Walk through and be prepared to explain the important paragraph at the bottom of p. 7, where Rawls explains the first of the two limitations he imposes.
   5. Explain the important passage on p. 9:

The various conceptions of justice [such as utilitarianism and Aristotelianism] are the outgrowth[s] of different notions of society against the background of opposing views of the natural necessities and opportunities of human life. Fully to understand a conception of justice we must make explicit the conception of social cooperation from which it derives.

HINT: Connect this with the last two sentences of the paragraph running from p. 12 to p. 13.

* 1. What would Rawls say to the objection that justice is, in the first instance, a virtue of persons defined by contrast with the vice of graspingness, of wanting or taking more than one’s due?

1. The Main Idea of the Theory
   1. First paragraph in section – get a clearer idea of his relationship to contract tradition
      * 1. What is a social contract? Who are some leading social contract thinkers?
        2. More abstract – no state of nature, parties to the contract are conceived of *very* abstractly
        3. Higher level – object of agreement is something prior to the constitution
   2. What is the original position? What are its main features?
   3. How do the features of the OP explain the propriety of the name “justice as fairness”? Are those features really, as Rawls says on p. 12, “widely accepted and reasonable constraints on the choice of principles”?
   4. Explain the important passage on p. 12 “No society can … self-imposed.” Is what Rawls says here right?
   5. Why is it “open to question” whether the principle of utility would be chosen in the OP?
   6. What principles does Rawls think would be chosen?
   7. On p. 13, Rawls seems to smuggle in a really important claim as if it were innocuous: “there is no injustice in the greater benefits earned by a few provided that the situation of those not so fortunate is thereby improved.” This suggests that Rawls’s principles allow any inequality, however large, so long as the least well-off benefit. Is this “trickle down”? Why or why not? Even if not trickle-down, is it acceptable?

*Now let’s go back to some material from earlier sections:*

* 1. To what do the principles apply? To what don’t they apply? What, exactly, is the basic structure of society?
  2. What does it mean to say that society is well-ordered by the principles? (p. 4)

*What does he mean by saying that societies are seldom well-ordered in this sense? Is the US well-ordered?*

* 1. Rawls makes some simplifying assumptions:
     + 1. What does he mean by saying that society is self-contained?
       2. What is perfect compliance?

*Why make these assumptions? Distinguish distributive from retributive and penal justice.*

1. The Original Position and Justification:
   1. Rawls claims his two principles *would* be chosen *in the OP*. This raises two related questions:
      * 1. Why should we care about a hypothetical agreement?

* + - 1. What justifies the description or the special features of the OP? What makes *it* the “philosophically favored choice situation”?

*HINT: To answer these questions, let’s see what Rawls means by saying that the OP embodies plausible constraints on argument, doing so with reference to the paragraph running from p. 16 to p.17?*

* + - 1. What is meant by saying that the purpose of the conditions of the OP is “to represent the equality between human beings as moral persons”? (p. 17)
  1. Rawls hints at another way of justifying the OP which he calls “reflective equilibrium”. We’ll talk about this when we get to §9, but take a first cut at explaining its meaning.