***January 22, 2015***

***I. Review of TJ, §§1-4***

1. The features of human life that give rise to questions of justice:
   * + 1. Society is a cooperative enterprise – we all cooperate in producing stuff
       2. There is not enough for everyone to have all he would like
       3. People are not indifferent to how it gets distributed
       4. **...** We need principles to determine how the fruits of social cooperation are to be distributed.
2. The role of principles:
   * + 1. publicly, commonly known principles for settling disputes about justice
       2. everyone recognizes the need for such principles, but people disagree about which principles are right 🡪 they share the concept of justice but endorse different conceptions of it
       3. Rawls’s question: which principles of distributive justice are right?
3. The main idea underlying Rawls’s answer = justice as fairness:
   * + 1. identify correct principles by asking what principles fairly situated people would agree to “play by”. (NOTE that the phrase “would agree” marks agreement as hypothetical!)
       2. When are people fairly situated?
          1. Mutually disinterested – neither egoistic nor altruistic
          2. Rational – capable of choosing the means to do as well as they can
          3. Veiled in ignorance of considerations which are irrelevant from point of view of justice
       3. What justifies this description of the choice situation, the social contract situation?
          1. Embodies considerations we think apply to arguments about justice
          2. Reflective equilibrium
       4. Once we see how the contract situation is justified, can begin to answer the question “Who cares about a hypothetical agreement?”
4. Principles apply to the basic structure of society rather than to individuals or to individual transactions

*Recall that our first formulation of Rawls’s question was “What does justice demand?”*

*Now that we have:*

* *Discussed the role of justice*
* *See the distinctions among distributive, criminal and civil justice,*
* *Introduced the notion of the basic structure*
* *Distinguished full compliance from partial compliance*

*how should we rephrase the question which Rawls uses the OP to answer?*

*Questions?*

***TJ, §§5-9***

1. What is the classical utilitarian doctrine as applied to the basic structure?
   1. why does classical utilitarianism initially seem attractive? Explain: “social justice is the principle of rational prudence applied to an aggregative conception of the welfare of the group” (p. 21)?
   2. What does Rawls mean by saying “the two main concepts of ethics are those of the right and the good … the structure of an ethical theory is, then, largely determined by how it defines and connects these two basic notions.” (p. 21)
   3. what is a teleological view and in why does utilitarianism qualify as one? How does this heighten the appeal of the view? (HINT: explain “teleological theories have a deep intuitive appeal since they seem to embody the idea of rationality.” (p. 22))
      1. Explain the long paragraph on p. 23.
      2. What is “the most natural way … of arriving at utilitarianism”?
      3. Explain the sentence:

In this way [the impartial spectator] ascertains the intensity of these desires and assigns them their appropriate weight in the one system of desire the satisfaction of which the ideal legislator then tries to maximize by adjusting the rules of the social system. (p. 24)

What does Rawls mean by “intensity of desire”? Does the intensity with which someone desires something give him a greater claim to the object of desire than someone who cares less?

* + 1. What is meant by saying that utilitarianism doesn’t take seriously the distinction between persons?

1. Explain the “three related contrasts”
   1. The ways that utilitarianism and contract doctrine account for the demands of right and their stringency.
   2. Principles of social choice are chosen by a plurality of persons in the contract doctrine, while utilitarianism “applies to society the principle of social choice for one man”
   3. Explain the contrast between teleological and deontological views, and why j. as f. is deontological.
      1. Connect this third contrast with the priority of the right to the good in justice as fairness, understood as the claim that the principles of right determine which satisfactions have value.
      2. What does Rawls mean by saying

“certain initial bounds are placed upon what is good and what forms of character are morally worthy, and so upon what kinds of persons men should be”?

* + - 1. Is it legitimate for Rawls to place such bounds?
      2. How does the placing of these bounds distinguish Rawls’s view from utilitarianism?
  1. Explain the different conceptions of society which “underl[ie]” utilitarianism and justice as fairness. (p. 29)

1. what are the two defining features of intuitionism?
   1. Why might it be more appropriate to call intuitionis ‘pluralism’ (p. 31)?
   2. Walk through the examples of kinds of intuitionism discussed at pp. 31-32
   3. Explain the two graphs on p. 33, being sure to say what indifference curves are
   4. What does Rawls mean by saying, on p. 34, that “[the intuitionist] contends that there exists no ethical conception which underlies these weights”?

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* 1. What problems might we encounter if tried to balance fundamental values on an intuitionistic basis in, say, Supreme Court decisions? See [this opinion by Justice O'Connor](http://www.law.cornell.edu/supct/html/94-329.ZC.html) for example.
  2. Does intuitionism seem plausible and if so, why? (HINT: See the sentence beginning “The intuitionist believes….” at the top of p. 35.)
  3. Is Rawls right about “the only way to dispute intuitionism” mentioned on p. 35?
  4. Does Rawls’s reliance on our considered judgments – our moral intuitions – make him an intuitionist?

1. explain the priority problem.
   1. How does utilitarianism try to solve it?
   2. How about justice as fairness?
      1. HINT: what is lexical ordering? Why might such an ordering seem unpromising if not extreme?
      2. How does focusing on one social position – that of the least advantaged person – limit appeals to intuition?
   3. What does Rawls mean by saying that in justice as fairness, moral facts are determined by principles?
2. reflective equilibrium vs. Cartesianism in justification
   1. explain the task of moral theory given on p. 41 and the comparison with linguistics.
   2. what is a considered judgment?
   3. What is reflective equilibrium –
      1. How does the need for the idea arise?
      2. what is in equilibrium?
   4. On p. 46, Rawls says “I have tried to classify and discuss conceptions of justice by reference to their basic intuitive ideas.”
      1. What are the basic intuitive ideas of justice as fairness (HINT: see 6.d above.)
      2. What are the basic intuitive ideas of utilitarianism?
   5. Does the existence of reflective equilibrium really justify principles?