***Theory of Justice, sections 26 and 30***

***Traditional Question:*** What does justice demand?

***Rawls’s Question:***  What principles of justice, among those associated with traditional conceptions, are best suited to serve as a final and public basis for justifying the way primary goods are distributed by the basic structure of a closed society in circumstances of moderate scarcity and moral pluralism, assuming perfect compliance?

***Rawls’s Answer:*** The principles that would be chosen by parties in a situation characterized by the starred conditions on pp. 126-27. Be prepared to explain those, and the unstarred, conditions.

***Rawls’s Target:*** average and classical utilitarianism.

***\* \* \* \* \****

***TJ, section 26***

1. Explain the intuitive argument for the two principles of justice, and for the priority of liberty, on pp. 130-32.
   1. Why has Rawls assumed that parties are not moved by envy?
   2. Note that the argument depends upon the notion of a free person whose interest in freedom gives her an interest in social conditions. (See the important passage running from the bottom of p. 131 to the top of p. 132. Is the description of the free person and her interests persuasive?

*N.B. This passage is missing from the original edition!*

1. What is choice under uncertainty?
   1. explain the maximin rule for choice under uncertainty with reference to the table at p. 133, note 19.
   2. Why does Rawls say “Clearly the maximin rule is not, in general, a suitable guide for choices under uncertainty.”? (p. 133)
2. what are the three conditions under which the maximin rule is a reasonable principle of social choice?

* 1. What do the utility curves of the choosing parties look like if the second condition is satisfied?
  2. Explain why the original position satisfies the three conditions.

1. Explain the objection illustrated by the gain-loss table on p. 136. Explain the reply. Now go back to figure 6 on p. 66 and draw a contribution curve that illustrates the objection.
2. Why does Rawls say “there is a real advantage in persons’ announcing to one another once and for all that even though theoretical computations of utility always happen to favor the equal liberties … they do not with that things had been different.”? (p. 139) Is he right about that?
3. What does Rawls mean by saying that contract theory “embeds” its ideals in first principles? Do you agree with his argument on pp. 138-39 that this confers an advantage over utilitarianism?

***TJ, section 29***

1. Now let’s turn to the arguments for the two principles in §29; in each case, be prepared to say how the argument fits the “maximin” schema:
   1. what are the strains of commitment? How does the argument from the strains of commitment to Rawls’s two principles go?
   2. Now let’s consider arguments that depend on the publicity condition.
      1. Is it really “an important feature of a conception of justice that it should generate its own support”? Consider:
         1. Think of different ways different agreements might be stabilized: an “agreement” on prices characteristic of an economic equilibrium, an arms limitation agreement, an agreement reached in Hobbes’s state of nature. Why does it matter how stability is secured?
         2. What does it mean to say that the agreement reached in the OP will generate its own support?
         3. what is the argument from stability?
      2. What is the argument from the social bases of self-respect?
         1. Recall and explain the claim, defended in section 17, that the difference principle represents an agreement to treat the distribution of talents as a common asset. How does the argument here depend upon that claim?

* + - 1. Explain the Kantian version of the argument.
    1. How would utilitarianism weaken self-respect?
       1. Explain the contrast with conceptions of justice that privilege “religious or cultural values which everyone has a duty to maintain”. (p. 157)
       2. How might the utilitarian reply? What is Rawls’s response? (see p. 158)

1. Walk through the summary of the arguments for the two principles and against utilitarianism at pp. 159-60.

***Conclusion:***  where the book goes from here.