***TJ, sections 20-25***

What does Rawls mean by calling the OP the “philosophically favored interpretation of the initial situation”? (HINT: see the top of p. 105)

1. The Nature of the Argument
   1. What is egoism (see remark about egoistic ends at p. 111) and why would it be rejected in the OP? (p. 103)
   2. Note the interesting comparison with the theory of price at p. 103:
      1. What is an equilibrium in such a theory and how is it reached? (HINT: note the phrase “best reply”)
      2. What is the condition of a stable equilibrium?
   3. Explain the contrast between justice as fairness and social theory.

* + 1. Note in particular that persons are represented as “moral persons” in the OP on p. 104. In virtue of what features of the OP are they so represented?
    2. Explain the reference to pure procedural justice on pp. 104 and 118.
  1. What does Rawls mean by calling the OP hypothetical? If it is hypothetical, why do we care about it? (HINT see the top of p. 120)
  2. What is the argument for the claim that “the procedure of contract theories provides a general analytic method for the comparative study of conceptions of justice” (p. 104)?

1. Walk us through the presentation of alternatives, explaining each. Are there obvious candidates that are left off?
   1. What is meant by saying that principles chosen on basis of a series of pair-wise comparisons (p. 106)?
2. What does the phrase “circumstances of justice” mean?
   1. What are the subjective and objective circumstances of justice? (Pay special attention to the last couple of sentences in the first full paragraph on p. 110!)
   2. What is mutual disinterest? How, if at all, does it differ from self-interest? Why are the parties assumed to be mutually disinterested? (see also p. 125)
3. What are the formal constraints of the concept of right?
   1. Are they reasonable to impose?
   2. Note that the formal constraints on the concept of right are said to be “associated with the concept of right”. Does this mean they are implied by the meaning of the term ‘right’? (HINT: recall the distinction between concept and conception at pp. 5 and 9, then explain the first full paragraph on p. 113)
   3. Now explain the conditions:
      1. Generality – is Rawls’s treatment of the “God counterexample” persuasive?
      2. Universality – how does this condition differ from generality? What is meant by “hold… moral persons”?
      3. Publicity – what does it require and why is it natural to impose according to a contract view?
      4. Imposes an Ordering – to test this condition: suppose that the outcomes of the Bengal bouts yield an ordering of fighters from best to worst and establish claims to prize money. We wouldn’t then think that the resulting distribution of money was objectionable. Indeed we think it’s fair. But the Bengal Bouts are just a form of trial by combat. Should we reject Rawls’s objection to the kind of ordering it establishes?
      5. Finality:
         1. This seems to be another place in the theory where the right is prior to the good. Explain.
         2. Note that if the principles of right are indeed final, then someone who has a sense of justice, who wants to be a just person, will want to treat them as final. *This turns out to be really important!*
   4. What significance, if any, is there to the fact that the conditions rule out egoism?
4. Explain the veil of ignorance and the reasons for imposing it.
   1. What are the “general facts” allowed through the veil?
   2. Is it really “an important feature of a conception of justice that it should generate its own support”? To answer, consider:
      1. Is it an important feature of an agreement on a conception of justice that the agreement can be stable – i.e. that parties to the agreement can adhere to in the long run?
      2. 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?
      3. What does it mean to say that the agreement reached in the OP will generate its own support?
   3. Explain:
      1. “one or more persons can at any time enter [the OP], or perhaps better, simulate the deliberations of this hypothetical situation, simply by reasoning in accordance with the appropriate restrictions.” (p. 119)
      2. “to say that a certain conception of justice would be chosen in the original position is equivalent to saying that rational deliberation satisfying certain conditions and restrictions would reach a certain conclusion”
   4. What is the problem of justice between generations? How does Rawls solve it?
5. What is meant by saying that the parties in the OP are rational?
   1. Why are the parties assumed not to be envious?
   2. What do you think Rawls means by the conclusion “It is, therefore, inherently stable” (p. 125)? What is his argument for that conclusion?
   3. Explain the important paragraph on pp. 125-26 in which Rawls says parties are assumed capable of a sense of justice.
   4. Explain the list on pp. 126-27, saying why the starred entries are preferred.
   5. It is sometimes said that liberalism in general, and contract theory in particular, are political theories for selfish individualists. Explain “the motivation of the parties in the OP does not determine directly the motivation of the people in a just society.” (p. 128) Why doesn’t it? Is Rawls right?