***TJ, Sections 31, 36,37 and 40***

***31. The Four-stage Sequence***

* 1. The purpose of Part II – to show that the principles can be implemented in a constitution and institutions which fit with our considered judgments of justice.
  2. Walk through the four-stage sequence for implementing the principles.
     1. why is the veil of ignorance lifted gradually as we move through the stages?
     2. what does Rawls mean by saying on p. 173 that "the ideal of perfect procedural justice cannot be realized. The best attainable scheme is one of imperfect procedural justice"?
     3. suppose that a law is passed which some citizens think is unjust. what should their reaction be?
        1. might they still be obliged to obey it, or as obliged as if it were just?

* + - 1. explain the last paragraph of the section, beginning with the sentence that starts "Of course this test is often indeterminate.
      2. can an unjust law still be a legitimate law?

***36. Political Justice and the Constitution***

* 1. what is the principle of equal participation (p. 194)
  2. why does Rawls "suppose that the precept [of one person one vote] necessitates that legislative districts be drawn up under the guidance of certain general standards specified in advance by the constitution and applied as far as possible by an impartial procedure" (p. 196)?
     1. By how much must Democratic candidates for the House beat Republicans for control of the chamber to change hands? For the answer, see [here](https://www.vox.com/policy-and-politics/2018/3/27/17144198/gerrymandering-brennan-center-report-midterms-democrats-house-2018). (There's a national breakdown of the 2016 vote [here](https://docs.google.com/spreadsheets/d/1oArjXSYeg40u4qQRR93qveN2N1UELQ6v04_mamrKg9g/edit#gid=0).)
     2. If you want to see a really interesting site on Congressional districting maintained by someone what has tried to develop "certain general standards," go [here](http://gerrymander.princeton.edu/). Maybe we'll watch the 6-minute tutorial!
     3. if you want to try gerrymandering on your own, play a cool gerrymandering game [here](http://playgerrymander.com/). ([This one](http://www.redistrictinggame.org/game/launchgame.php) is more elaborate.)
     4. is gerrymandering something we should worry about, or is it just how politics works?
  3. on p. 198, Rawls says:

Compensating steps must, then, be taken to preserve the fair value for all of the equal political liberties. A variety of devices can be used. For example, in a society allowing private ownership of the means of production, property and wealth must be kept widely distributed and government monies provided on a regular basis to encourage free public discussion. In addition, political parties are to be made independent from private economic interests by allotting them sufficient tax revenues to play their part in the constitutional scheme.

* + 1. Note that Rawls suggests a strongly egalitarian distribution might be needed to satisfy the first principle of justice, even before we get to fair opportunity and the difference principle. Is he right?
    2. should political parties and campaigns in the US be publicly funded? For a list of the biggest donors in 2016, go [here](https://www.opensecrets.org/overview/topindivs.php).
    3. Explain the paragraph running from the bottom of p. 198 through the middle of p. 199, paying special attention to the first two -- extremely depressing -- sentences. Is Rawls right?

***36. Limitations on Participation***

On pp. 205-6, Rawls talks about the beneficial effects of self-government on citizens. He does not, however, talk about the qualities citizens must have if they are to sustain effective self-government. These qualities are sometimes called "the civic virtues." Some thinkers have believed them essential to the maintenance of democracy. John Adams, for example, is said to have remarked that: “the Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other” and that "Liberty can no more exist without virtue . . . than the body can live and move without a soul." Would Rawls agree? Why do you think he doesn't discuss civic virtue here?

1. ***The Kantian Interpretation -*** Rawls did much to revive interest in Kant’s moral philosophy. The fact that justice as fairness admits of a Kantian interpretation is both interesting and important, drawing our attention to some of the most important features of Rawls’s view. Rawls offers lots of difficult arguments in this section and we cannot go through them all. But let’s go through some of the important points:
   1. Let’s start by recalling the three formulations of the Categorical Imperative:
      * 1. The universal law formulation
        2. The principle of humanity
        3. The Kingdom of Ends formulation

In interpreting Kant, why might it be tempting to emphasize the generality and universalizability of principles? Why is it a mistake to do so? (HINT: It will help to recall why generality and universalizability are just two of the formal constraints on the concept of right enumerated in section 23.)

* 1. That it is a mistake to emphasize generality and universalizability suggests that for Kant, moral principles must be substantive. To see what their substance might be, note that Rawls says “Kant held … that a person is acting autonomously when the principles of his action are chosen by him as the most adequate possible expression of his nature as a free and equal rational being.”
     + 1. What do you think this means?
       2. See if you can connect the remark with the remark further down the same page: “to express one’s nature as a being of a particular kind is to act on principles that would be chosen if this nature were the decisive determining element.”
       3. Does Rawls think that our nature the “decisive determining element” in the original position? Explain. (HINT: note that Rawls has said several times that in the original position, we are represented as moral persons.)
  2. If you have answered the questions immediately above, then you are in a position to explain how the principles of justice analogous to categorical imperatives. Do so.
  3. In some important passages on p. 225, Rawls seems to say that we have a desire to “express most fully what we are or can be, namely free and equal rational beings with a liberty to choose.”
     + 1. What evidence would count in favor of our having this desire?
       2. Note that if we have that desire -- and if what Rawls says in the passage quoted just above in (b.2) is right -- then we can satisfy the desire by acting from the principles chosen in the original position. Why might this be important?
  4. Explain the important last paragraph on p. 225.