

## Lecture Notes 1 : The Liberal Canon

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Rawls' *A Theory of Justice*: sets out to move emphasis from stale debate on utilitarianism and intuitionism.

Problems with utilitarianism:

- (i) Disrespects special ties between individuals and personal integrity.
- (ii) Counts expensive, selfish and offensive preferences.
- (iii) Cannot (easily) accommodate supererogation.

∴ Need better account of fair shares: *justice as fairness*.

### The Original Position (OP)

Recall contractarian devices utilized by social theorists (Hobbes, Locke, Rousseau). Rawls wants to use a similar device of *hypothetical* consent.

In OP people are *free and equal*. What principles would such people choose to regulate their lives?

### The content of choice

Need set of *primary goods* (PGs), i.e. all-purpose means. These include:

- social primary goods, like income, opportunities, rights and liberties.
- natural primary goods, like health, creativity, talents.

### The First Principle of Justice (FPJ)

*FPJ*: Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.

The FPJ refers to basic liberties (right to vote, deliberate, speak in public, criticize government, etc.)

### The Second Principle of Justice (SPJ)

*SPJ*: Social and economic inequalities are to be arranged so that they are both

- (a) to the greatest benefit of the least advantaged (the difference principle)
- (b) attached to offices and positions open to all under conditions of fair equality of opportunity

SPJ(a) is sometimes interpreted as *maximin* and sometimes as *leximin*.

What is liberal, and what is egalitarian, about the Rawlsian system?

## Liberal Neutrality

Conceptual ancestor: Locke's 1689 *Letter* (concerns *coercive* interference with individual religious beliefs/vocation)

A distinction: outcome-neutrality vs. justification-neutrality:

A's liberty to  $\phi$  may not be restricted (by the state) for the reason that  $\phi$ -ing is constitutive of the good life.

Justification-neutrality is associated with:

- restricting admissible modes of justification to those that do not refer to peoples' 'comprehensive doctrines' ('conceptions of the good', or 'rational plans of life' in early Rawls)
- the *priority of right*

Standard liberal moves:

Define the good independently of the right.

Give the state a primary obligation to defend and guarantee the right.

Leave the good to individual conscience.

More generally, institutionalize 'epistemic abstinence' vis-à-vis the good life.

Is this system conceptually coherent? If it is, what is its scope?

## Study questions

Does Rawls subscribe to liberal neutrality? Why, or why not?

Does neutrality support the banning of religious symbols from public places?

## Further Reading

Kymlicka, W. *Contemporary Political Philosophy*, Ch. 3.

Rawls, J. *A Theory of Justice*, Ch. 2.