
4. STUDY QUESTIONS FOR RAWLS, A THEORY OF JUSTICE

GOAL OF READING AND ANALYZING RAWLS: TO SEE THE EXTENT TO WHICH CONSENT/CHOICE, IN A PROCEDURALLY NEUTRAL WAY, JUSTIFIES BELIEF IN A SOCIAL CONTRACT, OR SYSTEM OF PRINCIPLES OF SOCIAL JUSTICE, OR SOCIETAL STRUCTURE, AND TO INVESTIGATE THE ETHICAL LEGITIMACY OF USE OF SOCIETAL PATERNALISM (THAT IGNORES LAY CONSENT).

WHAT IS RAWLS' MORE ABSTRACT ANALOGUE FOR THE "STATE OF NATURE" USED BY OTHER SOCIAL-CONTRACT THEORISTS SUCH AS LOCKE (12)?

DOES RAWLS' USING THE SOCIAL-CONTRACT APPROACH, IN SUCH AN ABSTRACT WAY, JUSTIFY HIS CLAIM THAT THE TWO PRINCIPLES ARE THOSE PEOPLE WOULD CONSENT TO, IF THEY WERE CHOOSING PRINCIPLES OF JUSTICE IN A FAIR AND IMPARTIAL WAY (12FF., 167FF.)? SHOULD SUCH PRINCIPLES BE CHOSEN IN A MORE REALISTIC WAY?

DOES THE EQUALITY OF THE PARTIES IN THE ORIGINAL POSITION BEG THE QUESTION OF THE PRINCIPLES TO WHICH THEY WOULD CONSENT (19FF.)?

IS RAWLS RIGHT THAT CONTRACTARIANISM, NOT UTILITARIANISM, TAKES SERIOUSLY THE PLURALITY AND DISTINCTNESS OF INDIVIDUALS (29)?

WHAT ARE RAWLS' ARGUMENTS THAT THE INTUITIONISTS' CLAIM (THAT THERE ARE NO SOLUTIONS TO THE PROBLEM OF THE PRIORITY OF ETHICAL PRINCIPLES) IS WRONG (40FF.) DO HIS ARGUMENTS SUCCEED?

DOES RAWLS' BEG ANY QUESTIONS BY ASSUMING THAT PRINCIPLES ARE APPROXIMATELY THE SAME FOR DIFFERENT PERSONS WHOSE

JUDGMENTS ARE IN REFLECTIVE EQUILIBRIUM (50)?

WHAT ARE THE TWO DIFFERENT FORMS OF CONSENT THAT UNDERLIE CONSTITUTIVE RULES VERSUS RATIONAL STRATEGIES AND MAXIMS (56 FF.)?

DOES RAWLS BEG ANY QUESTIONS WHEN HE SAYS THAT LW PRESUPPOSES FORMAL JUSTICE OR EQUALITY (58)?

IS RAWLS RIGHT TO PLACE EQUAL LIBERTY AS A PRINCIPLE OF HIGHER PRIORITY THAN THE PRINCIPLE OF FAIR EQUALITY OF OPPORTUNITY AND THE PRINCIPLE OF INEQUALITIES' BENEFITTING EVERYONE (60 FF., 124 FF.)?

IS RAWLS UNREALISTIC IN DEFINING INJUSTICE AS INEQUALITIES THAT ARE NOT TO THE BENEFIT OF ALL AND IN ASSUMING THE DIFFERENCE PRINCIPLE-- THAT EACH PERSON MUST BENEFIT FROM SOCIAL INEQUALITIES (62)?

IS RAWLS RIGHT THAT HIS THEORY IS MORE STABLE THAN THE LIBERAL CONCEPTION AND THAT OF THE NATURAL ARISTOCRACY (74)?

IS RAWLS RIGHT THAT A CLASSICAL UTILITARIAN IS INDIFFERENT AS TO HOW A CONSTANT SUM OF BENEFITS IS DISTRIBUTED (77FF.)?

WOULD PEOPLE BE EQUALLY LIKELY TO CONSENT TO SITUATIONS OF PERFECT (E.G., CAKE DIVISION), AS WELL AS TO IMPERFECT (E.G., JURY TRIAL), AS WELL AS TO PURE PROCEDURAL JUSTICE (E.G., JUST INSTITUTIONS) (85FF.)? ARE THERE ANY ADVANTAGES TO NOT HAVING AN INDEPENDENT CRITERION FOR WHAT IS PROCEDURALLY JUST, AS THE UTILITARIANS HAVE THE CRITERION OF UTILITY?

WOULD A PERSON AGREE TO MAXIMIZE AVERAGE EXPECTED UTILITY OR TO CHOOSE MAXIMIN IN A SITUATION OF UNCERTAINTY (90FF.)?

RAWLS SAYS HIS SYSTEM DOES NOT RELY ON EVALUATING DIFFERENT CONCEPTIONS OF THE GOOD (94), BUT IS THIS CORRECT, SINCE HIS SYSTEM FOUNDS EXPECTATIONS ON PRIMARY GOODS SUCH AS INTELLIGENCE, WEALTH, AND SO ON, AND NOT ON NON-PRIMARY GOODS?

CAN RAWLS ANSWER THE CLAIM THAT HIS SYSTEM IS NOT MERITOCRATIC, AND HE SAYS IT IS NOT, EVEN THOUGH HE ADMITS HIS SYSTEM "DOES NOT REQUIRE SOCIETY TO TRY TO EVEN OUT HANDICAPS AS IF ALL WERE EXPECTED TO COMPLETE ON FAIR BASIS IN THE SAME RACE" (101

FF.)?

IS RAWLS RIGHT THAT THE DIFFERENCE PRINCIPLE, ON COMMON-SENSE TERMS, IS ACCEPTABLE BOTH TO THE MORE ADVANTAGED AND TO THE LESS ADVANTAGED INDIVIDUAL (104)?

COMPARE THE NOTIONS OF CONSENT IMPLICIT IN MILL'S AND IN RAWLS' NOTIONS OF MARRIAGE (113).

WOULD CONSENTING ADULTS BEHAVE IN THE ORIGINAL POSITION AS RAWLS SAYS THEY WOULD (118 FF.)?

IS RAWLS CORRECT THAT A CONCEPTION OF JUSTICE SHOULD NOT PRESUPPOSE EXTENSIVE TIES OF NATURAL SENTIMENT (129)?

WOULD ONE IN THE ORIGINAL POSITION CHOOSE MAXIMIN OVER EXPECTED UTILITY IF HIS OPTIMISM/PESSIMISM WERE UNDETERMINED, AND IF HIS AVERSION TO RISK WERE UNDETERMINED, AS RAWLS SAYS (137FF., 172FF.)?

EVALUATE RAWLS' RESPONSES TO OBJECTIONS AGAINST THE ORIGINAL POSITION (138FF.).

IS RAWLS RIGHT THAT A RATIONAL PERSON IS NOT ENVIOUS (143FF.)?

DOES RAWLS ASSUME THAT PERSONS IN THE ORIGINAL POSITION ARE EGOISTS? (151) IF SO, IS THIS REASONABLE?

IS RAWLS CORRECT ABOUT THE THREE SITUATIONS THAT GIVE PLAUSIBILITY TO THE MAXIMIN RULE (154 FF.)

INTERPRET THE PREVIOUS QUESTION IN THE LIGHT OF LAY CONSENT TO TECHNOLOGICAL AND ENVIRONMENTAL RISKS.

DOES RAWLS' HAVE AN EASIER TIME, THAN UTILITARIANS, OF DEALING WITH INTERPERSONAL COMPARISONS OF UTILITY BECAUSE OF HIS EMPHASIS ON PRIMARY GOODS AND ON ADVANTAGING THE LEAST WELL OFF?

OUGHT RAWLS ASSUME THAT PREFERENCES ARE THE SAME IF HE DOES NOT ASSUME A THEORY OF HUMAN NATURE (165FF.)

IS RAWLS RIGHT THAT, IF ONE ACCEPTS THE AVERAGE-UTILITY PRINCIPLE, THEN PARTIES MUST REASON FROM THE PRINCIPLE OF INSUFFICIENT REASON (171)?

WOULD A MORAL PERSON REJECT THE NOTION OF CONSENTING TO THE UTILITARIAN IDEA OF THE RATIONAL AND IMPARTIAL SPECTATOR (184FF.)?

DOES UTILITARIANISM REJECT THE DISTINCTION BETWEEN PERSONS, AS RAWLS SAYS (187FF.)?

DO RAWLS' CRITICISMS OF A SYSTEM OF BENEVOLENCE SUCCEED (190FF.)?

IS RAWLS RIGHT THAT IT WOULD DO NO GOOD TO CLASSIFY LIBERTIES (205) IF HE WISHES TO ARGUE THAT MAXIMAL LIBERTY HAS A HIGHER PRIORITY THAN EQUALITY OF OPPORTUNITIES AND THE DIFFERENCE PRINCIPLE?

IF EQUAL LIBERTY OF CONSCIENCE IS THE ONLY PRINCIPLE RECOGNIZED IN'S THE ORIGINAL POSITION (207), DOES THIS RECOGNITION BEG THE QUESTION OF THE PRINCIPLES THAT WOULD BE ADOPTED?

IS RAWLS RIGHT THAT MILL'S ARGUMENTS DO NOT JUSTIFY EQUAL LIBERTY (210)?

DO THE GREATEST LIBERTIES LEAD TO THE MOST ETHICAL ACTIONS? IS RAWLS' GIVING LIBERTY HIGHEST PRIORITY CORRECT?

IF RAWLS' ADMITS THAT INEQUITIES IN THE SOCIAL AND POLITICAL SYSTEM CAN UNDERMINE POLITICAL EQUALITY (226), THEN HOW IS HIS SYSTEM RELEVANT TO THE REAL WORLD?

IS RAWLS RIGHT THAT, WHERE JUSTICE IS CONCERNED, INTENSITY OF DESIRES IS NOT RELEVANT (231)?

IS RAWLS RIGHT THAT LIBERTY OUGHT TO BE RESTRICTED ONLY FOR THE SAKE OF LIBERTY, GIVEN THE PRIORITY OF THE FIRST PRINCIPLE (244)?

CAN THE PARTIES TO THE ORIGINAL POSITION CHOOSE PRINCIPLES OF PATERNALISM IN ANY REALISTIC WAY (249)?

IS RAWLS RIGHT THAT PATERNALISTIC PREFERENCES OUGHT TO BE GUIDED BY A PERSON'S PREFERENCES, PROVIDED THEY ARE NOT IRRATIONAL (249)? DON'T PEOPLE HAVE THE RIGHT TO BE IRRATIONAL IF THEY WISH?

CONTRARY TO MILL, IS RAWLS JUSTIFIED IN SAYING THAT PATERNALISTIC INTERVENTION CAN BE JUSTIFIED BY THE FAILURE OF REASON AND WILL (250)? WOULD IT BE POSSIBLE TO SPECIFY SUCH INTERVENTION?

IS RAWLS RIGHT THAT MORAL PHILOSOPHY IS THE OUTCOME OF RATIONAL DECISION (251)?

DOES RAWLS REALLY IMPROVE ON KANT IN THE WAY HE THINKS HE DOES (255)?

IS THERE A MORE DESIRABLE ASSUMPTION FOR RAWLS TO MAKE THAN THAT ALL PEOPLE ARE FREE AND RATIONAL IN CHOOSING IN THE ORIGINAL POSITION (257)?

DOES LOCKE, MILL, OR RAWLS HAVE GREATER PROTECTION AGAINST THE TYRANNY OF THE MAJORITY (356-362)?

DOES LOCKE, MILL, OR RAWLS HAVE A MORE PLAUSIBLE POSITION ON CIVIL DISOBEDIENCE (363-391)?

EXPLAIN AND EVALUATE RAWLS' NOTION OF EQUALITY AND ITS BASIS (504-512).

EXPLAIN AND EVALUATE RAWLS' BASIS FOR THE PRIORITY OF LIBERTY (541-512).

DOES RAWLS ADEQUATELY JUSTIFY HIS SOCIAL-CONTRACT THEORY (577-587)?