Modern Deontological Theory: Rawlsian Deontology

John Rawls' *A Theory of Justice*

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While A Theory of Justice, including what we’re reading today, is technically a piece of political philosophy and not ethics, we can treat it as an ethical theory in its own right, so long as we know that’s not exactly how Rawls saw it.
Rawls and Ethics

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In order to do this, we'll have to imagine that the term *liberty* goes beyond what Rawls means here.

That is, it’s more than just political rights. For our version of Rawls, *liberty* is the freedom to do something, and the moral theory tells us what we can and cannot do. Note that this won’t give us many positive duties, but instead either all or mostly negative duties.
Rawls and Kant

Rawls is extremely influenced by Kant, as he notes early on. He wrote a lot on Kant, and resuscitated modern Kantian ethics by teaching influential courses on Kant at Harvard from the 1950s to the 1990s. In fact, most of the current top scholars in the Kantian tradition are PhD students of Rawls’.
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Rawls follows Kant in reducing morality to rationality, but Rawls has the benefit of living in the day of modern rational choice theory/game theory, so he is able to use modern mathematical resources.
Rawls’ Method

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Rawls believes that we come together as a group and create ethics and political systems. This is a heavy metaphor though, and not a real occurrence.
Rawls’ Method

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Rawls relies heavily on the idea that agents are *self-interested*, or at least partially so. So for Rawls, unlike Kant, morality will be based in self-interest *and* rationality.
The Original Position

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That is, we don’t actually participate in this bargaining. Instead, what is ethically or politically true is *what we would choose if we participated in the contract*. How we real people right here and now figure out what we would choose in that hypothetical scenario is by a *thought experiment*; a quasi-empirical, quasi-a priori “experiment” where we imagine a scenario and its results.
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Rawls calls this **the Original Position**.
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We typically call these laws, either moral or political.
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First, we imagine that everyone in OP are roughly equally smart and strong.

Second, we imagine that everyone is at least partially self-interested.

Lastly, everyone is at least minimally rational.
What Now?

Next we imagine what people would choose in the Original Position.
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This follows from the standard theory of how we ought to reason prudentially (recall Kant’s account of hypothetical imperatives).
The Veil of Ignorance

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The Veil of Ignorance is a “veil” that tells us to imagine that we don’t know who we are in the OP. That is, we don’t know:

1. Our place in the society we’re creating
2. How well off our society will be in general
3. Our personal details, including how smart, strong, rich, etc. we are
4. What individual things we value
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The idea is that ethical and political truths, while coming out of our rational choices, shouldn’t be based on our particular scenario, but on persons in general.

This way we can’t game the system in our favour, and we ensure that everyone gets a fair shot.
Rawls’ claim is that were we in that scenario, we would choose laws based on what he calls the principle of **maximin**.
Principle Choice and Maxi-Min

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Maximin tells us to maximise our wins and minimise our losses.

That is, we should choose whatever laws would benefit us as much as possible while hurt us as little as possible. This just follows from rationality alone.
The First Principle of Justice

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The first claims:
The First Principle of Justice

Rawls thinks that this intuitively leads to two principles of justice as fairness.

The first claims: 

Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for others.
The Second Principle of Justice

The second principle has two parts. The first claims:
The Second Principle of Justice

The second principle has two parts. The first claims:

Any inequalities must be reasonably expected to be to everyone’s advantage
The Second Principle of Justice

The second principle has two parts. The first claims:

*Any inequalities must be reasonably expected to be to everyone’s advantage*

and the second claims:
The Second Principle of Justice

The second principle has two parts. The first claims:

*Any inequalities must be reasonably expected to be to everyone’s advantage*

and the second claims:

*Any inequalities must be open to all parties*