

Humanist Community in Silicon Valley - 10/6/13
Marty Carcieri/Presentation on John Rawls (1921-2002)

A) Rawls' Question:

“What would rational, self-interested individuals, equally situated behind a veil of ignorance about the details of their own lives, agree to as the basic principles and institutions by which they will be governed in perpetuity once they know the details of their lives, and why?”

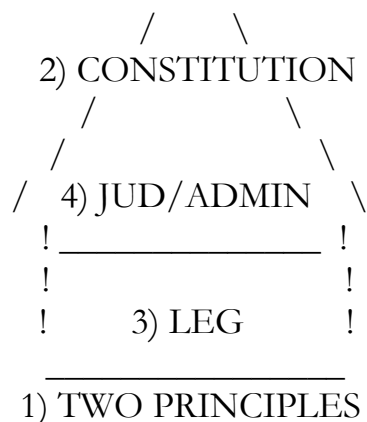
B) Rawls' Answer: Two Principles of Justice:

“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.”

“Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society.”

C) The Four Stage Sequence

First Stage	Second Stage	Third Stage	Fourth Stage
Orig Position	Constitutional Stage	Legislative Stage	Jud/Admin Stage
VOI thickest	VOI thinner	VOI thinnest	VOI lifted
The 2 Principles	First Principle	Second Principle	



D) Lexical Ordering, and the Priority of the Right over the Good

John Rawls, A THEORY OF JUSTICE

The Definition, Justification, and Role of Civil Disobedience

- 1) **Thesis:** (308-312) We have a presumptive moral duty to obey the law.
- 2) **Antithesis:** (Thoreau, Gandhi, King) We have a presumptive moral duty to disobey unjust laws.
- 3) **Antithesis:** (327) Where the normal means of legal reform in a constitutional democracy are available, we have a presumptive moral duty to work for change through them.
- 4) **Synthesis:** If the right to resist the law is still claimed, then since civil disobedience is resistance to law within the bounds of fidelity to law (322), and is an appeal to the majority's sense of justice (335), then resistance to law can be defined as civil disobedience, and claim its moral legitimacy, only if:
 - a) (327) legal means of reform have been attempted and are pointless;
 - b) (326-327) the equal liberty and/or FEO principle is substantially violated;
 - c) (320-321) the resistance is performed publicly;
 - d) (320-321) the resistance is performed nonviolently;
 - e) (320-321) the resistance is performed politically.

Key Comments/Cautions:

This is a narrower definition of civil disobedience than is traditional. (320, fn. 19, on Thoreau and Zinn)

This is an example of a principle for individuals to which those behind the veil of ignorance would agree as a rational way to stabilize a just constitution. (337)

Indirect civil disobedience permissible: the law violated need not be the law protested. (320)

Those engaged in civil disobedience are not simply presenting a test case. (320-321)

Too many groups committing civil disobedience at once could cause lasting injury to the constitutional order. (328)

Even assuming all conditions are met, Rawls has established only the moral right to engage in civil disobedience, not the moral duty. It might be imprudent, and risk anarchy. (329, 341)

Civil disobedience is distinct from militancy. (322-323)