# TOC20 – NC – Rawls

## Long (2:30)

#### The metaethic is perspectivism – agents all have different moral perspectives which alters their ability to act upon a universal conception of the good. Prefer it:

#### [1] Opacity – we can never access another person’s perspective because we can never fully understand who someone else is or what they think. Every truth I create cannot be universalized because I can’t guarantee that they will create the same truth because they do what they want

#### [2] Linguistics – Truth is constructed by language, which is completely arbitrary. Nothing tells me that a chair is a chair; I only assign it that name arbitrarily because I want to. Meaning can’t be contained within language if we make it up ourselves, and truth doesn’t exist absent language.

#### [3] Experience – Every single moral entity acts upon their own conception of the good based on what individual experiences that they have been placed into which means they lack the necessary understanding to operate under an abstract conception of the good

#### [4] Altruism – agents do what is best for them – we cannot base our actions from the premise of helping others as it’s not sufficient to generate binding obligations. Only self-interest solves – it’s a prerequisite to existence as an individual moral agent which means it’s the only binding principle.

#### The resolution questions a government action. This means justification must start from how ethics ought to operate in a pluralistic society.

#### [1] Governments act on moral obligations insofar as they are distinct political entities that do not understand each other.

#### [2] Unified policy actions demand that a government acts as a unified body in order to generate obligations for its citizens.

#### [3] Problems to political solutions can be resolved through questions of ethics. Li 16.

[Assistant Professor of Philosophy at Saint Johns College who specializes in social and political philosophy, ethics, and comparative political theory, The public conception of morality in John Rawls' political liberalism, published 2016, [http://dx.doi.org/10.3402/egp.v9.28679 ///AHS PB //](http://dx.doi.org/10.3402/egp.v9.28679%20///AHS%20PB%20//) SHS ZS]

According to Rainer Forst, justification is behind everything.43 A variety of definitions of human beings, such as animal rationale and animal sociale, essentially characterize humans as justifying and reason-giving beings.44 Thomas Scanlon shares a similar view. The essence of Scanlon’s contractualist moral theory is famously summarized in his principle: ‘**An act is wrong if its** **performance** under the circumstances **would be disallowed by** **any set of principles for the general regulation** of behavior that no one could reasonably reject as a basis for informed, unforced general agreement’.45 **This principle neither makes reference to** the ont**ological and epistemological aspect of moral reality**, **nor does it appeal to** any **metaphysical truth**. Instead, ‘**the contractualist ideal of acting in accord with principles** that others (similarly motivated) could not reasonably reject **is meant to characterize the relation with others** the value and appeal of which underlies our reasons to do what morality requires’.46 In other words, **the objective basis of morality need not rest on naturalistic or metaphysical entities**. Instead, **it can be normatively constructed through mutually justificatory relations**. It will be remembered that **the source of the queerness of morality is its objective prescriptivity**. Once we adopt justificatory objectivity, this sense of queerness disappears. On the one hand, morality is objective. As for the epistemological part of the argument, one might respond that **moral objectivity need not lie in its ‘external’ reality** as ontological objectivity suggests; instead, **morality is objective because moral demands can be reasonably, that is, reciprocally and generally justified to all**. As for the metaphysical part of the argument, one might similarly respond that moral reasons are ‘independently’ valid regardless of the agent’s subjective motives, and they are reasons for all without their corresponding to a transcendent reality that must be ‘discovered’ with special faculties.47 On the other hand, **morality is prescriptive in virtue of its justificatory objectivity**. **Moral demands are ‘subjective’ only insofar as that it is ‘I’ who demands it.** Moral demands are equally ‘objective’, because these demands must first pass the test of reasonable justification in order to be ‘moral’. **To ask for an answer to the question of ‘what ought I to do’ is also to demand a justification for the answer**, and moral questions are ‘answered only with strictly shared reasons; they are ‘‘objective’’ insofar as they cannot be reasonably (reciprocally or generally) rejected’.48 Therefore, even though it is ‘I’ who utters the moral demand, it is really the justifying and hence the objective ‘we’ that give this demand its prescriptive power. **Being reasonably justified excludes any moral reasons for an agent not to follow the demand**, because so doing will be against her justifying and reason-demanding human nature (according to Forst) and will exclude herself from the cooperative relation (according to Scanlon).49 A justificatory view thus maintains the objective prescriptivity of morality. Once we adopt justificatory objectivity, the sense of queerness disappears and one does not have to accept Mackie’s overall conclusion that there are no objective values.

#### Thus, only the position combats arbitrary perspectives is from behind the veil. Actors must imagine themselves in the original position, a place where they conceive of themselves as purposeful agents with particular desires, but do not know their specific conception of the good or their social location and have the power to determine principles that govern society. Rawls.

[John Rawls, Dead Philosopher who taught at Harvard for a bit, A theory of justice, 1999 edition, ///AHS PB // SHS ZS]

One should not be misled, then, by the somewhat unusual conditions which characterize the original position. **The idea** here **is** simply **to make vivid** to ourselves **the restrictions that it seems reasonable to impose on arguments for principles of justice**, and therefore on these principles themselves. Thus it seems reasonable and generally acceptable that **no one should be advantaged or disadvantaged by natural fortune or social circumstances in the choice of principles**. It also seems widely agreed that **it should be impossible to tailor principles to the circumstances of one’s own case**. We should insure further that **particular inclinations and aspirations**, and persons’ conceptions of their good **do not affect the principles adopted**. **The aim is to rule out** those **principles that it would be rational to propose for acceptance**, however little the chance of success, only if one knew certain things that are irrelevant from the standpoint of justice. For example, **if a man knew that he was wealthy**, **he might ﬁnd it rational to advance the principle that various taxes** for welfare measures **be counted unjust**; if he knew that he was poor, he would most likely propose the contrary principle. To represent the desired restrictions **one imagines a situation in which everyone is deprived of this sort of information**. **One excludes the knowledge of those contingencies which sets men at odds** and allows them to be guided by their prejudices. In this manner **the veil of ignorance is arrived at in a natural way**. This concept should cause no difﬁculty if we keep in mind the constraints on arguments that it is meant to express. **At any time we** can **enter the original position**, so to speak, simply by following a certain procedure, namely, **by arguing for principles of justice in accordance with these restrictions**. **It seems reasonable to suppose that the parties in the original position are equal.** That is, **all have the same rights in the procedure** for choosing principles; each can make proposals, submit reasons for their acceptance, and so on. Obviously **the purpose of these conditions is to represent equality between human beings as moral persons**, as creatures having a conception of their good and capable of a sense of justice. **The basis of equality is taken to be similarity in these two respects**. Systems of ends are not ranked in value; and **each man is presumed to have the requisite ability to understand and to act upon whatever principles are adopted**. Together with the veil of ignorance, **these conditions deﬁne the principles of justice** as those which rational persons concerned to advance their interests would consent to as equals when none are known to be advantaged or disadvantaged by social and natural contingencies.

#### Thus, the standard is consistency with principles chosen behind the veil of ignorance. Prefer it:

#### [1] Contradictions: It solves moral disagreement and conflict because all agents are guaranteed to come to the same conclusions if they are acting behind the same veil

#### [2] Epistemology: Any agreement formed by individuals aware of their social locations will be corrupted by unequal power relations Gauthier.

[David Gauthier summarizes Rawls, Canadian-American philosopher best known for his neo-Hobbesian social contract theory of morality, Why Contractarianism?, 1998, ///AHS PB // SHS ZS]

**What a rational person would agree to** in existing circumstances **depends in** large part on **her negotiating position** vis-à-vis her fellows. But her **negotiating position is significantly affected by** the **existing social institutions**, and so by the currently accepted moral practices embodied in those institutions. Thus, **although agreement may** well **yield practices differing from those embodied in existing social institutions, yet it will be influenced by those practices**, which are not themselves the product of rational agreement. And this must call the rationality of the agreed practices into question. **The arbitrariness of existing practices must infect any agreement** whose terms are significantly affected by them. Although rational agreement is in itself a source of stability, yet this stability is undermined by the arbitrariness of the circumstances in which it takes place. **To escape this arbitrariness, rational persons will revert from actual to hypothetical agreement**, considering what practices they would have agreed to from an initial position not structured by existing institutions and the practices they embody. **The content of a hypothetical agreement is determined by an appeal to the equal rationality of persons**. **Rational persons will voluntarily accept an agreement** only **insofar as they perceive it to be equally advantageous to each**. To be sure, each would be happy to accept an agreement more advantageous to herself than to her fellows, but **since no one will accept an agreement perceived to be less advantageous**, agents whose rationality is a matter of common knowledge will recognize the futility of aiming at or holding out for more, and **minimize** their **bargaining costs by coordinating at the point of equal advantage**. Now the extent of advantage is determined in a twofold way. First, **there is advantage internal to an agreement**. In this respect, the expectation of **equal advantage is assured by procedural fairness**. **The step from existing moral practices** to those resulting from actual agreement **takes rational persons to a procedurally fair situation**, in which each perceives the agreed practices to be ones that it is equally rational for all to accept, given the circumstances in which agreement is reached. But those **circumstances themselves may be called into question insofar as they are perceived to be arbitrary** – the result, in part, of compliance with constraining practices that do not themselves ensure the expectation of equal advantage, and so do not reflect the equal rationality of the complying parties. **To neutralize this arbitrary** **element, moral practices to be fully acceptable** must be conceived as constituting a possible outcome of a hypothetical agreement under circumstances that are unaffected by social institutions that themselves lack full acceptability. Equal rationality demands consideration of external circumstances as well as internal procedures.

#### [3] Bindingness: The veil is the only way to justify moral norms. Stark.

[Hypothetical Consent and Justification, Cynthia A. Stark, The Journal of Philosophy, Vol. 97, No. 6 (Jun., 2000), pp. 313-334, Journal of Philosophy, Inc.] SHS ZS

The basic idea is this. First, we need principles that can be justified to everyone in society. On morally constrained views, this requirement is rooted in a normative principle, central to liberalism, which states that [since] all persons have the same moral standing. If all are equal in standing, then no one, or no group, is justified in having authority over others which those others have no reason to recognize. On morally unconstrained views, **the requirement that** **principles be justifiable** to everyone **is based upon the need for compliance**. **If principles are not justifiable** to all, then those to whom **they are not will have** no **reason to comply**. And since, on morally unconstrained views, **one person's incentive to comply hinges on the compliance of others**, the need for universal compliance is central to the theory. Second, **we need principles that do not** **depend upon a particular moral view**, or, at the very least, do not depend upon any controversial moral commitments. On some views, such as Rawls's, this constraint is a consequence of the fact of pluralism. In many contemporary societies, **people have widely divergent conceptions of the good** as well as different ideas about the ground of morality. On other views, such as Hobbes's, this constraint is based upon a commitment to moral subjectivism. So, if principles must be justified to all and cannot be grounded in any particular moral perspective, on the basis of what can they be justified? This problem can be solved by adopting as the criterion of rightness for principles [is] the fact that they would [have to] be chosen by agents idealized in a certain way. **Ideal agents are,** first, **fully rational in the sense that they desire the most effective means** to their ends. On some views, ideal agents are also described as reasonable; they want to engage in fair cooperation on terms that others can accept.36 Second, **they are equipped with a particular motivational capacity**, ranging from **self-interest** to an interest in exercising a sense of justice. And, third, **they are endowed with a particular understanding of human wants** or needs. In morally constrained contractarianism, this under- standing is derived from a moral conception of the person. In morally unconstrained views, it is derived from a descriptive view of human nature. Finally, on some approaches, **ideal agents [who] lack information seen as morally irrelevant to their deliberations**. Because ideal agents are fully rational, equipped (supposedly) with a psychologically plausible motivational capacity, knowledgeable about matters relevant to human relations, and, in some cases, ignorant about matters irrelevant to human relations, whatever principles or institutions they would choose are those any actual agent has reason to adopt. That actual agents have reason to adopt them shows that they are justified. Whatever one might think of this type of argument, it is a mistake to argue that its appeal to hypothetical consent renders it empty.

#### Impact calculus: The framework is not consequentialist which means we look to the intrinsic value of owning nuclear weapons.

#### Negate: I’ll defend that all states ought to obtain and maintain nuclear weapons:

**[1] Under the veil states cannot verify how other states will act, which justifies possessing nuclear weapons to ensure security.**

John **Rawls**, Dead Philosopher who taught at Harvard for a bit, The Law of Peoples: with The Idea of Public Reason Revisited, **2001**, ///AHS PB

I shall only briefly mention the question of controlling nuclear weapons and other weapons of mass destruction. **Among reasonably just liberal and decent peoples the control of such weapons would be relatively easy, since they** could be effectively banned. These peoples **have no reason for going to war with one another. Yet so long as there are outlaw states**—as we suppose—**some nuclear weapons need to be retained to keep those states at bay and to make sure they do not obtain and use those weapons** against liberal or decent peoples. How best to do this belongs to expert knowledge, which philosophy doesn't possess. There remains, of course, the great moral question of whether, and in what circumstances, nuclear weapons can be used at all (see the discussion in §14).

**[2] Nuclear weapons give weaker states recourse against greater powers and deter coercive bargaining practices. This is consistent with the original positions, since states don’t know what amount of power they will have from behind the veil.**

Michael **Shellenberger**, I write about energy and the environment, Who Are We To Deny Weak Nations The Nuclear Weapons They Need For Self-Defense? Aug 6, **2018**, <https://www.forbes.com/sites/michaelshellenberger/2018/08/06/who-are-we-to-deny-weak-nations-the-nuclear-weapons-they-need-for-self-defense/#306db94c522f> ///AHS PB

**How does a weak nation-state** like France **level the playing field** with a more powerful adversary like Germany? **By obtaining a** weapon capable of wiping out its major cities. Twice victimized and humiliated by its neighbor, France after World War II set off to build a **nuclear bomb** that, had it been available before 1940, would have deterred the German invasion. Can anyone blame France for getting the bomb? Of course not. After all, Germany’s war upon its neighbors resulted in the deaths of 50 million people. But that didn’t stop the U.S. government from trying to prevent France from building a nuclear weapon. Senior Kennedy administration officials in 1962 [described](https://www.commentarymagazine.com/articles/europe-de-gaulle-the-deterrent/) France’s nuclear program as “foolish, or diabolical — or both.” How could the U.S. deny France the means with which to defend herself? By promising to protect France with its own nuclear weapons through what is called “extended deterrence.” French President Charles de Gaulle didn’t buy it. He felt that “the United States would not risk New York or Detroit to save Hamburg or Lyons,” [noted](https://www.nytimes.com/1981/05/06/world/the-de-gaulle-nuclear-doctrine-is-alive-in-paris-military-analysis.html) the New York Times, “if faced with a choice between the destruction of Western Europe and a Soviet-American missile exchange.” A nuclear-armed France, U.S. officials warned, “could lead to a proliferation of nuclear powers,” [reported](https://www.commentarymagazine.com/articles/europe-de-gaulle-the-deterrent/) Ronald Steel in Commentary, “that is, to demands by other allies, especially Germany, for nuclear status.” The identical argument was later made against China, India and Pakistan, and is now being made against allowing North Korea and Iran to possess nuclear weapons. **The widespread assumption is that the more nations have nuclear weapons, the more dangerous the world will be. But** is that really the case? I don’t ask this question lightly. I come from a long line of Christian pacifists and conscientious objectors and earned a degree in peace studies from a Quaker college. I have had nightmares about nuclear war since I was a boy and today live in California, which is more vulnerable to a North Korean missile than Washington, D.C. — at least for now. But it is impossible not to be struck by these facts: **No nation with a nuclear weapon has ever been invaded by another nation. The number of** [**deaths in battle worldwide has declined 95 percent**](https://ourworldindata.org/war-and-peace#the-share-of-battle-deaths-is-declining-even-faster) **in the 70 years since the invention and spread of nuclear weapons;** The number of Indian and Pakistani civilian and security forces’ deaths in two disputed territories [declined 90 percent](https://en.wikipedia.org/wiki/Insurgency_in_Jammu_and_Kashmir#cite_note-43) after Pakistan’s first nuclear weapons test in 1998. In 1981, the late political scientist Kenneth Waltz published an [essay](https://www.mtholyoke.edu/acad/intrel/waltz1.htm) titled, “The Spread of Nuclear Weapons: More May Be Better.” In it he argued that **nuclear weapons are revolutionary in allowing weaker nations to protect themselves from more powerful ones**. **International relations is “a realm of anarchy as opposed to hierarchy… of self-help… you’re on your own,”** Waltz [explained](https://youtu.be/F9eV5gPlPZg). How do nuclear weapons work? Not “through the ability to defend but through the ability to punish...**The message of a deterrent strategy is** this,” explained Waltz. “‘**Although we are defenceless, if you attack we will punish you to an extent that more than cancels your gains**.’” Does anybody believe France should give up its nuclear weapons? Certainly not the French. After President Barack Obama in 2009 called for eliminating nuclear weapons, not a single other nuclear nation endorsed the idea. All of this raises the question: **if nuclear weapons protect weak nations from foreign invasion, why shouldn’t North Korea and Iran get them**? Why Nuclear Weapons Make Us Peaceful On January 29, 2002, President George W. Bush denounced Iraq, Iran, and North Korea as an “axis of evil.” North Korea was “arming with missiles,” he said. Iran “aggressively pursues these weapons” and the “Iraqi regime has plotted to develop...nuclear weapons for over a decade.” One year later, the U.S. invaded and occupied Iraq. The ensuing conflict resulted in the [deaths of over 450,000 people](http://journals.plos.org/plosmedicine/article?id=10.1371/journal.pmed.1001533) — about four times as many as were killed at Hiroshima — and a [five-fold increase in terrorist killings](https://www.economist.com/graphic-detail/2015/11/18/the-plague-of-global-terrorism) in the Middle East and Africa. It all came [at a cost of $2.4 trillion dollars](https://www.reuters.com/article/us-iraq-usa-funding/u-s-cbo-estimates-2-4-trillion-long-term-war-costs-idUSN2450753720071024). Now, 16 years later, U.S. officials insist that North Korea and Iran need not fear a U.S. invasion. But why would any nation — particularly North Korea and Iran — believe them? **Not only did the U.S. overthrow Iraqi leader Saddam Hussein after he gave up his nuclear weapons program, it also helped overthrow Libyan President Muammar Gaddafi in 2011 after he too had given up the pursuit of a nuclear weapon.** North Korean President Kim Jong-un may, quite understandably, see his own life at stake: Hussein was hanged and Gaddafi was tortured and killed. Both hawks and doves say North Korea and Iran must not be allowed to have a weapon because both regimes are brutal, but **nuclear weapons make nations more peaceful over time. There were three full-scale wars before India and Pakistan acquired the bomb and only far more limited conflicts since. And China became dramatically less bellicose after acquiring the bomb.** Why? “History shows that **when countries acquire the bomb, they feel increasingly vulnerable**,” notes Waltz, “**and become acutely aware that their nuclear weapons make them a potential target in the eyes of major powers. This awareness discourages nuclear states from bold and aggressive action.”** Is it really so difficult to imagine that a nuclear-armed North Korea and Iran might follow the same path toward moderation as China, India, and Pakistan? **Nuclear weapons are revolutionary in that they require the ruling class to have skin in the game. When facing off against nuclear-armed nations, elites can no longer sacrifice the poor and weak in their own country without risking their lives.**

#### [3] Power – Nuclear weapons represent the ultimate form of power and achievement for a country allowing to gain the respect from foreign countries and their own citizens which benefits the country.

# Notes

## The Original Position



