# R1 AC

## Framing

#### In a democratic society our principles of justice must be based on the idea that all citizens are free and equal moral persons because basic equality is a necessary condition for democratic citizenship. Thus, only what citizens would rationally will from a shared point of view can be just because it is the only mechanism that respects citizens as free and equal.

**Freeman 7** [Samuel Freeman, Avalon Professor in the Humanities at The University of Pennsylvania. Justice and the Social Contract: Essays on Rawlsian Political Philosophy. Oxford University Press. New York, NY. 2007. 40-42]

[Kantian constructivism] is a more specialized notion that works within this constructive model of justification; it explains why we may find some of our considered convictions recalcitrant. It aims to show that the principles that best cohere with our convictions are not questionable accidents of culture but are objective in that they have a basis in our capacities for practical reasoning. These capacities, Rawls presumes, underlie many of our considered convictions, including our political conception of ourselves as free and equal (JF, 233; TJ, sec. 77). Rawls [we] seeks to capture this self-conception with an idealization, the [model conception] of free and equal moral persons. To construct, in our first sense, principles of justice appropriate for us, Rawls [we] constructs a social world modeled on the self-conception and practical capacities of free and equal moral persons. The purpose of this second kind of construction is to give content to Kant's enigmatic [the] idea of autonomy as reason legislating principles for itself. In the absence of some kind of procedure that shows the relationship between our capacities for reasoning and moral principles, such phrases [this is] are difficult to make sense of. Agreement from the original position serves this role; it is a [procedural interpretation] of practical reason in matters of justice (CP, 345–46; TJ, 256/226 rev.) or, more exactly, of a conception of persons as both reasonable and rational. Since this procedure is designed to [model] the moral powers,51 the content of the principles chosen from that point of view will be determined by these reasoning capacities and the conception of the person to which they give rise (CP, 303, 306).52 In this sense, moral principles are [constructed] on the basis of reason.¶ The objectivity that Rawls ascribes to his [of these] principles rests on his claim that they would be willed and agreed to from a shared point of view, which is objective in that everyone abstracts from their particular (subjective) aims, beliefs, and perspectives to view society on an equal footing (TJ, 516–19/452–55 rev.). This conception of objectivity is practical, as opposed to theoretical, in the following sense: Rawls's claim is not that, being impartially situated, we all have a clear, undistorted view that allows us to make true judgments about a prior and independent moral order. In constructivism, Rawls says, there is no order of moral facts, prior to human reasoning, for our moral judgments to be true of (CP, 354). This does not mean that Rawls [one] must deny that a prior order of moral facts or principles can exist [rather], for that metaphysical commitment would conflict with his [the] practical aim. Rather, it means that if there is such an order, it is not because certain principles are true of it that we are bound, as democratic citizens, to follow them. What commits us, as citizens, to these principles is that they are [most reasonable for us] (CP, 340), in that they best accord with our capacities for practical reasoning in the circumstances of a democratic society. The conception of objectivity that informs this claim is practical, since the shared point of view from which we would agree to these principles is designed not to give us privileged access to a prior moral order but to represent our powers of practical reasoning in a way appropriate to our democratic conception of ourselves as free and equal.53

#### The shared point-of-view necessary for rational agreement is represented by the original position, the idea that citizens can imagine themselves behind a veil of ignorance. Behind the veil citizens would not know whether they were rich or poor, their gender, their race, or any other contingent fact about their place in society, and so would be represented purely as free and equal. This notion can be applied in the real world using public reason.

#### Public reason is integral to democracy because a basic aspect of democracy is pluralism, or the coexistence of conflicting but reasonable comprehensive doctrines for life..

Rawls 97

Rawls, John. “The Idea Of Public Reason Revisited.” The University of Chicago Law Review 64:3.

1997. Web. February 12, 2022.

<https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=5633&context=uclr ev>.

The idea of public reason, as I understand it,' belongs to a conception of a well ordered constitutional democratic society. The form and content of this reason-the way it is understood by citizens and how it interprets their political relationship-is part of the idea of democracy itself. This is because a basic feature of democracy is the fact of reasonable pluralism-the fact that a plurality of conflicting reasonable comprehensive doctrines,' religious, philosophical, and moral, is the normal result of its culture of free institutions.' Citizens realize that they cannot reach agreement or even approach mutual understanding on the basis of their irreconcilable comprehensive doctrines. In view of this, they need to consider what kinds of reasons they may reasonably give one another when fundamental political questions are at stake. I propose that in public reason comprehensive doctrines of truth or right be replaced by an idea of the politically reasonable addressed to citizens as citizens.4 Central to the idea of public reason is that it neither criticizes nor attacks any comprehensive doctrine, religious or nonreligious, except insofar as that doctrine is incompatible with the essentials of public reason and a democratic polity. The basic requirement is that a reasonable doctrine accepts a constitutional democratic regime and its companion idea of legitimate law. While democratic societies will differ in the specific doctrines that are influential and active within them-as they differ in the western democracies of Europe and the United States, Israel, and India-finding a suitable idea of public reason is a concern that faces them all.

#### Therefore, in order to rectify the arbitrary disadvantages of the natural lottery, we must adopt a principle of equality of opportunity.

**Scoccia No Date** [Danny Scoccia, prof of phil, NM State. " Rawls, The Difference Principle, and Equality of Opportunity." http://web.nmsu.edu/~dscoccia/320web/320RawlsDP.pdf]

The basic motivation behind the equality of opportunity (EO) principle is this: if you can walk into a nursery and correctly make statistical predictions like “this baby because of his skin color and/or his family’s socioeconomic status is likely to make $20,000 per year less when he grows up than that baby over there,” then the society in which such predictions can be made is unjust and ought to be changed so that such predictions are no longer true of it. [Equality of opportunity] attempts to mitigate[s] the effects of social caste. It requires a legal ban on racist/sexist hiring and promotion practices in the private sector, as well as state efforts to improve the educational opportunities of the poor by providing free public education, Head Start programs, etc. [Equality of opportunity] [and] does not forbid inequalities in wealth and power that are due to people's free choices. Suppose that I’m poor because I've chosen not to make the sacrifices necessary to develop highly marketable labor skills (I dropped out of the public high school because it bored me), or because I frittered away my inheritance from my grandmother playing Internet blackjack. You, on the other hand, have a large stock portfolio and a high paying job because you've saved and made sacrifices. EO as usually understood implies that there is no injustice in the inequality between us. I deserve my poverty and you your wealth, because they are due entirely to our choices. It is only some inequalities of outcome that [equality of opportunity] condemns, namely, the undeserved ones that are due to unequal opportunity.

#### Thus, the standard is ensuring equality of opportunity. Prefer the standard for 2 additional reasons:

#### First, people are moral equals unless a morally relevant distinction exists because no characteristics exist to differentiate them, so the results of the natural lottery shouldn’t arbitrarily disadvantage some people over others, which requires equality of opportunity.

#### Second, people born with disadvantages are subject to external pressures that affect the choices they have, which destroys their autonomy because they don’t have free reign over their own lives, which outweighs any individual violation on magnitude. And, autonomy is a prerequisite to moral theorizing because free will is responsible for the judgment of principles and commitment to a certain action.

## Contention 1: Legitimacy

#### Journalism in a democracy must be transparent and resistant to bias. This requires objectivity according to the democratic ideal of public reason.

Fox 13

Fox, Carl. “Public Reason, Objectivity, And Journalism In Liberal Democratic Societies.” Res Publica 19 (3). 2013. Web. February 12, 2022. <https://philpapers.org/rec/FOXPRO>.

It is not enough to present the extreme sides of an argument, or to approach both the government and the opposition for quotes. The vital role of journalism in a liberal democracy necessitates a transparent process and an ethos that is hostile to bias. With the intention of recasting the journalistic commitment to objectivity as a definite methodology, I turn now to a discussion of Rawls’s conception of public reason. Public Reason Rawls (1999, 2005) came to be deeply concerned with the implications of what he thought of as the brute fact of reasonable pluralism.5 Reasonable and rational people, intelligent and thoughtful in their attempts to understand and solve fundamental common problems seem inevitably to differ and disagree. Indeed, Rawls described several ‘burdens of judgment’, such as complex and conflicting evidence, the inherent difficulty involved in the weighting of various considerations, and the subtle and shifting subjective biases that arise of the experience of living life itself,6 so as to demonstrate the inevitability of conflict in the generation and application of foundational values and beliefs.7 These factors lead ultimately to a myriad of substantially different worldviews or comprehensive doctrines and, following Mill, he thought that it can be perfectly reasonable for people to disagree so deeply. However, while we have no option but to come to terms with reasonable pluralism, the difficulties it presents are enormous. Indeed, one of the chief tasks of political philosophy is the project of reconciling these doctrines in order to make a legitimate and stable political association a possibility. The idea of public reason is Rawls’s answer to a vital question posed by reasonable pluralism, namely; how can a political community containing many comprehensive doctrines collectively decide fundamental political questions in spite of the apparently irreconcilable conflicts generated by these doctrines? Resolving this problem provides a template for a public sphere robust enough to withstand the difficulties that trouble, for example, Habermas. For Habermas (1996, 2008), the public sphere and the ability of private people to engage in rational public communication was a purely historical development that owes its origin to the radical effect of emerging capitalist values and strategies on the feudal hierarchy of the thirteenth century. It existed only briefly and soon flickered out, extinguished by the march of the very same political, social, and economic forces which gave rise to it. What remains for autonomous individuals is to commit to his ideal discourse theory, which espouses the creation of ideal conditions where ‘everyone is required to take the perspective of everyone else, and thus project herself into the understandings of the self and the world of others’ (Habermas 1995, p. 117). Ideal role-taking, he argues, can produce a common ‘we-perspective’ which will eventually allow for undistorted communication. This is how we can (objectively) share the information we need to participate in political institutions and hold public authorities to account. The problem with using ideal discourse theory to model journalistic objectivity is that, unlike public reason, it requires a profound shift in our collective moral thinking when, if I am correct, we can follow Rawls in more pragmatically demanding that particular institutions conform to the rules of public reason.8

#### Journalists must promote public reason through “pragmatic objectivity,” which entails accurate, contextual reporting.

Ward 09

Ward, Stephen. “A Free And Undemocratic Press?.” Center for the Study of Ethics in Society 27:3. November, 2009. Web. February 12, 2022.

<https://scholarworks.wmich.edu/cgi/viewcontent.cgi?article=1084&context=ethics\_pa pers>.

The short answer is this: Journalists promote public reason when they fulfill two crucial functions of democratic media - an informative and a deliberative function. On my view, journalists have a duty to improve the informational and deliberative health of citizens as public health officers are responsible for the physical health of citizens. The Informative Function What is the informative function? It is not just reporting any sort of information. It is a combination of three types of journalism that require skill and disciplined inquiry. First, accurate, contextualized reporting on events. Second, investigative journalism, as the necessary exploration of what goes on below the surface of society. And three, informed interpretation of major social areas. Intelligent context and depth of investigation these are two qualities of democratic journalism. And I will mention a third: objectivity. The informative function is best fulfilled when journalists adopt the attitude of what I call “pragmatic objectivity.”? This is not a traditional objectivity of reporting just the facts. **It is about adopting an objective stance and then evaluating stories according to a set of norms**. Journalists adopt the objective stance when they are disinterested. They are disinterested when they do not prejudge a story in advance but follow the facts where they lead. They are willing to put a critical distance between them and their views. Journalists then have to test their stories with a set of criteria, such as the empirical strength of their reports and their coherence with existing knowledge. Pragmatic objectivity includes the critical evaluation of claims to fact, knowledge, and expertise. Objectivity is not neutrality or perfect knowledge of reality. It is a flexible imperfect method, a way of testing stories and reducing bias. If journalists carry out these three forms of journalism objectivity, they carry out a major task of democratic media. They express views grounded in knowledge, experience, research, and a critical but open mind. They provide a reliable base for all subsequent analysis and comment.

## Contention 2: Democratic Pluralism

#### Public reason is essential to democratic pluralism, or maintaining a political community in which people can coexist with divergent perspectives.

Fox 2

Fox, Carl. “Public Reason, Objectivity, And Journalism In Liberal Democratic Societies.” Res Publica 19 (3). 2013. Web. February 12, 2022. <https://philpapers.org/rec/FOXPRO>.

When Rawls calls something political, he means that it is appropriate to a particular level of discussion, one about the preferred structure and operation of the systems of social cooperation into which we are born and must necessarily engage, and what principles and institutions we should have to govern them. Rawls’s theory of political liberalism, where he develops the ideal of public reason, is designed to have nothing to say about how people live their lives apart from their attitude towards basic political questions and towards members of other comprehensive doctrines when they engage in political debate. **The principles that apply at this level must be neutral between reasonable conceptions of the good**. In tandem with this, he believes that **society needs ‘guidelines of inquiry: principles of reasoning and rules of evidence in the light of which citizens are to decide whether substantive principles properly apply and to identify laws and policies that best satisfy them’** (Rawls 2005, p. 224). These guidelines develop into the ideal of public reason, the point of which is ‘that citizens are to conduct their fundamental discussions within the framework of what each regards as a political conception of justice based on values that others can reasonably be expected to endorse’ (Rawls 2005, p. 226). Despite standing in opposition to comprehensive doctrines, however, this political conception does have normative content: ‘The conception of the person is worked up from the way citizens are regarded in the public political culture of a democratic society, in its basic political texts and in the historical tradition of the interpretation of those texts’ (Rawls 2003, p. 19). Certain ideas, like that of people as being free and equal, are said to be present in the public political culture of a democratic society. What this means is that, for Rawls, there are certain basic ideas that almost all of us buy into and underpin the process of thinking in terms of how we can have a political community at all. He describes comprehensive doctrines as reasonable insofar as they endorse basic respect for persons, toleration and, crucially, accept the necessity of engaging with one another in a constructive dialogue in order to maintain a pluralistic society.9 **Reasonableness is the key to the legitimacy of coercive political power**10 and when we act as citizens, designing or imposing laws, we owe to our fellow citizens a very particular sort of public justification for our decisions. He introduces the criterion of reciprocity to show how reasonable citizens ought to motivate their political contributions with respect to their fellow citizens; ‘they must also think it at least reasonable for others to accept them, as free and equal citizens, and not as dominated or manipulated, or under the pressure of an inferior political or social position’ (Rawls 2005, p. 446). People will disagree as to what is the best way to organise a political community, but so long as they can come to see that their respective submissions are all reasonable then there can be a stable basis for political dialogue, and ultimately such things as legitimate laws and institutions.