

# General Will—A Collection of Essays

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## 1 The State of Nature

The state of nature is a primitive pre-society state which we assume human beings lived in before they gradually started living in social groups. It is an instrument of thinking about society and it really does not matter whether our imagination of this pre-social state is truly representative of reality or not.

We assume that in the state of nature each individual person lived within the means of their individual capabilities. According to Rousseau, such individuals had two innate tendencies.

- they had the desire for self preservation and well being i.e. the desire to stay alive and to avoid pain.
- they were also averse to see any other sentient being perish or suffer.

It is also worth noting what all, we assume, was lacking in the state of nature that we take for granted in our present day society. In particular, the following were not present in the state of nature.

- cooperation amongst individuals.
- concept of right and wrong.
- concept of ownership or property.
- concept of good (apart from death and pain being bad).

There was one thing in the state of nature that we do not have in present societies—the freedom to do whatever an individual wanted to do and was capable of doing. We refer to this freedom as *natural freedom*. In natural freedom, an individuals capacity to act is limited only by their native capabilities.

It is not unreasonable to imagine that in the state of nature natural resources were abundant and population density low. Encounters between individuals were few and far between and it was during such chance encounters that, if the conditions were right, mating happened. Some encounters must have resulted in conflicts over locally scarce resources but such conflicts would have been limited to the weaker person retreating quickly. There was no incentive for the strong to pursue the weak once the scarce resource had been secured.

As human population grew, chance encounters between individual persons became more frequent. Most encounters were confrontational, fights for scarce resources but some resulted in synergy leading all parties to gain more than they could have achieved on their own. This observation led to the idea of cooperation for (greater) mutual benefit which is essentially contributing to collective effort and sharing the benefits of

that effort. Initially, contribution to the collective effort must have been by personal choice, later leading to what we might call a sense of duty based on the observation that if there is not enough sincere effort then there aren't enough fruits to share.

Sharing of fruits of collective effort was probably done by the strongest in the collective and it had to be done in proportion to the effort contributed. This led to a sense of fairness. If the fruits of the collective effort were not shared enough or shared unfairly then those who did not get enough became under-nourished and weak and could not contribute to the collective effort. So the collective would either, at best, fragment or at worst, collapse altogether and put individuals back into the early state of nature.

Cooperation among individuals led to the inclination to band together for either a nomadic or settled life. This resulted in a choice of mating partners and also the desire to be chosen as a mating partner. Thus arose sexual rivalry leading to complex sentiments such as envy and jealousy. The effort to make oneself desirable gave rise to pride and shame, sentiments which depend on others perceptions of oneself.

## 2 The Social Contract

As seen in [The State of Nature](#), what any individual can achieve without any cooperation with others is quite limited. So there is a natural willingness to cooperate in ways in which all cooperating individuals benefit. But what are the terms of this cooperation? Before we get into the terms of cooperation we need to make it clear that the social contract is an implicit contract. It is a contract that pre-dates the idea of formal contract. It is a term we now use to describe the implicit terms of cooperation at the most basic level, without which there could not be any cooperation at all. This is the reason why we are all bound by it without explicitly agreeing to be bound by it or even consciously thinking about it. Another thing that makes it binding is that violation of the social contract puts us back in the state of nature.

Briefly, under the social contract

*Citizens give up all their natural freedoms (as in the state of nature) in exchange for*

- *civil liberty which is freedom from being subject to another's will.*
- *moral liberty which is that people themselves prescribe the laws they have to obey.*
- *right to property which is that they own the possessions they have acquired by fair means.*

*In case of infringement of any person's civil liberties or property, the society as a unified whole acts against the infringer to restore the persons civil liberties and property by acting against the infringer.*

Why the need to give up our natural freedom? This need arises from the fact that natural freedom is incompatible with civil liberty. If even a single individual is granted (or assumes) natural freedom then the society cannot guarantee equal liberties for all. Hence the need for all individuals participating in a society to surrender their natural freedom. It is not as big a loss as one might imagine at first because the gain of civil liberties gives much more freedom to choose one's ends than would be possible with natural freedom. Civil liberty and natural freedom are mutually exclusive.

### 2.1 Civil Liberty

Think of civil liberty as being liberated from the will of another individual or group. All rights over others are reciprocal and you have only as much right over another person as they choose to grant to you. Just like others are forbidden to force their will upon you, you are also forbidden to impose your will on any other person. Basically, you have all the liberties to the extent that they do not violate or restrict the same

liberties for others. I would like to emphasize again that civil liberty is not the freedom to act arbitrarily. Instead, civil liberty enjoins responsible and considerate action. It also resonates with the second formulation of [Kant's categorical imperative](#).

Although the most obvious, physical force is not the only means by which one may be subjugated to another's will. There are other ways, such as

- Manipulated circumstances.
- Deceit.
- Allurement.
- Threat, not necessarily physical.
- Indoctrination.

Subjugation by any of these means (or any other) is a violation of the social contract. Of the above mentioned ones, indoctrination is an interesting one. How do we distinguish between indoctrination and education? I have tried to deal with this in the [essay on education](#).

## 2.2 Property

What does ownership mean? You are in possession of something and I take it while you not looking. Now I am in possession of that thing. Do I become the rightful owner of that thing? Intuitively we know that I do not even though the thing is now in my possession. Ownership accrues only when the thing owned has been acquired by fair means, which essentially means that it has been acquired without violating another individual's rights, which can be generalised further to say that the acquisition has been without violation of the social contract.

Most people individually, on their own, are not capable of protecting their civil liberties and property. So anybody who violates the social contract by infringing another's civil liberty or property is forced to honour the social contract by the society as a unified whole.

## 2.3 Governance

Governance is about the details of how the society as a whole

- protects civil liberties and property of its citizens and,
- arrives at the laws of the state which all citizens are obliged to obey.

I sometimes find it useful to state the social contract in the reverse order as below

*The state*

- *Grants and promises to protect civil liberties.*
- *Grants its citizens the right to legislate laws which will apply to all citizens and which the state will uphold and enforce.*
- *Promises to protect property acquired by citizens through lawful means.*

*if the citizens give up their natural freedom to act arbitrarily as in the state of nature.*

How a society is governed is decided by the *general will*, a concept given by Rousseau which happens to resonate with the third formulation of Kant's categorical imperative.

In the end I would like to reiterate that the social contract is binding upon all individuals in the society. This is because we live in a society and whether we consciously acknowledge it or not, we are all parts of an interdependent collective and benefit from its collective efforts. The social contract simply cannot be rejected or denied. The undeniability of the social contract obtains from the fact that if it is breached or denied we are returned to the state of nature. It also resonates with the first formulation of [Kant's categorical imperative](#). In the [next essay](#) I will discuss the General Will in more detail.

### 3 The General Will

Freedom is a required condition for morality. If we are not free then we cannot be accountable for our actions. A long standing problem in political philosophy is, "How can persons be free and, at the same time, be obliged to obey the laws of the state?". It has been addressed in various ways by different philosophers but in essence, freedom and being subject to the laws of the state can be reconciled by making the citizens themselves legislate the laws of the state. So, citizens obey themselves when they abide by the laws of the state. This leaves open the possibility that if a citizen does not agree with a certain law of the state then they can refuse to abide by that particular law on the ground that they refuse to give themselves that law. The state cannot force the law on them because it violates their freedom which in turn frees them from being accountable for their actions. Now it is not possible for every citizen to agree with every law but, it is possible for every citizen to agree to certain *principles* to be behind every law. Every citizen can then agree that laws based on the agreed principles (not in violation of them at the very least) may be deemed as being accepted by everyone. Rousseau's term for this principle is *The General Will* which is the idea that, in any given society, there is a *true common interest* and the general will corresponds to where this common interest lies. From Rousseau's writings it can be interpreted that he was of the opinion that *where the common interest lies is a matter of fact quite independent of what the citizens actually believe or decide*.

I like to think of *governance by general will* as the principle that the state should be always seeking and promoting the common interest. In a state governed by the general will, citizens obey themselves when they obey the laws of the state. Thus freedom and being subject to the laws of the state are reconciled. *The social contract does not bind us to be governed by the majority rule, it binds us to be governed by the general will*. By inference, *the social contract binds any government to seek and govern by the general will*. So the task of finding where the common interests lie becomes not just important but essential as well. If the state is not focussed on common interests then it is not governing by the general will and is in violation of the social contract and it loses its moral right to expect citizens to obey the laws of the state. This sets the citizens free to act as they would in the state of nature, which means a breakdown of the rule of law. The breakdown of the rule of law is far worse than having no laws at all (as in the state of nature). Not being a society, the state of nature did not need any laws whereas when the rule of laws breaks down in a society the resulting situation is very unpleasant. If there is to be any hope of having a rule of law that is more or less universally accepted, we have to seek the general will; we have to constantly make the effort to determine what the common interests are and work towards them.



A general will can be *general* only if it is universal i.e. it is universally accepted by *all* persons in the state. Now that might seem impossible, but we already do this by agreeing (universally) for democracy by election. Secondly, we are not talking about specifics here, we are talking about *principles* that would be universally acceptable. With a bit of clear thinking, this is not impossible to achieve and all the hard thinking has already been done for us by John Rawls and others whose thinking Rawls has drawn upon. The process involves the idea of the *original position*—a set of conditions we imagine everybody to be in, when we settle the principles by which we agree to be governed.

The next essay [is on human nature](#) in which I try to explain some natural propensities of human nature. This is followed by an essay on Rawls's [original position](#).

## 4 Human Nature and Character

### 4.1 Human Nature

By human nature I mean the fundamental characteristics we are born with. This includes our physical characteristics and, possibly, our basic temperament. Individuals differ in their nature but because it is the result of the effects of natural factors and circumstances on human beings *over evolutionary time scales*, they also have a lot in common.

Between 4 and 8 million year ago the evolutionary lineage leading to modern humans separated from the lineage leading to the chimpanzees. Our genus (*Homo*) evolved two and a half million years ago and our species (*Homo sapiens*) has been around for approximately half a million years. Extant species survived the course of natural selection because of adaptations which were not only morphological and anatomical but also neurological and psychological. Our brains evolved constantly throughout our evolutionary history and continue to do so. Remember, that in the [state of nature](#) there was no cooperation among individuals. They survived and thrived or, suffered and perished depending upon how well they could focus on self-preservation and personal well being. Selfish behaviour was a requirement for survival and there was no concept of actions being right or wrong. One simply did what one had to do to carry on living. Evolutionary ancestors of human beings and human beings themselves have spent a very big proportion of their evolutionary history living in the state of nature. So their brains have had a long time to learn behaviours that were vital for their survival in the state of nature. Such behaviours are deeply innate in human psyche and many of these are our “first instincts” and we exhibit them without any conscious thought. Many of these instinctive behaviours are no longer needed in social living (some are actually detrimental to social cohesion) but we have not unlearned them.

Evolutionarily, we are also programmed to seek rewards. When we get something which we like (in early human evolution these were likely to be things we needed, such as food and shelter), substances in our brain make us feel good. We remember this good feeling and seek more of whatever caused it. In early human evolution this enhanced our chances of survival e.g. by ensuring that we sought food before we became so weak that we were incapable of finding food and died of starvation. In the state of nature and even in primitive societies this behaviour would have been an advantage. At least it was not detrimental. In present day societies, this reward seeking behaviour causes a problem because one can seek (and acquire) so much reward that not much is left for others. Remember, the social contract is about contributing to the collective effort and sharing the fruits of the collective effort. The sharing does not

have to be equal but it should be roughly in proportion to the effort. Ignoring the social contract and the moral of fairness for now, the purely consequentialist argument for this is that unfair sharing of the fruits of collective effort will so weaken the less favoured that they will not be able to contribute to the collective effort to their full potential.

## 4.2 Human character

Human character is built upon human nature through experiences and social influences. It influences, and is influenced by, the choices we make as we go through life.

Psychologists, anthropologists and, biologists generally agree that morality<sup>1</sup> evolved to solve the problem of cooperation between agents with conflicting interests. Social cooperation is relatively recent in human evolutionary history and, although we have learned (and are learning) moral and prosocial<sup>2</sup> behaviour it is still far from becoming our natural instinct or default.

We experience social influences while growing up and also as mature adults. If these influences are “good” they result in a good moral character. If the influences are “bad”, they result in egoism. Remember that our primitive behaviour is selfish to begin with, so “bad” influences have less work to do. They simply need to reinforce the propensities that are already there. “Good” influences, on the other hand, have to work hard against our primitive and deeply embedded egoism to steer us towards moral and prosocial<sup>2</sup> behaviour.

The strongest influences on us during our formative years (childhood and adolescence) are our family members and others we spend most of our time with. So these are parents and other elders in an extended family, school teachers and so on. I also think that in our childhood we are much more influenced by the actual behaviours we observe in our elders than we are by what we are told. This works in both negative and positive ways. A child may emulate some behaviour in a parent if she/he thinks it is “good” and the same child may avoid another behaviour in the same parent if she/he thinks that it is “bad”. A child’s concept of “good” or “bad” is inchoate so, at this stage, social influences not only shape the child’s behaviour but also their concept of good and bad. Adding to the confusion is the fact that more often than not adults also lack a rational concept of good and bad or right and wrong. Essentially, from the moral standpoint, childhood is quite confusing and it should be the role of school education to make it less so by providing a rational basis of morality. Indeed, this should

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<sup>1</sup>morality: the distinction between good and evil, right and wrong

<sup>2</sup>prosocial: beneficial to all parties and consistent with community laws and mores.

continue to some extent in higher education as well.

### 4.3 Fairness

Fairness is quite deep-rooted in human nature. In fact it is very evident in other animals which we often consider to be less evolved than human beings. Sarah Brosnan's very interesting TED talk about this is [here](#). We have all felt righteous indignation at times when we think that we have been treated unfairly. So, we all want an egalitarian society. But let us not assume that. If a person is on the benefiting side of an unequal society why would that person want a more egalitarian society? In fact, it would make sense for this person to resist any changes that make the society more egalitarian. You may call this person selfish (and worse) but you have no justifiable means of making them agree to a more fair society. In short, if unfairness works in our favour then we don't mind it but if it does not work in our favour we want a more egalitarian society.

Still, the desire for fairness can be made to work towards a fairer society. According to Rawls, all human beings have a capacity for a sense of justice and a capacity for a conception of the good. Rousseau also believed that in the state of nature all individuals had two innate tendencies—the desire for self-preservation and well being and, an aversion to seeing another sentient being suffer or perish. It is my observation that in spite of our selfish fundamental nature we would rather not see obviously and egregiously unfair situations in which another human being suffers. So, although we don't mind unfairness if it works in our favour we do find it intolerable if it becomes so extreme that it leads to suffering for some even though the person(s) suffering is not ourselves or our close affiliates. The more distantly affiliated we are with someone the more accepting we are of their being treated unfairly. Given the knowledge that we are being unfair and benefiting from it, we like to distance ourselves from those whom we treat unfairly. I come to this point again below in *Placing the responsibility for inequality*.

I see an opportunity in this human sentiment for fairness to encourage egalitarian behaviour by

1. arranging for the suffering of others because of unfairness both at individual and institutional levels to be more obvious. Some might see this suggestion as taking advantage of one's suffering. If the suffering is genuine and significant then I don't see why this should be considered wrong.
2. increasing in individuals, the sentiment of affiliation and association with the entire society. This might be achieved by increasing community activities in which all can participate and enjoy regardless of their socio-economic status.

Things which bring together people because of common interests. Things such as free (or at least affordable) access to artistic performances, fairs, sports and games, arts and crafts and other hobby lessons and so on.

### **Altruism and Fairness**

Altruism is acting in the interest of others without regard to one's own interest. Altruistic behaviour may be motivated by a desire to feel good about oneself, to enhance one's self-esteem. Even this motive may be lacking when one acts altruistically. The altruist does not acknowledge any moral obligation to act altruistically. At best the action is altogether without motive or, at worst it is to enhance one's self-esteem.

The same actions arising out of an ethos of fairness are carried out as an affirmation of the social contract. A sense of duty in the broadest definition of duty. The action is in acknowledgement that others in the society have acted in our interest without any expectation of a return of favour or value from us. The feel-good factor and the enhancement of self-esteem may be there but there is also the knowledge that we are not doing anybody a favour by acting in this way. The increment in self-esteem results from the knowledge that when the need arose and we had the capacity to act with generosity and magnanimity, we did. In the ethos of fairness good deeds are seen as acts for the society rather than favours to individuals (or disadvantaged factions).

An altruist will not see anything wrong in having a highly paid job in the alcohol or tobacco industry and giving generously to the AA and cancer charities. On the other hand, someone with an ethos of fairness will not work for these industries in the first place (if they can help it). An altruist will happily work in one of those highly paying finance industries and then give away a big chunk of their earnings to charities running food banks and soup kitchens for the poor. Such behaviour is promoted by the [effective altruism movement](#). A just person with an ethos of fairness will avoid working in such an inequality generating industry so as not to aggravate the problems the charities are having to deal with.

Here it may be appropriate to mention the three psychological laws and the Aristotelian principle Rawls mentions in *A Theory of Justice*.

### **4.4 Three Psychological Laws and the Aristotelian Principle**

**First psychological law:** persons tend to love, cherish, and support whatever affirms their own good.

**Second psychological law:** as individuals enter the association one by one over a period of time, or group by group (suitably limited in size), they acquire these attachments (friendship, trust, confidence) when others of longer standing membership do their part and live up to the ideals of their station.

**Third psychological law:** once the attitudes of love and trust, and of friendly feelings and mutual confidence, have been generated in accordance with the two preceding psychological laws, then the recognition that we and those for whom we care are the beneficiaries of an established and enduring just institution tends to engender in us the corresponding sense of justice.

**The Aristotelian Principle:** other things equal, human beings enjoy the exercise of their realized capacities (their innate or trained abilities), and this enjoyment increases the more the capacity is realized, or the greater its complexity. The intuitive idea here is that human beings take more pleasure in doing something as they become more proficient at it, and of two activities they do equally well, they prefer the one calling on a larger repertoire of more intricate and subtle discriminations.

#### 4.5 Factional interests are also selfish

Closely following our personal interests in priority, are the interests of the smallest faction to which we belong. Our desire to further a factional interest really arises from our desire to further our individual interests. Completely detached from any faction we would find it very difficult to further our individual interests. So we work to further the interests of that faction whose interests most closely align with our own. Obviously then, we have the support and cooperation of other members of this faction. Since the interests of this faction align with our own, we benefit individually as well. But, factional interests are not the same as common interests. They do not represent the general will by which we agree to be governed in the social contract. There is nothing wrong in pursuing factional interests but they should not be disguised as the common interests representing the general will. This is commonly done to justify the diversion of public resources for the purpose of furthering factional interests.

#### 4.6 Accommodating for human nature

We forget that human nature is, quite literally, a force of nature the effects of which might be mitigated but which cannot be completely mastered and controlled.

To a greater or lesser extent, we are all programmed to look after our individual interests. This diminishes both our capacity and willingness to see where the common

interests lie. Even when we can identify the common interests we often fail to act for them unless there is a reward for us individually. It is important to acknowledge upfront that human nature is what it is. There is no point in wishing for better human nature. We have to work with what we have. Although I do believe that fundamental human nature is selfish I also believe that influences of the social environment in which our character develops and matures are strong enough to be useful in the development of a good moral character. This is where an opportunity for change lies. A social environment conducive to the development of desirable traits of character will take us a long way towards a fairer society<sup>3</sup>. This is also evident from Rawls' second and third psychological laws stated above. Of course, this is not a small or easy change because the second law requires that "others of longer standing membership do their part and live up to the ideals of their station" and the third law requires that efforts be put in the establishing and maintenance of "enduring just institutions". But then, it shouldn't be that difficult either, all it needs is a bit more generosity from those better situated in life and a bit more fairness in all of us. The consequences of individual selfish behaviour are actually not that bad. When such behaviour becomes widespread and factional it acquires political power and starts to erode the justness of social institutions. Selfish behaviour also acquires social power in that the disadvantaged look to emulate those better situated in the society in the hope to achieve the same socio-economic status. Of course, by now the situation is rigged against them and their attempts only result in further erosion of social institutions which has more negative consequences for them than those they set out to emulate. But can we blame them for trying?

Any society has two means at its disposal to influence human behaviour to be more prosocial and less selfish.

1. Education: To put morality on a rational basis and to guide, by reasoning, moral development in the prosocial direction. This correlates with Rawls's first psychological law stated above.
2. Good governance: In a well governed society, the second and third psychological laws will encourage individuals further develop and maintain behaviours of good citizenship. A well governed society is itself an incentive for individuals to develop a good moral character, which in turn, leads to a well governed society.

However, making changes to the education system and for the changes to have effect will take time, a long time. And, the current socio-political system will resist any change to the current system of education. After all, it is a result of the current edu-

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<sup>3</sup>Different countries have different (average) levels of morality in the general population. Naively, I take this as evidence of the influence of social environment on human nature on whole population scale.

cation system. Still, I will discuss the education system and state the ways in which I would like to see it change (see the essay on [education](#)). I will also discuss ways in which I think that the political system could be changed even though it will resist change vehemently (see [Democracy by Sortition](#)).

#### 4.7 Placing the responsibility for inequality

Idealistically and rather naively we like to believe that whatever is not good for society is, ultimately, not good for us as individuals. I would like to show that for all practical purposes this is actually wrong.

As a thought experiment, let us take income and wealth inequality to the extreme. Let us imagine that a single person owns nearly all the wealth and has all the income in the world. Clearly, this situation is the worst possible for the society and perfect for the rich individual. This person has a big house and every material possession that they wish to possess. Of course they have a fancy car too. What do you think they will see when they drive out of their villa in their fancy car? Destitution, homelessness, depravity. None of this will be uplifting for their mood. One cannot be happy in an unhappy world. Of course this assumption and that everybody wishes to be happy may both be wrong.

Let us say our wealthy friend wants to be happy and is not alone. They belong to a small faction which owns nearly all the wealth in the world and also control most of the income. Again, as a thought experiment, let us imagine that there are only two factions in the world, the wealthy and the poor. The poor faction works for the wealthy faction which pays them just enough to survive. The income, profits, and ultimately, wealth of the wealthy faction comes from the poor faction buying whatever they need from businesses owned by the wealthy faction. They have no other option. It might seem that this is the perfect situation for the wealthy faction but they still have the unsavoury task of dealing with the poor faction who work in their factories and businesses. So they allow a third faction to come into existence by paying some of the poor ones a bit more, whose role it becomes to save the wealthy from having to directly interact with the poor workers. It is not difficult to imagine this process repeating multiple times to give rise to a multi-layered hierarchy of factions where each is paid to exploit the layer below itself. Of course, the worst exploitation happens at the bottom layer and, given enough layers, it would seem that the top faction are innocent of it. Thinking like this it is clear that they are not but, this multi-layered socio-economic hierarchy distances the top faction from the immorality of the exploitation of the bottom factions. This distancing is not just physical, it is psychological as well. It insulates the top factions from the exploitation of the bottom factions.



This frees them from guilt for the exploitation for which they are not only responsible but from which they benefit enormously. Through this multilayered socio-economic hierarchy the wealthy factions are able to eliminate the guilt of exploitation from their lives while keeping their affluence. For them, it is the perfect system—guilt free affluence. Charity is another dirty trick the advantaged factions use for absolution and [virtue signalling](#). In a separate essay I discuss [what I think is wrong with charity](#) and suggest some alternatives.

What we have shown is that it is possible to have socio-economic arrangements which are pernicious for the society but very desirable and beneficial for the individuals in positions of unfair advantage in such arrangements.

In favour of the above described hierarchy, the top (wealthy) factions can argue that the bottom factions get anything at all because of them; had they not been at the top the bottom ones would not have jobs to earn a living. To which my answer is, had the wealthy factions not been there at the top there would be more resources in the public domain for the bottom factions to live off. This may not have been “efficient” but they would have been able to make a living without the wealthy factions constantly enriching themselves by skimming a fraction of the fruits of their efforts. The bottom factions would have got a better return for their efforts. Wealth and income inequality drive up prices which makes it more difficult for those with lower wealth and incomes. So, although the top factions may be generating jobs they are also driving the socio-economic environment to become more inimical for the poor. Note that the primary aim of the wealthy factions is efficiency; they generate the minimum number of jobs required for their business, they are not trying to employ the maximum number people that their business could possibly use and still remain running. Although the wealthy factions try to convince us (and themselves) that their existence is good for the society it really is not.

I am talking in us and them language but the reality that is most of us are at some level in this hierarchy of exploitation, both, getting exploited and exploiting. The point I am making (again) about human nature is that unfair inequalities are acceptable to us if we personally benefit from them. Actually, we don’t even think about (unfair) inequalities unless we are disadvantaged by them. You might have noticed the term *unfair inequalities*. Yes, there are *fair inequalities* as we will see in the [essay on justice](#). Briefly, fair inequalities are inequalities which work in favour of the least privileged in the society and tend to result in a fairer society.

#### 4.8 In conclusion

Contrary to popular belief, knowing the right thing to do is neither easy nor effortless. And, human nature cannot be trusted to do the right thing naturally. A well-ordered society needs to bear the cost of maintaining institutions which promote the development of good moral character in its members. Primarily these are education and institutions enhancing social cohesion. Just because discussions of morality and justice are difficult (with differences of opinions often impossible to resolve) does not mean that these topics should be avoided. Even if agreements on these topics is not possible, the discussions will ensure widespread knowledge that such considerations exist and are important.

All of us want our way of thinking to be the most influential in public decision making. Not only do we benefit from the influence, we also believe that our way of thinking is the (only) right one. That is why we form and join political parties. That is why we seek to lead our political party of choice. But even a large, national level, political party claiming to be working for common interests, is a faction representing and fighting for factional interests.

As stated in the essay on *The General Will*, to govern by the general will means to constantly seek to discover what the common interests (for the whole society) are and work towards them. This task is not easy and the natural propensity *common to all individuals* to further their personal and factional interests adds to its difficulty. The problem is not some other faction or individual. The problem is *us*. We need a way to protect our society and political processes and institutions from this very natural human propensity. One way of doing this is discussed in [Democracy by Sortition](#).

## 5 The Original Position

*The original position is the appropriate initial status quo which insures that the fundamental agreements reached in it are fair.* —John Rawls

First let us get some terms clear. The details of how individuals participate in the collective effort is *fair opportunity*. The details of the distribution of the fruits of collective effort is *distributive justice*. The combination of fair opportunity and distributive justice is termed *social justice*. According to Rawls, the principles of social justice provide a way of assigning rights and duties in the basic institutions of society and they define the appropriate distribution of the benefits and burdens of social cooperation.

For any set of laws to be widely accepted by the citizens of a state a universally accepted set of principles are required on which the laws are to be based. Every citizen may not be completely happy about every law of the state but every citizen should still accept every law if there is to be any hope of widespread abidance. Let us be clear about this, we are not aiming for every citizen to be happy with every law just that every citizen should accept the principles behind every law. The hope is that even if a law is to somebody's disadvantage in real life they would still be willing to abide by it in principle. I suppose most tax laws would fall in this category. Let us call this set of principles the principles of justice and now our task is to determine universally acceptable principles of justice.

### 5.1 Conditions of the original position

Given that each individual is different not only in character but also in situation (circumstances) and, looking to maximise their conception of the good, it is impossible for a group of individual to come to an agreement regarding the principles of justice. Everybody's choice of principles will be different and the only thing that can be agreed upon is the requirement of these principles because it is imposed by the necessity of cooperation. So the first step has to be to agree to disregard individual characteristics and circumstances while deciding about what principles of justice would be universally acceptable. Which is the same as saying that specific knowledge about individuals and their circumstances will be considered irrelevant while deciding upon these principles. This also concurs with the argument that universally acceptable principles have to be truly general principles and they can only be arrived at by starting from truly general premises. So, before we can decide upon the principles of justice we need agreement about an initial position (a set of premises) which applies universally to all individuals in which the principles of justice will be decided.

According to Rawls, these conditions are "broadly shared presumptions" or, "widely

accepted but weak premises” and, “the presumptions should be natural and plausible. They may seem innocuous and trivial but taken together they impose significant bounds on the acceptable principles of justice”.

Theoretically, any number of initial positions are possible and the one that is chosen for the purpose of agreeing upon the principles of justice is the one Rawls termed the *original position*. In the original position

- no one should be advantaged or disadvantaged by natural fortune or social circumstances in the choice of principles.
- it should be impossible to tailor principles to the circumstances of one’s own case.
- particular inclinations and aspirations, and persons’ conceptions of their good should not affect the principles adopted.

The aim is to rule out those principles that one would propose for acceptance only if one knew certain things that are irrelevant from the standpoint of justice. The aim is also to exclude the knowledge of those contingencies which lead to competition and conflict between persons and allows them to be guided by their prejudices. So, for example, knowledge of one’s religion or race would be excluded.

Now that we have some idea of the original position we can define the principles of justice as those *which rational persons wishing to advance their interests would consent to as equals when none are known to be advantaged or disadvantaged by social and natural contingencies*. In other words, principles of justice are those which rational persons would agree to in the *original position*.

To complete the requirements for settling the principles of justice we also need some presumptions about the society for which we are deciding the principles of justice. This society is a society in the sense that it is not the state of nature and individuals need to cooperate with each other. We also assume that there isn’t an abundance of all resources so that there will be need to share at least some resources and there will be competition for those resources. Rawls used the term *mild scarcity* for this situation. In a situation of infinite abundance of all resources there is no need for principles of justice because there can never be any conflict among individuals.

## 5.2 Reflective Equilibrium

Starting with some intuitive principle of justice that we hold, we tweak it till it becomes acceptable in the original position or, we tweak our definition of the original position till it corresponds to our firmly held principle of justice. This process is reit-

erated till our firmly held principle of justice becomes acceptable in our chosen initial position, the original position. When this happens we have reached reflective equilibrium. According to Rawls, this is an unstable equilibrium. The concept of original position is very useful while thinking and debating about the principles of justice. At any time we can mentally enter the original position to see whether the principles we are arguing for would be acceptable in the original position or not.

### **The original position and Rousseau's General Will**

I find Rawls's idea of the original position resonating very well with the idea of Rousseau's general will. In the general will there is a matter of fact where the common interest lies regardless of whether people choose it or are even aware of it. As I have argued in the essay on general will, we fail to find where the common interests lie because of being so focussed on our individual stations in life. The original position provides us with a method for determining the general will. It does so by removing specific knowledge about individuals (and factions) while deciding the principles of justice. According to Rawls, such knowledge should be considered irrelevant from the standpoint of justice. In justice as fairness the common interest is a fair society and general will is Rawls's two principles of justice. No other political theory brings us so close to the Rousseauvian ideal of being governed by the general will.

### **5.3 Arriving at the principles of justice**

In the original position we will all argue for a fair society. In the original position we do not know anything specific about ourselves. For any given attribute such as intelligence, physical strength, appetite for risk etc., we don't know how far from the average and on which side of the average we will be. For an individual in the original position a line of reasoning will go a bit like this:

- if I am average then my contribution to the collective effort will be approximately the same as everybody else and I will be satisfied with getting an equal share in the fruits of the collective effort.
- if I am better than average then I will be contributing more to the collective effort than the average and would like to be rewarded for it by getting a bigger than equal share of the goods of the collective effort. An equal share in the fruits of collective effort would leave me dissatisfied.
- if I am below average my contribution to the collective effort will be less than others and I will be happy to get an equal share in the fruits of the collective effort.

The difficulty is that in the original position I don't know which of the above three situations I am going to be in and without that knowledge I have to decide the principles of justice for the society in which I live. There are two more situations that I would like to consider.

- I may be excellent (in some attribute). I may be so good that I am the best. My talent also happens to be not very common. So I would like it to be extremely well rewarded by the society.
- I may be really bad, without any talents worth mentioning and with all the shortcomings imaginable, hardly making any contribution to the collective effort.

So now we have five situations (and infinitely many between them) in which we could be but, we don't know where we will actually find ourselves when this thought experiment turns into reality. Before it turns into reality we have to decide the principles of justice.

We will not settle for an equal distribution of the fruits of the collective effort because we will find it very unfair if we are making an above average contribution to the collective effort. On the other hand, we would not like to be in completely intolerable situation if we are hardly able to contribute to the collective effort due to poor health or disability. This is why, in the original position, we will *allow inequalities that are reasonably expected to work for everybody's advantage*. So we will be happy for someone exceptionally talented to get a bigger share but the services provided by them should be for everybody's benefit. Why should those getting a less than equal share accept this? It is because the other than equal distribution actually works in their favour. This is termed as the *difference principle* by Rawls who considered it a "strongly egalitarian conception".

#### 5.4 The Difference Principle

*Unless there is an alternative distribution that makes both persons better off (limiting ourselves to the two-person case for simplicity), an equal distribution is to be preferred.* Principle 2a (stated below), that social and economic inequalities are to be so arranged that they are to everyone's advantage, is another statement of the difference principle.

#### 5.5 Summary

The original position is an initial position of equality in which we agree to settle upon the principles of justice for the society we live in. We see that rational persons looking after their well being will settle for Rawls's two principles of justice. After taking into account a lot of details Rawls came up with the final version of the two principles

and also stated the priority rules which are to be used to decide in cases of conflicts between the individual principles. I am quoting them below for completeness but they will be discussed further in the essay on justice.

### **The final statement of the two principles**

1. 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.
2. Social and economic inequalities are to be arranged so that they are both:
  - a. to the greatest benefit of the least advantaged, consistent with the just savings principle<sup>4</sup>, and
  - b. attached to offices and positions open to all under conditions of fair equality of opportunity.

### **The Rules of Priority**

1. The principles of justice are to be ranked in lexical order and therefore the basic liberties can be restricted only for the sake of liberty. There are two cases:
  - a. a less extensive liberty must strengthen the total system of liberties shared by all;
  - b. a less than equal liberty must be acceptable to those with the lesser liberty.
2. The second principle of justice is lexically prior to the principle of efficiency and to that of maximizing the sum of advantages; and fair opportunity is prior to the difference principle. There are two cases:
  - a. an inequality of opportunity must enhance the opportunities of those with the lesser opportunity;
  - b. an excessive rate of saving must on balance mitigate the burden of those bearing this hardship.

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<sup>4</sup>The just savings principle is explained in the essay on Justice.

## 6 Justice

*Injustice, then, is simply inequalities that are not to the benefit of all.* —John Rawls

This essay is almost entirely based on John Rawls's *A Theory of Justice*. I quote and paraphrase extensively from this work in this essay. Sometimes I will miss quoting the quotes for which I apologize and also for any misinterpretations of the concepts in the work. I would like to make it absolutely clear that I do not wish to take any credit for any of the original thinking or concepts with which *A Theory of Justice* abounds. My aim is to simplify and clarify some content of this book, more for myself than anybody else.

*Justice is the first virtue of social institutions, as truth is of systems of thought. A theory however elegant and economical must be rejected or revised if it is untrue; likewise laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust. Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override.*

The primary subject of justice is the basic structure of society. By that we mean the way in which the major social institutions<sup>5</sup>

1. distribute fundamental rights and duties
2. determine the division of advantages arising out of social cooperation.

Rawls used the *original position* to come up with the framework which he calls "justice as fairness" which consists of the *two principles of justice* and the *priority rules* which are stated below.

### The Two Principles of Justice

1. 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.
2. Social and economic inequalities are to be arranged so that they are both:
  - a. to the greatest benefit of the least advantaged, consistent with the just savings principle, and
  - b. attached to offices and positions open to all under conditions of fair equality of opportunity.

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<sup>5</sup>major social institutions are the constitution and the principal economic and social arrangements e.g. the legal protection of freedom of thought and liberty of conscience.



### The Rules of Priority

1. The principles of justice are to be ranked in lexical order and therefore the basic liberties can be restricted only for the sake of liberty. There are two cases:
  - a. a less extensive liberty must strengthen the total system of liberties shared by all;
  - b. a less than equal liberty must be acceptable to those with the lesser liberty.
2. The second principle of justice is lexically prior to the principle of efficiency and to that of maximizing the sum of advantages; and fair opportunity is prior to the difference principle. There are two cases:
  - a. an inequality of opportunity must enhance the opportunities of those with the lesser opportunity;
  - b. an excessive rate of saving must on balance mitigate the burden of those bearing this hardship.

The term *lexical priority* means a hierarchical ordering in which a higher-ranked rule or principle takes precedence over a lower-ranked one. The precedence is strict in that no amount of utility or benefit arising out of a lower-ranked principle can raise its priority over a higher-ranked principle.

The first principle of justice is simply the social contract that nobody has natural freedom as in the state of nature and everybody has equal civil liberties granted and protected by the state. Principle 2a is about distributive justice and principle 2b is about fair opportunity.

Principle 2a says that social and economic inequalities are to be arranged so that they are to the greatest benefit of the least advantaged, consistent with the just savings principle. What is this *just savings principle*?

The appropriate way of applying principle 2a (also called the difference principle) is to keep in mind the long term prospects of the least advantaged *not just for the present generation but also over future generations*<sup>6</sup>. To this end, each generation

1. must preserve the gains of culture and civilization.
2. maintain intact the just institutions that have been established.
3. put aside a suitable amount of real capital accumulation which can be in the form of investment in means of production (machinery) and investment in learning and education.

Item 1 and 2 above can be considered as maintenance expenses. They are to maintain

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<sup>6</sup>The justification for this is that in the original position one does not know in which generation (stage of development) of civilization one will happen to live. I see this as a very strong argument for environmental protection and mitigation of climate change.

whatever society has achieved so far as a result of its historical efforts. We can call these “social minimum” that the society decides to guarantee for all its citizens.

Item 3 above is what Rawls called “savings”. A balance has to be maintained between these savings and the amount of support that the state can provide for the maintenance of minimum social standards for the least advantaged in the society. If the social minimum is set too high then there will not be enough savings and things will be difficult for future generations. On the other hand, if too much is saved (invested in means of production, education, etc.) then the social minimum for the present generation will need to be adjusted to very low standards. The right balance between the social minimum and savings is what Rawls refers to as the *just savings principle*. Rawls was of the opinion that finding this balance is almost impossible. In his words,

*How the burden of capital accumulation and of raising the standard of civilization and culture is to be shared between generations seems to admit of no definite answer.*

But then he goes on to point out that simply keeping the principle of just savings in mind has practical benefits.

*It does not follow, however, that certain significant ethical constraints cannot be formulated. As I have said, a moral theory characterizes a point of view from which policies are to be assessed; and it may often be clear that a suggested answer is mistaken even if an alternative doctrine is not ready to hand.*

In all likelihood, the social minimum is paid for by (proportional) taxes. If the taxation is too high (to pay for the social minimum) then appropriate savings cannot be made and this will actually lower the prospects of the future generations, including those of the least advantaged. Too high taxation can also interfere with economic efficiency to the extent that the prospects of the least advantaged in the present generation actually begin to decline instead of improving.

Principle 2b says that social and economic inequalities are to be arranged so that they are attached to offices and positions open to all under conditions of *fair equality of opportunity*. So we need clarity about *fair equality of opportunity* and for that we need to know about the three different types of *procedural justice*. Pay particular attention to *pure procedural justice* because, according to Rawls

*The role of the principle of fair opportunity is to insure that the system of cooperation is one of pure procedural justice.*

### 6.1 Procedural Justice

**Perfect procedural justice:** Say, a cake is to be divided amongst people and the fair distribution is an equal distribution. Then we can have one person slice up the cake and this person gets to pick his piece last. To maximise his own share this person will make all pieces equal in size. The essential feature of perfect procedural justice is that *there is an independent standard for deciding which outcome is just and a procedure guaranteed to lead to it.*

**Imperfect procedural justice:** Imperfect procedural justice is exemplified by a criminal trial. The desired outcome is that the defendant should be declared guilty if and only if he has committed the offence with which he is charged. The trial procedure is framed to search for and to establish the truth in this regard. But it seems impossible to design the legal rules so that they always lead to the correct result. Even though the law is carefully followed, and the proceedings fairly and properly conducted, it may reach the wrong outcome. The injustice springs from no human fault but from a fortuitous combination of circumstances which defeats the purpose of the legal rules. The characteristic mark of imperfect procedural justice is that *while there is an independent criterion for the correct outcome, there is no feasible procedure which is sure to lead to it.*

**Pure procedural justice:** In pure procedural justice there is no independent criterion for the right result. *Instead, there is a well-defined fair procedure and the outcome is considered fair, whatever it is, provided that the procedure has been properly followed.* This is illustrated by betting. A group of persons engage in a series of bets and the distribution of money, whatever it is, after the last bet is considered fair. Required conditions are that betting procedure is fair and freely entered into under conditions that are fair. A distinctive feature of pure procedural justice is that the procedure for determining the just result must actually be carried out; for in these cases there is no independent criterion by reference to which a definite outcome can be known to be just.

*Only against the background of a just basic structure, including a just political constitution and a just arrangement of economic and social institutions, can one say that the requisite just procedure exists.*

The “just procedure” in the above quote being one that ensures fair equality of opportunity.

## 6.2 Fair equality of opportunity

Let us say university education is freely available to all who want to go to university and are willing to work hard enough to get the grades required to get into one. This is equal opportunity. A child of affluent parents has personal space at home and the peace and quiet needed to put in the hard work. While a child living in a small house and sharing everything with siblings has very little of personal space or peace and quiet. Low-income parents cannot afford to buy books for their children while the high-income ones can. So, although there is “equality of opportunity” it is not “fair”. Now, the state cannot guarantee all children high-income parents. But the state *can* provide well stocked libraries in all neighbourhoods where children from low-income families can not only access books but also get a peaceful and quiet space to facilitate their studies. The state can provide affordable public transport so children can get quickly and safely to the libraries from their homes. If the state provides these things (and remember that these will be for everybody, not just the low-income household kids) then it has changed the “equality of opportunity” into a “fair equality of opportunity”.

It is not just higher education that needs fair equality of access. How about youth centres where the youth can come together socially? This is where those from abusive households will find refuge and friends to talk to. How about scouts and guides camps and Woodcraft folk camps? Youth Hostels Association so that the youth whose parents cannot afford to take them on holidays can go on one to recharge themselves once or twice a year? Not every child is academically inclined. So state funded craft and sports training centres also make sense. At a higher level of abstraction, public services and public spaces add fairness to our society by elevating “equal opportunities” to “fair equal opportunities”.

In the essay on [priority of right over good](#) you will see that Rawls defined *primary goods* as *what persons need in their status as free and equal citizens, and as normal and fully cooperating members of society over a complete life*. It is not that everybody should do their bit for the society, it is also essential that institutions and schemes should be so arranged as to *enable* everybody to make a meaningful contribution to the society over their complete lifetime. The “talented” cannot just say that they will do everything that needs doing in the society and the rest can just survive on their handouts because this prevents the less “talented” from making a contribution which in turn deprives them of self-esteem. As you will see in [priority of right over good](#), self-esteem is a primary good. Also, your idea of what “needs doing in society” will be different from mine depending upon the different ends we choose for ourselves. Preventing (or undervaluing) others contribution to society is equivalent to preventing them from

pursuing their choice of ends which is a violation of the social contract. If we interpret “needs doing in society” as the ends for the society as a whole then these are settled in the original position. All other ends are personal or factional and none have priority over any other.

Inequalities in societies are not only inevitable but *fair inequalities* are actually desirable. Fair inequalities are inequalities which, if removed, will leave everybody worse off including the least advantaged in the society. This is what Rawls’ second principle is about and it is *pure procedural justice* because it is not concerned with the actual outcome for individuals and it does not consider any particular outcome to be the right one. It simply says that in a background of just social institutions, any and all outcomes are right. With all the libraries and youth centres in the world, individuals will still be different from each other. They will do different things and achieve different levels of excellence. In a fair society people will be able to choose their ends and pursue them. The extent to which they are successful in this will depend on their willingness to work hard and their natural primary goods (health, intelligence etc.), and that is fine.

### Equality and Fairness

In 2017, psychologists from Yale published an article titled [Why people prefer unequal societies](#) (Only the abstract for this article is readable on this link but there is a PDF of the full article on Research Gate. If you search the web for the title a link leading to the PDF should come up). I think the title of this article is unfortunate and a bit misleading because the conclusion is that there is little evidence of children’s or people’s preference for equality but there is much evidence of aversion towards unfairness. From the title alone it would seem that although we live in increasingly unequal societies, since this is what people prefer anyway, everything is fine and no change or improvement is needed. I would have titled the article something like “People desire fair societies while not caring much for equal ones”. The article also points out that large inequalities negatively affect overall happiness and predict increased violence, obesity, teenage pregnancies etc. So, although people may “prefer unequal societies”, it is not logical for them to prefer societies with very high levels of inequality. And, at least in some circumstances people do view large inequalities as unfair. Interestingly, the article also states that (in the US), people greatly underestimate the level of inequality in the society and overestimate the extent of social mobility<sup>7</sup>.

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<sup>7</sup>social mobility: change in social status relative to one’s current social location within a given society. Often measured in terms of change in income and wealth.

### 6.3 Distributive Justice

The state establishes a just basic structure which includes a just political constitution and a just arrangement of economic and social institutions. For individuals, this establishes expectations based on the knowledge of the socio-economic arrangements and there is clarity regarding expected outcomes given particular decisions. However the state does not concern itself with the resulting distributions. Not everybody will be satisfied with their share but as long as the political and socio-economic arrangements are fair, the resulting distribution is considered fair. Even with perfectly just socio-economic arrangements, some will, by sheer chance, be severely disadvantaged. In justice as fairness, the difference principle (principle 2a) will address this problem. A just basic structure should also prevent future generations of the disadvantaged to be stuck in disadvantage.

#### Property-owning Democracy

Rawls' alternative to the welfare state is the *property-owning democracy*.

*The distinction between the idea of a property-owning democracy and the idea of a welfare state should be made clear here. Since they both allow private property in productive assets and we may be misled into thinking that they are essentially the same. The major difference is that the background institutions of property-owning democracy, with its system of (workably) competitive markets, tries to disperse the ownership of wealth and capital. It thus prevents a small part of society from controlling the economy and indirectly political life itself, not by redistributing income to those with less, but rather by ensuring the widespread ownership of productive assets and human capital (educated abilities and trained skills); all this against a background of equal basic liberties and fair equality of opportunity.*

So, unlike a welfare state, justice as fairness is not concerned with *allocative justice* and it looks at distributive justice as purely procedural. The welfare state pays little attention to the justness of the basic structure which allows wide inequalities to arise and then, it tries to ameliorate the situation through redistribution. On the other hand, a property-owning democracy based on justice as fairness tries to fairly distribute the opportunities for contributing to the collective effort.

### 6.4 Political ideologies

We often get drawn into debates about political ideologies while concepts such as justice, equality and fairness are much more general. Justice as fairness does not say anything about the political ideology best suited for the realisation of its principles. Of

course, social contract requires some form of democracy so that citizens can legislate the laws they give themselves but justice as fairness does not require or affirm any particular ideology such as liberal or conservative or socialist. According to Rawls, "This question is left to be settled by historical conditions and the traditions, institutions, and social forces of each country".

## 7 Priority of right over good

According to Rawls, a person's good is determined by what is for him the most rational plan of life given reasonably favourable circumstances. This is assuming that in a well-ordered society citizens' conceptions of their good conform to *the principles of right publicly recognized and include an appropriate place for the various primary goods*.

In some systems of justice good is arbitrarily defined and then right is defined as whatever maximises the good. So, for example in utilitarianism, it may be said that happiness is good therefore actions which maximise happiness (total or average) are good. Or, in teleological theories it may be said that we are here for a purpose determined by some higher being and acting so that we fulfil that purpose is good. In contrast, in justice as fairness, the concept of right is prior to that of good and something is good only if it is in agreement with the principles of right available at the time.

*But to establish these principles of right it is necessary to rely on some notion of goodness, for we need assumptions about the parties' motives in the original position. Since these assumptions must not jeopardize the prior place of the concept of right, the theory of the good used in arguing for the principles of justice is restricted to the bare essentials. This account of the good I call the thin theory: its purpose is to secure the premises about primary goods required to arrive at the principles of justice.*

### 7.1 The thin theory of the good

The aim is to remove arbitrariness from the definition of good. Rawls accepts that some concept of goodness is needed to determine what is right but does not accept that the good has priority over the right when thinking about justice in general and justice as fairness in particular. An individual (or factional) good is determined by individual (or factional) preferences while right concerns all of society. Since we need some concept of goodness to arrive at the concept of right we use a concept of good that is so general that it is universally applicable and acceptable. Rawls termed this concept of good the *thin theory of the good*, from which he works out the *primary goods*. The concept of primary goods is used to arrive at a concept of the right which then leads to what Rawls calls the *full theory of the good* which can be used to derive the principles of justice.

### 7.2 Primary Goods

Rawls originally defined *primary goods* as



*Things that rational persons want whatever else they want.*

*I suppose that it is rational to want these goods whatever else is wanted, since they are in general necessary for the framing and the execution of a rational plan of life.*

Considering that all citizens desire the social conditions essential for the adequate development and the full and informed exercise of their two moral powers—their capacity for a sense of justice and their capacity for a conception of the good, Rawls modified the definition of *primary goods* to be

*What persons need in their status as free and equal citizens, and as normal and fully cooperating members of society over a complete life.*

The above definitions don't really tell us what the primary goods are, so Rawls goes on to list them.

*The chief primary goods at the disposition of society are rights, liberties, opportunities and, income and wealth. These are the social primary goods. Other primary goods such as health and vigour, intelligence and imagination, are natural goods; although their possession is influenced by the basic structure, they are not so directly under its control.*

So we have the list of primary goods from Rawls.

- Social primary goods
  - Rights
  - Liberties
  - Opportunities
  - Income and wealth
  - Self-esteem
- Natural primary goods (some examples)
  - Health and vigour
  - Intelligence and imagination

### **Self-esteem is a primary good**

In section 67 of *A Theory of Justice* Rawls explains why he considers self-esteem to be a primary good.

*We may define self-respect (or self-esteem) as having two aspects. First of all it includes a person's sense of his own value, his secure conviction that his conception of his good, his plan of life, is worth carrying out. And second, self-respect implies a confidence in one's ability, so far as it is within one's power, to fulfil*

*one's intentions. When we feel that our plans are of little value, we cannot pursue them with pleasure or take delight in their execution. Nor plagued by failure and self-doubt can we continue in our endeavours. It is clear then why self-respect is a primary good. Without it nothing may seem worth doing, or if some things have value for us, we lack the will to strive for them. All desire and activity becomes empty and vain, and we sink into apathy and cynicism. Therefore the parties in the original position would wish to avoid at almost any cost the social conditions that undermine self-respect. The fact that justice as fairness gives more support to self-esteem than other principles is a strong reason for them to adopt it.*

### 7.3 Summary

Everybody has different preferences and desires and, therefore, different ideas of what is good. We need something more uniform across all participants in the social contract to be able to arrive at the principles of justice. Rawls achieves this elegantly by removing arbitrariness from the concept of good through the thin theory of the good which he then utilizes to develop the principles of justice via a concept of the right which is prior to the concept of the good and is based on primary social goods.

Fairness in the distribution of primary social goods is to make sure that, to the extent they want, individuals can make the most of whatever their natural endowments are. Also, highly endowed individuals are prevented from rigging the principles of justice unfairly to their advantage because the principles of justice as agreed in the original position secure the social primary goods for all individuals.

## 8 Charity

Truly charitable acts are those that reduce or remove the need for charity. They also respect others' freedom to choose their ends.

### 8.1 The problem with charity

The problem with charity is time. If you are in a position to be charitable today it is because in the past you have taken more than your fair share. It is because you have taken more than your fair share in the past that there are people in need of charity today. The more you have to give to charity the more you should think about the fairness of your past (and present) takings. Being truly considerate is not taking too much in the first place, thereby leaving enough for others to earn. If you take and then give you have just created, or added to, a problem and are now trying to solve it.

Nice things are said about the charitable foundations such as the Gates and Zuckerberg. In my opinion they simply want to be seen to be doing something about the problems they have caused in the first place. There are people, sadly much less well known, who did not extort an exorbitant price from this world for the things of far greater value they gave to it. Dennis Ritchie, Tim Berners-Lee, Linus Torvalds, Larry Wall, Guido Van Rossum and so many others have all been responsible for technologies which could have been used to make lots of money for them. They chose not to. Their contributions (which they simply gave away into the public commons) have allowed individuals and businesses to make amounts of money that most of us will find hard to imagine. I don't know what their personal or business assets are worth but I don't think they are in the same league as the people who made money using their technologies. Theirs is not charity. Theirs is magnanimity and generosity. Theirs is the courage to set free rather than enslave their creations. Theirs is the courtesy and good manners of leaving for others "enough and of good quality". Theirs is having the wisdom of not taking simply because they could. They are not defined by how much they have earned or how much they have given away. They are defined by how much they chose *not* to take once their human needs were fully met. The irony is that none of the people who are in a position of giving huge charities today would have been in that position without the technologies created by people who did not make a fortune from their inventions and creations. The problem is that the Gates and Zuckerbergs are the role models of the coming generations because we are failing to allow them to develop an independent value system based on their own rational thought. A good education system should prevent such influences.

Another problem with charity is that, no matter how much generosity it is given with,

it is not good for the receiver's dignity. (Remember that in the essay on the [priority of right over good](#) we saw that self-esteem is a *primary good*). There is a sense of shame associated with being in the situation of needing charity. One gives from a position of material superiority and one receives from a position of material inferiority. It is not an exchange of value. No matter how little importance one places on material value (as opposed to moral values) it doesn't feel good to receive material value without giving any in return. It also comes with a moral obligation which erodes independent thought. So even when you are giving charity you are asking for a price in terms of dignity. What you give by *not taking in the first place* is the dignity which comes with earning what one takes. Our whole work culture is focused on taking as much as we can and then (at least for some) giving to charity. It buys us the social and professional status that we are so addicted to. What we fail to realise is this: No matter how big and generous our charity, its healing powers falls considerably short of healing the wounds caused by our excessive taking in the first place.

We have reached a point (in global population, magnitude of inequality and, environmental damage) that just working hard enough does not justify our takings. No matter how hard we work we have to limit what we take. If we wish to work less hard for earning less that is fine. Sufficiently back in the past, taking in proportion to how hard we worked was justified because it resulted in the exploitation of the then abundant natural resources. Earning was not a zero-sum game. It is very much so now. We have to limit our takings no matter how justified they are. If that takes away your motivation to work hard then don't work hard. Your not working hard (and accepting a smaller reward) will cause far less damage than your working hard and taking a (justified) big reward.

One could argue that great things will never be done if there is no possibility of great rewards. To which my response is

- We don't really need great things to be done.
- Try defining "great things" and you will find that there is no universally acceptable definition.
- Social and human costs for these great things need to be justified.
- As is evident from the examples above, people will do great things for the love of doing them. This is the Aristotelian principle stated in the essay on [Human Nature](#).

## 8.2 Not taking should be easier

Not only is not taking difficult it is almost impossible. This is because our self esteem has become inextricably linked to how much we earn. Our professional esteem is linked to our salary. We take pride in being paid more because, rightly or wrongly, what we are paid is seen as an indication of our professional worth.

Imagine that our salaries were defined as some maximum for our role and it was made clear that, if we wish, we could take less than this maximum. The maximum salary we were allowed to take would protect our professional esteem while the provision of taking less than the maximum would give us an opportunity to add to our moral esteem. In such an arrangement, there will be some who will not take the maximum simply because they do not feel the need to. My suspicion is that many people will actually take less than the maximum. I know people on high (but not very high) salaries who give a lot to charity. There is a high chance that they will not take their maximum allowed salary.

## 8.3 Giving also needs to be made easier

There are things in the supermarkets which it really hurts me to be paying so little for. The supermarkets have to drive prices down because of competition with other supermarkets. So they squeeze the suppliers who in turn squeeze the producers. I suspect supermarkets often buy directly from the (big) producers and can negotiate the price quite aggressively because of the volumes they buy. They can (rightly) argue that if they do not keep the prices competitive compared to other supermarkets then customers will go to their competitors. What they could do is say that the prices labelled on items are the minimum a customer has to pay to buy the items. The customers, if they wish to do so, could pay more than the labelled price. The excess over the labelled price paid by the customers should be transferred *without any deductions* to the producer. The IT systems which are now used to run supermarkets are easily capable of this small extra effort of accounting. If such a provision were in place, I would pay two or even three times the labelled price for milk. I would also pay extra for fresh produce coming from farms in the UK. Others might wish to pay extra for fair trade coffee (or bananas) even if it is already quite expensive. We will all have our different reasons. It doesn't matter. What matters is that opportunity to show our appreciation by giving real value is in place. This is not charity. This is the freedom to value things in other than a purely economic value system. There is the economic price of things and then there is the value one places on things using ones own value system. Like a painting. The economic price of a painting is nothing. A painting is not priced by adding up the price of the canvas, paint and the artists time at the going

rate. It is priced by the value a buyer puts on it. I would like to do the same for a pint of milk when I buy it from the supermarket. The label price is the economic price of the milk. I consider the no-holidays, long hours and early mornings life of farmers and decide that the value of that pint of milk that I am buying at half past nine in the morning on my way to work is far more than its economic price stamped on the label. I would like to be able to show my appreciation for the pint of milk in exactly the same way that a collector shows appreciation for a painting.

## 9 Education

In a children's school the teacher influences wisdom lacking minds of the young with their own ideas, trying to convince them that what they are telling them is true and correct. There are a few possibilities here.

1. The teacher could be wrong. Knowledge is not perfect or fixed and the reality may be different from what the teacher believes and teaches. I am assuming that there is no intention to deliberately mislead here, it is just that the teacher is mistaken.
2. The teacher knows that something they are teaching is wrong but does that nevertheless because of some ideology they subscribe to. In this case the teacher is deliberately misleading their students but genuinely believes that this is the right thing to do.
3. Then there can be third situation in which the teacher knows that what they are teaching is wrong but does so because of some personal or factional benefit.

There isn't much difference between the second and the third situation. The third could be considered a form of the second but with a narrower scope. Instead of an ideology the beneficiaries are individuals.

One factor determining which of the above three situations obtains is what the teacher thinks the purpose of teaching to be. The teacher might genuinely believe that the purpose of teaching is to have as many following their ideology of choice as possible. They might, while teaching a science subject, want more students to accept the theory they accept as true rather than the alternative one. Basically, the teacher has a chosen purpose to work towards.

The difference between indoctrination and education is that indoctrination gives us rules of conduct with little proper justification (that god or some saint laid down the rules is not proper justification) while education develops our capacity to come up with rules of conduct justified by proper reasoning. Good education is not easy. Indoctrination is. Education requires effortful thinking both on part of the teacher and the student while indoctrination gives us the rules without much mental effort. By nature most of us prefer the path of lesser effort and so are vulnerable to indoctrination.

### 9.1 Primary Knowledge and Primary Ends

**Primary Knowledge:** Just as there are *primary goods* defined as *things persons want whatever else they want* (see the essay on [Priority of right over good](#) for more on primary goods), there is *primary knowledge* which I would like to define as *things persons should*

*know whatever else they know.*

Primary knowledge is awareness of

1. The social contract
2. The general will
3. Primary goods and the priority of the right over the good
4. The two principles of justice
5. Kant's categorical imperative

It does not matter whether you are a musician or lawyer or teacher or whatever, you have to know the above mentioned things because they are fundamental to citizenship, to membership of society.

**Primary Ends:** Similarly, there should be an awareness of *primary ends* which I define as *societal ends that persons should promote regardless of whatever personal or factional ends they promote*. This involves the establishment and maintenance of the just institutions from which we and our affiliates benefit. This is required so that we can all pursue our various personal and factional ends. This has some congruence with the third formulation of Kant's categorical imperative.

## 9.2 Three Stages of Moral Development

Over a lifetime, an individual should go through three stages of moral development.

1. Morality of authority
2. Morality of association
3. Morality of principles

Not everybody completes all three stages of this process. I have no idea of the proportions but my impression is that a lot of us never progress beyond the morality of authority while very few reach the stage of morality of principles. A good education should enable more of us to progress further through these three stages of moral development.

### Morality of authority

Right conduct is conduct generally beneficial to others and to society (as defined by the principle of utility) for the doing of which we commonly lack an effective motive, whereas wrong conduct is behaviour generally injurious to others and to society for the doing of which we often have a sufficient motive. Society must somehow make good these defects. This is achieved by the approbation and disapprobation of parents



and of others in authority, who when necessary use rewards and punishments ranging from bestowal and withdrawal of affection to the administration of pleasures and pains. Eventually by various psychological processes we acquire a desire to do what is right and an aversion to doing what is wrong. A problem is that there are infinitely many situations (even categories of situations) requiring moral decision making and this kind of training cannot possibly cover them all or even most of them.

Another problem is that those in a position of authority do not want us to progress beyond the morality of authority because if we do that they lose their authority over us. Authority (and leadership) are addictive. Once we have them it is difficult to give them up. As we grow up we come to question and resist individual authority so those seeking authority form institutions such as religions and cults, become their leaders, and exercise their authority through these institutions. An enormous amount of effort is put into preventing us progressing beyond the morality of authority.

Rawls also points out that

*It follows that since parents and others in authority are bound to be in various ways misguided and self-seeking in their use of praise and blame, and rewards and punishments generally, our earlier and unexamined moral attitudes are likely to be in important respects irrational and without justification. Moral advance in later life consists partly in correcting these attitudes in the light of whatever principles we finally acknowledge to be sound.*

### **Morality of association**

Morality of authority gets replaced by the morality of association as a child matures and develops the understanding that there are others around who have views and opinions that are different to his or her own. The child realizes that his or her life is a collection of several associations each of which has different norms and expectations of behaviour. An individual's morality by association is shaped by the approbation and disapprobation of members of the various associations the individual participates in. This is different from the precepts of the morality of authority where compliance is often motivated by fear of punishment. The morality of association includes a large number of ideals each defined in ways suitable for the respective status or role. Our moral understanding increases as we move in the course of life through a sequence of positions. The corresponding sequence of ideals requires increasingly greater intellectual judgement and finer moral discriminations.

*Now each particular ideal is presumably explained in the context of the aims and purposes of the association to which the role or position in question belongs. In*

*due course a person works out a conception of the whole system of cooperation that defines the association and the ends which it serves. He knows that others have different things to do depending upon their place in the cooperative scheme. Thus he eventually learns to take up their point of view and to see things from their perspective. It seems plausible, then, that acquiring a morality of association (represented by some structure of ideals) rests upon the development of the intellectual skills required to regard things from a variety of points of view and to think of these together as aspects of one system of cooperation. In fact, when we consider it, the requisite array of abilities is quite complex.*

Rawls goes on to say

*First of all, we must recognize that these different points of view exist, that the perspectives of others are not the same as ours. But we must not only learn that things look different to them, but that they have different wants and ends, and different plans and motives; and we must learn how to gather these facts from their speech, conduct, and countenance. Next, we need to identify the definitive features of these perspectives, what it is that others largely want and desire, what are their controlling beliefs and opinions. Only in this way can we understand and assess their actions, intentions, and motives. Unless we can identify these leading elements, we cannot put ourselves into another's place and find out what we would do in his position. To work out these things, we must, of course, know what the other person's perspective really is. But finally, having understood another's situation, it still remains for us to regulate our own conduct in the appropriate way by reference to it.*

From the two quotes above it is clear that the cultivation of morality of association demands a fairly high level of intelligence. I believe that most persons have the potential for such intelligence and that it can be developed in most of us given the right kind of education.

### **Morality of principles**

Morality of association make a person a good person. Morality of principles make a person a *just person*.

In the morality of association good actions are motivated by the desire for approbation of one's fellow citizens. One acts in manners appropriate to the kind of association one has with one's fellow citizens. A good understanding of the principles of justice is required for a person to attain a high level of morality of association. Morality of association also leads to an understanding of the standards of justice which define the

public conception of justice.

I will re-state the third psychological law here.

*Once the attitudes of love and trust, and of friendly feelings and mutual confidence, have been generated in accordance with the two preceding psychological laws, then the recognition that we and those for whom we care are the beneficiaries of an established and enduring just institution tends to engender in us the corresponding sense of justice.*

Once we realize that the social arrangements based on principles of justice benefit us (and our affiliates) we begin to appreciate the ideal of a just human cooperation. We also develop a willingness to work for the establishment and maintenance of just institutions.

The citizen body as a whole is not bound together by ties of fellow feeling between individuals (and to expect to be able to achieve this is unreasonable). *However, the entire citizen body is bound together by the acceptance of public principles of justice.*

When we progress from the stage of morality of association to the morality of principles we basically come to understand that the principles of justice apply more widely than just in our interactions with our affiliates. Morality of principles helps us come to the right decisions when interests of our affiliates are at odds with the greater society. We desire to advance just arrangements, not just those particular schemes which are good for us and our affiliates.

*Benevolence is at a loss when the many objects of its love oppose one another. The principles of justice are needed to guide it.*

*Once a morality of principles is accepted, however, moral attitudes are no longer connected solely with the well-being and approval of particular individuals and groups, but are shaped by a conception of right chosen irrespective of these contingencies. Our moral sentiments display an independence from the accidental circumstances of our world, the meaning of this independence being given by the description of the original position (and its Kantian interpretation).*

For persons who have attained the morality of principles a just society is the ultimate goal of morality.

*A theory should present a description of an ideally just state of affairs, a conception of a well-ordered society such that the aspiration to realize this state of affairs, and to maintain it in being, answers to our good and is continuous with our natural sentiments. A perfectly just society should be part of an ideal that rational human*

*beings could desire more than anything else once they had full knowledge and experience of what it was.*

### 9.3 Education and individual moral progress

#### **The transition from morality of authority to morality of association**

This is the change from following the rules laid down by authority (parents, teachers, others with greater social influence) mostly because of fear of unpleasant consequences to the appreciation of the benefits of social cooperation between individuals with different points of view.

*Moral learning is not so much a matter changing our motives to the right ones as one of the free development of our innate intellectual and emotional capacities according to their natural bent. Once the powers of understanding mature and persons come to recognize their place in society and are able to take up the standpoint of others, they appreciate the mutual benefits of establishing fair terms of social cooperation.*

A well balanced education enables individuals to realize and recognize that they are part of a society which they not only like and enjoy but which it is also their responsibility to help to build and maintain. They will see themselves as participants in the social contract. Without a balanced education individuals see society as something to plunder and exploit for the satisfaction of their insatiable desires and unchecked primitive instincts and tendencies. They will not have any knowledge of the social contract or will simply reject it. As already stated, the social contract cannot be denied or rejected by anyone because we (implicitly) accept it by living in a society. If we benefit from the use of any goods provided by another individual we are bound by the social contract. Anything more than breathing, drinking from a stream and, foraging and hunting for food binds us to the social contract.

#### **The transition from morality of association to morality of principles**

This transition happens when we understand how we and our affiliates benefit from the just institutions of society and begin to appreciate the ideal of just human cooperation. This transition also requires the understanding that although we don't have a bond of fellowship with every individual in the entire citizen body we are still *bound together by the acceptance of public principles of justice*.

Some of us don't make it past the morality of authority and are happy to break the law if there is guarantee of impunity. Most of us never transition from the morality

of association to a morality of principles. By deduction then most of our politicians, some or whom are sometimes in government, never attain the morality of principles. Therefore most governments, regardless of the ideology of the political party forming them, ignore the social contract and the general will. Instead they govern by the will of a faction or, an alliance of factions that is hardly representative of the people.

### **Preparing for freedom and setting free**

I also think of the morality of principles as a liberation. Liberation from the morality of association to a stage where one's self-esteem is not determined by the opinions and approbation of others. It is good to have these but one should be able to maintain one's self-esteem independently. Morality of principles also comes with an additional burden. One can be in company or one can be alone, one can be observed or be reasonably sure that nobody is watching, one can seek approbation in a different association if one association does not approve, but one can never really separate oneself from one's principles. This does not mean that one cannot modify and alter one's principles (that is what reflective equilibrium is for) but one cannot hold a principle and act in violation of it at the same time. Cognitive dissonance<sup>8</sup> beyond a certain level causes psychological discomfort.

Another reason why morality of association is not a good end-point for the development of morality is that, in a society in which moral standards are low, morality of association will do very little to raise them. The bars are set low and approbation that we seek is easy to obtain and we set similarly low standards when approving and praising others' actions.

The desire, conscious or subconscious, manifest or obscure, of the teacher or mentor to retain their authority and influence over the protégé is probably the biggest hurdle in the way of the two transitions. In the first transition, from morality of authority to morality of association, the teacher feeling a dilution and diminishing of their authority over the protégé might resent the influence of other association the protégé starts to discover and develop. They might react with ad hominem attacks on these other influences. During the second transition (which in my observation rarely happens) the various associations a person participates in compete for the greatest influence. They might also resort to the association equivalent of ad hominem attacks on competing associations. None of this helps the individual. The idea of being a mentor is not to keep control for ever. Ultimately the protégé will acquire other associations and be influenced by them. The important thing here is to try to ensure that the associations

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<sup>8</sup>cognitive dissonance: a mental phenomenon in which people unknowingly hold fundamentally conflicting cognitions.

chosen are aligned with the true values of the protégé even if these values are different from the mentor's own. One way of achieving this is to encourage the protégé to use their own capacity for reason. If they do that then the choices they make will be the best for them though they may not be what the mentor hoped for. If the first transition has been done right, the individual will have the right attitude to rise above the morality of association *provided they know that there is a morality of principles to aspire to*. In the morality of authority stage it is important to make the protégé aware of the existence of the morality of principles. This will not only help with a more rational choice of associations in the morality of association stage but also, later on, transition to the morality of principles.

### **The true nature and value of respect**

Generally, we think of respect as a good thing. Actually, only well-earned respect is good and unearned respect is certainly bad. Respect arising out of awe<sup>9</sup> is certainly not a good thing. Most of us take being respected as a measure of self-esteem and don't really care whether we have actually earned that respect or not. I have always maintained that actions, not people, are worthy or unworthy of respect. Rarely is anybody's every action respectable and rarely is anybody's every action despicable. Respect for a *person* leads to unwillingness to be critical of not-so-honourable actions of that person. Similarly, disrespect for a *person* leads to unwillingness to approve honourable actions of the person. There is no denying that respect for a person does arise when most of somebody's actions are honourable, but one should always be prepared to judge actions in isolation from the person.

That something (or someone) is "usually" or "commonly" respected should not be one's reason for respecting something (or someone). This is because people often give unearned respect not because somebody's actions are truly respectable but because they benefit in some way from this person, which is a truly selfish motive. So, imagine meeting someone for the first time and at this time you know very little about the person. At this time you should not respect them but you should not disrespect them either. You should be courteous towards them. So the neutral starting point is that of courtesy. With time you gradually get to know this person better and your respect for them grows or not based on what you discover about them. You might even develop a disdain for them if you learn that they are insincere and untrustworthy in some way. Whatever direction you go from just being courteous, the reasons should be your own judgement of the person not others' (or general) opinion or them.

We need to place more value in the respect we give and not give it unless it has been

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<sup>9</sup>awe: feeling of fear and reverence

earned through principled behaviour. Now that we know what morality of principles is we should be able to recognise principled behaviour when we see it. This should also be extended to customs and mores of our society. Not all traditional values are backed by a morality of principles. My (unsubstantiated) opinion is that most traditions, customs, mores, etc. arise from a morality of association and exist to strengthen the sway of the association over its participants. As such, they resist the transition from morality of association to morality of principles.

As you can imagine, if we are the recipient of respect we should be aware of its true nature. What is expected of us by those who bestow that respect on us? If we value the respect we receive too much and it becomes essential for our self-esteem then there is the danger that our decisions will begin to consider the opinion of those who bestow upon us the respect that we have come to desire. Instead of evaluating our contemplated actions by the formulations of Kant's categorical imperative we will evaluate them by their predicted consequence on others' (or public) opinion. Unless we are careful in our desire and acceptance of respect it can severely erode our moral agency.

Desire for respect can prevent the progression from morality of association to morality of principles. Not only that, if it is strong enough, it can regress us back from a morality of principles to a morality of association. Just as the right has priority over the good, principles should have priority over respect and public (others') opinion.

#### 9.4 The aims of education

So, ideally, what is the purpose of education? I think that it is to develop and refine the capacity for independent rational thought; the capacity of reasoning. Starting with the same premises, different arguments can lead to different conclusions. It is not the purpose of teaching to tell the student which conclusion is right or wrong. The purpose is to develop in them the capability to justify their conclusion through proper reasoning.

It is not clear (at to me) whether knowledge leads to interest or interest leads to knowledge. I believe it works in both ways. It should be the aim of early education to make interesting a diverse range of subjects to increase the chances of each student finding the ones they like and enjoy and consequently develop a desire to have more knowledge about those subjects. Once there is the desire they will put in the effort required to know more. It does not matter what this knowledge is about, it is the nature and quality of the knowledge that matters.

The role of the mentor then is to prepare the protégé for moral freedom. First by set-

ting them free from the mentor's own influence and authority and secondly by preparing them to find the next and final level of freedom which comes with the morality of principles.

For completion I will state the other two aims of education already stated above and then state the third one.

1. To develop the capacity for rational independent thought.
2. To develop a desire for knowledge that is justified and well-reasoned.
3. To facilitate the transitions from morality of authority to morality of association and from there on to morality of principles.

I have not added placing greater value on the respect we give to the above list because I think that it is implied and included in the morality of principles. If you wish you can include it as a fourth item in your mind.

My hope is that the first will lead to intellectual freedom; freedom from reliance on authority or leaders in matters of moral judgement and the choice of ends. I see the second as a kind of immunisation against indoctrination. We need a reluctance to accept things on faith and authority to resist indoctrination. Finally, the transitions can only be facilitated by showing that it is rational for all persons to want and work towards a perfectly just society because only in such a society are all individuals truly free to pursue the ends of their choosing.



## 10 Kant's Categorical Imperative

### 10.1 Autonomy and Heteronomy

Rational beings have autonomy, which is the freedom to choose to want somethings over others. Morality is not possible without autonomy because if we cannot rationally choose to act in some way then we cannot be responsible for acting in that way. In short, morality presupposes autonomy.

Heteronomy, on the other hand, arises out of the causality of nature. The need to act arises out of natural causes and although we are free to choose the means to satisfy the need we do not have any choice regarding the need itself. In short, causality of nature leads to heteronomy. We act autonomously only when we use reason alone, abstracted away from all empirical conditions, to decide to act in some way. When we act to satisfy some need which arises from the causality of nature, we act heteronomously.

To get a sense of autonomy we have to eliminate heteronomy. Heteronomy arises out of empirical conditions which are specific to individual human beings. So we have to do away with all considerations of specific empirical conditions. This is often stated as "abstracting away from all empirical conditions". Once we have done that we are left with autonomy because

- There are only two ways in which we act, autonomously or heteronomously.
- Rationality, which leads to autonomy, being common to all humans, cannot be abstracted away as an empirical condition. Rationality *is* humanity.

Since the only truly autonomous action is the exercise of reason free from all empirical conditions it can only be an action for which the reason is the action itself. Or, autonomy is that property of the will whereby it is a law to itself. Another way of putting this is, if we are to come up with a moral law, it cannot be based on any particular interests, purposes, or ends. So what is it that has value as an end in itself? Kant's answer to this is, humanity or in general, every rational being.

Kant's categorical imperative can be derived from two premises:

- Human rationality is universal and necessarily leads to autonomy.
- The only autonomous actions possible are those for the sake of rationality, i.e. actions which will lead to the preservation of autonomy.

We shall see how after ensuring that we understand the terms properly.

- Imperative: an authoritative command; a command that must be obeyed.
- Categorical: Not allowing for any conditions or exceptions; absolute.

So, a categorical imperative is a command which must be obeyed under all circumstances, without any excuses or exceptions. So, what is this categorical imperative and why is it both imperative and categorical?

Here it is worth mentioning briefly the “hypothetical imperative”. Causality of nature leads to “heteronomy” (as opposed to autonomy) which leads to hypothetical imperatives. These are acts needed *if* we are to fulfill some need, e.g. drink water to quench thirst.

Hypothetical imperatives make no real demands, they connect ends to means. Categorical imperative, on the other hand makes a real demand. It is based on reason alone and does not derive authority from any other source, especially not from particular attributes of human nature or particular circumstances.

## 10.2 The first formulation

Act only on that maxim which you can, at the same time, will as a universal law.

The above quote is the first and the most common form in which the categorical imperative is stated. “Maxim” as used here means an established guiding principle. Also, note the “universal law”, because it is asking whether, for any action you are contemplating, it would make sense if

1. absolutely everybody (without any exceptions) acted like that and,
2. they acted like that all the time (once again without any exceptions).

If the above two (hypothetical) conditions lead to an absurdity or contradiction then the action being contemplated should be abandoned. Notice that the first formulation of the categorical imperative does not command anything specific. *It provides a test which is to be used to evaluate any contemplated action.* Let us apply the first formulation to stealing. Stealing is a simple example and everybody would intuitively consider it morally wrong. Using the first formulation, we will put this familiar intuition on a rational basis. Applying the first formulation we consider the scenario in which everybody steals all the time. In this scenario, amongst other things, two things relevant to this argument will happen.

1. The concept of ownership will be rendered meaningless because anybody can take anything from anybody anytime.
2. The benefit of stealing will be totally removed, because you will not really own whatever you have stolen (it might be taken from you the moment you look away!).

Similarly, the application of the first formulation to not keeping ones promises, e.g. not repaying a debt as promised.

1. Renders the concept of promise meaningless.
2. Removes any advantage you might accrue from not keeping a promise. Everybody is going to make false promises to you too.

In both the above scenarios we have absurd situations, i.e. no concept of ownership or promise. From the above two examples one thing is obvious, that the benefit of immoral behaviour is only when (almost) everybody else is acting morally. This leads on to something interesting—even in the act of behaving immorally we recognize the worth of morality. So one cannot say that their justification for immoral behaviour is that they do not recognize the concept of morality. They benefit from immoral behaviour only because of the undeniability of morality. This is what makes a wrong act wrong and one knows and accepts that the act is wrong even as one commits the wrong. The desire to behave morally is quite compelling in all rational beings and although it can be suppressed or ignored it cannot be refuted. This, I believe, is (at least in part) the basis of the social contract. The link from rationality to morality via autonomy of the will and the categorical imperative is the reason why we cannot abdicate from our responsibility to act morally. To deny morality would be to deny one's humanity.

It has to be mentioned here that there are consequentialist arguments for not stealing or breaking promises. Getting caught stealing will probably have very unpleasant consequences and not paying back a borrowed tenner on time will lead to bad reputation and diminished willingness of others to lend to us in the future. But these are specific empirical situations which cannot (and should not) be used to arrive at general moral principles. Universally acceptable moral principles can only be derived from universal human characteristics.

According to Kant, there is no moral worth in good deeds done for their consequences, only a good will can be called good without qualification. This is not to say that there is no moral worth in actions resulting in good consequences, it is just that your reason for the action should arise out of a good will, not only out of a consideration of its consequences for yourself.

The first formulation of the categorical imperative can also be applied to the positive example of helping others whenever we can. No individual person is capable of achieving all their ends without any help from others. So, if nobody ever helped anybody else then nobody's ends (except for the most trivial ones) would be achieved.

### 10.3 The second formulation

So act as to treat humanity, whether in my own self or in that of another, always as an end, and never as means only.

The first formulation does not say anything about how one is to treat other human beings. It simply asks one to consider the situation which results when any contemplated action is universalized. To understand the second formulation of the categorical imperative, we start again from the premise that all human beings are rational and, therefore autonomous and capable of choosing their ends (not just the means to those ends). But we do need the means to achieve our chosen ends and these means, more often than not, involve other human beings.

According to the second formulation, we are allowed to use other human beings to work towards our ends but we also have to consider them as ends in themselves. This is because, being rational they have their own chosen ends towards which they wish to work. If they cannot pursue their chosen ends as a consequence of how we are using them for our own ends, then we are denying them their autonomy and rationality, we are denying them their humanity. Expectation of morality from someone whose autonomy is being denied is irrational. Taking a work example, the second formulation means that employees should be paid reasonably and not overburdened with work. This will allow them to work towards their chosen ends which might be separate from the work for which they are employed. It would be a violation of the second formulation if pay and working conditions were such that workers are only able to meet their fundamental needs i.e. they are reduced to living heteronomously only. Slavery is the most extreme violation of the second formulation of the categorical imperative.

The second formulation can be considered the rational basis for the moral intuition that we should have as much respect for others as we have for ourselves and that we should respect the rights and interests of others.

### 10.4 The third formulation

Every rational being must so act as if he were by his maxims in every case a legislating member of the universal kingdom of ends.

When rational human beings, each with their autonomously chosen ends live together by the second formulation of the categorical imperative then we get a "kingdom of ends".

All rational beings desire the liberty of being able to choose their ends. Therefore, in

a well ordered society, this liberty is to be considered universal and inviolable. So all rational beings must act in ways that protect and support institutions and basic arrangements which allow all persons to freely choose the ends they wish and to pursue them by any means which do not curtail this liberty for others. This has parallels with my interpretation of the second formulation. Whereas the second formulation concerns interpersonal transactions and sentiments, the third formulation rises above our physical and emotional affiliations and attachments. It says, although we don't know every rational being in this world, we do know that they all have their chosen ends to pursue. These ends hold as much value for them as our ends hold for us. We do not have to (indeed cannot) facilitate everybody in the pursuit of their chosen ends but we can establish, improve and uphold the just and fair institutions in our society which allow everybody to pursue their ends. By doing so we also facilitate our own pursuit of our chosen ends. A "kingdom of ends" then, is a society in which people live by the laws they give themselves because only when this is the case can every person pursue their chosen ends.

The third formulation has congruence with the final stage in development of morality which Rawls termed *morality of principles*.

### 10.5 The Moral Agent

Individuals have

1. **Unity of consciousness** which is the awareness of existing in an empirical world and knowing that their experiences are their own.
2. **Transcendental freedom** which is freedom to which the causality of nature does not apply.

Unity of consciousness is the starting point of knowledge of truths. It gives us the laws of nature and enables us to describe, explain and predict.

Transcendental freedom is the starting point of all deliberation and it gives us *practical reason*. When reason is used to make judgements, establish true and false it is called *pure reason*. When it is used to choose ends it is called *practical reason*. Kant also used the term *pure practical reason* to mean the exercise of reason after all specific or empirical conditions have been abstracted away; without any hypothetical imperatives in consideration whatsoever.

The moral agent recognises that

1. They can do some things because they are conscious that they ought to.
2. They are free and, therefore, subject to the moral law.

We are always constrained by the causality of nature, so where is the freedom because of which we are subject to the moral law? According to Kant, freedom belongs to the transcendental realm to which the causality of nature does not apply. As individuals we have two aspects

1. an "appearance" in the empirical world
2. the "thing" underlying the appearance which is not bound by the causality of nature but by the moral law.

Contrasted with the *empirical world* which can be understood through our senses there is the *intelligible world* which can be understood by the mind or intellect alone.

Can we not deny the intelligible world, therefore freedom, therefore the moral law? No, the very idea of freedom makes us a member of an intelligible world because freedom does not belong in the empirical world. In fact, Kant went so far as to posit that thinking would not be possible without freedom. We are compelled by practical reason (by which we choose some ends and reject others) to accept that we are free. Autonomy is the fundamental basis of moral laws. It is also that property of the will whereby it is a law to itself. Finally, autonomy is what gives us dignity<sup>10</sup> of human nature because without autonomy there would be no value in moral behaviour.

Below is a quote from Michael Sandel's *Justice: What's the right thing to do*.

*If you really want to resist this notion, and claim that human freedom and moral responsibility are utter illusions, then Kant's account cannot prove you wrong. But it would be difficult if not impossible to understand ourselves, to make sense of our lives, without some conception of freedom and morality.*

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<sup>10</sup>dignity: the state of being worthy of esteem

## 11 Leadership

### 11.1 The impossibility of leadership

Leadership is overrated. A leader is a person who wants the collective decision to be the one that they themselves personally prefer the most. You might argue that a true leader is a person who wants the collective decision to be the one that is best for the society and I will agree with you. But that is the definition of an *ideal* leader of which, because of fundamental human nature, there are hardly any. So, in reality most leaders are persons who want the collective decision to be most favourable for themselves. Within any society there will be factions with different preferences. So the leader pushes for decisions that are preferred by the faction to which they themselves belong. No leader cannot satisfy everyone. They will satisfy some and disappoint some. Since they cannot satisfy everyone, they might as well push for the decisions they themselves prefer most. The ideal leader would consider the preferences for everybody in the entire country but knowing the preferences of everybody in the entire country is very difficult, if not impossible. In this sense, leadership would appear to be impossible, and it is. So, not only is leadership impossible because there are no ideal leaders willing to put their personal and factional interests aside but also because the task itself is impossible even if we assume an ideal leader.

The leader should not only want the collective decisions to be ones which are good for the whole society but they should also be willing and able to influence the preferences of everybody in the society so that they are more aligned to what is good for the society as a whole even when they are not the very best for the individuals or factions. Essentially, such a leader would be capable of asking individuals to make sacrifices for the benefit of the society as a whole.

### 11.2 Leadership needs morality of principles

Some of the reasons for individuals obeying a leader are

- Authority of tradition
- Authority of Law
- Charisma of the leader
- Trust in the leader

The first two have nothing to do with leadership although they can be exploited to manoeuvre oneself into a position of leadership. Charisma is effective when people believe that the leader can perform miracles i.e. they can do things which are impossible for other human beings. Charisma is transient and cannot be relied upon to work in

the long term.

Trust needs sacrifice to build. If someone obeys a leader because they trust the leader it means that they believe that the leader will not place his or her own interest before theirs. One does not have to believe that their interests will be protected, just that the leader will only sacrifice their interest for the greater collective good; that the leader will not sacrifice their interest for his or her personal (or factional) interest. Trust needs sacrifice to build and it is easy to lose. Trust also needs constant maintenance by magnanimous behaviour. In this sense leadership is easy. It just needs the right kind of behaviour (such behaviour might be difficult though!). So, ethical behaviour can earn you trust but it is difficult because it always conflicts with personal interests and a desire for approbation.

### 11.3 Leadership in the workplace

These days leadership is everywhere. It is a sought after quality and there are programs to help one develop and improve one's leadership qualities. Mostly it is about

1. Setting clear goals.
2. Providing the support required to achieve them.
3. Verbal appreciation and applauding of the work done by peers and subordinates.

In my view none of the above is leadership. It is common sense. The first two are about efficiency. They are essential requirements for getting anything done. The third one is downright deceit and perfidy. Applaud is used as a surrogate for genuine reward which would be to negotiate a better deal for the employee such as a promotion, a role with greater responsibility, greater freedom to make decisions, better salary. That is, things which lead to real professional growth and development of the employee. In reality, the boss is under pressure from his equally insecure and lacking in vision bosses to deliver cost savings. True leadership would work for a fairer overall pay structure in the entire organisation. But that never happens and I take this as evidence that genuine leadership is not only rare but also becoming rarer. This is in spite of all the emphasis on leadership that we see these days. In my opinion leadership is simply, not being deceitful and seeking fairness for everybody. Fairness in work scenario being people being rewarded in proportion to their hard work. No other definition of leadership is acceptable to me. Another term to be addressed is *inspiration*<sup>11</sup>.

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<sup>11</sup>inspiration: an elevating or stimulating influence upon the intellect, emotions or creativity.



### 11.4 Inspiration

Leaders are supposed to be inspirational. Inspiration is always for something, better health, improved intellect, greater skill etc. When a leader inspires you, they inspire you with their own vision of something. When you inspire yourself it is with your own vision of something. In the first case, the end is the leader's while in the second case the end is yours. Of course, you might consider your leader's end(s) to be aligned with your own and if you are honest with yourself about this then it is fine. But the leader may have convinced you that your ends are the same as their ends when they really are not. Leaders should be inspirational. The question is what should they inspire you for? To me there are only two things.

- Understand and honour the social contract and to be fair.
- Seek your own ends true to your own nature avoiding comparison with others.

### 11.5 Universalisation of leadership

Certain jobs should be done with the aim of doing away with the requirement for the job itself. Doctors should aim for people to be so healthy that they will never need a doctor, police should aim to bring down incidence of crime to the extent that policing is no longer needed. Of course these ideals are not achievable, but they are certainly normative. They can be used to guide mission statements and management policies. Similarly, ideal leadership should aim to do away with the requirement for leadership. Leadership with any other aim is not leadership, it is self-serving disingenuity. Leadership should aim for a population in which citizens have a good understanding of their duties and responsibilities. It should aim for a public understanding of distributive justice and fairness. This does not mean an entire population that thinks alike. It means a population in which people not only think differently but also acknowledge, accept and, respect this fact to the extent that they are willing to be just and fair towards those with whom they disagree. In this situation there is no need for leaders or, we can think of this situation as one in which everybody is a leader (no followers!).

Happily (or sadly), most people lack the disingenuity and deviousness that is required to manipulate oneself into a position of leadership these days, especially political leadership. The fact is that, put in a position of leadership, most people will lead reasonably well. I will refer to such a leader as *leader-by-necessity* (or *reluctant leader*)—a person leading not because they desire to lead but because the situation requires it and in the given situation they are one of the most well-suited to lead because of their experience, talents and skills. They have the humility to think deeply about their responsibilities and readily seek expert advice whenever needed (which, in a govern-

ment is quite often). Time and again we have seen that ministers have gone against the advice given to them by civil servants which time proved to be the correct advice. Tony Blair deciding to go to war with Iraq is an example. Intelligence services repeatedly told him that the intelligence that Saddam Hussein had weapons of mass destruction was very unreliable. Still, the UK, along with the US, went to war against Iraq. The consequences for the entire world have not been nice. An egregious example of the pursuit of personal interest by a leader while in a position of public authority is the [Greensill Scandal](#) involving former UK Prime Minister David Cameron.

A leader-by-necessity, lacking in big personal interests will think for the society as a whole. This is so unlike our current leaders whose incentive to lead arise from their personal interests. I am not saying that a leader-by-necessity will not have any personal ambitions. They might want to excel in their profession and they might want to constantly improve their skills related to some hobby. However, their personal ambitions will not be linked to their position of leadership and my hope is that that they will not be seeking to use their position of leadership to fulfil their personal ambitions. This is because they will have other careers from which they make a living and fulfil their other interests.

Leaders overestimate the requirement for leadership. On several occasions I have seen subordinates suffer and eventually leave because their boss's desire to lead resulted in an intolerable degree of micromanagement. The most important skill of leadership is to recognise when leadership is really needed and when to leave people alone to get on with their jobs. I believe more subordinates suffer because of their boss's desire to flex their leadership muscle and "manage" them than from a lack of leadership. Self-seeking leaders also underestimate how much people are willing to sacrifice for the greater good. This is possibly because they themselves lack a similar willingness to make personal sacrifices for a greater good. They think that asking for too much sacrifice will make them unpopular.

Basically, I think that there is a latent abundance of unexploited leadership which is different from our traditional view of leadership. This is a leadership of confidence in one's skills and talents developed with a lot of hard work. Leadership which does not depend on constant reaffirmation by a crowd of (often ill-informed and misinformed) followers. Leadership which knows its subordinates and facilitates their optimal performance by removing hurdles and bottlenecks.

There will always be cohorts seeking someone to lead them because they are too lazy to practise personal leadership, i.e. take personal responsibility for their lives and actions. Often these are the people egotistical (and egoistical) leaders mislead because,

by their attitude, they are vulnerable to being misled. They want something (a better nation, a more egalitarian society) without working for it and expect the leader to deliver it just by following him. Seldom is such exploitation unidirectional, while leaders humour them to maintain a following the followers have their leaders to blame when things go wrong or promises remain unfulfilled.

**There will always be a need for leadership**

Earlier, I arrived at a situation where everybody is a leader and there are no followers. In reality leadership will always be needed because there will always be younger and inexperienced generations who need to be helped in their progression from morality of authority to morality of association to morality of principles. This leadership is about those being led, not about the leader satisfying their ego and ambition to be a leader. Such leadership is by example, encouraging independent rational thought. Such leadership is not by indoctrination. It is not telling them which ends to choose but asking that their chosen ends be truly their own arrived at through self-knowledge and well reasoned logic. Truly well-intentioned leadership is a genuine effort to remove the need of a leader for the ones being led. The longer it is needed the less successful it has been.

## 12 Democracy by Sortition

### 12.1 Background

In *A theory of Justice* Rawls wrote

*The liberties protected by the principle of participation lose much of their value whenever those who have greater private means are permitted to use their advantages to control the course of public debate. For eventually these inequalities will enable those better situated to exercise a larger influence over the development of legislation. In due time they are likely to acquire a preponderant weight in settling social questions, at least in regard to those matters upon which they normally agree, which is to say in regard to those things that support their favoured circumstances.*

I don't think that the problem with the combination of political parties and democracy-by-election could be better stated. I also think that the size of this problem was nowhere near as big when Rawls wrote this [as it is now](#). Rawls gave a solution to the problem and also stated the consequences of failure to address this problem.

*To preserve the fair value for all of the equal political liberties in a society allowing private ownership of the means of production, property and wealth must be kept widely distributed and government monies provided on a regular basis to encourage free public discussion. **In addition, political parties are to be made independent from private economic interests by allotting them sufficient tax revenues to play their part in the constitutional scheme.** (Their subventions might, for example, be based by some rule on the number of votes received in the last several elections, and the like.) What is necessary is that political parties be autonomous with respect to private demands, that is, demands not expressed in the public forum and argued for openly by reference to a conception of the public good. If society does not bear the costs of organization, and party funds need to be solicited from the more advantaged social and economic interests, the pleadings of these groups are bound to receive excessive attention. And this is all the more likely when the less favoured members of society, having been effectively prevented by their lack of means from exercising their fair degree of influence, withdraw into apathy and resentment.*

He also points out that not only, absolutely nothing has ever been done about it but also, there is a total lack of desire to do anything about it.

*Historically one of the main defects of constitutional government has been the failure to insure the fair value of political liberty. The necessary corrective steps*

*have not been taken, indeed, they never seem to have been seriously entertained. Disparities in the distribution of property and wealth that far exceed what is compatible with political equality have generally been tolerated by the legal system. Public resources have not been devoted to maintaining the institutions required for the fair value of political liberty. Essentially the fault lies in the fact that the democratic political process is at best regulated rivalry; it does not even in theory have the desirable properties that price theory ascribes to truly competitive markets. Moreover, the effects of injustices in the political system are much more grave and long lasting than market imperfections. Political power rapidly accumulates and becomes unequal; and making use of the coercive apparatus of the state and its law, those who gain the advantage can often assure themselves of a favoured position. Thus inequities in the economic and social system may soon undermine whatever political equality might have existed under fortunate historical conditions. Universal suffrage is an insufficient counterpoise; for when parties and elections are financed not by public funds but by private contributions, the political forum is so constrained by the wishes of the dominant interests that the basic measures needed to establish just constitutional rule are seldom properly presented.*

In typical Rawlsian modesty Rawls goes on to say that this is not really his subject of expertise.

*These questions, however, belong to political sociology. I mention them here as a way of emphasizing that our discussion is part of the theory of justice and must not be mistaken for a theory of the political system. We are in the way of describing an ideal arrangement, comparison with which defines a standard for judging actual institutions, and indicates what must be maintained to justify departures from it.*

One definition of stupidity is doing the same thing over and over again and expecting a different outcome. Remember, the social contract does not bind us to be governed by the majority rule. History has made it clear that democracy by election, is unsuitable for finding the common interest and therefore, unsuitable for governing by the general will. This has been repeatedly demonstrated to us over several decades. Yet, we tolerate the same political parties made up of roughly the same kind of people who, after being elected into government do whatever is politically expedient with total disregard for the general will.

What makes the problem of finding the common interest difficult is our fundamental human nature. We are unable to find the common interests because our efforts to do so are sabotaged by our individual interests.

## 12.2 Problems

### Not really representative

In a democracy, through the process of election, some people from amongst the entire population, are given the mandate to run the country according to the *general will* of the entire population of the country. In big countries, which is practically all countries for the purpose of this essay, governments can (and do) drift so far from the general will that it renders them incapable of governing by the general will. This is because the proportion of the total population in government is tiny and the government cannot keep in touch with the general will of the people. So the government starts to govern by the will of a small group of people. This small group comprises people who are socially close to those in government. Now the country comes to being governed not by the general will but the will of this small group of people and you notice that the government has very little consideration for the general will. The way democracy is implemented (i.e. by election), it is a lot more likely for someone in one of the small privileged groups to end up in government than it is for someone outside of any such group. Sure, you can join a political party of your choosing and work your way up but it will be difficult if you have to earn a living for your family at the same time. People in government are hardly like the average “us”. So we have to forgive them for not knowing what the general will is. Even so, I think that it is their fiduciary<sup>12</sup> responsibility to make the effort to know as much as possible about the general will. But surely that is asking for too much. What makes it perfidious<sup>13</sup> is that the government still claims to be governing by the general will. Given these observations one can reasonably conclude that government by democracy is not good for us.

What if we have a proportionally bigger government? Will it represent the general will any better? May be, but any representative government (one in which a small number of representatives represent the entire population) is unlikely to be truly representative of the people and the general will. In addition, most representative governments will be prone to collusion<sup>14</sup> with vested interests.

It is not democracy but the collusion between vested interests and the government that is our problem. I am using the word collusion because that is what it effectively is but I do not believe that it is a planned and meditated collusion. It is not as if the vested interests and the government have regular meetings where they discuss how to keep us miserable and poor and struggling while the fruits of our collective national labour are unfairly distributed in their favour. They simply find themselves in

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<sup>12</sup>fiduciary: arising out of the trust placed in someone

<sup>13</sup>perfidy: an act of violating promise or faith or trust

<sup>14</sup>collusion: an agreement between two or more persons to defraud a person of his rights.

situations which are comfortable and privileged and they have got used to those situations and, naturally, make every effort to maintain and improve them. It is basic human nature to want to do so. They make no effort to imagine what life is like for the unprivileged. I am using “privileged” and “unprivileged” rather loosely here. By unprivileged I mean those whose choices regarding the basics of life are somewhat limited because of their socio-economic situations. Although the collusion is an unintended consequence, an emergent character, of the democratic process, it is a problem nonetheless, at least for most of us. Since the cause is the process itself the solution is not to be found in any new political party. Any political party of any ideology will be as susceptible to this collusion as any other. I will refer to the existing process of democracy as “democracy-by-election” in the rest of this essay. Just keep in mind that I have demonstrated with reasonable clarity, without invoking any conspiracy theory, that governments in a democracy-by-election are necessarily susceptible to (unintended but cosy) collusion with the privileged strata of the society. This leaves a large proportion of the population practically unrepresented in the government.

As suggested earlier, the collusion between vested interests and government concerning us in this essay is not the result of conscious or deliberate effort. It is certainly not a conspiracy. It is the result of the natural human desire to better one’s situation in life.

### **The career politician**

In addition to collusion, there is another less obvious but more deeply entrenched problem with democracy-by-election. This system positively selects people with certain qualities which are at odds with having a morality of principles. The lifelong competition that is part of party and national politics positively selects people with ambition and a strong desire to win. I would even add a certain amount of ruthlessness to the list of traits required for a successful career in politics. By its very nature, a career in politics requires a person stay in the morality of association stage and not progress to the morality of principles stage of moral development (see “The career politician is not independent” below).

The ideal personality for governing by general will consists of people who are of a principled and sacrificing nature with consideration for people across the whole spectrum of society. People for whom good governance takes priority over political success, who can prioritise national and social good over personal benefits. In short, we want people with integrity<sup>15</sup> and magnanimity<sup>16</sup> to govern us. That is too much to ex-

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<sup>15</sup>integrity: having moral principles and adhering to those principles;

<sup>16</sup>magnanimity: generous; selfless; above petty concerns;

pect from a modern politician anywhere on the political spectrum. When confronted with examples of their greedy behaviour they say that none of their actions were illegal. This is what moral standards among politicians have been reduced to! Just being within the laws which over the years they have moulded to be in favour of their personal and factional benefit rather than for the benefit of the country.

### **The career politician is not independent**

I believe a person has to put in a lot of hard work before they even become known to the public as a politician. Most of this work is not visible to the public. It involves some public service but mostly it is to garner support amongst peers and other influential people to advance their political career. I also believe that getting big donations for the party adds to one's standing within the party. Neither political support nor monetary donations come without obligations. As a result all politicians are beholden to peers (who are members of their faction) and the wealthy donors in complicated ways that are unfathomable for those who do not move in the same circles.

We assume administrative and governance capabilities in our politicians. We assume wrongly and to our detriment. Thames Water was asset-stripped and plundered by an Australian investment bank over a period of years and the governments did not know about it! What is a government for if it is not to look after and protect such fundamental things as water supply? They can't say that they did not know. It is their job to know, to find out what is really going on and to intervene if needed. Such failures indicate that the politicians do not (because of their experience in politics) have administrative capabilities any better than the national average. They do acquire some skills from their experience in politics but these are not governance skills, these are skills of disingenuity, manipulation, horse-trading and egregious self-service without breaking any laws. In any case, they are so beholden to their supporters within the party and to the wealthy donors that they really cannot do anything that is against the interests of these groups. Hence my conclusion that politicians are unable to act independently even if they know the right thing to do. They sell their independence to acquire political power and in the process they literally enslave themselves to their in-party supporters, wealthy donors and other influential and powerful people who have been instrumental in getting them where they are.

The government is supposed to be powerful but in democracy-by-election we have a system in which the government is powerless, effectively in a stranglehold of the wealthy and the influential.



**The career politician cannot think long-term**

It is not that they are not capable of taking a long view but it is much more prudent for them to focus on the next election. So they think only in terms of the next four or five years. The relentless drive for economic growth in spite of its environmental consequences is because of concern about the next election. Spending on projects with quick and visible results is prioritised over spending on much more important things where results will become evident after twenty years. The result is neglected schools and universities which become overly dependent on income from foreign students. Hospitals and other public services get built using private finance which has to be paid off (with interest) with public money over years to come and also binds these services in contracts which are heavily in favour of the financier.

Immigration and public sentiment against it is a very visible issue. Right or wrong, public sentiment is what it is and no legitimate government should ignore it. Immigration is a problem of government short-sightedness. Instead of investing in education to make it more widely available and better in quality the government prefers to allow immigration of workers with skills that are in short supply within the country. Governments don't invest in education because the benefits will be visible not in four or five years but in twenty years time. So there is no *political benefit* to be gained from investing in education.

Although it is obvious that there is a lot of (unnecessary) burden on the National Health Service (NHS) because of severe and prolonged under spending on social services, governments have not increased the spending on social services. They provide money to NHS to allow them to use private clinics when their capacity is exhausted because that is very visible in the public eye while investing in social services does not come with the same political benefit.

I think that the career politician is doing to the country something not very dissimilar to what the investment bank did to Thames Water! Prioritising immediate gains over long-term sustainability and leaving a company (which was healthy to start with) in ruins. The ruining of Thames Water should not have been allowed to happen. We, the regular people of the country with small and considerate ambitions, should not allow the career politician to do the same to our country.

### 12.3 Solution

#### Democracy by sortition

My proposed solution to the problem of collusion in democracy-by-election is to replace it with “democracy-by-sortition”. This is not my idea or even a new one. I am just explaining it to you. Sortition means selection by drawing lots. So, in this process we randomly select 650 people from the population of the country and put them in the parliament for one term. Basically, we do away with elections. Granted that this is a bit too simple but let us persist with this line of thinking for a bit more.

- We ask for volunteers above a certain age and with a minimum education level. These should be people who will be able to go back to living on their normal jobs (or pensions) after their term in government.
- From the volunteers we randomly select 650 people and put them in the parliament for a term.
- While they are in the parliament they will be paid a salary and expenses but nothing too extravagant.
- Once their term is over, the volunteers go back to their older lives and they are not allowed to volunteer again.
- Volunteers have to agree to allow public enquiry into their conduct while they were in government at end of their term.

At its simplest the process is as described above. Some refinements are desirable to get a truly representative parliament. Random sampling from the entire population is likely to leave some sections of the population unrepresented. So we should do what statisticians call a stratified sampling—the population is divided into subgroups based on some criteria (e.g. income, age, sex) and then a random sample is taken from each subgroup. It is a bit more complicated but the good thing is that it has all been worked out in detail by the [Sortition Foundation](#) including [a peer reviewed publication](#) about the process.

#### Addressing the problem of collusion

Democracy-by-sortition MPs cannot sell favours to vested interests because after their term in government some other random person will take their place in the government and all will be revealed. Since they will have no privileges after their term in office, they will not be able to protect themselves from prosecution for misdemeanours while in government.

Also, vested interests will struggle to find anyone to collude with. They usually do-

nate to political parties not just when they are in government but even while they are not. It is a bit like grooming the party. One day the party is able to form the government and all the investment pays off. Covertly, they may be able to offer favours to individual members of political parties. Neither of this will make any sense with a randomly selected MP. A randomly selected MP is without any party that can be groomed by donating to and, the MP cannot take a bribe (at least not easily) because of the certainty of discovery and the possibility of prosecution mentioned earlier. Of course, vested interests can go for collusion with the civil servants but political oversight should keep that in check.

### **Addressing the lack of integrity and magnanimity in politicians**

Democracy-by-sortition MPs will not have been positively selected for traits which are important for success in party and national politics in the democracy-by-election system. Agreed that democracy-by-sortition will not be positively selecting for the desirable traits but it will not selecting for undesirable traits either. I suspect that, in practice, democracy-by-sortition will negatively select for the undesirable traits. This is because it will remove nearly all perquisites<sup>17</sup> of being in the government while keeping all the burdens as they were. So, ambitious, selfish and power-seeking persons will no longer be attracted to politics. There will be nothing in it for them! I also suspect that the right kind of people, who so far have refrained from political activity because they don't have the required craftiness and disingenuity, will readily volunteer to serve in the government.

### **No incentive for short-term thinking**

As I said earlier, it is not that democracy-by-election MPs are incapable of long-term thinking, just that because of the way things are in democracy-by-election it is almost imperative for them to think short-term. A democracy-by-sortition MP will know that they are never going to be back in the parliament. There will be no "next election" to be worried about. There will be no party-peers or wealthy donors to pander to for ensuring the support that got them into the parliament. All of this will create an environment conducive to long-term planning and thinking.

## **12.4 Summary**

Below are some of the positive consequences of democracy-by-sortition.

1. A more representative parliament.

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<sup>17</sup>perquisite: a privilege or possession held or claimed exclusively by a certain person, group or class.

2. More MPs with an ethos of service than power.
3. Heavily reduced influence of wealth on the political processes and institutions of government.
4. A political (and governance) environment which encourages long-term thinking and planning. This should let us invest in education and skill development within the country rather than firefighting the skills shortage by allowing immigration of skilled workers from other countries.

The first predicted outcome is a certainty. The extent to which the second will happen is subject to chance but I suspect that the situation will be better than it has ever been in the last fifty years. It is also my hope that democracy-by-sortition governments will enact laws which will make private donations to political parties illegal. As Rawls said, unless we allocate public funds for political parties we cannot prevent the wealthy from acquiring an inappropriate level of influence in the political process.

### 12.5 The difficulties and the plan

We know the problem and we know the solution. At least we know one solution and until someone can come up with a better solution it is the one we have to develop further. We also know that at this stage our solution is a purely theoretical one and the moment we start to think about implementing it practically we run into difficulties. Still, since it is the only solution in front of us we need to apply ourselves to overcoming the difficulties.

Obviously, the solution requires deep and difficult societal changes. Changes going down to the deepest levels of our social values. Most importantly, changes in the way we see our individual selves in relation to every other individual in the society and even every other species on the planet. The first difficulty we encounter is a personal difficulty. We see a problem so big that we lose hope and give up trying to do anything about it. I will not inspire you make the effort in the face of hopelessness. What I will say is that the problem is simply too big to ignore. Sometimes you need to work on a problem simply because not doing so is not an option and causes mental unease. It may be the reason why I am writing this. An advantage of being confronted with a truly humongous problem is that one does not expect to solve it, one only expects to contribute in some (small or large) way to the solution. One's contribution (rather than the ultimate resolution of the problem) is the satisfaction or reward. That mitigates mental unease.

The second difficulty is that there is no obvious path from the current political system of democracy-by-election to democracy-by-sortition. The current system is controlled

by those who benefit hugely from the status quo and they will resist any attempts to change it. A violent revolution to replace democracy-by-election with democracy-by-sortition is ruled out. History is full of examples when brute-forced changes in political systems did not end well in the long run. In any case, democracy-by-sortition by its nature will not attract leaders who are able to pull off a revolution!

### The General Will Party

The current political system is very obdurate. It is so not simply because of being old and rooted in tradition but more so because those who are advantaged by it naturally don't want it to evolve. However, there is one path, within the current political system, which can work around this resistance to change. This path needs to go through an intermediate stage in which a new political party has a role to play. Remember, the ultimate aim is to do away with all political parties and career politicians. So the proposed political party, and I will call it the "General Will Party" for the purpose of this essay, is to be established with the purpose of doing away with all political parties including itself. For now, given the situation we are in, the General Will Party has to come into being no matter how reluctant it is to do so. It is a *reluctant political party* that has no choice but to come into being because of the egregious extent to which the less favoured members of society are excluded from public debate about social questions. Can we not think of another way to get to sortition based governance? Maybe there is one but I cannot think of it and I find some of the traditional means of changing the system abhorrent. The results of violent revolution or coup d'état are far too unpredictable for my liking and they have exactly the same incentives that I am trying to get rid of. Hence my choice is to go via an intermediate stage, *within the current political system*, to change it. Even if we don't like the idea of (another) political party, if we always remember that the General Will Party, after it has served its purpose, will go out of existence then the idea does not sound so obnoxious. Of course, better ideas are always welcome.

Most political parties are themselves run like little governments. They have internal elections of leadership and they have largely the same internal struggles for power as in governments. The General Will Party will be based on sortition. So, although it will be a political party, it will be run by a very different process. In the General Will Party, committee members and office bearers will be chosen by lottery. As a simple (and artificial) example let us say that the General Will Party needs a formal leader to represent itself. The way we find this person is

1. one person out of the entire membership is selected by lottery and then this person can either themselves become the leader or appoint any other member

they wish to be the leader.

2. members can volunteer themselves (with some restriction on who can volunteer based on age, education, work experience etc.) for being the leader and from amongst the volunteers one is selected by lottery.

It is important that volunteers for leadership have independent livelihoods because the General Will Party will not provide it. You might protest that this will rule out a lot of people. While this is true, it still allows a wider representation than conventional political parties. The first method actually allows full representation in that someone not qualified to become the leader can still be selected by lottery to choose someone who is qualified to become the leader. Of course it is not so simple but as I mentioned earlier, many of the details have been worked out by the [Sortition Foundation](#) and they have also published [a peer reviewed article](#) about the process. I will attempt to work out the details of organisation and operation of the General Will Party in a future essay.