

# Rawls on liberty

## 1 The basic liberties, “roughly speaking”

1. political liberty, the right to vote and to be eligible for public office;
2. freedom of speech and assembly;
3. liberty of conscience and freedom of thought;
4. freedom of the person along with the right to hold (personal) property;
5. freedom from arbitrary arrest and seizure as defined by the concept of the rule of law.<sup>1</sup>

## 2 The special conception of justice

### 2.1 The first principle of justice

Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.

### 2.2 The first priority rule (the priority of liberty)

The principles of justice are to be ranked in lexical order and therefore liberty can be restricted only for the sake of liberty. There are two cases:

1. a less extensive liberty must strengthen the total system of liberty shared by all;
2. a less than equal liberty must be acceptable to those with the lesser liberty.<sup>2</sup>

### 2.3 Example of restricting liberty for the sake of liberty

The extent of the principle of participation is defined as the degree to which the procedure of (bare) majority rule is restricted by the mechanisms of constitutionalism. These devices serve to limit the scope of

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<sup>1</sup>*A Theory of Justice*, p. 61.

<sup>2</sup>*Theory*, pp. 302-3.

majority rule ... [For example] a bill of rights may remove certain liberties from majority regulation altogether ... to justify these restrictions one must maintain that from the perspective of the representative citizen in the constitutional convention the less extensive freedom of participation is sufficiently outweighed by the greater security and extent of the other liberties ... The justification appeals to a greater equal liberty. At no point is there a reference to compensating economic and social benefits.

One of the tenets of classical liberalism is that the political liberties are of less intrinsic importance than liberty of conscience and freedom of the person. ... Fortunately however, we do not often have to assess the relative total importance of the different liberties. Usually the way to proceed is to apply the principle of equal advantage in adjusting the complete system of freedom. We are not called upon either to abandon the principle of participation entirely or to allow it unlimited sway. Instead, we should narrow or widen its extent up to the point where the danger to liberty from the marginal loss in control over those holding political power just balances the security of liberty gained by the greater use of constitutional devices.<sup>3</sup>

### 3 Is more liberty always desirable?

Of course, it may turn out, once the veil of ignorance is removed, that some of them [the parties] for religious or other reasons may not, in fact, want more of these [primary social] goods [including liberty]. But from the standpoint of the original position, it is rational for any of the parties to suppose that they do want the larger share, since in any case they are not compelled to accept more if they do not wish to, nor does a person suffer from a greater liberty.<sup>4</sup>

### 4 The general conception of justice

All social primary goods — liberty and opportunity, income and wealth, and the bases of self-respect — are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored.<sup>5</sup>

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<sup>3</sup>*Theory*, pp. 229-30.

<sup>4</sup>*Theory*, pp. 142-3.

<sup>5</sup>*Theory*, pp. 302-3.