

R.K. Nar*yan on freedom of speech and fair equality of opportunity

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Abstract. In this paper, I present an obstacle to realizing John Rawls's system of justice. I present it through a pastiche of a notable fiction writer from the Indian subcontinent. The basic liberties have lexical priority, but they risk undermining fair equality of opportunity, because freedom of speech allows us to spread false prejudices. I present the obstacle through a pastiche of a notable fiction writer from the Indian subcontinent.

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A warning: it takes longer than usual to get to the objection, but I find I can investigate a stylistic matter: can the readable "developing world" literary craftsman incorporate more advanced intellectual discussions?

Uncle was in a large bookshop in Deansgate. He was on the third floor. It was Sunday morning, quiet and peaceful, and he had found a book that he wanted. It was by Samuel Freeman, a textbook on a renowned American philosopher of justice. Uncle did not think much of the grey front cover. It would have been better in green and didn't have very nice patterns on it. What was the photograph of, a large centipede climbing up a drawer? Uncle felt a desire to stamp on the centipede. Also the cover was creased. The pinkish side cover was better, but why were there no capital letters in the author's name? Freeman was from the University of Pennsylvania, which Uncle had never heard of. He guessed it was like marks & spencer.

"Hello. Can I ask you a question?" he asked one of the shop assistants.

It was paradoxical: to be polite you asked for permission to ask a question, but you were already asking a question without permission. “Yes, sure Uncle,” said the assistant, overlooking the matter. Everyone knew him as Uncle, even in this bookshop he had only once been to before.

“Can I have a discount on this?”

“I don’t think we do discounts.”

“But look, it’s crushed.”

“Oh, there are some creases there. I can ask someone for you, but I don’t think we do.”

The shop assistant took the book with him and returned with another shop assistant. The other shop assistant, a tall man with grey hair, said, “Yes, we can see the problem, but we don’t do discounts I’m afraid.”

“Back home I can get a discount for this.”

“We have quite a few branches, but there might be differences across societies. Don’t you normally prefer French philosophy, Uncle?” asked this other shop assistant. His English was slightly posh but the tone was gentle and calming.

“Oh yes,” Uncle paused and tried to think of something witty, but nothing came to mind.

The shop assistant nodded seriously. “Yes, we had someone who asked for a discount on this particular book two weeks ago.”

Uncle had a guess who that was: his neighbour, the minor philosopher. He again thought it was a good idea to say something witty, as if he were competing for a job with this fellow. “By Freeman, but not really free. Not even Discountman.”

“Uncle, we’re very sorry about this situation but unfortunately the price is the price.”
How could one argue with that gentle voice?

Uncle decided not to purchase the book. As he was leaving, he saw a young man with blonde hair wearing a Yale University pullover and an older figure, the boy's own uncle perhaps. He had a feeling he should say something, but what? Anyway, what was a Yale student doing in Manchester? Everywhere he saw "Yale" these days: black people, white people, Chinese people – all wearing clothing with that name on it. Didn't England have two great universities: Oxford and Cambridge? What is Yale? He wasn't sure.

A few weeks later Uncle arranged for a PhD student to visit. The PhD student was a biochemist, but had boasted to Uncle, "I know Rawls. I know his texts as well as the politics department, but I'm not really allowed to lecture there."

Uncle was stocky and his son was a little stocky too, whereas this was a small-made slim fellow. He sat on a leather chair and examined the apartment. There was nothing much remarkable about it. He was in a room of reasonable size. There was a large new television and beside it was moisturising cream; the whole room felt slightly cold. There was a faint smell of lamb curry. On the carpet was a leaflet with big loud letters opposing events in Hong Kong. The apartment had a good location: close to where a lot of RNA research happens. People thought physicists were the leading scientists in the university, but the biochemist had his own opinion. And the university needs another Nobel prize soon to not fall behind in the rankings.

The biochemist found himself speaking in a slightly foreign accent to blend in. "You probably studied this in nursing ethics: John Rawls. He's got this principle, gives everyone a set of basic liberties, freedom of speech, right to a fair trial." He glanced over at Uncle's son, sitting on the sofa. The biochemist was now in serious politics replacement mode – this was a tutorial. How was he going to navigate these troublesome seas? "Actually it's all adult citizens, sane adult citizens." The lighthouse showed no sign of offence. "Also there's this other principle: fair

equality of opportunity. Equally capable candidates should have equal chance. You implement the basic liberties first, then fair e.o.p.”¹

“Fair E.O.P.,” said Uncle slowly, processing the new jargon. “Sounds good.”

The son leapt into the conversation. “If you have freedom of speech, then you can stereotype and spread rumours and then there’ll be prejudices.”²

He was like a child from an old television advertisement. “Slander and libel are actually a big problem for Rawls,” said the biochemist. “The H.L.A. Hart said that.”

“Hart? I don’t know Hart,” said Uncle.

“He’s big. He’s philosophy of laws. Libel, slander, gross invasion of privacy. Rawls doesn’t protect against those.”

“Foucault says that actually the prohibition produces the desire to violate.”

“I don’t know much about Foucault,” said the biochemist. Uncle had said the name as if it were something sacred.

“Nowadays you have to know Foucault,” said the son, speaking as if this were a misfortune and appearing to imitate someone.

Uncle suddenly became stern. “Why are you talking like that? Where did you pick that up from?”

“It’s not a problem, Uncle,” the biochemist intervened.

“He’s becoming spoilt here,” said Uncle irritably.

¹ This ordering of principles is what is called lexical priority.

² To spell out the worry: you cannot implement both principles outside of ideal circumstances. Of course, you could keep saying, “That’s sexist,” and “That’s racist,” etc., in response to people making troublesome generalizations, but there is the problem of how some of these opinions are just honest expressions of people’s experiences of life. But I should say that I personally doubt these generalizations, when thought of as the inevitable outcome of biology.

References

Freeman, S. 2007. *Rawls*. London: Routledge.

Hart, H.L.A. 1973. Rawls on Liberty and its Priority. *The University of Chicago Law Review* 40: 534-555.