

The procedural republic and the unencumbered self: sandel assignment



**ASSIGN
BUSTER**

Sandel starts off "The Procedural Republic and the Unencumbered Self" by stating that philosophy is unavoidable and has existed from the beginning of humanity. He states, "To engage in a political practice is already to stand in real action to theory. For all our uncertainties about ultimate questions of political philosophy, why of justice and value and the nature of the good life, the one thing we know is that we live some answer all the time" (Sandel 81).

He then states his thesis for his work where he will explore philosophy in contemporary America and explore the theory that affirms the Luray of answers in philosophy in contrast to the theory of one single answer. In Sandel's first section "The Right and the Good", he describes a liberal vision that gives "pride of place to justice, fairness, and individual rights" (Sandel 82).

He then explains that this liberal society's core thesis is "not to promote any particular ends, but enables its citizens to pursue their own end, consistent with a similar liberty for all; it therefore must govern by principles that do not presuppose any particular conception of the good" (Sandel 82). Sandel then explains that constitution and laws of a just society "provides a framework within which its citizens can pursue their own values and ends, consistent with a similar liberty for others" (Sandel 82).

Sandel summarizes, "the right is prior to the good and independent, and in two senses: The priority of the right means first, that individual rights cannot be sacrificed for the sake of the general good, and second, that the principles of justice that specify these rights cannot be premised on any

particular vision of the good life" (Sandel 82). This "Framework" means that when the government interprets laws and rights, it can't say that our idea of the good is inherently good or bad, but only says that we have a right to pursue and have our own ideas and values and the ability to pursue our ends.

As a human we have the right to define our "Idea of the Good". This freedom must be preserved and not dictated by the government. However, Sandel says that "Despite philosophical force, the claim for the priority of the right over the good ultimately fails". This liberal vision is the one in which we, as Americans in the late twentieth century, live. Sandel's next section, Kantian Foundations, addresses the flaw of this liberal ideal.

Sandel states "The liberal ethic asserts the priority of right, and seeks principles of justice that do not presuppose any particular conception of the good" (Sandel). Sandel uses Kant's example of the supremacy of the moral law, and Rawls states "Justice is the first virtue of social institutions" (Rawls 83). Sandel explains that justice is the framework that regulates competing values and ends and therefore must have an independent sanction. Different people have differing desires and ends, and so any principle derived from them must be contingent.

People also differ in their ideas of what happiness is so to have a preset conception to regulate with would deny the freedom to choose one's own conception. Sandel explains that "the moral law needs a categorical foundation, not a contingent one" (Sandel 83) as he states "Only when I am governed by principles that do not presuppose any particular ends am I free to pursue my own ends consistent with a similar freedom for all" (Sandel

84). Sandel brings up Kant's thinking of how laws aren't objective because man wrote them and they are subject to what is important to man.

Happiness should not be dependent on anything because people's view of happiness differ. Any other arrangement would "fail to respect persons as being capable of choice; it would treat them as objects rather than subjects" (Sandel 85). Sandel analyzes Rawls' "Original Position" and its role, to preserve Kant's moral and political teaching by replacing Germanic obscurities with a domestic metaphysics more congenial to the Noncommercial temper.

Sandel also explains how Kant's notion of the subject is bound up with the claim for the priority of right. In the next section "From Transcendental Subject to Unencumbered Self" Sandel explains how Rawls' original position tries to provide what Kant's transcendent argument cannot, which is a foundation for the right that is prior to the good but still situated in the world. Rawls explains the true image of unencumbered self who is a self understood as prior to and independent of purposes and ends.

He then states that the most important thing about the unencumbered self is that "essential to our personhood, are not the ends we choose but our capacity to choose them" (Sandel 86). Sandel quotes Rawls's, "It is not our aims that primarily reveal our nature but rather the conditions under which these aims are to be formed. We should therefore reverse the relation between the right and the good... Sandel explains how no individual can be transcended above the law.

He also discusses the fact that in the liberal vision we are free to make laws that give us freedoms that are unconstrained by an order of value antecedently given, but then we must follow these laws. What is most important in the liberal vision is not thinking of how laws aren't made, but what is important to man. In the liberal view of happiness, it is being capable of choice: it is not about the ends themselves, but about the process of choosing. Sandel analyzes Rawls' "Original Position" and political liberalism by replacing the more congenial to the Anglo-American notion of the subject is bound. In the next section, "From Transcendentalism to Rawls" explains how Rawls' original position argument cannot, which is still situated in the world. Rawls is self-understood as prior to the ends, but rates that the most important thing is the process, not the ends. Sandel quotes Rawls, "It is not principles that we would accept, these aims are to be formed. Virtue and the good, however, Sandel explains. He also discusses the fact that our freedoms that are encountered, we must follow these laws. What we choose, but that we have the capacity to choose that he does not think that we can make sense of in the light of the Selfridges it requires.

In the next section, Justice and Community, Sandel is arguing within the liberal project and then he meant that utilitarianism forgets to take the distinction of animism goes wrong by failing to acknowledge the arbitrator against the difference principle because it starts with the ends only, accidental, and ends by assuming that the ends are assets and that society has a prior claim, which is "arbitrary". The difference principle is a "formula for using and verbalism is committed to reject it. Sandel's SST Nicole requires but cannot provide is some way of identifying assets one bears are properly thought common, and dually indebted and morally engaged to begin with. Attachments that would save and set up the difference pair, if and their obligations would undercut the

priority Of the to view ourselves independent because no matter are attached to a community, family, nation, I agree with Sandel in that in liberalism and UT get would not properly work.