

A Society of Self-Respect

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I. AMERICANS AND THE ORIGINAL POSITION

2021 was the 50th anniversary of the publication of Rawls's *A Theory of Justice*. What parts of Justice as Fairness might spread beyond the academy into American public culture by the 100th anniversary, in 2071?

This question is vital because Justice as Fairness cannot succeed in its own terms unless it is endorsed by ordinary citizens. In what Rawls calls 'the third level of the full publicity condition,' all citizens of a well-ordered society affirm the full justification of Justice as Fairness, or at least its justification is accessible to all.

Rawls's publicity condition seems attractive for any country that aims to be democratic. Citizens who can affirm the reasons for their institutions can be autonomous political actors, and societies based on a shared understanding of basic laws need not be shifting battlegrounds of ideology. Rather, publicity allows citizens to interact on the basis of mutual respect, and encourages genuine ties of community among them.

Yet while Rawlsian publicity is appealing, it is also demanding. Rawls's publicity condition seems to imply that for America to become well-ordered, the justifications for its institutions will have to be accessible enough, say, for a President to invoke them in a speech from the Oval

¹ This is a short version of this paper; the full version is at <https://wenar.info/s/Wenar-Society-of-Self-Respect-Full.pdf>.

Office, for an Alabama high-school teacher to teach them in civics class, or for an Uber driver to explain them to foreign visitors should the conversation turns to politics. What in Justice as Fairness could become part of America's public political culture like that?

Let us find an example of what we're looking for—an example of a political touchstone that meets this publicity condition today. We can think of how Americans might justify religious freedom to each other. They might say, 'Americans have religious freedom because we respect that everybody needs to follow their own conscience.' That is a deep idea, an idea that a judicial decision could spell out at length. It is also an accessible idea that Americans today can offer to each other. What ideas in Rawls might become a political touchstone like that?

We might think that the veil of ignorance has a chance. The veil of ignorance is a useful field test for the fairness of public policies: 'Would you support tax cuts if you didn't know your income?' and 'Would you support equal pay if you didn't know your gender?' and so on. It is also what most of our students remember from their classes on Rawls, and we might take it as a promising sign for its chances in the public culture that it has occasionally been mentioned in American mass media.²

What about the full Original Position (OP)? That is, what about the argument meant to prove that the basic structure should be ordered by Rawls's two principles and not by utilitarianism or any other conception of justice? By the full OP argument, I mean what is represented in Figure 1.³

² For example, *The West Wing*, season 4, episode 17; David Wolpe, 'Here's a Better Strategy for Picking a President,' *Time* Jun 8, 2016.

³ The figure summarizes the OP as described in JF.

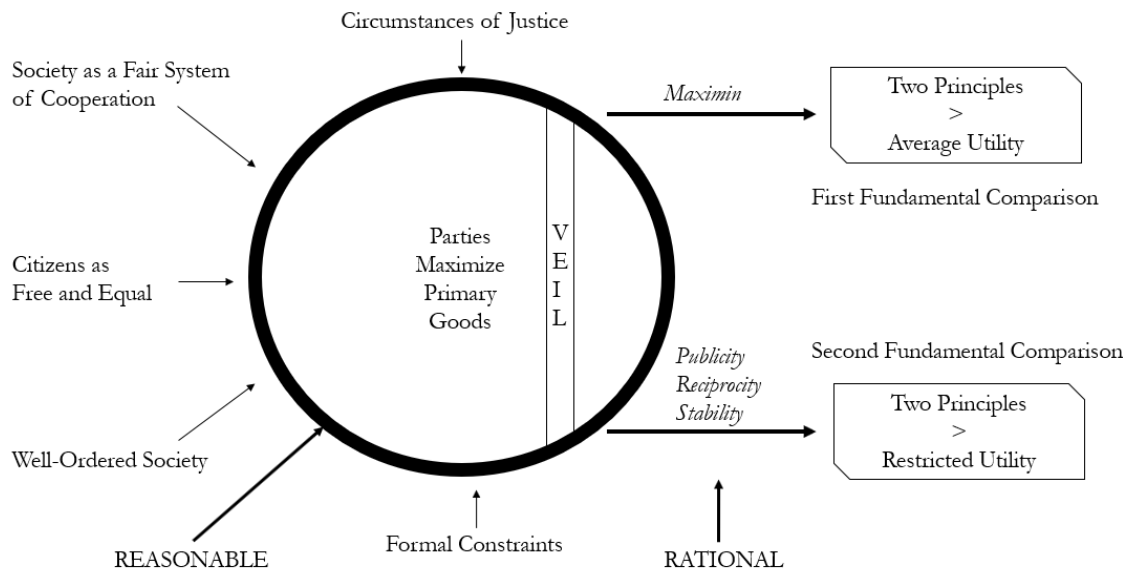


Figure 1: The OP (in the Restatement)

I suspect that the full OP argument has no chance of becoming accessible to most Americans in the next 50 years, and so that it cannot become the public justification for justice as fairness during this time. What especially gives me pause is that from 1971 to 2001, Rawls seems to have become increasingly concerned about the accessibility of the OP and so, I believe, he progressively weakened his statements on what publicity demands.

In *A Theory of Justice*, Rawls says that the OP should be built from ‘widely accepted but weak premises... each of the presumptions should by itself be natural and plausible’ (TJ 1999, 16; 12, 214). He emphasizes ‘the minimal nature of the conditions’ defining the OP, partly because of the importance of publicity (TJ 1999, 510). Thus, he says, ‘What is important is that the various features of the OP should be expressed in the simplest and most compelling way... The crucial thing is not to use principles that are contested... The idea of the initial agreement

can only succeed if its conditions are in fact widely recognized, or can become so' (TJ 1999, 512-13). In 1971, Rawls was satisfied that the OP meets these conditions: it is 'reasonably simple,' he says, and is fit for a society whose 'members have a lucid grasp of the public conception of justice upon which their relations are founded' (TJ 1999, 234; 501).

In the mid-1990s, Rawls renewed his emphasis on the importance of publicity, saying, for example, that 'the knowledge and ways of reasoning that ground our affirming the principles of justice... are to rest on the plain truth now widely accepted, *or available*, to citizens generally' (PL, 225, emphasis added). However, the qualification 'or available' appears to signal Rawls's growing unease with the requirement of widespread acceptance of his arguments. This is reflected in his description of the third level of the full publicity condition in *Political*

Liberalism:

At this level I suppose this full justification also to be publicly known, or better, *at least to be publicly available*. This weaker condition (that full justification be available) allows *for the possibility that some will not want to carry philosophical reflection about political life so far*, and certainly no one is required to (PL, 67, emphasis added).

The idea of a society that is fully public, Rawls says, 'may seem much too strong.' Yet 'It is adopted... because it is appropriate for a political conception of justice for reasonable and rational citizens who are free and equal' (PL, 67).

My sense that Rawls was having doubts about the OP increases in *The Law of Peoples*, published in 1999. Here, the set-up of the (international) OP is barely sketched in. More, Rawls does not even allow the parties in this OP to perform their main function, which is to show the reasoning that favors certain principles over others. Rather, Rawls just announces that the

principles he favors ‘are superior to any others,’ and sets the parties the task of reflecting on their advantages without considering alternatives (LP, 41; 57, 69). This OP is summarized in Figure 2.

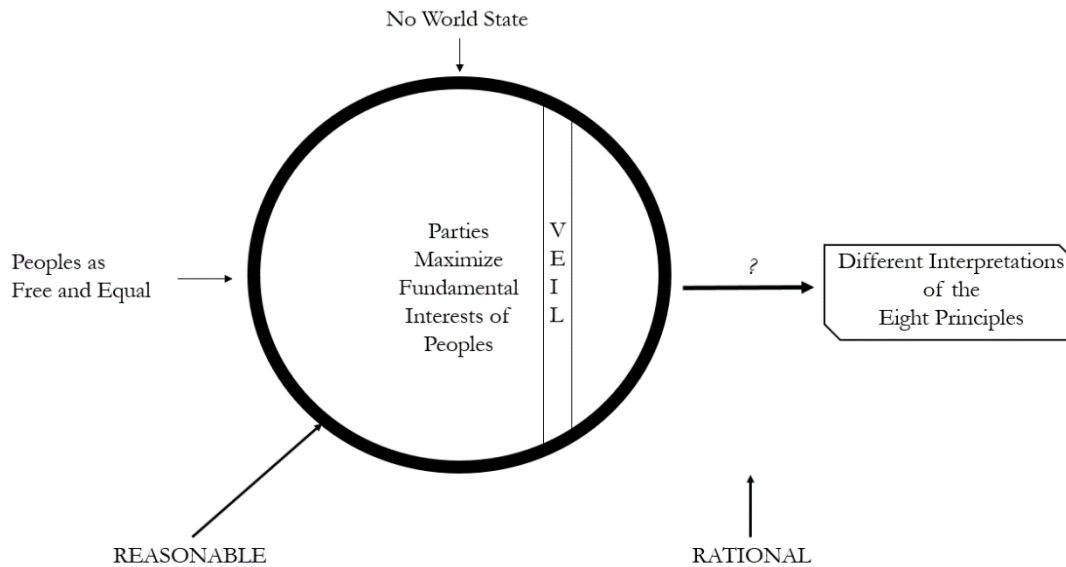


Figure 2: The OP (in Law of Peoples)

By *Justice as Fairness* in 2001, Rawls’s hope for a (domestic) OP based on uncontested premises appears to have gone completely. He no longer characterizes even the crucial ‘basic liberties’ argument for his two principles as resting on uncontroversial ideas. ‘Many points,’ he says about this argument, ‘are highly controversial’:

among them the assumptions made about probability and the basis of the aversion to uncertainty; the assertion that in the circumstances of justice, even under reasonably favorable conditions, there are situations in which the principle of utility requires at least the restriction if not the suppression of basic rights and liberties: and finally, the idea that some things are not negotiable (JF, 110).

From ‘widely accepted but weak premises’ in 1971 to ‘highly controversial points’ in 2001 is a major change in how Rawls describes the OP. How Rawls squared what he came to see as the controversial nature of the OP with his desire for publicity I do not know. By the time he renders the publicity condition in *Justice as Fairness*, he is even more pessimistic than he was in *Political Liberalism* that most citizens of a well-ordered society will know the justification for justice as fairness: ‘Of course,’ he says, ‘*that [citizens] will carry reflection so far is unlikely*’; still, the full justification is available in the public culture for them to consider if they wish’ (JF, 121, emphasis added).

In a poignant footnote, Rawls adds, ‘Here I entertain the fantasy that works like this restatement are known in the public culture’ (JF, 121) The ‘fantasy’ in this footnote seems to express more than Rawls’s famous personal modesty. I believe that Rawls came to see serious tensions between the OP and the hope that the justification of justice as fairness will be accessible to most citizens in a meaningful way. I believe that he died with that tension unresolved.

What might Rawls’s worries have been about using the OP as the public justification for his principles? He might have had at least two concerns.

The first is that the OP is *cognitively inaccessible* to most citizens in a country like the United States, now and in the foreseeable future. The arguments are simply too difficult for most people to understand. Rawls might have noticed that even Americans with advanced degrees in Philosophy sometimes seem not to grasp how the OP arguments are meant to work. If some of the most intellectually gifted Americans can get this wrong even after specialist training, he

might have thought, how much can we expect of other citizens? Is the OP comprehensible by only a few thousand, out of hundreds of millions?

Looking back at Figure 1, we might wonder whether we could expect this argument to be cognitively accessible to most Americans. As Rawls says (TJ 1999, 123), ‘we... recognize an intricate theoretical construction when we meet one,’ and this seems to be such. More, even Figure 1 does not capture many of the subtleties of the OP argument. Recall, for example, that in the argument for the superiority of Rawls’s two principles over utilitarianism, much hangs on maximin being the uniquely best decision rule in circumstances of uncertainty (which many experts doubt). Even more importantly, the whole argument turns on the initial situation being properly defined as a situation of uncertainty, and not as a Harsanyiian situation of risk, so that maximin (instead of equiprobability) is relevant as a decision rule. What would we need to believe about most Americans, Rawls might have wondered, for these kinds of abstruse considerations to be cognitively accessible to them?

At points in his work, Rawls reveals a highly intellectualized image of citizens of a well-ordered society, which does not describe Americans today.⁴ Two-thirds of today’s Americans, for example, never get a four-year college degree. (Only two percent get a doctorate.) And even if Rawls were picturing an idealized United States with universal high-quality education, he might have come to reflect on the near-tautology that, after all, many Americans will be of average intelligence, and many will be below. Even if Rawls’s books became ‘known in the

⁴ For example, in a well-ordered society each citizen will achieve wide reflective equilibrium, having ‘considered the leading conceptions of political justice found in our philosophical tradition... and has weighed the force of the different philosophical and other reasons for them’ (JF, 31).

public culture’ in some sense, how many citizens of this idealized America could read them with good comprehension if they wanted to? Perhaps Rawls came to see that the very subtlety and sweep that made his work so celebrated in the academy also put it beyond the ken of most Americans. He might have come to feel trapped in a certain paradox of democratic intellectuals: once they have done work sophisticated enough to interest each other, they find that their work is too sophisticated to be understood by most of their fellow citizens.

Although I think there might be something to this first concern, I also believe it likely that Rawls came to have a second worry: not that the OP was cognitively inaccessible, but that it was *culturally inaccessible*. Complex arguments can be simplified, after all, main points can be distilled, big ideas can be publicized by journalists, political commentators, TV shows, and so on. As I noted above, I believe that there is hope that the veil of ignorance might become something like a field test for the fairness of specific public policies in this way. But the OP? The concern that Rawls may have come to have is not that his fellow citizens could not understand the OP arguments, but that they would not care about them.

I have tried to distil an OP argument to its simplest—perhaps you can do better. Here is my best attempt at an accessible OP argument for the basic liberties:

BL: ‘If we Americans were in a totally fair situation, where none of us knew anything distinctive about ourselves or about our form of government, we’d all agree to equal rights instead of to raising the average condition of people as high as possible.’

Could something like *BL* become a widely accepted public justification in America, say by 2071?

This seems to me to be beyond comprehension. It is hard for me to imagine an Alabama civics teacher explaining *BL* to his students, or a presidential candidate extolling it on the stump, or an Uber driver explaining it to foreign visitors. The form of reasoning in the antecedent of *BL*

is too disembodied, too disconnected from daily concerns. If you would like to reflect on this question, perhaps ask whether we find this form of reasoning anywhere in American mass politics, or in the mass politics of any democracy that we know. In order to be culturally accessible, a form of reasoning needs enough to latch onto that is already in the public culture, and I do not see enough in American culture that *BL* could latch onto. I cannot see how most Americans could develop a strong conviction that *BL* defines how citizens should think about politics at the deepest levels—or not in the next 50 years, at least.

Rawls was unusually firm in insisting that in a democracy, the audience for political philosophy must be most citizens, or more precisely, all voters (LHPP, 1, 6). He labels ‘completely mistaken’ the view in which political philosophers find the truth about justice and then seek ‘a political agent to realize that truth in institutions, irrespective of whether that truth is freely accepted, or even understood’ (LHPP, 2, 3). Rawls held strongly that most citizens should be able to accept the reasons for their society’s institutions, meaning that these reasons should be cognitively and culturally accessible to them. And yet, it appears, the famous argument that he offers for his own principles of justice cannot satisfy this democratic demand. I think we may have to conclude with regret that the OP is a hothouse flower, which has grown luxuriously within the academy, but that is unlikely to take root in the soil of American democratic culture.

If this is right, it would not be the end of justice as fairness. After all, Rawls’s publicity condition only requires that the justification for justice as fairness be public, not that it be the OP. And I believe that there are ideas in Rawls’s work that might spread widely and grow deeply in America’s public culture, which our attention to the OP has left underdeveloped. Rawls’s work contains a model of social relations that presidential candidates and civics teachers and Uber drivers might offer as a political justification of a future well-ordered American society.

The rest of this article will set out this model of social relations, which I will call *a society of self-respect*. Recentering justice as fairness on self-respect will be work of sympathetic reconstruction, filling the justificatory hole left by the OP with elements that Rawls used for other purposes. The main reason to explore this reconstructed justification of justice as fairness is to ask whether it might be attractive to Americans as they are or might become, and so whether it might offer a public basis for a shared political life.

II. THE SIGNIFICANCE OF DISTRIBUTIONS

As we begin to look for a public justification for Rawls's principles of justice, let me first note that Rawls did not see distributions of social goods as important only in how they map onto citizens' characters and choices, but also in how they impact them. Unlike some theorists today, Rawls was always looking through distributions to their effects:

A theory of justice must take into account how the aims and aspirations of people are formed... The institutional form of society affects its members and determines in large part the kind of persons they want to be as well as the kind of persons they are... So an economic regime, say, is not only an institutional scheme for satisfying existing desires and aspirations but a way of fashioning desires and aspirations in the future. (PL, 269; TJ 1999, 229; JF, 56)

The significance of any distribution, Rawls holds, includes how it affects citizens' self-conceptions and their conscious relations to each other. This line of thought places Rawls in what Appiah (2010, 155-212) calls the 'soul-making' tradition of political thought, a tradition that includes Plato, Aristotle, Montesquieu, Burke, Rousseau, Wollstonecraft, and Marx.

Rawls's concern with the effects of distributions is one reason that publicity is so important to him. 'Publicity ensures, so far as practical measures allow, that citizens are in a position to know and to accept the pervasive influences of the basic structure that shape their conceptions of themselves, their character and ends' (PL, 68). The justification of a distribution must be in this way reflexive: citizens must be able to affirm the institutions that determine the kind of persons they want to be as well as the kind of persons they are. Rawls's view here differs markedly from what we might call the intrinsic view of justice, which is that a society can be judged to be just without considering what effects the distribution of social goods has on citizens, or whether citizens even know the distribution exists.

To take a well-known example, G. A. Cohen (2008, 323-27, 344-71) argues that publicity is no part of what is required for a society to be just. Justice simply requires that a particular (luck-egalitarian) pattern obtain. A society can be just even when no one knows that it is, or when no one could know that it is, or when no one cares that it is, or even when most citizens are hostile to justice so conceived. Indeed, justice could be realized even when most citizens are leading anxious, petulant lives of haughty incivility, and when the desired pattern works to reproduce and reinforce those tendencies. On this intrinsic view, a just distribution need have no particular effects, or positive effects, on people's lives.

For Rawls, justice is quite otherwise. The justice of a distribution depends, at least in part, on its non-distributive effects. Above all, Rawls was concerned about how distributions affect citizens' self-respect. "We may define self-respect," he says,

as having two aspects. First of all... it includes a person's sense of his own value, his secure conviction that his conception of the 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 fulfill 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 endeavors... Without [self-respect] 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 become empty and vain, and we sink into apathy and cynicism (TJ 1999, 386; PL, 318-19).

Rawls says repeatedly in *Theory* that self-respect is 'perhaps the most important primary good'—and one time he drops the 'perhaps' (TJ 1999, 54, 155-56, 348, 380, 386, 477; 468) If self-respect is the most important primary good in Justice as Fairness, then it is more important in this theory than are the liberty and integrity of the person, freedom of thought and association, the rule of law, the political liberties, and of course more important than income and wealth (PL, 291). The justification of Justice as Fairness that I develop will take self-respect as seriously as that. On the model of social relations set out below, the central justification of Rawls's principles of justice is that they structure a society where everyone can have self-respect.

I will describe a Rawlsian society of self-respect after motivating it by describing a contemporary political pathology that Rawls diagnoses. We scholars have perhaps overstudied the prescriptions that Rawls wrote, while neglecting the ills that he meant to treat. Rawls was a social theorist in the tradition of Rousseau, Marx, and Nietzsche. Applying his diagnosis of a political disorder to contemporary politics will show why a society of self-respect may have special relevance for America today.

III. RAWLS'S CRITIQUE OF MERITOCRACY

In the next two sections, I will first describe and then apply Rawls's critique of a leading justification of America's distributive system, which is that it is a meritocracy. The American meritocratic model says that if one has talent and works hard, one will win the competition for money and political power. As we know, America is very far from being a meritocracy, but let us leave that aside for now. Even if America became a perfect meritocracy, Rawls would have grave concerns. For he thought that meritocracy can lead to a 'politics of resentment,' and then to what he called 'hostile outbreaks of envy.' Rawls also thought that these politics of resentment can lead to a destructive racial nationalism that might endanger constitutional government itself. Rawls's analysis of these instabilities urges us to move beyond meritocracy, for the sake both of justice and prudence, toward a society of self-respect, which will be set out in Sections V-IX.

In a meritocracy, Rawls says,

There exists a marked disparity between the upper and lower classes in both the means of life and the rights and privileges of organizational authority. The culture of the poor strata is impoverished while that of the governing technocratic elite is securely based on the service of the national ends of power and wealth. Equality of opportunity means an equal chance to leave the less fortunate behind in the personal quest for influence and social position (TJ 1999, 91).

Worse, the American meritocracy is a status competition for money and power—and for money and power as positional goods, where one's level of public esteem turns on whether one has more than others. A status competition for such positional goods is a 'great misfortune,' Rawls says, in this very Rousseauian passage:

Everyone cannot have the highest status, and to improve one person's position is to lower that of someone else. Social cooperation to increase the conditions of self-respect is impossible. The means of status, so to speak, are fixed, and each man's gain is another's loss... Persons are set at odds with one another in the pursuit of their self-esteem (TJ 1999, 478).

In this zero-sum status-competitive society, the upper classes enjoy a rich cultural life that they believe their merit has won for them, and they provide their children with vastly superior education and opportunities that ensure as much as possible that their children will win the next round of the status competition. Meanwhile, the lower classes are trapped in an impoverished culture, with limited education and opportunities, and with little hope that they or their children can better their situation. In the national competition for the most socially-desired goods, the worse-off must regard themselves—and know that others regard them—as 'losers,' and as losers because they lack 'merit.'

More, if good, stable jobs become scarce, as in America today, a meritocracy becomes even worse:

Lacking a sense of long-term security and the opportunity for meaningful work and occupation is not only destructive of citizens' self-respect but of their sense that they are members of society and not simply caught in it. This leads to self-hatred, bitterness, and resentment (PL, lvii).

Finally, in a society where those with greater private means are able to control the course of public affairs, '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 favored position' (TJ 1999, 199). In such a society, less-favored citizens see no

way out through politics: ‘Having been effectively prevented by their lack of means from exercising their fair degree of influence, [they] withdraw into apathy and resentment’ (TJ 1999, 198).

IV. A POLITICS OF RESENTMENT AND HOSTILE OUTBREAKS OF ENVY

Thus Rawls fears that meritocracy leads to a politics of resentment: resentment in lower classes who cannot see the system as built for them, and who struggle to find self-respect in their constitutional identities as citizens. In this section, I will go beyond Rawls’s texts and apply this analysis of the politics of resentment to America’s white working class since 2016 (Williams 2020). This analysis only aims to capture one aspect of the complex reality of recent American politics. Let me especially emphasize that this analysis is not meant to apply to communities of people of color, where today’s politics have entirely different dynamics. Rawls’s analysis of the politics of resentment is here used to describe only one causal vector in recent American politics, though an important one.

Rawls thinks that a politics of resentment may lead to political instability. This may seem surprising. After all, meritocratic status hierarchies like America’s can be stable for long periods, not least because the lower classes’ perception of their own political impotence helps the hierarchy to continue undisturbed.

However, conditions in any society can get so dire for the lower classes that they no longer believe that their fellow citizens value them at all. Citizens’ ‘self-respect and their confidence in the value of their own system of ends cannot withstand the indifference much less the contempt of others (TJ 1999, 297)’. When social inequalities become exceptionally glaring, the assault on

the self-respect of the lower classes may rouse them to shake off their political impotence; then, their resentment erupts into ‘hostile outbreaks of envy’:

Three conditions... encourage hostile outbreaks of envy. [First,] persons lack a sure confidence in their own value and in their ability to do anything worthwhile. Second... many occasions arise when this psychological condition is experienced as painful and humiliating. The discrepancy between oneself and others is made visible by the social structure and style of life of one’s society. The less fortunate are therefore often forcefully reminded of their situation, sometimes leading them to an even lower estimation of themselves and their mode of living. And third, they see their social position as allowing no constructive alternative to opposing the favored circumstances of the more advantaged. To alleviate their feelings of anguish and inferiority, they believe they have no choice but to impose a loss on those better placed even at some cost to themselves, unless of course they are to relapse into resignation and apathy (TJ 1999. 469).

After decades of rising inequality in the US, Rawls would likely have seen hostile outbreaks of envy in recent American politics. Scheffler (2019), for example, gives a Rawlsian analysis of the 2016 presidential election, where, as it is said, the white working class voted with their middle fingers. The effort of the less advantaged to bring down the more advantaged, even at some cost to themselves, can be disastrous for the polity. In this struggle, basic civility may break down—as Rawls writes about such periods, ‘much political debate betrays the marks of warfare. It consists of rallying the troops and intimidating the other side, which must now increase its efforts or back down. In all this one may find the thought that to have character is to have firm convictions and be ready to proclaim them defiantly to others. To be is to confront.’ (JF, 118)

The mention of the white working class brings a further quite dangerous potential to the politics of resentment. Those who cannot find self-respect in their constitutional identities may turn ever more to race and nation, to feel self-worth in superiority over other racial groups and foreigners. A resentful rise of racial nationalism is what Rawls saw in Weimar Germany (Weithman 2016).

Ordinary Germans during the Weimar period, having suffered the humiliating end of World War 1 and the economic hardships of the 1920's, found themselves ruled by an indifferent, status-obsessed elite. So they turned to their national and racial identities as the main sources of their self-worth. We can hear Rawls speaking of Germany when he writes of a people 'inflamed by what Rousseau diagnosed as arrogant or wounded pride or by lack of due self-respect. (LP, 47)' German political passions were then captured by a demagogic nativist who dismantled the country's remaining liberal institutions—and who then launched a racial-nationalist war that destabilized the entire international order.

The analysis of the politics of resentment centers on a social class that has little hope in succeeding in a decisive status competition for money and political power. The members of this class feel dominated by political elites, so when given an opportunity, they may support political actions that make themselves worse off, so long as they can also bring down those elites who are the objects of their intense resentment. Since they can gain so little self-respect from their constitutional identities as citizens, they may turn ever more to race and nation as sources of their self-worth. If this resentful class is powerful enough, it can seriously damage whatever liberal institutions exist, and if it becomes very powerful it can even destroy the constitution altogether.

The politics of resentment in a meritocracy like the United States are driven by zero-sum status competitions that many millions must lose in ways obvious to all. These losers, trapped in

an impoverished culture, deprived of political influence, lacking opportunities for advancement and often opportunities for meaningful work, struggle to see how their society affirms their value, and therefore may lose their allegiance to the system as a whole. Let me emphasize this point by noting that some today seem to be hoping that the white working class will eventually be overwhelmed by America's demographics, and so will no longer be able to cause so much trouble. Yet if Rawls is right that the politics of resentment are built into every meritocratic system, America may suffer these pathologies as long as it remains a meritocracy, the resentment festering in whatever social groups lose out in the status competition for positional goods and so for self-respect.

V. A SOCIETY OF SELF-RESPECT

Let us return to Rawls's publicity condition. What ideas in Justice as Fairness could become a touchstone for political justification in America's public culture, say by 2071? We are looking for an organizing rationale for the two principles of justice that politicians and civics teachers and many other Americans could use in explaining their society to each other.

Self-respect is such a touchstone. In a future America well-ordered by Rawls's two principles, Americans could say to each other, 'Our country works for everyone. Our laws affirm the value of each citizen regardless of their gender, race, class, religion, or inborn abilities. In this country, everyone can have self-respect.' Justice as Fairness can be reframed as an accessible and attractive alternative to meritocracy, which can keep the politics of resentment from getting started. We can call this model of social relations 'a society of self-respect.' The next four sections set out this model, and the conclusion offers it as a model of social unity.

Just as Rawls's diagnosis of the politics of resentment is essentially Rousseauian, so his solution to the problem of resentment is also Rousseauian (LHPP, 218-35, 244-48). For both Rawls and Rousseau, the solution to status competition over positional goods is to secure the self-worth of all through equality—especially equality 'at the highest level' in the fundamental role of citizenship (LHPP, 247-48). Equality is the only relation that can tame enflamed desires for ever-more positional goods, and as Rawls says, 'in a well-ordered society... self-respect is secured by the public affirmation of the status of equal citizenship for all. (TJ 1999, 478)'

Recall the bases of self-respect in the meritocratic society that Rawls's well-ordered society is meant to replace. In a meritocracy, the upper classes gain self-respect from having left the less fortunate behind in their personal quests for influence and social position, and enjoy the political power and wealth that they display as markers of their success. The lower classes know that others see them as losers in the national merit-based competition for power and money, and are consigned to an impoverished culture that challenges their attempts to find respect in their daily lives.

Rawls's strategy for avoiding the pathologies of meritocracy has three stages. First, the well-ordered society places strong public emphasis on political rights and liberties, so that equal citizenship can be a foundation of self-respect for all. Second, the basic structure distributes socio-economic goods in ways meant to enrich the life of each citizen and especially the culture of the worse-off. Third, inequalities in wealth and income are publicly justified by how they support the self-respect of those who have the least. Thus a well-ordered society will support the self-respect of citizens as they live their daily lives: at their work, in their worship, in their communities and associations, and during their participation in public affairs. We can enumerate

the principles of Justice as Fairness to show how they are constructed to strengthen self-respect, drawing on some less-commonly cited parts of Rawls's texts.

Rawls's first principle bolsters every citizen's self-respect by securing the equal basic rights and liberties. The best solution to a status competition for positional goods, Rawls says, is 'to support the primary good of self-respect as far as possible by the assignment of the basic liberties that can indeed be made equal, defining the same status for all' (TJ 1999, 478). In a just society, citizens are not 'disposed to acknowledge a less than equal liberty,' which would 'have the effect of publicly establishing their inferiority as defined by the basic structure of society' (TJ 1999, 477).

The fair value of the political liberties adds a dimension of substantive equality to the formal equality of the other basic liberties. Rawls believed that the opportunity for active and consequential participation in public affairs is critical for the self-respect of citizens in a democratic society, which is one reason why he was unusually outspoken in his calls for campaign finance reform in the United States (TJ 1999, 198; PL, 449). In a well-ordered society,

Equal political liberty when assured its fair value is bound to have a profound effect on the moral quality of civic life... The public will to consult and to take everyone's beliefs and interests into account lays the foundation for civic friendship and shapes the ethos of political culture... [and enhances] the self-esteem and the sense of political competence of the average citizen. His awareness of his own worth... is confirmed in the constitution of the whole society (TJ 1999, 205).

Rawls's emphasis on the equal liberties and the fair value of the political liberties is essential to his strategy of deemphasizing socio-economic goods as public bases for self-respect. Thus the priority of liberty is critical:

When it is the position of equal citizenship that answers to the need for status, the precedence of the equal liberties becomes all the more necessary. Having chosen a conception of justice that seeks to eliminate the significance of relative economic and social advantages as supports for men's self-confidence, it is essential that the priority of liberty be firmly maintained (TJ 1999, 478).

To 'eliminate the significance of relative economic and social advantages as supports for men's self-confidence' is an immense challenge, relative to current meritocratic public norms. The second stage of Rawls's strategy goes some way to meeting this challenge, by arranging socio-economic institutions so that they enrich the lives of all and especially the culture of the worse-off.

Fair equality of opportunity requires investment in education and training that allows all 'to develop their native endowments and to acquire socially productive skills' (JF, 67). Fair equality also requires constraints on economic inequalities and limitations of inheritance and bequest, so as to 'put in the hands of citizens generally, and not only of a few, sufficient productive means for them to be fully cooperating members of society on a footing of equality... [including] knowledge and an understanding of institutions, educated abilities, and trained skills' (JF, 140).

Regardless of their class background, then, all will have an equal chance for work that suits their developed talents—the work that is most likely to be inherently satisfying (TJ 1999, 372-80). When fair opportunity is satisfied, Rawls says that the rewards of work are not only 'certain external rewards of office' such as wealth and privilege. Rather, meaningful work increases

citizens' self-respect through 'the realization of the self which comes from a skillful and devoted exercise of social duties... one of the main forms of human good.' (TJ 1999, 73)

The difference principle helps to replace the impoverished culture of the less-advantaged in a meritocracy with one that enriches the personal and social lives of these citizens, for example through education:

The difference principle transforms the aims of society in fundamental respects....

The confident sense of their own worth should be sought for the least favored and this limits the forms of hierarchy and the degrees of inequality that justice permits. Thus, for example, resources for education are not to be allotted solely or necessarily mainly according to their [economic] return... but also according to their worth in enriching the personal and social life of citizens, including here the less favored (TJ 1999, 91-92).

In a society of self-respect, the equal value of each citizen is proclaimed and prioritized by the protection of their equal basic rights and liberties, and by the securing of their equal voice in matters of public concern. High-quality education and training enable all to develop their natural talents and skills, yielding the daily satisfactions of meaningful work and enriching the personal and cultural lives of citizens in all segments of society. Each citizen is also (and this is a new element) free to follow her particular interests to find associations where her gifts and abilities will be publicly affirmed by the other members (TJ 1999, 388, 470-71). So long as every citizen finds at least one group, club, or community where her participation is valued, everyone will enjoy associational esteem (TJ 1999, 470).

Rawls's vision is that in the well-ordered society, 'members take little interest in their relative position as such... They are not much affected by envy and jealousy, and for the most

part they do what seems that them as judged by their own plan of life, and those of their associates, without being dismayed by the greater amenities and enjoyments of others socially more distant' (TJ 1999, 477).

Still, citizens will not be oblivious to the national distribution of wealth and income or to their place in it. The third stage of Rawls's strategy for avoiding the pathologies of meritocracy is to transform the economic distribution from a battleground of condescension and resentment to a meeting ground of mutual recognition. 'By arranging inequalities for reciprocal advantage and by abstaining from the exploitation of the contingencies of nature and social circumstance...', he says, 'persons express their respect for one another in the very constitution of their society. In this way they ensure their self-respect' (TJ 1999, 156). This is the public role of the difference principle. At a deeper level, the difference principle defines strong bonds of social unity. While a meritocracy uses talent and effort to divide winners from losers, in a society structured by the difference principle citizens 'agree to share one another's fate. In designing institutions they undertake to avail themselves of the accidents of nature and social circumstance only when doing so is for the common benefit' (TJ 1971, 102).

Living in a society organized by the difference principle would transform how the less fortunate would be viewed by the more fortunate:

The least advantaged are not, if all goes well, the unfortunate and unlucky—objects of our charity and compassion, much less our pity—but those to whom reciprocity is owed as a matter of political justice among those who are free and equal citizens along with everyone else. Although they control fewer resources, they are doing their full share on terms recognized by all as mutually advantageous and consistent with everyone's self-respect (JF, 139).

Living in this society would also transform how the less fortunate would view themselves. With the difference principle, less-advantaged citizens believe that the economy is also built for them, with the equal value of their lives in mind. While they know that their particular skills are in less demand in the economy right now, they also know that they benefit as much as possible from the efforts of those whose skills are in more demand. As Rawls says, in a well-ordered society,

The greater advantages of some are in return for compensating benefits for the less favored; and no one supposes that those who have a larger share are more deserving from a moral point of view... Regardless of the excellences that persons or associations display, their claims to social resources are always adjudicated by principles of mutual justice. For all these reasons the less fortunate have no cause to consider themselves inferior and the public principles generally accepted underwrite their self-assurance (TJ 1999, 470).

With every part of his two principles, Rawls built a model of a just society that affirms the self-respect of each citizen. ‘The basis for self-respect in a just society is not then one’s income share but the publicly affirmed distribution of fundamental rights and liberties... No one is inclined to look beyond the constitutional affirmation of equality for further political ways of securing his status (TJ 1999, 477). This reciprocal affirmation of the worth of all citizens will lead to greater fellow-feeling among citizens:

A more unconditional caring for our good and a clear refusal by others to take advantage of accidents and happenstance, must strengthen our self-esteem; and this greater good must in turn lead to a closer affiliation with persons and institutions by way of an answer in kind (TJ 1999, 437; JF, 117).

Finally, the reciprocal affirmation of the worth of all citizens helps to win the allegiance of citizens to the system as a whole: ‘persons tend to love, cherish, and support whatever affirms their own good. Since everyone’s good is affirmed, all acquire inclinations to uphold the scheme’ (TJ 1999, 154-55).

VI. THE UBER DRIVER’S SPEECH TO THE FOREIGN VISITORS

‘... which is why we’re so proud of this country.’

‘Why’s that?’

‘You see, in this country, everyone can have self-respect. We’re all free, we’re all equal, and the system’s fair to everybody.’

‘Well, sure but... what does that even mean?’

‘It’s like what we learn in school. We’re all free to live our lives. Everybody’s got about an equal shot no matter where they start. And even if I end up with less money, I know the economy’s built for me.’

‘OK, but you know... what does that really come to, day-to-day?’

‘All right, we’re all free. Whatever god you believe in, whatever you want to say, whoever you want to spend time with and whatever you want to do with your life, we all respect that.

That’s the main thing.

‘We’re all equal. Whether you’re born rich or poor, whatever your race or gender or religion, you’ve got an equal say in politics. And in the economy we make sure you’re trained up to find good work that suits you.

‘And the system’s fair. Some people have got more looks or brains or whatever. That’s great for them, but we’re all in this together. So the lucky ones can use their gifts to lift themselves up,

but only if that lifts everyone up. The economy makes poorer people as well-off as we know how to, because they're just as good as everyone else.'

VII. RAWLS'S PHILOSOPHICAL ANTHROPOLOGY

If America became a well-ordered society, the politics of resentment that characterize a meritocracy would not get started. All Americans could then see how their institutions are good for them, and could say to each other, 'Our country works for everyone—here everyone can have self-respect.'

A meritocrat might look at Rawls's society of self-respect and object that its economy will be less competitive and so may generate less growth. Rawls would agree with the premise, and reply that, the goal of endless growth is mere bourgeois ideology (LP, 107; JF, 159). To achieve a just and good society, Rawls says,

Great wealth is not necessary. In fact, beyond some point it is more likely to be a positive hindrance, a meaningless distraction at best if not a temptation to indulgence and emptiness (TJ 1999, 257-58).

The conviction that a preoccupation with money damages both societies and individuals runs throughout Rawls's work. It is part of Rawls's reply to a second meritocratic objection, which is that the well-off might think that their economic prospects were being sacrificed for the sake of the worse-off.

Here Rawls would first emphasize that the better-off in a well-off society will gain self-respect from their status as equal citizens, from their associational lives and the satisfactions of their work, and from their favorable position in the economic distribution (JF, 124). Yet he would add that the desire to gain self-respect by having more than others is itself pathological.

Positional competitions for money and power are bad not only for the losers, they are also bad for the winners (CP, 277; BI, 193-206). What healthy people in modern societies really want, Rawls holds, is not more money or power. Rather,

What men want is meaningful work in free association with others, these associations regulating their relations to one another within a framework of just basic institutions (TJ 1999, 257).

What people in modern societies really want, Rawls thinks, is to enjoy the exercise of their developed capacities, and to associate freely within a social order that treats them fairly as equal citizens. To do any of these things—to engage with life successfully—people need self-respect, which is why Rawls says that self-respect is so important to his theory. And self-respect will be secured, as much as it can be, by the very institutions that enable people to pursue the lives they want. The distributions of primary goods described by the two principles *are* the social bases of self-respect: these distributions create the conditions for all citizens to have self-respect, as much as institutions can do so (JF, 60). In a liberal democracy, Rawls says, the best way to secure self-respect for all is through politics that publicly proclaim and secure the freedom and equality of all, within institutions that all can see are fair.

VIII. PUBLIC PHILOSOPHY

Everything to here has flowed from publicity. Most citizens should be able to accept the reasons for their society's institutions, meaning that these reasons should be cognitively and culturally accessible to them. This seems such a natural aim for any democratic society, one that embodies weighty democratic values. Publicity tells against 'government house' utilitarianism. It also presses against the use of an intrinsic view of justice where an intellectual elite agrees on the

distribution that is just, then passes this information to the political elite so that this pattern can be imposed on most citizens—whether they know it or not, whether they like it or not.

Meritocracy satisfies the publicity condition—that is not its problem. Its problem is that it fails to support the self-respect of so many citizens, which threatens instability. Rawls instead aims for stability ‘for the right reasons’: a stability of transparency (PL, 458-59; xl-xli, 389-92, 458-62). Rawls’s hope is that citizen can know the social order as it really is, and can accept it without the need for indoctrination or false consciousness. Achieving this transparency means that the justification of the social order can be reflexive: all citizens can affirm the institutions that determine the kind of persons they want to be as well as the kind of persons they are (PL, 68-69).

In a well-ordered society, every citizen understands how her society works—and how it works for her. The institutions of a well-ordered society will exert their soul-making powers, shaping the kinds of people that citizens want to be. A citizen raised in a well-ordered society will want to be fulfilled in her work, to be esteemed by her close associates, and to participate in a rich culture. She will want her most important life-choices to be protected by the state, and her views to be respected in public affairs. She will want recognition of her economic contributions, wherever she ends up in the economic distribution. In a well-ordered society, all citizens will have these desires—and each will correctly believe that her society is designed to satisfy them. Each citizen will see her world clearly, and see how it is built for her, given who she understands herself to be. She will affirm her society freely, because her society affirms her.

Rawls’s vision is a society in which everyone has self-respect because the social order embodies what each citizen thinks she is, what she thinks her fellow citizens are, and what she thinks her society should be. And how does Rawls know that he has found the right conceptions

to ground this reflexive justification—that citizens should be free and equal, and that society should be fair? Here Rawls will say that he has done his best to find the deepest bases of agreement within us—to find the ideals that best capture our understandings of ourselves, our world, and the relations we want with each other. The floor remains open for anyone who can offer a better model of social relations than his. The test of Rawls’s attempt at social interpretation is whether we, here and now, find his society of self-respect attractive. The test is whether we and most of our fellow citizens would, on reflection, be proud to live in the society described by the Uber driver’s speech.

A well-ordered society is stable because everyone can—knowing all the facts—have self-respect. As Rawls puts it, ‘The most stable conception of justice, therefore, is presumably one that is perspicuous to our reason, congruent with our good, and rooted not in abnegation but in affirmation of the self.’ (TJ 1999, 436; PL, 317-18)

IX. SELF-RESPECT AND SOCIAL UNITY

Let me close with a thought you may have had already —that for America to become a society of self-respect, many Americans would need to have quite different attitudes toward each other than they do now. Many Americans would need a more robust sense of unity with one another: a greater respect for the equal value of all, and a greater willingness to share each other’s fate, regardless of everything that distinguishes them from each other. Many Americans may seem not feel such a deep sense of social unity today, but instead to accept meritocratic norms, or more rough-and-tumble ideals of self-reliance, or even hateful ideologies of difference. So it might seem unlikely, now, that many Americans could come to want to share each other’s fate at the

deep level that Rawls describes. Americans have been in a fight recently, even a truce is hard to see.

Yet recall the dangers of the politics of resentment that Rawls describes, where citizens who lose in competitions for public esteem launch destabilizing attacks on the social order, possibly tipping into a racial nationalism that undermines the constitution, perhaps even engendering the great evils of human history (LP, 6-7). If Rawls were here with us, looking out over America's recent politics, I believe he would say that sharing each other's fate is now the country's best hope. If Rawls were here, I believe he would say that Americans have a choice between dividing further and forging a deeper unity with each other.

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