

A Society of Self-Respect

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ABSTRACT: Rawls's Original Position, the most influential thought experiment in modern political philosophy, cannot be the justification of Rawls's theory of justice as fairness. The Original Position cannot satisfy Rawls's own publicity condition, which requires justifications that are accessible to all citizens. I hypothesize that over time Rawls weakened his publicity condition because he saw this tension, but that he could not resolve it. However, Rawls's work contains a justification for justice as fairness that is publicly accessible: that in a well-ordered society, all citizens can have self-respect. I set up this discussion with Rawls's critique of meritocracy, which, Rawls fears, sets citizens against each other in a zero-sum competition for self-respect. In a meritocracy, elites display their power and wealth, while the less fortunate may fall into resentment, rancor, and possibly a destructive racial nationalism. A Rawlsian society of self-respect offers a more just and stable model of social unity.

I. AMERICANS AND THE ORIGINAL POSITION

2021 is 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?¹

¹ I ask readers to forgive the focus on the United States in this article. It is used to make the examples more concrete, and so easier to evaluate—and also because America is the intellectual home of Rawls's theory, and so one might think the best hope for its political realization. The questions in the article are meant to be transposable to any democratic country. A shorter version of this paper appears in *Rawls's A Theory of Justice at 50*, ed. P. Weithman (Cambridge University Press, 2023), 336-55.

This question of public culture 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.²

Rawls’s publicity condition seems attractive for any country that aims to be democratic. As Freeman says, 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.³

Yet while Rawlsian publicity is appealing, it is also very demanding.⁴ 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 Office, for an Alabama high-school teacher to teach them in civics class, or for an

² John Rawls, *Justice as Fairness: A Restatement*, ed. Erin Kelly (Cambridge: Harvard University Press [HUP], 2001) [hereafter *JF*], p. 121. Further abbreviations for Rawls’s works in these notes: *A Theory of Justice* (Cambridge: HUP, 1971 [*TJ1*] and revised edition, 1999 [*TJ2*]); *Collected Papers*, ed. Samuel Freeman (Cambridge: HUP, 1999) [*CP*]; *The Law of Peoples* (Cambridge: Harvard University Press, 1999) [*LP*]; *Political Liberalism*, expanded edition (New York: Columbia University Press, 2005) [*PL*]; *Lectures on the History of Political Philosophy* ed. Samuel Freeman (Cambridge: HUP, 2007) [*LHP*]; *A Brief Inquiry into the Meaning of Sin and Faith*, ed. Thomas Nagel (Cambridge: HUP, 2009) [*BF*].

³ Samuel Freeman, ‘The Burdens of Public Justification,’ *Politics, Philosophy, and Economics* 6 (2007): 5-43.

⁴ Steven P. Wall, ‘Public Justification and the Transparency Argument,’ *Philosophical Quarterly* 46 (1996): 501-507.

Uber driver to explain them to foreign visitors should the conversation turns to politics. Call this the *most-citizens interpretation* of the third level of the full publicity condition. 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 the most-citizens interpretation of publicity right now. We can think perhaps 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 faith.' That is a deep idea, an idea that a judicial decision could spell out at length. And 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 did not know your income?' and 'Would you support equal pay if you did not know your gender?' and so on. The veil of ignorance is likely 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.⁵

What about the full Original Position? 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? I suspect that the full Original Position argument has no chance of

⁵ For example, *The West Wing*, season 4, episode 17; David Wolpe, 'Here's a Better Strategy for Picking a President,' *Time* Jun 8, 2016. When the Original Position is mentioned in the mass media, the veil of ignorance is what is being discussed.

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. By the full Original Position argument, I mean what is represented in Figure 1.⁶

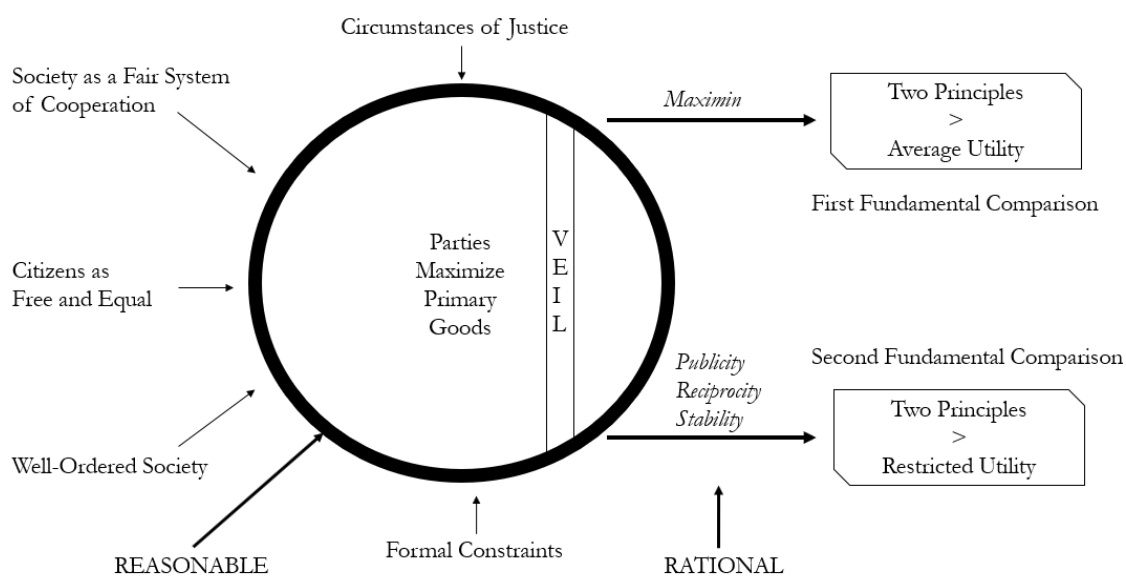


Figure 1: The Original Position (in the Restatement)

Now, there have been many criticisms of this argument in terms of the thickness of the veil, the reasoning of the parties, and so on. What especially gives me pause is that I suspect that Rawls himself lost confidence that the Original Position could be public in the way he thought appropriate in a democracy. From 1971 to 2001, Rawls seems to have become increasingly

⁶ The figure summarizes the Original Position as described in Rawls's final statement of it in *JF*.

concerned about the accessibility of the Original Position and so, I believe, he progressively weakened his statements on what publicity demands.

In *A Theory of Justice*, Rawls says that the Original Position should be built from ‘widely accepted but weak premises... each of the presumptions should by itself be natural and plausible.’⁷ Rawls here emphasizes ‘the minimal nature of the conditions’ defining the Original Position, partly because of the importance of publicity.⁸ In defining the initial situation, he says, ‘What is important is that the various features of the Original Position 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.’⁹ ‘At the basis of the theory,’ as he says, ‘one tries to assume as little as possible.’¹⁰ In 1971, Rawls was satisfied that the Original Position 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.’¹¹

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

⁷ *TJ2*, p. 16; see pp. 12, 214.

⁸ *TJ2*, p. 510. That publicity is definitive of how Rawls thinks of justice can be seen from its prominence in §1 of *Theory*.

⁹ *TJ2*, pp. 512-13.

¹⁰ *TJ2*, p. 112.

¹¹ *TJ2*, pp. 234, 501.

justice... are to rest on the plain truth now widely accepted, *or available*, to citizens generally.’¹²

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. But if citizens wish to, the full justification is present in the public culture.¹³

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.’¹⁴

My sense that Rawls was having doubts about the Original Position increases in *The Law of Peoples*, published in 1999. Here, the set-up of the (international) Original Position is barely sketched in. More, Rawls does not even allow the parties in this Original Position 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

¹² *PL*, p. 225, emphasis added (the quote is from ‘The Idea of Public Reason Revisited,’ first published in 1997).

¹³ *PL*, p. 67, emphasis added.

¹⁴ *PL*, p. 67. The ‘full publicity condition’ is met when all three levels of publicity are satisfied, pp. 66-68.

the parties the task of reflecting on their advantages without considering alternatives.¹⁵ This Original Position is summarized in Figure 2.

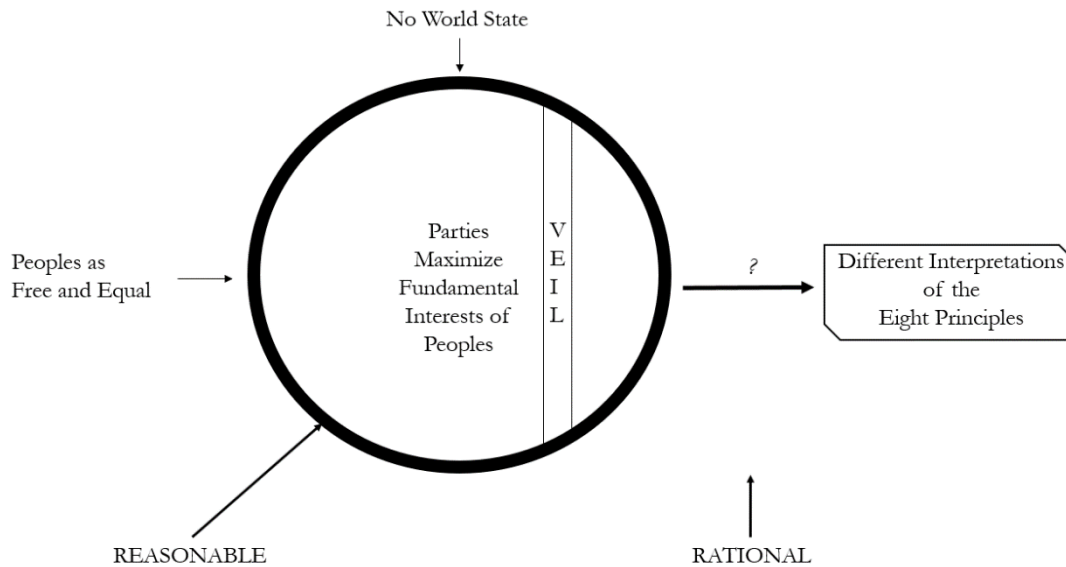


Figure 2: The Original Position (in Law of Peoples)

By *Justice as Fairness* in 2001, Rawls's hope for a (domestic) Original Position 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':

¹⁵ *LP*, p. 41; see pp. 57, 69. Rawls gives a two-sentence argument against utilitarian principles on p. 40, and extends it to 'other moral principles discussed in moral philosophy' in one sentence on p. 60. He also argues for his favored principle of defensive war against a realist alternative on pp. 44-54. Yet these arguments do not rely on the Original Position.

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: from the parties' point of view, at least, our fundamental interests connected with the exercise of citizens' two moral powers take priority over other interests.¹⁶

From 'widely accepted but weak premises' in 1971 to 'highly controversial points' in 2001 is a major change in how Rawls describes the Original Position. How Rawls squared what he came to see as the controversial nature of the Original Position 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.'¹⁷

In a poignant footnote to that passage, Rawls adds, 'Here I entertain the fantasy that works like this restatement are known in the public culture.'¹⁸ The 'fantasy' in this footnote seems to

¹⁶ *JF*, p. 110. Moreover, the arguments for the difference principle in the 'second fundamental comparison' do not (or do not obviously) turn on Original Position reasoning. *JF*, pp. 119-30.

¹⁷ *JF*, p. 121, emphasis added.

¹⁸ *JF*, p. 121, ft. 42. Rawls describes philosophical works known in the public culture in this way: 'Often cited and referred to, they are part of public lore and a fund of society's basic political ideas... The vast majority of works in

express more than Rawls's famous personal modesty. I believe that Rawls came to see serious tensions between the Original Position 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 Original Position as the public justification for his principles of justice? It seems he might have had at least two concerns.

The first concern is that the Original Position 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. Over his career, Rawls might have noticed that even Americans with advanced degrees in Philosophy sometimes seem not to grasp how the Original Position arguments are meant to work.¹⁹ 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 non-specialist citizens to do so? Is the Original Position comprehensible by only a few thousand,

political philosophy, even if they endure a while, belong to general background culture. However, works regularly cited Supreme Court cases and in public discussions of fundamental questions may be viewed as belonging to the public political culture, or bordering on it.' (*LHP*, pp. 3, 6) Rawls mentions Locke's *Second Treatise* and Mill's *On Liberty* as being part of the public culture of the United States.

¹⁹ For example, Rawls is explicit that maximin is no part of the argument for the difference principle. (*JF*, p. 43 ft. 3, 94-94, 96) Yet you might have heard a conference paper or read an article that has said otherwise.

out of hundreds of millions? As Wall asks, ‘what good is a publicly accessible justification that few can understand?’²⁰

Looking back at Figure 1 that represents the Original Position argument, we might wonder whether we could expect this to be cognitively accessible to most Americans. As Rawls says, ‘we... recognize an intricate theoretical construction when we meet one,’ and this seems to be such.²¹ More, even Figure 1 does not capture many of the subtleties of the Original Position 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).²² Even more importantly, the whole argument turns on the initial situation being properly defined as a situation of uncertainty, and not as a Harsanyian 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? As he wrote in *Theory*, ‘It may be surprising that the meaning of probability should arise as a problem in moral philosophy, especially in the theory of justice’—perhaps he came to see that, for most Americans, this would be not only surprising, but baffling.²³

²⁰ Wall, ‘Public Justification,’ pp. 501-07.

²¹ *TJ2*, p. 123.

²² See, for example, David O. Brink, ‘Justice as Fairness, Utilitarianism, and Mixed Conceptions,’ and Gerald Gaus and John Thrasher, ‘Rational Choice and the Original Position: The (Many) Models of Rawls and Harsanyi,’ in *The Original Position*, ed. Tim Hinton (Cambridge: Cambridge University Press), pp. 28-48; pp. 49-68.

²³ *TJ2*, p. 149.

At points in his work, Rawls reveals a highly intellectualized image of citizens of a well-ordered society, which does not describe Americans today.²⁴ Two-thirds of today's Americans, for example, never get a four-year college degree.²⁵ (Only two percent get a doctorate.²⁶) And even if Rawls were picturing an idealized United States with universal high-quality education at all levels, he might have come to reflect on the near-tautology that, after all, many Americans will be of average intelligence, and many Americans will be of below-average intelligence. Even if Rawls's books became 'known in the 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

²⁴ For example, Rawls says that in a well-ordered society each citizen will have achieved wide reflective equilibrium, meaning that each citizen 'has considered the leading conceptions of political justice found in our philosophical tradition (including views critical of the concept of justice itself (some think Marx's view is an example)), and has weighed the force of the different philosophical and other reasons for them.' *JF*, p. 31. It may also be revealing that when Rawls reaches for an analogy to the authority of the body of citizens over political issues, he settles on the authority of the body of physicists to declare the theory of general relativity correct or incorrect. *LHP*, p. 3.

²⁵ Camille L. Ryan and Kurt Bauman, 'Educational Attainment in the United States: 2015' (2016), <https://www.census.gov/content/dam/Census/library/publications/2016/demo/p20-578.pdf>.

²⁶ Around two percent of Americans over 25 have doctorates, and a smaller percentage have a non-doctoral professional degree. US Census Bureau, 'Educational Attainment of Population 25 Years and Over: Both Sexes' (2019) <https://www2.census.gov/programs-surveys/demo/tables/educational-attainment/2018/cps-detailed-tables/table-2-1.xlsx>.

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 kind of worry: not that the Original Position 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 Original Position? The concern that Rawls may have come to have is not that his fellow citizens could not understand the Original Position arguments, but that they would not care about them.

I have tried to distil an Original Position argument to its simplest—perhaps you can do better. Here is my best attempt at an accessible Original Position 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 anti-historical, 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.

Perhaps then our understanding of the publicity condition is too demanding? Rawls himself was unusually firm in insisting that in a democracy, the audience for political philosophy must be most citizens, or more precisely, all voters.²⁷ 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.’²⁸ This does not explicitly commit him to the most-citizens interpretation of publicity, and even if it did, perhaps someone can argue that some weaker publicity condition is more appropriate. Perhaps; yet I believe that Rawls would ask how a society could be called democratic at all if the justifications for its basic institutions are not really accessible to most of its citizens. My reading is that Rawls held strongly to the view that in a democracy, most citizens should be able to accept the reasons for their society’s institutions, meaning that these reasons should be

²⁷ When Rawls asks who the audience of political philosophy is, he says: ‘Surely, in a democracy the answer to this question is: all citizens generally, or citizens as the corporate body of all those who by their votes exercise the final institutional authority on all political questions.’ Later, he says of writings in political philosophy that citizens, ‘come across them in their conversation and reading, schools and universities and in professional schools. They see editorials and discussions debating these ideas in newspapers and journals of opinion.’ *LHP*, pp. 1, 6.

²⁸ *LHP*, pp. 2, 3.

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.

At one point, Rawls said that Justice as Fairness should be ‘political not metaphysical.’²⁹ I think we may have to conclude with regret that the Original Position is ‘theoretical, not accessible.’ I say this with regret, as I have been studying the Original Position for a long time.³⁰ It seems to me that the Original Position 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 Original Position. 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 Original Position 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 Original Position 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.

²⁹ *CP*, pp. 388-414.

³⁰ (My undergraduate thesis, now lost in the mists of time, was on the original position as pure procedure.)

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 those characters and choices.

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. The social structure also limits people's ambitions and hopes in different ways; for they will with reason view themselves in part according to their position in it and take account of the means and opportunities they can realistically expect. 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.³¹

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 calls the 'soul-making' tradition of political thought, a tradition that includes Plato, Aristotle, Montesquieu, Burke, Rousseau, Wollstonecraft, and Marx.³²

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

³¹ *PL* p. 269; see *TJ2* p. 229; *JF*, p. 56.

³² Kwame Anthony Appiah, *The Ethics of Identity* (Princeton: Princeton University Press, 2010), chapter 5.

know and to accept the pervasive influences of the basic structure that shape their conceptions of themselves, their character and ends.’³³ 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 argues that publicity is no part of what is required for a society to be just.³⁴ Justice simply requires that a particular (luck-egalitarian) pattern obtain. From this intrinsic perspective, 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 pattern can be like a landscape that is beautiful in colors invisible to humans, or like a slot machine that comes up Lucky-7s and pays nothing. 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.

³³ *PL*, p. 68.

³⁴ G.A. Cohen, *Rescuing Justice and Equality* (Cambridge: Harvard University Press, 2008), chs. 7.7, 8.

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 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. 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 become empty and vain, and we sink into apathy and cynicism.³⁵

As many scholars following Darwall have noted, Rawls often fails to distinguish 'self-respect' from 'self-esteem' (a term he uses interchangeably).³⁶ I will for convenience keep to Rawls's

³⁵ *TJ2*, p. 386; see *PL*, pp. 318-19.

³⁶ The *locus classicus* of the critical literature is Stephen L. Darwall, 'Two Kinds of Respect,' *Ethics* 88 (1977): 36-49. See further, for example, Laurence L. Thomas, 'Rawlsian Self-Respect and the Black Consciousness Movement,' *Philosophical Forum* 9 (1977-78): 303-14; David Sachs, 'How to Distinguish Self-Respect from Self-Esteem,' *Philosophy and Public Affairs* 10 (1981): 346-60; Michelle Moody-Adams, 'Race, Class, and the Social Construction of Self-Respect,' in *Dignity, Character, and Self-Respect*, ed. Robin Dillon (New York: Routledge, 1995), pp. 271-289; Elizabeth Brake, 'Rereading Rawls on Self-Respect,' in *Feminist Interpretations of John Rawls* ed. Ruth Abbey (University Park, PA: Pennsylvania State University Press, 2013), ch.3; Gerald Doppelt, 'The Place of Self-Respect in *A Theory of Justice*,' *Inquiry* 52 (2009): 127-54; Faviola Rivera-Castro, 'Self-Respect,' in *The Cambridge Rawls Lexicon*, ed. David Reidy and John Mandle (Cambridge: University of Cambridge Press, 2014); Robin S. Dillon, 'Respect,' *Stanford Encyclopedia of Philosophy* (Spring 2018), §4.

usage of ‘self-respect,’ and invite the reader to fill in a more subtle analysis than Rawls’s, such as Shelby’s analysis that self-respect combines self-worth with self-efficacy.³⁷ I believe that everything said here can be amplified by using a more precise account of self-respect.

Rawls says repeatedly in *Theory* that self-respect is ‘perhaps the most important primary good’—and one time he drops the ‘perhaps.’³⁸ It might be worth stepping back to draw out the implications of the priority that Rawls puts on self-respect. 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.³⁹ The justification of Justice as Fairness that I will develop here 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

³⁷ Tommie Shelby, *Dark Ghettos: Injustice, Dissent, and Reform* (Cambridge: Harvard University Press, 2016), pp. 110-13.

³⁸ See *TJ2*, pp. 54, 155-56, 348, 380, 386, 477; on p. 468, Rawls says that ‘self-respect is the main primary good.’ As Rawls says in *JF* (p. 60), ‘*Theory*... fails to distinguish between self-respect as an attitude, the preserving of which is a fundamental interest, and the social bases that help to support that attitude.’ Below I will say that the social bases are the main primary good because they support the attitude of self-respect.

³⁹ The list of basic liberties is from *PL*, p. 291.

social theorist in the tradition of Rousseau, Marx, and Nietzsche, and 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. Rawls thought that meritocracy can lead to a 'politics of resentment,' and then to what he called 'hostile outbreaks of envy,' which some might see in recent American history. 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.

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.⁴⁰ Even if America cleaned itself up and became a perfect meritocracy, Rawls would have grave concerns, because meritocracy leads to what we can call 'a politics of resentment.'

In a meritocracy, Rawls says,

⁴⁰ Robert H. Frank, *Success and Luck: Good Fortune and the Myth of Meritocracy* (Princeton: Princeton University Press, 2016).

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.⁴¹

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.⁴²

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

⁴¹ *TJ2*, p. 91.

⁴² *TJ2*, p. 478. For Rawls’s reading of Rousseau’s ‘unnatural *amour propre*,’ see *LHP*, pp. 198-206.

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.’⁴³

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.⁴⁴

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.’⁴⁵ 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.’⁴⁶

⁴³ A number of recent books have aligned with Rawls’s concerns about meritocracy, including Daniel Markovitz, *The Meritocracy Trap: How America’s Foundational Myth Feeds Inequality, Dismantles the Middle Class, and Devours the Elite* (New York: Penguin, 2019); Michael Sandel, *The Tyranny of Merit: What Has Become of the Common Good?* (New York: Farrar, Straus, and Giroux, 2020); David Goodhart, *Head, Hand, Heart: The Struggle for Dignity and Status in the 21st Century* (London: Allen Lane, 2020).

⁴⁴ *PL*, p. lvii.

⁴⁵ *TJ2*, p. 199.

⁴⁶ *TJ2*, p. 198.

IV. A POLITICS OF RESENTMENT AND HOSTILE OUTBREAKS OF ENVY

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 2016.⁴⁷ Let me say right off that this analysis only aims to capture one aspect of the complex reality of recent American politics. A more complete account would include the history of major public policies and crises since the 1980's, the influence of the media including social media, the behavior of certain politicians, and much else. 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.⁴⁸ 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.

⁴⁷ I have drawn here especially from Katherine Cramer, *The Politics of Resentment: Rural Consciousness in Wisconsin and the Rise of Scott Walker* (Chicago: University of Chicago Press, 2016) and Joan C. Williams, *White Working Class: Overcoming Class Cluelessness in America* (Boston: Harvard Business Review Press, 2020). Williams (with co-author Heather Boushey) defines 'working class' in this way, 'Those with household incomes above the bottom 30% but below the top 20%, [and] families with higher incomes but no college graduate. This is the middle 53% of American families.... As of 2015, these families had incomes ranging from \$41,005 to \$131,962. Their median income was \$75,144.' (p. 9)

⁴⁸ For example, Danielle Allen strongly objects to Rawls's thesis (cited in the next two footnotes) that self-respect normally depends on the respect of others, emphasizing instead a Stoic conception of self-respect within Black thought, in 'Against Abjection,' Conference on Inequality, Religion, and Society: John Rawls and After, Jan. 26, 2019, at <https://youtu.be/E6buhRZs4LM>. Tommie Shelby discusses the search for and assertion of self-respect in

Rawls is concerned that a politics of resentment may lead to political instability, which might at first 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. 'Our self-respect normally depends upon the respect of others,' Rawls writes, 'Unless we feel that our endeavors are respected by them, it is difficult if not impossible for us to maintain the conviction that our ends are worth advancing.'⁴⁹ More, 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.'⁵⁰ 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. Their resentment may erupt into public life, in what Rawls calls 'hostile outbreaks of envy.' He writes:

There are three conditions... that 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

disadvantaged Black communities, and presciently describes the potential for appealing to the self-respect of members of these communities in solidaristic social movements like Black Lives Matter that aim to resist oppression and achieve corrective justice, in *Dark Ghettos*, pp. 93-129, 264-65, 287-97.

⁴⁹ *TJ2*, pp. 155-56.

⁵⁰ *TJ2*, p. 297.

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.⁵¹

After decades of rising inequality in the US, Rawls would likely have seen hostile outbreaks of envy in recent American politics.⁵² Scheffler, 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.⁵³ The effort of the less advantaged to bring down the more advantaged, even at some

⁵¹ *TJ2*, p. 469. In his analysis of envy in §81, Rawls refers primarily to Nietzsche's notion of *ressentiment*. (Rawls cites Walter Kaufmann's 1950 book *Nietzsche*, for which he did the index in 1949 as he was finishing his PhD at Princeton.)

⁵² To take one indicator of rising inequality in the US, when Rawls published *Theory* in 1971, the average pay ratio of American CEOs to nonsupervisory workers was approximately 22:1; by 2020, this ratio was approximately 320:1. Lawrence Mishel and Julia Wolfe, 'CEO Compensation has Grown 940% since 1978,' (2019) <https://files.epi.org/pdf/171191.pdf>, and 'CEO Pay Increased 14% in 2019, and Now Make 320 Times Their Typical Workers,' (2020) <https://www.epi.org/press/ceo-pay-increased-14-in-2019-and-now-make-320-times-their-typical-workers/>.

⁵³ 'Voted with their middle fingers' from Williams, *White Working Class*, p. 10. Scheffler writes, 'It seems clear that the sustained failure of American institutions to satisfy any reasonable standard of reciprocity, and especially their

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.’⁵⁴

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.⁵⁵

embrace of staggering levels of inequality, created or contributed to conditions in which attitudes of grievance, anger, and resentment, not all of them unreasonable, flourished among enough voters to enable a candidate like Trump, who exploited those attitudes to great political advantage, to be successful.’ Samuel Scheffler, ‘The Rawlsian Diagnosis of Donald Trump,’ *Boston Review*, Feb 12, 2019 (<http://bostonreview.net/politics-philosophy-religion/samuel-scheffler-rawlsian-diagnosis-donald-trump>).

⁵⁴ *JF*, p. 118. I am projecting the breakdown of civility onto hostile outbreaks of envy; Rawls does not explicitly link the two.

⁵⁵ Here I draw on Paul Weithman, ‘John Rawls and the Task of Political Philosophy,’ in his *Rawls, Political Liberalism and Reasonable Faith* (Cambridge: Cambridge University Press, 2016), pp. 29-40; see also George Klosko, ‘Rawls, Weithman, and the Stability of Liberal Democracy,’ *Res Publica* 21 (2015): 235-49. The Second World War impelled Rawls to understand the failure of Weimar, the rise of authoritarianism, and the implications of nuclear weapons. In focusing on this trajectory Rawls joined figures like Arendt and Schmitt, whom he cites. (*LP*, pp. 20, 103; *PL*, lix-lx; *LHP*, pp. 8-9) All of Rawls’s books can be seen as offering an alternative to the politics that led from Weimar to war. See Leif Wenar, ‘Rawls,’ in *The Oxford Handbook of Political Philosophy*, ed. D. Estlund (OUP, 2012): 393-410.

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.'⁵⁶ 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.

Let me summarize the politics of resentment before moving on. The analysis 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

⁵⁶ *LP*, p. 47.

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.⁵⁷ 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 go back to the beginning, to Rawls's publicity condition and public accessibility. 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.

It seems to me that 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

⁵⁷ Again, the analysis in this section would need to be expanded to capture a fuller picture of American politics: why, for example, the white working class only resents certain elites and not others, why America's poorest citizens have not engaged in similar political action, and so on. My hope is that this application of Rawls's social theory is useful; it cannot claim to be complete.

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.⁵⁸

Just as Rawls’s diagnosis of the politics of resentment is essentially Rousseauian, so his solution to the problem of resentment is also Rousseauian.⁵⁹ 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.⁶⁰ 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.’⁶¹

⁵⁸ This is a reconstruction of a Rawlsian model of social relations, taking passages from Rawls’s texts out of their original context to build something that Rawls did not present as such. As the footnotes in this section show, many scholars have examined different relationships between the two principles and self-respect; the originality here is combining this scholarship into an overview of how the two principles together support the self-respect of all citizens.

⁵⁹ *LHP*, pp. 218-35, 244-48. On the Rousseauian dimensions of Rawls’s work, see especially Joshua Cohen, ‘Taking People as They Are?’ *Philosophy and Public Affairs* 30 (2005): 363-86; Frederick Neuhouser, ‘Rousseau’s Critique of Economic Inequality,’ *Philosophy and Public Affairs* 41 (2013): 193-225; John Warner and James Zink, ‘Therapeutic Politics: Rawls’s Respect for Rousseau,’ *The Review of Politics* 78 (2016): 117-40.

⁶⁰ *LHP*, pp. 247-48.

⁶¹ *TJ2*, p. 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.⁶² The best solution to a status competition for positional goods, Rawls says, is 'to

⁶² See Henry Shue, 'Liberty and Self-Respect,' *Ethics* 85 (1975): 195-203; Norman Daniels, 'Equal Liberty and the Unequal Worth of Liberty,' in Norman Daniels (ed.), *Reading Rawls* (Stanford: Stanford University Press, 1989),

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.’⁶³ In a society where the first principle is fulfilled, the self-respect of each is fortified because ‘the unconditional concern of other persons and institutions for our good is far stronger [than on other conceptions of justice]. The restrictions contained in the principles of justice guarantee everyone equal liberty and assure us that our claims will not be neglected or overridden for the sake of a larger sum of benefits, even for the whole society.’⁶⁴ 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.’⁶⁵

[A] subordinate ranking in public life would indeed be humiliating and destructive of self-esteem.... This is particularly likely to be true as society becomes more just, since equal rights and the public attitudes of equal respect have an essential place in maintaining a political balance and in assuring citizens of their own worth... The hardships arising from political and civic inequality, and from cultural and ethnic discrimination, cannot be easily accepted.⁶⁶

pp. 253-82; Jeffrey Moriarty, ‘Rawls, Self-Respect, and the Opportunity for Meaningful Work,’ *Social Theory and Practice* 35 (2009): 442-59.

⁶³ *TJ2*, p. 478.

⁶⁴ *TJ2*, p. 437. Read this way, the first principle confirms existing American understandings of the justification for basic rights and liberties, such as the one we met earlier, ‘Americans have religious freedom because we respect that everybody needs to follow their own faith.’

⁶⁵ *TJ2*, p. 477.

⁶⁶ *TJ2*, pp. 477-78.

The fair value of the political liberties adds a dimension of substantive equality to the formal equality of the other basic liberties. Realizing the fair value of the political liberties requires that citizens who are equally talented and motivated have equal opportunities to influence politics, regardless of their class of origin.⁶⁷ 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 (for him) in his calls for campaign finance reform in the United States.⁶⁸ As he says in a discussion of public reason, politics must be ‘set free from the curse of money.’⁶⁹ 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. Citizens’ relations to one another are given a secure basis in the manifest constitution of society... 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

⁶⁷ *TJ2*, pp. 197-200; *PL*, pp. 359-63; *JF*, pp. 148-50. Steven Wall disputes Rawls’s claims about fair value in ‘Rawls and the Status of Political Liberty,’ *Pacific Philosophical Quarterly* 87 (2006): 245-70.

⁶⁸ ‘Historically one of the main defects of constitutional government has been the failure to ensure the fair value of political liberty. The necessary corrective steps have not been taken, indeed, they never seem to have been seriously entertained.’ *TJ2*, p. 198.

⁶⁹ *PL*, p. 449.

citizen. His awareness of his own worth... is confirmed in the constitution of the whole society.⁷⁰

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. Institutions should be arranged so as to reduce or eliminate the impact of inequalities of such goods on citizens' self-regard. The priority of liberty—that is, the priority of the first principle over the second—is thus critical for replacing a zero-sum competition for positional goods with institutions that support the self-respect of all.

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.⁷¹

To '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.

⁷⁰ *TJ2*, p. 205.

⁷¹ *TJ2*, p. 478. See Robert S. Taylor, 'Rawls's Defense of the Priority of Liberty: A Kantian Reconstruction,' *Philosophy and Public Affairs* 31 (2003): 246-71; James R. Zink, 'Reconsidering the Role of Self-Respect in Rawls's *A Theory of Justice*,' *Journal of Politics* 73 (2011): 331-44.

To this end, fair equality of opportunity requires investment in education and training that gives all ‘fair and equal opportunities to develop their native endowments and to acquire socially productive skills.’⁷² 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. Among these means is human as well as real capital, that is, knowledge and an understanding of institutions, educated abilities, and trained skills.’⁷³

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.⁷⁴ 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.’⁷⁵

⁷² *JF*, p. 67.

⁷³ *JF*, p. 140, describing property-owning democracy. See Philippe Van Parijs, ‘Difference Principles,’ in Samuel Freeman (ed.), *The Cambridge Companion to Rawls* (New York: Cambridge University Press, 2003), pp. 200-40; Nien-hê Hsieh, ‘Rawlsian Justice and Workplace Republicanism,’ *Social Theory and Practice* 31 (2005): 1-28; and Moriarty, ‘Rawls, Self-Respect, and the Opportunity for Meaningful Work.’

⁷⁴ For ‘inherently satisfying,’ Rawls will rely on the Aristotelian Principle, *TJ2*, pp. 372-80. On fair equality of opportunity and self-respect, see, e.g., Thomas Pogge, *Realizing Rawls* (Ithaca: Cornell University Press, 1989), pp. 173-96; Robert S. Taylor, ‘Self-Realization and the Priority of Fair Equality of Opportunity,’ *Journal of Moral Philosophy* 1 (2004): 333-47.

⁷⁵ *TJ2*, p. 73.

The difference principle realizes a distribution of wealth and income that 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. This dimension of how the difference principle supports the self-respect of the less-advantaged has perhaps not been sufficiently discussed; it is evident in Rawls's remarks on the significance of 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. As society progresses the latter consideration becomes increasingly more important.⁷⁶

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, while enriching the personal and cultural lives of citizens in all segments of society. Actively-sustained equality of opportunity helps everyone to find employment that matches their developed talents and skills, which yields the daily satisfactions of meaningful

⁷⁶ *TJ2*, pp. 91-92. Samuel Freeman discusses this passage in the context of fair equality of opportunity, in his *Liberalism and Distributive Justice* (Oxford: Oxford University Press, 2018), p. 111.

work.⁷⁷ Each 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.⁷⁸ So long as every citizen finds at least one group, club, or community where her participation is valued, everyone will enjoy associational esteem, and

the plurality of associations in a well-ordered society, each with its secure internal life, tends to reduce the visibility, or at least the painful visibility, of variations in men's prospects. For we tend to compare our circumstances with others in the same or in a similar group as ourselves, or in positions that we regard as relevant to our aspirations. The various associations in society tend to divide into so many non-comparing groups, the discrepancies between these divisions not attracting the kind of attention which unsettles the lives of those less well placed.⁷⁹

Rawls's vision is that in the well-ordered society described so far, '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

⁷⁷ Rawls believes that the well-ordered society would overcome the worst aspects of the division of labor: 'No one need be servilely dependent on others and made to choose between monotonous and routine occupations which are deadening to human thought and sensibility. Each can be offered a variety of tasks so that the different elements of his nature find suitable expression.' *TJ2*, pp. 463-64. See Samuel Arnold, 'The Difference Principle at Work,' *Journal of Political Philosophy* 20 (2012): 94-118.

⁷⁸ *TJ2*, pp. 388, 470-71. See Cohen, 'Democratic Equality,' pp. 736-43.

⁷⁹ *TJ2*, p. 470.

associates, without being dismayed by the greater amenities and enjoyments of others socially more distant.’⁸⁰

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.’⁸¹ This is the public role of the difference principle.

A meritocracy distributes social status in part through a positional competition for greater affluence. The difference principle instead declares equal status through cooperation based on reciprocity: ‘no one gains or loses from his arbitrary place in the distribution of natural assets or his initial position in society without giving or receiving compensating advantages and return.’⁸² 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

⁸⁰ *TJ2*, p. 477.

⁸¹ *TJ2*, p. 156.

⁸² *TJ2*, p. 87.

undertake to avail themselves of the accidents of nature and social circumstance only when doing so is for the common benefit.’⁸³

Living in a society organized by the difference principle would transform how the less fortunate would be viewed by the more fortunate (who Rawls, in the following passage, assumes he and his readers are):

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.⁸⁴

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. The basic structure ‘is arranged to maximize the worth to the least advantaged of the complete scheme of equal liberty shared by all.’⁸⁵ As Rawls says, in a well-ordered society,

⁸³ *TJ1*, p. 102.

⁸⁴ *JF*, p. 139.

⁸⁵ *TJ2*, p. 179.

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.⁸⁶

With every part of his two principles, Rawls built a model of a just society that affirms the self-respect of each citizen. Let me offer a summary passage that describes this society, which leads on to passages that show how widespread self-respect engenders the further goods of civic friendship and stability:

In a well-ordered society the need for status is met by the public recognition of just institutions, together with the full and diverse internal life of the many free communities of interests that the equal liberties allow. 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. And this distribution being equal, everyone has a similar and secure status when they meet to conduct the common affairs of the wider society. No one is inclined to look beyond the constitutional affirmation of equality for further political ways of securing his status.⁸⁷

⁸⁶ *TJ2*, p. 470.

⁸⁷ *TJ2*, p. 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.⁸⁸

Finally, the reciprocal affirmation of the worth of all citizens helps to win the allegiance of citizens to the system as a whole:

When the two principles are satisfied, each person's basic liberties are secured and there is a sense defined by the difference principle in which everyone is benefited by social cooperation. Therefore we can explain the acceptance of the social system and the principles it satisfies by the psychological law that 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.⁸⁹

Thus, as Scheffler says, 'a commitment to affirming the good of each citizen is inscribed into the basic charter and institutions of the society.'⁹⁰

⁸⁸ *TJ2*, p. 437; see *JF*, p. 117.

⁸⁹ *TJ2*, pp. 154-55. To reduce complexity, I omit a discussion of the stabilizing power of an overlapping consensus, and simply posit that the discussion of stability here is compatible with, and would be enhanced by, the resources of *Political Liberalism*.

⁹⁰ Scheffler, 'The Rawlsian Diagnosis.'

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. No one here’s better off at the expense of someone who’s less lucky--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 thought that real saving and economic growth are to go on indefinitely, upwards and onwards, with no specified goal in sight, is the idea of the business class of a capitalist society.⁹¹

In other words, the goal of endless growth is mere bourgeois ideology. 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.⁹²

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-ordered society would not attend sufficiently to the self-respect of the better-off—

⁹¹ *LP*, p. 107, n. 33; on Rawls's receptivity to a 'stationary state' economy, see, for example, *JF*, p. 159.

⁹² *TJ2*, pp. 257-58.

who, might feel, given the alternative of meritocracy, 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.⁹³ Yet he would add that the desire to gain self-respect by having more than others is itself pathological. This thought—prominent Rousseau and also Marx, that Rawls found first in his early theological studies—is that positional competitions for money and power are bad not only for the losers, they are also bad for the winners.⁹⁴

What healthy people in modern societies really want, Rawls holds, is not more money or power. Because of Rawls's later 'political turn,' we sometimes forget that in *A Theory of Justice* Rawls felt perfectly comfortable in beginning sentences with words like 'What men want is...'. The full passage reads,

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.⁹⁵

⁹³ See, for example, *JF*, p. 124; Cohen, 'Democratic Equality,' pp. 740-42.

⁹⁴ For example, 'Strong or inordinate desires for primary goods on the part of individuals and groups, particularly a desire for greater income and wealth and prerogatives of position, spring from insecurity and anxiety.' *CP*, p. 277. See *BI*, pp. 193-206.

⁹⁵ *TJ2*, p. 257. Throughout *Theory*, 'men' is used to refer to 'persons' or 'citizens' in a way that would be unacceptable now.

There is a distinctive philosophical anthropology in Rawls's work, which we can hear as a kind of walking bass beneath the familiar melodies. 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.⁹⁶ 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, for example, against 'government house' utilitarianism, where officials manipulate the masses according to their hermetic understanding of what is best.⁹⁷ 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

⁹⁶ *JF*, p. 60.

⁹⁷ Bernard Williams, *Ethics and the Limits of Philosophy* (Abingdon: Routledge, 2006), 120-23.

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. The problem with meritocracy is that it fails to support the self-respect of so many citizens. The threat of instability leads to a search for an alternative to meritocracy. Like Hobbes, Rawls aims for a stable society. Yet while Hobbes countenanced nearly limitless state coercion, manipulation, and indoctrination to keep the peace, Rawls abjures these means.

Rawls aims for stability ‘for the right reasons’: stability where all citizens can be ‘wholehearted members of a democratic society who endorse society’s intrinsic political ideals and values and do not simply acquiesce in the balance of political and social forces.’⁹⁸ This is a stability of transparency. Rawls’s hope is for a society that is stable because each 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. In such a society,

The political order does not, it seems, depend on historically accidental or established delusions, or other mistaken beliefs resting on the deceptive appearances of institutions that mislead us as to how they work... 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

⁹⁸ *PL*, pp. 458-59. On stability for the right reasons, see *PL*, pp. xl-xli, 389-92, 458-62.

conception of themselves, their character and ends... There is no need for the illusions and delusions of ideology for society to work properly and for citizens to accept it willingly.⁹⁹

In a well-ordered society, every citizen understands correctly how her society works—and how it works for her. The institutions of a well-ordered society will (as all institutions 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.¹⁰⁰

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 of citizen and society to ground this reflexive justification? Given that our institutions will form

⁹⁹ *PL*, pp. 68-69. Publicity is essential for citizens' political autonomy, *PL*, pp. 77-81.

¹⁰⁰ As above, each citizen may also support the political conception of justice from within her comprehensive doctrine in an overlapping consensus. I am leaving that level of complexity out, although the argument might be further strengthened by adding it.

us, why should we want them to form us guided by these particular ideas that citizens should be free and equal, and that society should be fair? This is a crucial question. 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.’¹⁰¹

IX. SELF-RESPECT AND SOCIAL UNITY

Let me close with a thought you may have had already —that for America to transform into 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

¹⁰¹ *TJ2*, p. 436; see *PL*, pp. 317-18.

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.¹⁰² 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 now have a choice between dividing further and forging a deeper unity with each other.

¹⁰² On the great evils of human history, see *LP*, pp. 6-7.