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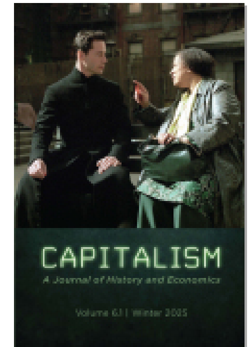


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# Rawls and Envy

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**Suppose we think** of the gambit of liberal capitalism in terms of the following implicit offer. In the political sphere, all members of society will enjoy formal equality as citizens. In the economic sphere, they will be stratified and unequal; relative to one another, some will be winners and others will be losers. And yet this system of unequal rewards, offering the ever-present possibility of being one of the winners, helps produce an economic dynamism ensuring that in the long run even the losers fare materially better than they otherwise would. This is not a simple prioritization of political interests over economic ones. For although members of liberal capitalist societies give up the possibility of full socioeconomic as opposed to merely civic equality, they nonetheless enjoy material gains as the rising tide of economic growth lifts all boats in absolute terms.

In a sense the gambit is as old as capitalism. "Among the savage nations of hunters and fishers," Adam Smith wrote at the beginning of the *Wealth of Nations*, there is great equality, as "every individual who is able to work, is more or less employed in useful labor." But at the same time these societies suffer from miserable poverty. "Among civilized and thriving nations," by contrast, there is great inequality, as many people who "do not labor at all" consume ten or a hundred times more than members of the laboring classes. Yet the material abundance of such societies is so great that even the poorest worker "may enjoy a greater share of the necessaries and conveniences of life than it is possible for any savage to acquire."[1]

For Smith, both the inequality and the prosperity of modern commercial society came into focus against a baseline in the historic, or pseudohistoric, past: the egalitarian band of the "savage" hunter-gatherer, before "barbarian" pastoralists introduce property, inequality, and law.[2] The argument

[1] Smith, *Wealth of Nations*, 10. For a similar argument from a century earlier, see Locke, *Two Treatises*, 296–97.

[2] On the eighteenth-century context for these categories, see Meek, *Social Science and the Ignoble Savage*; Pocock, *Barbarians, Savages and Empires*.


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can equally be framed, however, against a hypothetical future rather than a historical past: a leveled society in which the equalization of rewards has removed the incentives producing economic dynamism and growth. Such a society might continue to enjoy the level of wealth it has already attained, but only at the cost of foreclosing whatever future gains might await it. The essential point is the link between relative inequality and absolute prosperity. Smith also made no psychological claim that members of prosperous but unequal societies preferred this state of affairs, or that absolute wealth matters more for happiness than social standing. On the contrary, he tended to think that humans' desires for social recognition and even domination would usually outweigh their material interests when they were given a choice in the matter.[3] His opening claim in the *Wealth of Nations* might thus be understood, at least in part, as an attempt to remind the recalcitrant of the material benefits that commercial society provided to them.

In relative terms, capitalism makes us unequal, or at least keeps us unequal; in absolute terms, it makes us better off. The first claim tends toward condemnation, the second toward reconciliation. If neither claim is unassailable, both are intuitive enough to have acquired the air of common sense.[4] But although the basic gambit is visible in an enormous range of sources over a period of centuries, it received its clearest and most powerful expression in the late twentieth century. This expression was the so-called "difference principle" of John Rawls, surely the single most influential piece of theorizing about inequality to emerge from twentieth-century anglophone philosophy.[5]

Rawls's book *A Theory of Justice* has been iconic from the moment of its 1971 publication, and in most respects the details of its reasoning have become familiar. Parties situated behind a veil of ignorance—abstract representatives of everyone who might inhabit a society across generations, not knowing their own personal attributes, social positions, or conceptions of the good—meet in what Rawls calls the "original position" to bargain on

[3] Luban, "Adam Smith on Vanity."

[4] The argument does not require that inequality be higher under capitalism than in every previous historical period, nor that inequality must increase indefinitely under capitalism. The minimal form of the argument is simply that capitalism entails increased inequality compared to some conceivable alternative, such as a society which sacrifices growth to achieve equality, and that acceptance of some inequality is necessary for continued growth.

[5] I will cite Rawls's works in the body of the text as follows: the original version of *A Theory of Justice* as *TJ*, the revised version as *TR*, *Political Liberalism* as *PL*, *The Law of Peoples* as *LP*, *Justice as Fairness* as *JF*, the *Brief Inquiry* as *BI*, and the *Collected Papers* as *CP*.

the principles that will govern their society. Aiming to secure the best possible position for themselves, but lacking any information about who they will end up being, they can only strive to maximize their index of primary goods, those "things which it is supposed a rational man wants whatever else he wants" (*TJ* 92). In such circumstances, Rawls argues, the parties will agree to his two famous principles of justice. The first principle guarantees equal basic liberties for each person. The second principle states that socioeconomic inequalities are only permissible if there is fair equality of opportunity and—most importantly for our purposes—if such inequalities maximally benefit the least advantaged members of society.[6] It is this final stipulation, the linkage of permissible inequality with benefit to the least advantaged, that Rawls labels the "difference principle."

The difference principle is not, of course, an empirical claim about the economic dynamics of capitalist societies; it is a normative claim about the circumstances in which inequalities can be justified. (One could theoretically endorse the difference principle while denying that any inequalities actually meet the criterion that it sets.) It would likewise be reductive to suggest that Rawls aims to justify capitalism as such. In the *Theory*, he claims that its principles are compatible with some form of liberal socialism (*TJ* 258, 280), and in later works he espouses an ideal of "property-owning democracy" whose relationship to capitalism and socialism has been much debated.[7] Yet as we will see, Rawls's normative theory does rest on a set of implicit empirical premises about how the social world works. And without attributing to Rawls a blanket endorsement of "capitalism" as such, we can notice that the difference principle in particular does rest on an implicit causal story about inequality and the sources of economic growth. In a "well-ordered society," Rawls's shorthand for a society that meets his principles of justice, there will continue to be inequalities, but only insofar as they provide the individual incentives necessary to spur growth that is broadly shared by the population at large.[8]

[6] I paraphrase the main thrust of principles that Rawls sets out in slightly different forms throughout his works. For their development from Rawls's first published formulation in 1958 through his final one in 2001, compare *CP* 48, *TJ* 60, *TJ* 302–3, *PL* 5–6, and *JF* 42–43.

[7] Rawls indicates that his principles imply "a market economy," but not necessarily "private ownership of the instruments of production" (*TJ* 271). The phrase "property-owning democracy," borrowed from the British economist James Meade, already appears in the *Theory* (*TJ* 274), and Rawls later regretted not distinguishing it more clearly from welfare-state capitalism in that work (*CP* 419). For further discussion, see O'Neill and Williamson, *Property-Owning Democracy*; Edmundson, *Reticent Socialist*.

[8] On the underlying causal logic of the difference principle, see Barry, *Theories of Justice*, chap. 6; Cohen, *If You're an Egalitarian*, chap. 8.

This characterization of the difference principle will be largely familiar to readers of Rawls. Equally familiar is the device of the original position that serves as the launchpad for his theory. Rawls's original position takes on board the narrow rational-choice model of individual action popularized by postwar social science—but with the brilliant twist that when the veil of ignorance deprives rational-choice actors of any information about their specific identities and interests, their choices can generate a genuine theory of justice. Much of the theory's power comes from the claim to derive its principles from such a thin and, at first glance, "unpleasantly egoistic" account of rationality (*CP* 53).

One aspect of Rawls's original position, however, has been far less discussed. He notes that the parties in the original position are rational, and that his conception of rationality, aside from "one essential feature, is the standard one familiar from social theory." But this feature is a significant one. For the original position requires what Rawls calls a "special assumption" not entailed by a standard rational-choice model: that the parties are not motivated by envy. "Envy" here stands in for a concern for relative position as such, and its absence means that the rationality of the parties is of an atomistic, or "mutually disinterested," kind. When bargaining behind the veil of ignorance, the parties aim solely to maximize their allotments of primary goods in absolute terms,[9] but they take no interest in the allotments that others receive, and thus are indifferent to the relative distribution of goods—at least so long as resulting inequalities "do not exceed certain limits." As a result, the negotiations in the original position have a distinctive shape:

> The parties do not seek to confer benefits or to impose injuries on one another; they are not moved by affection or rancor. Nor do they try to gain relative to each other; they are not envious or vain. Put in terms of a game, we might say, they strive for as high an absolute score as possible. They do not wish a high or a low score for their opponents, nor do they seek to maximize or minimize the difference between their successes and those of others. (*TJ* 143–45)

But even the metaphor of the game is misleading, he adds, for "the parties are not concerned to win but to get as many points as possible" (*TJ* 145).[10]

[9] Strictly speaking, what the allotment measures is the parties' lifetime expectations of primary goods rather than the goods themselves.

[10] As Rawls put it in a later essay, the parties "desire wealth," but they do not "desire to be wealthy" compared to others (*CP* 273). Perhaps he was inverting the aphorism widely ascribed to

Nearly every part of Rawls's theory has received sustained critical attention, but his exclusion of envy from the original position has attracted surprisingly little. One possible reason is that Rawls himself treats it as a secondary part of the theory, an analytical device that simplifies the bargaining process without distorting its results. He eventually returns to the topic of envy, but only as an ex post facto condition of stability: provided that envy does not prove too widespread in a fully realized society, he suggests, we can justify ignoring it in the original position. The resulting impression is that envy is one of the many tangential issues nibbling at the edges of the theory, but not a central one for its overall success or failure.

Another reason for this neglect is that both Rawls and his opponents could agree on the desirability of excluding it. For envy is seen as a vice, "generally regarded as something to be avoided and feared" (*TJ* 530). Critics on the right had long charged that envy was the hidden motive behind egalitarianism, and would level the accusation against Rawls in turn.[11] Rawls and his allies accordingly defended themselves by trying to show that egalitarian principles could be derived from premises that took no account of envy at all, an impulse likewise shared by their stricter egalitarian critics on the left. All camps could thereby agree that any proper theory of justice should deny envy a foundational role.

In recent years, scholars have begun to pay closer attention to Rawls's treatment of envy. But in so doing they have tended to accept the morally dubious character of envy in the bare sense that Rawls conceives it—that is, as a concern for relative rather than absolute position within a stratified socioeconomic order—and instead sought to rehabilitate more benign forms of envy. Thus Jeffrey Edward Green defends a form of what Rawls calls "excusable envy" targeted specifically at the most wealthy, Harrison Frye suggests that envy can serve as a "second-best motivation" for combatting injustice at the level of non-ideal theory, and Sara Protasi argues for the value of forms of envy that go beyond Rawls's own narrowly economic, "uberspiteful" conception.[12] Even Patrick Tomlin, the only scholar to question the exclusion of envy from the original position, argues for including

John Stuart Mill, that "[m]en do not desire merely to be *rich*, but to be *richer* than other men" (*On Social Freedom*, 49, from a posthumous work whose authorship has been disputed).

[11] One influential work that Rawls cites in the *Theory* as a recent instance of this (much older) conservative critique is Schoeck, *Envy*. The same year that Rawls published the *Theory*, Ayn Rand proclaimed that "we live in the Age of Envy" (*Return of the Primitive*, 130), and the first sustained critique of Rawls on envy came from an acolyte of Rand's (Walsh, "Rawls and Envy").

[12] Green, "Forgotten Figure"; Frye, "Relation of Envy"; Protasi, *Philosophy of Envy*.

it because it is a "fact" while conceding that it is a "vice"—a concession, I will argue, which is sufficient within the logic of Rawls's theory to justify its exclusion.[13] What I aim to do here, therefore, is to defend the proper role of envy in Rawls's own bare sense. Doing so has implications that go well beyond our understanding of Rawls's own system.

For envy raises questions that are fundamental to the operation of any society characterized by growing material abundance on the one hand and growing social inequality on the other. Rawls's difference principle is one attempt to square this contradiction. But we have already seen that in many ways Rawls was expressing, with characteristic lucidity and precision, a much older line of thought.[14] Recall again Adam Smith's contrast between the "savage nations of hunters and fishers," deeply egalitarian and miserably poor, and the "civilized and thriving nations," highly stratified but with even their lowest members enjoying a "greater share of the necessaries and conveniences of life" than their savage predecessors. Rawls's difference principle is effectively a formalization of this thought, with absolute gains for the least advantaged framed not as an empirical fact but as the necessary condition for permissible inequality.

The key presupposition is that it is possible for us to separate relative from absolute status judgments. In terms of their relative social position, the worst-off members of a prosperous and unequal society are indeed *worse* off than they would be in a (historical or potential) egalitarian alternative, having gone from a position of equality to a place at the bottom. But in absolute or material terms, the terms of Smith's "necessaries and conveniences of life," they are better off—or at least they must be better off for the inequalities to be justified.[15] Smith, like most of his early modern contemporaries, had little confidence that humans were psychologically inclined to prioritize the absolute dimension over the relative one. In Rawls, the exclusion of envy from the original position inscribes this priority into the logic of the theory itself. The difference principle specifies that the absolute dimension is the

[13] Tomlin, "Envy, Facts, and Justice," 108.

[14] Rawls's earliest presentation of his two principles notes that some notion of "[t]he injustice of inequalities which are not won in return for a contribution to the common advantage is, of course, widespread in political writings of all sorts" (*CP* 49n2).

[15] Of course, one might question whether the global economic order benefits the worst off even in absolute terms. However compelling such questions might be in practice, they do not pose any particular puzzle for Rawls's theory, since any inequality that harms the worst off in absolute terms is clearly unjust according to the difference principle. It is the combination of absolute gain and relative loss that will concern us here.

only relevant one, that the way to determine the justice of an inequality is to cordon off the relative and focus on the absolute. It is therefore a principle of relative distribution whose effect is to circumvent all the specifically *relative* aspects of distribution.

Reconciliation to modern society, with its characteristic combination of prosperity and inequality, thus requires division: of absolute and relative, objective and subjective, material and social. But are we so divided? Can we or should we be? Envy threatens to collapse these divisions, washing away absolute gains in the zero-sum tide of relative rises and falls. If the relative dimension supplants the absolute one, the contradiction between absolute abundance and relative deprivation threatens to become irresolvable.

Rawls has often been caricatured as utterly insensitive to these sorts of considerations, attentive only to bourgeois liberties and material gains. Perhaps there is a grain of truth to this view—at least in the sense that his theory does indeed rest on, and enact, a basic separation between the political and economic realms. Yet Rawls's attempts to grapple with the problem of envy demonstrate a self-awareness about his project that is far greater than his critics have tended to acknowledge. This is not to say that these attempts are successful. But even if Rawls never really solves the problem of envy (as I will argue he does not), his attempts to do so are instructive, both for the light they shed on his own theory and as an entryway into the larger questions that it poses for our own societies.

My approach here is both theoretical and historical. By the latter term I do not mean the sort of granular reconstruction of Rawls's immediate intellectual contexts performed by the important wave of recent scholarship on the "historical Rawls."[16] I mean only that beyond teasing out the inner logic of Rawls's theory, I also aim to reflect more broadly on the circumstances that led him to frame his theory in the ways that he did and on the historical limits of this framing. His "envy," after all, turns out be a sort of vestigial placeholder for what was once one of the great themes of modern social thought.

## Why Exclude Envy?

Rawls adopts what he calls a "two-step procedure" for dealing with envy. First he attempts to resolve the bargaining problem in the original position

[16] See Forrester, *Shadow of Justice*; Gališanka, *John Rawls*; Bok, "Latest Invasion" and "To the Mountaintop Again"; and the essays collected in Bejan, Smith, and Zimmermann, "The Historical Rawls."

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while assuming that the parties are not envious; then he examines the features of the resulting well-ordered society to argue that envy will not pose any practical threat to its stability (*TJ* 530–31). The aim of this second step of the procedure is to remove any pressing impetus to include envy in the original position. For reasons of space, however, I won't dwell on this second step of Rawls's procedure, except to note that I don't think any of his arguments are decisive in showing that a well-ordered society will easily be able to suppress the social conditions leading to envy.[17] It is hard to evaluate the success or failure of his claims, or indeed to grasp exactly what a well-ordered society looks like in practice, but they are at the very least inconclusive.

The more interesting question is why we are justified in excluding envy from the original position in the first place. Why, in other words, are we justified in treating the parties as focused only on their absolute indices of primary goods rather than the relative distribution of primary goods? We might in fact challenge Rawls's use of the two-step procedure by bringing into play some of the same arguments that he levels against utilitarianism. One of Rawls's criticisms of utilitarianism is that even if it can ultimately protect liberties through ad hoc additions to the theory, the parties would prefer to "secure their liberties straightaway" by guaranteeing them in the original position "rather than have them depend upon what may be uncertain and speculative actuarial calculations" (*TJ* 160–61). But if the parties worry about the harmful effects of inequality, as Rawls suggests that they do, why wouldn't they likewise address it in the original position rather than trusting in the ultimate features of a well-ordered society?

To label the concept under discussion "envy" is already to tilt the tables against it. (If wanting to maximize one's allotment in relative terms is "envy," why isn't wanting to maximize it in absolute terms "avarice" or "greed"?) As we will see, Rawls does in fact differentiate envy proper from both resentment

[17] Perhaps the most striking example is Rawls's confidence about the ease of restraining inequality, such that "in a competitive economy . . . with an open class system excessive inequalities will not be the rule" (*TJ* 158, cf. 535–37). This view seems considerably less plausible today than it did in 1971 (unless we tautologically define "competitive economy" and "open class system" as those which don't generate excessive inequalities). It is worth remembering that Rawls was writing at the height of postwar optimism about the relationship of capitalism and inequality; for the classic statement, see Kuznets, "Economic Growth and Income Inequality." For the corresponding statement of twenty-first-century pessimism, which takes the explosion of inequality since the 1970s as the historical norm rather than the exception, see Piketty, *Capital in the Twenty-First Century*.

and "excusable" envy, neither of which he regards as vices. But it may be more useful at this stage to drop these labels altogether, and simply to speak of a concern for relative allotments of primary goods (henceforth *relativism*) versus a concern for absolute allotments (henceforth *absolutism*).[18]

Thus the question becomes: Why treat the parties in the original position as absolutists but not relativists? Rawls's discussion suggests a range of overlapping considerations rather than a single answer. Three different lines of thought seem to be inchoate in it.

The first concerns simple feasibility. If the parties aim only at maximizing their absolute allotments of primary goods, it is possible to have a clean rational choice problem yielding a determinate outcome. If, however, the parties are concerned not only with their own allotments but with everyone else's allotments as well, these questions become messy and perhaps irresolvable, since they require us to estimate exactly how much any change to any one party's index will affect all the other parties' satisfaction with their own indices. Hence there is an obvious reason for ignoring relativism and other psychological propensities such as attitudes toward risk: "Without rather definite information about which configuration of attitudes existed, one might not be able to say what agreement if any would be reached" (*TJ* 530).

But this argument is not particularly compelling by itself. If the rational choice procedure requires simplistic and erroneous assumptions to arrive at an answer, then so much the worse for the procedure; as Rawls himself writes in another context, it is "irrational to advance one end rather than another simply because it can be more accurately estimated" (*TJ* 91). The fact that ignoring relativism makes our analytical task easier is only compelling if we have some other good reason for doing so.

By lumping envy together with particular attitudes toward risk and other "special psychologies," however, Rawls points to a second and related argument for excluding it. The original position is a device of abstraction, meant to screen out all of our particular and contingent qualities and leave behind only those that are universal. The particularities of each person's psychological makeup are "imagined to be behind the veil of ignorance," in the same way as are the particularities of their physical being and historical circumstances (*TJ* 530). If relativism is this sort of contingent fact about specific human beings, it will be ruled out by the veil of ignorance.

The difficulty is that Rawls wants to characterize the original position in a way that rules out relativism but not absolutism. If the parties cannot

[18] This is similar to the usage in Sen, "Poor, Relatively Speaking."

know whether they care about the relative value of their allotment, how can they know that they care about its absolute value? Rawls's answer is that although the veil of ignorance rules out all knowledge of particular facts about oneself, it still permits knowledge of "the general facts about human society" (*TJ* 137). The question of what counts as such a "general fact" is, as Rawls recognizes, a "very difficult" one (*TJ* 142), although he does not seem to have fully appreciated just how vexed it is.[19] Regardless, he takes absolutism as a general rather than a particular fact, so that the parties in the original position can safely assume "that they prefer more rather than less primary goods" in absolute terms (*TJ* 93).

In the original *Theory*, Rawls seems convinced that this follows from the very definition of primary goods. These goods—"rights and liberties, powers and opportunities, income and wealth," and self-respect—are "things that every rational man is presumed to want" as all-purpose preconditions for any other desires (*TJ* 62). Rawls is careful not to reduce the list to income and wealth, but these seem to be the paradigm primary goods on which the others are modeled. His confidence that primary goods can serve as neutral means for any sort of end reflects an underlying picture of the liquidity and universality of money as means of exchange (*CP* 271–73, 366). Likewise, the very notion of a quantifiable index of primary goods is fairly straightforward for income and wealth, but much less so for the others.

In his later works, Rawls scales back the scope of his claims about primary goods. He accepts, as critics had argued, that the very choice of what counts as a primary good relies on certain moral presuppositions (*PL* 308), he renounces the notion that liberties can usefully be quantified or maximized in the way that wealth can (*PL* 331–34), and he generally removes the economistic language in which he had originally presented the original position. Yet for all this, the basic contours of the problem facing the parties remain the same in the later works (*TR* 123–25, *JF* 87): they still want more primary goods in absolute terms, and they still remain unconcerned with their allotments in relative terms.

## The Social-Scientific Background

In taking absolutism as a general fact and relativism as a particular one, Rawls's *Theory* shows the influence (and his later works still bear the traces)

[19] On the problems with Rawls's idea of "general facts," see Wolff, *Understanding Rawls*, 72–73, 119–32.

of a roughly economic conception of rationality.[20] The book was written in the wake of the postwar efflorescence of neoclassical economics and game theory, and their influence is manifest in many of its features, from the characterization of the original position as a bargaining problem to the use of maximin to justify the difference principle. This is not to say that Rawls adopts such concepts wholesale or uncritically. He instead makes strategic use of them. His key intuition, as noted earlier, is that rational and self-interested individuals may be used to generate a genuine theory of justice if placed under the right kinds of constraints, and he emphasizes that these constraints are just as important to the device of the original position as the characterization of the parties. For all that, however, the parties themselves resemble nothing so much as the atomistic maximizers of postwar economics and its auxiliary fields, each one a kind of identical *homo economicus* given a central (if circumscribed) place at the center of the theory.

Strictly speaking, nothing in this tradition dictates that the rational maximizer must be an absolutist rather than a relativist. On the contrary, twentieth-century economics was keen to emancipate itself from any such strong psychological assumptions, instead defining its field of study as the rational pursuit of one's ends under conditions of scarcity, whatever those ends might be.[21] "Utility" became a purely formal and empty category, no longer corresponding to any concrete entity such as physical pleasure, so that the utility-seeker could in theory be a relativist or for that matter an altruist. Yet by and large, this professed agnosticism about motives remained only a gesture, aimed at claiming the mantle of value-neutral science. It had little practical influence on research, which continued to proceed on the assumption that rationality meant maximization of income and profit in absolute terms.[22]

[20] We have already seen Rawls's remark that his conception of rationality is "the standard one familiar in social theory" (*TJ* 143), by which he seems to have meant economics and its affiliate disciplines. In his final work Rawls simply states that he understands rationality "in the way familiar from economics" (*JF* 87).

[21] The classic English-language statement (much influenced by earlier work in the Austrian tradition) is Robbins, *Essay on Economic Science*. The ostensibly value-neutral nature of economic rationality helps explain why Rawls views his exclusion of envy as a special feature not found in the standard model of rationality itself.

[22] The economist Robert Frank, surveying the scanty literature on the subject in the mid-1980s, concluded that "it is perhaps an understatement to say that the economics profession as a whole has shown little interest in the idea that people are deeply concerned about their relative standing in hierarchies" (*Choosing the Right Pond*, 37). Another survey by the legal scholar Rich-

There were perfectly understandable reasons for this neglect. The distinction between absolutism and relativism, after all, will often have little practical significance for the behavior of economic actors "in the wild," who can typically only choose between different bundles of goods for themselves, not between different overall distributions for themselves and others. Likewise, in most cases the behavior of actors aiming to maximize their incomes relative to others will look exactly the same as that of actors aiming to maximize their incomes in absolute terms. Increasing reliance on the idea of "revealed preference," which eschews any treatment of motives except insofar as they are inferable from behavior, similarly contributed to an impatience with such questions: If actors appear to be maximizing their income or profit, why not simply say that this is what they're doing, rather than looking for nebulous qualities like status or esteem lurking behind their apparent behavior? In these and other ways, postwar economic theory tended tacitly to bolster the absolutist view, enshrining the concern to maximize one's wealth in raw and material terms as the baseline motivation of economic actors.[23]

If the absolutism of the parties in the original position reflects a broadly economic conception of rationality, the difference principle itself reflects Rawls's engagement with twentieth-century welfare economics. At one point in the *Theory*, Rawls contrasts the difference principle with what he calls the "principle of efficiency" (*TJ* 66), by which he means the principle of Pareto optimality applied to the basic structure of society. (Any given change is a Pareto improvement, the principle states, if it makes someone better off without making anyone worse off; a state of affairs is Pareto-optimal if no Pareto improvements to it are possible.) Yet the contrast that Rawls draws between the two principles risks obscuring the resemblance between them, for in some ways the difference principle is simply a restricted form of the Pareto principle.[24] Pareto is notoriously lax and indifferent to

ard McAdams similarly concluded that "[t]he intellectual history of relative preferences is one of neglect" ("Relative Preferences," 10).

[23] The rise of behavioral economics in recent decades has helped resuscitate aspects of the relativist view, but such inroads have not coincidentally relied on less conventional kinds of data: laboratory experiments on "ultimatum games," for instance, which suggest that participants tend to reject what they regard as unfair distributions even if doing so harms them in material terms, or examinations of the murky research on human happiness.

[24] Early formulations of the difference principle in Rawls's pre-*Theory* essays referred to "everyone's advantage" rather than the "least advantaged," leading W. G. Runciman to describe the principle in 1966 as "Pareto optimality under another name" (*Relative Deprivation*, 254). Per convention, I use "Pareto" to refer to the concept of Pareto optimality without implying anything

moral considerations: any status quo is "optimal" so long as *anyone* is better off under it than under the alternatives, so that slavery (for instance) is optimal if slaveowners would be made worse off by its abolition.[25] The difference principle maintains the basic thought behind Pareto: that there might be some changes whose moral desirability is incontestable, namely those which benefit everyone, or at least benefit some while harming no one.[26] But it aims to remove Pareto's "indeterminateness" by "singling out a particular position" from which inequalities are to be judged—that is, by specifying a single group, the least advantaged, whose standpoint is the decisive one (*TJ* 75).

What is the content of "better off" and "worse off" here, or of "benefit" and "harm"? It may seem pointless even to ask; surely having more is better and having less is worse. But to be consistent with their professions of value-neutrality, both Pareto and the difference principle must understand "better off" and "worse off" subjectively: people are better off when, and only when, they consider themselves better off. If the principles take subjective preferences as the relevant criteria, though, then they will potentially have to take relativism into account (or any other tendency shaping these preferences in a widespread or pervasive way). This would not involve establishing two separate measures, one determining whether individuals are "really" better or worse off, and the other whether they "feel" better or worse off. There can only be one measure, for these subjective feelings are the only grounds on which to make the determinations of benefit and harm in the first place. If people feel that a given inequality makes them worse off, then it *does* make them worse off, regardless of how it affects their allotments of material goods.

This is not, however, the way that Pareto has generally been applied, nor is it the way that Rawls applies the difference principle. The simplest reason is the one that Rawls had used to justify his original exclusion of envy: without fairly precise knowledge about relativism's strength and scope, the principles become murky and indeterminate. If a given group experiences slight material gains but the rest of the population gains much more, how are we to assess their benefit or harm? Does it vary according to

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about the substantive views of Vilfredo Pareto himself; for a critical look at the reception of Pareto's thought in postwar American social science, see Piano, "Squaring the Circle."

[25] From this angle, in fact, it can be argued that every status quo is already Pareto optimal, and thus that the criterion lacks any normative bite. See Calabresi, "Pointlessness of Pareto."

[26] Rawls's theory is ambiguous about whether a justifiable inequality must actively benefit the least advantaged or simply not harm them; thus there are more and less egalitarian versions of the difference principle (Van Parijs, "Difference Principles," 205–8).

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how relativist we think each individual within it is, or do we impute an aggregate level of relativism to everyone? And where are any of these numbers supposed to come from? Far simpler to stick to the absolute and material dimension, taking benefit and harm in their most straightforward form.[27] If this is a shortcut, it is one that has become so ingrained that most treatments of Pareto simply proceed as if the absolute dimension were the only conceivable one. Thus it becomes possible to speak, for instance, of people irrationally rejecting a Pareto improvement—an idea that is simply incoherent on the subjective understanding, according to which the very fact that anyone rejects it is proof that it was not a Pareto improvement at all.

Rawls, for his part, makes clear that there are other goods beyond material ones, notably including the primary good of self-respect. But this only makes his own treatment of the problem more revealing. For self-respect is "perhaps the most important primary good"—and yet it does not normally appear in the index of primary goods at all, since including it would introduce "an unwelcome complication" in the application of the difference principle (*TJ* 440, 546). We will return to this striking fact. For now we can simply conclude that Rawls's intellectual debts to economics give an absolutist cast to the difference principle, in much the same way that they do to his characterization of the parties in the original position.

## The Modernity of Absolutism

Robert Nozick, in his famous critique of Rawls, highlighted "the *strangeness* of the emotion of envy." Isn't there something mysterious, he asked, in preferring "that others not have their better score on some dimension," rather than being pleased for them or simply unconcerned?[28] Rawls, for all his differences from Nozick, seems to share this sense of envy's strangeness. For both, as for the many others who have taken up their respective banners, absolutism is intuitive and unproblematic, a baseline motive that needs no particular investigation. It is relativism that represents a departure from the norm and demands an explanation, relativism that is psychologi-

[27] In one passage Rawls glosses the notion of "benefit" as implying that "it must be reasonable for each relevant representative man . . . to prefer his prospects with the inequality to his prospects without it" (*TJ* 64). If the second part of the clause seems to define benefit in terms of subjective preferences, the first part limits this subjectivism by stipulating that the preferences must be "reasonable" and the subjects "representative."

[28] Nozick, *Anarchy, State, and Utopia*, 240, original emphasis.

cally peculiar at best and morally discreditable at worse. Hence the reason that absolutism is present behind the veil of ignorance while relativism is absent. And hence the reason that this aspect of Rawls's much-scrutinized theory has largely escaped scrutiny.

I think that we have it backwards: that it is relativism which, historically speaking, has a stronger claim to generality, and that it is our own exhaustive focus on absolutism that seems particular or even parochial. This is a larger claim than I can hope to prove here.[29] But consider all the conceptual infrastructure that must be in place for absolutism to make sense. There is the assumption of atomistic individualism: that every individual's status can be specified independently of every other individual's status, and that if they impinge on one another they do so only in specific and contingent ways. (It is not that *A* is rich that makes *B* poor, either conceptually or empirically; *A* is separately rich and *B* is separately poor.) There is the assumption of a universal index by which these statuses can be set beside one another. (It is not that *C* is a farmer and *D* a fisherman, without any way of relating the two; each of them *have* something that can serve as a common denominator to compare their situations.) Perhaps most importantly, there is the assumption of the quantifiability of this index. Rawls's and Nozick's favored metaphors are indicative of all these assumptions: Rawls's parties striving "for as high an absolute score" as they can, "not concerned to win but to get as many points as possible"; Nozick's individuals defined by their possession of better or worse "scores" across a variety of discrete and differentiated "dimensions."

Absolutism is a specifically modern ethos, hard to imagine in a world that had never known capitalism.[30] We have already seen the ways in which money seems to provide the template for Rawls's broader notion of primary goods, those "things that every rational man is presumed to want" regardless of the particular content of his desires (*TJ* 62). More generally, we might suspect that it is only when the use of money becomes ubiquitous in everyday life that the underlying assumptions of absolutism can seem commonsensical. Money is possessed, without having any intrinsic connection to the individuals who possess it; it is liquid, serving as the common denominator by which all other goods can be measured; it is inherently quantified and

[29] I am finishing a book that makes a more sustained argument for it: Luban, *Children of Pride*.

[30] I choose this phrasing because it does not strike me as *limited* to capitalism; some economistic forms of socialism, for instance, might be similarly absolutist in approach.

endlessly accumulable. The increased centrality of money to everyday life has gone hand in hand with a vast expansion of productive capacities, one that has swept away the mental landscape of the old Malthusian world. This expansion makes absolutism seem even more intuitive: it becomes possible to imagine all material goods being endlessly reproducible and accumulable in their own right, all nonetheless possessing a monetary value and thus capable of being assimilated into a single index.

The great nineteenth- and twentieth-century social theorists had a variety of ways of talking about this shift. We can think of Marx's notion of commodity fetishism, in which "the definite social relation between men themselves" takes on "the fantastic form of a relation between things," and his depiction of capital as money detached from the world of human uses so that its self-reproduction becomes a limitless "end in itself." Or Weber's vision of how ascetic Protestantism "helped to build that mighty cosmos of the modern economic order" in which "the outward goods of this world gained increasing and finally inescapable power over men, as never before in history." Or Polanyi's account of "the divorce of the economic motive from all concrete social relationships which would by their very nature set a limit to that motive."[31] We do not need to accept all the particulars of any of their theories. But from all of them we can get some sense, however inchoate, of the great historical changes that made absolutism appear intuitive and relativism surprising.

To go back only a little farther, to the relatively recent European past, is to get a different image. Here is Adam Smith in 1759:

> [I]t is chiefly from this regard to the sentiments of mankind, that we pursue riches and avoid poverty. For to what purpose is all the toil and bustle of this world? What is the end of avarice and ambition, of the pursuit of wealth, of power, and preeminence? Is it to supply the necessities of nature? The wages of the meanest laborer can supply them . . . From whence, then, arises that emulation which runs through all the different ranks of men, and what are the advantages which we propose by that great purpose of human life which we call bettering our condition? To be observed, to be attended to, to be taken notice of with sympathy, complacency, and approbation, are all the advantages which we can propose to derive from it. It is the vanity, not the ease, or the pleasure, which interests us.[32]

[31] Marx, *Capital*, 165, 253; Weber, *Protestant Ethic*, 120–21; Polanyi, *Great Transformation*, 57.
[32] Smith, *Theory of Moral Sentiments*, 50.

The drive for greater accumulation of wealth, Smith thought, is only a historically particular version of the fundamental concern for "our credit and rank in the society we live in." Absolutism, in other words, is only a particular form of relativism—and Smith was far from the only one of his contemporaries to voice this view.[33]

We often evoke this sense of the lost primacy of social life in tones of romantic nostalgia, of *Gemeinschaft* giving way to *Gesellschaft*. But the story need not require any such nostalgia, and may indeed undercut it. In many ways absolutism offers a more optimistic picture, since in absolute terms it is at least conceivable for everyone to gain at the same time. Relativism, by contrast, presents a zero-sum world in which each person's gain is another's loss, and it is not hard to see why we might want to break out of such a world. Rather than any idyllic vision of individuals seamlessly integrated into communal life, the relativist world might seem closer to Rousseau's bleak depiction of a society oriented around *amour-propre*, "the ardent desire to raise one's relative fortune less out of genuine need than in order to place oneself above others."[34] The relevant issue for present purposes is relativism's generality, not its desirability.

Generality is also different from universality, or inevitability. We need not insist that the quest for status is "natural" in whatever sense, much less biologically hardwired.[35] Nor do we need to insist that it is historically invariable or immune to social alteration. No doubt relativism can be modified (and perhaps it might even be eliminated) given certain social or historical conditions, but the same might equally be said of absolutism. The question from the standpoint of the original position is whether relativism is basic enough, and widespread enough, to qualify as a "general fact about human society." Or rather: given that absolutism does apparently qualify as such a fact, the question is simply whether relativism is significantly less fundamental. I have argued that wherever we set the bar for such general facts, it is impossible to set it plausibly in a way that includes absolutism but excludes relativism. And if this is so, then the second of Rawls's arguments for excluding envy, the argument from its particularity, cannot work.

[33] Smith, *Theory of Moral Sentiments*, 212. For similar eighteenth-century views, see Lovejoy, *Reflections on Human Nature*, 207–15.

[34] Rousseau, *Discourses*, 171.

[35] Recent decades have seen an upsurge of interest in the relativist view in fields like behavioral economics and evolutionary psychology. The argument here does not, however, require the frequent suggestion in this literature that its findings reveal the transhistorical nature of humans' biological or cognitive makeup.

## The Moral Background

But Rawls has another argument. He notes that he excludes envy "for reasons both of simplicity and moral theory" (*TJ* 530), and to this point we have been examining the first strand. The original position, however, is not solely a device of abstraction, designed to strain out the particular and leave behind the universal. It is also a self-consciously moral device, designed "to make vivid to ourselves the restrictions that it seems reasonable to impose" on principles of justice (*TJ* 15). Rawls makes clear that the device "already includes moral features and must do so," even if he has "divided up the description of the original position so that these elements do not occur in the characterization of the parties" themselves (*TJ* 585). In *Political Liberalism*, the major work of his later career, Rawls reiterates that the original position is not meant to be "morally neutral," and develops this point in a new vocabulary. He distinguishes between two moral powers: the "capacity to be rational," represented in the original position by the parties themselves, and the "capacity to be reasonable," represented by the constraints placed upon the parties (*PL* 305–6). These remarks suggest a third argument for excluding relativism from the original position: not because it is particular or contingent, but because it is immoral. Most of us are prone to relativism, Rawls might allow, just as we are prone to be partial to our own interests. But just as the original position is designed to save us from our own partiality, so it also serves to save us from our relativism.[36]

There is reason to suspect that this sort of moral critique is the most deeply rooted of Rawls's grounds for rejecting envy. As a Princeton undergraduate in 1942, before his experiences in World War II led to the loss of his Protestant faith, Rawls wrote a thesis in theological ethics that was posthumously published in 2009 as *A Brief Inquiry into the Meaning of Sin and Faith*.[37] And in this work we find a sustained critique of "egotism," the sinful desire for superiority for its own sake, here set in contrast with simple self-interested "egoism" in ways that mirror the relativism-absolutism distinction. "Egoism merely uses the other, the 'thou'; egotism abuses the 'thou'" by seeking "to set the 'thou' below itself." Rawls gives the example of "the capitalist," who might seem "merely to be an egoist," using his employees as

[36] This, I think, would be Rawls's response to the critique in Tomlin, "Envy, Facts, and Justice."

[37] For Rawls's late-life reflections on his own religious trajectory, see the essay "On My Religion" (*BI* 261–69); on the broader theological context for the 1942 thesis, see Bok, "To the Mountaintop Again."

means for his pursuit of wealth and comfort. But the capitalist's real motive is that he "takes great pride in his wealth; he loves to show it off," so that beneath "all this sinful striving is the egotist lie, namely, that he is a person distinct and superior." It is the egotist rather than the egoist who is "the sinner par excellence," for egotism is really a form of pride, foremost of the deadly sins. "Truly, we are face to face with a demon" (*BI* 193–202).[38]

By the time of the *Theory* three decades later, the vivid theological critique of pride has faded away, replaced by a murkier tangle of reasons for excluding envy. Yet beneath the blander considerations of simplicity and generality, a sediment of Rawls's social-scientific preoccupations of the intervening decades, we can still discern a moral critique underlying his rejection of relativism. Its logic is intuitive: envy is immoral because it is "collectively disadvantageous," leading us to seek losses for others even when it does us no good (*TJ* 532). Perhaps it isn't really possible to show that relativism is inconsistent with a value-neutral notion of instrumental rationality. But why insist on value-neutrality? Rawls is clear, after all, that "desires for things that are inherently unjust . . . have no weight" (*TJ* 261, cf. 31). Isn't it clear that a desire to inflict harm for its own sake falls into this category, and that we should wish others to be successful when it does not affect us in any way?

But what does it mean to say that the status of others "does not affect us"? This is a deceptively difficult question to answer. In one sense, if our relative position genuinely didn't affect us, there would be no reason to discuss the issue at all—the fact of envy is a way in which it *does* affect us. Thus the real question seems to be something like: When is it morally desirable to *treat* the status of others as not affecting us, and thus to treat any actual ill effects as a problem with ourselves rather than with the situation itself?

The simplest answer would be the economistic one: that the only relevant criterion is our material index of wealth, and that any form of relativism constitutes envy in the morally objectionable sense. Rawls, for all the absolutist features of his theory already noted, is unwilling to accept such a crude answer. He in fact specifies two morally permissible forms of relativism that do not fall under his strictures against envy proper. The first is if someone feels that an inequality is the result of "unjust institutions, or wrongful conduct," in which case what they feel is not properly called envy but rather the moral feeling of *resentment*. The second is if someone's disadvantage is "so great as to wound his self-respect," in "circumstances where it would be

[38] On these passages, which draw on the neo-Orthodox theologian Philip Leon, see Nelson, *Theology of Liberalism*, 53–58.

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unreasonable to expect someone to feel differently." In this case, the feeling is what Rawls calls *excusable envy* (*TJ* 533–34).

The distinction between resentment and excusable envy is noteworthy in its own right. Resentment is relativism directed against an unjust inequality; excusable envy is relativism directed against an inequality that harms our self-respect. This distinction requires that there be some class of inequality that harms the self-respect of the disadvantaged (triggering excusable envy) without being unjust (triggering resentment). And yet the logic of the difference principle would seem to undercut any such distinction, since it holds that any inequality harming the least advantaged is unjust ipso facto, regardless of whether it stems from injustice in any other way (*TJ* 62). In this way excusable envy would always turn out to be reducible to resentment. Rawls's distinction between the two makes more sense, however, when we notice that "the necessary impersonal comparisons are made in terms of the *objective* primary goods" (*TJ* 532, emphasis added). Thus an inequality that harms our objective interests triggers resentment, while an inequality that merely harms our self-respect triggers excusable envy. (Objective primary goods are not simply material ones, since they include such things as liberty of conscience; they seem to encompass all primary goods except self-respect.) The distinction is another sign of the ways in which Rawls, despite describing self-respect as "the main primary good" (*TJ* 534), tends not to treat it as a real primary good at all.

For the moment, however, let us likewise limit ourselves to the "objective" primary goods and consider some of the ways that inequality might harm them. If inequality as such does cause harm to the objective primary goods, then discontent with inequality as such can be understood in Rawls's terminology as permissible resentment rather than impermissible envy. On a more basic level, if such harms appear significant and systematic enough to count as general facts about human society, it becomes hard to explain why the parties in the original position would not take account of them.

## Inequality and Political Liberty

Broadly speaking, inequality can never be neutral in its effects on any positional good (that is, any scarce good whose possession depends on relative position). But perhaps the most obvious way that economic inequality can cause objective harm is in its effects on political life, and this is the potential harm that Rawls treats most extensively. Hence he writes that "there is a maximum gain permitted to the most favored on the assumption that, even

if the difference principle would allow it, there would be unjust effects on the political system and the like" (*TJ* 81). Although usually reticent about the ways in which existing liberal democracies fall short of his well-ordered society, he notes that such regimes have historically proven willing to tolerate economic disparities "that far exceed what is compatible with political equality" (*TJ* 226). And he warns that "when inequalities of wealth exceed a certain limit," political liberty "tends to lose its value, and representative government to become such in appearance only" (*TJ* 278).

Yet although Rawls is certainly aware of such harms, he hopes to circumscribe their implications for his overall theory. His persistent language of "limits" that must not be exceeded suggests that these harms can be safely ignored so long as inequality does not become extreme, as though economic distributions only begin to affect the political system once a certain threshold has been crossed. Framing the issue this way also raises the problem of identifying the requisite threshold, and Rawls admits that "where this limit lies is a matter of political judgment guided by theory, good sense, and plain hunch," about which "the theory of justice has nothing specific to say" (*TJ* 278). Similarly, figuring out when the difference principle has actually been violated becomes a messy and equally indeterminate process (*TJ* 372).

A more plausible view, and one which would avoid these problems, would be to suppose that such effects exist in varying degrees all along the spectrum—that although the spillover from economic into political life need not always be pathological, it is never absent. But Rawls has his own reasons for avoiding such a view. One of his central doctrines is that the two principles of justice are in a "lexical order" in which the first takes priority over the second: political liberty takes priority over economic advancement, and "liberty can be restricted only for the sake of liberty" (*TJ* 302). This rule (the "priority of liberty") is meant to forbid trades of liberty for prosperity, undertaken in the hope that "by giving up some of their fundamental liberties men are sufficiently compensated by the resulting social and economic gains" (*TJ* 62). But if we took economic inequality to have pervasive effects on the political liberty of the disadvantaged, however slight these effects might sometimes be, then any such inequality would violate Rawls's priority rule. The logic of the difference principle, after all, is that the parties accept inequality in exchange for greater absolute prosperity—but if the least advantaged are thereby diminishing their own liberty, then they are striking precisely the kind of bargain that Rawls's theory forbids. For that reason he must insist that inequality does not diminish liberty in any way until it exceeds some specified limit.

Rawls does accept that economic deprivation can have wide-ranging effects on other areas of one's life, leading to an "inability to take advantage of one's rights and opportunities." But he aims to accommodate this by drawing a distinction between "liberty" proper and the "worth of liberty." Everyone has the same basic liberties specified by the formal requirements of equal citizenship, yet these formally equal individuals may vary widely in terms of their practical "capacity to advance their ends":

> Freedom as equal liberty is the same for all; the question of compensating for a lesser than equal liberty does not arise. But the worth of liberty is not the same for everyone. Some have greater authority and wealth, and therefore greater means to achieve their aims. The lesser worth of liberty is, however, compensated for, since the capacity of the less fortunate members of society to achieve their aims would be even less were they not to accept the existing inequalities whenever the difference principle is satisfied. (*TJ* 204)

And so the overall system serves "to maximize the worth to the least advantaged of the complete scheme of equal liberty shared by all" (*TJ* 205).

This distinction, as we can see, is meant to reconcile the difference principle with the doctrine of the priority of liberty, suggesting that the inequalities generated by the former do not violate the constraints imposed by the latter. The argument, designed to thread this needle, may as a result be overfine. Why should we assume that the parties in the original position would be more concerned with their formal liberty than with its practical value? As Norman Daniels argued in response, any considerations that would make the parties choose equal formal liberty would likely militate in favor of equal worth of liberty as well.[39]

But there is another implicit assumption in Rawls's discussion that would serve to circumvent all such worries. This is the assumption that the worth of liberty follows the same trajectory as the absolute index of primary goods regulated by the difference principle—or, as his language sometimes seems to suggest (*PL* 326), perhaps the worth of liberty simply *is* the index of primary goods. The basic idea is that even the worst-off members of a wealthier society have greater means to use their liberty and pursue their conceptions of the good than members of a poorer society. Just as the poorest members of a prosperous but unequal society still have greater absolute wealth than they would have in a hypothetical state of primitive equality,

[39] Daniels, "Equal Liberty."

likewise the worth of their liberty increases in absolute terms (even if it remains less than everyone else's). Not only do growth-producing inequalities not diminish the formal liberty of the least advantaged, they actually "maximize" the worth of their liberty. The argument, if successful, would defuse any tension between inequality and freedom.

The argument has serious difficulties, however, and they stem from some of the absolutist features of Rawls's theory that we have already noted. The worth of liberty metric, like the primary goods metric that underlies it, is an attempt to impose commensurability and quantifiability upon a varied set of items. There are various freedoms that serve various purposes, yet Rawls nonetheless hopes to capture all of their values in a single measure, and believes that this measure increases in lockstep with the absolute index of primary goods.[40]

Rawls is aware, of course, that the term "liberty" can refer to a wide-ranging and perhaps incongruous set of things. Following Benjamin Constant, he often distinguishes between the "liberty of the ancients" and the "liberty of the moderns," between political participation on the one hand and personal freedom on the other.[41] He hopes to show that we do not have to choose between the two, and that a well-ordered society will realize both forms without requiring any significant trade-offs between them. Still, it is fair to say that Rawls is much more a "modern" than an "ancient," for his treatment of liberty tends to emphasize the capacity to pursue an individual conception of the good over the capacity for political agency. The emblematic kind of freedom for him is the religious believer's ability to follow their conscience without interference, not the active citizen's ability to exert influence on the society around them. He notes that "classical liberalism" held "that the political liberties are of less intrinsic importance than liberty of conscience and freedom of the person" (*TJ* 229)—and although he is reluctant to endorse this view outright, he ultimately acquiesces to it.[42]

Now if freedom is conceived as the liberty of the moderns, the capacity to pursue an individual conception of the good, it is plausible that its worth

[40] Once again, the general contours of the argument persist in *Political Liberalism*, even as Rawls renounces the notion that liberty proper can be quantified or maximized.

[41] Rawls returns to this distinction repeatedly: see *TJ* 201, 222; *CP* 307, 391–92; *PL* 5, 206, 299; *JF* 2, 143.

[42] Rawls states this most forthrightly at *JF* 143. In general, his treatment of this question is strikingly indirect: he tends to mention reasons why others have prioritized personal over political liberty without explicitly endorsing or refuting them himself (*TJ* 201, 229–30, 233, 247; *PL* 299, 330).

tends to be higher for members of a prosperous and unequal modern society. Religious believers may enjoy additional protections in a constitutional democracy that compensate for their relative economic deprivation; those devoted to art may find greater opportunities for cultivating their talent and taste that would not be available in a less prosperous society. In such cases, Rawls's confidence that the worth of liberty would increase in conjunction with economic development has a certain logic to it.

Is the same thing true of political liberty, the liberty of the ancients? Rawls wants to suggest so, that history is a progressive story in which political liberty increases along with broader social development. (At the very least, for reasons already noted, he needs to maintain that it is not a story of decline.) It is difficult to piece together much of a historical narrative from the *Theory*, but we do get occasional glimpses of a narrative reminiscent of twentieth-century modernization theory. In the "earlier stages" of history, Rawls suggests, societies are governed by the "general conception" of the principles of justice, in which *all* primary goods (including liberty) can be distributed unequally if doing so is to everyone's advantage. Only in the later stages do they come to be governed by the "special conception," in which liberty must be equal and only socioeconomic goods can be unequally distributed (*TJ* 293, 62). The underlying thought is that there is a level of material prosperity and social development that must be attained before the universal exercise of liberties is even possible. Therefore, "[i]n many historical situations a lesser political liberty may have been justified" if required "to transform a less fortunate society into one where the equal liberties can be fully enjoyed" (*TJ* 247, cf. 542).[43] Such passages suggest that political freedom, rare and unevenly enjoyed in earlier historical stages, becomes generalized and eventually universalized with economic progress. (This story of progressive inclusion fits well, of course, with the typical ways in which the United States and other Western democracies understand their own history.)

In *Political Liberalism*, Rawls is less sanguine than in the *Theory*. Responding in part to Daniels's critique, he writes that it is necessary to "treat the equal political liberties in a special way" by "guaranteeing the fair value"

[43] Although I have not found any direct evidence for it, perhaps there is a connection here with the pessimistic response to modernization theory developed by Rawls's Harvard colleague Samuel Huntington, whose famous book *Political Order in Changing Societies* (published three years before Rawls's *Theory*) emphasized that developing societies might need an "authoritarian transition" to modernize prior to full democratization.

of these rights through proactive measures. Noting the ways in which "those with relative greater means can combine together and exclude those who have less," he also registers his uncertainty "that the inequalities permitted by the difference principle will be sufficiently small to prevent this" without additional steps being taken. Without going into great detail, he suggests that these steps would involve ensuring "that everyone has a fair opportunity to hold public office and to influence the outcome of political decisions," along with "fair and equal access to the political process" (*PL* 327–28; cf. *PL* 357–63).[44] For all this, however, his later writings do not fundamentally alter the basic narrative suggested by the *Theory*. Ensuring the fair value of political liberty may pose special challenges for a modern liberal democracy, but there is no suggestion that it is impossible, or that any other kind of society could offer better prospects for political liberty.

In this respect, and despite his occasional use of Constant's language, Rawls has little of the sense of trade-offs and incommensurable values that infused the work of Constant and his eighteenth-century predecessors. For Constant, there were deep historical reasons why active participation in collective life had been specifically the liberty *of the ancients*, and likewise why freedom of commerce and conscience had become specifically the liberty *of the moderns*. If he insisted on the continued need for a form of political freedom, he equally insisted that liberty as it had existed in the ancient republics was irrecoverable. Rawls is not entirely without a sense of trade-offs, and he eventually comes to emphasize (following Isaiah Berlin) that "there is no social world without loss" (*CP* 462). Still, he cannot allow any real trade-offs among the primary goods themselves. Not all primary goods will be universally attainable in every stage of society, but all of them will be attainable in a well-ordered society that has reached the requisite stage of historical development.

There are deep-seated reasons why Rawls's theory does not contain, and indeed cannot accommodate, this kind of historical loss among the primary goods. One reason stems from the nature of the choice facing the parties in the original position. For beyond their ignorance of their own conceptions of the good, which prevents them from deciding between incommensurable values, they "do not know to which generation they belong or, what

[44] He also no longer mentions situations in which unequal liberty may have been justified, instead limiting the applicability of his principles to "reasonably favorable conditions" in which equal liberty for everyone is feasible (*PL* 29; *JF* 101; but cf. *LP* 105–13). The upshot is that his political conception of justice "may not apply to all societies at all times and places" (*CP* 492).

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comes to the same thing, the stage of civilization of their society" (*TJ* 287, cf. 137). Even if they could agree that certain goods or values were compelling enough to count as interests behind the veil of ignorance, they would have no way of resolving cases in which some goods were only attainable in historical circumstances that ruled out others—for they have no idea which set of circumstances they will inhabit, and thus need to decide on principles that will hold for every generation.

Rawls's manner of conceiving political liberty also works to preclude any sense of historical loss. He tends to identify political participation with the kinds of rights enjoyed by citizens of modern constitutional democracies—above all the rights to help determine one's representatives and to hold public office oneself.[45] This rather formal conception of participation helps explain the Whiggish tone of his history in the original *Theory*. If political liberty simply means possessing the rights of a modern democratic citizen—and not the varied and often-informal ways that inhabitants of other kinds of societies have affected political decisions—it is hardly surprising that this liberty seems rare in the "earlier stages" of history and to reach its apex in modern democracies. More than this, emphasizing rights rather than practical capacities means that Rawls conceives the "fair value" of political liberty solely in terms of its equal distribution rather than its scope. So long as "citizens similarly gifted and motivated have roughly an equal chance of influencing the government's policy and of attaining positions of authority" (*JF* 46), it does not matter whether this chance is equally large or equally small.

For Constant, by contrast, the central and irrecoverable aspect of the liberty of the ancients was not the right to participate but the practical capacity to shape the world around us:

> The share which in antiquity everyone held in national sovereignty was by no means an abstract presumption as it is in our own day. The will of each individual had real influence: the exercise of this will was a vivid and repeated pleasure. Consequently the ancients were ready to make many a sacrifice to preserve their political rights and their share in the administration of the state. . . . This compensation no longer exists for us today. Lost in the multitude, the individual can almost never perceive the influence he exercises. Never does his will impress itself upon the whole; nothing confirms in his eyes his own cooperation.[46]

[45] One exception is Rawls's discussion of "decent hierarchical societies" (*LP* 62–78).

[46] Constant, *Political Writings*, 316.

The force of Constant's argument was primarily sociological and historical rather than formal or legal. What had changed since antiquity was not only or even primarily a loss of equality (for of course, as Constant recognized, the relative equality of ancient citizens required the vastly greater inequality between citizens and slaves). More than that, it was the historical shifts through which modern societies had become comparatively wealthy, stratified, sprawling, populous, full of new pleasures and pursuits, all of which tended to weaken both the capacity and the desire for active citizenship. Above all was the sheer fact of size; material progress sustained ever-larger populations and bound them into ever-greater territorial units, leaving each individual "lost in the multitude" of a newly impersonal society, however equal those individuals might be.[47] If Rawls is adamant that citizens cannot be allowed to sell their political birthright for the sake of prosperity, Constant was convinced that they already had, and should give up trying to reclaim it in its classical form.

Is something like Constant's story plausible? Must progress in one dimension go along with decline in another? Rawls might reply that we can discern historical progress even in terms of Constant's ancient liberty, once we allow that any such liberty must be "compatible with a similar system of liberty for all" (*TJ* 302).[48] Whatever political capacity the citizens of the ancient republics might have enjoyed, in other words, must be balanced against the incapacity of their (vastly more numerous) noncitizens; once slaves, women, metics, and other out-groups are counted, perhaps even the minute capacity of the typical resident of a large modern nation-state exceeds that of the typical Athenian. Still, this sort of reply does not entirely get Rawls off the hook, since ancient republics are not the only possible basis for comparison. To demonstrate continued progress along each dimension of liberty, Rawls would have to extend the argument to all other previous societies dating back to prehistoric bands of hunter-gatherers, likely a hopeless task.

[47] Rawls, for his part, seems to assume the impersonal modern state as the horizon of his theory: "Given the size of a modern state, the exercise of the political liberties is bound to have a lesser place in the conception of the good of most citizens than the exercise of the other basic liberties" (*PL* 330). Rawls's interlocutors have generally shared this assumption, which helps to explain why debates about the "fair value" of political liberty have nearly always revolved around its equal or unequal distribution rather than its extent or scope.

[48] Rawls never explicitly formulates such a reply, but various pointed comments suggest that he might endorse it (*JF* 143n9; *LP* 29n27, 52n66).

The point here is not to romanticize the ancient city-states or any other form of society. The point is rather to demonstrate the difficulty of defining liberty in such a way that socioeconomic development causes it to increase, or even hold steady, in every relevant dimension. The difference principle carves out a historical trajectory of increased prosperity, inequality, scale, abundance, differentiation. If the parties in the original position know any "general facts about human society," they know this much. Rawls separates out liberty, which he insulates from this trajectory, from the worth of liberty, which he assimilates to it. But the problems he runs into reflect deeper problems with the absolutist requirements of commensurability and quantifiability, which entail that all the different goods falling under the heading of "liberties" can be bundled together into a single measurable index. Without this assumption, it becomes hard to avoid the conclusion that in important respects Rawls's two principles cut against each other, that the historical trajectory of the difference principle need not increase (and may actively diminish) some salient forms of liberty. And if this is so, history takes on precisely the shape that Rawls wants it to avoid, an extended exchange of freedom for prosperity.

This lengthy detour into questions of political liberty has aimed to drive home that even some of Rawls's core "objective" primary goods cannot be adequately understood as atomistic ones. In Rawls's paradigmatic example of religious liberty, the individual believer might practice their faith regardless of their place within the broader society they live in (although even here, some would charge that this reflects a specifically Protestant understanding of religion). But this is hardly true of liberty in all its forms. We have seen that Rawls grew increasingly concerned in his later career about the ways in which economic inequality might undercut the political liberty of the worst off, and that he attempted to address it by guaranteeing the fair value of the political liberties to all citizens. The strand of social thought represented by Constant and his predecessors also suggests another mechanism that Rawls does not really consider. In this story it is not simply inequality that diminishes the value of political liberty for the worst off, but the increased scale and impersonality of modern societies that diminish the value of political liberty for everyone.[49] In either case, the parties in the original position might reasonably think that even the seemingly incontestable material

[49] Concern about this second mechanism might not dictate that the parties be specifically relativist in the narrow sense of desiring to increase their relative allotments of goods, but it would nonetheless dictate that they take a broader interest in the social relations of their society as a whole. I thank Erin Pineda for suggesting this distinction.

improvements specified by the difference principle make them worse off in concrete ways.

## Status and Self-Respect

So far we have only considered the effects of inequality and prosperity on political liberty, one of Rawls's "objective" primary goods. But Rawls makes another crucial move by including self-respect among the primary goods—indeed, as we have seen, it is "perhaps the most important" or "the main" primary good (*TJ* 440, 534). While introducing self-respect creates a number of complications for his theory, Rawls feels that he cannot do without it, writing in the preface to the *Theory* that he added it in response to objections to his "failure to consider the relevance of status" (*TJ* x). He also feels that some concern for status and self-respect is universal enough to penetrate the veil of ignorance, for the fact that certain kinds of disadvantage lead to a loss of self-esteem is one of "the general facts of moral psychology" (*TJ* 181). Although "the parties in the original position take no interest in each other's interests, they know that in society they need to be assured by the esteem of their associates," and therefore they "would wish to avoid at almost any cost the social conditions that undermine self-respect" (*TJ* 338, 440).

Rawls's treatment of self-respect, as these passages indicate, tends to run it together with status, presumably on the logic that how we see ourselves depends heavily on how others see us. For perfectly defensible reasons (given that he is writing political philosophy rather than ethics), he shows little interest in the old Stoic or Christian notion that we might enjoy an inner sense of self-worth that diverges markedly from our publicly ascribed status, and in later works he specifies that he is concerned with the "social bases of self-respect," not with self-respect as a purely subjective attitude (*JF* 60). A corollary aspect of Rawls's treatment is that status and self-respect appear in some basic way zero-sum. "Status is a positional good," so that "if we seek a higher status for ourselves, we in effect support a scheme that entails others' having a lower status" (*JF* 131). We might imagine conditions in which everyone's self-respect increases in tandem (say, the transition from a culture marked by an Augustinian belief in human fallenness to one marked by a Renaissance belief in human dignity) or decreases in tandem (often held in recent years to be an effect of that highly Augustinian technology, online social media).[50] Yet

[50] It is by now well-known how René Girard's neo-Augustinian theory of "mimetic desire" served as inspiration to Peter Thiel, who "gave Facebook its first $100,000 investment, he said,

in Rawls's depiction, the social bases of self-respect can be distributed equally or unequally, but their overall amount cannot be increased or decreased.

However, the precise role of self-respect within Rawls's theory is hard to figure out. As we have seen, Rawls generally proceeds on the assumption that self-respect will not figure into the index of primary goods specified by the difference principle. He does sometimes suggest the possibility of including it, but makes clear that this would be an ad hoc measure, dependent on the features of particular societies, whose details cannot be specified in the original position (*TJ* 362). If we are especially concerned about the problem of envy, he allows, "we can if necessary include self-respect" in the index, but adds that this would represent "an unwelcome complication" in the theory (*TJ* 546).

Rawls's reluctance to include it is understandable, for doing so would raise a number of problems that we have already touched upon. Just how important is self-respect, what kinds of disadvantages harm it, and by how much? Must we ascribe a single psychology of self-respect to everyone, or can we allow for some amount of variation? Self-respect is closely related to relativism, and all the reasons that led Rawls to exclude relativism from the original position likewise make it difficult for him to deal with self-respect. He offers a familiar language of "limits," as when he says that the nature of self-respect "limits the forms of hierarchy and the degrees of inequality that justice permits" (*TJ* 107). But as before, it seems just as plausible to suppose that inequalities affect self-respect all along the spectrum, and not just when they pass some unspecified threshold.

Integrating self-respect also risks changing the valence of the difference principle entirely, making it much more egalitarian than Rawls wants to allow. Rawls criticizes strict egalitarianism, which would insist upon complete or near-complete equality in the distribution of all primary goods, by suggesting that (unlike his own theory) it "conceivably derives" from envy (*TJ* 538–39). But strict egalitarians could reply that their views differ from Rawls's merely in degree. After all, Rawls does allow that some inequalities harm the self-respect of the worst off, in which case their relativism is excusable. Strict egalitarianism may simply result from a higher estimation of the effects of inequality on self-respect, which would suggest that most or all of what Rawls calls envy is similarly excusable.

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because he saw Professor Girard's theories being validated in the concept of social media" (Hardy, "René Girard").

Self-respect has other features that set it apart from the other primary goods. For one, its social location is less fixed. Liberties, for Rawls, refer to the civil and political rights recognized by the state; income and wealth refer to the distributions of material goods resulting from the market and its background institutions. But the particular social bases of self-respect and status can differ depending on the society in question, or be disputed within a given society. Such social bases might include politically ascribed statuses (whether stratified according to estates or granted equally to all citizens), rank within an informal hierarchy of wealth or education, membership in a favored or disfavored gender or racial or religious group, and so on. From one angle, many social conflicts look precisely like struggles over what should constitute the social bases of self-respect.

If we take status and self-respect to be zero-sum, this also has profound implications for their permissible distribution. These implications become clearer if we first examine a seemingly unrelated argument that Rawls uses to illustrate the distinction between envy and resentment. There he considers the suggestion (made notably in Helmut Schoeck's 1966 book *Envy*, a touchstone of the conservative critique of egalitarianism) that envy is "pervasive in poor peasant societies." Rawls offers the alternate explanation that such societies hold a "general belief that the aggregate of social wealth is more or less fixed, so that one person's gain is another's loss. The social system is interpreted, it might be said, as a naturally established and unchangeable zero-sum game." But within this system of beliefs, opposition to inequality should be understood as resentment of injustice rather than gratuitous envy. For in such a case, "it would be correct to think that justice requires equal shares. Social wealth is not viewed as the outcome of mutually advantageous cooperation and so there is no fair basis for an unequal division of advantages" (*TJ* 539).

In a zero-sum world, in other words, strict egalitarianism is the only just distribution. The difference principle depends on the possibility of increasing the total material wealth to be divided, so that those who lose out in relative terms can still gain in absolute terms. For that reason, the principle would seem to describe a society characterized by continuous economic growth: without growth, there are no absolute gains to compensate the relative losers, and therefore all apparent envy is in fact justified resentment.[51]

[51] Rawls eventually came to deny this assumption. While continuing to hold that the economic life of a well-ordered society must be "productive and fruitful," in the sense that its members must be made better off through cooperation (*CP* 323), in later works he suggests that this requirement

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This is the zero-sum mental world from which our modern absolutist concepts emerged and from which they seemed to offer an escape. Perhaps it is also the world to which we are returning; the threat of ecological crisis has led some to suggest that we can no longer rely on the promise of absolute growth to reconcile us to inequality. If the future will be one of scarcity rather than abundance, then material equality is the only just distribution.

But the material dimension is not the only relevant one. For if status is by nature zero-sum, as Rawls's discussion suggests, then the same conclusion must hold. It is nonsensical to speak of a higher absolute status compensating for a lower relative status, and this means that the only just distribution of status is strict equality. Even in a world characterized by continuous material gains, everyone must possess the same status regardless of how they fare otherwise. If status is in one sense more unfixed than the other primary goods, not being directly linked to any one social location, in another sense it is more fixed, in that its absolute "amount" cannot be increased, let alone maximized.

Taking these features in conjunction, we can better appreciate the importance of a striking and relatively neglected passage that Rawls includes near the end of the *Theory*. "Suppose," he begins by imagining, "that how one is valued by others depends upon one's relative place in the distribution of income and wealth":

> In this case having a higher status implies having more material means than a larger fraction of society. Thus not everyone can 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. Clearly this situation is a great misfortune. Persons are set at odds with one another in the pursuit of their self-esteem. Given the importance of this primary good, the parties in the original position surely do not want to find themselves so opposed. (*TJ* 545)

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is compatible with Mill's idea of a "just stationary state" lacking real economic growth (*LP* 107–8n33; *JF* 63–64, 159). Rawls's handful of terse remarks on this theme are hard to evaluate; the basic thought seems to be that even without the prospect of diachronic economic growth, the synchronic advantages of the division of labor might still justify some inequalities under the difference principle. But on the central role of economic growth to Rawls's thought more generally, see Eich, "Theodicy of Growth."

Because of the zero-sum nature of status, a state of affairs in which status came to depend on economic position would potentially have dramatic effects on the permissible arrangements of economic life. For "if the means of providing a good are indeed fixed and cannot be enlarged by cooperation, then justice seems to require equal shares, other things the same. But an equal division of all primary goods is irrational in view of the possibility of bettering everyone's circumstances by accepting certain inequalities" (*TJ* 546).[52]

In other words, since self-respect is a good for which the only just distribution is strict equality, then any other good that serves as the basis for self-respect must likewise be distributed equally. Thus if status and self-respect depend on "one's relative place in the distribution of income and wealth," disparities in income and wealth would have to be leveled entirely. But this solution seems manifestly "irrational" to Rawls, since it forecloses the possibility of "bettering everyone's circumstances by accepting certain inequalities," the possibility that stands at the core of the difference principle itself.

The solution, Rawls concludes, 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," relegating the economic dimension to "a subordinate place" (*TJ* 546). Or, as he puts it just before this, "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 equal liberty allows. The basis for self-esteem in a just society is not then one's income share but the publicly affirmed distribution of fundamental rights and liberties" (*TJ* 544). It is only by stressing a non-economic basis for self-respect—"equal citizenship, a status all have as free and equal persons" (*JF* 132)—that we can escape the requirements of strict material egalitarianism.[53]

Put another way, societies of the kind that Rawls takes as his horizon—modern, liberal, democratic, market-based—rest on the two legs of de jure political equality and de facto economic inequality. Yet it is the first of these legs that must bear nearly all of the moral weight. Given both the importance and the peculiar nature of self-respect—the fact that it is both the main primary good and that it must be distributed equally—these sorts

[52] In the revised edition of the *Theory*, Rawls silently removes these final two sentences (*TR* 478), but he continues to echo this line of thought elsewhere in his later writings (*CP* 374; *PL* 281–82, 329).

[53] On this point, see Shue, "Liberty and Self-Respect."

of societies can only achieve justice so long as status is derived from the political dimension in which equality exists rather than the economic dimension in which it does not. Provided that the members of such societies think of themselves first and foremost as equal citizens, then some degree of mutually beneficial economic inequality will be permissible. If, however, members come to think of themselves in terms of their economic positions, then virtually any inequality will have malign effects on self-respect that will render it unjust. Rawls notes that his two principles "presuppose that the social structure can be divided into two more or less distinct parts, the first principle applying to the one, the second to the other" (*TJ* 61). But the two parts do not stand on an equal footing. For the priority of the first part over the second, the political realm over the economic, is necessary for the basic shape of modern societies to be defensible.

Rawls's remarks also provide a clue about the nature of the priority of liberty doctrine itself. Soon after the *Theory*'s publication, H. L. A. Hart noted the shakiness of the doctrine if it is understood as a choice that the parties in the original position would rationally have to make. After all, if it is simply a fact that we prize freedom over economic gain, we would never be tempted to make the kinds of bargains that the doctrine forbids, and thus it is superfluous. If, on the other hand, we might at various times and for various reasons want to strike such bargains, it is hard to see why the parties could rule out the possibility from behind the veil of ignorance. Rather than a universal stipulation of rational self-interest, Hart suggested, the doctrine should be read as a sign that Rawls has "a latent ideal of his own": the ideal of the "public-spirited citizen" who would not tolerate exchanging political life "for mere material goods or contentment."[54]

The preceding discussion supports this intuition from another angle. Rawls does not assume that humans necessarily *do* value the political realm over the economic, or absolute position over relative, but rather that they *must* do so if any kind of inequality can be justified. In his later works Rawls would become more explicit about the moral presuppositions of his project, but already in the *Theory* they are present as an undercurrent, uneasily intertwined with his more well-known arguments couched in the language of rational choice. And if Rawls was inclined to see these presuppositions in terms of the reasonable constraints imposed on the parties in the original position, we can see how even the parties themselves are moral constructions

[54] Hart, "Rawls on Liberty," 554. Rawls took Hart's criticisms seriously and altered his theory in various ways in response to them, but he did not fully assent to this particular point (*PL* 370).

in their own right. The rational and self-interested absolutist striving for as high a score as possible, immune from envy and prizing liberty over wealth—this is a moral ideal, in ways that perhaps run even deeper than Rawls was willing to acknowledge.

Rawls is today remembered as the most important representative of the "distributive paradigm" in political philosophy, responsible for turning issues of material distribution into the central axis of debate.[55] Yet if Rawls is especially concerned with distributive issues, and with the extent and limits of justifiable inequality, this is only (and somewhat paradoxically) because in his theory "distributive justice as frequently understood, justice in the relative shares of material means, is relegated to a subordinate place" (*TJ* 546). It is only because the inhabitants of his well-ordered society are not centrally concerned with material inequalities that such inequalities are permissible in the first place. As material distribution becomes more and more important as a locus of status and identity, the range of just distributions shrinks down toward bare equality.

Rawls's attempts to grapple with the problem of envy reveal a side of his thought that is more self-aware, ambivalent, and interesting than the one to which we have grown accustomed. But is it more convincing? This discussion cannot hope to answer such a question definitively. Still, I am left wondering about the fit between the actors that Rawls's theory requires and the world that it imagines. However abstractly and ahistorically Rawls may lay out the logic of the difference principle, what it describes is the creation and operation of something like Weber's "mighty cosmos of the modern economic order." Perhaps it was not the Puritans who built this cosmos, as Weber thought, nor his "last men" who currently inhabit it. But could it possibly be anyone like the people of Rawls's well-ordered society, content with the public recognition of their equal status as citizens and grateful for the blessings of steadily increasing prosperity? Would anyone work so hard for something that is universally recognized not to matter? The dynamism that the difference principle gestures at, and the productivity that it demands, may indicate that the principle describes a very different sort of person—someone closer to the relativists whom Rawls has banished from his theory. Perhaps the early theorists of commercial society were not entirely mistaken in identifying *amour-propre* (in Rousseau's language) or vanity (in Adam Smith's) as its motor. If so, Rawls's well-ordered society would

[55] The phrase comes from Young, *Politics of Difference*.

seem to be built on a contradiction, its justice dependent on denial of its animating drive.

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