Rawls and Envy

Daniel Luban

Chicago Political Theory Workshop
January 25, 2016

Work in progress; please do not cite or circulate. Comments welcome at dlbman@uchicago.edu.

Thanks for reading! This paper is drawn from one of my dissertation chapters. The dissertation is primarily historical, dealing with some of the issues that I gesture at in the middle of the piece, but I also try to draw out the implications of this history with reference to more contemporary thinkers like Rawls. In any case, I had some hope of turning this chapter into a standalone article, and would welcome any thoughts on how it might work better in that format. (Particularly if there are parts that seem extraneous, since I’m looking for ways to shorten it.) For reasons of space, I’ve taken out most of the discussion of the secondary literature on Rawls, but am happy to talk about it more in the workshop (and eager to hear about anything that you think would be particularly relevant to the piece). Of course, I’m grateful for any other comments, suggestions, and criticisms that you might have.
At one point in *A Theory of Justice*, John Rawls remarks that the reasoning leading to his principles of justice relies on a “special assumption” (143). In most other respects, the details of this 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 attributes, social positions, or even their conceptions of the good—meet in what Rawls calls the “original position” to bargain on the principles that will govern their society. Aiming to secure the best possible position for themselves, but lacking any information about which concrete person 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” (92). In such circumstances, Rawls argues, the parties will agree to his two famous principles of justice: the first guaranteeing equal basic liberties for each person, the second stating that social and economic inequalities are only permissible if there is fair equality of opportunity and if such inequalities maximally benefit the least advantaged members of society. This final stipulation is what Rawls labels the “difference principle.”

Rawls’s “special assumption” is that the parties in the original position are not motivated by envy. The parties are rational, and Rawls notes that the “concept of rationality invoked here, with the exception of [this] one essential feature, is the standard one familiar in social theory.” But their rationality is of an atomistic, or “mutually disinterested,” kind. When bargaining behind

---

1 Unless otherwise specified, parenthetical references are to the original (1971) version of *A Theory of Justice*. I cite the revised (1999) version of the *Theory* as “TR,” the *Collected Papers* as “CP,” *Political Liberalism* as “PL,” *Justice as Fairness: A Restatement* as “JF,” and *The Law of Peoples* as “LP”.

2 I paraphrase the main thrust of principles that Rawls sets out in slightly different forms throughout his works. In the original *Theory*, his initial formulation is at 60 and his final summation is at 302-3; for Rawls’s last formulation of the two principles, see JF 42-43.
the veil of ignorance, the parties aim solely to maximize their allotments in absolute terms, 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 the inequalities in this distribution “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.

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” (143-45).

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 treated it as a secondary part of the theory, an analytical device that simplifies the bargaining process without distorting its results. He does eventually return 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 possible reason for this neglect is that both Rawls and his opponents could agree on the desirability of excluding envy. After all, envy is seen as a vice, “generally regarded as something to be avoided and feared” (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.

---

3 I will speak of the parties’ allotments or index of primary goods, although strictly speaking what the index measures is their lifetime expectations of primary goods rather than the goods themselves.

4 As he later puts it, the parties “desire wealth,” but they do not “desire to be wealthy” compared to others (CP 273).
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). The result, however, was to help obscure some of the fundamental questions about the role—perhaps even the *proper* role—of envy. Rawls and his critics could agree that any proper theory of justice should deny envy a foundational role, even if they disagreed about whether Rawls’s own theory succeeded in doing so; the question of whether envy should be denied such a role remained unasked.

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 in many ways Rawls was simply expressing, with characteristic lucidity and precision, a line of thought 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 by the same token there is miserable poverty. “Among civilized and thriving nations,” by contrast, there is vast inequality, as many people who “do not labor at all” nonetheless consume ten or a hundred times as much as 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 to any savage to acquire.”

Rawls’s difference principle is effectively a formalization of this line of thought, and its 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, having gone from 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. The difference principle specifies that the second dimension is the 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 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? The importance of envy is that it threatens to collapse these divisions, washing away absolute gains in the zero-sum tide of relative rises and falls. As 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—a mere apologist for American Cold War capitalism, attentive only to bourgeois liberties and material gains. While we will see that there is a grain of truth to this view, what his treatment of envy drives home above all is his great self-awareness concerning his project and its limitations. Both Rawls’s account of envy and his attempts to grapple with it are more subtle, interesting, and revealing than his critics (and for that matter many of his supporters) have acknowledged. This is not to say that they are successful. But even if, as I will argue, Rawls never really solves the

---

6 Of course, a long line of critics has questioned whether the gains of “civilization” represent an improvement even in absolute terms. Similarly, many would question whether the worst-off under the current global economic regime have reaped any material benefit from it. However compelling these questions may be in practice, they do not pose any particular theoretical problem for Rawls; he would simply reply that if the critics’ doubts are correct, then these inequalities are unjust, full stop. It is the combination of absolute gain and relative loss that will concern us here.
problem of envy, 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.

As noted, 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 on the assumption 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 (530-31). The aim of this second step of the procedure is to remove any pressing impetus to include envy in the original position: why include it if it won’t matter anyway? For reasons of space, however, I will not examine this second step of Rawls’s procedure in much depth, 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. It is hard to evaluate the success or failure of his claims, in part because it is hard to conceive of exactly what a well-ordered society looks like in practice. But whether or not they are unsuccessful, they are at the very least inconclusive.

In any case, 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 in the original position as focused only on their absolute indexes of primary goods rather than the relative distribution of primary goods? We might in fact challenge Rawls’s use of the two-step procedure with 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

---

7 Perhaps the most striking example is Rawls’s relative confidence about the ease of restraining inequality in a market economy; as he puts it elsewhere, “in a competitive economy…with an open class system excessive inequalities will not be the rule” (158, cf. 535-37). Such a sanguine view may have seemed plausible in 1971, but it seems considerably less so today (unless we define a “competitive economy” and an “open class system” as those which do not generate excessive inequalities, in which case the argument becomes tautological).
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” (160-61). But if the parties are legitimately
 worried about the harmful effects of inequality, as Rawls suggests that they are, we might
 similarly ask why they would not institute protections against 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, perhaps, to tilt the tables against
 it, since doing so implies an assumption that on some level this quality is irrational or immoral. If
 the desire to maximize one’s index of primary goods in relative terms is “envy,” why isn’t the
 desire to maximize it in absolute terms “avarice” or “greed”? As we will see, Rawls does in fact
 differentiate envy proper from both resentment and “excusable” envy, neither of which he
 regards as vices. But it may be more useful at this stage of the discussion to drop these labels
 altogether, and simply to speak of a concern for relative allotments of primary goods versus a
 concern for absolute allotments. (For the sake of conciseness, I will label these qualities
 relativism and absolutism respectively, begging the reader’s pardon for the fact that such labels
 diverge somewhat from the usually meaning of these terms.)

 Thus the question becomes: why are we entitled to treat the parties in the original
 position as absolutists but not relativists? Rawls does not give a single answer; his discussion
 instead suggests a range of overlapping considerations. We might usefully separate out three
 different lines of thought that 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 fairly clean rational choice problem that
might yield 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 indexes. 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” (530).

This argument, however, is not particularly compelling by itself. After all, we might easily respond that if the rational choice procedure requires simplistic and erroneous assumptions to arrive at an answer, then so much the worse for it; 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” (91). The fact that ignoring relativism makes our analytical task easier is only compelling if we have some other good reason that justifies ignoring it.

But by lumping envy together with particular attitudes toward risk and other “special psychologies,” Rawls points to a second and related argument for excluding it. The original position is a device of abstraction: it is designed to screen out all of our particular and contingent qualities, leaving behind only those that are universal. The particularities of each person’s psychological makeup are “imagined to be behind the veil of ignorance along with the parties’ knowledge of their conception of the good,” in the same way as the particularities of their physical being and historical circumstances (530). If relativism is this sort of particular or 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 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” (137). The question of what counts as such a “general fact” is, as Rawls recognizes, a “very difficult” one (142), although he does not seem to have fully appreciated just how vexed it is. Regardless, he takes absolutism as a general rather than a particular fact, so that the parties in the original position can safely assume that “that they prefer more rather than less primary goods” in absolute terms (93).

In the original version of the 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 he might have (62). Rawls is careful not simply 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 is informed by an underlying picture of the liquidity and universality of money as means of exchange (cf. 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 revises his account of primary goods to scale back the scope of his claims. He accepts, as Thomas Nagel and others had argued, that the primary goods metric

---

cannot serve as a truly neutral baseline for all conceptions of the good, and thus that the very choice of what counts as a primary good relies on certain moral presuppositions (PL 308). He also renounces the notion that liberties can usefully be quantified or maximized in the way that wealth can (PL 331-34), and 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 remains the same: they still want more primary goods in absolute terms, and they still remain unconcerned with their allotments in relative terms (TR 123-25, JF 87).

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) of a roughly economic conception of rationality.\(^\text{10}\) The book was written in the wake of the postwar flourishing 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; rather, he makes strategic use of them. His key intuition 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; as we will see, he makes clear 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

---

\(^{10}\) We have already noted Rawls’s remark in the *Theory* that his conception of rationality is “the standard one familiar in social theory” (143), by which he seems to have meant economics and its affiliated disciplines. Eventually, Rawls simply states that he understands rationality “in the way familiar from economics” (JF 87).
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, there is nothing in this tradition dictating 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. 11 “Utility” became a purely formal and empty category, no longer corresponding to any concrete entity such as physical pleasure; in this sense, the utility-seeker might be concerned to maximize status rather than income, or to maximize income out of deeper concerns about status. Yet by and large, this professed ecumenicism remained only a theoretical 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. 12

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 generally 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

---

11 See especially Lionel Robbins, *An Essay on the Nature and Significance of Economic Science*. This supposed agnosticism about motives helps explain why Rawls, as we have seen (143), views his exclusion of envy as an additional feature not found in the standard model of economic rationality itself.

12 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.” See Frank, *Choosing the Right Pond*, 37.
terms. Increasing reliance on the theory 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, 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.\footnote{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 show 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.}

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 \textit{Theory}, Rawls contrasts the difference principle with what he calls the “principle of efficiency,” by which he means the principle of Pareto efficiency applied to the basic structure of society (66). (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. Pareto is notoriously lax and indifferent to moral considerations: any status quo is “optimal” so long as \textit{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. 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. 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 (75).

What is the content of “better-off” and “worse-off” here, or “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 worst-off subjectively: people are better-off when, and only when, they consider themselves better-off. Indeed, Rawls’s language seems to suggest this view in places (e.g. 64). 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 for this is the one that Rawls had used to justify his original exclusion of envy: without fairly precise knowledge about relativism’s

---

14 Rawls’s theory is ambiguous on whether an inequality must actively benefit the least advantaged or simply not harm them; thus there are more and less egalitarian versions of the difference principle. See Philippe Van Parijs, “Difference Principles,” 205-8.
strength and scope, the principles become murky and indeterminate. Far simpler to stick to the absolute and material dimension, taking benefit and harm in their most straightforward form. 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, most notably 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 (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.

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? Rawls, for all his differences from Nozick, seems to share this sense of envy’s

15 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 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?

16 Robert Nozick, Anarchy, State, and Utopia, 240, original emphasis.
strangeness. For both, as for the various others who have entered the lists on their respective sides, 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 psychologically 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 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, or indeed to do more than sketch. (I argue for it more fully in my dissertation.) But consider all the conceptual infrastructure that must be in place for absolutism even to make sense. There is the assumption of atomistic individualism: that every individual’s status can be specified independently of every other’s, 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 sailor and D a shepherd, 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; indeed, it is not clear that there would be anything left of absolutism without quantifiability. 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. We have already noted how money seems to provide the template for Rawls’s broader notion of primary goods. More generally, I suspect that it is only when the use of money becomes ubiquitous to 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 endlessly accumulable. The increased centrality of money to everyday life has gone hand-in-hand (historically, if not conceptually) 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 an underlying money 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.”\(^{17}\) 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 still-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.

The drive for greater accumulation of wealth, Smith thought, is only a historically particular version of the fundamental drive for “the respect of our equals, our credit and rank in the society we live in.”\(^{18}\) 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.\(^{19}\)

We often evoke this sense of the lost primacy of social life in tones of romantic nostalgia, of Gemeinschaft giving way to Gesellschaft. But this 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

---


\(^{18}\) Adam Smith, *The Theory of Moral Sentiments*, I.iii.2.1; VI.i.3.

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, it 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.” The relevant issue for our purposes is relativism’s generality, not its desirability.

Generality is also different from universality, or inevitability. We do not need to insist that the quest for status is “natural” in whatever sense, much less biologically hardwired. 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.

But Rawls has another argument. He notes that he excludes envy “for reasons both of simplicity and moral theory” (530), and to this point we have emphasized the first strand. The

---

20 Rousseau, *Discourse on Inequality*, §27.

21 As noted previously, recent decades have seen an upsurge of interest in the relativist view within the social sciences, especially in behavioral economics and evolutionary psychology. While much of this work has been stimulating, our argument does not require that we accept all of its conclusions, particularly the sometimes-voiced suggestion that its findings reveal the transhistorical nature of humans’ biological or cognitive makeup.
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 (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 (585).22

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. And isn’t it better this way? Envy is immoral, after all, because it is
“collectively disadvantageous,” leading us to seek losses for others even when it does us no good
(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” (261, cf. 31). Isn’t it
intuitively 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 in the first place—the fact of envy is a

22 In Political Liberalism, Rawls reiterates that the original position is not meant to be “morally neutral,” and
develops this point in a new vocabulary, speaking of the two moral powers of the “capacity to be reasonable” and
the “capacity to be rational”. The parties themselves represent the rational, whereas the constraints placed upon them
represent the reasonable (PL 305-6).
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 us 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 economistic features of his theory that we have already seen, 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 unreasonable to expect someone to feel differently.” In this case, the feeling is what Rawls calls excusable envy (533-34).

Rawls is well aware of harmful effects that inequality can have on even the “objective” primary goods (those other than self-respect). Such harms may take a variety of forms; broadly

---

23 On the political implications of these concepts in the contemporary American context, see Jeffrey Edward Green, “Rawls and the Forgotten Figure of the Most Advantaged.” Green reads Rawls as arguing for a kind of “reasonable envy” that is distinct from both resentment and excusable envy (“Rawls and the Forgotten Figure,” 134-35), although I think that all of Green’s examples of reasonable envy fall into one of these other two categories.

24 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 that harms the least advantaged is unjust ipso facto, regardless of whether it stems from injustice in any other way (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” (532, my emphasis). 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; really, 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” (534), tends not to treat it as a real primary good at all.
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” (81). Although he is often 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” (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” (278).

Yet although Rawls is certainly aware of such harms, he wants 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” (278). Similarly, figuring out when the difference principle has actually been violated becomes a messy and equally indeterminate process (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 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” (302). This rule 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” (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 tries to accommodate this within his theory 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.
And so the overall system serves “to maximize the worth to the least advantaged of the complete scheme of equal liberty shared by all” (204-5).

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.25

But we can discern 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 later discussion in *Political Liberalism* suggests, perhaps the worth of liberty simply is the index of primary goods (PL 326). The underlying thought is that even the worst-off members of a wealthier society have greater means to use their liberty and advance 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, 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 liberty (proper) of the least advantaged, they actually “maximize” the worth of their liberty. The argument, if successful, would defuse any tension between inequality and freedom.

---

25 Norman Daniels, “Equal Liberty and Unequal Worth of Liberty.”
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.\footnote{Once again, the general contours of the argument persist in \textit{Political Liberalism}, even as Rawls renounces the notion that liberty proper can be quantified or maximized.}

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.\footnote{Rawls returns to this distinction again and again: see TJ 201, 222; CP 307, 391-92; PL 5, 206, 299; JF 2, 143.} 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 tradeoffs 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” (229)—and although he is reluctant to endorse this view outright, he ultimately acquiesces to it.\footnote{Rawls states this most forthrightly at JF 143. In general, his treatment of this question is strikingly indirect and equivocal: he tends to mention reasons why \textit{others} have prioritized personal over political liberty without explicitly endorsing them (or refuting them) himself. See TJ 201, 229-30, 233, 247; PL 299, 330.}
Now, if freedom is conceived as the liberty of the moderns, the capacity to pursue an individual conception of the good, it is plausible (although hardly incontestable) that its worth 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 traditional Whig history, or perhaps 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 (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” (247,
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 tend to understand their own history.)

In *Political Liberalism*, Rawls is somewhat 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” 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 about what such steps might be, he suggests that they 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). 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 history that infused the work of Constant and his eighteenth-century predecessors, little of the sense of tradeoffs and incommensurable values. For Constant, there were deep

---

29 He also no longer mentions historical situations in which unequal liberty in accordance with the “general conception” 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; cf. CP 389-90).
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 tradeoffs, and eventually comes to emphasize (following Isaiah Berlin) that “there is no social world without loss” (CP 462). Still, he cannot allow any real tradeoffs 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 conceptions of the good, which prevents them from deciding between incommensurable values, they “do not know to which generation they belong or, what comes to the same thing, the stage of civilization of their society” (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 way 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. This rather formal conception of participation helps explain the Whiggish tone of his history in the 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, though, 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.31

The force of Constant’s argument is 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 their 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

30 But see the discussion of “decent hierarchical societies” in The Law of Peoples (LP 62-78).

31 Benjamin Constant, Political Writings, 316.
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 they might be.\(^{32}\) 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” (302).\(^{33}\) 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) non-citizens; 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 Athens and its fellow republics are hardly the only possible basis for comparison. To demonstrate continued progress along each dimension of liberty, Rawls would have to extend the argument to encompass all other previous societies dating back to prehistoric bands of hunter-gatherers, likely a hopeless task.

\(^{32}\) Rawls, for his part, seems to assume the impersonal modern state as the horizon of his theory. “Given the size of a modern state,” he writes, “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.

\(^{33}\) 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 simply to show 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 know any “general facts about human society,” they know this much. Rawls separates out liberty and its worth, attempting to insulate the former from this trajectory while assimilating the latter to it; the problems he runs into reflect deeper problems with the absolutist requirements of commensurability and quantifiability. 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. If this is so, history takes on precisely the shape that Rawls wants it to avoid, an extended exchange of freedom for prosperity. All this is simply to suggest one way in which relativism would be reasonable for the parties in the original position—one way in which they might rightly feel that even the seemingly incontestable material improvements specified by the difference principle do them real harm.

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. While introducing self-respect creates a number of complications for his theory, Rawls 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” (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” (338, 440).34

Yet 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 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 (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 (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” (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.

34 Here and throughout, Rawls tends to run together status and self-respect, presumably on the logic that how we see ourselves depends heavily on how others see us.
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: “this conception of equality would be adopted in the original position only if the parties are assumed to be sufficiently envious” (538-39). But strict egalitarians could easily 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.35

Rawls eventually attempts to anchor his treatment of self-respect more solidly in the objective realm by emphasizing that he is concerned with the “social bases of self-respect,” not with self-respect as a subjective attitude (JF 60). But what are these social bases? Status and self-respect are harder to “locate,” so to speak, than the other primary goods. Liberties, for Rawls, refer to the civil and political rights recognized by the state; income and wealth, to the distributions of material goods resulting from the market and its background institutions. But status and self-respect might spring either from political position or from economic rank, or for that matter from something else entirely. (Considerations of race and gender, for instance, are rarely present in the Theory, but of course legal rights and income levels are hardly the only relevant dimensions of inequality that might affect self-respect.)

35 This might push us toward something like the view of G.A. Cohen, who notes that he has “no quarrel” with the difference principle itself, but argues for a strict egalitarianism that is internal to the principle, concluding that “there is hardly any serious inequality that satisfies the requirement” that it sets. See Cohen, If You’re An Egalitarian, How Come You’re So Rich?, 124; cf. Cohen, Rescuing Justice and Equality, 33-34.
Self-respect has another feature that sets it apart from the other primary goods. To comprehend it, we must first examine a seemingly-unrelated argument that Rawls uses to illustrate the distinction between envy and resentment (539):

Suppose first that envy is held to be pervasive in poor peasant societies. The reason for this, it may be suggested, is the 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….In this 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.

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 operate only in 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. 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.

\[\text{36}\]

Rawls eventually came to deny this assumption. He holds 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; cf. CP 234). But he suggests that this requirement is compatible with John Stuart Mill’s idea of a “just stationary state” which does not have real economic growth (JF 63-64, 159; cf. CP 276, LP 107). It is hard to assess the plausibility of Rawls’s claims here given our lack of historical acquaintance with any existing just stationary state; certainly, the difference principle seems canonically to describe the historical experience of a society characterized by continuous growth. In any case, even if we concede the plausibility of the concept, such a society would likely have a much harder time justifying inequalities under the difference principle, given the constant possibility of bettering the lot of the least advantaged by simply redistributing some of the (no-longer-growing) accumulation of wealth from the haves to the have-nots.

\[\text{37}\]

But the material dimension is not the only relevant one. For one important feature of status is that, unlike absolute wealth, it is zero-sum by definition. 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 two features in conjunction, we can better appreciate the importance of a striking and under-remarked 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.

Status, Rawls recognizes, can only be zero-sum. And if status depends on economic position, this could potentially have dramatic effects on the permissible arrangements of economic life:

[I]f 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.38

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

---
38 In the revised edition of the Theory, Rawls silently removes these two sentences (TR 478). However, he continues to express similar thoughts elsewhere in his later writings (CP 374; PL 281-82, 329).
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” (545-46).

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”. Or, as Rawls puts it just before this (544-46):

[I]n 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.

It is only by stressing a non-economic basis for self-respect, a political and moral status that all citizens possess equally, that we can escape the requirements of strict material egalitarianism.

Put another way, societies of the kind that Rawls takes as his horizon—modern, liberal, democratic, market-based—rest on the two legs of (formal) political equality and economic inequality (cf. 61). 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 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 any virtually any inequality will have malign effects on self-respect that will render it unjust. The priority of the political realm over
the economic is necessary if the basic shape of modern societies, with their characteristic combination of prosperity and inequality, can be defended.

Rawls’s remarks also provides 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 thought of 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.”

Our discussion supports Hart’s 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

---

39 H.L.A. Hart, “Rawls on Liberty and Its Priority,” 554. Rawls took Hart’s criticisms very seriously, and altered his theory in various ways to attempt to deal with them; he did not, however, fully assent to this specific point (PL 370).

40 Hence I think that Rawls is more self-aware than many of his critics would allow. E.g. Barry, *The Liberal Theory of Justice*, 32, critiquing the “archaic quality of Rawls’s liberalism”: “For Rawls, the obstacles to the achievement of equality of self-respect lie entirely in legally-prescribed inequalities of civil and political rights….That equality of self-respect may be as much or more hindered by inequalities of wealth or power apparently does not occur to him.”
original position, we can see how even the parties themselves are moral constructions 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 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. 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” (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? Our 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

---

41 The phrase “distributive paradigm” comes from Iris Marion Young, *Justice and the Politics of Difference*, esp. 15-38; Young’s broader critique overlaps with mine on several points. For a similar categorization of Rawls, see Nancy Fraser and Axel Honneth, *Redistribution or Recognition?*, 10.
“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 perhaps to the relativists whom Rawls has banished from his theory. If so, Rawls’s well-ordered society would seem to be built on a contradiction, its justice dependent on denial of its animating drive.