Rawls, Republicanism and Property-Owning Democracy


Explanatory Note for PSA Panel: This paper is written for a panel on the Child Trust Fund (CTF). Since the paper makes no mention of the CTF some readers might naturally be puzzled. The relationship is as follows. I take as a premise that the CTF fits into a broader politics of ownership which aims to establish a variant of what Rawls calls 'property-owning democracy'. The paper explains why an active, republican form of citizenship might be an essential complement to the economic arrangements of a property-owning democracy. The paper is an attempt to identify the conception of political citizenship that is the appropriate complement to a conception of economic citizenship centred on policies such as the CTF.

Introduction

The liberalism of John Rawls and republicanism are frequently seen as distinct, indeed opposing, conceptions of political society. In this paper I develop an argument which links Rawls’s conception of justice as fairness with a republican conception of politics: specifically, there is reason to think that a society which enacts just economic arrangements, as Rawls conceives them, will also require an active, participatory form of democratic citizenship.¹ My aim is not to show conclusively that the correct, or most reasonable, elaboration of Rawls’s liberalism is a republican one in this sense. As we shall see, showing this conclusively would require much more work than can be accommodated in the space of this paper. My aim, rather, is to explain why a republican elaboration of Rawls’s liberalism is not only possible, but plausible, a possibility that political theorists should take more seriously rather than view as a theoretical curiosity (if, indeed, they see it as a theoretical possibility at all).

I shall proceed as follows. Section 1 takes a preliminary look at the Rawls and republicanism issue. It draws out the proposed contrast between Rawls’s and republican conceptions of citizenship, and argues that this contrast is exaggerated. Justice as fairness, and political liberalism more generally, is not republican as a matter of fundamental principle. But Rawls holds out the possibility that its fundamental principles might turn out to support a republican model of the polity in the light of researches into the sociology of democratic societies.

Sections 2-5 then present an argument in support of a specifically republican elaboration of justice as fairness. At the heart of the argument lies an attempt to bring
together two discussions of the social psychology of ‘democratic’ societies: Rawls’s discussion of how citizens in a just society develop an effective sense of justice, rendering their public conception of justice stable; and Tocqueville’s discussion of the ills of democratic personality. The argument begins by bringing into focus two features of Rawls’s theory of the just society. The first feature, which I review in section 2, is Rawls’s claim that a just society will be a ‘property-owning democracy’ in which conventional welfare state policies are complemented (perhaps to some extent replaced) by institutions which work to disperse the ownership of both of human and financial capital. The second feature, which I review in section 3, is Rawls’s emphasis on the ‘stability’ of conceptions of justice (that is, their ability to win and sustain the loyalty and commitment of citizens). The question I pose is: Is there any reason to think that the material conditions of life in a property-owning democracy will create a problem for the stability of justice as fairness?

In section 4 I suggest that Alexis de Tocqueville’s analysis of the social psychology of democratic societies offers some reasons to think that there could well be such a problem. A Rawlsian property-owning democracy arguably represents a perfect embodiment of ‘democracy’ in Tocqueville’s sense, and Tocqueville famously argues that the economic conditions of democratic life engender ills of individualism and materialism. If Tocqueville is correct, then there is reason to question whether citizens in a property-owning democracy will develop an effective sense of justice, and thus whether justice as fairness, as expressed in the institutions of property-owning democracy, will be stable. However, Tocqueville also identified methods of combatting the ills of democratic personality, not the least of which is the devolution of public responsibilities with a view to drawing citizens into participation in political life. Section 5 picks up this point. If correct, Tocqueville’s claim about the formative effect of political participation is one that would feature in the reasoning of parties in the ‘constitutional convention’ stage of Rawls’s hypothetical social contract; it would give the parties reason to embody a republican understanding of their political liberties in the design of their political structures.

Section 6 concludes. It emphasizes the limits of the paper’s argument and explores briefly some of its broader implications, particularly as regards the relationship between two
currents of contemporary radical thought, ‘asset-based egalitarianism’ and ‘radical democracy’.

1. The republicanism of Rawls’s liberalism: an open question

Many political theorists who self-identify as republicans regard Rawls as a theorist of liberal citizenship as opposed to the republican form of citizenship they favour. Variations on this theme can be found, for example, in the writings of Quentin Skinner, Michael Sandel and David Miller. My first goal in this paper is to explain why I think that the relationship between republicanism and Rawls’s type of liberalism is much more open than this standard contrast suggests. To begin with, however, we need to make the proposed contrast itself clear.

The contrast is helpfully set out by David Miller. A ‘liberal’ conception, Miller writes, sees citizenship ‘as a set of rights enjoyed equally by every member of the society in question’. Miller adds: ‘Although citizens enjoy equal political rights, nothing is said about how zealously they are supposed to exercise them’. By contrast, the republican conception ‘conceives the citizen as someone who plays an active role in shaping the future direction of his or her society through political debate and decision-making’. Miller sees Rawls as firmly on the liberal side of this liberal-republican contrast:

‘What, for Rawls, does it mean to be a citizen?...A citizen is just someone who subscribes to a certain set of principles....a citizen is not conceived as being an active participant in politics: although political rights are included in the first principle of justice, so by definition a citizen is someone who has the right to participate, all that is actually required of him or her is acknowledgement of the principles of justice. So long as one can adopt the citizen perspective in thought, one may live an entirely private existence....’

Having set out the contrast between republican and Rawlsian liberal conceptions of citizenship, let me now explain why I think it is overstated.

To begin with, the contrast may underplay the significance of the idea of natural duty in Rawls’s liberalism, a point emphasized by Alan Patten in an important response to republican critics of Rawls. Rawls argues that the ‘most important’ of our natural duties is the ‘natural duty...to support and to further just institutions.’ What do we have to do to fulfil this natural duty? It is plausible to think that to fulfil the duty we have to, say, exercise our
right to vote with a view to promoting just policies. Moreover, if there is a derivative duty to vote, then is there not also, perhaps, a related derivative duty to keep informed about public affairs so that, when the time comes, one is able to exercise the vote in accordance with the duty to support and further just institutions? As Rawls says, ‘everyone, and not only those in public life, is meant to have political views concerning the common good.’ Now when Miller writes that the Rawlsian citizen is only required to ‘adopt the citizen perspective in thought’ he does not mean to exclude the activities of voting and informed deliberation. But I would submit that these activities define an important and non-trivial level of political participation, one that does set an important limit on how far citizens ‘may live an entirely private existence.’

My second and deeper reservation with the standard contrast derives from the distinction that Rawls himself makes between what he calls ‘civic humanism’ and ‘classical republicanism’. The latter is ‘the view that if the citizens of a democratic society are to preserve their basic rights and liberties, including the civil liberties which secure the freedoms of private life, they must also have to a sufficient degree the “political virtues” and be willing to take part in public life’. The former is ‘the view that man is a social, even a political, animal whose essential nature is most fully realized in a democratic society in which there is widespread and vigorous participation in political life’. Crucially, on the latter view, ‘[p]articipation is not encouraged as necessary for the protection of basic liberties...’, but ‘is seen as the privileged locus of the good life’. Being grounded in a very specific conception of the good life, civic humanism fails to take seriously the ‘reasonable pluralism’ that Rawls believes any public philosophy for a free society must accept. But with respect to classical republicanism, Rawls comments:

‘At most there can be differences [with justice as fairness as a form of political liberalism] on matters of institutional design and the political sociology of democratic regimes. These differences, if there be such, are not by any means trivial; they can be extremely important. But there is no fundamental opposition because classical republicanism does not presuppose a comprehensive religious, philosophical or moral doctrine. Nothing in classical republicanism, as characterized above, is incompatible with political liberalism as I have described it.’

To clarify, I think Rawls is saying something like this: Classical republicanism is
committed, by definition, to a particular sociological thesis about the importance of active political participation to the maintenance of just social institutions. Political liberalism as such does not contain this sociological thesis. But political liberalism does not necessarily deny this thesis; and, if one accepts it, then, as a political liberal, one might also accept the institutional implications that the classical republican draws from it. This is why the classical republican and political liberal differ ‘at most’ about ‘matters of institutional design and the political sociology of democratic regimes’: the difference - ‘if there be such’ - is contingent on the political liberal not accepting a specific sociological thesis and a related institutional prescription, but there is nothing inherent in the core philosophy of political liberalism which makes disagreement on this point inevitable. Political liberalism is, in this sense, open to the possibility of republicanism. As Rawls states in *Justice as Fairness*, ‘justice as fairness is perfectly consistent with classical republicanism’.[14]

Some might still question whether political liberalism really is consistent with ‘classical republicanism’. First, a critic might claim that a Rawlsian liberalism simply can’t entertain a republican commitment to active political participation as a norm of citizenship because this would violate the liberal commitment to ‘neutrality’. This, in essence, is the argument of Michael Sandel. In his *Democracy’s Discontent*, Sandel presents ‘liberalism’ as based on a ‘voluntarist’ notion of liberty which celebrates the freely choosing individual.[15] Liberty, in this sense, requires that the state be neutral between different conceptions of the good. Neutrality, in its turn, means that the liberal state can have no ‘formative project’ aimed at fostering the character or virtue of its citizens. Taking a stand in favour of the politically active mode of citizenship is precisely the sort of thing that the neutrality-minded liberal state, or ‘procedural republic’, cannot do as it would infringe on the (voluntaristic) liberty of the individual.

The weakness in this argument, as applied to Rawls’s liberalism, is its failure to distinguish between neutrality of effect and neutrality of justification.[16] As we have seen, when Rawls discusses the possible consistency of political liberalism with republicanism, he focuses on the issue of the kind of rationale or justification being offered for promoting political participation and associated virtues. There is, on Rawls’s view, a troubling departure
from neutrality if the justification appeals to a particular ‘civic humanist’ conception of the
good life, but not if the justification is that political participation and associated virtues are
necessary or important to secure just institutions. To be sure, a policy that promotes political
participation will have an unequal effect or impact on different conceptions of the good,
burdening those who really want strongly private existences. But since Rawls’s liberalism is
not committed to neutrality of effect, this is not a problem. Rawls’s view is that liberal states
may and should do all sorts of things that violate neutrality of effect provided they have good
justice-based reasons for doing so.

A second sceptical argument is a more closely textual one. David Miller argues that
Rawls explicitly endorses a division of society into the politically active and inactive, a
division which would seem inconsistent with a republican conception of citizenship. Miller
puts the point as follows (the text in quote marks is taken from Rawls’s *Political Liberalism*):

‘Rawls...defends the division between politically active citizens and the rest as good
for society ‘in the same way as it is generally beneficial that people develop their different
and complementary talents and skills, and engage in mutually advantageous co-operation’.

However, what exactly does Rawls mean by what Miller calls a ‘division between
politically active citizens and the rest’? In the passage to which Miller is here referring,
Rawls writes:

‘...justice as fairness does not of course deny that some will find their most important
good in political life, and therefore that political life is central to their comprehensive good.
Indeed, in a well-framed polity it is generally to the good of society as a whole that this be so,
in the same way as it is generally beneficial that people develop their different and
complementary talents and skills, and engage in mutually advantageous cooperation.’

Now, it is certainly clear from this passage that Rawls does not expect citizens to be
equally active in political life (and that he regards this as a good thing). But this does not
necessarily imply a division between politically active and inactive citizens. What Rawls says
fits just as well with his endorsing a division between less and more politically active
citizens, where even the less active are (if they are doing their duty) still genuinely, non-
trivially active up to some threshold extent. The division which Rawls envisages is not
compatible with a republican view which espouses maximal political participation by all, or
which otherwise permits no difference between individuals in levels of participation. But
neither of these extreme positions seem essential to a republican point of view.

Thus, I feel able to come back to the claim that political liberalism is indeed open to the possibility of republicanism. My aim in the remainder of this paper is to outline a version of the sociological argument for classical republicanism - an argument for why the political liberal, or at least the political liberal who supports justice as fairness, should indeed accept a sociological thesis about the importance of political participation to the maintenance of just social institutions and accordingly support a republican prescription for political institutions. When Rawls comments on this possibility he remarks: ‘Machiavelli in *The Discourses* is sometimes taken as illustrating classical republicanism....A more appropriate example from our standpoint here would be Tocqueville in *Democracy in America*.’ Rawls does not elaborate on this remark; but I shall do so in the argument outlined below.

2. **Property-owning democracy**

Justice as fairness holds that a society is just in its economic arrangements when they satisfy fair equality of opportunity and the difference principle. Economic arrangements are also constrained by justice as fairness to preserve the fair value of citizens’ political liberties. What kind of economic arrangements will meet these conditions? Rawls argues that there are two types of economic system that serve to meet them. One is ‘liberal socialism’ in which ‘the means of production are owned by society’ but ‘economic power is dispersed among firms, as when, for example, a firm’s direction and management is elected by, if not directly in the hands of, its own workforce’ and ‘firms...carry on their activities within a system of free and workably competitive markets’. However, Rawls gives more attention to a second possibility, a system which he calls (borrowing the label from the British economist James Meade) a ‘property-owning democracy’. I shall focus on property-owning democracy in this paper. This is the system that Rawls gives most attention to, perhaps because he believes that the choice of economic systems must be attentive to the history and context of a society and he thinks that property-owning democracy is more attuned to the history and context of most Western democratic societies.

Rawls is at pains to emphasize, particularly in his later work, that property-owning democracy is quite different to what he terms ‘welfare-state capitalism’. Rawls draws out the
contrast as follows:

‘One major difference is this: the background institutions of property-owning democracy work to disperse the ownership of wealth and capital, and thus to prevent a small part of society from controlling the economy, and indirectly, political life as well. By contrast, welfare-state capitalism permits a small class to have a near monopoly of the means of production.

Property-owning democracy avoids this, not by the redistribution of income to those with less at the end of each period, so to speak, but rather by ensuring the widespread ownership of productive assets and human capital (that is, education and trained skills) at the beginning of each period, all this against a background of fair equality of opportunity. The intent is not simply to assist those who lose out through accident or misfortune (although that must be done), but rather to put all citizens in a position to manage their own affairs on a footing of a suitable degree of social and economic equality.’

Stating the basic idea in very schematic terms, a property-owning democracy is a republic of educated small property-holders. One naturally thinks of images of society as a community of artisans and/or small farmers, though these specific images obviously have a somewhat anachronistic flavour to them. Rawls is envisaging a suitably modernised, updated equivalent of these historic social ideals.

Setting out property-owning democracy in more detail, Rawls identifies the following features, stressing the illustrative character of what he is saying:

1. A background political system that respects the basic liberties, both personal and political.

2. An educational system that helps to secure fair equality of opportunity: ‘...the government tries to insure equal chances of education and culture for persons similarly endowed and motivated either by subsidizing private schools or by establishing a public school system’.

3. Anti-discrimination and related laws to help secure fair equality of opportunity.

4. A minimum income guarantee secured through ‘family allowances and special payments for sickness and employment [sic?]’, or more systematically by such devices as a graded income supplement (a so-called negative income tax).

5. Taxation of wealth transfers: the government should enact some form of taxation of gifts and inheritances, perhaps including a capital receipts tax, so as to ‘gradually and continually to correct the distribution of wealth’ so that inequalities in inheritance ‘are to the
advantage of the least fortunate and compatible with liberty and fair equality of opportunity'.

(6) An expenditure tax: to raise revenues to meet social justice expenditures, the government employs a tax on income but giving full tax exemption to the share of income that is saved; there is a case for making this a proportional rather than a progressive tax.

(7) Further taxation for provision of public goods subject to the (very demanding) condition that the tax arrangements are such that everyone, or just about everyone, is willing to consent to the resulting tax-public goods package.

Clearly, there is a debate to be had about whether these institutions really would suffice to satisfy justice as fairness. Recent work in this vein has stressed ideas such as universal capital grants and the idea of ‘community funds’ to provide revenue streams for public benefits in addition to the items on the above list. But I am not sure these differences of detail will have a large effect on the argument which follows and so - provisionally - I put them aside here.

3. Justice and stability

From the institutions that give expression to justice as fairness, I turn now to one of the considerations that Rawls argues supports it: the value of stability.

Stability, in Rawls’s sense, refers to the capacity of a conception of justice, and of the institutions through which it is manifested, to win and sustain the warm support of the citizens who live under this conception of justice and its associated institutions. Stability is linked in Rawls’s discussion with the acquisition of a ‘sense of justice’: an understanding of the public principles of justice and disposition of support for them that inclines people to want to enact them in legislation and to comply with just legislation:

‘One conception of justice is more stable than another if the sense of justice that it tends to generate is stronger and more likely to override disruptive inclinations and if the institutions it allows foster weaker impluses and temptations to act unjustly. The stability of a conception depends on a balance of motives: the sense of justice that it cultivates and the aims that it encourages must normally win out against propensities toward injustice. To estimate the stability of a conception (and the well-ordered society that it defines), one must examine the relative strength of these opposing tendencies.’

In Rawls’s view, when considering the conception of justice suitable for society we
must consider its relative stability in this sense: ‘...a strong point in favour of a conception of justice is that it generates its own support’. The parties in the original position are, therefore, required to bring the value of stability to bear on the choice they face between justice as fairness on the one hand and the principle of average utility on the other. Rawls argues that the parties have good reason to regard justice as fairness as more stable than the principle of utility. His basic argument for this claim appeals to what we can call the law of reciprocity: a putative psychological law according to which people tend to feel affection and goodwill towards that which/those who affirm their good. Given this psychological law, the issue becomes one of whether people living under the respective conceptions of justice are more likely to feel that their good is affirmed by justice as fairness or by the principle of average utility. Rawls is in no doubt that justice as fairness wins this contest. In essence, this is because nobody’s basic freedom or economic well-being is jeopardized under justice as fairness but the same cannot be said for the principle of average utility. Under the latter principle, some people may be called upon to accept a loss of basic freedoms and/or a deprivation of basic economic well-being for the sake of maximizing average welfare. For this sort of arrangement to be stable, a psychological law of reciprocity will not suffice. People must be capable of an extreme, self-abasing form of altruism.

The law of reciprocity is clearly pivotal to the stability argument and it will prove helpful for later discussion to unpack Rawls’s thinking on this in more detail. Rawls’s full explanation of how people come to acquire a sense of justice pictures moral development proceeding in three stages. In stage one, which we might term family reciprocity, the child growing up in a just society experiences parental love and responds to this by growing to love and care for her parents. In the second stage, which we may term the extension to wider society, the child growing up in a just society gradually enters a wider social world in which she experiences other citizens following the rules of this society. As they comply with these rules ‘with evident intention’, and the rules work to her benefit, she experiences others as showing her goodwill and concern and, in accordance with the law of reciprocity, she wishes to return this, developing ‘ties of friendly feeling and trust’ for her fellow citizens. The third stage of development may be termed the extension to principles. At this stage, the
individual reflects on the underlying principles that shape the rules that she and others comply with. She understands that these are the basis on which the compliance she experiences and practices works for the good of all. Seeing the principles as affirming her good, and that of others for whom she has come to care, she comes to regard the principles themselves with loyalty and affection. She now possesses a sense of justice: a disposition to support her society’s principles of justice and, as suggested in the passage quoted above, a disposition that is strong enough that it normally outweighs temptations to act unjustly on the basis of self-interest. Putting the point with a touch of dramatic exaggeration: the principles of justice become akin to a friend or family member for whom she cares and to whom she has loyalty.\(^{32}\)

A conception of justice scores well in terms of stability when, given its content and associated social arrangements, it enables the vast majority of citizens in the society regulated by this conception to develop a sense of justice in this sense. Given this account of how the sense of justice, and hence stability, develop, one can then ask whether justice as fairness is more likely to promote a sense of justice, and hence stability, than the principle of average utility. For reasons already sketched, Rawls is confident that justice as fairness has a decisive advantage over the principle of average utility in this respect.

Two features of Rawls’s account need to be highlighted. First, for the law of reciprocity to operate as we move out of the family sphere into the wider community, it is vital that the citizen does have a clear perception of how her own good is in fact sustained by the efforts and contributions of her fellow citizens. There must be a perception of there being something significant there to reciprocate. Let’s call this the perception assumption. Secondly, it is crucial to Rawls’s account that the sentiments of fellow-feeling generated through the law of reciprocity be strong (enough) relative to the temptations of self-interest, which may incline individuals either to defect from the established terms of cooperation if they think they can get away with it or to try to renegotiate the terms of cooperation so that they are personally more favourable but less honest. Let us call this the balance of motives thesis.

Having now set out Rawls’s conception of property-owning democracy, which gives
concrete institutional expression to the principles of justice as fairness, and the stability argument which he makes in support of these principles, I end this section by posing the question that we shall explore in the next section: Is there any reason to think that the social conditions of a property-owning democracy might obstruct the development of a sense of justice, and so call into question the stability of justice as fairness?

4. Tocqueville and the ills of democratic personality

One possible source of insight into this question is provided by Alexis de Tocqueville’s *Democracy in America*. Part of Tocqueville’s aim in this work is to chart and explain the social psychology of a democratic society that has emerged without the encumbrance of a feudal past. This is with a view to evaluating the long-term prospects of democratic society, in particular for individual freedom. It is widely understood that by ‘democratic society’, Tocqueville does not mean only a society with the institutions of political democracy (regular, free and fair elections conducted on the basis of ‘one man [person] one vote’). ‘Democracy’, in Tocqueville’s usage, embraces the political, social and economic spheres. It is a form of society characterized by such things as equal rights of political participation, the absence of ascriptive class hierarchies, and a moderately (though far from fully) equal distribution of wealth. Wealth is spread so that, while there is inequality, each individual or household has a high degree of independence. Thus, Tocqueville talks of democracy as a form of society in which ‘...distinctions of class are blurred and privileges abolished,...patrimonies are divided up and education and freedom spread’.

Critics have argued that Tocqueville exaggerated the extent to which the America he visited was genuinely democratic in this sense, and his own discussion points to some ways in which the America of this time departed, or was beginning to depart, from the democratic norm. Democracy, in Tocqueville’s sense, might be understood as a kind of ‘ideal type’ to which the actual America he saw imperfectly approximated. What would a society look like if it were to fit more closely the ideal type? A plausible answer, I think, is that it would look a lot like a Rawlsian property-owning democracy. For this is a vision of a society in which there is an absence of ascriptive status hierarchies (‘distinctions of class are blurred and privileges abolished’); universal political enfranchisement (‘freedom spread’); a wide spread
of wealth (‘patrimonies are divided up’); and equality of opportunity in education (‘education...spread’).  

If this is so, then provided that the America Tocqueville analyzed was sufficiently democratic for him to acquire genuine insight into the nature of democratic society, Tocqueville’s analysis of the ills of democratic personality might have relevance to assessing the stability of justice as fairness as manifested in the institutions of a property-owning democracy. It may be that Tocqueville’s analysis gives us some insight into the social psychology that is likely to obtain in a property-owning democracy, and that we can draw some lessons from this as to how far the citizens of a property-owning democracy are likely to develop a sense of justice in the way that Rawls’s account of stability supposes.

In Volume Two of *Democracy in America*, Tocqueville diagnoses at least two ills of democratic personality, *individualism* and what we may term *materialism*. Let’s start with individualism. Famously, Tocqueville defines individualism as ‘...a calm and considered feeling which persuaded each citizen to cut himself off from his fellows and to withdraw into the circle of his family and friends in such a way that he thus creates a small group of his own and willingly abandons society at large to its own devices’.  

‘As social equality spreads, a greater number of individuals are no longer rich or powerful enough to exercise great influence upon the fate of their fellows, but have acquired or preserved sufficient understanding and wealth to be able to satisfy their own needs. Such people owe nothing to anyone. They are used to considering themselves in isolation and quite willingly imagine their destiny as entirely in their own hands.

Thus, not only does democracy make men forget their ancestors but also hides their descendants and keeps them apart from their fellows. It constantly brings them back to themselves and threatens in the end to imprison them in the isolation of their own hearts.’

Looking closely, individualism seems to have both a cognitive and an affective element: it arises ‘from wrong-headed thinking rather than from depraved feelings. It originates as much from defects of intelligence as from the mistakes of the heart’. Affectively, it consists in a strong attachment to the circle of family and friends and a high degree of indifference to the lot of the wider society: the democratic citizen ‘abandons society at large to its own devices’. Cognitively, it consists in an exaggerated, mistaken sense
of independence. Economic self-sufficiency, based on moderate wealth, generates a sense that one is radically self-reliant, needing one’s fellow citizens very little. The democratic citizen loses sight of the essential interdependency of social life and, thus, of how his own well-being depends crucially on the efforts and contributions of others. Through what seems to be a reversal of Rawls’s law of reciprocity, the cognitive error seems to underpin the affective orientation. If one fails to see that one’s well-being does in fact depend crucially on the efforts and contributions of others then, seeing nothing to reciprocate, one naturally assumes that one ‘owe[s] nothing to anyone’. Other people’s well-being is their affair, as yours is entirely your own, and not something about which one need concern oneself.

In terms of Rawls’s account of how a sense of justice emerges, individualism seems to put into question what I have termed the perception assumption, the assumption that if citizens receive certain benefits from the cooperative efforts of others under just institutions, they will perceive these benefits. Tocqueville’s analysis suggests that people living in a property-owning democracy may not in fact perceive, or fully perceive, the benefits that others provide through their dutiful compliance with the rules of a just social order. Whereas Rawls expects us, as citizens, to work with a picture of the social world as a ‘cooperative’ venture, Tocqueville argues that the economic conditions of a democratic society will incline individuals to a very different picture of their social world. What comes to mind is an ‘islandic’ conception of society. Each family views itself an island, self-sufficient unto itself, doing its own thing, tackling its problems in its way. Each family-island is aware of the fact that there are many surrounding islands. But those are other islands. They are separate ventures to our family-island venture. They work for the success of their ventures as we work for the success of ours. We don’t wish them ill as such, but since we see their efforts as pertaining to their ventures, which are wholly separate from ours, we see no reason of reciprocity to care much about them.

Let us now turn to materialism. I use the term here to refer to what Tocqueville calls the Americans’ love of ‘comfort’ and ‘physical pleasures’. According to Tocqueville, in a democratic society, ‘[a]ll men are preoccupied with the need to satisfy the slightest of their bodily needs and to provide for the little conveniences of life’. The moderate wealth-
holders that make up democratic society are focused, almost obsessively, with incremental material advance. This is because every person lives in a state where they cannot take affluence for granted but in which affluence is also a reasonable hope. Moderate wealth-holders are spurred on at once by the hope of gain, perhaps considerable gain, and by the fear that what they have already won may slip away. As Tocqueville explains it:

‘...when distinctions of class are blurred and privileges abolished, when patrimonies are divided up and education and freedom spread, then the poor man’s imagination conceives the desire to obtain comfort and the rich man’s mind is overtaken by the fear of losing it. A lot of modest fortunes spring up. Their owners have enough physical comforts to have a liking for them but not enough to be content. They never win them without effort or indulge them without anxiety.’

In terms of Rawls’s account of how citizens develop a sense of justice, materialism can be expected to strengthen the temptations on the part of many citizens towards defection from just terms of social cooperation and towards efforts at renegotiating for more favourable terms that take society away from justice.

So Rawls’s account of how citizens will develop a sense of justice under property-owning democracy seems challenged from two quarters. On the one hand, individualism will weaken the extent to which the law of reciprocity works to build attachment to the welfare and interests of one’s fellow citizens. It will make citizens less other-regarding. At the same time, materialism can be expected to strengthen the extent to which people feel the need to prioritize their own interests. Putting the two forces together, we are then left to wonder whether the balance of motives thesis is likely to hold. It seems at least plausible that the typical citizen’s concern for others, based on the law of reciprocity, will not be strong enough to outweigh temptations to defect or renegotiate in the direction of injustice. Insofar as justice as fairness is institutionalized through property-owning democracy, this implies that justice as fairness may not be as stable a conception of justice as Rawls thinks.

Is there a way to rescue the stability of justice as fairness as embodied in the institutions of a property-owning democracy?

5. The republican response

Tocqueville not only claimed to have identified some ills of the democratic personality but to have identified some ways of addressing them: ‘The Americans,’ he writes,
have exploited liberty in order to combat that individualism which equality produced and have overcome it'.\textsuperscript{42} By ‘liberty’ here Tocqueville means what we ordinarily think of as republican liberty, the liberty constituted by participating in government so that government becomes a form of self-rule. The Americans have secured liberty in this republican sense by devolving decision-making to the local level. The state at the centre forces its citizens to be free, in the republican sense, by refusing to monopolize decision-making power. Participation in local government in turn combats both the cognitive and affective problems of democratic personality:

‘As soon as communal affairs are treated as belonging to all, every man realizes that he is not as separate from his fellows as first imagined and that it is often vital to help them in order to gain their support....When the public is in charge, every single man feels the value of public goodwill and seeks to court it by attracting the regard and affection of those amongst whom he is to live.

Many of the emotions which freeze and shatter men’s hearts are then forced to withdraw and hide away in the depths of their souls. Pride conceals itself; scorn dares not show its face. Egoism is afraid of itself.’\textsuperscript{43}

Arguing on these lines, Tocqueville asserts what we may here term the \textit{Tocqueville thesis}: ‘...I affirm that, to combat the evils produced by equality, there is but one effective remedy, namely political freedom [that is, republican freedom, implying active participation in politics]’.\textsuperscript{44}

Tocqueville’s argument was taken up, of course, by John Stuart Mill. Echoing Tocqueville’s analysis of individualism, Mill comments on ‘how little there is in most men’s ordinary life to give any largeness either to their conceptions or to their sentiments’.\textsuperscript{45} But involving the individual in political decision-making allegedly expands both the mental and moral horizons of the individual. As with Tocqueville, Mill sees participation in ‘local administrative bodies’ as the main vehicle for this ‘public education of the citizens’.\textsuperscript{46} More recently, and in a specifically US context, Stephen Elkin has reiterated the argument.\textsuperscript{47} Even more recently, work on new systems of ‘empowered governance’ in tackling crime, managing schools, regulating use of the environment and other tasks have pointed to the potential formative effects of these systems as part of their justification.\textsuperscript{48}

If we unpack the Tocqueville thesis there seem to be two basic mechanisms whereby
political participation allegedly generates a more effective sense of justice.

1. **Awareness effect.** Participation brings enhanced awareness of interdependence and the need for cooperation with others. This awareness, combined with the experience of cooperation in meeting shared needs, engages our propensity for reciprocity.\(^4^9\)

2. **Justification effect.** Participation places us in situations where we have to justify courses of action in public to others. Under the glare of publicity we seek to justify action in terms of shared interests and values. In time, this actually makes our preferences more public-spirited.\(^5^0\)

The existence of these effects is plausible but, of course, it requires empirical research to know whether they exist and how strong they are; David Miller has pointed to some supporting evidence.\(^5^1\) If the Tocqueville thesis is correct - if these effects do exist and they are strong - then there is an obvious implication for our argument above about the stability of justice as fairness under property-owning democracy: the way to combat the stability problem is to complement the economic institutions of property-owning democracy with political institutions that embody republican liberty.

Developing the point in terms of Rawls’s theory we might imagine that at the ‘constitutional convention’ stage of the hypothetical social contract the parties are asked to make a basic choice between more or less republican interpretations of the political liberties guaranteed under Rawls’s first principle of justice.\(^5^2\) On the one hand, they can opt for a ‘liberal’ model of the political liberties, in Miller’s sense of the word, one which treats political participation as something which citizens should be free to involve themselves with as much or as little as they like. On the other hand, they can opt for a republican interpretation of the political liberties, one which treats political participation as an important civic duty and which requires political institutions to encourage and even enforce performance of this duty. The parties are, of course, assumed to be apprised of all relevant sociological knowledge. If Tocqueville’s sociology is correct, they will take this sociology into account in selecting between liberal and republican interpretations of the political
liberties. Given a commitment to the economic institutions of a property-owning democracy, the parties will have good reason to favour the republican interpretation. In this way, commitment to a republican form of citizenship can quite plausibly emerge out of Rawls’s hypothetical social contract.53

6. Conclusion: the limits and an implication of the argument

My aim has been to show that it is plausible that Rawls’s theory of justice as fairness needs to be complemented by a republican conception of citizenship. Justice as fairness calls for the economic institutions of a property-owning democracy; Tocqueville’s analysis of the ills of democratic personality suggests, however, that the conditions of economic life in a property-owning democracy might well render citizen support for the principles of justice as fairness unstable; however, Tocqueville also offers us a thesis about the impact of political participation on democratic personality which, if correct, suggests that the stability problem can be handled (indeed, only handled) by the adoption of a republican political constitution.

In concluding, I must acknowledge the gap between showing something to be plausible and actually showing it to be the case. There are a number of ways in which the marriage of justice as fairness and republicanism suggested here might be challenged. First, we might have exaggerated the extent to which property-owning democracy creates a problem of stability. Second, it might be possible to realize justice as fairness through institutions other than those of a property-owning democracy and these institutions might not generate the same problem of stability; as noted, Rawls himself refers us to the alternative of liberal socialism. Third, it might be that republican liberty is not the only way to counter the problem of stability within property-owning democracy (assuming that it is an effective way of countering the problem at all). At the intersection of these two latter points is the thought that there might be forms of property-owning democracy or liberal socialism (or some hybrid) in which economic life itself has a strongly associational character which works to temper the ills of democratic personality. Individualism is tempered, we might imagine, by participation in workers’ cooperatives or in industry-wide producer associations or ‘guilds’.54 Rawls anticipates this line of thought when he comments that property-owning democracy is
compatible with ‘Mill’s idea of worker-managed cooperative firms’ and that the political liberal might conceivably have a preference for a worker-managed form of property-owning democracy because of its formative effects. If these associational devices suffice to counter the ills of democratic personality, then there will be no need for the republican response suggested above. On the other hand, it is conceivable that neither the narrowly political nor the economic-associational responses will suffice taken separately but may need to be combined. They might both be important parts of the formative project whereby a democratic citizenry seeks to insure itself against the ills of democratic personality.

In closing we may note just one potentially interesting implication of this paper’s argument for the way we think about two distinct currents within contemporary radical thought. On the one hand, there is the current sometimes referred to as ‘asset-based egalitarianism’ which is concerned with measures to achieve more equality in the distribution of productive assets. This current is represented, for example, in the argument for the introduction of stakeholder grants. On the other, there is the current sometimes referred to as ‘radical democracy’ which seeks to replace or complement conventional processes of representative democracy with more participatory fora. This current is reflected in proposals for various forms of ‘empowered participation’ that we noted briefly above. If the argument about the need to complement property-owning democracy with republican citizenship set out in this paper is correct, then this suggests the need to see the second current as a vital complement to the first.

Notes:

1 I use the term ‘republicanism’ in this paper only to refer to a conception of citizenship which holds that citizens ought to participate in political life and should be encouraged by public action to participate. The term might also be used to refer to a particular conception of legitimacy, one which sees the legitimate exercise of political authority as resting on inclusive political processes that seek a common good; or to a particular conception of freedom, one which stresses the importance of dependency or domination, as opposed to actual interference, as conditions which limit an individual’s freedom. For the record, I think that Rawls’s understanding of what we are doing when we seek to develop a theory of justice is deeply influenced by the republican conception of legitimacy, but I do not pursue this point in this paper.

2 See Quentin Skinner, Liberty before Liberalism (Cambridge, Cambridge University Press,

3 Miller, ‘Citizenship and Pluralism’, p.44.

4 Miller, ‘Citizenship and Pluralism’, p.44.


6 Miller, ‘Citizenship and Pluralism’, p.46.

7 Alan Patten, ‘The Republican Critique of Liberalism’, *British Journal of Political Science* 26, 1996, pp.25-44. Patten effectively shows how Quentin Skinner and Charles Taylor fail to establish a philosophically significant distinction between the republicans they favour and the liberalisms of thinkers such as Rawls and Ronald Dworkin.

8 According to Rawls, this duty has ‘two parts: first, we are to comply with and to do our share in just institutions when they exist and apply to us; and second we are to assist in the establishment of just arrangements when they do not exist, at least where this can be done at little cost to ourselves.’ See John Rawls, *A Theory of Justice: Revised Edition* (Cambridge: MA, Harvard University Press, 1999), pp.293-294.


14 Rawls, *Justice as Fairness: A Restatement* (Cambridge: MA, Harvard University Press, 2001), p.142. At pp.142-145 Rawls restates the contrast between civic humanism and classical republicanism drawn in *Political Liberalism*. He comments (p.144): ‘Between classical republicanism...and the liberalism represented by Constant and Berlin, there is no fundamental opposition...Here they may be differences in weighing competing political values; but this is importantly a matter of political sociology and institutional design. Since classical republicanism does not involve a comprehensive doctrine, it is also fully compatible with political liberalism, and with justice as fairness as a form thereof.’


Miller, ‘Citizenship and Pluralism’, p.46.

Rawls, Political Liberalism, p.206. We find similar text in Rawls, Justice as Fairness, pp.144-145.

See Rawls, Political Liberalism, p.205, note 37. The reference to Machiavelli is repeated in Justice as Fairness, p.144, note 13, though without the following comment about Tocqueville.


Rawls, Theory of Justice, p.242; Justice as Fairness, 2001, p.139. When one looks at Meade’s model of a property-owning democracy in its most developed form the contrast with liberal socialism becomes somewhat blurred. Meade assumes that a large proportion of society’s productive assets are publicly owned, providing the state with an important source of revenue to finance a universal social dividend. See James Meade, Agathatopia: The Economics of Partnership (Aberdeen, University of Aberdeen, 1989).

The foregoing account is from Theory of Justice, pp.243-250. Rawls provides a second but substantially similar account in Justice as Fairness, pp.158-162, 171-179.


Rawls, Theory of Justice, p.245.


Since my focus in this paper is largely on what follows from within a Rawlsian framework, I take it provisionally as given that stability is an important value in considering what is just. However, even if one were to show that stability is in fact irrelevant to the question of what is just, the discussion would still have relevance in considering what sort of political institutions might need to complement the economic institutions of a property-owning democracy (where these are perhaps seen as part of a feasible, second-best order from the standpoint of justice).

Rawls, Theory of Justice, p.398.


‘When the two principles are satisfied, each person’s basic liberties are secured and there is a sense defined by the difference principle in which everyone is benefited by social cooperation. Therefore we can explain the acceptance of the social system and the principles it satisfies by the psychological law that persons tend to love, cherish, and support whatever affirms their own good. Since everyone’s good is affirmed, all acquire inclinations to uphold


32 Rawls reiterates this account of a ‘reasonable moral psychology’ in *Justice as Fairness*, pp.195-197.


34 Tocqueville, *Democracy in America*, p.617.

35 In an essay discussing what Rawls means when he says that his theory of justice is intended ‘for a democratic society’, Joshua Cohen emphasizes how Rawls understands the term ‘democracy’ in Tocquevillian fashion to refer to a kind of egalitarian society and not just to a kind of political system. Rawls’s enterprise can be understood, in part, as an attempt to work out what principles must govern the ordering of a society if society is to be truly democratic in the Tocquevillian sense. See Joshua Cohen, ‘For a Democratic Society’, specifically pp.95-100.

36 Tocqueville, *Democracy in America*, p.587.

37 Tocqueville, *Democracy in America*, p.588.

38 Tocqueville, *Democracy in America*, p.589.


40 Tocqueville, *Democracy in America*, p.616.

41 Tocqueville, *Democracy in America*, p.617.

42 Tocqueville, *Democracy in America*, pp.592-593.


44 Tocqueville, *Democracy in America*, p.595. Cheryl Welch summarizes Tocqueville’s view thus: ‘Only participatory democracy - vigorous local self-governing groups - can provide a context in which individuals will be forced to interpret their private interests in a publicly useful manner.’ See Cheryl Welch, *De Tocqueville* (Oxford, Oxford University Press, 2001), p.90.


49 We also become more aware of ideas about the ‘common good’, the ‘public interest’ and ‘social justice, a point perhaps emphasized more in Mill’s discussion than Tocqueville’s.


53 Loren King has recently identified a distinct argument of this kind. He argues that the parties in the original position have reason to adopt a federalist form of political organization as a means of handling reasonable disagreement about the policies and institutions required by the principles of justice. I concur with King’s basic argument and see the argument developed here as complementary to it. See Loren King, ‘The Federal Structure of a Republic of Reasons’, *Political Theory* 33, 2005, pp.629-653.

54 There is of course a long tradition of thought about this possibility with which a longer discussion could engage, including Hegel’s and Durkheim’s respective discussions of corporatism. For a contemporary statement, with an emphasis on formative effects, see Joshua Cohen and Joel Rogers, *Associations and Democracy* (London, Verso, 1995), especially the closing essay, ‘Solidarity, Democracy, Association’, pp.236-267; and also Paul Hirst, *Associative Democracy* (Cambridge, Polity, 1994).


56 In addition to Ackerman and Alstott, *The Stakeholder Society*, see Keith Dowding, Jurgen De Wispelaere and Stuart White, eds., *The Ethics of Stakeholding* (Basingstoke, Palgrave, 2003) and Bruce Ackerman and Philippe Van Parijs, *Redesigning Distribution: Stakeholder
See the works referenced in note 48.

For a similar point concerning the economic-associational strategy, see Cohen and Rogers, ‘Solidarity, Democracy, Association’.