

The Politics of Equality: Rawls on the Barricades

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The title of this essay might strike some people as odd. Rawls a revolutionary? Could one ever imagine the careful, gentle, and eminently sensible figure of John Rawls manning a barricade? The very strangeness of this image illustrates the uneasy connection between equality and politics in his work. Rawls's egalitarian vision would take nothing short of a revolution to bring about, and Rawls was anything but a revolutionary.

It would be difficult to overestimate the importance of equality in Rawls's work. It would also be difficult to overestimate the influence of Rawls's work on the study of politics and law in the second half of the twentieth century. Nevertheless, his most significant contribution to the equality debate, the difference principle, has not been taken up in any sustained way within politics. Furthermore, as Rawls's theory became more political—and by political I mean more concerned with the citizen perspective rather than the Archimedean perspective—Rawls's egalitarianism took an increasingly distant back seat.

Why do equality and politics appear to be in an inverse relation in Rawls? My answer is two fold. First, Rawls's views on equality are very radical, indeed utopian, and as such are quite far ahead of prevailing public culture. Outlining the political implications of the difference principle in any detail would involve stepping out of the existing liberal order into a radical critical theory.¹ This sort of radicalism did not interest Rawls; it also appears to undermine his main justificatory strategy, namely the argument that 'justice as fairness' was simply a rendering of certain core ideas central to our existing liberal order. This leads

to the second reason for the tension between equality and politics in Rawls: in moving from his Archimedean stage to his political stage, Rawls moved from outlining a theory of justice to outlining how such a theory of justice could become widely accepted and stabilized under conditions of pluralism. The central idea in this move is to seek out principles of justice that have both a strong philosophic justification as well as a strong citizen endorsement, despite the fact that citizens might have very different religious and moral world-views. This is what Rawls calls political liberalism. It is political rather than metaphysical. We need not find agreement on questions of truth or a full moral view in order to agree on principles to govern the basic structure of our political community. The search for stability led Rawls to push controversial principles concerning social justice into the background and to place more widely accepted views concerning rights and freedoms into the foreground.

In the United States today (and indeed in all liberal democracies) there is something like an overlapping consensus on Rawls's first principle of justice: "each person has the same inalienable claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all."² In the United States today (and in most liberal democracies) there is a contested but nevertheless existent consensus on something like the first half of Rawls's second principle: social and economic inequalities "are to be attached to offices and positions open to all under conditions of fair equality of opportunity."³ In the United States today (here I am not sure about other liberal democracies) there is nothing like consensus—indeed we might even discern deep antipathy—toward the second half of the second principle: social and economic inequalities "are to be to the greatest benefit of the least-advantaged members of society (the difference principle)."⁴ This last principle, however, is the jewel in the crown of Rawls's egalitarianism. Rawls's deep commitment to equality is in tension with his equally deep and democratic commitment to consensus as the starting point of justice.⁵ In what follows I investigate the gap between equality and 'political

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liberalism' that this tension creates. But first we must fix ideas, to use the Rawlsian phrase.

What Is Equality?

Rawls's discussion of equality was complex, multi-leveled, and despite becoming less prominent in his later work, remained an enduring theme throughout his career. We can discern three interlocking spheres of equality at work in Rawls's writings: fundamental equality, political equality, and social and economic equality. Fundamental equality involves some initial claim about the moral status of individuals, namely, that all persons are of equal worth.⁶ This sort of claim is expressed in the Declaration of Independence: "We hold these truths to be self evident, that all men are created equal." Three points hold about fundamental equality: it is notoriously difficult to prove, it is not self-evident what follows from such a claim; and it is the closest thing liberal democracy has to an axiom.

Although what follows from fundamental equality is not self-evident, political equality, sometimes called equality of democratic citizenship, is the most common next step.⁷ Here we move from making a general claim about moral status to a claim about how institutions should treat individuals. Political equality then encompasses such things as equal basic liberties: freedom of expression, religion, and association; equal right to vote and run for office; equality before the law and due process, for example.

Finally we come to social and economic equality, or more precisely social and economic inequality. Few claim that in this sphere there *is* equality (as in the moral realm) or that there *ought* to be or *could* be full equality (as in the political realm). The debate is usually about how much inequality we ought to allow. For strong egalitarians like Rawls, the benchmark is equality. The question is not how to achieve equality, but rather, how far ought we to let distribution fall away from the benchmark. In contrast to political equality, here there is much less agreement about what sorts of things are subject to distribution. "Equality of what?" has become a leading question in the philosophic debates surrounding equality.⁸ Should we seek to equalize welfare, resources, capabilities?

Although Rawls has a great deal to say about all of three of these spheres of equality, I concentrate here almost exclusively on social and economic equality. I am interested in Rawls's egalitarianism, not, however, in adjudicating the philosophic debate about 'Equality of what?' Rather, I am interested in why this debate has failed to have a political life. While there is a great deal still to be said about fundamental equality (and we should never tire of reminding ourselves of its importance) and we have yet to get political equality quite right, there appears to be a broad consensus on these ideas within western liberal democracies. Social and economic equality is the hard case and thus the more interesting case. It is also interesting because Rawls

pushed egalitarianism into the background as his work become more political. Why this should be so is worth taking a look at.

From the Fact of Inequality to the Fact of Pluralism

In *A Theory of Justice*, Rawls argues that questions of justice are really questions about the basic structure of society, that is, they are questions about how things like constitutions, markets, and private property determine and shape life chances. These institutions—however they are set up—necessarily "favor certain starting places over others." This is a fact of social life and for Rawls, "it is these inequalities, presumably inevitable in the basic structure of any society, to which the principles of social justice must in the first instance apply."⁹ Social inequality is inevitable but it is also man made. Inequality is the result of structures that are subject to our choices and control. There are an infinite number of ways to regulate a market. Thus, although inequality is inevitable, no particular pattern or configuration of inequality is necessary. We must decide which pattern or configuration is justifiable. This is the central problem of *A Theory of Justice*. It leads Rawls to develop principles of justice that regulate the basic structure and hence determine life chances. These principles of justice are highly egalitarian and he never repudiates or significantly alters his commitment to them. But things do change.

One way to read that change is as a shift from a concern about the problems raised by the fact of inequality to a concern for the problems raised by the fact of pluralism. These two facts play vastly different roles in his theory. The fact of inequality asks for justification against a benchmark of equality; the fact of pluralism asks for accommodation against a benchmark of autonomy. The first fact must be viewed with suspicion, the second with approval. The fact of inequality demands that we think about and come up with principles of justice, the fact of pluralism demands that we think about and come up with ways of justifying and defending principles of justice in a world characterized by deep disagreement. Thus, one can understand the move from *A Theory of Justice* to *Political Liberalism* as a move from the question, "What are legitimate principles of justice?" to the question, "Why should we think citizens would accept these principles as legitimate?"¹⁰

The problem of inequality in *A Theory of Justice* is posed as a philosophical problem to be worked out in the original position, while the problem of pluralism in *Political Liberalism* is posed as a political problem to be worked out among citizens. The difference here is not that Rawls moves from ideal theory to the messy non-ideal world of politics. In both *A Theory of Justice* and *Political Liberalism*, ideal theory is the medium; Rawls is working within the assumption of a well-ordered society. A well-ordered society is "a

society effectively regulated by a public conception of justice.”¹¹ The Rawlsian strategy is to think about moral and political problems in a context where everything pretty much works as it should and where everyone pretty much acts as she should. Once we get a handle on how things might work in a well-ordered society, we can begin to introduce the problems, uncertainties, and contingencies of the real world.

So *Political Liberalism* is not political in a pragmatic sense. It is political because it describes the citizen point of view and argues that citizens can endorse a political conception of justice without at the same time having to endorse a shared moral, religious, or deep philosophical perspective. Although citizens are, of course, present in *A Theory of Justice*, the most important character is the chooser in the original position. She is asked to view the problem of inequality from an impartial perspective. This perspective requires that she know nothing about her particular place in society. Citizens, in contrast, know everything about themselves and in particular they are very aware of the way their fundamental moral and religious ideas diverge.

There is a third perspective central to the Rawlsian enterprise: “It is important to distinguish three points of view: that of the parties in the original position, that of citizens in a well-ordered society, and finally, that of ourselves—of you and me who are elaborating justice as fairness and examining it as a political conception of justice.”¹² Parties in the original position are called on to be impartial, citizens in a well ordered society are called on to be reasonable, and you and I are called on to be reflective about certain “fundamental ideas seen as implicit in the public political culture of a democratic society.”¹³ The difference principle faces its biggest challenge when viewed from this third perspective.

The Difference Principle

At the heart of Rawls’s egalitarianism is the intuition that institutions should be arranged to improve the life chances of the worst-off in society. Rawls is not alone in making concern for those at the bottom of the social and economic ladder the *sine qua non* of egalitarianism.¹⁴ This intuition is expressed in the difference principle and leads to the conclusion that if there is some scheme of unequal distribution that makes individuals at the bottom better off than they would be under an equal distribution, then the unequal scheme is preferable to the equal distribution. A great deal of ink has been spilt on the justification and defense of this principle and its connection to equality.¹⁵ At first sight it does not appear to be a principle of equality at all as it seems to give unequal moral weight to the least advantaged of society. Before I spill even more ink on this subject, I want to jump ahead and offer a hint at what’s at stake, that is, I want to look briefly at what it might mean to implement this principle. Some people

have implied that it wouldn’t mean much. On the left, this principle has sometimes been read as a disingenuous defense of capitalism and huge inequalities.¹⁶ But if Rawls himself is anything to go by, the difference principle is a far cry from the conservative adage that a rising tide lifts all boats.

It is not just that Rawls’s egalitarianism appears to be tacking quite hard against neo-liberalism and a retrenchment of the welfare state. Rawls himself has seen the institutional implication of the difference principle in much more radical terms. He has clearly and without equivocation stated that it is not just laissez-faire capitalism that is incompatible with his view of equality; welfare-state capitalism also fails to pass muster. Rawls endorses what he calls property-owning democracy while admitting that some form of democratic socialism might also be compatible with the difference principle.¹⁷ Few people have taken Rawls up on this topic and many commentators have simply assumed that Rawls is advocating an egalitarian brand of welfare-state capitalism.¹⁸ On this mistaken reading, the redistribution mandated by the difference principle would predominantly involve a redistribution of income to those identified as the least well-off in society. At the end of each period, whatever that might be, we would look at how everyone was doing and reshuffle the outcome deck. This is not what Rawls had in mind.

Rawls is interested in “securing background justice over time.”¹⁹ To do this, the difference principle must be applied directly to the basic structure. A capitalist welfare system tolerates not just an uneven distribution of wealth but a world in which there are some without property altogether. By contrast, “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.”²⁰ Welfare capitalism redresses the inequalities produced by the basic structure; property-owning democracy offers a redesigned basic structure to ensure minimum or only justifiable inequalities in outcomes. Rawls is interested in a system that minimizes the need for redistribution.²¹

What would a property-owning democracy really entail? Rawls says very little on the subject. Very generally, it would mean establishing and maintaining “widespread ownership of productive property and limits to the concentration of property over time.”²² This in turn would probably mean “some sort of once and for all redistribution of property holding, accompanied by institutional reforms . . . to keep the redistributed property from becoming reconcentrated.”²³ However one looks at it, property-owning democracy, with its insistence that property—understood both as human and real capital—be “put in the hands of citizens generally,”²⁴ is a radical departure from property arrangements in contemporary America. The more Rawls said about it, the more he seemed to be inching towards the barricades. Perhaps he adopted the

strategy of the less said, the better. But Rawls did say enough about property-owning democracy to conclude that any plausible interpretation of such a system would require something quite different than the existing property arrangements in contemporary America. But here is the puzzle. Rawls claims to be articulating beliefs that, although latent, are nevertheless constituent of our political culture. This in turn implies that existing property relations and the distribution of wealth is out of line with political culture. But is it? Can Rawls find the deep cultural resources he needs to defend egalitarianism? He sometimes appears to go back and forth between two strategies. One insists that the difference principle is the consistent answer to the question of what follows from our deep commitments to fundamental equality.²⁵ The other strategy admits that the difference principle is controversial and so does not insist on its inclusion in a conception of justice.²⁶ I take up the first strategy in the following section

Ideals Latent in Public Political Culture

Why should we care more about the worst-off than other groups in society? The original position answer to this question states that if you did not know where you would end up in society, you would be most concerned about what would happen if you ended up at the bottom. From this vantage point you would choose a distributive scheme that maximized the possibilities for the minimum stake. This is why the difference principle is also called the maximin principle.²⁷ From the point of view of the original position then, we care about ourselves first and the least well off only to the extent that we might be one of them. This, however, is not the most important or persuasive argument in defense of the difference principle, and Rawls himself admits that without appeal to substantive ideals in our political culture, the difference principle might appear “eccentric or bizarre.”²⁸

There are two arguments in particular that deserve our attention: the distinction between persons and the concept of moral arbitrariness. The “distinction between persons” argument brings us back to ideas of fundamental equality. In Rawls’s early career he was partly motivated by the fact that moral philosophy had been dominated by utilitarianism. Utilitarianism also begins from a strong idea of fundamental equality: no one shall count for more than one. For utilitarians, justice is realized when “major institutions are arranged so as to achieve the greatest net balance of satisfaction summed over all the individuals belonging to” any given society.²⁹ The problem is that for utilitarians, “it does not matter, except indirectly, how this sum of satisfactions is distributed among individuals.”³⁰ This would allow, in principle anyway, the losses of some to be compensated for by the greater gains of others. Such trade-offs are incompatible with an alternative view of

fundamental equality in which each individual is considered to have equal *immeasurable* worth, or dignity, rather than each individual being considered as numerically equal. The equal dignity of each individual prohibits a scheme in which some people’s losses are justified because they are a means to other people’s gains.³¹

So we cannot just make the pie bigger, especially if making the pie bigger involves sacrificing someone’s life chances for the greater good. We can only make the pie bigger if we can be assured that no one will be made worse off by it. Thomas Nagel points out that in contrast to utilitarianism, this Kantian concern for everybody “must contain a separate and equal concern for each person’s good.”³² From such a concern, “a ranking of urgency naturally emerges.”³³ It is not that the worst off have more moral worth, it is that in looking at everybody as having equal moral worth we ought to be most concerned with those who fall farthest from an ideal of well-being, whatever that might be.³⁴ Thus, there is a certain intuitive affinity between an idea of equal dignity and a special concern for those at the bottom. However, it is not clear that this alone could produce the difference principle.

The second fundamental idea that underpins the difference principle is the intuition that people should not be disadvantaged or penalized by factors outside their control or factors that are otherwise arbitrary from a moral point of view. No one thinks that shoe size should significantly determine one’s life chances or social position. Race and gender are equally arbitrary from a moral point of view and so should not determine one’s life chances or social position. To these widely accepted examples of arbitrariness, Rawls adds talents and abilities. He claims that it is one of the fixed points of our considered judgments “that no one deserves his place in the distribution of native endowments, any more than one deserves one’s initial starting place in society.”³⁵ A person does not deserve the talents she was born with any more than she can be said to deserve or have earned the size of her feet. Rawls goes further still and maintains that “even the willingness to make an effort” is dependent on morally arbitrary factors like social circumstances and family.³⁶

According to Rawls we may and indeed should benefit from our talents, not because we deserve such benefit in any strong moral sense, but only because rewarding certain talents and abilities is good for everyone: “Those who have been favored by nature, whoever they are, may gain from their good fortune only on terms that improve the situation of those who have lost out.”³⁷ The two important ideas here are, first, a person should not be penalized or lose out in life because of circumstances beyond her control. Natural abilities constitute such a circumstance. Second, society is a joint venture from which we are all supposed to benefit. Each and every individual’s cooperation in this joint venture, including those with fewer talents than others, is premised on the deck not being stacked

against them from the very beginning. Joshua Cohen puts this nicely when he says “Rawls’s large point is that we ought to reject the idea that our economic system is a race or talent contest, designed to reward the well-born, the swift, and the gifted. Instead, our economic life should be one part of a fair system of social cooperation, designed to ensure a reasonable life for all.”³⁸ But what if the idea that our economic system is a race or a talent contest has a deep hold on us or at least many of us?

How Egalitarian Are We?

Here is the puzzle thus far: Rawls begins with ideas implicit in our political culture but ends with an egalitarian vision far removed from anything our political culture seems prepared to contemplate. One of the problems is that the ideas that Rawls articulates are very latent and indeed appear to conflict with other aspects of our political culture that are less latent. This is especially clear regarding the moral arbitrariness argument. Rawls is right to point out that modern liberal democratic culture grew out of a rejection of the moral significance of natural facts.

The natural distribution [of talent] is neither just nor unjust; nor is it unjust that persons are born into society at some particular position. These are simply natural facts. What is just and unjust is the way that institutions deal with these facts. Aristocratic and caste societies are unjust because they make these contingencies the ascriptive basis for belonging to more or less enclosed and privileged social classes. The basic structure of these societies incorporates the arbitrariness found in nature. But there is no necessity for men to resign themselves to these contingencies. The social system is not an unchangeable order beyond human control but a pattern of human action. In justice as fairness men agree to share one another’s fate. In designing institutions they undertake to avail themselves of the accidents of nature and social circumstance only when doing so is for the common benefit.”³⁹

This strikes me as a very powerful idea and one that is, in many ways, deeply embedded in contemporary American public culture. But it competes with an equally strong and apparently contradictory principle of desert and personal responsibility.⁴⁰ Even though we might admit that no one deserves the particular talent they are born with, it is still strongly felt that people deserve the rewards and benefits that they can get by exercising that talent even if that means large inequalities. Some of the earliest empirical work addressing public opinion on income equality comes from Robert Lane’s 1962 interviews of ten working class and five white-collar American males. He concludes that his respondents view inequality as just: “Most of my subjects accepted the view that America opens up opportunity to all people, if not in equal proportions, then at least enough so that a person must assume responsibility for his own status.” He summarizes their opinions this way: “the upper classes deserve to be upper,” and “the lower classes deserve no better than they can get.”⁴¹ Ideas of desert are often strongly connected to ideas of personal responsibil-

ity. McClosky and Zaller note, for example, that public opinion research generally indicates that “although most Americans think that government should intervene positively to promote social and economic equality, they also believe that the primary responsibility for personal advancement ought to remain with the individual.”⁴² In her qualitative study of 28 working adults in New Haven, Jennifer Hochschild also concludes that her respondents “all want to believe that upward mobility is possible for those with drive, talent, and ambition. But they are dubious.”⁴³

So talent and desert appear firmly embedded in our public culture even for those who are uncertain whether the American economic system can really deliver the goods. Although some elements of Rawls’s egalitarianism are present, they conflict with a view of equality that Kymlicka has described this way: “in a society where no one is disadvantaged by their social circumstances, the people’s fate is in their own hands. Success (or failure) will be the result of our own choices and efforts. Hence whatever success we achieve is ‘earned,’ rather than merely endowed on us. In a society that has equality of opportunity, unequal income is fair, because success is ‘merited,’ it goes to those who ‘deserve’ it.”⁴⁴

Rawls, too, thinks that people should be rewarded for hard work and talent; indeed, they have a legitimate expectation of such a reward. Under the difference principle, unequal income is fair. However, the ultimate justification for the reward is not desert; rather, it is that a system that offers such a reward can be shown to be good for everyone and especially the least well-off in society. Is this an important difference? I think it is. There is evidence to suggest that citizens in the U.S. today are willing to tolerate much higher levels of inequality as result of a natural lottery than one could possibly imagine in a Rawlsian well-ordered society.⁴⁵ As Hochschild’s study shows, even those at the bottom who do not necessarily think that the system is very fair have a conception of social justice based on desert not constrained by a higher principle of egalitarianism.⁴⁶ The willingness to tolerate high levels of inequality can be tied back to notions of desert and a view of economic justice that sees it more as a fair race than as a cooperative joint venture.⁴⁷

Public culture goes as far as the first part of the second principle, but not much farther. Rawls wants to insist that there is a glaring inconsistency here: “Once we are troubled by the influence of either social contingencies or natural chance on the determination of distributive shares, we are bound, on reflection, to be bothered by the influence of the other. From a moral standpoint the two seem equally arbitrary.”⁴⁸ If we think race and gender should not count, then we must also think that natural talent should not count from a moral point of view. Indeed, Rawls often talks about the difference principle as an integral part of a vision of fundamental equality that has reciprocity at its center: “It is nevertheless important to try to

identify the idea of equality most appropriate to citizens viewed as free and equal, and as normally and fully cooperating members of society over a complete life. I believe that idea involves reciprocity at the deepest level and thus democratic equality properly understood requires something like the difference principle.”⁴⁹ Here Rawls is connecting the three levels of equality that I mention at the outset: that we are all free and equal in a fundamental sense leads to the recognition of political equality, which in turn should lead to an egalitarian view of social justice. But the fit is not perfect and public opinion data suggest that citizens can hold to a strong sense of democratic equality without being strongly egalitarian.

Rawls appears to have come to the same conclusion. As he moved beyond *A Theory of Justice*, the difference principle began to take on an oddly double life. On the one hand, Rawls never wavered from the opinion that the difference principle (or something very much like it) is part of the most reasonable conception of justice.⁵⁰ It retains a central place in the last and fullest articulation of justice as fairness. On the other hand, in articulating a political conception of justice he realizes that principles of distribution cannot become constitutional essentials because, among other reasons, there is too much controversy surrounding them.⁵¹ But more importantly, Rawls notes that a liberal conception of justice really only need include “measures to insure that all citizens have sufficient material means to make effective use of . . . basic rights.”⁵² This is a very broad guideline which, taken at face value, need not lead to the difference principle (or anything like it).

The difference principle lives on as Rawls’s favored interpretation of economic justice and indeed, throughout *Political Liberalism*, he uses it as the exemplar of economic justice, even while no longer insisting that it is the only possible candidate for a fair principle. But in addition to demoting its status within the theory, there is a more subtle fading away of the topic. Social justice is no longer front and center. His growing concern to find a view of justice that would be compatible with pluralism came to overshadow his deep commitment to egalitarianism. He thought that egalitarianism flowed from our ideals latent in public culture but had to concede that an overlapping consensus on strongly egalitarian principles (difference principle or otherwise) did not seem a realistic possibility. So he kept the difference principle but did not insist on it (or anything like it). To insist on the difference principle would be to take a strongly political and critical stance at a time when Rawls was more interested in arguing why we already possess the grounds for an overlapping consensus on justice. Thus we have the odd picture that as Rawls’s theory became more political in one sense—that is, more about the citizen’s point of view—it had to become less political in another sense—that is, seen to advocate a normative agenda on social justice.

Egalitarian Ethos

The difference principle runs up against a lack of consensus that might underpin egalitarian principles. Is this the same as saying that we need an egalitarian ethos before we can have an egalitarian social system? Not quite. It is important to keep two problems separate. The first might be called the problem of pluralism and private good, while the second we can call the problem of pluralism and public justice. With regard to the first problem, Rawls insists that in a well-ordered society one could imagine the difference principle (or something like it) regulating that basic structure of society but not necessarily being a principle which each individual adopts in making personal life choices, even economic choices. Thus, institutions must be regulated in such a way as to benefit the least well-off, but individuals do not need to—nor should we expect them to—regulate their own economic behavior in such a way that benefits the least well-off. Even in a well-ordered society, we are likely to see individuals who are motivated by a “me-first” outlook rather than any deep sense of reciprocity.

This argument has been most famously challenged by G. A. Cohen. He maintains that Rawls’s insistence that the difference principle regulate the basic structure alone, and not individual choices, makes it unworkable and unrealistic.⁵³ For egalitarianism to work at the macro level, it must be mirrored at the micro level in the personal ethos of individuals. Cohen argues that if the difference principle is not internalized as a principle of private conduct and morality, then individual choices will continually undermine its effectiveness. The claim is that institutions could not be arranged to benefit the least well-off in society if the individuals whose behaviors constitute such institutions acted on different or even contradictory principles. A world full of me-firsters regulated by the difference principle—something Cohen thinks Rawls is willing to contemplate—would be a world in which private choices would continually sabotage public goals.

Rawls is reluctant to insist that individuals take the difference principle as a personal principle because such a move would step out of *political liberalism* and into the world of comprehensive moral doctrines. Norman Daniels defends the Rawlsian position this way: “To suggest that the demands of justice—my commitment to the goals of the difference principle—must outweigh the moral and religious commitments within my life is to pit justice against reasonable pluralism.”⁵⁴ Daniels offers the example of the rabbi who would have had to choose a different career path if acting according to the difference principle because he could probably do more to improve the life chances of the least well-off if he had developed other, more market-oriented talents. Do we really want to find moral fault in such a decision? Daniels wants to insist that the most important lesson to take home from Rawls is that our

liberal conception of justice be compatible with pluralism. He is willing to concede Cohen's point that this might mean a serious and damaging shortfall between individual moral priorities and egalitarian principles. But this is the price we pay for pluralism. Daniels maintains that we cannot insist or, for that matter, even suggest that parents ought to inculcate a concern for the less fortunate in their children. This would intrude on "first-principle liberties."⁵⁵ So we end up with the very strange conclusion that one would have to violate the first principle in order to make the second principle effective. But this I think misapplies the arguments of *Political Liberalism* to the question of egalitarian ethos.

Political Egalitarianism

In Rawls's later work he was concerned with investigating and mitigating the tension between a shared commitment to liberal principles and divergent visions of the good. He went some way in reconciling liberal ideas of political equality with pluralism. This argument had the unintended effect of weakening the egalitarian component of his liberalism. It was impossible to argue that there was anything like a consensus on the difference principle. The claim that the difference principle rested on ideas latent in our political culture came up against the fact that there are other ideas that have an equal and perhaps stronger claim on our conception of justice. The fact is that Rawls's egalitarianism is very radical and far ahead of public culture. His discussion of property-owning democracy is enough to tell us that. Therefore, the more he was concerned with showing that justice as fairness did not make huge demands on our preexisting ideas and values, the more the difference principle had to disappear. But the lack of a consensus on social justice is not due to pluralism or conflicting private principles of choice; Daniels and Cohen are both off track here.

Egalitarianism does not founder on the shoals of pluralism or private egoism; it founders on the shoals of an alternative public conception of social justice. Erik Olin Wright, in a recent issue of *Politics and Society* devoted entirely to egalitarian proposals for redesigning initial distribution rather than redistributing market outcomes, acknowledges that there is no corresponding interest in such egalitarian schemes among the public.⁵⁶ Not because of pluralism, but because one political ethos has come to dominate the public sphere, "instead of a political ethos in which the basic well-being of all citizens was seen as part of a collective responsibility, the vision (has become) one in which each person took full 'personal responsibility' for their own well-being."⁵⁷ The ethos of 'personal responsibility' has roots in "ideas that are latent within our political culture" just as much as the ethos of collective responsibility.

The issue here is about ethos, it is about the hearts and minds of citizens, but it is not about personal choices. It is

not about whether one should be a rabbi or someone who creates material opportunities for the disadvantaged. Perhaps if we lived in a world governed by something like the difference principle we would have to think about the sorts of choices that would be required to maintain it. But we are not there yet. For "you and me who are elaborating justice as fairness and examining it as a political conception of justice", the debate is about the content of the liberal conception that informs and structures our world. We have a basic structure that distributes shares to each and every individual. That basic structure is supported and made stable by a political ethos, that is, by an underlying view of social equality. That view is unstable not because, as Rawls thought, it lacked logical consistency. It is unstable because it draws on contradictory ideas that have an equal claim to be part of our political culture.

Which way do we go? What has more of a claim on us—a first order concern for each and every individual and how they fare in the system or a fair race that rewards those who make the most meaningful and significant contributions? Rawls tried to combine the two but with priority given to the first and rewards for effort and contribution playing a supporting role. We appear to have a system that reverses the order. To bring our system more in line with a Rawlsian vision would involve actually *creating* the public political culture that Rawls simply *assumed* was present within contemporary liberalism. Perhaps in the late 1960s when he was finishing *A Theory of Justice*, one could imagine such a culture developing. By the end of his career he must have recognized the lack of cultural resources to underpin the social justice component to his view of liberalism. He was by then interested in the question of justification; in particular, he was interested in how to justify a conception of justice given the fact of pluralism. To take up and continue the Rawlsian project would also, it seems to me, involve questions of justification. Such a project would ask how to transform public commitments to political equality into public commitments to egalitarian justice. Transformation, however, was never on Rawls's agenda. He was an egalitarian and he thought that deep down so were we all. Egalitarianism was the reasonable, not the revolutionary, conclusion to draw. Would that it were true.

Notes

- 1 For a similar reading of Rawls, see Kymlicka 2002, 88–96 and Krouse and McPherson 1988, 157–85.
- 2 JFR, 42. Even in the post-9/11 atmosphere of heightened concern for security, Americans still value civil liberties in poll after poll. Davis and Silver, for example, examine whether Americans prefer security against terrorist attacks over the protection of civil liberties. Overwhelming majorities thought that when it came to taking such measures

- as investigating non-violent protestors (92%), racial profiling (82%), conducting searches without a warrant (77%), or monitoring communications (66%), civil liberties should be preferred over protecting security.” Davis and Silver 2004, 33.
- 3 *JAF*, 42. McClosky and Zaller (1984, 83) cite earlier work showing that nearly all people (98%) agree that “everyone in America should have equal opportunities to get ahead” and “Children should have equal education opportunities” (their data source is Westie 1965, 527–38).
 - 4 *JAF*, 43. Public opinion data, while supporting this finding is often indirect as the difference principle itself, is not usually the subject of inquiry; see McClosky and Zaller 1984. Feldman and Steenbergen, however, note that when it comes to helping the least-advantaged members of society, Americans are motivated by humanitarian, not egalitarian, values: “If egalitarianism was the driving force behind public attitudes toward welfare, we would expect Americans to express greater support for redistributive policies since these most clearly contribute to equality. In fact, Americans overwhelmingly reject such policies, expressing support instead for policies that are much more tenuously associated with the goal of a more equal society (e.g. support for homeless shelters)” in Feldman and Steenbergen 2001, 659.
 - 5 That consensus is the bottom line for both justification and stability was an argument already present in TJ(581): “It is perfectly proper, then, that the argument for the principles of justice should proceed from some consensus. This is the nature of justification.”
 - 6 See Barry 2001b, 478.
 - 7 Arneson 1993, 489.
 - 8 Some of the more well-known names in this debate are Ronald Dworkin, Amartya Sen, Richard Arneson, G. A. Cohen, and J. E. Roemer. For an overview of the debate see Ivison 2002, 117–124, and Clayton and Williams 1999, 445–64.
 - 9 *TJ*, 7
 - 10 “How is it possible for there to exist over time a just and stable society of free and equal citizens, who remain profoundly divided by reasonable religious, philosophical, and moral doctrines?” *PL*, 4.
 - 11 *JAF*, 5
 - 12 *PL*, 28
 - 13 *PL*, 13, 43
 - 14 Nagel 1991, 63–74; Arneson 1993, 503.
 - 15 See Richardson 1999.
 - 16 See DiQuattro 1983, 53–78.
 - 17 *JAF*, 135–140; Meade 1964.
 - 18 See Krouse and McPherson 1988. They also offer a very comprehensive list of theorists who make this assumption.
 - 19 *JAF*, 135.
 - 20 *JAF*, 39.
 - 21 Some redistribution will be inevitable even under property-owning democracy. The idea would be to minimize it.
 - 22 Krouse and McPherson 1988, 99.
 - 23 *Ibid.*, 103.
 - 24 *JAF*, 140.
 - 25 *JAF*, 49.
 - 26 *PL*, 157.
 - 27 Cohen 1989, 727–51.
 - 28 *TJ*, 75.
 - 29 *TJ*, 22.
 - 30 *TJ*, 26.
 - 31 “The difference principle explicates the distinction between treating men as a means only and treating them also as ends in themselves. To regard persons as ends in themselves in the basic design of society is to agree to forgo those gains which do not contribute to their representative expectation. By contrast to regard persons as means is to be prepared to impose upon them lower prospects of life for the sake of higher expectations of others”, in *TJ*, 180.
 - 32 Nagel 1991, 66.
 - 33 *Ibid.*, 68.
 - 34 Rather than aggregates, one is forced to make pairwise comparisons. Obviously this is not possible with every single individual in society, so instead, one works with “representative individuals” of groups. “Representative individuals” is not a form of aggregation. How one decides on the description of representative individuals, that is, how one would decide what constitutes the least well off in society is also widely debated. See Richardson 1999.
 - 35 *TJ*, 104.
 - 36 *TJ*, 74.
 - 37 *TJ*, 101.
 - 38 Cohen 2002.
 - 39 *TJ*, 102.
 - 40 Scheffler 1992, 299–323.
 - 41 Lane 1962, 61, 69, and 71.
 - 42 McClosky and Zaller 1984, 91.
 - 43 Hochschild 1981, 143.
 - 44 Kymlicka 2002, 58.
 - 45 The Feldman and Steenbergen 1992 survey of citizens in New York State shows that 81% of respondents agree that “Incomes cannot be made more equal since people’s abilities and talents are unequal” (Feldman and Steenbergen 2001, 663).
 - 46 Her respondents, both rich and poor, “agree on the principle of differentiation, not of equality” (Hochschild 1981, 111).
 - 47 For example, the 1993 General Social Survey asked this question: “Some people think America should promote equal opportunity for all, that is, allowing

everyone to compete for jobs and wealth on a fair and even basis. Other people think America should promote equal outcomes, that is, insuring that everyone has a decent standard of living and that there are only small differences in wealth and income between the top and bottom in society. Which do you favor: promoting equal opportunity or promoting equal outcomes?" 84% answered, promoting equal opportunity. (Davis, Smith, and Marsden 2003).

48 *TJ*, 74–75.

49 *JAF*, 49.

50 *JAF*, 49.

51 *PL*, 229–30.

52 *PL*, 157.

53 Cohen 1997, 3–30; Cohen 2000. For a discussion of the debate see Daniels 2003, 241–76; Estlund 1988, 99–112.

54 Daniels 2003, 268.

55 *Ibid.*, 270.

56 *Politics and Society* 32 (1) contains contributions from Erik Olin Wright, Philippe Van Parijs, Bruce Ackerman, Anne Alscott, Stuart White, Carole Pateman, Barbara Bergmann, and Edward Wolff.

57 *Ibid.*, Introduction.