

RECONSIDERING RAWLS: JUSTICE AND SOLIDARITY

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RECONSIDERING RAWLS: JUSTICE AND SOLIDARITY

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DECLARATION OF ORIGINALITY

I, Tuğba Sevinç Yücel, certify that

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- this thesis contains no material that has been submitted or accepted for a degree or diploma in any other educational institution;
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Dissertation Abstract

Reconsidering Rawls: Justice and Solidarity

The aim of the present thesis is to explore the solidaristic foundations of Rawls' liberal theory of justice. Critics commonly argue that Rawls neglects solidarity and civic bonds, and adopts an individualistic perspective. I argue that the ready dismissal of critics of the possibility of solidarity in Rawls' works lies in their identification of community and solidarity. Communitarians view civic solidarity as essentially rooted in the tacit solidarities already in place in society, and conclude that only by facilitating these already-existing bonds and attachments can civic bonds in society be strengthened. In this respect, I argue that, Rawls' communitarian critics ignore the two central activities of citizens that Rawls endorses: "the productive activity" and "the activity of political participation" and how these activities could foster citizens' solidarity. In this vein, I argue that two distinct kinds of solidarity can be detected and developed in *A Theory of Justice*: democratic and economic solidarity. I argue that in *A Theory of Justice*, Rawls conceives of citizens as active contributors to the joint social product. "The difference principle" requires inequalities benefiting the least advantaged and as such it expresses the solidarity of the least and most advantaged economic classes in society. And, democratic solidarity, for Rawls, is generated by citizens' desire to establish and sustain just democratic institutions.

Tez Özeti

Rawls’u Yeniden Düşünmek: Adalet ve Dayanışma

Bu çalışmanın amacı, Rawls’un liberal adalet teorisinde nasıl bir vatandaş dayanışması anlayışı olabileceğini ortaya koymaktır. Eleştirmenlerin genel görüşüne göre Rawls’un adalet teorisi bireycidir ve vatandaşlar arası bir dayanışmada üretmez. Ben bu sonucun eleştirmenlerin belli bir vatandaş dayanışması modelini temel almalarından ötürü yanıltıcı olduğunu ileri sürüyorum. Bu modele göre, vatandaşlar arası dayanışma ancak bireylerin toplumda hali hazırda içinde bulundukları bir takım bağlar ve sadakatler sayesinde ve bunların güçlendirilmesi yolu ile mümkündür. Rawls eleştirmenleri Rawls’un vatandaşları toplumda iki temel faaliyet içerisinde betimlediğini: “üretim” ve “demokratik katılım” ve bu iki faaliyetin vatandaşlar arası dayanışmaya nasıl etki edebileceğini göz ardı ederler. Bu bağlamda, Rawls’un *Adalet Teorisi* kitabında iki farklı dayanışma fikrinin olduğunu ve geliştirilebileceğini öne sürüyorum: demokratik dayanışma ve ekonomik dayanışma. *Adalet Teorisi* kitabında, Rawls vatandaşları toplumsal üretimin faal katılımcıları olarak tanımlar. “Farklılık İlkesi” toplumda ekonomik olarak dezavantajlı olanların maddi eşitsizliklerden faydalanmasını bu eşitsizliklerin kabulü için önkoşul olarak görür. Rawls’a göre, Farklılık İlkesi toplumda ekonomik olarak avantajlı ve dezavantajlı olanlar arasındaki bir dayanışmayı ifade eder. Rawls, vatandaşlar arası demokratik dayanışmayı ise onların adil ve demokratik kurumları kurmak ve güvence altına almak amacıyla birleşmelerine dayandırır.

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CHAPTER 1

INTRODUCTION

The scholarship on John Rawls lacks a reading of Rawls' theory that scrutinizes its solidaristic foundations. In this dissertation, I examine the ways in which the idea of solidarity can be detected and developed in Rawls' theory of liberalism. I argue that in *A Theory of Justice* Rawls implicitly presumes and draws on two distinct sources of solidarity in democratic societies.¹ Hence, against the quick dismissal of critics of the possibility of solidarity in Rawls' liberal theory of justice, I argue that in a just society Rawls anticipates citizens' being bound together with respect to two joint activities they collectively engage in: productive and political (democratic) activity. Hence, the dissertation constructs these two collective activities of citizens as constituting the bases of two kinds of solidarity in Rawls' *Theory*: economic and democratic solidarity.

The lack of constructive analysis on the subject of solidarity appears to be a result of the fact that the notion of solidarity (*fraternity* is the term preferred by Rawls) is only mentioned in passing a few times in Rawls' major works, and therefore, has never been a central theme in his theory.² Rawls frequently refers to certain related concepts such as civic friendship, civic bonds, mutual trust and social unity. Yet, none of these ideas are central to his theory as much as justice, fairness and reciprocity are. The

¹ John Rawls, *A Theory of Justice*, Original Edition, (Cambridge, MA: Harvard University Press, 1971), (hereafter cited in text as *Theory*).

² The terms *fraternity* and *solidarity* are mostly used synonymously. In this dissertation, however, I will use the term *solidarity*, because *fraternity*—meaning brotherhood—is a masculine-gendered word. *Solidarity*, on the contrary, is gender neutral and refers to the same kinds of ideals as *fraternity* e.g. unity, togetherness, mutual support and collective responsibility. In this respect, *solidarity* could be viewed as the modern heir of the ideal of *fraternity*.

major discussion of solidarity takes place when Rawls describes one of the merits of “the difference principle” as that of providing “an interpretation of the ideal of fraternity.” (*Theory*, 105) In this passage, Rawls stresses the relative neglect of the concept of fraternity in democratic theory in comparison to other ideals such as equality and liberty. For Rawls, this is because fraternity is thought to refer “certain attitudes of the mind or forms of conduct” and is not defined as a political principle or right. Rawls stresses that although fraternity is always regarded as crucial for the realization of political principles and rights, it is not considered as a political principle in itself. For Rawls, a further reason for the neglect of the concept is that fraternity is thought to refer to ties of sentiments and feelings which, for many, are “unrealistic” to expect between members of the wider society (*Theory*, 106). However, Rawls claims that with the difference principle, the ideal of fraternity finds its proper place in democratic theory. For Rawls, the difference principle as an expression of the ideal of fraternity “imposes a definite requirement on the basic structure of society” and for this reason, it is no longer “an impracticable concept.” (Ibid.) For Rawls, thus, the difference principle corresponds to the natural meaning of fraternity which is expressed in citizens’ unwillingness to gain advantages at the expense of each other. Rawls says; “[t]hose better circumstanced are willing to have their greater advantages only under a scheme in which this works out for the benefit of the less fortunate.” (*Theory*, 105)

A vigorous response to Rawls’ interpretation of fraternity immediately comes from his communitarian critics. Communitarians like Sandel and Taylor emphasize the liberal individualistic framework of *Theory*, and claim that the difference principle requires more encompassing ties and attachments among persons than Rawls’ *Theory*

allows for. To quote Taylor, “Rawls’s egalitarian difference principle, which involves treating the endowment of each as part of the jointly held resources for the benefit of a society as a whole, presupposes a high degree of solidarity among the participants.”³ By drawing on the idea of the “original position,” which situates individuals behind a veil of ignorance and attributes disinterested rationality to them, the communitarian critics argue that Rawls assumes an “atomist” and “isolated” conception of persons whose relations to one another are weak and conditioned upon mutual advantage. Among such self-interested individuals, critics conclude, solidarity is impossible.

However, communitarians mostly focus on “the original position” and neglect other parts of Rawls’ *Theory*, which, I argue, leads a reading of Rawls which is partial and consequently faulty. Having noted this, I argue that Taylor and Sandel are right in their observation that the difference principle requires assuming more encompassing relations between parties. Thus, I argue that communitarians are right in their diagnosis, yet they fail to see the solidaristic assumptions of Rawls’ theory of justice because of their identification of solidarity with community. In response, my thesis is that Rawls implicitly presumes and draws on two sources of solidarity in democratic societies in *Theory*. These assumptions are not obvious in the original position argument where persons are to choose the principles for the basic structure of society on the basis of their self-interest. Rather, they could be detected from Rawls’ discussions of the basic structure as the subject of justice and the distribution of natural talents as the collective

³ Charles Taylor, “Cross Purposes: The Liberal-Communitarian Debate,” in *Philosophical Arguments* (Cambridge, MA: Harvard university Press, 1995), 184. See also: Michael J. Sandel, “Justice and the Good,” in *Liberalism and its Critics*, edited Michael Sandel (New York: New York University Press, 1984), 171.

assets of society. In these discussions, I argue, Rawls endorses strong dependency between the society and the individual. Thus, I argue that Rawls views society as the product of the collective activities of its citizens. Then, I argue, to expound the solidaristic bases of *Theory*, it is necessary to read *Theory* to explicate the various ties, bases of unity, relations and dependencies Rawls assumes throughout. It is also necessary to pay fair attention to various aspects of Rawls' theory other than the original position, including the method of reflective equilibrium and the practical role of political philosophy for Rawls.

To this end, however, it is necessary to start with analyzing the concept of solidarity. Thus, in the second chapter, I scrutinize the meaning of civic solidarity and examine the nature of civic bonds thoroughly. I focus on the following questions: what do we mean when we say that citizens are in solidarity? What are the characteristics of a solidaristic society? And, lastly, is the communitarian conception of solidarity the only alternative for characterizing the relations of citizens in a political society? With the last question, the second chapter problematizes the identification of solidarity and community, and attempts to develop an alternative account of solidarity. To this end, I describe various types of solidarity: political solidarity, civic solidarity, global solidarity, and others. Although my aim is not to analyze the concept of solidarity exhaustively, a discussion of various types of solidarity is useful for developing a political conception of civic solidarity as an alternative to the communitarian understanding of tacit solidarity already in place. Thus, by drawing on the coupling of the ideals of justice and solidarity in 19th century liberation movements, I deploy a conception of civic solidarity which is political, cooperative, voluntary and directed toward a shared political goal. In general, I

define civic solidarity as a willingness to share risks and responsibilities with others as along with benefits in cooperative joint activity directed at a shared political end, which is, for Rawls, “establishing and successfully conducting reasonably just democratic institutions.”⁴

In developing a political conception of civic solidarity further, I scrutinize the nature of civic bonds, and classify the bases on which civic bonds could be established. I argue that civic bonds are either thought to be generated as the result of natural ties and attachments such as nationality, shared forms of life and culture as communitarians believe, or conceptualized as arising from the joint activity of citizens. For the latter account of civic solidarity, the joint activity account, I will consider two central activities as the bases of citizens’ solidarity: the activity of production and the activity of political participation. Developing the productive activity account, I draw on Marx’s view of society as basically a productive activity and describe how productive relations could create bonds, interdependencies, relations and responsibilities in society for Marx. For the second, political participation account, I will further distinguish two alternative views: the instrumental view and the perfectionist view. Whereas the former view understands the activity of participation as a means to other ends, the latter view understands political participation as an intrinsic human good and an essential part of human realization. This analysis prepares the ground for conceptualizing Rawls’ position. I argue that Rawls commits to the joint activity account of civic solidarity and conceptualizes citizens’ bonds as arising from two joint activities citizens engage in,

⁴ John Rawls, *Political Liberalism* (New York: Columbia University Press, 2005), 204 (hereafter cited in text as *PL*).

namely productive and political (democratic) activities. In this respect, I argue, Rawls conceives of citizens both as equal participants in the sovereign power and active contributors (or producers) to the joint social product. In the third chapter, I develop this claim and argue for the existence of two solidarities in Rawls' *Theory*: economic and democratic solidarity.

In the second chapter, I also scrutinize what exactly characterizes citizens' relations as one of solidarity and what manifestations and expressions indicate the existence of solidarity among citizens, or its absence, accordingly. In general, I elaborate the requirements for describing a society as solidaristic. I argue that to call an act or society solidaristic, individuals must act voluntarily with the aim of advancing the good of another person and with the presence of a sense of unity or togetherness with that person. Then, I describe two rival views—rationalist and sentimentalist—regarding what motivates citizens to act in solidarity and leads them to take into account the well-being of their fellow citizens. Whereas the rationalist account describes the motivation of solidarity in terms of persons' rational agreement or principled commitment to values and principles such as equality and justice, the sentimentalist account describes the motivation of solidarity in terms of feelings and emotional attachments such as sympathy, benevolence, love and compassion. After discussing both views in detail, I develop an alternative account emphasizing the importance of citizens' "recognition" of the facts about their society and relations for solidarity. In this account, the willingness to act in solidarity with others is grounded in citizens' recognition of their society as a collective achievement and as one of mutual interdependency. I thus argue that the concern for the well-being of others could be accounted for as the result of people's

gaining an understanding of how we are deeply related in society and dependent on one another. Such an insight into our societal relations will contribute to our understanding of “togetherness” even though we mostly view our fellow citizens as strangers and ourselves as self-sufficient beings. This account, I argue, enables us to account for the existence of a concern for the wellbeing of others without necessarily relying on the existence of sentiments, which even for sentimentalists is difficult to promote in the wider society; at the same time, it avoids reducing solidarity to bloodless commitment or rational agreement on principles. I argue that Marx employs this idea in his notion of class consciousness and considers discovering the real operation of capitalist society as fundamental for the unity and solidarity of the working class. I argue that similarly, Rawls believes that once the profound effects of the basic structure on citizens’ lives and prospects, and the interdependency of citizens in society are properly recognized, this insight into the operation of society will cause a transformation in citizens’ understanding of their society and their view of one another. I argue that Rawls’ basic structure argument aims to reveal the deep down interdependency of citizens in society. For Rawls, once this fact about society is recognized, both the least and most advantaged citizens accept the requirements of justice without difficulty.

In chapter 3, to the end of exposing solidaristic bases of *Theory*, I propose to read Rawls’ *Theory* in three parts: before the original position, the original position and the well-ordered society of justice as fairness.⁵ I argue that Rawls starts with solidarity and

⁵ John Rawls, “Kantian Constructivism in Moral Theory,” in *John Rawls: Collected Papers*, edited Samuel Freeman (Cambridge, MA: Harvard University Press, 1999), 320-1. Rawls distinguishes “three points of view” which the reader adopts throughout *Theory*, these are (1) that of the parties in the original position, (2) that of citizens in the well-ordered society, and (3) that of ourselves—you and me. Note that the division I utilize above draws on Rawls’ “three points of view.”

presumes the existence of two distinct kinds of “relations” between persons in the original position: economic and political relations in an abstract form, on which I develop two distinct conceptions of solidarity: economic and democratic solidarity.

Examining the first part, I investigate the role of the original position in *Theory*. I elaborate why citizens of a democratic society, “you and me,” to use Rawls’ phrase, find the original position theoretically appealing. I stress that for Rawls, the original position is a hypothetical device which models citizens’ most considered convictions about justice as reasonable constraints on the rationality of the parties in the original position. The virtue of the original position lies in its ability to test our most considered convictions of justice and to give them a coherent interpretation. Thus, Rawls assigns a practical task for political philosophy which is to find a shared ground among citizens by clarifying and ordering their thoughts about justice. (*Theory*, 53) Against these points, I argue that Rawls draws on the historical cultural consensus on liberal and democratic values in *Theory*.

Thus, I argue, the three parts of *Theory* illustrate how the historical and cultural consensus on liberal and democratic values undergoes a procedure of abstraction with the original position which enables citizens to reach a moral and rational consensus on these values. Yet, the process does not end here. Rawls requires that the moral consensus achieved on the two principles of justice is again made concrete in the institutions of the well-ordered society. The four-stage sequence illustrates this last stage and helps to concretize the two principles in the basic institutions of society. The aim of this procedure, for Rawls, is to enable citizens to understand as well as interpret their already

existing bonds more clearly and firmly than before, as much as it is to justify the principles that govern the institutions of society to every citizen as principles which free and equal rational persons could endorse to one another as fair terms of social cooperation. I argue that for Rawls, the moral consensus achieved in the original position strengthens the basis of citizens' unity and their bonds as much as it meets the need for legitimizing the basic institutions of society to citizens. (*PL*, 137) It should be emphasized that Rawls does not argue that the bonds among citizens are established in the original position, the view which communitarians mistakenly attribute to Rawls. Instead, as I argue, Rawls thinks that the moral consensus achieved in the original position strengthens the already existing historical consensus on democratic values. Thus, what the original position and the conception of justice accomplish is that they clarify "the shared ground" by providing more discriminating moral conceptions for citizens of democratic societies to adjudicate their differences and resolve their competing claims. (*PL*, 393) Furthermore, Rawls hopes that the conceptual clarity this procedure provides citizens will make their bonds firmer and more inclusive, and anchored on stronger grounds.

Thus, in the last part, in the well-ordered society, Rawls assumes that citizens hold the same public political conception of justice. (*Theory*, 263) Rawls sees that although citizens are divided by their viewpoints and conceptions of the good, the moral political consensus on justice binds them together and generates civic friendship and solidarity between them. Thus, for Rawls, the shared conception of justice harmonizes the well-ordered society and generates civic solidarity. I discuss this point in detail in chapter 5.

Then, in the third chapter, I address certain objections to Rawls' method of justification, particularly to "the method of reflective equilibrium." It is necessary to note that for many critics, Rawls' *Theory* is more of an attempt at value clarification than value justification. I thus examine some major objections to Rawls' method including the charge of conservatism. I underscore that Rawls is concerned with moral consensus and not primarily with moral truth, and sees the attainment of moral consensus as the practical, hence fundamental, task of political philosophy.

With respect to this discussion, I stress that Rawls does not offer a justification for solidarity but simply presumes it in two fundamental ways: firstly, solidarity is presumed to the extent to which Rawls draws on the historical cultural consensus on democratic values; and secondly, it is assumed by characterizing parties of the original position in abstract political and productive relations and dependencies.⁶ Furthermore, I argue that Rawls also has a normative view of solidarity, claiming that citizens ought to be bound with respect to certain aspects of their social life (political and productive) and not others (culture, religion, ethnicity or substantial views of the good). Now, I return to the original position and describe the two joint activities of citizens.

I argue that, by conceiving of persons as members of a closed national political state, Rawls posits persons of the original position as representatives of citizens. Firstly, in this admittedly abstract sense, persons of the original position are not single and isolated individuals. They know themselves as representatives of citizens of a closed

⁶ I use "abstract" to refer to the fact that in the original position, persons do not know the particular characteristics of their society. For instance, they do not know which particular economic system or political system they are in. Yet, they do know that they produce together and are members of a closed political state.

political society. Furthermore, I argue that Rawls, by conceiving of persons as active contributors to the joint social product, presumes the existence of economic relations and productive interdependencies among persons in the original position. Rather than conceiving of themselves as isolated, individuals know themselves as well as their fellows as contributors to (or producers of) their joint social world. Thus, in addition to being mutually disinterested, the parties of the original position are mutually interdependent. Drawing on Marx and Durkheim, I characterize how productive cooperation creates bonds and interdependencies among those who produce together, and how production relations become a source of solidarity on its own. I argue that for Rawls as well, productive interdependency does not solely express the fact that we would not fare well without others. It also, as I claim, and far more importantly, expresses that the accomplishment is jointly held, and the result of the cooperative efforts of citizens.

Against this background, in the third chapter, I examine Rawls' contribution-oriented conception of justice which he endorses especially in *Theory*. This view could be detected in Rawls' understanding of the least advantaged as the economically least advantaged working person, and economic justice as a matter of distributing the social product among those who actively contribute to it. This view of Rawls is forcefully criticized by Brian Barry. Firstly, Barry argues that the mutual advantage condition contradicts the idea of solidarity; and secondly he claims that Rawls' conception of citizens as active contributors to social product is exclusive of citizens who do not contribute to society actively. In discussing the first criticism, I aim to elaborate the relation between reciprocity and solidarity, emphasizing that persons' "benefiting

together” does not necessarily undermine their solidarity; and with the second, I explore the inclusion capacity of economic solidarity. I agree with Barry that economic solidarity only comprises the productive members of society, and those who fail to contribute to society for various reasons are out of the scope of economic solidarity. Yet, I stress that for Rawls, persons of the original position are not solely active contributors to society, but are also and more fundamentally equal citizens of the democratic state. Drawing on the lexical ordering of the principles of justice, I suggest that democratic solidarity includes all citizens no matter if they contribute or not. I argue that Barry overlooks the place of democratic equality in Rawls’ *Theory*. Thus, I argue for the need for conceiving of economic and democratic solidarity in conjunction. On the other hand, I argue that the idea of contribution is highly problematic and deserves further treatment. For this reason, the fourth chapter is dedicated a detailed analysis of Rawls’ use of the idea of contribution.

In chapter 4, I develop an analysis of economic solidarity by stressing the importance of the basic structure of society for Rawls. My aim is to elaborate Rawls’ fuller conception of society, which is more comprehensive than the one he endorses in the original position. I emphasize that for Rawls, the basic structure of society has “profound effects” on the ways individuals develop and realize their talents. Also, I examine Rawls’ view of desert and natural endowments. Drawing on these aspects of Rawls’ *Theory*, I establish that Rawls presumes a strong dependency between the individual and the society. I argue that although for Rawls the basic structure argument is not a real argument for the principles of justice, it nevertheless expresses “intuitive considerations” we hold about society. I argue that these considerations play a crucial

yet unrecognized role in *Theory*. Drawing on these “intuitive considerations,” Rawls claims that both the most and the least advantaged would comply with the difference principle without difficulty. Hence, I argue, the basic structure argument reflects a transformation (and suggests such transformation) in the way citizens conceive of one another and their society, a transformation in their understanding of their dependence on society and one another. Thus, I stress that Rawls does not think that the difference principle is to be complied by persons who conceive of themselves as isolated and self-sufficient, but by those who conceive of themselves as deeply related and mutually interdependent.

This point is crucial for my interpretation of Rawls’ understanding of contribution. To this end, in the fourth chapter, I turn to libertarian critics of Rawls, especially Gauthier and Nozick, and scrutinize their idea of contribution and compare it with Rawls’ use of the same idea. I argue that contrary to libertarians who conceive of contribution exclusively as the product of an individual’s talents and efforts, Rawls emphasizes that individual contributions are possible only against a jointly built social world. Thus, unlike Gauthier, for Rawls, contribution is not a criterion for deciding whether or not to cooperate with a person, nor does contribution appear in Rawls’ *Theory* as a criterion to assess the comparative worth of citizens’ life plans. Given these points, however, what exactly does the idea of contribution promote in Rawls’ theory if this idea is not understood in the way Gauthier and Nozick understand it?

Drawing on the basic structure argument, I argue that Rawls interprets the idea of contribution as expressing and stressing the fact that “everyone contributes” to society.

Thus, contrary to Gauthier who understands contribution as something that individuals achieve on their own by utilizing their talents, for Rawls, given the basic structure argument, the idea of contribution is used to emphasize the fact that society is the result of citizens' "joint" productive efforts. On this interpretation, then, whether an individual contributes much or little is not that important as it is in Gauthier's theory which he utilizes to assess comparative worth of citizens' lives. In this respect, I argue, Rawls embraces a similar idea to that which I stressed in Marx's view of society, that is, society is the result of the joint productive activity of workers.

However, although Rawls distinguishes his idea of contribution from that of libertarians, "active contribution" to society is what is expected from citizens in a Rawlsian just society. Put differently, willingness to contribute to society in productive ways is part of (perhaps the main part of) what Rawls considers citizens' doing their fair share in social cooperation from which they draw benefits. Rawls states that in a society where equality and reciprocity are valued, "we are not to gain from the cooperative efforts of others without doing our fair share." (*Theory*, 343) Furthermore, I stress that what counts as a contribution are exclusively economic for Rawls. As a result, given Rawls emphasis on active contribution and work, I argue that Rawls' contribution-oriented paradigm of economic justice might undermine citizens' self-respect and as a result threatens the attachments and bonds of non-worker citizens to society. To this end, I first establish the link between persons' sense of self-respect and the strength of their bonds to society; and then the link between self-sufficiency and self-respect for Rawls. Then, I examine cases of voluntary unemployment, involuntary unemployment—

especially the case of natural unemployment—and the case of domestic work and care work which are performed mostly by women.

Examining these cases, I conclude that the requirement of contribution is destructive to the self-respect of persons especially when contribution is understood solely as economic. One might object to this conclusion by stressing that for Rawls, citizens' self-respect is secured mostly by the liberty and opportunity principle. Moreover, Rawls anticipates that differences in income and wealth would not be considered a criterion that determines citizens' status in a well-ordered just society. Also, Rawls holds that the disparities in income and wealth would not be as high in a just society as in unjust societies. However, as I argue, the threat which the above examples illustrate is not that people have less income and wealth than others and for that reason their self-respect is wounded. But rather, what is destructive of their self-respect is the fact that what they do in society is not considered as a contribution to society. In other words, what these people do is not considered as part of their doing their fair share in society. Hence, I argue that democratic solidarity cannot compensate for the negative effects of the less inclusive economic solidarity in these instances.

Also, in the fourth chapter, I consider G. A. Cohen's criticism that the Rawlsian society is less solidaristic than Rawls anticipates, since Rawls does not acknowledge the necessity of an egalitarian ethos in society. Cohen takes the acquisitive behavior of talented individuals and their insistence on incentives as an indicator of lack of solidarity in society. Although Cohen is right in thinking that such acquisitive behavior indicates a lack of economic solidarity in a society, I think he is unjustified assuming that such

behavior would be widespread in the Rawlsian just society. Hence, drawing on Rawls' discussion on the educatory role of just institutions and their profound effects on citizens, I argue that Rawlsian society could have a solidaristic ethos which could influence citizens' ends and characters, but which, however, is not egalitarian in the sense described by Cohen. Then, I will evaluate Cohen's claim that the two principles of justice must govern individual conduct as well as the organization of the basic structure. I establish that for Rawls, the most advantaged act in solidarity and show their recognition of reciprocity as a fundamental virtue of their relations, by voluntarily doing their fair share in supporting and establishing just institutions. Cohen requires that individuals, rather than institutions acting in their name, must be directly concerned with the well-being of their fellow citizens. For Cohen, such concern will be manifest in citizens' taking into account the consequences of their decisions (e.g. the incentive demands in the job market) on the least advantaged. This point requires us to analyze the extent of citizens' obligations in a solidaristic society: whether it is limited to what can be asked within coercive measures of the basic structure or if it involves supererogatory, benevolent and heroic acts.

In chapter 5, I point out a change in Rawls' general framework. I contend that with *Political Liberalism* Rawls is more concerned with the democratic activity of citizens than their joint productive activity. In this later work, Rawls alters some of his major views in *Theory*, including his view of the extent of the consensus that could be achieved in a democratic liberal society. I argue that this revision deserves our attention since it is associated with a change in emphasis on what Rawls considers to be the central activity of citizens. Whereas in *Theory* the aim is to accommodate the conflicting

claims of citizens on the benefits of social cooperation, and to account for the allegiance of the least and most advantaged citizens to the two principles of justice; the central aim of *Political Liberalism* is to accommodate the fact of reasonable pluralism, and to account for the allegiance of citizens who hold different reasonable comprehensive doctrines. As I argue, with *Political Liberalism* Rawls puts less emphasis on the contribution-oriented paradigm of justice and its conception of citizens as active contributors to the joint productive activity, and conceives of citizens predominantly as equal participants in wielding the collective coercive power of the state. I argue that Rawls relies more on individuals' being equal citizens' than on their being active contributors (or producers) to account for citizens' ties and attachments; hence he relies more on democratic solidarity than economic solidarity. I will argue that with the exclusion of the difference principle from the consensus that could be achieved in liberal democracies, Rawls leaves an important source of citizens' unity and solidarity.

Against this background, I examine democratic solidarity and what constitutes the democratic activity of citizens for Rawls. In the second chapter, I argue that Rawls attributes to citizens an independent desire which is to establish and sustain just democratic institutions. Also, Rawls presumes that citizens (intuitively) know that this end could be achieved collectively and jointly "with and through" the efforts of each and every citizen. Thus, in their political (democratic) activity, directed at the shared end of establishing justice, citizens see one another as associates, as civic friends who jointly work to realize a just society. Furthermore, Rawls holds that citizens of the well-ordered society are not "strangers," but persons who share a political conception of justice. Rawls argues that although the well-ordered society is heterogeneous with respect to the

various views and conceptions of the good life citizens hold, it is homogenous with respect to the shared conception of justice citizens hold. (*Theory*, 263) This means that citizens of the well-ordered society not only have a shared end, which is justice, but also a shared conception of justice, meaning they agree on what exactly justice requires. In this respect, contrary to communitarian critics of Rawls, I argue that *Theory* develops a substantial conception of justice and views the well-ordered society as homogenous with respect to the comprehensive doctrine citizens hold in common. In *Political Liberalism*, Rawls confirms this reading of *Theory*, but points out it as a failure to acknowledge fully the fact of reasonable pluralism.⁷ Against this remark, I then demonstrate how Rawls' view of social unity changes between *Theory* and *Political Liberalism*. This analysis prepares the ground for an investigation of what constitutes citizens' democratic activity, namely the activity of democratic participation for Rawls. I establish first that Rawls views democratic participation instrumentally, and he does not endorse it as an intrinsic human good. (*Theory*, 227-8; *PL*, 205-6) Second, Rawls requires citizens to appeal to the shared political conception of justice in their political discussions as the common ground between them. (*Theory*, 221; *PL*, 223) For Rawls, reasonable citizens are not to defend the whole of truth as they see it. (*PL*, 127, 447) But, they are to acknowledge "the burdens of judgment" and honor the limits of public justification. I would like to emphasize that for Rawls the political activity of democratic citizens requires moderating citizens' ambitions in the political domain and consists of citizens' willingness to honor the limits of what could be reasonably justified to others given the fact of reasonable pluralism. Rawls' view of what "ought to" constitute citizens' activity

⁷ Rawls, "Introduction to the Paperback Edition," in *PL*, xl.

in a democratic society, however, to many critics implies passive citizenship and instrumental view of the activity of participation.

Hence, to some critics the strength of citizens' attachments to society would be weak in the Rawlsian just society. As a result, critics argue, the liberal society would lack sufficient motivation to mobilize citizens to pursue the common good. Taylor argues for the need of an additional motivation which he thinks could be provided by patriotic identification with the nation. Nussbaum addresses the same problem and argues that patriotic love which is directed to the nation could be the source of sufficient motivation. Both critics identify civic solidarity with patriotism and emphasize the incapacity of abstract values and principles to motivate citizens to act for the common good. In response, I elaborate on Rawls' account of moral psychology and argue that for Rawls attachment to principles is possible only within a net of earlier attachments to particular persons and associations. I argue that it is a mistake to assert that for Rawls, citizens' allegiance to a just society is merely the result of their attachment to the principles of justice in the "abstract." Taylor and Nussbaum suppose that by arguing that citizens (should) acquire attachment to the principles of justice through rational agreement, Rawls renounces the importance of the particular, both historical and cultural. I will suggest that for Rawls the institutions of society are particularized and historicized forms of the ideals of justice. In this way, I argue, they are the focus of individuals' particular attachments and loyalties. Consequently, I see no reason why Rawls should be understood as denying that citizens attach to particular institutions of their society such as the Supreme Court, while at the same time adhering to the ideals which these particular institutions promote universally.

Furthermore, the extra motivation which Taylor equates with patriotic identification with the particular nation might be provided, at least in the ideal theory where just basic institutions are in place, with the justice of the basic structure of society and citizens' knowledge of it. Rawls argues that when the terms of social cooperation are fair, and the basic structure is just, and when citizens generally view the society as affirming their good, citizens are sufficiently motivated to work for the preservation and stability of these just structures. This is not because their identity is constituted by the democratic community, its history and practices, but because its being just and confirming their good is what motivates citizens to uphold just institutions and protect them, for Rawls.

To conclude, in the present dissertation, although Rawls mostly speaks of justice as a conception of fairness, I suggest a reading which extrapolates from justice as "fairness" to "social unity" and "solidarity." I argue that although Rawls does not explicitly speak about his concern for social unity until after *Theory*, themes like "social unity," "civic friendship" and a concern for finding a "common ground" in society are always central to his thought. Starting from *Theory*, Rawls considers the shared conception of justice as the basis on which social unity is maintained and civic friendship is nourished in society. With *Political Liberalism*, however, Rawls explicitly states that the aim of his philosophy is to investigate the most reasonable basis of social unity given the fact of reasonable pluralism.⁸ (*PL*, 391) Thus, the present dissertation suggests a reading of Rawls that reconstructs the relationship between justice, and social unity and solidarity in his *Theory*.

⁸ Rawls, "Introduction," in *PL*, xxxix.

The dissertation ends by asserting that in the present work, not only has the concept of solidarity provided an unexplored, yet constructive perspective on Rawls' work, but also that Rawls' liberalism, with its emphasis on justice as the fundamental virtue of cooperative activity of citizens, would contribute to our understanding of civic solidarity. In this respect, *Theory* has a paramount place, since it is there that Rawls endorses the idea of productive cooperative activity as one of the bases of citizens' unity and considers economic justice as grounding citizens' solidarity.

CHAPTER 2

SOLIDARITY

In its most general formulation, solidarity is defined as the glue that holds society together, referring to the various ties that bind members of a group, where the scope of the group extends from family and friend circles to small communities such as religious associations, to the wider society, and ultimately to all human beings. Thus, depending on the nature and also the size of the human association, there are many kinds of solidarity. My aim in this chapter is limited to examination of one kind of solidarity, that is, the nature of civic solidarity and the civic bonds that exist between citizens. In order to prepare the way for this investigation, in the first section I will briefly survey the different forms of solidarity, with an emphasis on outlining the general features of the concept explicating its various meanings. In the second section, I will focus on civic solidarity, which I also examine from various angles. Throughout the chapter, I will develop a political conception of civic solidarity which is voluntary, cooperative and essentially linked to justice, and contrast it with the communitarian conception of solidarity. I arrive at a definition of solidarity as a willingness to share risks and responsibilities with others in joint cooperative activity directed at a shared political end. In this respect, persons' willingness to share their fate with one another illustrates one of the insights of solidarity.

2.1 Types of solidarity

In her *Political Solidarity*, Scholz argues that there are multiple solidarities, rather than a uniform solidarity.⁹ Scholz divides solidarity into three main forms: social, civic and political; and identifies many sub-categories of these three. Yet, she argues that there are common features shared by all these forms of solidarity. Scholz observes that in all cases, solidarity mediates between the community and the individual; it emphasizes bonds with others, and community members' interdependence. Solidarity is a form of unity whose nature differs according to what, exactly, binds people together. Lastly, solidarity entails positive moral obligations on members. As we will see, for many thinkers solidarity requires supporting the other or providing help and assistance. In this section, I will largely follow Scholz's classification of the forms of solidarity. Nonetheless, as I will argue, her title of social solidarity is misleading since it obscures the evident communitarian elements in what she calls "social" solidarity.

For Scholz, political solidarity is a unity of individuals who join together to struggle for liberation. Feminist and racial justice movements, civil rights movements and labor movements are well-known examples of political solidarity. One characteristic of political solidarity is that it arises in response to situations of injustice and oppression.¹⁰ Hence, in political solidarity, people from different backgrounds are united by their being subject to the same injustices and forms of oppression. Nonetheless, what unites us is not simply the existence of emotional identification which emerges from our

⁹ Sally J. Scholz, *Political Solidarity* (University Park, PA: Pennsylvania State University, 2008), Kindle edition. All subsequent references will be to this edition.

¹⁰ Ibid., 675-82.

being similarly oppressed. We must also have a common goal and shared interest in eliminating the conditions of our suffering and oppression. It should be stressed that there is no territorial boundary to political solidarity. For instance, women fight for their equal status throughout the world as well as in their society and in their work place. In this respect, political solidarity has the capacity for uniting its adherents around the world.

In all of its forms, solidarity poses an exclusion problem to varying degrees. In the process of constructing unity and harmony among members of a certain group and, accordingly, defining positive obligations among them, solidarity defines a “we” as opposed to a “non-we” or others. However, there are less exclusive forms of solidarity, as in the case of global and human solidarity, as well as less inclusive ones, as in the case of cultural and ethnic solidarity. For instance, it would be exclusive for a state to attempt to generate solidarity among its citizens on nationalistic grounds, since that would exclude other citizens from different ethnic origins and mark them as “other.”¹¹ As history shows, generating solidarity on ethnic or religious grounds divides society rather than uniting it, which is undesirable (and unjust) if the society aims also social unity and social inclusion. It should be noted that for some thinkers, exclusion is, in fact, a condition for solidarity and for the cohesiveness of social bonds.¹² Hence, these thinkers emphasize the inverse relationship between the strength of the bonds and their inclusion capacity. They argue not only that solidarity *is* exclusive, but that it *should be*.

¹¹ Here, I have in mind the construction of nationality on ethnic and racial grounds. For instance, when we say Turkish Nation we can either refer to Turks or the People of Turkey including many ethnicities.

¹² See, for instance, Carl Schmitt for an extremist position. Schmitt argues that social unity could only be maintained by creating a national enemy. Carl Schmitt, *The Concept of the Political* (Chicago: University of Chicago Press, 1996).

For instance, with respect to civic solidarity, communitarians argue that national identity is important for uniting citizens and giving them a sense of collective “we” identity which motivates them to make sacrifices for the common good.¹³ I will return to this point later in this chapter and in the fifth chapter.

On the other hand, one can argue that the exclusiveness of women’s solidarity can be viewed as desirable (or tolerable) given the fact that its aim is to abolish the status inequality and oppression to which women have been subjected for centuries. Similarly, the unity of workers as a class requires viewing the capitalist class as an opponent. It could be argued that the exclusivist nature of workers’ solidarity is necessary for the struggle against capitalism. Yet, Marx saw these antagonisms as transitional. Marx envisages the abolition of all conflicts that divide men after the proletarian revolution. In this way, there will no opposing groups. Communist society, for Marx, is characterized by harmony and the true unity of men. In addition to the exclusion aspect of solidarity, Bayertz underlines a distinct characteristic of solidarity peculiar to liberation movements.¹⁴ For Bayertz, liberation movements are not only exclusive but also adversarial. The oppressed group (for instance, workers and women) takes the rival group (capitalists, men) as its adversary. The success of these liberation movements depends on their capacity to eliminate the privileged status and the unjust advantages of those adversaries.

¹³ For this view, see Charles Taylor, “Cross Purposes.” For the importance of national identity, see Yael Tamir, *Liberal Nationalism* (Princeton, NJ: Princeton University Press, 1993); Craig Calhoun, *Nations Matter* (New York: Routledge, 2007), 149.

¹⁴ Kurt Bayertz, “Four Uses of ‘Solidarity’,” in *Solidarity*, ed. Kurt Bayertz (The Netherlands: Kluwer Academic Publishers, 1999), 9.

But, is solidarity a good, unconditionally? The four features of solidarity that Scholz introduces are morally neutral, since even criminal groups meet these requirements and could be thought of as in solidarity. Thus, it is possible to be in solidarity with others in order to accomplish evil deeds. An example to this sort of solidarity is mafia and military junta solidarity, where members of such groups are in solidarity with one another in order to engage in unjust or anti-democratic deeds. Scholz admits that solidarity is often used incongruously in ways that contradict the moral content of the concept. To address this problem, she calls such examples as “parasitical solidarity.”¹⁵ For another example, consider male solidarity. Feminists argue that practices like sexual harassment promote male solidarity, and such practices contribute to keeping women in a subjugated position. Men display a brotherhood in their practice of subjugating women. They assist each other in courts, political debates and public discussions, and not merely in the family and the private sphere. John Ladd points out this aspect of solidarity, and argues that solidarity could be a means to the attainment of ends such as Nazism. In response to this problem, Ladd suggests that the notion of solidarity must be qualified as an instrumental value to good ends.¹⁶ Following Ladd, I will argue that solidarity is good only if it serves good ends. Thus, only after qualification by prior principles such as equality and justice could solidarity serve the

¹⁵ Scholz, *Political Solidarity*, 372-8. Likewise, Laitinen stresses that forms of solidarity are possible which do not recognize values of equal respect for personhood, freedom, and justice; and which, on the contrary, endorse domination, oppression, disrespect, misrecognition. Arto Laitinen, “From Recognition to Solidarity: Universal Respect, Mutual Support, Social Unity,” in *Solidarity: Theory and Practice*, ed. Arto Laitinen and Anne Birgitta Pessi (London: Lexington Books, 2015), 121.

¹⁶ Scholz, *Political Solidarity*, 525-32.

good.¹⁷ Reconsidering male solidarity, what distinguishes male solidarity from female solidarity as an example of political solidarity is, then, the fact that in female solidarity, what women try to achieve is status equality and gender justice, as opposed to men who, in their solidarity, try to keep their privileged status and unjust advantages. The coupling of solidarity with justice is an important development of the concept of solidarity.¹⁸ In this respect, I will argue, political solidarity contributes to the modern understanding of civic solidarity. I would like to briefly comment on the relation between civic solidarity and political solidarity.

Although the idea of citizenship can be traced back to Ancient Greece, historically the definition of citizenship was extended from white non-worker men to men of color, workers, and women. The liberation movements and political solidarity of these groups led to the extension of the scope of citizenship. As Anderson rightly emphasizes, the most important contribution of these movements lies in their keeping the ideals of equality and freedom alive and powerful to shape political culture of modern societies.¹⁹ I will argue that in the modern era solidarity and the quest for justice has a particular relationship, which should be elucidated. One of the motivations of the present study is to clarify the relationship between justice and solidarity, emphasizing not only how solidarity is required for establishing justice but also how justice

¹⁷ Likewise, Carol Gould argues that solidarity groups need to respect human rights, and acknowledge equal recognition and nondomination in a broader context of justice and human freedom. Otherwise, she emphasizes, one must endorse gangs and hate groups along with groups whose goal is justice. Carol C. Gould, *Interactive Democracy* (Cambridge: Cambridge University Press, 2014), 129.

¹⁸ Klaus Peter Rippe, "Diminishing Solidarity," *Ethical Theory and Moral Practice* 1, no. 3 (September 1998): 356, <http://www.jstor.org/stable/27504040>.

¹⁹ Elizabeth Anderson, "What Is the Point of Equality?" *Ethics* 109, no. 2 (January 1999): 287-337, <http://www.jstor.org/stable/10.1086/233897>.

contributes to the strength of citizens' solidarity.²⁰ The relation between justice and solidarity is viewed mostly in the former way, namely as solidarity contributing to the motivation for establishing justice. At this point, Carol Gould states that she takes solidarity "as contributing to the motivation for fulfilling justice." In a similar manner, I will argue in the third chapter that in Rawls' *Theory* economic justice presumes and draws on a tacit understanding of economic solidarity. Yet, Rawls also contends that once justice is established in society, the existence of justice also contributes to the strength of civic bonds. In this respect, Rawls sees justice and the existence of just institutions as enriching civic ties in society. I will argue for this claim mainly in the fifth chapter. There, I will establish that for Rawls, justice has a role in nourishing civic friendship and social unity in society in the absence of traditional sources of social unity and harmony, e.g. religion, shared history and ways of life under conditions of plurality.

To continue, Scholz maintains that social solidarity identifies individuals as members of tribes, communities or groups where the unity of the group is established with reference to shared attributes, practices, experiences, histories and locations. For Scholz, what is characteristic of social solidarity is that shared attributes or practices are considered to exist and to be constitutive of individual identity.²¹ Hence, in social solidarity, Scholz explains that the bonds among individuals are formed through similarity and identity. Scholz considers human solidarity and cultural solidarity sub-categories of social solidarity, since in her view human solidarity refers to ties between people with respect to their sharing a common human nature, and cultural solidarity

²⁰ Carol Gould, *Interactive Democracy*, 129.

²¹ Scholz, *Political Solidarity*, 809-22.

refers to a shared ethnicity or culture. However, Scholz's classification is problematic with respect to the "identity and similarity" aspect of social solidarity. I argue that, in all forms of solidarity the bonds are formed by (or refer to) similarity and identity such as our identity as citizens or our common condition of oppression. I argue that solidarity always requires "sameness" and "identity" or a shared ground; be it human nature, oppression, suffering, feeling, common interest or values. What distinguishes social solidarity from other forms of solidarity is that the similarity and identity it refers to is *pre-reflective* as in the case of one's culture, and "given" and to some extent considered "beyond human control" as in the case of one's race and sex.²² It is important to stress that although solidarity always refers to "sameness" and "identity," not all solidarities conceive of group identity or sameness in the same way, namely as "given" and constitutive of members' identity.

This point is well illustrated by how liberation movements conceive of the identity of the oppressed. In solidarity peculiar to liberation movements, the identity and sameness which give rise to solidarity is exactly the thing the group wants to eliminate. For instance, women's solidarity emerges from sexism or patriarchy. Furthermore, in their liberation, women question their socially given identity and consider it the source of their subjugation. Women do not consider the shared experience of oppression as necessary for or constitutive of their (reflective) identity. On the contrary, their solidarity aims to eliminate the ground that makes their solidarity possible in the first place.

²²I use the notion of "pre-reflective" to refer to something's being accepted as it is and without theoretical scrutiny and critical reflection. For instance, we mostly view our cultural identity as given because we are born into our culture. And it is pre-reflective so long as we accept our cultural identity without questioning it. Or, the identity of women as it exists in the patriarchal culture is pre-reflective so long as women accept their inferior status or traditionally assigned roles without critical reflection.

Likewise, workers' aim is to eliminate the conditions that give rise to their unity under capitalism. At this point, Scholz's choice of the phrase "social" is misleading because it conceals the communitarian understanding of solidarity in what she calls social solidarity.

According to the communitarian view, solidarity emerges from already existing social bonds and relies on the existence of shared values, practices, history and attributes. In the communitarian view, community (with its shared practices, history, values, and experiences) is conceived of as prior to individuals and constitutive of their identities. Consequently, these natural bonds account for individual members' feelings of responsibility towards the misfortunes of their fellows. I will return to this point and develop it later in this chapter.

Civic solidarity, for Scholz, refers to the relationships between citizens in a political state. Scholz maintains that the civic bond connects people with respect to their membership in the political community. Scholz emphasizes that unlike political solidarity, civic solidarity requires a closed polity which inhabits a certain geographic territory. In her view, civic solidarity expresses the obligations of the state, as a collective, to each citizen. The state has an obligation to protect its citizens against the vulnerabilities which would inhibit their participation in civic life.²³ For Scholz, the welfare state and the social provisions it guarantees to its citizens is the expression of civic solidarity in Europe. Having introduced the general features and types of solidarity,

²³ Scholz, *Political Solidarity*, 545-51.

I will classify civic solidarity with respect to the various sources of unity that might underlie citizens' solidarity in the following section.

2.2 Forms of civic solidarity

In this section, I will elaborate on two views regarding what constitutes citizens' unity in a society. I will argue that relying on different accounts of how social unity is generated in society; one could comprehend civic solidarity in different ways. (1) The nationalist account views society and our political ties as arising from pre-reflective ties and attachments such as the nation, shared history and territory. In this view, civic solidarity is thought to emerge from the natural bonds and attachments of citizens. In non-liberal states, shared identity is based on common ethnic descent, religious faith, or conceptions of the good, whereas in liberal states, civic solidarity is generated through emphasis on shared language, history, institutions and national territory.

However, in the present dissertation, I will argue that civic bonds could also be characterized as emerging from the joint activities that citizens engage in. I will call this view as (2) the joint activity account of civic solidarity. In this view, I argue, citizens' unity is characterized as based on a shared activity that citizens engage in collectively. I will suggest two distinct views regarding what constitutes the activity of citizens. In one view, (2A) the productive activity account; the central activity of citizens is considered as the productive activity they are engaged in. In this account, the bonds that unite citizens arise from their producing together "with and for" others. One could find the roots of this approach to society in Marx. To state briefly, Marx conceives of society in terms of production relations, and of citizens' relations as fundamentally class

relations.²⁴ In Marx's view, other sources of unity such as ideology, nationality, and religion only function to hide the reality that society is essentially founded upon the productive activity of worker-citizens. I will develop the productive activity account in the third and fourth chapters emphasizing the unity-generating and bond-forming capacity of production relations for Marx. There, drawing on the similarity of Marx and Rawls at this point, I will argue that by conceiving of citizens as active contributors to the joint productive activity in society, Rawls endorses an account of economic solidarity. For the time being, however, I should note that this view is not widely held except by socialists, which I claim makes Rawls' use of it in a liberal framework of justice more appealing for theoretical scrutiny. I should also note that Marx conceived of productive relations globally. Rawls, on the other hand, interprets this idea strictly within state borders.

In the other account, (2B) the joint activity of citizens is characterized as the activity of political participation. Citizens' distinctive activity is conceived of as participation in political life and sharing of the power of the state. Again, one should distinguish two different approaches to the nature of the activity of citizenship: perfectionist and instrumental. In the perfectionist account (2B-a) the activity of citizenship is considered essential for citizens' realizing their human nature. This

²⁴ To quote Marx; "In the social production of their life, men enter into definite relations that are indispensable and independent of their will, relations of production which correspond to a definite stage of development of their material productive forces. The sum total of these relations of production constitute the economic structure of society, the real foundation, on which rises a legal and political superstructure and to which correspond definite forms of social consciousness. The mode of production of material life conditions the social, political, and intellectual life process in general. It is not the consciousness of men that determines their being, but, on the contrary, their social being that determines their consciousness." Karl Marx, *Political Economy*, in *The Marx-Engels Reader*, second ed., ed. Robert C. Tucker (New York: W. W. Norton & Company, 1978), 4. All subsequent references to Marx will be to this edition.

conception attaches an intrinsic value to the activity of citizenship and considers civic virtues to be crucial. In the instrumental account, (2B-b) the activity of citizenship is considered as instrumental to and valuable for the realization of citizens' other ends e.g. liberty. In the former view of citizenship, as illustrated by Aristotle, participation in political life is an intrinsic human good and valuable for its own sake. In this respect, Hannah Arendt also endorses the perfectionist account and views political activity as the highest activity of human beings. Arendt argues that human beings realize themselves fully only when they participate in the political life of the public.²⁵ To return to Aristotle, Aristotle characterizes the civic bond as one of political friendship.²⁶ Citizens are friends who have a shared end—the wellbeing of the *polis*—and who work together to realize this end. The shared activity of citizenship requires active participation in the political affairs of the *polis* and demands sacrifices from individuals for the common good.

The instrumentalist view, in contrast, holds that participation in political life has instrumental value. It is a good as long as it contributes to citizens' other ends and conceptions of the good. According to Locke, for instance, a legitimate government is a limited government whose fundamental role is to protect the negative liberties of citizens.²⁷ In this respect, democratic participation is instrumental in enabling citizens to lead government activity and to confine it to the administrative domain, the aim of

²⁵ Hannah Arendt, *The Human Condition*, second ed. (Chicago: The University of Chicago Press, 1998), 175-248.

²⁶ Aristotle, *Nicomachean Ethics*, in *The Complete Works of Aristotle*, ed. Jonathan Barnes (Princeton, NJ: Princeton University Press, 1995), 1729-1867. Aristotle holds that friendship holds political communities together (1155a: 23-25). Moreover, Aristotle states that “the extent of their [men’s] association is the extent of their friendship, ...for friendship depends on community.” (1159b:30-32)

²⁷ Locke, *Second Treatise of Government*, Chapter XI in *Two Treatises of Government*, ed. Peter Laslett (New York: Oxford University Press, 1988).

which is to prevent the state from infringing on citizens' liberties. The perfectionist conception (2B-a) is widely adopted by communitarians and has an important place in the communitarian conception of citizenship. On the other hand, the instrumental view (2B-b) expresses the liberal view defined roughly. Nevertheless, not all liberals viewed self-government as instrumental in the same way. Mill, for instance, emphasizes the educative role of democratic participation in enlarging citizens' concerns to the wider society, and describes the participation activity as a "school of public spirit."²⁸ The instrumental view is also adopted by the modern republicans such as Quentin Skinner and Philip Pettit. Republicans emphasize the existence of a free state as a condition of free persons. Skinner, for instance, claims the importance of democratic participation and civic virtues without conceiving of self-government as an intrinsic human good.²⁹ Similarly, Philip Pettit distinguishes democratic activity of citizens from the idea of democratic self-rule and argues that not actual consent but "contestability"—the possibility of contesting what government decides—is crucial for securing the republican liberty of non-domination. In this respect, he views democratic activity of citizens as instrumental to protecting citizens' liberty, conceived as non-domination.³⁰

²⁸ In *On Liberty*, Mill says; "the practical part of the education of a free people, taking them out of the narrow circle of personal and family selfishness, and accustoming them to the comprehension of joint interests, the management of joint concerns—habituating them to act from public or semi-public motives, and guide their conduct by aims which unite instead of isolating them from one another." John Stuart Mill, *On Liberty*, (New York: Penguin Books, 1974), 181. Mill describes democratic participation as the school of public spirit in; *Essays on Politics and Society*, chap. XIX in *Collective Works*, 421. In *Online Library of Liberty*, accessed June 9, 2015, <http://oll.libertyfund.org/titles/mill-the-collected-works-of-john-stuart-mill-volume-xix-essays-on-politics-and-society-part-2>.

²⁹ Allan Patten, "The Republican Critique of Liberalism," *British Journal of Political Science* 26, no.1 (January 1996): 28, <http://www.jstor.org/stable/194012>.

³⁰ Philip Pettit, *Republicanism* (New York: Oxford University Press, 1997), 185.

As we saw, contrary to the joint activity account, communitarians view solidarity as emerging from the community with its pole of values, experiences, history and practices. In this respect, communitarians argue that civic solidarity nurtures individuals within the community and requires shared values, experiences and practices. Viewed as such, the nationalistic account of civic solidarity is a kind of communitarian view. The nationalistic account of civic solidarity requires the existence of a nation—which could be artificial or natural as in the case of ethno-nationalism—to account for citizens’ unity and togetherness.³¹ On the other hand, the joint activity account is distinct from the nationalistic account since it does not rely on “natural” ties such as nation or ethnicity to characterize the civic bonds between citizens. Rather, the joint activity account characterizes the civic bond with respect to citizens’ engagement in a shared activity. In this respect, Aristotle endorses a joint activity account of solidarity with his conception of citizenship as friendship.³² For Aristotle, what constitutes the *polis* are not kinship relations as we see in the family and clan, but the friendly relations of equal citizens who come together for the realization of a common end which is the well-being of the *polis*.³³

³¹ Anderson defines nationalism or nation-ness as a cultural artifact, as an “imagined political community.” Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983), 43-4.

³² Aristotle defines friendship in terms of equality and says “friendship is said to be equality.” (*Nicomachean Ethics*, 1157b: 29- 1158a:2) In *Politics*, Aristotle conceives of the state as created by friendship, “for to choose to live together is friendship.” (1280b1: 37-8) There, Aristotle conceives of human nature as essentially social and political (1253a1:3-4). For Aristotle, the city exists not for life only e.g. for the sake of mutual satisfaction of needs or security or exchange of goods and services (1280b1:7-10), but for good life. (1280a1:31-32) Thus, Aristotle views the good of citizens and the good of the polis as internally linked. For Aristotle, then, citizens live good lives when they participate in the political life and hence contribute to the good of the *polis*. (1281a1:3 -4) Aristotle, *Politics*, in *The Complete Works of Aristotle*, ed. Jonathan Barnes (Princeton, NJ: Princeton University Press, 1995), 1986-2129.

³³ Hauke Brunkhorst, *Solidarity: From Civic Friendship to a Global Legal Community*, trans. Jeffrey Flynn (Cambridge: MIT Press, 2005), 18.

It is important to emphasize that the joint activity account does not explain for why people come together in the first place. This view acknowledges that our membership in society is not voluntary, for in most cases we are born into the society we are citizens of. Thus, we find ourselves engaged in certain activities (e.g. economic and political activities) with others in society just like we find ourselves as part of a certain culture and history. This view, however, argues that only when we consider ourselves in cooperative activity with others, toward a shared end—“establishing and successfully conducting reasonably just democratic institutions,” for Rawls (*PL*, 204)—do we conceive of ourselves as genuinely united. On the other hand, communitarians argue for tacit solidarity already in place, conceiving of bonds as well as obligations as having emerged from natural ties and attachments. Thus, communitarians argue that only when we foster the sense of shared identity and culture in citizens, then we could foster stronger civic bonds in society. It is important to stress that the joint activity account does not have to reject the view that what bring people together are historical and cultural contingencies. It denies however that such historical and cultural contingency could account the unity of citizens and the civic bonds between them. In this respect, I will argue in the third chapter that Rawls also relies on the tacit solidarities and shared values in the democratic liberal societies, yet conceives of them as the step to conceptualize what really should bind people together under the conditions of modern society, especially given the fact of pluralism.

Furthermore, in the joint activity account, civic solidarity conceived of as political and resembles the political solidarity of liberation movements in certain

respects.³⁴ Against the ethical (communitarian) conceptions of solidarity, Habermas stresses the essentially “political” nature of solidarity. In his view, solidarity cannot rely on ethical communities, but only on “political associations or shared political goals.”³⁵ Habermas states that: “Conduct based on solidarity presupposes *political* contexts of life, hence contexts that are legally organized and in this sense artificial ones.” Thus, Habermas concludes that solidarity is “a cooperative effort *from a shared political perspective* to promote” a shared political goal.³⁶

With these discussions as a background, I will distinguish two rival conceptions of civic solidarity: the political conception of civic solidarity from the communitarian conception of it arguing that the former views solidarity as cooperative, voluntary and essentially linked to justice and equality. And, I will argue against the communitarian conception of solidarity which uses solidarity as a synonym for community, and

³⁴ Shelby notes that not all liberation movements are “political.” Shelby requires that (black) solidarity should be “voluntary, nonhierarchical and largely spontaneous” to be a cooperative political project whose end is adjudicating racial injustice in US. For Shelby, this conception of solidarity is distinct from the ones endorsed by black power politics and community nationalism which rely on an ethno-racial black identity. (139-40) Shelby’s illuminating discussion illustrates how liberation movements might become community nationalism and loses their liberating aspects in the name of liberation. Note her idea of solidarity as a cooperative political project. Tommie Shelby, *We Who Are Dark: The Philosophical Foundations of Black Solidarity*, Cambridge, MA: Harvard University Press (2005).

³⁵ Jürgen Habermas, “Democracy, Solidarity and European Crisis,” the lecture delivered on 26 April 2013 in Leuven, accessed March 8, 2015, <http://www.kuleuven.be/communicatie/evenementen/evenementen/jurgen-habermas/democracy-solidarity-and-the-european-crisis>. See also, Jürgen Habermas, “Three Normative Models of Democracy,” *Constellations* 1, No I, (1994):1-10, http://www.sze.hu/~smuk/Nyilvanossag_torvenyek_CEE/Szakirodalom/Deliberat%C3%ADv%20demokr%C3%A1cia/habermas_3_normative_models_of_democracy.pdf

³⁶ The full reference is illustrative of the meaning of solidarity for Habermas. Habermas states that; “If one wants to preserve the [European] Monetary Union, it is no longer enough, given the structural imbalances between the national economies, to provide loans to over-indebted states so that each should improve its competitiveness by its own efforts. What is required is solidarity instead, a cooperative effort *from a shared political perspective* to promote growth and competitiveness in the euro zone as a whole.” Habermas, “Democracy, Solidarity.” Habermas stresses that solidarity requires “unity,” the sharing of benefits and risks together to attain a shared political goal. Hence, monetary transfers to the troubled countries cannot be rendered as solidaristic.

understands it as implying homogeneity, requiring constitutive “we” identity, and stronger bonds and attachments. Earlier in this section, I have emphasized the relation between solidarity and justice which is manifest in the liberation movements of the 19th century. I have stressed that although solidarity is identical to neither equality nor justice, there is a strong conceptual relation between these concepts and solidarity, such that these values are internal to our understanding of solidarity starting from the French Revolution with its motto “Liberty, Equality and Fraternity.” Thus, I argue that when viewed historically, the concept of solidarity has become associated with these ideals.³⁷ In this respect, the political conception of civic solidarity has an inherent relation with justice and embraces egalitarian commitments at varying degrees. Thus, for those who associate solidarity with justice, solidarity requires the reduction of inequalities in society, and for some it also requires the reduction of material inequalities.³⁸ To the contrary, in the communitarian conception, solidarity is compatible with economic injustice as much as it is compatible with in-group hierarchies, misrecognition and domination. Solidarity, on the other hand, does seem to reject relations of subordination,

³⁷ Brunkhorst traces the evolution of the concept of solidarity from less egalitarian notions of civic friendship as we find in Aristotle to the brotherliness of the Judeo-Christian tradition and to the French Revolution and its conception of democratic solidarity. For Brunkhorst, the French revolution constitutes a historical moment in the development of the concept of civic solidarity. With the French Revolution, solidarity is redefined as civic solidarity based on equality, freedom and democracy (3). Hence, Brunkhorst says that “by connecting with the compassionate ethic of brotherliness, the meaning of equal civic freedom shifted away from elitist particularism toward egalitarian universalism. The normative horizon of a self governing civic elite, free from domination, was expanded in the “Jacobin patriotism, for which human rights were always part of the glory of the nation” toward the equal freedom of all human beings.” Brunkhorst, *Solidarity*, 64. Note also that Aristotle defines civic solidarity as friendship and conceives of friends as equals. Thus, even in Aristotle’s elitist conception of citizenship, civic solidarity is associated with the idea of equality and is defined in terms of it. Aristotle, *Nicomachean Ethics*, 1157b: 29- 1158a:2.

³⁸ G. A. Cohen, *Rescuing Justice and Equality* (Cambridge, MA: Harvard University Press, 2008); Bo Rothstein, “Creating a Sustainable Solidaristic Society,” accessed March 20, 2015, http://www.rothstein.dinstudio.se/files/Creating_a_Sustainable_Solidaristic_Society_v51.pdf.

exploitation and domination. I will return to the relation of solidarity and equality in the fourth chapter when I discuss G. A. Cohen's objection to Rawls' ideal of fraternity.

At this point of our discussion, I will consider it necessary to state in advance how I will argue Rawls' position in these conceptual distinctions regarding civic solidarity. Rawls adheres to the joint activity account of civic solidarity in both forms, namely he argues both economic and political (democratic) solidarity of citizens. I will argue that Rawls presumes and relies on the pre-reflective solidarities actually exist in the liberal democratic societies. But unlike communitarians who think that these actually existing bonds and attachments are (should be) the reason why people stay together and are motivated to act justly, Rawls argues for the necessity of rational reconstruction of these values in the original position. Rawls thinks that it is only when citizens, as rational and reasonable free and equal beings, accept these values and endorse them to one another, they are bound by them and obliged to follow them. Hence, for Rawls, under modern conditions civic solidarity only emerges when these values gain a new status in political life of citizens. That is, they are not simply inherited but they are rationally endorsed and complied with by citizens. This discussion will be developed thoroughly in the third chapter.

2.3 Further conceptual analysis: Social unity, solidarity and charity

At this point, I consider it necessary to comment on the relation between social unity and solidarity since I use these notions interchangeably. It is also necessary to distinguish solidarity from charity. De Beer and Koster argue for the necessity of distinguishing between solidarity and social cohesion or social unity. According to them, though

solidarity and social cohesion are similar, they are not identical. They establish that social cohesion has a broader meaning than solidarity. They argue that if members of a community act in solidarity, it proves the existence of social unity, a sufficient degree of coherence among them. But the existence of social unity does not necessarily imply the existence of solidarity among members of society. The fact that members of society share values and are involved in common activities do not grant that they “show solidarity in their support of one another.” For instance, it is possible that people, out of self-interest, engage in a cooperative activity and act in unity without having a concern for each other’s well-being. By their definition, then, solidarity means “to support the other” or “to contribute to others with/without expecting something in return.”³⁹

Likewise, Denninger conceives of solidarity as a positive duty to help others. Following the Kantian distinction between negative and positive duties, Denninger maintains that while legal norms corresponds to negative duties e.g. not to harm; solidarity corresponds to positive duties e.g. improving the condition of others and helping them.⁴⁰ In the following, having agreed with De Beer and Koster that social unity does not necessarily imply solidarity, I will argue that a sense of “unity” and “togetherness” is a necessary component of solidarity. Thus, I will disagree with their definition which reduces solidarity merely “to support the other.”

³⁹ P. De Beer and F. Koster, *Sticking Together or Falling Apart? Solidarity in an Era of Individualization and Globalization* (Amsterdam: Amsterdam University Press, 2009), 16-20.

⁴⁰ Erhard Denninger, “Constitutional Law and Solidarity,” in *Solidarity*, ed. Kurt Bayertz (The Netherlands: Kluwer Academic Publishers, 1999), 234.

Nonetheless, in the literature, solidarity is commonly used to denote the disposition to support the other and to provide help and assistance.⁴¹ I will argue that although solidarity has this connotation, to identify solidarity solely with the disposition to support the other obscures the distinction between solidarity and charity. Although in both solidarity and charity a positive concern for the well-being of others is present, in solidarity the concern follows from the reciprocal relations among individuals, and involves equality and a sense of unity among them. To the contrary, in charity, the concern is one directional and characterized as a matter of individual benevolence and good will.⁴² The distinction is perhaps most obvious in cases when the existence of the concern alone is not enough to make a society solidaristic. Yet it perfectly makes it charitable. To illustrate, let us consider a benevolent tyrant who has a paternalistic concern for his people and provides them with the necessary means of life. Yet, we do not call the tyranny a solidaristic society simply because its citizens have been provided for. Furthermore, if solidarity is analyzed only with respect to whether people are assisted or provided with their basic needs, we would lack the necessary conceptual tools which allow us to distinguish certain materializations of the concern for the other as involving relations of hierarchy, domination and oppression. On the other hand, the moral content of solidarity seems to reject relations of exploitation and domination. To the contrary, solidarity seems to imply equality and reciprocity along with a sense of unity and identification with others. Charity is distinct from solidarity in that it is

⁴¹ De Beer and Koster, *Sticking Together*, 16; Denninger, "Constitutional Law and Solidarity," 234.

⁴² See, for instance, Herbert Spencer who defines charity as resulting from "the gentle whisperings of benevolence." *Social Statics: or, the Conditions Essentials to Happiness Specified and the First of them Developed* (London: John Chapman, 1851), 346, accessed March 20, 2015, <http://oll.libertyfund.org/titles/273>.

compatible with relations of exploitation and domination. In the following section, I will argue that the concern for the well-being of others could be accounted for by appealing to the fact that people recognize themselves as “together” and “united” in a certain way.

Now, I will comment on another aspect of solidarity, namely its “recognition” dimension. To this end, I will classify civic solidarity further with respect to the different views regarding the role of reason and sentiments in solidarity. I will state two rival accounts of solidarity, principle-based (or rationalist) account and sentimentalist account. I will suggest a third alternative and argue for a conception of solidarity which is fundamentally based on “recognition” of facts about one’s society and societal relations.

2.4 The recognition dimension of solidarity

In this section, I will now discuss the question of motivation and examine what motivates citizens to act in solidarity with their fellows. That is, what exactly makes us take into account the well-being of others? There are two rival views which account for the motivation of solidarity by appealing to two distinct human capacities: reason and sentiments. Thus, on one account, the rationalist (principle-based) account, the unity of citizens is thought to arise from persons’ rational agreement and commitment to values and principles. On the other account, the sentimentalist account, solidarity is thought to emerge from feelings such as love, sympathy and benevolence. In this section, by drawing on the political solidarity of liberation movements, I will defend a third possibility. I will suggest that our willingness to act in solidarity with others and our willingness to support others could be conceptualized as arising from the recognition of

the facts about our society. Put differently, the concern for the well-being of others could be accounted for as the result of gaining an understanding of how we are deeply related in society and dependent on one another. Such an insight into our societal relations will contribute our understanding of “togetherness” even though we mostly view our fellow citizens as strangers and ourselves as self-sufficient beings. My account, however, does not exclude the role of emotions and reason. Yet, it is different from the two views mentioned above, or so I will argue.

Brunkhorst argues that the modern concept of solidarity corresponds to allegiance to principles rather than loyalty to pre-reflective commitments such as identity of race, ethnicity or religion. Hence, social cohesion, the unitary bond among individuals, is the result of an agreement, an appreciation and promotion of certain values e.g. equality, freedom, or human rights. Brunkhorst emphasizes that unlike solidarities which are rooted in similarity and identity of ethnicity, religion, or political affiliation, the modern concept of democratic solidarity is compatible with difference and heterogeneity. Following Durkheim, Brunkhorst stresses that the modern concept of democratic solidarity combines opposites, contradictions and differences: “The difference, heterogeneity, and fragmentation that ‘*can be still held together*’ [italics are original] are ‘the criterion for solidarity’.”⁴³ In the fifth chapter, I will argue that in *Theory* Rawls endorses a similar principle-based account of social unity. Rawls proposes that in the well-ordered society of justice as fairness, social unity is maintained with

⁴³ Brunkhorst, *Solidarity*, 4-5. Emile Durkheim, *The Division of Labor in Society*, trans. George Simpson (New York: The Free Press, 1964). For Durkheim, difference, just like likeness, can be a cause of solidarity. (*The Division of Labor*, 54-6) Durkheim argues that whereas mechanical solidarity of traditional societies originates from likeness, the organic solidarity of modern division of labor societies originates from difference. (Ibid., 129)

respect to the shared conception of justice that citizens hold. The shared conception of justice is the “foundation charter” of society on which civic bonds are forged and through which civic friendship is nurtured among citizens. Basically, Rawls argues that the shared principles are the result of a rational agreement of free and equal moral persons in an initial fair situation. However, rational agreement on principles does not exhaust all aspects of Rawlsian solidarity, which I will return to and qualify throughout the following chapters.

Against the principle-based account of solidarity, some think that solidarity is distinctively a matter of feelings e.g. love, sympathy and benevolence. Hume and Smith argue for the existence of a capacity for sympathy in human beings which makes men responsive to the sorrow and happiness of others. Smith thinks that the capacity for sympathy is crucial for maintaining and sustaining a society.⁴⁴ Hume however stresses the lack of force of this capacity in the wider society and argues that, depending on the distance between people, as the intensity or strength of the bond between them changes, so too our capacity to sympathize with their sufferings and needs. For Hume, sympathy and benevolence do not extend beyond the intimate sphere. Hume states that our capacity for sympathy is more for those closer to us, and the more a person is at a distance from us, the less can we effectively sympathize with her sufferings and pleasures. Thus, Hume concludes that there is no such passion in the human mind as the love of mankind.⁴⁵ Thus, sentimentalists like Hume and Smith on the one hand argue for

⁴⁴Adam Smith, *The Theory of Moral Sentiments*, ed. Knut Haakonssen (New York: Cambridge University Press, 2002).

⁴⁵ Bayertz, “Four Uses of 'Solidarity',” 8.

the importance of the capacity for sympathy to sustain society, on the other hand they emphasize the lack of force of this capacity to bring people together in the wider society.

In line with Hume, Rorty argues that the power of the sentiment is stronger when the person we feel solidarity with is a member of a more local community than of the human race. He remarks: “[o]ur sense of solidarity is strongest when those with whom solidarity is expressed are thought of as ‘one of us’ where ‘us’ means something smaller and more local than the human race. That is why ‘because she is a human being’ is weak compared to ‘she is a fellow American’.”⁴⁶ As a result, Rorty too underscores the importance of sentiments to citizens’ unity and suggests the need for sentimental education, like Mill.⁴⁷ Rorty assumes that solidarity is fundamentally an emotional state, and rooted in our sentiments. Yet, because sentiments are weak in the wider society compared to more local associations, Rorty underscores the need for strengthening “we” identities so that people will have a livelier sense of others. Rorty contends that only in this way do “others matter” for us.⁴⁸

⁴⁶ Richard Rorty, *Contingency, Irony and Solidarity* (Cambridge: Cambridge University Press, 1989), 191.

⁴⁷ Richard Rorty, “Human Rights, Rationality and Sentimentality,” in *On Human Rights*, The Oxford Amnesty Lectures 1993, ed. S. Hurley and S. Shute (New York: Basic Books, 1993), 122. Mill emphasizes on our capacity to be motivated by sympathy and thinks that when this capacity is strengthened through proper moral education “each individual” would have “a feeling of unity with all the rest; which, if perfect, would make him never think of, or desire, any beneficial condition for himself in the benefits of which they are not included.” John Stuart Mill, *Utilitarianism*, ed. George Sher, second ed. (Cambridge: Hackett Publishing, 2001), 33.

⁴⁸ For Rorty, solidarity is grounded on the recognition of a common human vulnerability to pain and humiliation. However, not every pain strikes us and leads us to feel solidarity with the person. Rorty underscores; “My position entails that feelings of solidarity are necessarily a matter of which similarities and dissimilarities strike us as salient, and that such salience is a function of a historically contingent final vocabulary.” Rorty, *Contingency*, 192.

Thus, sentimentalists argue that commitment to principles alone is not sufficient to move people to act in solidarity with others. They argue that to motivate people to act in accordance with a set of principles, it is necessary to appeal to their emotions.⁴⁹ In this respect, communitarians underscore the importance of a “we” identity and the need for patriotic identification with the nation to motivate persons to act in ways furthering the good of others. In their view, adherence to principles, by itself, does not generate strong ties among citizens. Only when the principles penetrate into citizens’ conceptions of the good life, and become constitutive of their identity, do these principles have a unifying force. Such identification, in their view, requires attachment to a particular society, its institutions and history.⁵⁰

I would like to note that some thinkers argue for the combination of these two rival accounts. For instance, Preuss emphasizes that whereas in a small, cohesive and homogeneous society, solidarity is based on personal feelings of sympathy and compassion, in a territorially extended, large scale and heterogeneous society, solidarity is based on “universalistic principles.” He argues that in the political discourses of the 19th and 20th centuries, solidarity exceeds the narrow barriers of face to face communities and demands moral duties to strangers. Hence, for Preuss, solidarity

⁴⁹ Martha Nussbaum argues for this position in her *Political Emotions* and considers patriotic love as crucial for establishing justice. Note that Nussbaum is not a communitarian thinker. Yet, she agrees with communitarians like Taylor that principles are powerless to motivate people for pursuing ideals like justice and solidarity. I will discuss her position and that of Taylor’s in detail in the fourth chapter. Martha Nussbaum, *Political Emotions* (Cambridge, MA: Harvard University Press, 2013).

⁵⁰ Charles Taylor, “Cross Purposes,” 188.

combines the personal feelings of sympathy with a universalistic principle.⁵¹ Preuss suggests that the modern concept of solidarity encompasses two seemingly contradictory elements. Though the emotive resources of solidarity are tied to and nourished in *Gemeinschaft*-like communities, the acts of solidarity are directed towards a universal addressee.

Against the sentimentalist account of solidarity, and addressing the issue of bonds among individuals that may be generated without appealing to feelings, the principle-based account of solidarity holds that rational commitment to values can move individuals to act in solidarity with the group they are identified with, irrespective of the existence of the feelings like love, sympathy and benevolence. For instance, in this view, what motivates women from different societies to engage in joint action against gender inequality are not sympathetic feelings, or in Rorty's terminology women's sentimental identification with the pain and humiliation of the oppressed women, but rational commitment to the idea of gender equality. Since sentiments are weak in the wider society and even weaker across state borders; the rationalist view argues, it cannot ground nor explain the bonds between women who have no face to face relations. However, I think, sentimentalists take the principled commitment to gender equality necessarily as a cold and bloodless attachment. I think that they misrepresent what is involved in the commitment to gender equality. In this respect, sentimentalists fail to see how insight into the facts about our lives, relations and society could generate bonds

⁵¹ Ulrich, K. Preuss, "National, Supranational and International Solidarity," in *Solidarity*, ed. Kurt Bayertz (The Netherlands: Kluwer Academic Publishers, 1999), 283.

among individuals and reciprocal concern for the well-being of others without at the same time requiring emotional attachment.

In view of the motivation objection, let's us first consider whether solidarity could be reduced to commitment to principles. In this regard, consider a society in which people bloodlessly behave in a way that generates equality, and consider it the most important political ideal. They furthermore consider the tax mechanism in their society to be supporting equality. As a result, the people of this society voluntarily pay their taxes. Assume also that part of the tax revenue goes to those in need thorough public transfers. The question is, can we consider persons in this society to be acting in solidarity simply because they uphold the value of equality? Is this society a solidaristic one? No doubt, it is an egalitarian society since people behave in a way that promotes equality. Nevertheless, I argue that it is not enough to call this society as solidaristic. The fact that citizens adhere to the principle of equality does not show that citizens of that society have a "sense of unity," "a sense of togetherness," a kind of "identification" with others which is characteristic of solidarity relations. Nor their commitment to equality implies also that they have a "concern" for the well-being of others. Consider another objection. It is possible that a person might vote for establishing equal rights for a minority group because she is committed to the values of equality and freedom without at the same time feeling any solidarity (a sense of unity, togetherness and identification) with the minority group. One can even vote for political equality of a minority group despite her negative feelings for the group.⁵² As these examples suggest, solidarity

⁵² For instance, I might feel negatively about religious groups, since they view women as inferior. Yet, in the political domain, I will want the members of these groups to have equal rights and liberties.

cannot be reduced to commitment to principles, although it might involve rational commitment to values and principles. From this, sentimentalists conclude that the concern for others always involves feelings. However, does solidarity essentially require benevolent feelings or sentimental identification with the other? Is it possible to conceptualize the concern for the other independently of sentiments, and without at the same time reducing solidarity to a bloodless commitment to principles as communitarians assert about the rationalist account?

In this respect, Andrew Mason argues that there is no necessary relation between the existence of concern and feelings like love or sympathy.⁵³ Mason defines solidarity as requiring mutual concern, where concern requires that individuals give one another's interests some non-instrumental weight.⁵⁴ Mason further observes that what concern involves depends on the context of the relation, "the nature of the community," and on factors like its size and what binds it together. Mason observes that whereas concern might require feelings as in the case of friends or family; it does not require it as in the case of, for instance, doctor-patient relations. A doctor who is committed to healing her patients does not have to feel for them, and even might feel negatively for some of them. Yet, this might (should) not affect the fact that the doctor is equally concerned in patients' well-being.⁵⁵ So, given that concern is not necessarily related to emotions, let us further elaborate the nature of citizens' concern for each other's well-being in society.

⁵³ Andrew Mason, *Community, Solidarity and Belonging* (New York: Cambridge University Press, 2003), 29.

⁵⁴ Mason, *Community*, 27.

⁵⁵ *Ibid.*, 28.

At this point, I will argue that citizens' concern could be accounted for by emphasizing the fact that social cooperation is a "joint activity" directed toward a "shared end." Thus, by emphasizing that the shared end of citizens' joint activity is collectively and jointly achieved, or could only be thus achieved, one could foster the sense "unity" and "togetherness" in society. With respect to the fact that citizens' doing something "together" implies a reciprocal concern among fellow citizens, such a concern emerges not as a matter of "helping" our fellows but "caring" for their well-being of them as our partners in the joint activity. Obviously, not all shared ends and not all cooperative activities imply a concern for the well-being of one's partners. For the moment, I argue that by engaging in a joint activity directed to a shared end, citizens will gain a sense of togetherness with others in society. In their unity with respect to their joint activity, they will no longer view each other as strangers but associates whose well-being matters. Here, the idea of "joint" and "collective" activity has paramount importance. For this reason, we need to first elaborate on what we could mean when we say that people have a shared end.

Daniel Brudney provides a functional distinction regarding the nature of shared ends.⁵⁶ He distinguishes two kinds of shared ends and argues that the shared end could be either internally or externally oriented. In the former, Brudney argues, the content of the agents' shared end is simply to live in a society structured in a certain way. In the case of externally oriented shared ends, however, the agents try to attend an external goal—e.g. establishing God's kingdom on earth—completely apart from wanting

⁵⁶ Daniel Brudney, "The Young Marx and the Middle-Aged Rawls," in *A Companion to Rawls*, ed. Jon Mandle and David A. Reidy (Oxford: Wiley Blackwell, 2014), 454.

relations to be regulated by a certain type of social structure. Brudney argues that in Rawls' case the shared end of citizens is internal, that is, citizens wish to live in a society whose basic structure is regulated by the two principles of justice; they all want in common to interact under a basic structure which is just. Brudney distinguishes shared ends further and argues that the shared ends could be overlapping or intertwined. For instance, shared ends might overlap as in the case of parents who want to improve the quality of the school their kids attend by raising sufficient money. Yet, this activity does not require that the shared end is achieved "with and through" others, although it might be so. For instance, if a rich parent donates the whole amount necessary for improving the school's conditions, the end would be achieved without the joint cooperative efforts of parents. To the contrary, Brudney argues, establishing justice is an intertwined shared end to the extent to which "citizens need one another to realize the good of living in a just society."⁵⁷ The shared end could be achieved only with others and jointly, as each person's contribution is significant and necessary. In this manner, Freeman stresses that Rawls attributes to citizens a "social interest" apart from their private interests. In Rawls' view, free and equal moral persons have a fundamental social interest, which is to cooperate with one another on publicly justifiable terms. This interest is social since it cannot be achieved by single individuals, but requires coordination of activities. It is shared since each individual desires the same object, a just basic structure under which each realizes their nature as free and equal.⁵⁸

⁵⁷ Ibid.

⁵⁸ Samuel Freeman, "Reason and Agreement in Social Contract Views," *Philosophy & Public Affairs* 19, No. 2 (Spring, 1990): 143, <http://www.jstor.org/stable/2265407>.

To sum, I argue that (i) when persons engage in a collective activity, (ii) and have a shared end (iii) the realization of which is possible and could be achieved only “with and through” the contributions of others, and (iv) persons recognize their “dependency” in society and in this respect are conscious of the reality of their social relations, there follows an understanding of “unity” and “togetherness” among citizens and a concern for the well-being of everyone in society without necessarily appealing to sentiments. Such a concern is distinct in its origin from the idea of aid or assistance. As I said, the concern is not expressed as helping our fellow citizens, but caring for their well-being as our associates in a joint activity.

Thus, I argue that the recognition of the fact that we are doing something together “with and through” each other, pooling our efforts, and sharing the risks and responsibilities for attaining a shared end might ground a concern for the well-being of each other without at the same time requiring the existence of feelings among us. This concern emerges from the recognition of each person’s contribution to the shared activity; most importantly, from the recognition that the end is jointly pursued and attained, and could be achieved only as such. In this respect, being indifferent to the well-being of our associates or partners seems to be conflicting with our being engaged in a joint activity and related in a certain way specified above. Our fellow citizens are not strangers, but our associates “with and through” whom we jointly produce our social-political and material world.

To illustrate further the recognition dimension of solidarity, I will examine Marx’s notion of class consciousness and the nature of the unity of workers. For Marx,

capitalism is a system of domination and exploitation like feudalism and slavery.

However, because it is, at the same time, a system of voluntary association, freedom of occupation and freedom of contract, it does not appear to be a system of slavery to those who live within it. Marx observes that although the working class have hardships within the system, they are not conscious of the reality of the system, nor do they recognize it as exploiting their surplus labor. Then, the distinctive feature of capitalism, for Marx, is the fact that the surplus labor and how it is acquired by the capitalist class is hidden from view. As a result, the central aim of Marx is to show scientifically how surplus labor is seized by the capitalist class.⁵⁹ Marx underscores that objecting to capitalism because it is a system of exploitation and slavery is something different from objecting to it on grounds of workers' inhuman and brutal living conditions. This view is obvious in his rejection of reform as the ultimate goal of the working class. For Marx, improving the conditions of workers under capitalism does not change the fact of their being exploited and alienated. Thus, Marx thinks that when the real operation of the capitalist system is shown, this fact uncovers a theft taking place in capitalist societies. For Marx, once this fact is properly recognized, workers have a class consciousness; they will be free from illusions and delusions regarding their society, gain consciousness of its real workings and the nature of social relations (as one of alienation) within it.⁶⁰ As I will develop later in the third chapter, this "recognition" has an immense effect on the unity and solidarity of workers under capitalism. Thus, for Marx, neither sympathy nor benevolent feelings

⁵⁹ Rawls, "Marx," in *Lectures on the History of Political Philosophy*, ed. Samuel Freeman (Cambridge, MA: The Belknap Press of Harvard University Press, 2008), 323-7.

⁶⁰ Something very similar occurs in the case of women solidarity. I will argue that the solidarity of women could be conceptualized in terms of women's recognition of the fact that the existing society is patriarchal. And, this insight into the nature of patriarchal society generates the sense of unity and togetherness which is essential for women's solidarity.

motivate workers to unite in their struggle against capitalism. Nor could their inhuman conditions sufficiently motivate them, so long as they are unaware of their exploitation by the system.⁶¹ It must be stressed that what gives rise to solidarity (of workers) is the “recognition” of a fact about capitalist society and human relations within it. Similarly, for Marx, the communist society would be a society of freely associated producers under a democratic economic plan.⁶² In such a society, people are united with respect to their producing “with and for others.” Moreover, Marx anticipates that in the communist society, workers would be conscious of this fact and view society as a product of citizens’ collective activity, as a result, Marx thinks, citizens would not be indifferent to each other as they are under capitalism, but be concerned with each other’s well-being.⁶³ Thus, my thesis is that gaining an understanding of and insight into what really takes place in society, how in fact we are related and dependent on one another, might generate bonds and allegiances as well as responsibilities between citizens.

Against this discussion, in the following chapters, I will argue that Rawls views society as a joint activity of citizens, and the social product as the result of citizens’ joint efforts and contributions. Rawls thinks that once the profound effects of the basic structure on citizens’ lives and prospects, and the interdependency of citizens in society are properly recognized, this fact will suggest a transformation in citizens’ understanding of their society and their relations in it. Rawls’ basic structure argument and his idea that the basic structure is important in people’s lives aim to reveal the deep

⁶¹ For a discussion on subjective versus objective alienation, see Daniel Brudney, “The Young Marx,” 456.

⁶² Rawls, “Marx,” 322.

⁶³ Daniel Brudney, “The Young Marx,” 464.

down interdependency of citizens. And I will argue that recognizing society and social relations in this particular way, namely, as a joint (productive and political) activity, is crucial for citizens' solidarity and their sense of "togetherness" as well as it is for accounting their concern for each others' well-being.

As Rawls remarks, "[i]n justice as fairness men agree to share one another's fate." (*Theory*, 102) In Rawls' *Theory*, I argue, solidarity denotes citizens' willingness to share risks and responsibilities with others in cooperative activity along with benefits, where the joint activities of citizens are directed at a shared political end, which is to live under just basic structures. The remainder of this study will scrutinize what involves in citizens' sharing their fate with one another for Rawls.

CHAPTER 3

A THEORY OF JUSTICE: TWO SOLIDARITIES

In this chapter I will argue that there are two distinct kinds of solidarity in Rawls' *Theory*: (1) Democratic solidarity and (2) Economic solidarity. To establish this, first, I will illustrate the pre-contractarian (cultural) consensus on the liberal and democratic values Rawls draws on in *Theory*. I argue that for Rawls the original position enables citizens to understand and interpret their already existent consensus on democratic and liberal values more clearly than before. I will further argue that the original position gives this already existent ground a new status. As Rawls argues, the civic bonds between citizens would no longer be conceived of as simply inherited, but considered as the product of citizens' adherence to the two principles of justice. Next, I will argue that Rawls implicitly presumes two distinct sources (or bases) of solidarity by endorsing certain relations, ties and dependencies in the original position. Hence, I will establish that in the original position, Rawls characterizes parties as engaged in two types of collaborative activities: democratic (political) activity and productive activity. I will argue that these activities constitute the bases of two kinds of solidarity in Rawls' *Theory*. To start with, I will briefly state some critics which claim lack of solidarity in Rawls' *Theory*. Then, I will establish the two kinds of solidarity that can be developed from Rawls' *Theory* based on citizens' two joint activities. This chapter aims to characterize the general features of these two solidarities. The following two chapters will be dedicated to a thorough discussion of each type of solidarity: economic solidarity in Chapter 4 and democratic solidarity in Chapter 5.

3.1 Criticism: Lack of solidarity

In its final formulation, the difference principle states that “social and material inequalities are to be arranged so that they are to the greatest benefit of the least advantaged.” (*Theory*, 83) In this, Rawls states that the difference principle is a principle of fraternity and argues that it licenses inequalities in society only when these inequalities also benefit the least advantaged in society.⁶⁴ (*Theory* 105) Nonetheless, critics underline the inconsistency of achieving such a solidaristic principle out of mere concern for one’s own self-interest in the original position. Thus, critics object to Rawls because the difference principle is the result of persons’ rational calculations of self-interest in the original position.⁶⁵ For instance, Bayertz argues that Rawls does not justify his difference principle by deducing it from an ideal of fraternity. Rather, the difference principle is justified by a hypothetical decision of individuals who are mutually disinterested and are not willing to sacrifice their interests for others. Bayertz states that “the prerequisite for the principle of difference is thus not solidarity similar to that within a family, but a rational, and by all accounts, selfish calculation of interests on

⁶⁴ Cohen underlines an ambiguity in the meaning of the difference principle. According to Cohen, it is not clear whether the difference principle allows greater advantages to the better off in cases where the inequalities neither harm nor benefit the least advantaged, or whether the difference principle strictly requires that the inequalities must benefit the least advantaged, meaning that inequalities that do not benefit the least advantaged must be rejected. For instance, between situations A where the distribution is 5 to 10; and B where the distribution is 5 to 8, the question is whether the difference principle allows A and considers it superior to B. G. A. Cohen, *Rescuing Justice*, 156-8. See also, Phillippe Van Parijs, “Difference Principles,” in *Cambridge Companion to Rawls*, ed. Samuel Freeman (Cambridge: Cambridge University Press, 2003), 202-9. I will not discuss this point further. My aim is only to draw attention to the controversy regarding the meaning of the principle.

⁶⁵ Brian Barry argues for this position in *Theories of Justice*. Because I will consider Barry’s objections later in this chapter, I will not explain them here.

behalf of the parties involved.”⁶⁶ For Bayertz, given the conditions of modern society, a natural fraternity is replaced by “artificial justice.” According to Bayertz, justice requires “neither group-specific common ground nor emotional attachments,” but “distant observation and weighing up of competing claims from a neutral position.” But is it true that Rawls’ justice as fairness does not require “a group-specific common ground” or “recognition of common values”? In the present chapter, our aim will be to elaborate this question comprehensively.

The lack of solidarity objection is widely stated by communitarian thinkers. Sandel argues that the difference principle is in conflict with Rawls’ individualistic conception of self. To make sense of Sandel’s objection, I should like to briefly introduce the wider context of Sandel’s dissatisfaction with Rawls’ theory of justice. Sandel argues that Rawls’ idea of the original position is incapable of making sense of our moral attachments. For Sandel, Rawls’ conception of self and society as a cooperation of individuals imply a very loose connection between the individual and society. Hence, we always conceive ourselves “as members of this family or community or nation or people, as bearers of this history, as sons and daughters of that revolution, as citizens of that republic.”⁶⁷ Sandel underlines the impossibility of conceiving of ourselves as abstracted from our ends and attachments, as required by the original position.⁶⁸ As a result, Sandel argues for the ontological priority of community to

⁶⁶ Kurt Bayertz, “Four Uses of ‘Solidarity’,” 25.

⁶⁷ Sandel, “Justice and the Good,” 150.

⁶⁸ Sandel argues that Rawls conceives the self as deontological and unencumbered. Sandel draws on Rawls’ claim that “the self is prior to the ends which are affirmed by it.” (*Theory*, 560) Sandel argues that persons neither understand nor perceive themselves in this way. According to Sandel, the self is always

individuals and criticizes Rawls because the original position and the derivation of the principles of justice rely on a reverse ontological order, that is, the priority of individuals over society.⁶⁹

Against this background, Sandel argues that with respect to its “common asset” formulation, Rawls’s second principle of justice, the difference principle, contradicts Rawls’ assumptions regarding self and society.⁷⁰ According to Sandel, to choose the difference principle as a principle of justice, at the very beginning, requires a more rooted and attached self than the deontological self. For Sandel, “the difference principle contradicts the liberating aspiration of the deontological project. We cannot be persons for whom justice is primary and also be persons for whom the difference principle is a principle of justice.”⁷¹ Sandel also claims that the mutual commitment required by the

encumbered, which means that persons’ ends are constitutive of their identity. Sandel claims that Rawls’ view of the self requires the existence of an independent self, an ontological being, which could be perceived without its ends. Michael J. Sandel, *Liberalism and The Limits of Justice* (New York: Cambridge University Press, 1982), 94, 100. As Kymlicka persuasively argues, Rawls makes no ontological claim when he says that “the self is prior to its ends.” Rather, Rawls endorses the liberal view that no end or goal is exempt from critical re-examination. Individuals can always revise their goals and ends. This, however, does not mean that an individual could perceive himself as an abstract being without ends. It suggests merely that individuals are not trapped with the culture and traditions that surround them, human beings can always attain a critical stance toward their ends and their ideas of the good. Will Kymlicka, *Contemporary Political Philosophy*, second ed. (New York: Oxford University Press, 2002), 221-8.

⁶⁹ It is important to note that, for the most part, Sandel misreads Rawls as suggesting that the parties of the original position and the citizens of the well-ordered society are identical. However, Rawls points out that the parties of the original position are artificial persons just like the original position is an artificial device whose aim is to enable us to find the principles of justice: the fair terms for our joint association. (*Theory*, 148) Furthermore, Rawls addresses Sandel’s criticism, and underlines that he does not presuppose a particular metaphysical conception of the person. (*PL*, 27n29)

⁷⁰ Pogge illustrates how Sandel’s reconstruction of Rawls’ treatment of desert is misconstrued. Pogge argues that Sandel’s reconstruction relies on a Nozickian misreading of notions “common asset,” “moral arbitrariness,” and “desert” in Rawls. Thomas W. Pogge, *Realizing Rawls*, (Ithaca, NY: Cornell University Press, 1989), 63-86.

⁷¹ To quote fully, Sandel says “[i]t begins with the thought, congenial to the deontological view, that the assets I have are only accidentally mine. But it ends by assuming that these assets are therefore common

difference principle could only be sustained by encumbered selves who share a strong sense of community.

In his *Philosophical Arguments*, Taylor agrees with Sandel and states that the difference principle requires a higher degree of solidarity than Rawls' theory permits. He reformulates Sandel's point, and states: "Rawls's egalitarian difference principle, which involves treating the endowment of each as part of the jointly held resources for the benefit of a society as a whole, presupposes a high degree of solidarity among the participants."⁷² Furthermore, Taylor also debates the possibility of realizing the difference principle in a neutral liberal society, and remarks that

...whether the kind of egalitarian distribution Rawls recommends can be sustained in a society that is not bound by solidarity through a strong sense of community; and whether, in turn, a strong community can be forged around a common understanding that makes justice the principal virtue of social life, or whether some other good should have to figure as well in the definition of community life.⁷³

In this passage, Taylor argues for the necessity of a strong community to realize the demands of the difference principle. Taylor also contends that such strong community cannot be united around a conception of justice as endorsed by Rawls. From this, Taylor concludes that citizens must be united around a common good. I will continue discussing communitarian critics of Rawls in the fifth chapter on democratic solidarity

assets and that society has a prior claim on the fruits of their existence. This either disempowers the deontological self or denies its independence. ...Either way, the difference principle contradicts the liberating aspiration of the deontological project. We cannot be persons for whom justice is primary and also be persons for whom the difference principle is a principle of justice." Sandel, "Justice and the Good," 171.

⁷² Taylor, "Cross Purposes," 184.

⁷³ Ibid.

and examine what I take to be their most important objection: the viability of a liberal democratic society with its neutral stance to the conceptions of the good life.

As I illustrated, critics commonly argue that Rawls' theory lacks solidarity in fundamental respects. In effect, critics underline the necessity of endorsing more encompassing relations between individuals both in the original position where the aim is to find the principles of justice; and in the well-ordered society of justice as fairness where the question is whether citizens will be sufficiently motivated to act upon the requirements of the difference principle. I shall argue that for the latter, Rawls never holds the view that the kind of solidarity implied by the difference principle is possible among mutually self-interested individuals. On the contrary, Rawls argues that the stability of a just society is not possible if individuals are conceived of as similar to the parties of the original position, that is as motivated solely by their self-interest.⁷⁴ Thus, Rawls explicitly distinguishes the parties of the original position who are rational and mutually disinterested from the citizens of the well-ordered society who are both rational and reasonable, and have an effective shared sense of justice.⁷⁵ For the former, however,

⁷⁴ Rawls underlines that the original position is an analytic construction whose role is to define the principles of justice which apply to institutions. How persons will act in particular situations is not accounted for by this construction. Rawls writes, "[t]hose engaged in an institution will indeed normally do their part if they feel bound to act on the principles which they would acknowledge under the conditions of the analytic construction. But their feeling bound in this way is not itself accounted for by this construction, and it cannot be accounted for as long as *the parties are described solely by the concept of rationality* [emphasis added]." Rawls, "The Sense of Justice," in *John Rawls: Collected Papers*, ed. Samuel Freeman (Cambridge, MA: Harvard University Press, 1999), 100. Rawls argues that for a just society to be stable, its citizens must have a shared and effective sense of justice whose content is given by the two principles of justice. "The sense of justice helps to maintain schemes of cooperation just as the natural attitudes friendship and trust do." (Ibid., 106)

⁷⁵ Rawls underlines that "The motivation of the parties of the original position must not be confused with the motivation of persons in everyday life who accept the principles that would be chosen and who have the corresponding sense of justice" (*Theory*, 148). Later, in "Kantian Constructivism in Moral Theory," Rawls emphasizes the distinction more explicitly and argues for the necessity of distinguishing "three points of view" which we adopt in *Theory*: "it is important to distinguish three points of view: [1] that of

I will argue that because in the original position, persons are abstracted from their particular ends and attachments, they are not to be taken as “isolated” individuals. Rawls characterizes parties of the original position as mutually disinterested, having no concern for one another, whether benevolent or envious. In this respect, the parties can be thought as “isolated” to their own well-being since they are concerned only with furthering their own good. In another sense, however, they are not isolated beings because they are characterized as within certain relations and having mutual dependencies to one another. In the proceeding, I will develop this point further and explicate various bonds, relations, dependencies and bases of unity Rawls assumes and endorses throughout *Theory*. Such an endeavor will enable us, as I will argue, to discover the two solidarities Rawls implicitly endorses in *Theory*. Nevertheless, I admit that critics might find these ties, relations and dependencies insufficient for realizing the ideal of political community they hold. Then, the point of disagreement will be about the most reasonable conception of civic solidarity for liberal democracies.

To this end, I propose reading Rawls’ *Theory* as encompassing three parts: before the original position, the original position, and the well-ordered society of justice as fairness. In our attempt to show the solidaristic bases of Rawls’ theory of justice, I argue for the necessity of examining each part separately. To restate, my thesis will be that Rawls’ theory of justice relies on two bases of social unity and presupposes certain relations and interdependencies which later develop into two kinds of solidarity in his work. This chapter aims to demonstrate how this is so. Consequently, I will establish

the parties in the original position, [2] that of citizens in a well-ordered society, and finally, [3] that of ourselves—you and me—who are examining justice as fairness as a basis for a conception of justice that may yield a suitable understanding of freedom and equality.” “Kantian Constructivism,” 320-1.

that because most critics ignore these distinct parts of Rawls' *Theory* and the ways in which they are related, they fail to comprehend the two different accounts of solidarity that Rawls embraces throughout *Theory*.

3.2 Historical-cultural consensus on liberal values

As I have argued, critics mostly concentrate on the original position and neglect why individuals find the original position theoretically appealing. This is partly because they read Rawls' contractarianism in line with traditional contract theories. However, unlike traditional social contract theories which illustrate the state of nature as an historical event that explains the transition from savagery to civilization, Rawls adopts a present time entry model of the contract situation.⁷⁶ Hence, the participants of the original position hypothetically adopt the perspective of the original position by assuming its constraints now and then. (*Theory*, 12) For our purposes, however, citizens' reasons for taking the perspective of the original position are of fundamental importance. What troubles in existing societies lead us to adopt the viewpoint of the original position? Answers given to these questions shed light upon the central question of this section: is there any antecedent form of solidarity, recognition of commonness, or group-specific common ground that exists between members of society which explains why they find the perspective of the original position appealing and which, and also accounts for their quest for justice?

⁷⁶ Rousseau provides such an historical account in his *Treatise on Inequality*. It should be noted that his account is also hypothetical, depicting what might have been take place in the transition to society. Rousseau's account is designed to show what human beings owe to society by illustrating what they must have been like before society. Jean- Jacques Rousseau, *Discourse on Inequality*, trans. Franklin Philip (New York: Oxford University Press, 1994).

These inquiries necessitate answering the question of who are “we”? Owing to the Kantian aspects of justice as fairness, it is mostly taken for granted that Rawls’ constructivism gives us a conception of justice which could be adopted by anyone, anytime and for any society. Unlike Kant who holds that the Categorical Imperative applies to all human beings alike and gives us universal moral principles for human conduct, Rawls holds the view that the original position has a particular addressee, which is the fellow citizen of a democratic liberal society, and does not apply to all human beings. I will quote Rawls at length:

...we are not trying to find a conception of justice suitable for all societies regardless of their particular social or historical circumstances. We want to settle a fundamental disagreement over the just form of basic institutions *within a democratic society under modern conditions. We look to ourselves and to our future, and reflect upon our disputes since, let’s say, the Declaration of Independence* [emphasis added].⁷⁷

What justifies a conception of justice is not its being true to an order antecedent to and given to us, but its congruence with our deeper understanding of ourselves and our aspirations, our realization that, given our history and the traditions embedded in our public life, it is the most reasonable doctrine for us. We can find no better basic charter for our social world.⁷⁸

Rawls conceives the agents of the original position as fellow citizens in a bounded, liberal democratic society, whereas Kant’s constructivism aims at reaching all human beings without restriction. Rawls thus conceives of the original position as a hypothetical device which we, as members of a democratic liberal polity, can use to think about justice and decide on the principles that constitute the basis for our common

⁷⁷ Rawls, “Kantian Constructivism,” 305-6.

⁷⁸ Ibid., 306-7.

association.⁷⁹ Read this way, Sandel not only mistakenly identifies the original position with the well-ordered society, but also ignores Rawls' reliance on the historical and cultural consensus on democratic values in *Theory*. In this, Sandel reads Rawls more like Kant and disregards the Rousseauian side of his thought. Rather than arguing for a “deontological,” “unencumbered” or “isolated” self, Rawls relies on the pre-reflective sources of democratic solidarity already nourished in democratic liberal societies. The original position has the task of grounding this pre-reflective consensus on the rational agreement of the persons. On the other hand, Rawls is a Kantian in his commitment to the view that if principles of action are to be offered as morally binding to others with diverse ethical and religious commitments, those principles must be agreed on by those others and adopted in a fair initial situation. Rawls' Kantianism lies in his commitment to the view that rules of justice must be the result of rational agreement which is achieved irrespective of the contingencies of the world, e.g. the shared ideology, ways of life, and social norms. I shall argue that from *Theory* to *Political Liberalism*, Rawls more explicitly emphasizes the historical-cultural consensus on democratic and liberal values, and makes more explicit the ways his theory relies on such consensus. However, even in *Theory*, there are references—though less explicit—to the historical cultural consensus on the values of liberal democracies. I will argue that Rawls proceeds against a background of pre-reflective consensus and historical sources of solidarity in democratic societies with the aim of making it more coherent and firmer. However,

⁷⁹ Onora O'Neill rightly observes that in many ways Rawls's *Political Liberalism* is more Rousseauian than Kantian, more civic than cosmopolitan. She argues that Rawls considers fellow citizens as sharing a bounded and closed society with its basic institutions including a democratic constitution. In this respect, she argues that Rawls' *Theory* presupposes rather than justifies constitutional democracy. Onora, O'Neill, “Constructivism in Rawls and Kant,” in *Cambridge Companion to Rawls*, ed. Samuel Freeman (Cambridge: Cambridge University Press, 2003), 353.

unlike communitarians, Rawls does not think that we should stick with what we have already in our culture and tradition. Put this way, I will argue, Sandel and Taylor's "lack of solidarity" objection to Rawls is misplaced. I will return to this point later in this chapter.

As an answer to the question of why we have an interest in the original position, Rawls says: "It is natural to ask why, if this agreement is never actually entered into, we should take any interest in these principles, moral or otherwise. The answer is that the conditions embodied in the description of the original position are the ones that *we do in fact accept* [emphasis added]. Or if we do not, then perhaps we can be persuaded to do so by philosophical reflection." (*Theory* 21, 587) Rawls argues that we do agree—or on due reflection we would reach agreement—on what constitutes "the reasonable philosophical conditions on principles." The constraints of the original position are not arbitrary. They "model" our most considered convictions about justice in the decision procedure. For instance, the concept of persons as free and equal moral persons models the conception of personhood embedded in the ideal of democracy. (*PL*, 18) Rawls holds that despite the principles of justice being constructed using the original position as a procedure; the original position is not constructed, but laid down as expressing or "modeling" our considered convictions about justice. (*PL*, 104) For Rawls, the original position is the most favored interpretation of our most considered convictions about justice. Rawls states:

There are, as I have said, many possible interpretations of the initial situation. This conception varies depending upon how the contracting parties are conceived, upon what their beliefs and interests are said to be, upon which alternatives are available to them, and so on. In this sense, there are many

contract theories. Justice as fairness is but one of these. But the question of justification is settled, as far as it can be, by showing that there is one interpretation of the initial situation which *best expresses the conditions that are widely thought reasonable to impose on the choice of principles* [emphasis added] yet which, at the same time, leads to a conception that characterizes our considered judgments in reflective equilibrium. The most favored, or standard, interpretation I shall refer to as the original position. (*Theory*, 121)

The passage suggests that there could be many original positions depending on how we conceive of the parties in it and what we take to be their beliefs and interests. However, Rawls claims that the original position of *Theory* is the most favored interpretation since it is most in line with our considered judgments of justice.⁸⁰ But what are these “fixed points” and “our most considered judgments”?

Rawls holds that “we”—citizens of a liberal democratic society—already have “provisional fixed points” which we think any theory of justice must fit. For instance, we are confident that religious intolerance and racial discrimination are wrong, and we have reached the consensus on the belief that “an impartial judgment not likely to be distorted by an excessive attention to our own interests” (*Theory* 20). Also, the requirement that selected principles must meet the criteria of ordering, finality, and publicity are among our provisional fixed points and well-established convictions (*Theory* 582). For instance, Rawls says “it seems to be 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 his initial place in society.” (*Theory*, 104) This “fixed point” is modeled by the veil of ignorance. The function of the veil of ignorance is to prevent natural and social contingencies to affect parties’ rational decisions in the

⁸⁰ In this respect, O’Neill emphasizes that despite the principles of justice being constructed by using the original position and given a constructivist justification, the original position itself receives only a coherentist justification. Onora O’Neill, “Constructivism in Rawls,” 357.

original position. We believe that for a theory of justice to be “reasonable for us,” it must meet these formal conditions.

But, if there is already a consensus on political values, why do citizens need the original position. As a response, Rawls stresses that citizens sharply disagree about how to interpret these values and weigh them against one another. Rawls gives the example of the conflict between the claims of liberty and claims of equality in democratic thought. These conflicting claims show that there is no public agreement on how to organize the basic institutions of society. In this regard, Rawls assigns political philosophy a practical role “arising from divisive political conflict and the need to settle the problem of order.”⁸¹ Rawls writes, “one practicable aim of justice as fairness is to provide an acceptable philosophical and moral basis for democratic institutions and thus to address the question of how the claims of liberty and equality are to be understood.” (*Restatement*, 5) Rawls continues, remarking on how political philosophy performs its practical task:

To this end we look to the public political culture of a democratic society, and to the traditions of interpretation of its constitution and basic laws, for certain familiar ideas that can be worked up into a conception of political justice. It is assumed that citizens in a democratic society have at least an implicit understanding of these ideas as shown in everyday political discussion, in debates about the meaning and ground of constitutional rights and liberties, and the like. (*Restatement*, 5)

Political philosophy should look to the political culture of democratic society and try to utilize the “implicit understanding” of the ideas employed in everyday political discussions. In what follows, Rawls points out that the aim of justification is to

⁸¹ John Rawls, *Justice as Fairness: A Restatement*, ed. Erin Kelly (Cambridge, MA: Harvard University Press, 2001), 1-3 (hereafter will be cited in text as *Restatement*).

“convince others” and that it is addressed to “those who disagree with us or to ourselves when we are of two minds. ... Being designed to reconcile by reason, justification proceeds from what all parties to the discussion hold in common.” (*Theory*, 580) So, in Rawls’ account, the two principles of justice are not asked to generate unity among persons who are aliens to each other like a totalitarian to a democrat or a religious fundamentalist to a political liberal. Rather, as members of a liberal democratic polity, we have a shared history of democratization and liberation. So, there is no debate among us as to whether liberty is a value or slavery is a wrong. We all recognize liberty and equality as fundamental political values of the democratic culture we inherit. And we all condemn slavery as inherently unjust. Rather, we disagree about the correct interpretation of these values within the basic structure of our society. It is chiefly this sort of disagreement that *Theory* aims to resolve.

At this point, however, it is necessary to return the original question: who are “we” for Rawls? I should note that for Rawls “we” corresponds to the vast majority of citizens in Western democracies who accept liberty and equality as political values in their civic life. Rawls acknowledges that there might be groups which do not hold, for instance, freedom of conscience and are intolerant of other conceptions of the good different from theirs. Rawls does not think that any agreement is possible among persons who value freedom of conscience and the liberal value of toleration and persons who reject these values. Yet, in a general (majority) culture of freedom and toleration, these latter views can at best be accommodated by the majority culture, without being assimilated by force. Rawls tells us that intolerant sects live within the society without becoming adherents of its values and principles, and can be left alone as long as they do

not threaten the social order by violent means. (*Theory*, 216-21) The hope is that, in the long run, these views acknowledge the good of political society united around these ideals.

Hence, for Rawls, the conception of the original position defines “the underlying idea which is to inform our deliberations” and the task of moral philosophy is accomplished “if the scheme as a whole seems on reflection to clarify and to order our thoughts, and if it tends to reduce disagreements and to bring divergent convictions more in line.” (*Theory*, 53)

Rawls underscores the need for “some existing consensus” to start with: “One of the aims of moral philosophy is to look for possible bases of agreement where none seems to exist. It must attempt to extend the range of *some existing consensus* [emphasis added] and to frame more discriminating moral conceptions for our consideration.” (*Theory*, 582) Thus, the original position illustrates the decision procedure which would help us to resolve our disputed claims in a fair way. It helps us “to see if the principles which would be chosen match our considered convictions of justice or extend them in an acceptable way.”⁸² (*Theory*, 19) Thus, Rawls holds that his method of justification presumes a consensus, an agreement among persons in their most considered judgments of justice. “It is perfectly proper, then, that the argument for the principles of justice should proceed from some consensus.” (*Theory*, 581)

⁸² The original position also presumes a consensus on what counts as reasonable constraints on principles. Rawls states that “[t]hese constraints express what we are prepared to regard as limits on fair terms of social cooperation. One way to look at the idea of the original position, therefore, is to see as an expository device which sums up the meaning of these conditions and helps us to extract their consequences.” (*Theory*, 21)

More importantly, this consensus consists in that we are not to form a consensus around a particular conception of the good. In other words, Rawls assumes that citizens of the liberal democratic society have a consensus on reasonable pluralism.⁸³ This is why, for example, in the USA, Catholics accept that a Catholic conception of justice (an account of justice which relies on a particular conception of the good) cannot provide us with an adequate political conception of justice. It is one of our considered convictions that the fact that we affirm a particular comprehensive religious, philosophical or moral doctrine is not a good reason for us to propose it as a common ground to those who hold different comprehensive doctrines. (*PL*, 24) For Rawls, the impossibility of cohesion with respect to a comprehensive doctrine is learned from “historical experience” and by “centuries of conflict.” (*PL*, 63) This explains why we are in need of an abstract account of justice. It must be abstract enough to include the most diverse view points and conceptions of the good. Nevertheless, as Rawls points out, justice as fairness is not a neutral conception. Justice as fairness relies on the substantial values of liberal democratic societies. All of these commitments are reflected in the design of the original position.

⁸³ Here, a brief discussion of Rawls’ views of pluralism is needed. Rawls says that in the original position persons know that their society is characterized by the circumstances of justice. The circumstances of justice include the fact of pluralism. Rawls assumes that citizens know that their society is composed of different and possibly opposing religious, philosophical and political views. (*Theory*, 127) Furthermore, Rawls holds that no matter how impartial and altruistic men are, they will still disagree in their religious, philosophical and moral views. Samuel Freeman, *Rawls* (New York: Routledge, 2007), 161. In *Political Liberalism*, Rawls acknowledges that the claim that democracy is marked by pluralism is not a “surprising” claim to make. There are and will be many unreasonable doctrines which want to use political power to dominate others. What is surprising, however, is the fact that democracy is marked, as well, by reasonable pluralism. This implies that even if there are no unreasonable doctrines in society, it would still be impossible to achieve a consensus around a single comprehensive conception of the good. (*PL*, 63-4) Rawls holds that there are many reasonable comprehensive views, which agree on the fundamental essentials of a constitutional regime (on the political conception of justice) yet hold different religious and nonreligious comprehensive views. I will discuss Rawls’ views of pluralism in the fourth chapter.

Although the original position models a perspective that is impartial, ahistorical and free from contingencies of the world, it is intended to sort out our already existing convictions of justice. Viewed in this way, Bayertz's criticism relies on a faulty and partial reading of Rawls which exclusively concentrates on the original position. However, the original position is an artificial procedure which is designed to meet the need to elaborate a basis of social unity in Western democratic societies. But, if justice as fairness presumes a "we" and relies on a pre-theoretical consensus on the values of democratic and liberal societies, what is the significant contribution of the original position?

According to Rawls, as a hypothetical device, the virtue of the original position lies in its ability to test our most considered convictions of justice and to give them a coherent interpretation. For Rawls, one of the merits of justice as fairness is that it supports and guides our widely held and carefully considered beliefs and convictions about justice better than any theory available to us now. This feature of *Theory* is expressed more firmly and explicitly in Rawls' later writings and in *Political Liberalism*. Rawls restates the aim of political philosophy as one to "find a shared basis for settling such a fundamental question as that of the most appropriate institutional forms for liberty and equality."⁸⁴ To this end, for Rawls, the most that can be done is "to narrow the range of public disagreement." (Ibid.) Rawls continues:

We look, then, to our political culture itself, including its main institutions and the historical traditions of their interpretation, as the shared fund of implicitly recognized basic ideas and principles. The hope is that these ideas and principles

⁸⁴ John Rawls, "Justice as Fairness: Political not Metaphysical," in *John Rawls: Collective Papers*, ed. Samuel Freeman (Cambridge, MA: Harvard University Press, 1999), 393.

can be formulated clearly enough to be combined in a conception of political justice congenial to our most firmly held convictions. (*ibid.*)

What the original position and the conception of justice accomplish is that they clarify “the shared ground” by providing more discriminating moral conceptions for us to adjudicate our differences and resolve our competing claims. It must be emphasized that such a “shared ground” was always there, although we did not comprehend it as clearly as we do now after due reflection. Furthermore, Rawls hopes that the conceptual clarity this procedure provides us makes our bonds firmer and more inclusive, and anchoring on stronger grounds.

Having argued for an understanding of how Rawls draws on the historical cultural consensus on democracy and liberalism, in the following sections I will focus on discovering what relations, interdependencies, commonness and bases of unity Rawls endorses in the original position, which, as I claim, constitute the bases of the two kinds of solidarity in the well-ordered just society. But first, I will remark on Rawls’ method of justification, revealing further the ways Rawls presumes solidarity in *Theory*.

3.3 Remarks on justification

In this section, I will advance my claim that Rawls implicitly presumes solidarity in *Theory*. I will claim that Rawls’ presumptions of solidarity could be further demonstrated by scrutinizing how the method of reflective equilibrium operates. To this end, I will first describe the method of reflective equilibrium and its relation to the derivation of the principles in the original position, and then state some major objections to Rawls’ method of justification. I will focus on the following points particularly: (1) how and to what extent *Theory* justifies liberal democratic values and (2) to what extent

is *Theory* an exercise in “values clarification.” I will emphasize that Rawls is concerned with moral consensus and not with moral truth, seeing moral consensus as necessary for political philosophy to fulfill its “practical role,” namely to provide “a common ground” around which citizens, who hold different comprehensive doctrines, could unite. In this context, however, my aim is not to criticize Rawls’ method of justification but to reflect on it to uncover further the ways Rawls draws on solidarity. This discussion will also contribute to our understanding of the scope of Rawls’ project in *Theory*.

Having discussed Rawls’ method of justification, I will next consider whether Rawls justifies solidarity. I will argue that Rawls presumes solidarity without justifying it. Nevertheless, Rawls supports his presumptions of solidarity by drawing on certain “intuitive considerations” “we” hold about the nature of “our” society, which include our view of how people are deeply related in society and the fact of productive dependency. These considerations also include our recognition of certain historical facts about modern society e.g. large scale societies and the fact of value pluralism.⁸⁵ Drawing on these points, I will argue that Rawls endorses a normative view of solidarity, and holds that citizens ought to be bound in a particular way in the wider society. Now, I will begin with analyzing the method of reflective equilibrium.

Throughout his works, Rawls employs three distinct methods of justification: the method of reflective equilibrium, the derivation of principles in the original position, and the idea of public reason which he develops largely in *Political Liberalism*. In this section, I will examine the first two methods and underscore their internal connection.

⁸⁵ I explain how “intuitive considerations” is reflected in Rawls’ fuller view of society in the fourth chapter of the present dissertation.

Our main question is the following. If the method of reflective equilibrium is an exercise of value clarification, and aims to make coherent what we already believe about morality and justice, can we say that the method itself justifies the principles of justice? Freeman notes this objection and acknowledges that for many critics Rawls' practical justification is not viewed as a real justification, but rather a kind of method that brings the principles of a democratic culture together into a coherent system.⁸⁶

Having noted the objection, I will start with characterizing these two methods of justification. In the original position, the derivation of the principles appeals to a deductive method which requires that the principles of justice are the ones that are deduced from certain assumptions regarding society and individuals in an initial situation of equality. This method is also constructivist. Rawls explicitly argues against moral realism and states that there is no independent moral order which makes our moral judgments true or false. (*PL*, 97) Rather, for Rawls, moral principles are "constructions of human agents" and they are objective within and justified through the construction itself.⁸⁷ When there is no independent criterion of justice, e.g. God or tradition, Rawls suggests, the only way is to rely on fair procedures to reach the principles of justice. And the only justification that these principles could bear originate from our rational and voluntary agreement to them in a fair initial situation. (*PL*, 97) The method of reflective equilibrium, on the other hand, is a non-deductive method which holds that the principles are justified if they explain and give a coherent interpretation of our deeply (and confidently) held and most considered convictions of justice in a reflective

⁸⁶ Freeman, "Reason and Agreement," 150.

⁸⁷ O'Neill, "Constructivism in Rawls," 348.

equilibrium. However, there is a deep connection between these two methods of justification, since the original position is thought to best express these most widely held convictions and firm beliefs we hold about justice. (*Theory*, 121)

Hence, Rawls argues that despite the principles of justice being constructed using the original position as a procedure; the original position is not constructed, but laid down as expressing or “modeling” our most considered convictions about justice. (*Theory*, 19-20; *PL*, 104) However, to the extent to which the original position models or represents our considered convictions of justice, the “favored” interpretation of the original position is itself accounted by relying on the method of reflective equilibrium.⁸⁸ Nevertheless, it is argued that the more the coherence argument takes precedence over the contract argument; it undermines the justificatory force of the contract argument.⁸⁹ With respect to these points, critics underscore that Rawls fails to provide a sufficient justification for his principles of justice. In this regard, Nagel argues that the original position does not justify Rawls’ egalitarian commitments but models them in a persuasive way.⁹⁰ Hare expresses his dissatisfaction with Rawls’ coherence argument, and the fact that it relies extensively on what “we” think about morality. In that, Hare argues, Rawls advocates a kind of subjectivism by requiring that the procedure of

⁸⁸ For the claim that Rawls’ contract argument is closely tied to his coherence argument, see T. M. Scanlon, “Rawls on Justification,” in *Cambridge Companion to Rawls*, ed. Samuel Freeman (New York: Cambridge University Press, 2013), 153. David Lyons, “Nature and Soundness of Contract and Coherence Arguments,” in *Reading Rawls*, ed. Norman Daniels (New York: Basic Books, 1975), 150.

⁸⁹ Lyons, “Contract and Coherence,” 157.

⁹⁰ Thomas Nagel, “Rawls on Justice,” in *Reading Rawls*, ed. Norman Daniels (New York: Basic Books, 1975), 15. To quote, “The egalitarian liberalism which he [Rawls] develops and the conception of the good on which it depends are extremely persuasive, but the original position serves to model rather than to justify them.”

finding the principles of justice ought to match “our” intuitions.⁹¹ As a result, he asks whether Rawls’ “method of doing philosophy” is a genuine one. Lyons too disputes the justificatory force of the coherence argument emphasizing that it is possible that certain principles cohere with our considered convictions and shared values, yet the existence of coherence does not say anything about the truth of these moral principles. Since these considered judgments might be formed as a result of arbitrary commitments, for this reason, they might be historical accidents and mere conventions.⁹² Another objection points out that because the coherence argument is dependent on the existing values and beliefs in the Western society about morality, it is conservative as much as relative. For the purpose of this dissertation, I will examine a constructive analysis of Rawls’ method which addresses some of the criticisms I noted.

Scanlon assesses some of these objections by emphasizing the two interpretations of the method of reflective equilibrium. Scanlon maintains that reflective equilibrium could be viewed either as describing what we actually do think about morality, or a reflective process of deciding what to think about morals. Scanlon observes that the method of reflective equilibrium is given a conservative reading when it is merely understood as a procedure of making what we do think about morality coherent, where moral judgments are taken as given and unalterable data. However, Scanlon argues, this is not the way Rawls applies the model. In Rawls’ view, the moral

⁹¹ R. M. Hare, “Rawls’ Theory of Justice,” in *Reading Rawls*, ed. Norman Daniels (New York: Basic Books, 1975), 82-3.

⁹² Lyons, “Contract and Coherence,” 146-7.

data—what we actually think about morals and justice—changes constantly throughout the process of reflective equilibrium. As Rawls says:

Moral philosophy is Socratic: we may want to change our present considered judgments once their regulative principles are brought to light. And we may want to do this even though these principles are a perfect fit. A knowledge of these principles may suggest further reflections that lead us to revise our judgments. (*Theory*, 49)⁹³

Scanlon emphasizes that Rawls requires many of our considered judgments and common attitudes to be altered, e.g. economic reward should be proportionate to moral desert, or individual's marginal contribution to society, and the free market cannot judge individuals' share of the social product. In view of these points, Scanlon argues that the charge of conservatism is misplaced in Rawls' version of the method of reflective equilibrium.⁹⁴ To return our initial question, whether *Theory* is merely an exercise in value clarification, Scanlon's interpretation shows that although it is a method of value clarification, the method is not at the mercy of the moral data it starts with. Although *Theory* starts from what we actually think about justice and morality in democratic societies, it requires giving up some of our most considered judgments along the way, because they do not cohere with the principles we agree on as rational and reasonable beings; or even when they cohere, as Rawls claims, "we may want to change our present considered judgments once their regulative principles are brought to light." Hence, we

⁹³ Moreover, Rawls argues that when discrepancies occur between the principles we rationally affirmed and our most widely held convictions of justice; "We can either modify the account of the initial situation or we can revise our existing judgments, for even the judgments we take provisionally as fixed points are liable to revision. By going back and forth, sometimes altering the conditions of the contractual circumstances, at others withdrawing our judgments and conforming them to principle, I assume that eventually we shall find a description of the initial situation that both expresses reasonable conditions and yields principles which match our considered judgments duly pruned and adjusted. This state of affairs I refer to as reflective equilibrium." (*Theory*, 20)

⁹⁴ Scanlon, "Rawls on Justification," 157.

might not want to accept these judgments as we do before when we see them in a new light. However, this interpretation as well does not overcome the problematic relation of the method of reflective equilibrium with “moral truth.”

Rawls is aware of this problem, but he dismisses the search for moral truth as a concern for political philosophy from the start. He distinguishes the theoretical interest in moral truth from the practical task of political philosophy, which is finding a reasonable basis of social unity in societies divided by various comprehensive doctrines.⁹⁵ Thus, for Rawls the practical role of political philosophy, which is to find principles which could serve as a public basis of justification, takes precedence over its theoretical task, namely the search for true moral principles. However, Rawls is not a skeptic about moral truth; he does not reject the existence of true moral principles, but leaves the search for moral truth to comprehensive doctrines. (*PL*, 126) The reason is that Rawls thinks that given the fact of reasonable pluralism, the insistence on truth in the political domain is destructive to society. (*PL*, 63) Although the practical aspect of Rawls’ philosophy is less emphasized in *Theory*, in his *Restatement* and in *Political Liberalism* Rawls’ concern with the problem of social unity is much more unequivocal. Rawls thinks that in a society where there is no commonly recognized external authority e.g. God or tradition, and no shared conception of the good life; the shared conception of justice would establish the basis of social unity and ties of civic friendship. Rawls’ concern for stability, hence social unity, and taking it as a consideration in the original position indicates that for Rawls the principles of justice must be “practical,” namely they must serve as “a foundation charter” of society, and be able to establish social unity

⁹⁵ Freeman, “Reason and Agreement,” 147.

and harmony in society. Hence, for Rawls, political philosophy aims at finding such shared political conception of justice and not truth.

Against this background, let me return to whether Rawls justifies solidarity in addition to presuming it. I will argue that Rawls does not justify solidarity but argues for a normative view of solidarity which is determined by several considerations both practical and conceptual in kind. As a result of these considerations, which I will state below, Rawls argues that citizens ought to bind in a certain way in society. To this end, I will note two distinct senses of the concept of solidarity. In the descriptive sense solidarity refers to the actually existing bonds, ties and attachments between persons; in the normative sense solidarity suggests an understanding of what “should” bind people which is apart from and mostly critical of the types of bonds and attachments that actually exist.⁹⁶ Thus, I claim that Rawls not only draws on the types of bonds that actually exist in the liberal democratic society; but the whole enterprise attempts to give us an account of what kind of citizenship bonds ought to exist in society, given certain considerations and assumptions regarding society. I will start with Rawls’ conceptual assumptions. As I said, Rawls starts with a Kantian conception of persons as free and equal with two moral capacities and the corresponding highest order interests in developing and realizing these moral capacities: (1) the capacity to form (also revise) a conception of the good and (2) the capacity for a sense of justice (namely the capacity to form, understand and act from moral principles).⁹⁷ First of all, Rawls’ view of what kind

⁹⁶ Max Pensky, *The Ends of Solidarity: Discourse Theory in Ethics and Politics* (Albany: The State University of New York Press, 2008), 4-5.

⁹⁷ Rawls, “Kantian Constructivism,” 312; *PL*, 19.

of civic bonds should there be in the well-ordered just society is dependent on the conception of persons and society he endorses. If we were to start with different assumptions, then our normative stance regarding what kind of bonds there should be in society would be different. It is possible to conceive of persons as much more dependent on society like communitarians do—who as a result argues that individuals owe one another much more than justice demands—or much less dependent on society like libertarians do—who as a result endorses much less obligations between individuals in society.⁹⁸ Thus, for Rawls, citizens should be bound in way which respects their being equal and free moral persons; and in a way which is supportive of the development and realization of their moral capacities. Secondly, the kind of bonds Rawls thinks there should be must also answer the problem of social unity under conditions of reasonable pluralism. In this respect, Rawls draws on the historical facts of modern society, e.g. the fact that it is populated, the fact of value pluralism, and the fact of higher productive dependency or the division of labor. Hence, Rawls' normative stance regarding what kind of citizen bonds should there be in society is determined by the practical role he assigns to political philosophy. On the other hand, it must be emphasized that Rawls does not ground solidarity or justify it by relying on an account of human nature e.g.

⁹⁸ At this point, for instance, Sandel argues that what we owe to our fellows, or some of them, goes beyond what justice requires or even permits because we are tied to our fellows more than justice admits. Sandel says; “Allegiances such as these are more than values I happen to have or aims I ‘espouse at any given time’. They go beyond the obligations I voluntarily incur and the natural duties I owe to human beings as such. They allow that to some I owe more than justice requires or even permits, not by reason of agreements I have made but instead in virtue of these more or less attachments and commitments which taken together partly the person I am.” “Justice and the Good,” 172. On the other hand, with their highly individualistic conception of society and the person, libertarians such as Nozick consider the requirements of the difference principle as demanding unjustified sacrifices from the better off citizens for the sake of improving the well-being of the less well off. Nozick, *Anarchy, State and Utopia* (New York: Basic Books, 1974), 32-3. For a detailed discussion of libertarian critiques, see chapter 4 of the present dissertation.

natural capacity for sympathy. Nor does he appeal to a perfectionist view such as that we should be bound in a particular way because it is only in this way that we realize our true nature. To the contrary, as a result of both conceptual and practical concerns, Rawls argues that citizens should be bound in a particular way in the wider society, and also with respect to certain aspects of their life, which are political and productive; and not with respect to others such as religion, culture, and substantial views of the human good. His reason, as we saw, however, is the historical failure of establishing solidarity on the ground of a comprehensive view or a single conception of the good life.

Having established this, in the rest of the chapter I will elaborate these two central activities of citizens for Rawls, and how, in my interpretation, Rawls thinks of these two activities as the source of the solidarity of citizens in the well-ordered just society.

3.4 The original position: The bases of two solidarities

3.4.1 The basis of democratic solidarity

So far, I have argued that Rawls relies on “a common ground” and “consensus” on liberal political values. However, it is important to note that in the original position the persons are not motivated by the historical and cultural consensus on democratic and liberal values discussed above. Rawls argues that the original position and the arguments for the principles of justice must stand on their own feet. That is to say that the derivation of the principles does not require these values to be acknowledged by the participants of the original position. The parties of the original position are situated behind a veil of ignorance and do not know their particular social and economic status,

their particular political, religious or philosophical views and the particular characteristics and level of development and culture of their society.⁹⁹ (*Theory*, 136-7)

Moreover, the parties in the initial situation are characterized as rational and mutually disinterested; “they are conceived as not taking an interest in one another's interests” which means that they are moved neither by benevolence nor by envy. Rawls underlines also that “the concept of rationality must be interpreted as far as possible in the narrow sense, standard in economic theory, of taking the most effective means to given ends. ...but one must try to avoid introducing into it any controversial ethical elements.” (*Theory*, 13-4)

Drawing on these aspects of the original position, as I discussed, communitarian critics characterize the parties of the original position as isolated individuals without particular ties and attachments, or as unencumbered selves which are detachable from their ends, abstract beings without substantial content.¹⁰⁰ It is true that, to the degree to which they are stripped from their particularities, they are abstract. The parties do not know the content of their interests, their conception of the good, or where their particular loyalties lie. Furthermore, they are “isolated” in the sense that they are concerned only with their well-being. Yet, as I will argue, in the original position persons are characterized and required to view themselves in a certain way, within certain relations and interdependencies. Despite being general and less determinate, the persons conceive

⁹⁹ However, parties do know the level of economic of their society in the special conception of justice which endorses a lexical ordering between the principles of justice. When principles are ordered in this way, the liberty and the opportunity principle cannot be exchanged for greater economic and material advantages. (*Theory*, 151-2)

¹⁰⁰ Sandel, “Justice and the Good,” 94. See the first section of the present chapter for the discussion on the “lack of solidarity” objection.

of themselves as being in political and productive relations, and in this respect they are to view themselves as not “isolated.”

Rawls draws attention to some aspects of his theory and argues against conceiving persons as isolated individuals in the original position. Rawls states:

One might say that they regard themselves as having moral or religious obligations which they must keep themselves free to honor. Of course, from the standpoint of justice as fairness, these obligations are self-imposed; they are not bonds laid down by this conception of justice. The point is rather that the persons in the original position are not to view themselves as single isolated individuals. To the contrary, they assume that they have interests which they must protect as best they can and that they have ties with certain members of the next generation who will also make similar claims. (*Theory*, 206)

Rawls suggests that persons view themselves as having moral and religious obligations which they want to honor and are unwilling to sacrifice. Firstly, Rawls assumes that parties all know that they have a conception of the good which they want to live up to, and are unwilling to sacrifice for greater social and economic advantages.¹⁰¹ As Rawls emphasizes, in the original position their decision is largely shaped by this additional knowledge. Secondly, persons also know they might have ties to persons and associations, yet they do not know the particular content of their attachments. Thirdly, persons are to assess the merit of alternative conceptions of justice with respect to the primary goods each conception provides. They know that no matter what particular plans of life or conception of the good they hold, they have an interest in having more of these goods, rather than less.

¹⁰¹ The desire to secure their conception of the good is explained in *Theory* by their unwillingness to sacrifice their freedom to do so in exchange for further economic and social advantages. Thus, in the special conception of justice where certain level of social and economic advancement is achieved, Rawls claims that citizens are unwilling to exchange their liberty for greater material well-being. (*Theory*, 63) In the Kantian interpretation of justice as fairness, Rawls endorses a different account and argues that citizens of a democratic polity are modeled as having two moral powers and two higher (regulative) desires to exercise these powers. “Kantian Constructivism,” 312-3.

I would like to underline that apart from these, and although it is not sufficiently emphasized by Rawls, in the original position, persons know that they are members of a self-sufficient, closed and ongoing political society, and they know themselves as representatives of citizens of such a society.¹⁰² This may seem like a trivial point, however, it has important implications here.

Furthermore, in the original position, persons choose a conception of justice for organizing the basic structure of their society. The principles of justice will be “the foundation charter of their society.” In this sense, the original position models the idea of participatory self-rule. To quote extensively from Rawls:

Thus we are to imagine that those who engage in social cooperation choose together, in one joint act, the principles which are to assign basic rights and duties and to determine the division of social benefits. Men are to decide in advance how they are to regulate their claims against one another and what is to be the foundation charter of their society. (*Theory*, 11)

The persons are characterized as free and equal moral beings who in one joint act decide the principles for their common association. If the decision is to affect men’s prospects in life, then it must be agreed on by the persons who are affected by them. In this respect, the original position models the idea of legitimacy implicit in the practice of democracy.

¹⁰² In addition, although the parties do not know the particular characteristics of themselves and of their society, Rawls assumes that they know general facts about society. “It is taken for granted, however, that they know the general facts about human society. They understand political affairs and the principles of economic theory; they know the basis of social organization and the laws of human psychology.” (*Theory*, 137) Rawls speaks very little of what these knowledge exactly includes. From his examples, it could be inferred that persons seem to understand how economy works. But they also seem to know what it means when the economy and politics malfunction. They also know about human psychology to be able to assess whether the conception of justice they choose is possible to realize in real life. I think the knowledge of general facts about society might well include the requirement of some kind of bonds among citizens for fruitful and enduring social cooperation.

In this regard, also, the original position is a device to conceptualize the civic bond that is most suitable for citizens who are represented as free and equal moral beings and society conceived of as a fair system of social cooperation. (*PL*, 93) We, as citizens of liberal democratic societies, are to characterize the nature of our bonds, and the obligations which we owe one another with respect to these bonds. Thus, the conception of democratic solidarity Rawls endorses understands the civic bond as artificial and constructed as opposed to natural and pre-reflective. So, for Rawls, our unity cannot be comprehended as given despite the existence of shared values among us. Nor could the civic ties that bind us be natural and merely historical. Thus, when there are no pre-given, natural or historical bases of unity available, or when they are available but fail to unite citizens widely as Rawls supposes, “we” citizens have to construct the basis of our unity and define our ties to one another by finding principles which would be foundation charter of “our” society. For Rawls, I will argue, the principles of justice provide such a basis. I will further elaborate Rawls’ conception of social unity in Chapter 5. In the following sub-section, I will argue that in addition to conceiving persons as citizens of a closed democratic society, Rawls conceives them of standing in existing productive relations.

3.4.2 The basis of economic solidarity

In this sub-section, I will concentrate on the question of whether in the original position the existence of some other form of joint activity, a sense of commonness, a form of relation or group-specific common ground is assumed? I argue that by assuming the existence of productive activity among citizens in the very definition of society, Rawls

characterizes persons' interdependence with respect to the productive activity they are engaged in.

Thus, my aim is to show that by conceiving society as a joint productive activity, Rawls assumes productive relations and economic interdependencies in the very foundation of his construction of the original position. I shall argue that as opposed to conceiving of solidarity as distinctively linked to identification with the political community, its history and people, the view which is endorsed by Taylor, I read Rawls as relying on the bond-forming as well as responsibility generating capacity of the collective productive activity. On that account, the difference principle expresses the obligations which joint productive activity of citizens implies. I will argue that, as much as social cooperation is about meeting citizens' needs and fulfilling their ends in a mutually satisfactory way, it is also about producing together both their material and social world. The latter is more comprehensive in that citizens' mutual satisfaction of their needs takes place in an environment they jointly build. This view could be found in Marx and his conception of society as mainly a productive activity.

In this regard, I would like to draw attention to the fact that in *Theory*, persons are not characterized as persons who live on isolated islands and produce separately. The decision they are to make is not whether or not to live and produce together. They know from the start that they are living and producing together, and dependent on one another in society. This idea is supported by Rawls' claim that the original position is not intended to account for why individuals enter social cooperation. (*PL*, 278-9) It assumes from the start that persons are already in social cooperation, and as they are, the original

position helps them to find the fair terms of their cooperative activity. Thus, the question for them is how to find principles which will regulate the basic structure of society within which their joint activity takes place, and which determines their distributive shares in the joint product. In this way, I will argue that Rawls presumes economic relations between members of society in the original position, that is, Rawls assumes them as joint contributors in the production of the joint social product. Conceived as such it expresses and works out the idea that “we, citizens, are working together and the product is jointly produced.” I will argue that the difference principle should be read as expressing the obligations and duties the presumed joint productive activity imposes on citizens. In addition to being mutually disinterested, the parties of the original position are mutually interdependent. I will argue that the productive basis of their unity (togetherness) and their economic interdependency will account the economic solidarity that would exist in the well-ordered just society.

Thus, even if the parties are deprived of the knowledge of their conception of the good, and of their particular attachments, they know themselves to be contributors to the joint product in their society. I will argue that against the lack of solidarity objection, Rawls is still on safe ground since production relations remain uniting parties in the original position. This is consistent with Rawls’ overall strategy, since productive relations are common to all forms of society: be it pluralist or homogeneous, democratic or hierarchical. This is the only bond that remains after parties are abstracted from their particular characteristics and identities. What is more, despite all particular identities and conceptions of the good dividing citizens, given that the veil of ignorance also limits knowledge of one’s class origins, the bonds that arise from productive relations is what

remains to unite them, at least has the potential to do so. Thus, I will argue that Rawls assumes the existence of abstract economic relations between parties of the original position. Despite its being insufficient and weak to many commentators on Rawls, the parties of the original position are not atomized, isolated individuals, but persons who stand in productive relations and know themselves to be so. In addition to this, as I have showed, they know themselves as citizens and as part of a political community; which is closed, endures over generations, and to which they enter by birth and in which they will lead a complete life. (*PL*, 12, 18)

3.4.2.1 Definition of economic solidarity

What is economic solidarity? The term “economic solidarity” is not new and is used to denote various things and relations in the literature. Parijs defines economic solidarity as the existence of institutionalized transfers from the lucky to the unlucky, namely from the rich to the poor.¹⁰³ Economic solidarity is also used to refer to alternative conceptions of economic relations and structures which concentrate more on values of life and community rather than solely economic values such as profit and efficiency.¹⁰⁴ For instance, in an economy which is solidaristic, the aim would be to address and transform relations of exploitation. In this usage, economic solidarity refers to the ways and strategies that aim to mitigate the negative effects of capitalism on poorer segments of society and the world generally. In this work, dwelling on Rawls’ *Theory*, I define

¹⁰³ Philippe Van Parijs, “Cultural Diversity Against Economic Solidarity,” in *Cultural Diversity Versus Economic Solidarity*, ed. Philippe Van Parijs (Brussels: De Boeck University, 2004), 375.

¹⁰⁴ Luis Razeto Migliaro, “What is Solidarity Economics?” accessed March 15, 2015, <http://www.luisrazeto.net/content/what-solidarity-economics>.

economic solidarity differently, as corresponding to the solidarity of citizens who are working and producing their material world together and who recognize their joint productive activity as a fact of their mutual interdependence. In this sense, I will define it as resembling the Marxist notion of solidarity of the producers. On Rawls' view, social cooperation is a joint activity and what follows from it, the social product is the result of the joint activity of citizens. To develop the concept of economic solidarity further, I now turn to the Marx and his conception of society.

3.4.2.2 The activity of production and economic solidarity

In this sub-section, I will draw attention to two distinct ways Marx thinks productive relations could be a source of solidarity among individuals: one is the solidarity of workers as it emerges under capitalism and the other is the solidarity (community) of producers implicit in his idea of communist society as “a society of freely associated producers.”¹⁰⁵ The latter idea is also hinted in Marx's incessant objection to capitalist mode of production as alienating and exploiting men. This section will focus on the idea of solidarity as arising from productive cooperation. Yet, I will briefly discuss how for Marx the solidarity of workers is possible under capitalism.

In his political writings, Marx is concerned with workers' unity as it emerges under the capitalist mode of production. For Marx, the possibility of workers' unity is a historical moment and owes its possibility to the developments inherent in the capitalist mode of production. The competition between the capitalist class and its ever increasing eagerness for profit reduces the conditions of the working class down to the same

¹⁰⁵ Rawls, “Marx,” 322, 354-72.

minimum and eliminates the distinctions between them. Marx believes that the identity of their condition would lessen their rivalry and competition, and enhance solidarity among workers. For Marx, the capitalist mode of production with its big industries and mass production has brought the real condition of men into sight. The developments inherent in capitalism make it plain to workers that they are slaves. For Marx, this homogenization contributes to workers' having a class consciousness and helps to unite them as a class.¹⁰⁶ Hence, what unites workers as a class is their being subject to the same oppression, exploitation and inhuman conditions. Moreover, for Marx, the working class has a common interest which is to abolish the capitalist relations of production. The class consciousness of workers involves the recognition of their shared identity (a "we," "we are workers"), the recognition of their being subject to similar exploitation and inhuman conditions, and also the recognition of having a shared interest (goal) in abolishing the capitalist relations of production.¹⁰⁷ Most importantly, as I emphasized in the second chapter, class consciousness is gained through eliminating false consciousness, the delusions about how the capitalist system works in reality.

On the other hand, Marx does not think that solidarity is possible among all members of the capitalist society. The capitalist society is founded upon class antagonisms; and it presupposes the distinction between two classes: the oppressor and

¹⁰⁶ Marx, *Manifesto of the Communist Party*, 479-80.

¹⁰⁷ Despite less frequently, Marx uses concepts like "feelings of brotherhood between workers," "workers unity," and "the community of action" and refers to workers as "brothers!" Marx, *Inaugural Address of the Working Men's International Association*, 501. Stjernø explains that these notions are more frequent in Marx's political writings where the primary aim is to "promote agitation in the actual struggles of the labor movement." However, according to Stjernø, while using both groups of notions, Marx never clarifies the relation between workers' instrumental interest in unity against capitalism and workers' being brothers—the normative feeling of brotherhood in the capitalist society. Steinar Stjernø, *Solidarity in Europe: The History of an Idea* (New York: Cambridge University Press, 2004), 44-6.

the oppressed. Solidarity is possible only among workers (or among capitalists) and it's founded on their shared interest and their recognition that their common interest lies in their unity as a class. Similarly, bourgeoisie forms a class and their common (or class) interest lies in the exploitation of workers and a continuous increase in profits and capital accumulation. The unity of one class requires the other class as antithesis. Marx concludes that these two classes cannot be reconciled and unity between them is impossible since the capitalist mode of production relies on their separation and opposition. Furthermore, the antagonisms in capitalist society are not only between classes but between each man and every other man. In his criticism of capitalism, Marx draws attention to the competitive nature of human relations in it. For Marx, in "civil society" men are divided.¹⁰⁸ In the realm of everyday economic activity, people seek only their own advantage, and do everything necessary, from competing with others to exploiting and dominating them. Thus, Marx argues, in civil society man views his fellows as foes, takes pleasure from their failures because he conceives of their loss as his gain, and envies their success. As a result, Marx observes, in capitalist society, man is indifferent to the needs of their fellows.¹⁰⁹ For Marx, then, men cannot be truly united under capitalism. It is in this sense solidarity in capitalist society cannot be genuine.

On the other hand, Marx views society as fundamentally organized around productive relations. In his analysis of society, Marx stresses the centrality of production relations compared to any other relations in society. I will now focus on this view of

¹⁰⁸ Marx, *On the Jewish Question*, 34-5.

¹⁰⁹ Jonathan Wolff, *Why Read Marx Today?* (New York: Oxford University Press, 2002), 43.

Marx's and argue that in its non-alienated form, the form production assumes in communist society, Marx views collective production as essentially solidaristic. I will argue that Marx considers the activity of production as an essentially human, socializing, world-creating and unity-generating activity. The problem with capitalist society is that our essentially communal nature, the fact of our producing with and for one another in complex division of labor, is concealed.¹¹⁰ Thus, Marx anticipates that the communist society would be a society of producers where the true nature of men and the reality of their societal relations would be revealed and respected in the organization of economic activity. Thus, in a communist society people are united not with respect to religion, nationality or ideas, but to the collective production of goods and social life with and for others according to a collective and democratic economic plan.¹¹¹ Thus, it would be a society in which man could live according to his nature, and realize himself as a communal being. Let me now further elaborate on the wrongs of capitalism for Marx.

In *Manuscripts of 1844*, Marx argues that under the capitalist mode of production workers are alienated from their productive activity because the aim of production has been changed. It is no longer meeting needs of one's own and of others, but the accumulation of capital for its own sake.¹¹² Because the product of their activity is alienated and taken away from them, workers do not consider this product to have a special purpose, which is need-satisfaction. Thus, when the relation between labor, product and its purpose are separated, productive activity becomes an abstract and alien

¹¹⁰ Ibid.

¹¹¹ Rawls, "Marx," 322.

¹¹² Marx, *Economic and Philosophical Manuscripts of 1844*, 70-81.

process.¹¹³ Furthermore, not only do workers produce aimlessly, they also produce in isolation and rivalry. Therefore, under capitalism, work loses its essentially uniting and socializing nature, which arises from the recognition of the fact that “we produce for and with others.” Although Marx considers the alienated nature of production under capitalism as one of the sources of workers’ unity, for Marx, nevertheless, in capitalism the essentially uniting nature of productive activity is lost. In communism, however, Marx anticipates that what unites men would be their productive activity with and for others.¹¹⁴ Hence, for Marx, the problem with capitalism is fundamentally its mode of production, how men produce in it. Marx holds that under capitalism, labor is “forced labor” because only through his labor could man satisfy his basic needs. Also, because his labor is not under the control of man, it appears to him as an alien power. For Marx, the wrong of the capitalist mode of production is the division of labor.

Marx observes that the division of labor implies a contradiction between the interests of the individual and the community. For Marx, the communal interest lies in the “mutual interdependence of individuals” among whom the labor is divided. Thus, Marx acknowledges that the division of labor creates a “social power” in the form of the multiplied productive force, which arises through the cooperation of different

¹¹³ Marx notes that even under capitalism the activity of men achieved the status of “world-historical activity,” yet individuals become more and more subject to “the alien power,” whereas the communist revolution will make this “world-historical co-operation of individuals” subject to the control and “conscious mastery of men.” Marx, *The German Ideology*, 163-4.

¹¹⁴ Marx says under communism, “[t]he community is only a community of labor.” *Manuscripts of 1844*, 83.

individuals.¹¹⁵ But the same division of labor works against the interests of the individual and alienates him. Marx states:

...[men's] activity is not voluntary, but naturally, divided, man's own deed becomes an alien power opposed to him, which enslaves him instead of being controlled by him. For as soon as the distribution of labor comes into being, each man has a particular, exclusive sphere of activity, which is forced upon him and from which he cannot escape. He is a hunter, a fisherman, a shepherd or a critical critic, and must remain so if he does not want to lose his means of livelihood.¹¹⁶

To the contrary, in communist society, "where no man has one exclusive sphere of activity" as the famous passage promises men could "hunt in the morning, fish in the afternoon, rear cattle in the evening, criticize after dinner, just as I have a mind, without ever becoming hunter, fishermen, shepherd or critic."¹¹⁷ Hence, for Marx, the division of labor must be surpassed so that the alienating nature of productive activity be eliminated. Hence, in Marx's view, although production has an important role in uniting producer-citizens, the model of division of labor is destructive for men.

To the contrary, Durkheim views the division of labor as making society possible and draws on the links and social bonds it generates among persons in society. In this, Durkheim draws a much happier picture of the capitalist society and underscores the cooperative aspect of production relations characterized by the division of labor. As I will show, with respect to the cooperative aspect of economic relations, Rawls' approach is closer to Durkheim's than to that of Marx. Yet, Marx's view of society as a society of

¹¹⁵ Marx, *The German Ideology*, 161.

¹¹⁶ Ibid., 160.

¹¹⁷ Ibid.

producers who collectively produce society is vital to make sense of Rawls' fuller view of society which I will discuss in the fourth chapter.

In Durkheim's view, in a highly specialized division of labor society, producing with others is necessarily a solidarity-generating activity. Thus, Durkheim argues that what binds individuals to one another is not tradition or shared norms as in the case of the mechanical solidarity of traditional societies, but persons' interdependence created by the division of labor.¹¹⁸ Durkheim observes that the division of labor brings an increased interdependency among people, and creates the ever-increasing need to share risks with others, which in turn foster solidarity in modern societies. Durkheim stressed that through the division of labor "individuals are linked to one another," and "instead of developing separately, they pool their efforts."¹¹⁹ He continues and emphasizes that the division of labor not only raise societies to luxury, but it is "a condition of their existence." Through it, "their cohesion would be assured; it would determine the essential traits of their constitution."¹²⁰ Durkheim observes that the social division of labor leads to the formation of new bonds and social links which attach each individual to one another in a society-wide cooperative activity. Thus, division of labor not only brings increased dependency, but through the links and bonds of interdependency it makes society possible among strangers in the first place.

¹¹⁸ Stjernø, *Solidarity in Europe*, 33-4. It should be noted that in some passages, Durkheim argues the existence of both types of solidarities as "two aspects of the one and same reality." Durkheim, *The Division of Labor*, 129.

¹¹⁹ Durkheim, *The Division of Labor*, 61.

¹²⁰ Ibid., 63. It is important to note that Durkheim considers the division of labor as the social division of labor which is not restricted to the economic domain. Thus, in Durkheim's theory, it does not exclusively refer to the division of tasks among workers. Ken Morrison, *Marx, Durkheim, Weber: Formations of Modern Social Thought* (London: Sage Publications, 2006), 158-160.

Honneth draws attention to a similar understanding in Dewey's conception of democratic society. Following Durkheim, Dewey argues that, characteristic of the division of labor, individuals relate to one another, and jointly contribute to the production and maintenance of society. Honneth observes that, for Dewey, if this natural production process of society rises to consciousness of citizens and is viewed by them as a joint project for the sake of a common end, then solidarity implicit in their natural relation would become apparent to them. In this regard, Honneth argues, Dewey interprets productive cooperation as a source of solidarity. As a result, for Dewey, when taking part in the division of labor in the pursuit of a shared end, citizens contribute to society in a solidaristic way.¹²¹

Unlike Marx, who sees the increasing division of labor as inhumane and alienating men and confining men to a single activity, as we saw, Durkheim draws attention to the increased interdependency of persons the division of labor creates in modern societies and the potential for solidarity that these interdependencies might create. In the following passage, Durkheim draws an analogy between friendship and society and emphasizes how "difference" as opposed to sameness is the true mark of fruitful cooperation. To quote:

As richly endowed as we may be, we always lack something, and the best of us realize our own insufficiency. That is why we seek in our friends qualities that we lack, since in joining with them, we participate in some measure with their nature and thus feel less incomplete. So it is that small friendly associations are formed wherein each one plays a role comfortable to his character, where there is a true exchange of services. One urges on, another consoles, this one advises, that one follow the advice, and it is this apportionment of functions or, to use the

¹²¹ Axel Honneth and John M. M. Farrell, "Democracy as Reflexive Cooperation: John Dewey and the Theory of Democracy Today," *Political Theory* 26, No. 6 (December, 1998): 763-783, <http://www.jstor.org/stable/191992>

usual expression, this division of labor, which determines the relations of friendship.¹²²

Drawing on Humbolt, Rawls draws a similar view when he discusses the idea of social union in *Theory*. Rawls maintains, “only in a social union is the individual complete.” (*Theory*, 525n4) Rather than Marx’s idea that everyone should be able to practice anything he has a mind to without becoming restricted to any single activity, Rawls, in line with Durkheim, suggests that persons find their full realization not only in the range of activities they themselves realize, but through the activities of their associates. In this respect, an individual is complete not only when he engages in various activities, but complete within society when every individual participates in the fruits of others’ accomplishments and excellences. Given that each individual has a chance to develop his talents and abilities in any direction he chooses—which, for Rawls, is guaranteed by the principle of fair equality of opportunity—and no one is forced into any activity, men realize the full range of human activities in social cooperation. Thus, contrary to Marx, who requires each individual is to realize all his latent powers under communist society, Rawls points out the possibility of realizing a diverse range of human excellences jointly in cooperation.¹²³ (*Theory*, 525n4) As a result, Rawls thinks that the well-ordered society is not “civil society” where individuals cooperate solely to satisfy their private interests,

¹²² Durkheim, *The Division of Labor*, 55-6. Durkheim stresses that the economic services the division of labor provides is insignificant when compared to the “moral effect it produces”: “its true function is to create in two or more persons a feeling of solidarity.”

¹²³ See also Rawls, “Marx,” 369-370. In his discussion of Marx’s critique of the division of labor, Rawls states that “On the other hand, there is a contrasting idea, stated by Wilhelm von Humboldt and further illustrated by the analogy of the orchestra in *A Theory of Justice*, §79, note 4. This idea [of social union] is that by a division of labor we can cooperate in realizing one another’s full range of human powers and moreover enjoy together, in one joint activity, its realization. This is a different idea: it sees the division of labor as making possible what would otherwise be unattainable, and as acceptable provided certain conditions are met—that it is not forced and exclusive—the same things Marx objects to.”

but it is a “social union” in which individuals realize their powers jointly and collectively and participate in each other’s excellences. In this respect, community is a good in itself, and not valuable solely instrumentally.¹²⁴

Let me now return Rawls and further delineate his view of society as a productive activity and economic justice as fundamentally a matter of distributing the benefits of society among its producers. In a passage from *Theory*, Rawls draws attention to the fact that parties are “related” because they stand in particular cooperative relations. Rawls writes:

The conception of the two principles of justice does not interpret the primary problem of distributive justice as one of allocative justice. By contrast the allocative conception of justice seems naturally to apply when a given collection of goods is to be divided among definite individuals with known desires and needs. The goods to be allotted are not produced by these individuals, nor do these individuals stand in any existing cooperative relations. Since there are no prior claims on the things to be distributed, it is natural to share them out according to desires and needs, or even to maximize the net balance of satisfaction. Justice becomes a kind of efficiency unless equality is preferred. (*Theory*, 88)

Rawls holds that unlike persons who do not stand in cooperative relations, parties of the original position are conceived of as active contributors to the social product and consequently have prior claims on how the benefits of social cooperation are distributed. Rawls emphasizes that the distributive idea of justice as fairness is distinct from the idea of allotting goods between definite individuals with known desires and needs. The

¹²⁴ It should be noted briefly that Rawls thinks that the major objections of Marx to the division of labor in society would be relaxed in the well-ordered and just “property owning democracy.” Rawls stresses that for Marx labor is forced labor because individuals have to work to meet their basic needs. Rawls underscores that in the property owning democracy labor would not be in the form of forced labor. Against the background of basic institutions which guarantee equal political rights and liberties, the fair equality of opportunity for all and a social minimum, labor would not be forced labor. Rawls says “the narrowing and demeaning features of the division should be largely overcome once the institutions of a property-owning democracy are realized.” Rawls, “Marx,” 321.

difference is that parties are characterized as standing in “existing cooperative relations” where the things to be distributed are “produced by these individuals.” As a result, Rawls argues that parties do have legitimate claims on how the result of their productive activity should be distributed. The original position suggests that it should be distributed according to the principles which free and equal persons consent to in an initial fair situation. Hence, the presumed economic relations reflect that parties of the original position do stand in existing cooperative relations, and conceive of each other as such. I will explicate the possible changes in the self-understandings of citizens to which this view of society could lead in the fourth chapter.

So far, I have illustrated how Rawls conceptualizes the bases of two solidarities in the original position. It must be emphasized that I showed only that in an abstract and general form, Rawls anticipates the existence of certain relations and interdependencies in the original position. In chapters four and five, I will explain how these presumed bonds will develop into two solidarities in the well-ordered society. To this end, it has to be shown that in the well ordered society, citizens understand themselves as united in these ways, as equal members of the political society and as joint producers of the social product. It must be shown that citizens actually recognize to be bound to one another in these respects and are willing to fulfill the requirements of their ties and attachments. The existence of civic and economic relations and interdependencies is not sufficient to say that citizens are in fact in solidarity with one another in these respects.

The rest of the present chapter is dedicated to further elaborating the idea of economic solidarity. I will consider two objections in turn. In the first objection, I shall

evaluate the widely held view that solidarity requires an unconditional care for the good of others. I shall consider Barry's objection which states that the mutual advantage condition is in conflict with the solidaristic spirit of the difference principle. In the second objection, I shall examine the inclusion capacity of Rawls' conception of economic solidarity and consider Barry's claim that Rawls' contribution-oriented conception of justice excludes those citizens who do not contribute to society actively.

3.5 Critiques of Rawls' conception of economic solidarity

3.5.1 The requirement of mutual advantage as undermining economic solidarity

Barry argues that the mutual advantage condition which requires that each party must gain from social cooperation undermines the solidaristic nature of the difference principle.¹²⁵ As Barry observes, mutual advantage theories of justice draw on the idea that individuals want to cooperate in society only when social cooperation advances persons' interests more than they could advance on their own. Hence, people agree to cooperate only when cooperation is more advantageous than non-cooperation. Barry argues that Rawls holds a similar mutual advantage theory of justice. Barry stresses that in Rawls' original position what motivates individuals to cooperate is merely their self-interest. In what follows, the difference principle is the result of parties' self-interested calculations in the original position, and not the result of parties' acknowledgment that

¹²⁵ Brian Barry, *Theories of Justice* (Los Angeles: University of California Press, 1989), 241.

“the claims of others are worthy of consideration on the same terms as one’s own.”¹²⁶

This fact, for Barry, undermines the solidaristic spirit of the difference principle.

Let me first note the aspects of Rawls’ theory which supports Barry’s reading. In *Theory*, Rawls states; “In justice as fairness society is interpreted as a cooperative venture for mutual advantage.” (*Theory*, 84) In this passage, Rawls interprets society as a cooperative undertaking of citizens, where the aim is mutual advantage. As I will discuss in the below, Barry interprets Rawls’ conception of society with an overemphasis on the idea of mutual advantage, which I think lead to misinterpretation of Rawls’ overall project. In this, Barry interprets Rawls as in line with Hume and Gauthier, and he disregards the ways in which Rawls’ theory differs from theirs. In the dissertation, to the contrary, my reading will focus more on the “cooperative venture” part of the phrase since in his later works Rawls himself put more weight on the idea of cooperation than the idea of mutual advantage. I will start with elaborating the Humean circumstances of justice and the idea of mutual advantage.

As Barry observes, Rawls emphasizes that he borrows his account of the circumstances of justice from Hume, and agrees with him that justice arises as a response of men’s situation under certain circumstances.¹²⁷ (*Theory*, 126-30) In his *Treatise*, Hume states that justice requires moderate scarcity and limited benevolence.¹²⁸

¹²⁶ Barry, *Theories*, 173.

¹²⁷ David Hume, *A Treatise of Human Nature*, ed. L. A. Selby- Bigge M. A. (Oxford: Clarendon Press, 1965), 484-95.

¹²⁸ Hume, *Treatise*, 495. To quote; “*that 'tis only from the selfishness and confin'd generosity of men, along with the scanty provision nature has made for his wants, that justice derives its origin.*” (Italics are original).

Thus, Hume holds that in a society where the goods and resources are in abundance, no one will have completing claims regarding the ownership of the resources. Similarly, justice would not matter if everyone is perfectly altruistic, taking everyone else's interest as one's own. Also, as Hume notes, concern for justice has never been exist in a society where the resources are too scarce and the conditions are too harsh. Under such unfavorable conditions, Hume says, not justice but self-preservation rules. Thus, for Hume, justice is contingent upon the existence of certain conditions; it is a response that men give to his situation under these conditions. As a result, Hume argues that justice is a "useful convention" and advantageous, and for that reason it is a virtue.¹²⁹ As Hume remarks, however, justice is an artificial virtue and derives its value from its usefulness, thus from its being mutually advantageous. Barry stresses that although Hume thinks that justice requires mutual advantage, he sees that compliance with justice has its source in the natural sympathy of men.¹³⁰ Hume underscores that although justice is to be mutually advantageous, morality and moral discourse in general must proceed from a general point of view.¹³¹

In his reading of Rawls, Barry argues that Rawls adopts a mutual advantage theory like Hume and Gauthier.¹³² On the other hand, Barry also observes an egalitarian

¹²⁹ Barry, *Theories*, 151.

¹³⁰ Hume argues that although self-interest might be source of justice, after society is extended and become populated, it becomes impossible for a person to perceive of his own interest as clearly as before. Hume argues that it is not self-interest, but sympathy with the public interest is the source of moral approbation. *Treatise*, 499-500.

¹³¹ Hume, *Treatise*, 472.

¹³² Barry argues that justice for Rawls is mutual advantage. Responding to Barry, Allan Gibbard argues that for Rawls justice is neither mutual advantage nor impartiality, but fair reciprocity. Gibbard observes that justice as impartiality as defined by Barry and justice as reciprocity is different. "[I]t [Justice as

tenet in Rawls' theory and argues that his egalitarianism is in conflict with his stipulation that parties are motivated solely by their self-interest. As a result, Barry claims that Rawls has two incompatible theories of justice.¹³³ Barry suggests that instead of instrumental rationality, a willingness to "reach agreement on reasonable terms" should motivate parties in the original position.¹³⁴ Thus, in Barry's alternative conception of justice, in justice as impartiality, the motive for behaving justly is not self-interest but an independent desire—a non-egoistic motive—to justify one's actions to others on terms they could not reject reasonably. Following T. M. Scanlon, Barry argues that the moral motive is "the desire to be able to justify one's actions to others on grounds they could not reasonably reject."¹³⁵ Barry argues that unlike justice as mutual advantage, in justice as impartiality, the agreement on reasonable terms is a value in itself, and not a means to the successful pursuit of one's ends.

Reciprocity] is distinct from Justice as Impartiality because it says that a person cannot reasonably be asked to support a social order unless he gains from it." Allan Gibbard, "Constructing Justice," *Philosophy & Public Affairs* 20, No. 3, (Summer, 1991): 266, <http://www.jstor.org/stable/2265434>. Freeman supports this reading and argues that for Rawls justice is reciprocal advantage. When addressing a similar criticism of Nussbaum, Freeman argues that mutual advantage and rational self interest do not play the same role as they do in Hobbes' social contract. Freeman holds that "[r]ather than mutual advantage and rational agreement, Rawls' contractarianism incorporates the different idea of reciprocity and reasonable agreement." Samuel Freeman, "Review: Frontiers of Justice: The Capabilities Approach vs. Contractarianism," *Texas Law Review* 85, No. 2 (December 2006): 400. <https://litigation-essentials.lexisnexis.com/webcd/app?action=DocumentDisplay&crawlid=1&srctype=smi&srcid=3B15&doctype=cite&docid=85+Tex.+L.+Rev.+385&key=28ce084e9f0a9f139264d4fe6abfbf3f>. Drawing on Gibbard's analysis, In *Political Liberalism*, Rawls rejects Barry's interpretation. (17n18) However, one should note that Rawls seems to misrepresent Barry's position by equating impartiality to altruism, as being moved by the general good. (*PL*, 50) Barry, on the other hand, following Scanlon, defines impartiality as the desire to justify one's actions to others on terms they could not reject reasonably. *Theories*, 284.

¹³³ Barry contends that Rawls subscribes to both justice as mutual advantage and justice as impartiality, which "renders his theory incoherent." Brian Barry, *Justice as Impartiality* (Oxford: Clarendon Press, 1995), 77nb.

¹³⁴ Barry, *Theories*, 215.

¹³⁵ *Ibid.*, 284.

Having briefly presented the main points of Barry's reading of Rawls, I will now return to the tension Barry sees between solidarity and the mutual advantage condition. Barry says that the mutual advantage condition which requires that each party must gain from social cooperation undermines the solidaristic nature of the difference principle.¹³⁶ Barry thinks that fraternity implies an impartial care for the good of everyone in society. And, the difference principle fails to meet this requirement because it requires everyone to gain from justice. As a response, in the following, I will establish that Rawls sees the mutual advantage condition as an aspect of the idea of fraternity. On this reading, far from undermining fraternity and representing an egoistic human nature, the requirement of mutual advantage draws on the idea of moral equality of persons. Moreover, I establish that contra Barry, in Rawls' case, the mutual advantage condition has nothing to do with persuading persons to enter the contract, the view which Barry mistakenly attributes to Rawls. In *Theory*, Rawls emphasizes that the purpose of the mutual advantage condition is not to encourage parties to enter the contract, which stipulation distinguishes Rawls' use of the mutual advantage condition from that of Gauthier's.¹³⁷ In his later works, Rawls explicitly states that the decision to enter or not to the social contract is not an option available to persons in the original position. (*PL*, 278-9) Barry neglects this view of Rawls' and reads his proposal as one of Gauthier's.¹³⁸ As I will emphasize in the following, in *Theory* Rawls uses the mutual advantage condition as a

¹³⁶ Barry, *Theories*, 241.

¹³⁷ Barry relies on certain passages from *Theory* where Rawls discusses the parties' choice in the original position as against a benchmark of non-agreement point. Barry, *Theories*, 246-8. Barry evidences a passage from *Theory* where Rawls claims general egoism as a non-agreement point. (*Theory*, 496-7)

¹³⁸ To state it briefly, in Gauthier's social contract, individuals prefer social cooperation only when cooperation is advantageous to non-cooperation and furthers their self-interest.

necessary stipulation against the possibility of individual sacrifice for the sake of society, the view which, Rawls argues, is endorsed by utilitarianism.

Thus, I argue that the mutual advantage condition has a special function in Rawls' *Theory*. Rather than expressing an egoistic human nature which does not pursue the good of others except in cases which also advance one's own good, the condition of mutual advantage should rather be understood as a consequence of the moral equality of persons in the original position. As such, it requires social inequalities to improve the good of everyone and excludes cases which allow arrangements that make some people better off at the expense of others. It is this acceptance of reciprocal benefits that is the expression of fraternity for Rawls. Thus, by rejecting gains at the expense of each other, persons express their concern for the well-being of others in society. (*Theory* 105)

For Rawls, the condition of mutual (or reciprocal) advantage guarantees that no one is asked to sacrifice their share of the social product or their conception of the good for society. Society should be able to advance each and every citizen's conception of the rational good. Otherwise, those who are denied equal concern in the very design of the basic structure of society would be "coerced, exploited or manipulated or unfairly taken advantage of in some other way."¹³⁹ Hence, the aim of the mutual advantage condition is to include those who were historically discriminated against, exploited, or denied justice. This condition becomes far more important if we consider the importance of the decision in the original position. In the original position, parties do not decide about a particular distribution for which they might want to make sacrifices. To the contrary, parties'

¹³⁹ Freeman, "Review: Frontiers of Justice," 403.

decision would bind all their future actions and affect their future prospects as well as the prospects of their descendants. Perhaps, far more important than this, their decision would regulate the basic structure of their society: the political constitution, the principal economic and social arrangements, legal institutions and the monogamous family (*Theory*, 7). Given the importance of the basic structure on the lives of individuals, avoiding the possibility of sacrifice becomes even more vital. Furthermore, Rawls remarks that “by arranging inequalities for reciprocal advantage” the principles of justice express the Kantian ideal of treating persons as ends (*Theory*, 179). Rawls says:

Each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override. For this reason justice denies that the loss of freedom for some is made right by a greater good shared by others. It does not allow that the sacrifices imposed on a few are outweighed by the larger sum of advantages enjoyed by many. (*Theory*, 3-4)

In sum, far from undermining the difference principle, the mutual (reciprocal) advantage condition illustrates an essential element of Rawls’ conception of solidarity. As will become clearer in our discussion of fraternity in the fourth chapter on economic solidarity, Rawls interprets the idea of fraternity as citizens’ rejection of advantages at the expense of one another. Notice that this definition is a negative one. For Rawls, fraternity is implicit in the idea of forgoing advantages that are not beneficial to the worst off members of society. The concern for the least advantaged is expressed in the most advantaged persons’ willingness to abstain from certain advantages which are acquired at the expense of the least advantaged. (*Theory*, 105) I will return to this in the fourth chapter.

Having established the role of the mutual advantage in *Theory*, it must be noted that for Barry, the possibility of sacrifice could be eliminated by a kind of Scanlonian alternative, for instance, by the requirement that the principles should be the ones “which no one could reasonably reject.”¹⁴⁰ It is important to notice that Rawls seems to accept Scanlon’s and Barry’s approach in *Political Liberalism* where he abandons defending his view exclusively on the ground of the mutual advantage condition. In this later work, Rawls emphasizes more on reasonable agreement and reciprocity instead of rational agreement and mutual advantage. Furthermore, I think Barry is right in seeing that the mutual advantage condition creates problems for Rawls more than the ones it solves. Now, I will continue with elaborating Rawls’ contribution-oriented conception of justice and state further problems with the mutual advantage condition.

3.5.2 Rawls’ contribution-oriented conception of justice

In this sub-section, I will describe Rawls’ economic conception of justice and the place of the idea of contribution in it. In *Theory*, Rawls defines the least advantaged as the economically least advantaged working person. The least advantaged corresponds to the least desirable economic position, which is for Rawls the class of unskilled labor. In this respect, the least advantaged is not the poorest in society, the unemployed, sick or disabled, or simply those who do not want to work. The least advantaged in society are those who contribute to the social product, and get the smallest share in return. Rawls thinks that for a society to be just (provided that the background justice is established) it should maximize the share of the least advantaged citizens. Respectively, the question of

¹⁴⁰ T. M. Scanlon, “Contractualism and Utilitarianism,” in *Utilitarianism and Beyond*, ed. Amartya Sen and Bernard Williams (New York: Cambridge University Press, 1982), 111.

social justice for Rawls is to distribute the benefits of social cooperation among those who make actual contributions to the social product.

Furthermore, in *Theory*, Rawls limits his case to able-bodied citizens with a normal lifespan. By the circumstances of justice, Rawls assumes individuals are “roughly similar in physical and mental powers.” (*Theory*, 127) Thus, in the ideal case, Rawls assumes that everyone has a complete life, everyone is able to work, and can contribute to society productively. Rawls establishes that social cooperation is productive and mutually advantageous. In his *Restatement*, he says: “Social cooperation, we assume, is always productive, and without cooperation there would be nothing produced and so nothing to distribute. This assumption is not emphasized sufficiently in *Theory* §§12-13.” (*Restatement*, 61) He adds that “[c]itizens are seen as cooperating to produce the social resources on which their claims are made.” (*Ibid.*, 50) Hence, Rawls argues that citizens make claims on the social product to the degree to which they contribute to it actively and productively. In “Kantian Constructivism,” Rawls restates:

All citizens are fully cooperating members of society over the course of a complete life. This means that everyone has sufficient intellectual powers to play a normal part in society, and no one suffers from unusual needs that are especially difficult to fulfill, for example, unusual and costly medical requirements. Of course, care for those with such requirements is a pressing practical question. But at this initial stage, the fundamental problem of social justice arises between those who are full and active and morally conscientious participants in society, and directly or indirectly associated together throughout a complete life. Therefore, it is sensible to lay aside certain difficult complications. If we can work out a theory that covers the fundamental case, we can try to extend it to other cases later. Plainly a theory fails for a fundamental case is of no use at all.¹⁴¹

¹⁴¹ Rawls, “Kantian Constructivism,” 332-3.

In this passage, Rawls introduces the fundamental problem of social justice as distributing the social product among fully cooperating members of society. Hence, justice as fairness lays aside complicated cases of “unusual needs.” These cases, Rawls argues, imposes “certain difficult complications” which could better be treated after the more fundamental case is on hand. Among such cases, Rawls states the case of unhealthy and handicapped. In the following section, I examine Barry’s rigorous criticism to Rawls’ contribution-oriented conception of society. I will examine Barry’s objections and discuss the consequences of identifying citizens as “active contributors to the social product” for Rawls. In response, I will argue for the existence of democratic solidarity in Rawls’ *Theory* to compensate for the less inclusive economic solidarity. I argue that although economic solidarity is exclusive as Barry observes, it is vital for a comprehensive understanding of citizens’ solidarity in Rawls’ *Theory*.

3.5.3 Critiques of Rawls’ contribution-oriented conception of justice

Barry draws attention to Rawls’ conception of persons in the original position who are characterized as healthy, able-bodied and actively contributing to the social product. From this, Barry argues that Rawls’ economic justice excludes those unhealthy citizens who fail to contribute to society in productive ways.¹⁴² To a certain extent, this reading is supported by Buchanan who remarks that for Rawls the parties are fully participating contributors to social cooperation (not simply members of society) and the problem of justice is to find principles by which to distribute the burdens and benefits of

¹⁴² Barry, *Theories*, 244.

cooperation among such contributors (and not among members of society in general).¹⁴³ Similarly, Nussbaum argues that Rawls conceives of justice primarily as a relation among those who actively take part in social cooperation.¹⁴⁴ Thus, in Nussbaum's view, the handicapped and congenitally ill are excluded from the scope of distributive justice because they fail to contribute to society productively.¹⁴⁵

Barry argues that Rawls' conception of social justice is exclusively class-oriented and as such it fails to address issues that are central to justice. I wish to stress that the case of the congenitally ill, or disabled citizens, are not the only cases that powerfully challenge the contribution-oriented conception of justice. There are other cases in which people are not thought as contributing to society e.g. non-voluntary (structural) unemployment, voluntary unemployment (as in the case of a surfer who prefers not to work), and the case of women who perform domestic activities such as housework and care jobs (which are not recognized as work proper from the perspective of the market). All these cases require special treatment. In the following chapters, I will elaborate on all of these cases and examine the idea of contribution thoroughly. For the present, I will only be concerned with the case of severely ill and handicapped persons who fail to contribute to society for reasons beyond their control, namely due to their poor health. I will inquire into how, given its emphasis on "contribution," justice as

¹⁴³ Allan Buchanan, "Justice as Reciprocity versus Subject-Centered Justice," *Philosophy & Public Affairs* 19, No. 3 (Summer, 1990): 230n6, <http://www.jstor.org/stable/2265395>.

¹⁴⁴ Martha C. Nussbaum, *Frontiers of Justice* (Cambridge, MA: Harvard University Press, 2007).

¹⁴⁵ Nussbaum, *Frontiers*, 14-8.

fairness addresses the needs of those who cannot work because they are handicapped or suffer from permanent illnesses. Are they left to the mechanisms of charity and the good will of the productive members of society in the Rawlsian just society as Barry claims?

Barry spells out how Rawls could possibly address special needs if he is loyal to his overall theory. According to Barry, given his economic understanding of justice, and the over emphasis on “contribution,” the only visible alternative for Rawls is to consider these cases as out of the scope of justice and leave them to the good will of productive members of society.¹⁴⁶ Thus, Barry argues that the only way for Rawls is to abandon the contractarian approach in the case of handicapped and severely ill, and deal with these “difficult” cases in the same way he suggests for non-human animals. To note briefly, Rawls considers the case of animals as “out of the scope of justice” but should nevertheless be treated with “compassion and humanity.”¹⁴⁷ As I argue in the following, this conclusion is too hasty and relies on several misinterpretations.

Before stating my response to this problem, let me first state Barry’s alternative. Barry suggests that if Rawls admits the consequences of “the moral arbitrariness claim,” none of these cases will be a problem for his theory. Barry claims that Rawls’ class-oriented conception of social justice falls behind a much more ambitious conception of social justice that requires correcting all social and natural contingencies which are arbitrary from a moral point of view. Barry accuses Rawls of not fully accepting the

¹⁴⁶ Similarly, Nussbaum argues that when society addresses the needs of the disabled, it will be out of charity and not of justice. “...given that people with severe impairments happen to be in society, their interests can be considered at the later, legislative, stage. But the parties have to be aware, as Rawls in fact makes them aware, that they themselves are not such people. It is in effect out of charity that these interests will be considered later on, not out of basic justice.” *Frontiers*, 123.

¹⁴⁷ Barry, *Theories*, 245.

consequences of his claim that natural and social inequalities are arbitrary from a moral point of view. To quote:

It will immediately be seen that none of the three cases that Rawls identifies as troublesome for a theory of justice would present any difficulty of principle if the enemy is moral arbitrariness. For a person's country, generation, and state of health (especially whether or not he suffers from congenital disability) are all bound to be high up on anyone's list of things that are relatively beyond individual control. What makes them all problematic is the doctrine of the circumstances of justice, with its underlying idea that all must stand to gain from justice.¹⁴⁸

However, as Daniels persuasively argues, Barry interprets Rawls' idea of moral arbitrariness mistakenly and attributes to it a central place in justice as fairness.

However, as Daniels observes, the appeal to moral arbitrariness of social and natural contingencies is among the many ideas underlying Rawls' conception of democratic equality.¹⁴⁹ As I will remark later in this context, Rawls rejects luck egalitarians' view that all undeserved inequalities should be compensated.

We should also note that Barry's conclusion follows from his exclusively Humean reading of Rawls. As we saw, in *Treatise*, Hume argues that the "usefulness" of justice arises under certain circumstances: moderate scarcity and limited altruism. In *Inquiry*, Hume adds a last condition, the equality condition, and imagines that if we were to live with "a species of creatures" which are inferior to us in strength, we will be bound by the laws of humanity but not justice.¹⁵⁰ Barry reads Rawls' assumption of

¹⁴⁸ Barry, *Theories*, 246.

¹⁴⁹ Norman Daniels, "Democratic Equality: Rawls' Complex Egalitarianism," in *Cambridge Companion to Rawls*, ed. Samuel Freeman (New York: Cambridge University Press, 2003).

¹⁵⁰ David Hume, *An Inquiry Concerning the Principles of Morals*, ed. J. B. Schneewind (Cambridge: Hackett Publishing, 1983), 23-26.

persons as healthy and able-bodied in the ideal case as analogous to the Humean condition of equality of strength.¹⁵¹ However, unlike Hume, what motivates Rawls' theory is not merely or exclusively equality of strength but moral equality of persons. Rawls argues that the capacity for moral personality, that is having a capacity to have a conception of the good and a sense of justice, is a sufficient condition for being entitled to equal justice. (*Theory*, 505) Thus, Rawls considers two conceptions of equality: equality as a matter of distribution of goods and equality as respect owed to persons irrespective of their social position; and claims that *Theory* reconciles both conceptions in a manner such that "the equality of the second kind is fundamental." (*Theory*, 511)

Along these lines, in response to Barry, I will argue that the principles of justice are to be considered jointly and not in isolation. Barry ignores the place of democratic solidarity in Rawls and how the first principle, together with the principle of opportunity, guarantees the status of equal citizenship to everyone. I propose responding Barry's objection by giving a unified interpretation of two distinct accounts of solidarity in Rawls' theory: democratic solidarity and economic solidarity. In the following section, I will pursue this issue.

3.6 The lexical ordering: Democratic and economic solidarity

I will argue that one could find a way out of this problem by focusing on different conceptions of persons adopted by the two principles of justice, and the lexical ordering of the principles which suggests the priority of the perspective of the first principle over the second principle. My claim is that throughout Rawls' *Theory* there is a division of

¹⁵¹ Barry, *Theories*, 160-3.

labor between the principles, their area of power and their conception of persons. I will argue that the two principles of justice conceive of persons differently or at least that each principle emphasizes different aspects of persons in social cooperation. I will argue that despite Rawls' assumption of the identity between citizens and active contributors to the social product, the lexical ordering of the principles would allow us to handle non-ideal cases where this identity no longer holds.

While assessing the justice of the basic structure, justice as fairness singles out two relevant social positions as central. Rawls writes; "I suppose, then, for the most part each person holds two relevant positions: that of equal citizenship and that defined by his place in the distribution of income and wealth. The relevant representative men, therefore, are the representative citizen and those who stand for the various levels of well-being." (*Theory*, 96) Rawls continues and adds that "[i]n this way everyone's interests are taken into account, for each person is an equal citizen and all have a place in the distribution of income and wealth or in the range of fixed natural characteristics upon which distinctions are based." (*Theory*, 100) The first principle conceives of citizens as free and equal moral persons, fundamentally as equal citizens. The second principle conceives of citizens as joint contributors who actively contribute to the social product with their diverse abilities and talents and who in turn have rightful claims on the distribution of the benefits of their joint productive activity. The lexical ordering of principles suggests a hierarchy between conceptions of persons in the original position. The lexical ordering establishes the priority of the conception of persons as free and equal citizens to the conception of persons as workers and active contributors to the social product.

Rawls thinks that by taking these two relevant social positions, the position of equal citizenship and individuals' positions in the distribution of income and wealth, everyone's interests are equally considered. No one would be excluded from justice. This is because Rawls limits his case to the able-bodied citizens with a normal life span. In the ideal case, Rawls assumes that every citizen is healthy and capable of contributing to society in productive ways. When these two classes are identical, that is, everyone is an equal citizen and active contributor to the social product; everyone gets what she is entitled to from both positions. To guarantee this identity, Rawls adds in *Political Liberalism* that society must be an employer of the last resort.¹⁵²

Critics like Barry and Nussbaum argue that the presumed identity of citizens as co-workers constitutes a limitation in Rawls' theory to handle cases where this identity no longer holds. I will argue that even though in the ideal case all citizens are considered as "full and active and morally conscientious participants in society," the lexical ordering of the principles and their perspectives suggest a possible line of extension of Rawls' ideal theory to other "difficult" or "complicated" cases. As a result, I will argue that in cases where this identity no longer holds Rawls could say that everyone by virtue of their being equal citizens, no matter if they contribute or not, are entitled to certain rights and liberties, a decent social minimum and universal health care.

Thus, I agree with Buchanan who emphasizes that Rawls embraces reciprocity only in the difference principle where the aim is to divide the social product which results from the cooperative efforts of citizens conceived as joint labors. Buchanan

¹⁵² Rawls, "Introduction," in *PL*, lvii.

argues that in Rawls' case the requirement of reciprocity (reciprocal advantage) condition is not extended to all rights. So, as citizens we have rights even though we do not contribute. Citizens have equal rights and liberties, a right to access a decent social minimum, universal health care and fair equality of opportunity. Rawls underscores that "it [the difference principle] is subordinate to both the first principle of justice (guaranteeing equal basic liberties) and the principle of fair equality of opportunity (§13.1) It works in tandem with these two prior principles and it is always to be applied within background institutions in which those principles are satisfied." (*Restatement*, 61) Only against the background of just basic institutions which guarantee equal rights and liberties defined by the first principle, and fair equality in attaining positions and offices defined by the opportunity principle, is the difference principle to distribute the social product among those who actively contribute. Buchanan argues that Rawls commits to a Kantian version of subject-centered conception of justice rather than solely to justice as fair reciprocity.¹⁵³ This reading supports our claim that with respect to their being free and equal moral persons, citizens are entitled to rights even though they do not contribute to society in productive ways.

However it seems necessary to distinguish cases where a person does not work simply because he does not want to (perhaps he wants to surf all day instead of working, or prefers a life of contemplation) and the case of a person who cannot work due to his disability or permanent illness. Unlike the first case, in the second case a person cannot be held responsible for his disabilities. Luck egalitarians contend that all undeserved inequalities have to be compensated. Since a person cannot be held responsible for his

¹⁵³ Buchanan, "Subject-Centered Justice," 230n6.

disability from birth or his lack of fortune in the distribution of natural endowments (intelligence, for instance) justice requires compensating for these inequalities. To this end, they argue that society must devote more resources to the naturally disfavored in order to obtain equality. However, as Freeman states, Rawls' view of distributive justice is not a matter of equalizing or neutralizing undeserved inequalities by compensating people for social disadvantages, natural disabilities, or brute bad luck.¹⁵⁴

On the contrary, Rawls underscores that the two principles of justice concerned with the fair distribution of the social primary goods "basic liberties and rights, wealth, power and authority and the social bases of self respect" as opposed to natural goods such as "health, vigor, intelligence and imagination."(*Theory*, 62) The reason for this, Rawls argues is that controlling the distribution of natural goods is beyond the power of the basic structure. One might object that although the basic structure cannot control the natural distribution of health or eliminate the effects of these natural facts, it can surely lessen the effects of misfortunes. Rawls recognizes this fact in *Restatement*, where he adds universal health care to the basic primary goods. Yet, the idea is not that these misfortunes have to be corrected because they are arbitrary from a moral point of view. Rather, Rawls acknowledges that just like universal education, universal health care is essential for citizens' having fair equality of opportunity and having equal worth of political freedoms. (*Restatement*, 174)

Rawls contends that the aim of justice is not to equalize or neutralize all undeserved inequalities. Rather, society is concerned with persons *qua* their being

¹⁵⁴ Samuel Freeman, *Rawls* (New York: Routledge, 2007), 108.

citizens. This view is more emphasized in *Political Liberalism* where he defines the primary goods as the needs of citizens (*PL*, 187-90). It is true that the disabled would need more resources and more attention than the average citizen to achieve the same worth of political liberties. For instance, a disabled person might need a wheelchair to exercise her political rights, e.g. free transportation services to be able to vote or attain public decision procedures, or simply to be heard in the public. In his exchange with the capabilities approach, Rawls recognizes this fact that to be a compatible member of society, a disabled or congenitally ill person would need more resources than an able-bodied and healthy person. However, Rawls leaves this decision to the legislative stage where all knowledge of social and material resources is available to decision makers. (*Restatement*, 173) Rawls considers these cases practical since how much resources each society could devote to meet special needs are up to the particular circumstances of that society. With this move, Rawls affirms that contrary to the needs of citizens, special needs of the disabled or congenitally ill are not part of the constitutional essentials. However, this does not mean that society owes nothing to the disabled. Rawls seems to hold that what society owes to the disabled cannot be decided with respect to a single principle. That is why their case is “complicated and difficult” and left aside for further treatment. Nonetheless, where critics are dissatisfied with Rawls’ account is that, they believe, Rawls leaves this issue undecided and unsettled. In their view, this is because Rawls considers the case of the disabled as of secondary importance and not central for justice. However, viewed in the way I have suggested above, economic justice is a part of Rawls’ theory of justice. Although economic justice for Rawls is to distribute the

benefits of society among its producers, justice as fairness encompasses all individuals as being equal citizens regardless of whether they contribute.

Furthermore, Rawls stresses that society owes to the disabled not only for their being equal citizens, but also their being human. At this point, Rawls argues that any society has a duty of assistance to its members as distinct from its duty of justice.¹⁵⁵ The natural duties of mutual aid (the duty of helping another when he is in need or jeopardy) and mutual respect impose definite requirements on everyone with respect to their relations to one another. (*Theory*, 114) Rawls holds that whereas natural duties hold between persons irrespectively of whether they engage in institutional relations, duties of justice assume fair cooperation among equals. “In this sense the natural duties are owed to not only definite individuals, say to those cooperating together in a particular social arrangement, but to persons generally. This feature in particular suggests the propriety of the adjective ‘natural’.” (*Theory*, 115) Distributive justice, on the other hand, holds between persons standing in a particular relation, namely in “productive cooperation.” Rawls seems to hold that society could meet special needs of citizens only to the extent that satisfying them is necessary for fair equality of opportunity and for maintaining the equal worth of political liberties. Other special needs must be met through the natural duties of mutual aid and mutual respect.

To conclude, for Rawls, the central question of economic justice is the distribution of the products of social cooperation among those persons who actively take

¹⁵⁵ As Freeman underlines, unlike the duty of assistance, the duty of justice has no identified target e.g. the poor, the disabled. Society has a duty of justice, to distribute the social product among people who engage in production fairly no matter whether these people are also poor or rich. Freeman argues that luck egalitarians misconceive the role of the difference principle in structuring production relations and property systems among free and democratic citizens. *Rawls*, 87.

part in it. Economic solidarity is based on the unity of people with respect to their productive activity and refers to their desire to establish economic justice between them. However, Barry is right in that Rawls' contribution-oriented conception of justice, and the account of economic solidarity which I have developed from it, excludes those who do not contribute to society. I shall examine this problem further in the fourth chapter. However, as I suggested, Rawls also conceives of citizens as equal participants in society, and emphasizes the priority of this conception over the perspective of the difference principle, which conceives citizens as active contributors to society. Thus, as I argued, democratic solidarity compensates the less inclusive outcomes of economic solidarity developed so far.

The two principles in a lexical ordering suggest, I will argue, two distinct but integrated conceptions of solidarity in Rawls' *Theory*. Whereas the first principle and the principle of fair equality of opportunity correspond to democratic solidarity, the difference principle corresponds to what I called economic solidarity. In the next chapter, I will continue analyzing economic solidarity further.

CHAPTER 4

ECONOMIC SOLIDARITY

In the previous chapter, I have argued for the existence of two solidarities in Rawls' *Theory*. I have argued that whereas the liberty and opportunity principle promotes democratic solidarity, the difference principle is a principle of economic solidarity. In the first section, I will continue analyzing economic solidarity by elaborating the importance of the basic structure of society for Rawls. To this end, I will examine Rawls' view of desert and natural endowments. I will stress that for Rawls, the basic structure of society has "profound effects" on the ways individuals develop and realize their talents. Drawing on these aspects of Rawls' *Theory*, I will hold that Rawls presumes a strong dependency of individuals to society. Having established Rawls' view of society fully in the first section, in the second section I will scrutinize the libertarian critics of Rawls, particularly the critiques of Nozick and Gauthier. To recall, in this dissertation, my main concern is to address "the lack of solidarity" objections to Rawls, which are mostly held by communitarian thinkers such as Sandel and Taylor and egalitarian liberals such as Brian Barry and socialist egalitarians such as G. A. Cohen. Yet, I think that discussing Rawls' libertarian critics is useful for uncovering the solidaristic tenets of Rawls' theory. I will maintain that although both Gauthier and Nozick share with Rawls the economic conception of society, they reject Rawls' other assumptions about society and the nature of the relation between society and individuals. I will particularly focus on clarifying the role of the idea of contribution in Rawls' *Theory* that I will advance in the third section.

In the third section, having established Rawls' view of society fully, I will return to Rawls' claim that the difference principle expresses the solidarity of the least and most advantaged in society. I will elaborate Rawls' relative stability argument and his contention that justice as fairness would gain the allegiances of both the least and most advantaged citizens. I will argue that Rawls' contribution-oriented paradigm undermines the allegiance of citizens to society because it undermines their self-respect.

4.1 The basic structure and interdependency of citizens

In Chapter 3, I argued that Rawls presumes productive relations between persons in the original position. Despite the lack of affections and benevolent concerns between them, persons of the original position are conceived of as related with respect to the activity of production they are jointly engaged in. Thus, as I maintained, persons are not conceived of as self-sufficient individuals who produce on their own in isolation from the rest and consider whether or not to join in social cooperation with others. Rather, they are characterized, and recognize themselves as joint producers within national borders.¹⁵⁶ In this section, drawing on the importance of the basic structure for Rawls, I will argue that Rawls interprets the social product as a joint product which is achieved through the "contribution of everyone," and the activity of production as the joint activity of citizens. As such, I argue, the presumed economic dependency expresses the widely held and most basic view that no single product is produced by the efforts of a single individual. What we produce in society we produce jointly. This does not only mean that every product is produced through the productive activity of countless people. It also means

¹⁵⁶ Rawls states that parties of the original position are members of a self-sufficient close system isolated from other societies. (*Theory*, 8)

that production, as an activity, requires socially established legal and economic relations and norms, the existence of which owes to the cooperation and support of each and every citizen.

Thus, I argue that in Rawls' theory productive interdependency does not solely express the fact that we would not fare well without others, or we need others only to better our own position. As I will argue, it also expresses that the accomplishment is jointly held, is the result of the productive efforts of citizens, and is achieved within a certain configuration of the basic institutions of society. Hence, Rawls' conception of economic solidarity has to be further elaborated with respect to the fundamental place of the basic structure of society in Rawls' *Theory*. To this end, it is crucial to examine Rawls' discussion of desert and his common asset formulation of natural talents to see to what extent Rawls thinks individuals are dependent on society and on each other.

Regarding desert, Rawls says:

It seems to be 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. The assertion that a man deserves the superior character that enables him to make the effort to cultivate his abilities is equally problematic; for his character depends in large part upon fortunate family and social circumstances for which he can claim no credit. (*Theory*, 104)

Rawls stresses that no one can be said to deserve his natural talents or his starting place in society since individuals acquire these things independently of their efforts or wishes. Rawls adds that no one could say that because he is simply more fortunate in the distribution of natural endowments and favorable social positions he “has a right to a scheme of cooperation in which he is permitted to acquire benefits in ways that do not contribute to the welfare of others.” (*Theory*, 104) Since the distribution of natural

endowments is arbitrary from a moral point of view, Rawls argues, we should not let these contingencies to determine the terms of cooperation among free and equal persons. Hence, the original position aims to eliminate the effect of contingencies on the choice of the principles and imposes a thick veil of ignorance on parties. In this way, the original position models the moral equality of persons by limiting parties' knowledge of their different characteristics. Since they are equal and differences among them are not known, Rawls argues, parties decide to share the social product equally in the original position. Yet, Rawls argues, parties do not insist on the initial equality and admit social and material inequalities on the condition that these inequalities improve each person's well-being. And given the uncertainty embedded in the choice situation, Rawls argues, each party focuses on the worst outcome possible, and tries to maximize the least advantaged social position in society. Hence, parties agree with the difference principle which requires that social and material inequalities must maximize the well-being of the least advantaged in society. This is roughly a statement of the original position argument for the difference principle. Nonetheless, Rawls provides a different argument stating that the difference principle views the distribution of natural assets as common assets of society.¹⁵⁷ (*Theory*, 101) The common asset formulation of natural endowments, however, cannot be entirely understood without taking into account Rawls' fuller conception of society and the importance he attributes to the basic structure.¹⁵⁸ Briefly,

¹⁵⁷ Rawls suggests that he uses the phrase "'common asset' to express a certain attitude, or point of view, toward the natural fact of the distribution of endowments." (*Restatement*, 76) Rawls holds that citizens, "by agreeing to that principle, it is as if they agree to regard the distribution of endowments as a common asset." (*Restatement*, 75)

¹⁵⁸ I would like to note that the common asset formulation of natural talents should not be understood as undermining the importance of each individual's distinct contribution. The account of economic solidarity I develop here relies on the basic fact that "what we produce in society is produced jointly" which does

in the basic structure argument, Rawls stresses the dependency of individuals on society, maintaining that the exercise and development of individuals' talents and whether and how much these talents produce benefits depends on the existence of society and a certain scheme of cooperation. Then, Rawls argues, the difference principle is supported by these "intuitive considerations" which reflect the fact of dependency of citizens on society and on one another. However, I will argue that these "intuitive considerations" play a crucial role in justice as fairness than Rawls himself acknowledges. The rest of the discussion will aim to illustrate Rawls' view of strong dependency of citizens.

With the basic structure argument, against libertarians' claim that the better off citizens would not show allegiance to the difference principle, Rawls hopes to demonstrate that the difference principle is acceptable both to the least and most advantaged citizens when it is shown that it is in line with "common sense." (*Theory*, 104) In the basic structure argument, Rawls argues that the better off cannot be said to deserve their better positions in society without considering the role of the scheme of cooperation which enables them to develop and exercise their talents and abilities in productive ways. Rawls emphasizes that the terms and conditions of social cooperation, the expectations it generates in its members, the advantages and disadvantages it creates in society have enormous effects on what persons can (not) achieve in society. (*Theory*, 7, 259) Furthermore, Rawls argues that even what talents individuals would develop and exercise depends on the scheme of social cooperation they are engaged in. Rawls writes:

not necessarily exclude or negate the fact that each individual contributes to production with her diverse abilities and talents. I will return to this discussion in the next section and discuss how libertarians, like Nozick, misconstrue Rawls' view of natural assets. Nozick, *Anarchy*, 185-6; See also, Michael Sandel, *Limits of Justice*, 78, 96-103.

Again, we cannot view the talents and abilities of individuals as fixed natural gifts. To be sure, even as realized there is presumably a significant genetic component. However these abilities and talents cannot come to fruition apart from social conditions, and as realized they always take but one of many possible forms. Developed natural capacities are always a selection at that, from the possibilities that might have been attained. ...Among the elements affecting the realization of natural capacities are social attitudes of encouragements and support and the institutions concerned with their training and use. (*PL*, 270)

To illustrate Rawls' point, consider the following example. What one receives as a reward by exercising his natural talents in an aristocratic society would be different if he were to exercise these same talents in a capitalist society, or in a communist society. For instance, whereas a noble-born person is not required to be economically productive in an aristocratic society, if he were born to a capitalist society, he would be rewarded according to the significance of his talents for a market economy. In a communist society, however, independently of his skills, he would be rewarded equally with other persons. Moreover, character traits like ambition and industriousness would not flourish and be rewarded in a communist or aristocratic society as they would in a capitalist society. In effect, Rawls argues that not only our talents and abilities owe their realization to society, but what talents individuals choose to develop, and the value produced by these talents also depends on the existing cooperative scheme. Rawls argues that what seems to be an individual achievement (what individuals achieve as a result of exercising their natural talents and abilities) owes a lot to the existing scheme of cooperation. Most importantly, as I will argue, Rawls contends that the existing cooperative scheme is the result of voluntary cooperation and active contributions of each and every citizen.

Rawls claims that although the natural distribution of talents is arbitrary from a moral point of view, it is not necessary to eliminate these distinctions. Citizens might choose to benefit from these distinctions jointly. Hence, Rawls contends that the basic structure of society does not necessarily have to incorporate the contingencies found in nature. Whether society reflects these contingencies is up to citizens and how they collectively design the institutions of their society. And, by deciding to design it according to the difference principle, Rawls argues, persons eliminate the negative effects of these natural contingencies without eliminating these contingencies themselves. And in so doing, “they share one another’s fate.” To quote fully:

No one deserves his greater natural capacity nor merits a more favorable starting place in society. But it does not follow that one should eliminate these distinctions. ... Thus we are led to the difference principle if we wish to set up a social system so that no one gains or loses from his arbitrary place in the distribution of natural assets or his initial position in society without giving or receiving compensating advantages in return. ... In justice as fairness men agree to share one another’s fate. In designing institutions they undertake to avail themselves to the accidents of nature and social circumstance only when doing so is for the common benefit. (*Theory*, 102)

Hence, the difference principle requires that those favored by nature may gain from their good fortune and exercise and cultivate their abilities and talents only in ways which improve the expectations of the least advantaged. As a result, what a better off person receives is an environment which supports the exercise and cultivation of their capacities. In addition, given that the difference principle is satisfied—that is, these inequalities are exercised in ways which contribute to the well-being of others in society, the better endowed are entitled to what follows from the exercise of their natural talents and abilities e.g. income, power and positions of authority, social prestige, and recognition. In turn, the better endowed are expected to share the benefits of their natural

talents with the rest of society because without the voluntary cooperation of others who are less well off, these talents would not have found a flourishing environment and could not have been exercised in productive ways. Hence, the basic structure of society, with citizens' allegiance to these institutions, creates an environment in which natural talents could find their realization. As a result, by virtue of the fact that individuals depend on to society and the productive cooperation of their fellows, justice requires that "[t]he naturally advantaged are not to gain merely because they are more gifted, but only to cover the costs of training and education and for using their endowments in ways that help the less fortunate as well." (*Theory*, 102)

On the other hand, Rawls argues that the least advantaged would do their part in social cooperation by not requiring the elimination of these inequalities; namely, they do not insist on preserving the initial equality in the distribution of primary goods in the original position. On the contrary, by agreeing to the difference principle, the least advantaged show their support for the institutions of society which make possible the exercise and flourishing of natural talents in a way that is beneficial to all. As a result, what the least advantaged receives from society is not determined solely by what the market assigns them. By characterizing citizens' interdependency in a framework of equality and reciprocity, justice as fairness redefines what each person is due from social cooperation. In so doing, it views the distribution of the burdens and benefits of social cooperation differently. Thus, the difference principle denies that a person has complete rights to the marginal product of his or her productive resources, e.g. his natural talents, skills and socially favorable position, unless these are exercised in ways which also contribute to the well-being of the least advantaged. It also denies that what the least

advantaged should get from social cooperation is equal to what market says is his share. The least advantaged, by doing their fair share in social cooperation—contributing to the social product, and supporting just institutions—are entitled to more than what the market says they are due. Thus, I take it to be Rawls' view that taxation is not a transfer of money from the rich to the poor for reasons of greater efficiency, social peace or social cohesion. On the contrary, the amount taxed is considered to belong to the least advantaged from the start, namely, as the rightful share of the least advantaged from social cooperation. And this amount is more than the marginal contribution of the least advantaged to the joint social product. Hence, it should be emphasized that in *Theory*, the social minimum is not accounted as a matter of assistance or aid, but as the rightful share of the least advantaged from social cooperation.

Thus, Rawls argues that the product of individual natural talents owes its existence to society, to the voluntary cooperation of others and to other's doing their share in maintaining a just scheme of cooperation. In the basic structure argument, the fact of dependency of individuals on each other and on society underwrites the requirement that the natural endowments must be exercised in ways beneficial to all members of society. And Rawls thinks that it is because of the recognition of such dependency individuals will want to comply with the requirements of the difference principle. It should be stressed that this argument, which I have called as the basic structure argument, is distinct from the original position argument where the two principles are justified on the ground of each persons' self-interested calculations. Rawls thinks that the basic structure argument is not a real argument for the difference

principle; but “intuitive considerations” regarding society and citizens’ relations in it.

Rawls says:

From the standpoint of common sense [emphasis added], then, the difference principle appears to be acceptable both to the more advantaged and to the less advantaged individual. Of course, none of this is strictly speaking an argument for the principle, since in a contract theory arguments are made from the point of view of the original position. But *these intuitive considerations* [emphasis added] help to clarify the nature of the principle and the sense in which it is egalitarian. (*Theory*, 104)

Although Rawls considers the basic structure argument as “intuitive considerations,” these considerations play a crucial yet unrecognized role in Rawls’ conviction that both the most and the least advantaged would voluntarily comply with the difference principle. Rawls argues that the difference principle would be acceptable to those citizens who conceive of themselves as deeply related and mutually interdependent in the way suggested by the basic structure argument, and not isolated and self-sufficient as they, perhaps, conceive of themselves in their everyday life without further reflection.

Rawls seems to think that once we “recognize” the facts about our society and our mutual dependency, how people jointly produce in society and how institutions affect us will lead to such a transformation. Regarding how such transformation takes place, Rawls thinks that the basic structure has an educatory function, it not only affect what kind of person we become, but also what kind of persons we would want to be. Rawls thinks that the basic structure can educate individuals and shape their aspirations and goals. (*PL*, 269-71) I will discuss the educatory role of the basic structure in fourth section of the present chapter, and also in the fifth chapter. Nevertheless, there is another important question here: but what exactly justifies requiring any such transformation in

anyone's conceptions of society and our fellow citizens? I claim that Rawls considers that these "intuitive considerations" about society already exist in the common sense, yet they are mostly unrecognized in the ways individuals conceive of themselves and their relations in their everyday activities. In this respect, Rawls does not justify his account of society and citizens' dependency but draws on these considerations as the general and widely accepted facts about the nature of society under modern conditions of the division of labor society. As we will see in the next section, however, libertarians like Gauthier and Nozick reject the Rawlsian view that society has such a central place in citizens' life. They also conceive of individuals as self-sufficient even apart from society. In the following section, I will continue elaborating the objections of libertarians to Rawls to illustrate their different conceptions of society and the individual.

4.2 The libertarian critique

In this section, I will briefly elaborate on the objections of libertarians who reject anything more than the minimum or "night watchman" state. Contrary to those who find solidarity is missing in Rawls' *Theory*, libertarians such as Nozick and Gauthier complain that Rawls' theory of justice is not sufficiently individualistic. Put differently, libertarians contend that Rawls' theory sacrifices the individual for the sake of society. Strikingly, however, both Gauthier and Nozick have an economic conception of society, and share with Rawls its basic commitments and assumptions. For this reason, it is necessary to critically compare and contrast Rawls and libertarians and to discern what exactly in my interpretation implies solidarity in Rawls' work and definitely not in Gauthier's. Although the central theme of this section will be Gauthier's formulation of

the libertarian critiques, I will incorporate some of Nozick's views and objections where needed.

In this section, I will comment on three objections that libertarians commonly held against Rawls. They claim that (1) Rawls ignores, or at least gives insufficient attention to, individuals' distinct contributions to the social product; (2) Rawls views the social product as fundamentally created by society and not by the individual. As a result, Rawls mistakenly thinks that citizens "owe" society or are "indebted" to it, which justifies social redistribution; (3) Rawls endorses arrangements which views the naturally talented as a means, and in that Rawls utilizes the talents of the better off to increase the well-being of the worst off.

Briefly, my response will be that these objections rely a reading of Rawls which is mistaken. To the first (1) I will argue that Rawls emphasizes that what we individually achieve is possible only against the existence of a cooperative scheme and others' voluntary cooperation. To the second claim (2) I will argue that libertarians misconstrue Rawls' common asset formulation of natural endowments. Rawls does not argue that society owes the natural talents or their products. Thus, Rawls' does not deny distinct individual contributions, but thinks that these contributions must be evaluated by taking into account the fact that they are produced in society and most importantly "with and through" the cooperative efforts of others. To the third claim (3) I will argue that with the basic structure argument, Rawls seems to think that when it is recognized that society is the result of the joint productive activities of citizens, the better off citizens would not view the products of their talents are taken away from them because they

view these talents as possible and productive only within society. In the following, I will start briefly introducing Gauthier's social contract theory by discerning the similarities and differences with Rawls' social contract.

Gauthier adopts and applies Rawls' conception of society as a "cooperative venture for mutual advantage." Yet, Gauthier uses an extensively economic conception of persons and their agency, which conception Rawls uses only in the original position. Gauthier also has an exclusively economic conception of society. In his view, society is more or less equated with the market; hence he equates persons to rational utility maximizers and human relations—at least those relations which concern justice—to voluntary transactions of goods and services. Gauthier develops a "mutual advantage theory of justice" where individuals decide whether or not to cooperate on the basis of their rational self-interest alone. Hence, Gauthier contends, social cooperation is just only if it is advantageous to its members. Gauthier argues that mere instrumental rationality suffices to identify and justify basic principles of justice, and principles of morality. In this respect, he attempts to account human morality solely in terms of rational self-interest. Furthermore, the idea of contribution has a central place in Gauthier's theory. For Gauthier, granting that certain background conditions are satisfied—such as all has opportunity to develop their talents and find a meaningful life activity in society—what makes difference in persons' particular contributions to society is the result of their different natural endowments and efforts. As a result, Gauthier contends that not only should everyone be rewarded according to her contribution to society, but also, everyone is required to contribute to society to become a member of it. To guarantee others' willing cooperation, a person, at the least, should not impose net

costs on other members; namely he should not be a burden without conferring benefits to society in return. With respect to the similarities of Rawls and Gauthier, critics like Brian Barry reads Rawls and Gauthier as very much alike and views them as arguing for a similar mutual advantage theory of justice. As I argued in the previous chapter, Barry's reading is mistaken. The difference between Rawls and Gauthier, I claim, is manifest in their different views regarding the importance (and the status) of natural endowments in determining one's share in the social product and their different interpretation of the idea of contribution. I will now examine these points.

Gauthier criticizes Rawls because by imposing a thick veil of ignorance Rawls rejects, so Gauthier argues, the very notion of individual contribution to productivity.¹⁵⁹ Gauthier objects to Rawls' stipulation of equality in the original position, and contrary to Rawls, presents the contract situation as an idealized economic bargain where each person compares his position in social cooperation with what his position would be in the absence of cooperation. Hence, for Gauthier, differences in bargaining power of individuals have a central role in comparing each person's well-being before and after society since it determines whether each person will find social cooperation more advantageous to non-cooperation. Gauthier argues that by restricting persons' knowledge of their natural talents and endowments in the original position, Rawls rejects dividing individuals' utility into social and non-social components and disregards what individuals could achieve on their own if they lived apart from society. Then, for Gauthier, in the contract situation, the starting point should not be equal distribution of primary goods as argued by Rawls, but should be what each person provides himself

¹⁵⁹ Gauthier, *Morals by Agreement* (Oxford: Clarendon Press, 1986), 248.

with his natural endowments apart from society. Hence, Gauthier requires that the improvements that social cooperation will make on each individual's well-being should be calculated against this benchmark of natural inequalities. As a result, Gauthier concludes, the fair or impartial distribution of the "cooperative surplus" of citizens' joint productive activity amounts to the benefits each individual receives from society in proportion to the contribution she makes.¹⁶⁰

Hence, for Gauthier, unlike the nullification of social contingencies, redress or nullifying the accident of natural endowments is not part of the characterization of principles any rational men could agree.¹⁶¹ Gauthier contends that the principles not only be justifiable *ex ante* but also *ex post*; not only must they be rational for persons in the contract situation but also it must be rational for them when the veil of ignorance is lifted.¹⁶² Upon this requirement, Gauthier further argues that when the veil of ignorance is lifted, the better off will find it irrational to adhere to the difference principle. They will think their talents and efforts directed to the naturally deprived.¹⁶³ Rational men who are concerned to further his well-being will not accept principles which do not recognize the weight of their natural endowments. Like Nozick, Gauthier thinks that this is to use the better endowed for the sake of improving the well-being of the worst off in society. I will return to this criticism later in this section.

¹⁶⁰ Gauthier, *Morals*, 154.

¹⁶¹ Gauthier, "Justice and Natural Endowment: Toward a Critique of Rawls' Ideological Framework," *Social Theory and Practice* 1, (Spring 1974): 16, doi: 10.5840/soctheorpract1974318.

¹⁶² Gauthier, *Morals*, 14-5; "Justice and Natural Endowment," 9-10.

¹⁶³ Gauthier, "Justice and Natural Endowment," 20.

Gauthier concludes that given Rawls' characterization of the original position and the maximizing conception of rationality he adopts, not the difference principle, but a proportionate difference principle which is applied to the productive social surplus, and not the entire social product, will result.¹⁶⁴ For the time being, I will leave aside Gauthier's argument for his version of the difference principle. Rather, I will focus on Gauthier's view that individuals agree to cooperate because they found cooperation mutually advantageous to non-cooperation. This implies that when individuals think that social cooperation is not advantageous to them, they should withdraw from cooperation. This point is crucial for assessing the distinct conceptions of society Rawls and Gauthier endorse.

Rawls addresses Gauthier's criticism in *Political Liberalism* and argues that Gauthier's argument relies on the ability to distinguish between what is acquired by individuals as members of society and what would have been acquired by them in the state of nature. Rawls emphasizes that this distinction has no useful meaning since "membership in our society is given, that we cannot know what would have been like had we not belonged to it (perhaps the thought itself lacks sense)." (*PL*, 276) As Freeman notes, for Rawls a "take it or leave it" attitude of economic bargains is not an appropriate model for depicting social relations because no such option really exists for human beings.¹⁶⁵ For this reason, Rawls argues that our situation in the state of nature has nothing to do with assessing the alternative conceptions of justice. (*PL*, 278-9) Hence, in the original position, the problem is not to decide whether or not to enter

¹⁶⁴ Ibid., 23.

¹⁶⁵ Freeman, "Reason and Agreement," 136.

social cooperation; but it is rather to consider what one's well-being would be under alternative conceptions of justice if that conception regulate the basic structure of one's own society. (*PL*, 277)

Furthermore, Rawls seems to agree with Rousseau and thinks that before society, an individual does not probably have much. Rawls says:

...apart from our place and history in a society, even our potential abilities cannot be known and our interests and character are still to be formed. Thus, the initial situation suitably recognizes that our nature apart from society is but a potential for a whole range of possibilities.¹⁶⁶

As I illustrated in the previous section, Rawls stresses that society and the organization of its basic structure has immense effects on what people achieve in society, what talents they develop and realize. Before society, on the other hand, our abilities are only potentials waiting to be discovered and realized. In this respect, Rousseau characterizes men in the stage of nature as an isolated being is a “stupid and shortsighted animal.” In the state of nature, man is without language, reason, morality and is driven by natural instinct.¹⁶⁷ Thus, along with Rousseau, Rawls rejects the libertarian characterization of men in the state of nature as quite similar to men in social cooperation. I would agree with Rawls that there is no way to compare what would we have been like apart from society since we are social animals from the very start. Rawls relies on the fact that human existence is social and deeply dependent. In this respect, the problem with libertarians is that they fail to recognize this as a fact. Given the impossibility of human

¹⁶⁶ Rawls, “The Basic Structure as Subject,” *American Philosophical Quarterly* 14, no. 2 (April 1977): 162, <http://www.jstor.org/stable/20009663>.

¹⁶⁷ Jean-Jacques Rousseau, *Discourse on Inequality*, trans. Franklin Philip (New York: Oxford University Press, 1994), 26-54.

existence as “isolated” individuals, Rousseau’s depiction of the state of nature is more realistic than that of libertarians who think that men are quite similar in the state of nature and in society. Libertarians admit that men would be less productive in the state of nature without the cooperation of others, but they fail to see that in such a state human beings would be altogether different creatures. Not only man’s productive capacities, as libertarians thought, but also and most importantly his rational and emotional capacities can only develop in society. Furthermore, as Durkheim and Marx emphasize, unlike traditional societies in which men were much more self-sufficient, in the modern society the degree of dependency is greater. Furthermore, as Marx observes, the division of labor not only characterizes domestic economies and citizens’ relations in a bounded society, but also international economy. So, not only we are dependent on our fellow citizens and what we have collectively achieved in society, we are internationally dependent on the productive activities of people from other societies. In this respect, I think the libertarians are factually mistaken about society and the degree of individual dependency on society. I will now return to Nozick and examine his objection that Rawls ignores individuals’ distinct contributions to the social product.

Drawing on Rawls’ common asset formulation of natural talents, Nozick accuses Rawls of ignoring the distinct contributions of individuals to society. Nozick thinks that for Rawls, the existence of social cooperation makes individual contributions to society somehow unclear or indeterminate. For Rawls, he argues, this indeterminateness makes redistribution a problem of justice. On the other hand, if individuals work in isolation from others as if each person is “a miniature firm,” like Robinson Crusoes who work on separate islands and only meet to exchange their products in the market, the fundamental

problem of justice will not be fair distribution but to set fair prices.¹⁶⁸ Because people work together and produce jointly in a complex division of labor society, Rawls thinks, so Nozick argues, that individual contributions cannot be known. I claim that Nozick misreads Rawls since Rawls does not think that individuals' contributions cannot be known, or cannot be exactly identified. Rather, Rawls thinks that the marginal contribution of individuals to society is less than libertarians take it to be when we take into account the collective nature of the achievement, namely the fact that it is possible only against the society which citizens jointly and collectively establish and sustain. Hence, Rawls insists that a person's contribution cannot be determined as if it were made in isolation of others.

Thus, Nozick conceives of individuals as "separate" producers who contribute to social cooperation with their distinct abilities and talents where these natural resources of the individual are of fundamental importance to determine "who" is entitled to "what" in society.¹⁶⁹ I will not go into the details of Nozick's entitlement theory of justice or his self-ownership argument which states that a person owns her natural talents just like he owns external objects. It suffices to note that for Nozick, natural talents are the property of individuals. And for this reason, Nozick thinks, what follows from the exercise of one's natural talents belongs to the individual who owns the talents and exercises them in productive ways, and not to society. Nozick accuses Rawls of not acknowledging this

¹⁶⁸ Nozick, *Anarchy*, 185-6.

¹⁶⁹ Schmdtz sees the fundamental difference between Rawls and Nozick as their conception of what factor determines the product most. David Schmdtz stresses that whereas for Nozick, rewards are created by workers, and for this reason owned by them; for Rawls rewards are created by society which implies the corresponding responsibility of fair distribution. David Schmdtz, "History and Pattern," *Social Philosophy and Policy* 22, (2005): 170, <http://eeae.arizona.com/sites/default/files/research-paper/3/history-and-pattern.pdf>.

substantial fact about natural assets and their products. Thus, Nozick views Rawls as suggesting that because natural endowments are undeserved, they are common assets of society, the products of which society has collective ownership and right to distribute.¹⁷⁰ For Nozick, Rawls fails to respect the “separateness of persons.”

However, as I have argued, this reading is mistaken. Rawls does not claim the collective ownership of the products of talents in society. What he claims is that individual contributions are co-determined by the existing scheme of social cooperation and not by one’s natural endowments alone. As a result, Rawls contends that rewards cannot be decided by solely taking into account one determinant of productivity, namely one’s natural endowments. The need for redistribution arises not because who is entitled to what is unknown, or cannot be known, but because we need to take into account the effects of the existing scheme of cooperation on individuals’ life prospects to decide what people are entitled to. Such contributions always take place against a certain basic structure, the existence of which owes to the collective efforts of citizens. Then, we owe our co-citizens compensation when they are disadvantaged; this is not because society owes the social product but because we are mutually dependent, that is, what we achieve individually is possible only through the cooperation of our fellow citizens.

Let us now return to Gauthier’s conception of contribution and distinguish it from Rawls’ understanding of it. Gauthier takes the Rawlsian idea of social cooperation as a joint venture for mutual advantage as implying that the worth of individual life plans is to be assessed whether they confer benefit to society in exchange for gaining

¹⁷⁰ For a statement on how Nozick and Sandel misconstrue Rawls’ view of natural endowments, see Pogge, *Realizing*, 63-81.

benefits from the efforts of others. Mutual advantage, for Gauthier, requires that everyone should produce benefits in society to be able to enjoy the benefits of others' productive efforts. To quote extensively, Gauthier says:

Someone who did not find value in society would have no reason to agree to its conditions of interaction. Someone who did not contribute value to others would give them no reason to accept her within the scope of society's conditions of interaction. Each then must be able to draw from society some of what she seeks but could not gain on her own, and each must contribute to society some of what others seek but would lack without her. Or, put simply, each must be both beneficiary and benefactor.¹⁷¹

So; Gauthier concludes, “[n]o one can be rationally accepted into society who chooses a life-plan which would impose net overall costs on his fellows, and so make him a malefactor instead of a benefactor.”¹⁷² On this account, as Gauthier illustrates with a “deliberately provocative example,” a woman who is a welfare mother already, namely who depends on public assistance to raise her children has no right to have another child who will be an additional net burden to her fellows. For Gauthier, justice requires such life plans be ruled out. Brian Barry has in mind a similar understanding of contribution when he reads Rawls and criticizes him as not sufficiently addressing the case of the disabled and congenitally ill. However, as I will argue, whereas Rawls' view of contribution should be understood as emphasizing the fact that society is the result of citizens' “joint” productive efforts, Gauthier's understanding of contribution is highly individualistic and focuses on the individual efforts. Rawls' emphasis on contribution is to the fact that “everyone contributes” to society rather than how much one contributes to society. In this respect, we should explicate what exactly the idea of contribution

¹⁷¹ David Gauthier, “Political Contractarianism,” *The Journal of Political Philosophy* 5, no. 2, (1997): 132-148, doi: 10.1111/1467-9760.00027.

¹⁷² Gauthier, “Political Contractarianism,” 136-7.

promotes in Rawls' theory if this idea is not understood in the way Gauthier and Nozick understand it?

In his response to Gauthier, Rawls stresses that an individual's contribution to society cannot be viewed as if it is a contribution to a single association. Rawls says; "Such contributions are not to be mistaken for contributions to society itself, or the worth to society of its members as citizens. ...their worth in a just and well-ordered society is always equal." (*PL*, 279-80) However, as we saw in the third chapter, Rawls also requires that people should contribute to society. But as we saw, Rawls does not postulate this requirement as a necessary condition for people to be accepted into society. For Rawls, it is required firstly because it would be "unfair" to take advantage of other people's productive efforts, and secondly it would undermine people's trust in one another; thus, negatively affect the strength of their civic bonds. Rawls seems to think that the knowledge that their productive efforts are exhausted by others who in turn evade doing their part in society would undermine citizens' trust in one another. In this respect, those citizens will be free riders who benefit from the resources and benefits of society without doing their share, which for Rawls constitutes a threat to the stability of a just society. I will return to this point and elaborate it in the second part of the present chapter.

In sum, I argue that the idea of contribution functions to highlight the fact that society is the result of citizens' "joint activity." In Rawls' case, the idea of contribution has nothing to do with evaluating a person's worth to society, since for Rawls, citizens have an equal worth from the view point of justice as fairness.

I will further elaborate on the two distinct conceptions of society I distinguished so far, emphasizing the fact that Rawls' view of society conceives of citizens as deeply related. In his comparison of Rawls and Nozick, Schmidtz illuminatingly depicts the two different conceptions of relation of individuals to society held by Rawls on the one hand and Nozick on the other. Schmidtz argues:

In truth, however, when we tax income, we are trying to raise revenue, not correct injustice. Why pretend otherwise? ... If we think a government needs to tax what Jane pays Jack for services rendered, as a way of financing programs, then we should honestly say so, and reject the premise that the only way to justify a tax is to prove that it is rectifying an injustice. ... The problem is not that Jane and Jack have *unpaid debts to society* [emphasis added], but that society really needs their money.¹⁷³

Let's look at more closely these two positions depicted by Schmidtz. In the libertarian account, taxation is viewed as a matter of financing state activities which might or might not include assisting the worst off people. Taxation is viewed as a matter of collecting revenue for the state to realize its regulative functions, and not as a matter of realizing justice in society. On the other hand, the view which argues taxation is justified on the ground of establishing justice in society views society entirely differently. As I argued, Rawls' view of the basic structure of society and its effects implies that we owe to society and to our fellow citizens because what we are able to achieve individually is possible within what we produce collectively. Thus, it is possible to view individual activities as a way of sustaining our joint social world, as things that "we do for one another." I will argue that the recognition that what each of us does in society is part of a joint activity, as the joint production of our material and social world transforms the ways we view society and our fellow citizens. Hence, the notion of contribution gains a

¹⁷³ Schmidtz, "History and Pattern," 167-8.

new sense which is distinct from each individual's distinct contribution or marginal usefulness to society as understood by libertarians. It is by virtue of this reciprocal dependency, Rawls thinks, so I will argue, we owe our fellow citizens compensation when they are disadvantaged in the existing scheme of social cooperation.

Lastly, I will consider the libertarian critique that Rawls' difference principle treats the better endowed as a means of the wellbeing of the worst off, which makes Rawls' theory vulnerable to the same criticism which he laid against utilitarianism. To state briefly Rawls' argument against utilitarianism, Rawls argues that utilitarianism might require arrangements that make some people to sacrifice for the wellbeing of society, in that utilitarian theory treats these people as a means to the overall utility generated in society. In Rawls' case, as the libertarian critics argue, those who are to make the sacrifice are the better endowed individuals.¹⁷⁴ In that, libertarians argue, Rawls' theory and utilitarianism are very much alike. Nozick argues that the difference principle treats the better endowed as a means to the welfare of the worst off, in doing so "using them and benefiting the others."¹⁷⁵ For Gauthier, the difference principle licenses those with less natural talents to take advantage of the better off. Thus, Gauthier contends Rawls conceives of individuals as social instruments.¹⁷⁶

¹⁷⁴ Thomas Nagel, "Rawls on Justice," in *Reading Rawls*, ed. Norman Daniels (Stanford, CA: Stanford University Press, 1989), 13; Peter Singer, "The Right to Be Rich or Poor," in *Reading Nozick*, ed. Jeffrey Paul (Oxford: Blackwell, 1981), 48.

¹⁷⁵ Nozick, *Anarchy*, 32-3.

¹⁷⁶ To note that Nozick shares with Rawls the Kantian premise that people are ends in themselves and never should be treated only as means. For Nozick, then, coercion (redistributive arrangement) is wrong because it violates people's (rich people's) inherent moral status and their corresponding right of self-ownership. Nozick concludes from these that aid to others cannot be enforced by the coercive mechanisms of the state. Nozick, *Anarchy*, ix. Gauthier, on the other hand, denies that human beings have any inherent

It is true that in Rawls' *Theory*, the condition of the least advantaged, and how society should deal with that condition, is a fundamental concern for the design of the basic structure of society. The basic structure of society, with its legal institutions and its economic system, has to be organized in order to maximize the condition of the least advantaged. In this respect, Freeman comments that in justice as fairness, the well-being of the least advantaged is not an afterthought, "the last thing to be taken care of by the social system."¹⁷⁷ As Rawls also remarks, "the difference principle transforms the aims of society in fundamental respects." (*Theory*, 107) The aim of society is no longer efficiency or maximization of average satisfaction, but justice. Pogge stresses that justice for Rawls is not to alleviate the most severe poverty through public assistance. It is rather to design the basic structure of society in such a way that it prevents the emergence of an underclass which constantly needs public assistance. That is why the second principle concentrates on maximizing the share that goes to the class of the least advantaged.¹⁷⁸ At this point, Nozick disputes the privileged status of the least advantage and rightly observes that the difference principle is not neutral between the better endowed and the worst off.¹⁷⁹ Thus, Nozick asks why society should focus on the least advantaged and try to maximize their well-being.

moral status. Hence, he criticizes Rawls not because Rawls does not respect the inherent moral status of (rich) people, but because (rich and naturally endowed) people will not rationally agree to the redistributive arrangements suggested by the difference principle. Gauthier, *Morals*, 257-9.

¹⁷⁷ Freeman, *Rawls*, 99.

¹⁷⁸ Pogge, *Realizing*, 133.

¹⁷⁹ Nozick, *Anarchy*, 192-3.

I will argue that Rawls' conception of society explained so far implies the existence of a concern for the well-being of everyone in society, especially those who are the least advantaged. I argue that such a concern arises from recognizing society and the interdependency among citizens in the way described so far. Thus, Rawls contends that by affirming the difference principle, citizens express their concern for one another. However, such a concern is not detectable in the original position argument where persons are characterized as mutually disinterested, but implicit in Rawls' full conception of society and in his view of citizens' dependency on society and on one another. In this respect, as I argued, both Sandel and Taylor are right in thinking that the difference principle requires a preexisting concern for the well-being of others. Yet, they fail to discover such a concern in Rawls' theory because they look for it in the wrong place, namely the shared conception of the good. In this respect, they fail to notice Rawls' fuller conception of society as the joint (productive and political) activity of citizens.

In this section, my aim has been to examine Rawls' conception of society and persons fully. By drawing on how Gauthier employs the Rawlsian idea of society as a "cooperative venture for mutual advantage," I underscored what other assumptions and convictions of Rawls make this idea produce solidaristic outcomes in Rawls' theory but extremely individualistic outcomes in Gauthier's. Although both Rawls and Gauthier draw on similar economic conceptions of society, following Marx, Rawls emphasizes more on the fact that social cooperation is a joint productive activity, whereas libertarians focuses on individual contributions to productivity and more on the idea of mutual advantage. As I have shown, between the "society" and the "individual,"

libertarians argue that Rawls gives priority to society and sacrifices the individual. I argued that this reading is mistaken. Rather than choosing between “society” and “individual,” Rawls attempts to reconcile these ends by recognizing the dependency of individuals on society.

In the third section, I will continue elaborating Rawls’ use of the idea of contribution further. Although Rawls distinguishes his idea of contribution from that of libertarians as discussed in this chapter, he still argues for a contribution-oriented conception of justice requiring that individuals should do their share in society by actively contributing to it. I will argue in the following that Rawls’ contribution-oriented paradigm of economic justice might undermine citizens’ self-respect and as a result threatens the attachments and bonds of citizens to society. To this end, in the third section, I will elaborate Rawls’ relative stability thesis which says that the difference principle has positive effects on the self-conception of the least advantaged and for this reason strengthens their ties to society. I will now discuss how the least advantaged view themselves, their co-citizens, and their place in society under the difference principle.

4.3 The least advantaged and self-respect

Rawls argues that when society is organized in a way that satisfies the two principles of justice, the ties of the least advantaged to society would be firmer and stronger because justice as fairness promises them greater self-respect than any alternative conception could provide. Given that the liberty principle and opportunity principle are satisfied, the difference principle requires that among alternative social structures, the one that maximizes the well-being of the least advantaged is to be preferred. Nonetheless, under

the preferred basic structure, the material well-being of the least advantaged might not be the greatest when viewed in all possible basic structures including unjust ones. Hence, it is possible that under less just basic structures or in unjust ones, the material well-being of the least advantaged would be greater than it would be in a just society. Thus, according to Rawls, given that the basic structure is just, it is not their greater material wellbeing but their greater self-respect that is the source of the loyalty of the least advantaged to society.¹⁸⁰ Here, it should be noted that Rawls also thinks that as a result of the redistributive arrangements which the two principles require, the material well-being of the least advantaged would be better in a just society than in unjust societies. To return to our initial argument, Rawls argues that since justice as fairness supports their self-esteem more than any alternative conception in the original position, the least advantaged would have strong reasons to support it. The point I would like to draw attention to is that Rawls links the greater allegiance of the least advantaged to society, and their friendly feelings to the most advantaged, to their greater self-respect; and not to their greater well-being. In this respect, the difference principle is viewed as supporting the least advantaged persons' self-respect because their well-being is given priority in the design of the basic structure of society, and not because the difference principle provides them greater material well-being. In this section, I will elaborate this claim of Rawls' and assess the objection which states that because his conception of

¹⁸⁰ Rawls stresses that the least advantaged is not a rigid designator. Rawls, *Restatement*, 59n26. However, there is a difficulty in comparing people's allegiance to different basic structures which arises from the fact that "the least advantaged" is not a rigid designator. The least advantaged does not refer to the same group of individuals (A, B, C and D, for instance) in every possible social world. Rather, the worst off under any scheme of cooperation are simply the individuals who are worst off under that particular scheme with respect to their income and wealth. Hence, the worst off group in one scheme might not be the worst off in another social scheme. Equally, some of the "most advantaged" persons in one scheme of society might be among the "least advantaged" in another scheme of society.

justice is contribution-oriented; it might harm citizens' self-respect when citizens fail to contribute to society in productive ways. As a result, I will argue that given Rawls' relation between citizens' self-respect and the strength of their ties to society, and to one another, the Rawlsian society might be less solidaristic than Rawls anticipates.

As I stated, Rawls argues for a relation between persons' secure sense of self-esteem and the strength of their ties to society. Rawls argues that (i) in justice as fairness, everyone's good is equally included and affirmed, and social cooperation is, and is known to be, mutually advantageous. Rawls says that if our good is affirmed in this way, (ii) given the psychological reciprocity which says that persons tend to answer in kind (*Theory*, 499), citizens develop attachments to the institutions of justice and will support them. However, for Rawls, citizens view their good is affirmed in another way. (iii) Persons see other citizens as caring for their good so long as those others support just institutions and voluntarily do their part in them; as a result persons develop friendly feelings for their fellow citizens. Put another way, by voluntarily supporting just institutions and doing their fair share in them, Rawls claims, our fellow citizens display their care for the good of everyone in society which is secured by these institutions. Thus, Rawls concludes, (iv) given that self-respect is related to how our associates view "our person and our deeds," (*Theory*, 440) and (iii) our fellow citizens show unconditional caring for our good by supporting just basic institutions of society, this fact must strengthen our ties to persons and institutions of society. To quote Rawls:

The restrictions contained in the principle of justice guarantee everyone equal liberty and assure us that our claims will not be neglected or overridden for the sake of a larger sum of benefits, even for the whole society. ...a more unconditional caring for our good and a clearer refusal by others to take

advantage of accidents and happenstance, must strengthen our self-esteem; and this greater good must in turn lead to closer affiliation with persons and institutions by way of an answer in kind. (*Theory*, 499)

Rawls contends that when the principle of utility is at work, “why should the acceptance of the principles of utility (in either form) by the more fortunate inspire the least advantaged to have friendly feelings towards them?” (*Theory*, 500) Rawls underscores that in utilitarianism no reciprocity principle is at work and, that is why for Rawls the utilitarians need to stress the capacity for sympathy. Those who do not benefit from the better situation of others must identify with the greater sum of satisfaction; otherwise, they will not desire utility criterion. Moreover, for Rawls, the utilitarian conception of justice is destructive of the self-esteem of those who lose out, especially when they are also the least fortunate. The equality of persons as free and equal moral subjects requires accepting only reciprocal benefits and at the same time, avoiding advantages that treat others unfairly or exploit them. As we saw earlier in this chapter, Rawls argues that conceiving of each other as such also expresses the Kantian ideal of treating persons as ends. (*Theory*, 179) To conclude, Rawls holds that because everyone’s good is taken into account and no one is asked to sacrifice for society, justice as fairness supports persons’ self-respect and secures persons’ sense of their own value. Because no citizen is ignored, or their claims ruled out in the design of their society, their sense of self-worth is reinforced.

In Rawls’ account, then, greater material well-being is not the source of allegiance of the least advantaged to society—or at least it is not the dominant source. Although a just society guarantees a decent minimum for everyone, including the least advantaged, it does not promise the greatest well-being possible. Thus, for the least

advantaged, the motivation for acting justly and the source of their friendly feelings to their fellow citizens consist of their confidence in the respect and care implicit in the act of their fellow citizens (the most advantaged) when they support just institutions and do their part in them.

4.3.1 Rawls' property owning democracy and economic solidarity

To continue, most of Rawls' arguments for the importance of self-respect for the allegiance of the least advantaged to society occur in his comparisons of justice as fairness with utilitarianism, and property owning democracy with the welfare state. Rawls claims that justice as fairness better respects the equality of citizens and the idea of reciprocity which is implicit in the idea of mutually beneficial social cooperation. Rawls states "... the difference principle specifies a social minimum derived from an idea of reciprocity." (*Restatement* 130, 138) Rawls holds that the underlying reason for welfare provisions—that is, economic or social efficiency—is defective in the self-conception of the least advantaged. Thus, in the welfare state, improving the life prospects of the least advantaged is not an end, but considered as a means to other social goals, it is pursued as secondary to social utility and efficiency. On the contrary, justice as fairness has the advantage of supporting persons' self-respect and their sense of self-worth. It is publicly known that in matters of economic justice, the well-being of the least advantaged is prioritized. For Rawls, this fact would affect the least advantaged, their allegiance to society and their view of their fellow citizens enormously.

At this in the discussion, I should note an objection to Rawls' argument against utilitarianism. Critics argue that certain features of the original position are simply

imposed for the sake of leading the choice to the two principles of justice and not to utilitarianism. For instance, it is argued that the idea of impartiality and Rawls' contention that it could be best guaranteed by a thick veil of ignorance is not properly justified.¹⁸¹ A related objection points out that Rawls' restriction of the likelihoods is not justified but arbitrarily imposed for the sake of directing the choice to the two principles.¹⁸² These objections have certain consequences for the project of this dissertation since we assume from the beginning that the two principles of justice are in fact chosen in the original position. This objection undermines part of Rawls' stability thesis, particularly to his relative stability argument which states that the society which is regulated by the two principles of justice is more stable compared to a society governed by the principle of utility. As we saw so far, Rawls argues that the public knowledge that their well-being is prioritized in society fosters the least advantaged persons' allegiance to society and enhances the strength of the civic ties between them and the most advantaged. On the other hand, for Rawls the publicity of the principle of utility will have the opposite effect on persons, and thus, would weaken their ties to society. The knowledge that their well-being might be sacrificed for the overall well-being of society will undermine people's allegiance to society and their friendly feelings to their fellows. It should also be noted that for critics, Rawls' depiction of the contrast between his principles and the principle of utility is also exaggerated. It is argued that

¹⁸¹ Lyons argues that the contract argument rests upon an assumed commitment to fairness and impartiality. David Lyons, "Contract and Coherence," 159.

¹⁸² Lyons claims that the preventing the knowledge of the likelihoods in the original position is arbitrary and seems to be added for the sake of leading the choice in favor of Rawls' principles rather than utilitarianism. David Lyons, "Contract and Coherence," 161-3. Likewise, Hare argues that Rawls' reason behind restricting knowledge of probabilities is to avoid utilitarianism and hence imposed arbitrarily on the choice of the parties in the original position. Hare, "Rawls' Theory of Justice," 101-7.

many utilitarians acknowledge other principles as constraining the utility criterion.

Having noted these points, I stress that the dissertation does not aim to examine whether Rawls' argument for the two principles are justified or on strong grounds. Although this is an important issue, our discussion has another subject matter. In this respect, the dissertation stays less ambitious and confines itself to the case where the two principles of justice are indeed chosen. Hence, it aims to show the nature of citizens' relations in a society governed by the two principles of justice.

To return our initial discussion, for Rawls this links to another institutional defect of the welfare state. Rawls contends that the welfare state creates a permanently dependent underclass (*Restatement*, 140). The welfare state is primarily concerned with alleviating the effects of poverty without a comparable focus on the reproduction of a class which lives at levels of poverty.¹⁸³ In the property owning democracy, "[t]he 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."(*Restatement*, 139) On the contrary, for Rawls, by providing welfare provisions to people independently of whether they work or not, welfare state encourages dependency and creates a feeling of being left out from society.¹⁸⁴ With respect to this point, Pogge argues that for Rawls, justice

¹⁸³ Pogge, *Realizing*, 134.

¹⁸⁴ Moreover, according to Rawls, welfare state capitalism fails to guarantee fair value of political liberties because it leaves the gap between rich and poor untouched. *Restatement*, 138-9. Without narrowing the distance between these two classes, the welfare state concentrates on alleviating the effects of poverty experienced by the least advantaged. Consequently, the basic structure of the welfare state could not prevent the concentration of economic and political power in the hands of a few citizens. Evidently, the least advantaged has no influence on political and economic decisions. They lack power and authority to affect a political agenda. A further institutional defect of the welfare state, for Rawls, is that it cannot

requires each citizen to provide for their needs by their earned income.¹⁸⁵ Freeman adds that self-sufficiency for Rawls is a part of being independent persons with a sense of self-respect.¹⁸⁶ Hence, Rawls considers dependency or lack of self-sufficiency as destructive to persons' self respect.

The difference principle, on the other hand, focuses on redistribution among those who actively contribute to the social product. Rawls states that in a society where equality and reciprocity are valued, "we are not to gain from the cooperative efforts of others without doing our fair share." (*Theory*, 343) Hence, For Rawls, all able-bodied citizens should contribute to society and must be encouraged to work. Willingness to contribute society in productive ways is part of what Rawls considers citizens' doing their fair share in social cooperation from which they draw benefits. Note that this is partly because, for social cooperation to be mutually advantageous it must be productive. And, for Rawls, in the absence of productivity, there would be nothing to distribute. (*Restatement*, 61)

Against this background, Rawls' line of reasoning seems to imply that persons' reluctance to work would mean their avoiding doing their fair share in social cooperation. Obviously, in justice as fairness no one could be forced to work, which would violate the liberty principle. (*Restatement*, 64) Yet, in Rawls' emphasis on "contribution" there is a sense in which work is implicitly valued and praised.

realize fair equality of opportunity. By allowing inequalities in income and wealth above a certain level, the basic structure of the welfare state undermines the possibility of holding positions of authority and influence for the least advantaged.

¹⁸⁵ Pogge, *Realizing*, 133

¹⁸⁶ Freeman, *Rawls*, 229

Furthermore, Rawls has an exclusively market-oriented conception of work and of contribution. Given this, many activities of citizens, despite being socially useful or necessary, are considered as not work proper.

In the following, I will critically elaborate on the relation between productivity, self-sufficiency, and self-respect. I will argue that Rawls' overemphasis on contribution and productivity could itself be a source of harm to the self-respect of persons. I will argue that in his account of self-respect, Rawls presupposes the implicit value given to work and productive activity in modern capitalist societies. Rawls' account, as Doppelt persuasively argues, relies on what actual people in a given culture take to be the bases of self-respect.¹⁸⁷ Thus, assuming that self-respect is the most important primary good for citizens and that they want to secure it at every cost, I will examine whether justice as fairness could support citizens' self respect as suggested by Rawls.

Both Pogge and Freeman argue that the fact that citizens can afford their living by their earned income without being in need of public assistance would support their self-respect, which for Rawls contributes to the strength of the ties by which citizens are bound to society. The argument against the welfare state indicates that when citizens are not dependent on state assistance to provide their living, and are self-sufficient in this respect, other things being equal their sense of self-respect would be higher.

Dependency would, however, wound the least advantaged persons' self-respect and

¹⁸⁷ Gerald Doppelt makes a distinction between empirical and normative notions of the basis of self-respect. On the empirical notion, the social bases of self-respect depend on what people in a certain culture in fact take to be the bases of respect for persons. On the normative notion, on the contrary, is restricted to reasonable social bases of self-respect: for example, what people in an enlightened and just society would take to be the bases of respect for persons. Gerald Doppelt, "The Place of Self-Respect in a Theory of Justice," *Inquiry* 52, no. 2 (2009): 142, doi:10.1080/00201740902790219.

harm their conception of themselves as equals with the rest of society. Although equal citizenship is guaranteed by the constitution, being dependent on state provisions would make the least advantaged feel inferior. However, it is not clear why it would wound the self-respect of citizens if social minimum or welfare provisions are guaranteed to everyone equally by the state without giving further attention to whether citizens deserve the aid or prove their need for it. Recently, this idea is defended by Van Parijs. Van Parijs argues for an unconditional basic income to all citizens of the political community without means test or work requirement.¹⁸⁸ If everyone receives unconditional basic income as defended by Van Parijs, rich and the poor alike, why should anyone's self-respect be wounded by the welfare income? Certainly, there might be other things that still wound the self-respect of the least advantaged, for instance the existence of the gap between their well-being and that of the rich. Yet, their self-respect would not be wounded by the income granted by the state on the condition that it is provided to everyone equally.

On the contrary, when one's share of the social minimum is dependent on his active contribution to the social product, as we will see in the following, it undermines the self-respect of those who do not or cannot contribute. As a result, I will argue that Rawls' emphasis on "active contribution" constitutes a threat to the self-respect of persons. I would like to note that Rawls seems to acknowledge this danger. In *Political*

¹⁸⁸ Philippe Van Parijs, "Basic Income: A Simple and Powerful Idea for the Twenty-first Century," *Politics & Society* 32, no.1 (March 2004): 7-39, doi: 10.1177/0032329203261095. Van Parijs defines basic income as: "An unconditional basic income, or, as I shall usually call it, a basic income, is a grant paid to every citizen, irrespective of his or her occupational situation and marital status, and irrespective of his or her work performance or availability for work. It is, in other words, an individual guaranteed minimum income without either a means test or a (willingness to) work condition." Philippe Van Parijs, "Why Surfers Should be Fed: The Liberal Case for Unconditional Basic Income," *Philosophy and Public Affairs* 20, no.2 (Spring 1991): 102, <http://www.jstor.org/stable/2265291>.

Liberalism Rawls requires society to be employer of last resort through general and local government and emphasizes the negative effects of unemployment on the self-respect of citizens.¹⁸⁹ And given the relation between self-respect and solidarity we developed so far, people who fail to contribute to society from a market-oriented perspective would have an injured self-respect and as a result would have looser ties and weaker attachments to society. Furthermore, in a culture where active contribution and work is considered as part of persons doing their fair share in society, the relations between the employed and unemployed, and thus between the active contributors and current non-contributors, would be strained. I will now discuss this point further.

4.3.2 The requirement of “active contribution” and solidarity

Rawls’ contribution-oriented conception of justice is perhaps most visible in his treatment of cases of voluntary unemployment. In his “Priority of the Right and Ideas of the Good,” dealing with the case of surfers on Malibu beach, Rawls suggests that the index of primary goods could be expanded to include other goods such as leisure time.¹⁹⁰ Rawls suggests that leisure time could be added to the index of primary goods of the least advantaged so that those who reject working and prefer leisure instead could not benefit from the state funds, at least as much as those who actively contribute to society. Thus, Rawls contends that “those who surf all day of Malibu must find a way to support

¹⁸⁹In the Introduction of *Political Liberalism*, Rawls discusses institutions which are necessary for stability, Rawls says; “Society as employer of last resort through general or local government, or other social and economic policies. Lacking a sense of long-term security and opportunity for meaningful work and occupation is not only destructive of citizens’ self-respect but also of their sense that they are members of society and not simply caught in it. This leads to self-hatred, bitterness and resentment.” “Introduction,” in *PL*, lvii.

¹⁹⁰ Rawls, “Priority of the Right and Ideas of the Good,” *Philosophy & Public Affairs* 17, No. 4 (Autumn, 1988): 257n7, <http://www.jstor.org/stable/2265400>.

themselves and would not be entitled to public funds.”¹⁹¹ I will argue that this remark of Rawls contradicts his other central ideas in *Theory* and in *Political Liberalism*. Before this, let us recall Rawls’ reasons for his statement.

As I remarked earlier, for Rawls “we are not to gain from the cooperative efforts of others without doing our fair share.” (*Theory*, 343) In this respect, willingness to work indicates citizens’ willingness to do their part in social cooperation. At this point, for instance, Stuart White objects to an unconditional basic income on the grounds that it is unfair to enjoy the benefits of others’ productive contribution without contributing to society in turn. For White, this would be to take unfair advantage of the productive efforts of others, and even means to “exploit” them.¹⁹² For Rawls, however, the reason is not that voluntary non-contributors “exploit” the efforts of active contributors; rather by avoiding fulfilling their share in society, voluntary non-contributors will lead to instability in the long run, because as free-riders, they undermine the mutual trust of citizens in one another. (*Theory*, 336) For this reason, as Freeman stresses, Rawls rejects the view that non-contributors would receive equally with those who work and actively contribute to the social product.¹⁹³

In this respect, I argue that Rawls could be said to be divided between two considerations. On the one hand, Rawls does not want what non-contributors get from social resources to discourage others from doing their fair share. On the other hand, one

¹⁹¹ Ibid.

¹⁹² Stuart White, “Liberal Equality, Exploitation and the Case for an Unconditional Basic Income,” *Political Studies* 45, no. 2 (June 1997): 312-326, doi: 10.1111/1467-9248.00083.

¹⁹³ Freeman, *Rawls*, 230.

of the aims of the social minimum, perhaps its central aim, for Rawls is to maintain everyone at a certain level of well-being which is sufficient for them to be compatible members of society. As a result of Rawls' second commitment; I will argue that Rawls would admit that a certain amount of social minimum should be given to everyone unconditionally, because it is necessary for guaranteeing the fair value of equal political rights and liberties for everyone. This role of the social minimum, as I will argue, necessitates a part of the social minimum to be guaranteed to everyone unconditionally, which is similar to a kind of basic income as argued by Van Parijs. Thus, society owes a part of the social minimum to each and every citizen irrespective of whether they work.

Likewise, for Freeman too, Rawls does not say that the non-contributors should receive anything from society. Freeman, however, adopts a different strategy and instead tries to expand the meaning of contribution in Rawls' theory. Freeman argues that even when a person does not work he is still thought to be contributing to society because he complies with just institutions in ways other than working. For instance, a citizen contributes to society when he acts justly, performs public services (voting, jury duty) and by being a law abiding person. Thus, Freeman concludes that those persons who cannot work or refuses to work as in the case of Malibu surfers should receive some amount of the total social minimum which is enough for them to have a decent life for being a compatible citizen, but less than the amount received by the working least advantaged person who, by engaging in production, does his fair share of the social cooperation.¹⁹⁴ I would like to stress that Freeman extends the meaning of contribution from strictly economic contribution to other activities of citizens in a democratic society

¹⁹⁴ Ibid.

e.g. voting and complying with the laws. However, as we will see, this strategy does not solve the problems of Rawls' idea of contribution entirely.

Now, I will introduce Van Parijs' argument which challenges the widely held view that only the activities of persons in paid jobs count as a "contribution" to society. Van Parijs argues that the surfer who wants to surf all day instead of working is entitled to an unconditional basic income because they "contribute" to society in an unrecognized as well as an unnoticed way.¹⁹⁵ Van Parijs argues that because jobs are scarce, those who do not work—both voluntary and involuntary non-workers—contribute to society by leaving jobs available for those others who are employed. Hence, non-workers, irrespective of whether their non-employment is by choice, are entitled to a basic income from society's scarce job resources.¹⁹⁶ Thus, Parijs argues that by voluntarily giving up in the job market, a surfer makes it possible for others who look for a job to be employed. Contributing to society in this negative way, the Malibu surfers are entitled to a share from the social product of society. It is important to note that Van Parijs emphasizes that the implications of his view extend beyond the "futile" case of Malibu surfers, and addresses the case of those who are unskilled workers, dependent housewives, double-shift parents and the long-term unemployed. I will consider how this is so below. Against the background of this discussion on contribution, I will now

¹⁹⁵ Van Parijs, "Why Surfers," 101-131.

¹⁹⁶ Van Parijs "Why Surfers," 126. Parijs notes that even the right for a job is guaranteed, the fact that there might be persons who want the job of someone else (e.g. equally qualified and willing to work at the same wage), there would be employment rents and the need for a basic income. Parijs argues that mass employment is not essential, but it makes the case the most obvious. Hence, according to Parijs, even everyone is guaranteed for a job, as required by Rawls, the need for unconditional basic income arises. (127)

consider several examples that illustrate how Rawls' requirement of active contribution might harm the self-respect of persons and be detrimental to the solidarity of citizens.

4.3.3 Challenges to Rawls' contribution-oriented economic solidarity

4.3.3.1 Unemployment

I will start with the problem posed by what economists call: natural unemployment. I will pose the question of what Rawls would say about the self-respect of those who are unemployed despite being willing to contribute to the social product actively. Their case is distinct from the disabled or congenitally ill who cannot contribute to society actively due to their state of health; and from the surfer who refuses to work although he is capable of working. The problem of natural unemployment would still be a problem (admittedly a less urgent one) even in the ideal case where society is considered as “employer of last resort through general or local government” and when public and political authorities are actively concerned for reducing the rate of unemployment.¹⁹⁷ (*PL*, lvii)

Economists point out that in every market society there will be a certain amount of unemployed population which they describe as the natural level of unemployment. Let us consider the case of structural unemployment. Structural unemployment occurs when there are available jobs and there are also persons who are looking for jobs in the market, yet they do not match because the persons are not qualified (or over qualified) for the jobs available. Thus, structural unemployment occurs when the demand for certain types of labor changes due to the structural changes in the economy. Economists

¹⁹⁷ John Rawls, *The Law of Peoples* (Cambridge, MA: Harvard University Press, 2002), 50.

underline that unlike frictional (transitional) unemployment, which arises from persons' changing positions and occupations, structural unemployment is not a short term situation.¹⁹⁸ For instance, consider the economic crisis in Turkey in 2001, which gravely affected the financial sector. At the time, the supply of the labor in the financial sector increased due to the bankruptcy of several financial institutions. Yet, despite the existence of job opportunities in other sectors such as service and software, persons who lost their jobs could not find jobs because they were not qualified for these sectors. Although in the long run markets can find their equilibrium, in the short run, structural unemployment is always a possibility. Other examples illustrate that structural unemployment does not require crisis situations, but may be caused by ordinary policy decisions or technological developments. For instance, a government's decision to support the automobile industry rather than agriculture might cause agricultural workers to lose their jobs, and increase structural unemployment. Despite being willing to work in factories, agricultural workers could not be employed since they lack the necessary skills. To return to our initial discussion, the examples I have just given suggest that in most cases unemployment is not individuals' fault and is the consequence of the structural organization of the economy. Nonetheless, given Rawls' emphasis on "work" and "active contribution," citizens' self-respect would be wounded even when they receive unemployment benefits which are designed specifically to protect them against the insecurity of unemployment. To address the detrimental effects of unemployment for citizens' self-respect, as I said, Rawls requires that society be an employer of last resort. However, when persons are assigned to jobs which they consider unsuitable to their

¹⁹⁸ Irvin Tucker, *Survey of Economics* (Mason, OH: South-Western Cengage Learning, 2008), 260-1.

professional identity or their skills, this fact might affect their sense of self-respect. Let us imagine the self conception of a person, who is capable of running the finance department of an international company, is assigned to a less demanding and less respectable publicly-financed job. So long as Rawls' view of society and of citizens is production and contribution-oriented, I will argue, it might fail to support persons' self-respect in some cases. This, in effect, affects the strength of ties citizens are bound to society.

Thus, it must be stressed that the case of natural unemployment is paradigmatic since it powerfully challenges the contribution-oriented paradigm of justice in general and reveals that the failure of contribution could be the result of the very design of the scheme of social cooperation that exists in society. Thus, if a capitalist economic system creates a natural rate of unemployment, that is, the healthy functioning of the system requires some people to stay unemployed, e.g. housewives and unskilled workers, then to what extent is it plausible to see unemployment as a failure of contributing to society? Most importantly, how it is plausible to characterize active contribution by means of work as one's doing their fair share in society? The argument assumes that there is a job for everyone, which even in the ideal case is impossible. Furthermore, this is only possible (if it is possible at all) because some part of the population stay indoors e.g. housewives who perform unrecognized jobs such as care and housekeeping, and do not (cannot) look for a position in the job market. Given these considerations, can one plausibly argue that the unemployed person is entitled to nothing since he does not contribute actively to the social product? Furthermore, as Van Parijs shows, the unemployed should be thought of as contributing to society by staying unemployed, by

withdrawing from the job market where there are not enough jobs for everyone. For the above reasons, I argue that Rawls' emphasis on work and his considering it the main way of doing one's fair share in society becomes highly problematic.

In the following, I will argue that if the importance of self-respect for justice is to be secured, it is necessary that Rawls' emphasis on "contribution" be relaxed. One alternative strategy would be to extend the meaning of "contribution" from strictly "economic contribution" to "social contribution." I will examine whether this way of responding the problem is successful in light of a different example.

4.3.3.2 Domestic labor

As I emphasized in the third chapter, the least advantaged for Rawls corresponds to the class of unskilled labor who has the smallest income and wealth in society. (*Theory*, 98) And, the difference principle requires maximizing the share of primary goods that goes to the least advantaged in society. Hence, for Rawls, the least advantaged is not the unemployed or women who are exclusively engaged in domestic work. In this respect, there are many unrecognized and non-paid ways of contributing to society performed mostly by women e.g. care jobs, house management etc. Artistic production without exchange value in the market could be an example, as well. For instance, graffiti artists create pleasant sights to passengers without creating any monetary value since the product usually cannot be sold, and vanishes in time. It should be emphasized that the case of graffiti artists is different from the case of women who exclusively perform care jobs and engaged in house management. Whereas the graffiti artists choose their profession, most women are culturally and socially assigned to in-home activities and

care jobs in the family—either patriarchal culture considers it women’s role to raise the kids, or women lack sufficient opportunities such as child care facilities and they have no choice but stay indoors. In the present context, I leave aside the case of the graffiti artists since their situation requires distinct treatment. Domestic activities such as child-rearing, cleaning, cooking and caring prevent women from attaining paid jobs in the market. From the perspective of economy, the jobs that are performed mostly by women are invisible since they do not create any exchange value in the market. It should be noted that in some cases child raising is an economic activity as in the case of nurses and day careers. The problem I want to address is the value of women’s domestic labor, raising their own kids, and caring their elderly people. Yet, no one doubts that these jobs are crucial for the well-being of any society although they are mostly non-marketable activities. This, however, has grave consequences for women and their self-esteem, especially when it is associated with a culture which values productive and paid labor. Furthermore, as I will argue, what enables the husbands to be productive—namely their freedom from domestic activities and care jobs—is exactly what makes the women dependent and unproductive to a market-oriented perspective. As Axel Honneth suggests, in a culture determined by male values, and within the traditional distribution of roles, “women have had few chances to receive the amount of social respect necessary to ensure a positive self-conception.”¹⁹⁹ Thus, from a psychological viewpoint, recognition respect is fundamental for persons’ self conception. To this, Rawls seems to agree when he considers how our self-respect is largely affected by how other persons view our person and our deeds. (*Theory*, 440)

¹⁹⁹ Axel Honneth, *Disrespect* (Cambridge: Polity Press, 2007), 76.

The question is whether Rawls' theory could be extended to include the case of women whose work is invisible from strictly economic contribution-oriented perspective. It requires examining whether Rawls' understanding of the "social product" and "contribution" could be extended to cover the case of women and their domestic activity. Before this, however, I would like to note that in Rawls' theory of justice, the principle of fair equality of opportunity addresses gender-based discrimination to a large extent by guaranteeing women fair opportunity for jobs similar to those of men. As we will see, Rawls argues that political liberalism with fair equality of opportunity aims for gender-based division of labor to be voluntary. (*PL*, 472) Given this, let us assume that in the well-ordered just society it is guaranteed that if a woman performs care jobs, it is because that is her choice. This, however, does not change the fact that care jobs are non-marketable and unpaid according to a market-oriented understanding. In this respect, couples might decide who is to work and who performs care jobs without relying on traditional gender roles. Yet, whoever engages in care jobs remains unpaid, and his or her activity remains non-marketable, which undermines that persons' self-respect from a strictly contribution-oriented paradigm of justice. This requires an extension in Rawls' original use of the "social product" and what counts as "contribution." The alternative is that if women's activity of child rearing (or men's at this point) is recognized as a valuable contribution to society, a kind of job that has a value in the market for which women (or men) could get child support from the state, then no one's self-esteem would be affected by engaging in domestic activities.

In his later works, Rawls recognizes the importance of raising and caring for children and educating them with the political culture of society is an important social

task. Rawls states that “[r]eproductive labor is socially necessary labor.” (*Restatement*, 162) In *Political Liberalism*, Rawls directly concerns with the problem of domestic labor. There, Rawls distinguishes his position from the view which endorses that the division of labor by gender is reduced to a minimum. Rawls argues that this view requires coercive measures such as penalties and mandatory interference to the family. However, Rawls underscores that the division of labor could be related to basic freedoms, including the freedom of religion. Yet, Rawls remarks that political liberalism should minimize the division of labor by gender by trying “to reach a social condition in which the remaining division is voluntary.” This allows for Rawls a considerable division of labor determined by gender will nevertheless exist. (*PL*, 472) Nevertheless, Rawls does not explicate what concrete policies might political liberalism adopt to make the division of labor by gender voluntary. For instance, Rawls might endorse state payments to mothers when they raise their children or opportunities for them which make child raising a choice for them e.g. state subsidized day care facilities. And there seems to be no reason why Rawls would reject these policies. In *Political Liberalism*, Rawls also welcomes policies which require the equal division of the family income between parents and the equal division of the wealth when there is a divorce. (473) Nonetheless, Rawls does not explicitly endorse care jobs as work proper, and contribution proper.

This move might address the criticism of feminists to a certain extent. Extending the meaning of contribution from strictly laboring in the market to other sorts of social contributions—for instance, taking care of children and the elderly people—might remedy the loss of self-esteem of women to a certain extent. However, it does not

remedy the loss of self-esteem of those others who cannot contribute to society actively. The extension in the meaning of contribution includes certain unrecognized jobs in the definition of “active contribution to society” which however does not eliminate the problems of the idea of “active contribution.” Still, both the unemployed and handicapped or severely ill persons are excluded from the definition of economic justice. Although the needs of the disabled are sufficiently provided for, and people are supported when they are unemployed, their self-esteem would still be wounded since what is rendered as valuable and respectful is “active contribution” to society through productive labor. Rawls states that “[s]elf-respect is rooted in our self-confidence as a fully cooperating member of society.” (*PL*, 318)

In this respect, Doppelt examines Rawls’ understanding of self-respect and its relation to self-sufficiency or providing one’s needs through one’s own labor. Doppelt argues that Rawls’ analysis of self-respect treats it as an empirical notion devoid of normative content.²⁰⁰ He rightly observes that Rawls understands self-respect primarily as recognition respect. The Kantian ideal of moral personality is a form of recognition-respect since it recognizes everyone as free and equal moral persons. Thus, Doppelt argues that Rawls relies on the empirical standards governing the respect-worthiness of persons in actual societies. He emphasizes that modern capitalist society rests on the assumption that training, self-discipline, skill and intelligence are required to gain

²⁰⁰ Doppelt, “Self-Respect,” 128.

recognition respect.²⁰¹ However, in a just society the prevailing bases of self-respect might be rendered unreasonable and oppressive.

Such problems of social injuries to self-respect may depend on prevailing social standards of recognition and respect that are unreasonable and oppressive. For example, unemployment may injure self-respect on the basis of the unreasonable assumption that all the unemployed are perennial slackers or incompetents, lacking the capabilities required to be productive members of society. More generally, in a highly materialist, consumerist, and competitive culture disparities in standards of living per se can imply personal failure, a lack of respect-worthy capabilities. One imagines that such standards of self-worth are irrational and destructive, and certainly very far from what is supposed to prevail in Rawls' vision of a just society.²⁰²

Doppelt concludes that Rawls needs to acknowledge that certain standards of self-respect are incompatible with justice. Consequently, he argues that “[w]e can characterize standards of recognition respect as oppressive and unreasonable because they distort the proper bases of self-respect, as they would be understood by the members of ideally just society.”²⁰³ For instance, exceptional wealth and power may be unreasonable bases of self-respect, because they make self-respect a competition for more wealth and higher status and put citizens at odds with one another. Doppelt suggests that basing self-respect on the capacity to perform socially useful tasks would be a proper basis of self-respect in a just society.²⁰⁴ I will argue that this interpretation seems to be consistent with the educational role Rawls attributes to the basic structure of society. Thus, in the well-ordered society of justice as fairness, not only people's ends,

²⁰¹ Ibid., 139.

²⁰² Ibid., 142-3.

²⁰³ Ibid., 143.

²⁰⁴ Ibid., 145.

goals, and characters but also what they take to be the basis of their self-respect might well be different. I will consider how this might be so later in this chapter.

Yet, I will argue that even Doppelt's reconstruction of the bases of self-respect is insufficient. What Doppelt misses is the fact that Rawls' economic justice is contribution-oriented. Even when Rawls suggests proper and reasonable standards for self-respect as different from unreasonable and oppressive standards for it, since what is deemed valuable and respectful is "active contribution" to society through productive labor, (or through socially useful tasks), these bases will affect the self-respect of those who do not actively contribute (or fail to perform socially useful tasks). And to the extent to which their sense of self-worth affects their ties to society, it would affect their allegiance to the just social system. This fact points out the problem of the contribution oriented understanding of society in general. Economic solidarity cannot be inclusive of all members of society. This conclusion points out the primacy of democratic solidarity and its inclusion potential for Rawls' theory.

I will stress here that for Rawls, self-respect is secured to a large extent by the liberty principle, which guarantees an equal status for everyone. Thus, Rawls' paradigm of self-respect is fundamentally a matter of the equal political status of citizens. Rawls writes:

But in a well-ordered society the need for status is met by the public recognition of just institutions, together with the full and diverse internal life of the many free communities of interests that equal liberty allows. The basis for self-esteem in a just society is not then one's income share but the publicly affirmed distribution of fundamental rights and liberties. And this distribution being equal, everyone has a similar and secure status when they meet to conduct the common affairs of the wider society. (*Theory*, 544)

Yet, Rawls acknowledges that the disparity of people's relative shares in material means may affect their sense of self-worth. Rawls writes, "to some extent men's sense of their own worth may hinge upon their institutional position and their income share." (*Theory*, 546) Rawls stresses that if the economic distance between social classes is unacceptably wide in a society, no matter whether a person could provide his living with his earned income, this fact would damage his self-esteem. Such large disparities in society would cause a loss of self-esteem which rightfully creates feelings of envy among citizens. (*Theory*, 534) Rawls thinks that it would be a "great misfortune" if their income shares affect citizens' self-respect. It would put people "at odds with one another in the pursuit of their self-esteem." (*Theory*, 545) So, it is necessary to sustain that citizens see one another primarily as equals, having equal dignity and respect.

Hence, Rawls hopes that in the well-ordered society citizens view one another as equals and disparities in their income and wealth do not cause serious infringements to the self-respect of citizens and undermine their ties to their fellow citizens and to society. Besides, the disparities in income and wealth are reduced by the requirement of fair value of political liberties. Rawls anticipates that in the well-ordered just society such disparities would be narrow. However, as the discussion we pursued so far suggests, the threat to persons' self-respect is not that they will have less income and wealth than others. But rather, what is destructive to their self-respect is the fact that what they do in society is not considered as part of one's doing their fair share in society. In this respect, I doubt that the status of equal citizenship and democratic solidarity based on that could compensate the exclusive nature of Rawls' contribution oriented conception of justice.

To conclude our discussion on Rawls' employment of the idea of contribution, I argue that Rawls' *Theory* seems to be open to two distinct interpretations of the idea of contribution. In one interpretation, which I suggested in the previous chapters, the idea of contribution should be understood not as citizens' distinct contributions, but as the general fact that "everyone contributes" to society and society is the result of the collective activities and contributions of citizens. In the other interpretation, however, Rawls endorses a strictly economic understanding of contribution and excludes many activities of citizens, which could be well included in the first interpretation, out of the activities that count as a contribution or work proper.

4.4 The most advantaged and fraternity

In this section, I will elaborate how the most advantaged view their fellow citizens, society, and the requirements of justice. It should be noted that Rawls says comparatively little about why the most advantaged will show allegiance to the difference principle and support the distributive arrangements the principles require. However, in the first part, I have discussed the libertarian objections to Rawls and emphasized that for Rawls there is a transformation, in the view of citizens, of their society and their relations in it, which is the result of their "recognition" of the interdependency of people in society.²⁰⁵ Against this background, in the following, I

²⁰⁵ As I discussed in the first part of this chapter, Nozick argues that the difference principle requires more from the most advantaged. Whereas it is easy for the least advantaged to comply with the two principles of justice, it is not so for the most advantaged. In this respect, Robert S. Taylor demonstrates that in his later work *Justice as Fairness*, Rawls admits restricted utility principle or a mixed conception with a social minimum as alternative to the difference principle because he acknowledges the strains of adhering to the difference principle for the most advantaged. See Rawls, *Restatement*, 94, 133. Robert S. Taylor, *Reconstructing Rawls: The Kantian Foundations of Justice as Fairness*, University Park, PA: Pennsylvania State University Press, (2011), 220-7. Note, however, that Nozick himself recognizes the

will state that for Rawls, by complying with the requirements of the difference principle, the better endowed expresses their solidarity with the least advantaged. By voluntarily acting from the principles of justice the better off citizens act in solidarity with least well off. In order to make this point, I will start by scrutinizing Rawls' claim that the difference principle is a principle of fraternity. Then, I will critically examine Cohen's objection to Rawls which states that given Rawls' other commitments, the well-ordered society is less solidaristic than Rawls anticipates.

4.4.1. Fraternity

Rawls argues that the difference principle corresponds to the natural meaning of fraternity, and emphasizes that by acting from the difference principle, the better off voluntarily limits their self-interest and forgoes chances to advance their interest further.

Rawls writes:

The difference principle, however, does seem to correspond to a natural meaning of fraternity: *namely, to the idea of not wanting to have greater advantages unless this is to the benefit of others who are less well off* [emphasis added]. The family, in its ideal conception and often in practice, is one place where the principle of maximizing the sum of advantages is rejected. Members of a family commonly do not wish to gain unless they can do so in ways that further the interests of the rest. *Now wanting to act on the difference principle* [emphasis added] has precisely this consequence. Those better circumstanced are willing to have their greater advantages only under a scheme in which this works out for the benefit of the less fortunate. (*Theory*, 105)

Rawls holds that the difference principle expresses an agreement in which members of a just society do not wish to gain unless it improves the conditions of others who are less

difference principle as a necessary measure to correct the effects of past injustices. In other words, Nozick welcomes the difference principle when it is applied temporarily and for the sake of rectifying past injustices. In this respect, Nozick also admits that the past injustices could be so great that a more extensive state should be required. Nozick, *Anarchy*, 231.

well off. By acting on the difference principle, citizens reject any gain which is acquired by exploiting the situation of others. Thus, Rawls interprets fraternity as closely related to the idea of reciprocity.²⁰⁶ As I have already noted, in *Theory*, the idea of reciprocity is explained in the contrast between utilitarianism and the two principles of justice. For Rawls, social cooperation must advance the good of everyone in society. Unlike utilitarianism which might expect sacrifices from some members of society for the sake of greater utility achieved as a whole, justice as fairness accepts only reciprocal advantages. Thus, Rawlsian solidarity condemns sacrifices and advantages for some people when these advantages are gained by worsening the situation of others. In Rawls' view, fraternity requires satisfying the conditions of reciprocity, that is, everyone's benefiting together. Moreover, Rawls stresses that the least advantaged is not an object of compassion or charity. Rawls says:

The least advantaged are not, if all goes well, the unfortunate and unlucky—objects of our charity and compassion, much less our pity—but those to whom reciprocity is owed as a matter of political justice among those who are free and equal citizens along with everyone else. Although they control fewer resources, they are doing their full share on terms recognized by all as mutually advantageous and consistent with everyone's self respect. (*Restatement*, 139)

Thus, the relation between the most advantaged and least advantaged is not characterized as charity in which the superior gives and the inferior receives. Rather, it is

²⁰⁶ Rawls' interpretation of the ideal of fraternity relies on the democratic conception of fraternity which is associated with the ideals of liberty and equality. For it is possible to interpret fraternity as requiring sacrifices from individual members for the common good. Even in family, the family bonds could be interpreted as requiring sacrifices from younger members for the well-being of the family as a whole. Rawls' conception of fraternity is distinctively democratic since it presumes the moral equality of persons and rejects any gain which is acquired at the expense of some members of society. Thus, the Rawlsian conception of fraternity rejects the traditional meaning of solidarity which is associated with ideas of sacrifice. "Once we accept it we can associate the traditional ideas of liberty, equality, and fraternity with the democratic interpretation of the two principles of justice as follows: liberty corresponds to the first principle, equality to the idea of equality in the first principle together with equality of fair opportunity, and fraternity to the difference principle." (*Theory*, 106)

characterized as a relation of free and equal citizens who reciprocally support each other in their joint endeavor to establish and sustain just basic institutions. Furthermore, Rawls thinks that since the better endowed has more means to take advantage of natural and social contingencies, their denial of taking unfair advantage generates social trust in society which affects social feelings between the better off and worst off.²⁰⁷ Acting from the principles of justice and denying taking unfair advantage (benefiting at the expense of others), the better off expresses to the least advantaged their commitment to the ideal of reciprocity: "... their [the better off] publicly affirming that principle conveys to the less advantaged their acceptance of an appropriate idea of reciprocity in the clearest possible way." (*Restatement*, 126)

Taken together, these passages suggest the view that by affirming the two principles of justice publicly and satisfying the requirements of just institutions voluntarily, the most advantaged expresses their acceptance of the ideal of reciprocity, and in that they act in fraternity with the less advantaged.

It should be noted that the citizens of the well-ordered society would want to act upon the difference principle because they think that it is what justice requires. The content of fraternity, in other words what counts as citizens' being in solidarity with one another, is given by the two principles of justice. As Rawls writes, "...the difference principle expresses its [fraternity] meaning from the standpoint of social justice."

²⁰⁷ Rawls describes "how the basic rights and liberties fashion through institutions a public political culture encouraging mutual trust and the cooperative virtues. The difference principle has the same effect; for once it is publicly understood that the three main kinds of contingencies tend to be dealt with only in ways that advance the general good, and that the constant shifts in relative bargaining positions will not be exploited for self- or group-interested ends, mutual trust and the cooperative virtues are further encouraged." (*Restatement*, 126)

(*Theory*, 106) I should like to emphasize that in justice as fairness, fraternity is realized when individuals support just distributive arrangements and are willing to share the benefits of social cooperation among citizens according to the principle of economic justice. Since for Rawls our ties to one another are mediated by the institutions of society, by showing support for the institutions of justice, citizens would express their support for one another. In the next section, I will state Cohen's objection to Rawls' position.

G. A. Cohen emphasizes that the existence of incentive inequalities to the talented individuals contradicts the ideal of fraternity. Cohen also objects to Rawls' restriction of the scope of justice to the basic structure, which in his view, is to leave individuals to pursue their ends without considering the effects of their choices on the least advantaged. Thus, Cohen thinks Rawlsian society will be less solidaristic unless individuals' behaviors are informed by a society-wide egalitarian ethos and unless citizens have a direct concern in their everyday decisions for the good of their fellow citizens. While discussing these objections, I will also aim to convey the relationship between equality and solidarity.

4.4.2 Incentive inequalities and lack of solidarity

Cohen objects to Rawls' endorsement of incentive inequalities for the more talented people.²⁰⁸ Cohen argues that the need for incentives to motivate talented individuals indicates that the Rawlsian well-ordered just society lacks solidarity. Put differently, in Cohen's view, incentives undermine the solidaristic ethos of the difference principle. In

²⁰⁸ Rawls considers the better prospects guaranteed to entrepreneurs as incentives which improve the long term expectations of the least advantaged. *Theory*, 78.

general, proponents of incentive arguments suggest that when talented people are paid modestly, they would produce less than they could. In their view, in the absence of incentive payments, the share of the worse off would be even less because talented people refrain from exercising their talents fully. Cohen attacks the argument's presumed relation between productivity and incentives and argues instead that in a society which is governed by its shared and effective public conception of justice, no such relation would obtain. If there were solidarity between members of the well-ordered society and if everyone committed to the two principles of justice as Rawls claims, the talented citizens should do what is required of them without the need for incentives. For Cohen, the necessity of incentive inequalities for motivating the talented individuals indicates a lack of fellow feeling or “lack of community” between the better off and worse off.²⁰⁹ Cohen concludes that if the difference principle is a principle of solidarity, it must condemn incentive inequalities.²¹⁰

According to Cohen, the need for incentives is the result of Rawls' arbitrary restriction of the scope of justice to the basic structure of society. However, if principles

²⁰⁹ Cohen refers to a “community of justification.” Following Rawls who argues that the two principles of justice provide a public basis in light of which citizens justify to one another their common institutions, Cohen requires the better off to justify their incentive demands in public. Cohen argues that incentive inequalities are incompatible with what Rawls call “ties of civic friendship.” *Rescuing Justice*, 41-48.

²¹⁰ It is important to note that Cohen neither condemns all incentives nor does he condemn them under every condition. Cohen admits that it necessary to reward people differently especially when their task is “arduous or stressful” or carries special burdens. *Rescuing Justice*, 56. Also, he admits that in certain contexts, the incentives to “high fliers” might be necessary as a public policy to improve the life prospects of those at the bottom. He also recognizes agent-centered prerogatives, the permitted ways of furthering one's own interests as compatible with justice. What Cohen stresses is the incompatibility of the difference principle with incentives to talented rich in a full compliance society where individuals are assumed to have a common and effective sense of justice. (Ibid., 80) Moreover, Cohen is distinctively concerned with the incentives that are demanded by “high fliers” who have scarce talents and high bargaining power in the market. Cohen mostly depicts them in analogy with kidnappers. That is, they are unfairly taking advantage, possibly bluffing when they say they give up their jobs if they are not rewarded above market value.

were also to regulate individual choice, then incentive inequalities would be redundant. Rawls states that the principles of justice regulate the basic structure of society; their role is to establish a just basic structure. Hence, the two principles of justice do not regulate individual interactions or the acts of private associations. For instance, we are not required to act in accordance with the difference principle and try to maximize the well-being of the least advantaged when we are entering private contracts, buying a car or hiring an employee. On the other hand, it is the principles of duty and obligation that regulates the conduct of individuals. Thus, Rawls suggests a division between principles for institutions and principles for individuals. (*Theory*, 108-17) For Cohen, however, the division is untenable when it is shown that individuals' every day decisions have enormous impacts on the well-being of the least advantaged. For justice to be realized fully, Cohen argues, the Rawlsian division is to be rejected. Thus, individuals must honor the two principles of justice in their everyday choices—for instance when they decide how much they should work productively—individuals are required to consider the effect of their decision on the well being of the least advantaged.²¹¹ Cohen concludes that neither justice nor fraternity could be realized when individuals are left free to pursue their private ends and required only to support just institutions.

Against this brief summary, my argument is, on the whole, intended to make the following point: unlike Cohen who holds that fraternity is “essentially socialist value”

²¹¹ Cohen does not argue the necessity of persons' considering the effects of their each and every decision on the least advantaged. Cohen says “It is not true that, in the society I have in mind, a person would have to worry about unfortunate people every time he made an economic decision. ...What happens is that people internalize, and ...unreflectively live by, principles that restrain the pursuit of self-interest.” *Rescuing Justice*, 73.

and egalitarian in its essence,²¹² for Rawls fraternity does not require strict material equality in citizens' wealth and income. I argue that, for Rawls, the difference principle is a principle of fraternity because it reflects an agreement on everyone's "benefiting together" and no one's "advancing her position at the expense of others." Thus, for Rawls, solidarity is defined as "reciprocal advantages" and by the "absence of sacrifice." On the other hand, for Cohen, solidarity is necessarily an egalitarian ideal which requires a much more egalitarian society than Rawls endorses. Thus, in Cohen's view, solidarity is defined not only with the idea of "benefiting together," but also "benefiting equally" as much as possible. Although both Cohen and Rawls think that solidarity is an egalitarian ideal, I will establish that they rely on two different understandings of egalitarianism; as a result, they view solidarity as requiring equality in different ways. Given the difference, however, I argue that Cohen is right when he says that the difference principle might license rigorous inequalities which are detrimental to the solidarity between the better off and the worst off. In the following, I will show how in Rawls' theory large material inequalities are avoided.

4.4.3. The ideal of equality and solidarity

Cohen calls attention to the ambiguity in the meaning of the difference principle and argues that it might endorse large inequalities and consequently be less egalitarian, hence less solidaristic than it seems. The difference principle allows inequalities on the condition that they are necessary to improve the well-being of the least advantaged. According to Cohen, depending on the meaning of "necessary"—"intention relative" or

²¹² Ibid., 80.

“intention-independent” necessary—the difference principle could be given a lax or a strict reading.²¹³ According to the strict reading, inequalities are necessary because the better off are unable to work harder in the absence of incentives. On the contrary, in the lax reading, incentives are necessary because the better off lack a commitment to equality. In other words, inequalities are necessary not because the better off are unable to work in their absence, but because they are unwilling to work without incentive inequalities.²¹⁴ Cohen argues that whereas the lax reading takes the better off people as they are, namely it takes as given that they are self-interested market maximizers,²¹⁵ the strict reading assumes that the difference principle should affect the motivation of citizens. Cohen establishes that if citizens are committed to the difference principle, and have a concern for bettering the situation of the least advantaged, as suggested by Rawls, then they do not demand high rewards to exercise their talents which help maximizing the well-being of the least advantaged. Cohen argues that if the society is solidaristic, the requirement of incentives to motivate talented people must be redundant in Rawls’ theory. To quote Cohen; “But I shall argue that, when true to itself, Rawlsian justice

²¹³ Cohen argues that Rawls endorses both reading of the difference principle which makes his theory inconsistent. Cohen contends that with his endorsement of incentive inequalities Rawls commits to a lax difference principle and with his endorsement of ideals of fraternity and self-respect, Rawls commits to the strict reading. Cohen explicitly states “the ideals are worth keeping” and Rawls should give up his approval of incentive inequalities. *Rescuing Justice*, 80.

²¹⁴ Ibid.

²¹⁵ Some commentators find Cohen’s distinction too crude because it fails to capture various motives and preferences that might underline incentive demands of the talented. The reason for demanding incentive inequalities might be other than “gaining as much as possible where one can.” David Estlund argues that incentive demands might be motivated by prerogatives for affection, weak and strong moral factors such as fraternity, love and friendship. The reason for high incentive demands might not always be indulgence and self-seeking attitudes, but a solidaristic concern for a spouse and brother. And the concern for those who are dear to us might override the concern for a society-wide economic equality. See David Estlund “Liberalism, Equality and Fraternity in Cohen’s Critique of Rawls,” *The Journal of Political Philosophy* 6, no. 1 (1998): 99-112, <http://www.brown.edu/academics/philosophy/sites/brown.edu/academics.philosophy/files/uploads/LiberalismEqualityAndFraternity.pdf>. Joshua Cohen, “Taking People as They Are?” *Philosophy&Public Affairs* 30, no. 4 (Autumn, 2001): 363-86, <http://www.jstor.org/stable/3557967>.

condemns such incentives, and that no society whose members unambivalently committed to the difference principle need use special incentives to motivate the talented people.”²¹⁶

Hence, far from representing fraternity of the better endowed and the worst off, incentive inequalities indicates the lack of solidarity between them.²¹⁷ To illustrate his point, Cohen wants his reader to imagine a group of highly paid executives, addressing the worst off in public, and saying that without incentive rewards they will not work as hard as they actually could.²¹⁸ Cohen argues that when the poor are addressed in this way, they will start seeing their lower prospects as the result of the acquisitive behavior of the talented individuals. Put differently, the worst off consider themselves as being in the position they are in now because of the unlimited self-seekingness of the better off. Cohen asks, “would awareness of that truth contribute to a sense of dignity on the part of the badly off?”²¹⁹ Cohen concludes that the worst off can no longer bear their inferior position with dignity since they now believe that further improvement in their lower situation is possible if the attitude of the talented rich would have been different. If the better endowed were willing to work hard without incentive rewards, the share of the least advantaged would be greater since the amount that covers the incentive payments

²¹⁶ Cohen, *Rescuing Justice*, 68.

²¹⁷ Ibid., 77.

²¹⁸ In Cohen’s words; “...the attitude of talented people runs counter to the spirit of the difference principle itself: they would not need special incentives if they themselves unambivalently committed to the principle.” (Ibid., 32)

²¹⁹ Ibid., 131.

could themselves be divided equally among citizens. Hence, in Cohen's view, solidarity involves a committed concern for material equality.

According to Cohen, given the basic structure is just; Rawls leaves individuals and associations free to pursue their own pursuits within the rules. Cohen concludes from these that because Rawls restricts the scope of justice to the basic structure, he allows unlimited self-seeking behavior in persons' economic choices.²²⁰ However, as Scheffler rightly disputes, Rawls' statement, which considers the subject of the two principles of justice as the basic structure of society, does not imply that Rawls leaves individuals' behaviors unconstrained by justice.²²¹ In response, I will argue that the basic structure with its educatory role might discourage certain motives e.g. the acquisitive behavior of the "high fliers" which are detrimental to the stability of justice as fairness. Hence, it might be possible for Rawls to address Cohen's worries without endorsing the two principles of justice to govern also the individual conduct. I will return to this point later. In the following, I will undertake examining Cohen's basic structure objection.

4.4.4. Cohen's Ethos of Justice

According to Cohen, the flaw in Rawls' argument of incentive inequalities is due to his ambiguous treatment of the basic structure, which when disambiguated shows in what

²²⁰ Samuel Schaffler "Is the Basic Structure Basic?" in *The Egalitarian Conscience: Essays in Honour of G. A. Cohen* (New York: Oxford University Press, 2006), 102-130.

²²¹ Some passages from Rawls support Cohen's reading. Rawls refers to the necessity of an institutional division of labor between the basic structure and rules applying directly to individuals and associations. To quote Rawls, "If this division of labor can be established, individuals and associations are then left free to advance their ends more effectively within the framework of the basic structure, secure in the knowledge that elsewhere in the social system the necessary corrections to preserve background justice are being made." (*PL*, 269) "Once we realize a certain structure of institutions, we are at liberty to determine and pursue our good within the limits which its arrangements allow." (*Theory*, 566)

ways individual conduct is crucial for justice. Cohen contends that not only the coercive basic structures, but persons' everyday decisions, when aggregated, have enormous effects on the well-being of the least advantaged. Cohen claims that if Rawls' reason for restricting the scope of justice to the basic structure is its effects on us, given that these micro interactions have profound effects too, Rawls' exclusion of individual conduct from the scope of justice is untenable.²²² Thus, Cohen claims that an ethos of justice which will inform individuals' everyday decisions matters for justice. For Cohen, however, Rawls could not accept this fact because he is exclusively concerned with just basic structures.

Cohen thinks that the just basic structure is insufficient to maintain justice in society. He argues that there are patterns of individual choices that inform non-coercive norms and conventions in society which generate grave injustices which are beyond the reach of legal coercive mechanisms. Following feminists, Cohen draws attention to the existence and possibility of sexist patterns of individual conduct in the family and in non-sexist legal structures e.g. the practice of favoring sons over daughters. From this, Cohen argues that a just basic structure alone cannot sustain a just society. Cohen writes "I believe there is scope for relevant (relevant, that is, because it affects justice in distribution) personal justice and injustice within a just structure, and, indeed, that it is

²²²To quote Cohen: "Why should we care more disproportionately about the coercive basic structure, when the major reason for caring about it, its impact on people's lives, is also a reason of caring about the informal basic structure and patterns of personal choice?" *Rescuing Justice*, 138. Scheffler shows that Cohen's analysis of Rawls' rationale for stating the basic structure as the subject of justice is incomplete. Scheffler argues that in addition to its profound effects on citizens, for Rawls, the basic institutions are capable of shaping persons' "wants and aspirations," and the basic structure is the only powerful mechanism that could guarantee the background justice against which interactions of individuals and associations take place. Scheffler, "Basic Structure?" 31-2.

not possible to achieve distributive justice by purely structural means.”²²³ Hence, Cohen argues that if the principles’ scope is limited to the basic structure alone, it would not only be less solidaristic (egalitarian) but also would be less just.

I would like to stress that Rawls wants citizens to be effectively motivated by their sense of justice. This requires that they affirm the values the two principles express, and voluntarily act upon them. With this, Rawls addresses Bayertz’s criticism which says that if citizens do not share the ideals which the institutions promote, then their compliance cannot be taken as an expression of solidarity. However, Cohen is unsatisfied with citizens’ voluntary allegiance with the principles of justice and rejects calling it solidaristic unless citizens are also motivated by their sense of justice in their everyday interactions. Namely, they must have a concern for the well being of others in their ordinary decisions e.g. in their wage bargains, where the content of such a concern should be given by the egalitarian ethos present in society.

Before continuing, I consider it necessary to elucidate what Cohen means by “social ethos.” Unfortunately, Cohen does not give a precise definition. From his remarks, however, we understand that the ethos of justice “informs individual choices,”²²⁴ which individuals “internalize” and “unreflectively live by.” (Ibid., 73)

²²³ Cohen writes, “When the full compliance with the rules of a just basic structure obtains, it follows, on Rawls’s view that there is no scope for (further) personal justice and injustice that affects *distributive* justice, whether it be by enhancing or reducing it. There is, Rawls of course readily agrees, scope within a just structure for distribution-affecting meanness and generosity, but generosity, though it would alter the distribution and might make it more equal than it would otherwise be, could not make it more just than it would otherwise be, for it would then be doing the impossible, to wit, enhancing what is already established as a perfectly just distribution by virtue merely of the just structure in conformity with which it is produced.” *Rescuing Justice*, 126-7.

²²⁴ Ibid., 16, 123

Moreover, the social ethos corresponds to “a structure of response lodged in the motivations that inform everyday life.” (123) The social ethos is required to “guide choice within the rules and not merely direct agents to obey them.” (124) From his examples, we understand that the egalitarian ethos affects our particular decisions and choices in the market as well as in the family. In his incentive example, egalitarian ethos are thought to affect the incentive demands of the talented, that is, when guided by the ethos of justice the talented will not ask high rewards and will be willing to take jobs for modest salaries. (71n41) In his family example, the egalitarian social ethos requires establishing gender equality in the family—e.g. elimination of practices like favoring sons over daughters. Also, when we live in a “culture of justice” (73) we condemn inequalities unless they are intention-independent “necessary.” (80) Thus, the ethos of justice “inspires uncoerced equality-supporting choice.” (127) Cohen seems to suggest that when an egalitarian ethos is present in our society, we value equality and we want less material inequality. If a solidaristic ethos informs us in the way suggested by Cohen, then we do not demand inequalities for ourselves (as the talented should not) just as we find it unacceptable and greedy when it is asked by others (how the least advantaged views the incentive demands of the talented). In effect, we do not want to be sort of persons who value inequality, or be persons who are motivated by how much we have in comparison to others. Thus, Cohen requires that equality should be citizens’ fundamental moral ideal and this ideal must shape their lives from family to market. Cohen contends that only a society which is governed by an egalitarian ethos of justice could be solidaristic. The rest of the discussion has to be read with what that ethos means for Cohen.

Cohen concludes that because Rawls restricts the scope of justice to the basic structure of society, he does not (as well as could not) endorse a social ethos which is necessary for solidarity. I will argue that this conclusion is too hasty. Contrary to Cohen, I will argue that one could talk about an ethos of justice in Rawls' well-ordered just society. Although Rawls does not explicitly argue the existence or necessity of such an ethos to inform individuals' everyday conduct, the stability thesis and the educatory role of just institutions imply its existence. Although the principles of justice are not to rule individuals' actions and behaviors, Rawls anticipates the institutions which realize the two principles as shaping individuals' wants and desires, their goals and aspirations. Consequently, I will hold that Rawlsian society would have an ethos of justice, nevertheless it won't be egalitarian in the way that Cohen wants it to be. Thus, I will argue that for Rawls, material inequalities are not an evil *per se*, or intrinsically detrimental to justice or solidarity, but detrimental with respect to its effects on the status of equal citizenship and the dignity of persons, and thus should be limited in these regards.²²⁵ I will maintain that Rawls' egalitarianism is complex and realized through the principles of justice working jointly. And, Cohen fails to understand Rawls' complex egalitarianism because he focuses on the difference principle alone.

For, Rawls acknowledges that a just society cannot be too inegalitarian.

According to Rawls, inequalities beyond a certain level are unacceptable because they threaten the freedoms and equal status of citizens and, most of all, because they

²²⁵ In this, Rawls follows Rousseau. Rousseau holds that civil freedom does not require that the degrees of power and wealth should be absolutely the same. However, with respect to wealth, Rousseau requires that in a free polity, "no citizen be so very rich that he can buy another, and none so poor that he is compelled to sell himself." Jean Jacques Rousseau, *Of the Social Contract*, in *The Social Contract and Other Later Political Writings*, ed. and trans. Victor Gourevitch (New York: Cambridge University Press, 2007), 78.

undermine citizens' self-respect, the most important primary good for Rawls. I will argue that Rawls is aware of the threat of material inequality on social unity and solidarity. For instance, in his discussion on "excusable envy" he asserts that large inequalities are detrimental to the self-respect of the least advantaged. (*Theory*, 534) Furthermore, although Cohen is right in seeing that the difference principle might allow gross inequalities in society, he does not take into account the way the difference principle is constrained by the other principles of justice. Rawls stresses that when the background justice is lacking, the difference principle alone cannot establish economic justice.²²⁶ The liberty principle and the opportunity principle limit social and material inequalities otherwise allowed by the difference principle if they threaten the equal political status of citizens. In this respect, I argue that the Rawlsian ethos will be more like a political ethos of justice, which is sensitive to material inequality when equal status of citizens are at stake.

4.4.5 Solidaristic Ethos and Institutions

To support his thesis further, Cohen gives historical examples from Europe, particularly Germany and Britain, and observes that there are smaller wage disparities in these countries compared to that in the United States. From this observation, Cohen concludes

²²⁶ It is important to note that for Rawls, social justice is not established by the difference principle alone, but also through the activity of several background institutions working jointly. Rawls argues that only against the requisite just background institutions would the distribution of income, wealth and powers be just. For a just background structure, Rawls asserts the necessity of a just constitution which secures equal basic liberties and rights. It is necessary to secure liberty of conscience and freedom of thought and to maintain fair value of political liberty. For the difference principle to guarantee social justice, a competitive market economy, fully employed resources; wide distribution of property and wealth by means of proper taxation, a guaranteed social minimum, health care (*Restatement*, 171, 174) and fair equality of opportunity, and equal opportunity for education and culture should be provided to each citizen. Only under this complex of institutions, Rawls argues, can the advantages of better endowed be said to improve the condition of the less favored. (*Theory*, 87)

that smaller income disparities in these European countries are because of the existence of an egalitarian social ethos and not because of their coercive basic structure.²²⁷ With this argument, as I argue, Cohen thinks that a society wide commitment to equality shapes individuals' wage demands. However, Cohen's conclusion is problematic given the empirical data he presents. For instance, Cohen does not inform us about the comparative coercive basic structures of Britain and Germany on the one hand and the USA on the other hand. For instance, we are not informed about the tax rates or education policies of these societies. However, only against similar coercive basic structures could one compare their differences with respect to the prevailing ethos of these societies. Thus, it might be argued against Cohen that large income disparities in the USA are not only due to the lack of egalitarian social ethos (which is also noticeably lacking), but also because of the failure of institutions to regulate the labor market via income taxes and education of talents.²²⁸ Given that both components seem to be lacking in the case of USA, it is difficult to say how much each component is responsible for the

²²⁷ Cohen says "In 1988 the ratio of top executive salaries to production worker wages was 6.5 to 1 in West Germany and 17.5 to 1 in the United States. Since it is not plausible to think that Germany's lesser inequality was a disincentive to productivity, since it is plausible to think that an ethos that was relatively friendly to equality protected German productivity in the face of relatively modest material incentives, we can conclude that the worst would be better paid than they would have been under a different culture of reward. It follows, on my view of the matter, that the difference principle is better realized in Germany... But Rawls cannot say that, since the smaller inequality that benefited the less well off in Germany was not a matter of law but of ethos." *Rescuing Justice*, 143.

²²⁸ In this respect, Joshua Cohen argues that high disparities in income are the result of low income taxes in the States as well as the failure of unions, minimum wage laws and education policies. "Taking People," 374-380. Likewise, Thomas Pogge, points out the low income taxes as the main source of income disparities. According to Pogge, the difference is not a matter of ethos but lack of institutional regulations to maintain justice. Yet, Pogge acknowledges that the injustice in the tax regime of the USA might be accounted with respect to the prevailing social ethos and culture which is not egalitarian. Thomas Pogge, "On the Site of Distributive Justice: Reflections on Cohen and Murphy," *Philosophy & Public Affairs* 29, no. 2 (Spring, 2000): 139, <http://www.jstor.org/stable/2672815>.

existence of high income disparities. Leaving aside whether Cohen's conclusion is verified, I would like to focus on the relation between egalitarian ethos and justice.

I argue that as much as it is the prevailing ethos in society which motivates citizens to further just arrangements and support just institutions, it is also the just institutions and their just practices which influence citizens' characters, aspirations and goals, and thus help to generate a social ethos. So, a tax regime that aims to reduce income differentials in society might be effective in the long run to produce an egalitarian social ethos, especially when such policies are publicly justified to citizens. On the other hand, it could be argued that the tax regime which is tolerant of high income disparities, like the one in the USA for instance, is the result of a prevailing inegalitarian social ethos. Consequently, it might be argued, it is the inegalitarian ethos which prevents establishing economic justice in the USA.

In this respect, Joshua Cohen argues that by making structural changes, it is possible to reduce the income gap in society. For instance, by changing education policies, the government could increase the supply of marketable skills, which in turn would reduce the power of talented individuals to bargain for high incentive rewards.²²⁹ However, one might argue, against this view, that although the change in education policy might result in a more egalitarian society, it would not be a solidaristic one as G. A. Cohen demands. In G. A. Cohen's account, it seems that for a genuine solidarity citizens must be motivated by the egalitarian ethos which penetrates citizens' decisions in the market. As a result, citizens would not demand inequalities that are detrimental to

²²⁹ Joshua Cohen, "Taking People," 375-380.

their fellow citizens. Since what the change in the education policy achieves is to reduce the bargaining power of the talented rich through institutional and legal mechanisms. High disparities in income will be eliminated because given the supply of marketable skills, the talented cannot demand high rewards even when they still want to. And, it is not because the talented do not want high rewards any more or consider them contrary to their sense of justice. Yet, like Rawls, Joshua Cohen seems to believe that these authoritative political means produce a relevant change in the social ethos. Given Rawls' account of the educatory role of the public conception of justice, and given that social policies must be publicly accountable to citizens, there is no reason why the talented individual might start conceiving of high incentive demands as contrary to their sense of justice and willing to moderate their income demands.²³⁰

Thus, one problem with G. A. Cohen's account is that he presumes that the motivations of the talented individuals and their acquisitive character, which develop and exist under capitalist society, would prevail in the well-ordered society of justice as fairness. However, like Rousseau, Rawls thinks that the acquisitive disposition of the talented individuals might be an expression of human nature under the existing basic structure of society and not essentially part of human nature. Like Rousseau, Rawls holds that under different basic structures, human beings would express themselves differently.²³¹ Hence, Rawls contends that the talented individual would not demand

²³⁰ Likewise, Rothstein rejects the view that the level of social solidarity in a society is culturally determined e.g. Nordic countries are more solidaristic than USA. He underscores that how central political institutions are designed is important in determining the level of inequalities in society. Bo Rothstein, "Solidaristic Society," 3.

²³¹ Joshua Cohen stresses that for Rousseau, there is a distinction between the abstract potentialities intrinsic to human nature, and determinate expressions of these potentialities under certain social

high rewards as they do now. Nor do they see their relative position in income and wealth as the main determinant of their self-respect and their sense of self-worth in a well-ordered just society.

Thus, following Rousseau, Rawls argues that political philosophy is “realistically utopian.”²³² Political philosophy starts with the assumption that a reasonable just political society is possible. For this, it assumes that man has a moral nature which does not need to be perfect. It suffices that man is capable of understanding of and acting from the principles of a political conception of justice and to be sufficiently motivated by them. (*PL*, lx) On the other hand, political philosophy must describe workable political arrangements that real people could adhere to without difficulty or against their nature. It is in this respect realistic. However, within the limits of the practically possible, political philosophy must define the best we can hope for, the ideal we should strive for, and in this sense it is utopian. Although just social arrangements do not exist now in our societies, when they exist, Rawls argues, they would shape citizens in a certain way.²³³

G. A. Cohen rightly observes that for justice to be done citizens must be effectively motivated by their sense of justice, but he fails to see how, according to Rawls, just basic institutions produce a public political culture in society which is

structures. For instance, Rousseau argues for the existence of self-love in human nature, yet he does not think that self-love is always expressed in ways detrimental to others. Depending on the social circumstances men are in, according to Rousseau, the potential for self-love would have different expressions. Joshua Cohen, *Rousseau: A Free Community of Equals* (New York: Oxford University Press, 2010), 99.

²³² Rawls, *Lectures*, 10-1.

²³³ Rawls, *Law of Peoples*, 7.

informed by the shared principles of justice. Rawls thinks that the political ethos of justice could be achieved without requiring the principles of justice to directly govern individual conduct. The just institutions and their just practices can create such an ethos and at the same time leave space for a variety of patterns of individual conduct. Rawls seems to hold that acquisitive conduct would be open to citizens—it is not forbidden or condemned by the principles of justice from the outset—hoping that citizens view, many of them at least, the importance of reducing income and wealth disparities for guaranteeing the fair value of political liberties and the status of equal citizenship. Furthermore, as I noted, Rawls anticipates that in a well-ordered just society, income differentials would not be as high as they are now given the requisite background institutions will not permit it.²³⁴ As I said, Rawls also anticipates a change in the conduct of the better off citizens. He claims that in the public political culture of justice, the better off avoid displaying their wealth. Rawls writes:

And this ignoring of differences in wealth and circumstance is made easier by the fact that when citizens do meet one another, as they must in public affairs at least, the principles of equal justice are acknowledged. Moreover in everyday life the natural duties are honored so that the more advantaged do not make an ostentatious display of their higher estate calculated to demean the condition of those who have less. (*Theory*, 537)

Rawls anticipates that in the well-ordered just society, everyday material differences are not displayed in ways that are detrimental to the least advantaged. This passage suggests a change in the most advantaged persons' conception of their status and the status of their associates not as determined by income and wealth but by the status of equal

²³⁴ "...both the absolute and the relative differences allowed in a well-ordered society are probably less than those that have often prevailed. Although in theory the difference principle permits indefinitely large inequalities in return for small gains to the less favored, the spread of income and wealth should not be excessive in practice, given the requisite background institutions (*Theory*, 536)

citizenship. Thus, for citizens, what matters in their public acquaintances is their being equal citizens with equal rights and liberties, equal respect and dignity.

Consequently, it is somewhat surprising that in Cohen's view, a social ethos can only be generated by the two principles of justice directly regulating individual conduct. In the rest of this chapter, I will be concerned with the ways in which the institutions of just society create an ethos of justice without requiring at the same time that the two principles directly regulate individuals' everyday decisions and interactions.

4.4.6 The Rawlsian ethos of justice

In Part III of *Theory*, Rawls is concerned with the problem of stability and discusses how just institutions and their just practices produce an effective desire in individuals to act from the dictates of justice. Rawls contends that just institutions and their just practices generate a sense of justice in citizens which for Rawls is crucial for the stability of a just society. The sense of justice is a higher desire which is effective in limiting citizens' more narrow interests and desires. Rawls demands that the society must be stable for the right reasons, which is, citizens should act justly not because they fear sanctions and punishments, but because they want to act out of the dictates of justice. Rawls thinks that institutions have a central place in the moral development of individuals, in their acquiring an effective sense of justice. For Rawls, persons become just and want to be just by living under just institutions. This point will be discussed thoroughly in the context of Rawls' account of moral psychology in the fifth chapter. Moreover, institutions are powerful mechanisms. They do not only affect the distribution

of goods and resources in society, they also affect the public culture of society as well as individuals' desires and aspirations. Thus, Rawls states:

...the social system shapes the wants and aspirations that its citizens come to have. It determines in part the sort of persons they want to be as well as the sort of persons they are. Thus an economic system is not only an institutional device for satisfying existing wants and needs but a way of creating and fashioning wants in the future. How men work together now to satisfy their present desires affects the desires they will have later on, the kind of persons they will be. (*Theory*, 259)

Rawls thinks that the basic structure can educate individuals and shape their aspirations and goals as well as they determine what kind of persons they are and want to be. Thus, Rawls remarks that characters and interests of individuals are not fixed or given. Rawls holds, "...justice as fairness is not at the mercy, so to speak, of existing wants and interests." (*Theory*, 261) The basic structure shapes a certain form of culture; it also limits people's ambitions and hopes when they conflict with justice. (*PL*, 269) One of the roles of the basic structure, as the stability thesis suggests, is to encourage those motives and desires in individuals that support justice and discourage those motives and desires which undermine the stability of just society. Rawls stresses:

A just system must generate its own support. This means that it must be arranged so as to bring about in its members the corresponding sense of justice, an effective desire to act in accordance with its rules for reasons of justice. Thus the requirement of stability and the criterion of discouraging desires that conflict with the principles of justice put further constraints on institutions. They must be not only just, but framed so as to encourage the virtue of justice in those who take part in them. (*Theory*, 261)

Given that citizens live under the just basic structure and benefit from them along with their fellows, Rawls hopes that citizens will have wants and goals that are both consistent with and supportive of the two principles of justice.

So, Cohen seems to misread Rawls when he says that because the basic structure is the subject of justice, and people's everyday interactions in the market and family are not, Rawlsian justice cannot deal with injustices that persist in the family, which is out of reach of coercive legal structures. Recall that his example refers to the sexist attitudes in the family, for instance the practice of favoring sons over daughters, in a non-sexist coercive legal system. Cohen concludes that since individual decisions are not regulated by the principles of justice, these sexist patterns are left untouched. But, as Rawls suggests in the above quote, just institutions "must be not only just, but framed so as to encourage the virtue of justice in those who take part in them." (Ibid.) Thus, institutions are responsible for generating the conditions for their stability, which is that they must discourage motives and desires that conflict with them or undermine their power to establish justice in society. Along these lines, Pogge objects to Cohen's conclusion arguing that if certain practices in the family create sexist patterns of conduct which are incompatible with the equality of persons, and affect, for instance, the fair opportunity of women to take part in social cooperation, then just institutions must discourage these motives as well.²³⁵ However, given our earlier discussion on Rawls' view of the sexist division of labor, political liberalism achieves this by making the gender-based division of labor voluntary. Rawls requires that the freedom and equality of women has to be balanced with the freedom of religion and the value of the family. (*PL*, 474) However, investigating this point requires more space than I could devote in this section.

²³⁵ Pogge, "On the Site," 165.

In light of this discussion, however, there is no reason why the conduct of talented executives in a just society would be the same as those in existing unjust societies. Whereas in a neo-liberal capitalist market economy these attitudes are considered a fair way of advancing one's interests, in a Rawlsian just society governed by its shared public conception of justice, these attitudes will not remain acceptable ways of furthering one's ends. Since "the institutional form of society affects its members and determines in large part the kind of persons they want to be as well as the kind of persons they are," when citizens wholeheartedly committed to the principles of justice, not many of them would want to be unlimited self-interested market maximizers. Rawls hopes that the acquisitive economic behavior might not be widespread and powerful in a just society and in this sense the economic ethos generated by the difference principle affect individuals' quest for economic advantages and gains. Moreover, as Joshua Cohen emphasizes, Rawls condemns large disparities of income and wealth; and considered them as rightly arousing feelings of envy in the least advantaged and harms their self-respect.²³⁶ That Rawls does not explicitly condemn greedy acts of high fliers as contrary to justice does not imply that Rawlsian justice permits such behavior. Rawls seems to suggest that just institutions and their just practices generate a corresponding desire in individuals to act justly. It does not require that their choice must be regulated or controlled, but rather guided by the two principles of justice.²³⁷

²³⁶ J. Cohen, "Taking People," 371-2.

²³⁷ "It may be thought that once the principles of justice are given precedence, then there is a dominant end that organizes our life after all. Yet this idea is based on a misunderstanding. ...But it is the principles of individual duty and obligation that define the claim of this ideal upon persons and these do not make it *all*

So far, I have approached to economic solidarity from different angles and discussed its nature as well as content in Rawls' *Theory*. In the following chapter, I will investigate democratic solidarity, hence the democratic activity of citizens for Rawls.

controlling. [emphasis added]...Once we realize a certain structure of institutions, we are at liberty to determine and pursue our good within the limits which its arrangements allow.” (*Theory*, 565-6)

CHAPTER 5

DEMOCRATIC SOLIDARITY

In *Political Liberalism*, Rawls alters some of his major views in *Theory*, including his view of the extent of the consensus that could be achieved in a democratic liberal society. I argue that this revision deserves our attention since it is associated with a change in emphasis on what Rawls considers to be the central activity of citizens. Whereas in *Theory* the aim is to accommodate the conflicting claims of citizens on the benefits of social cooperation, and to account for the allegiance of the least and most advantaged citizens to the two principles of justice; the central aim of *Political Liberalism* is to accommodate the fact of reasonable pluralism, and to account for the allegiance of citizens who hold different reasonable comprehensive doctrines. As I will argue, with *Political Liberalism* Rawls to a large extent gives up the contribution-oriented paradigm of justice and its conception of citizens as active contributors to the joint productive activity, and conceives of citizens predominantly as equal participants in wielding the collective coercive power of the state. I will argue that Rawls relies more on individuals' being equal citizens' than their being active contributors to account for citizens' ties and attachments; hence he relies more on democratic solidarity than economic solidarity. This chapter seeks to give an account of what, for Rawls, citizens' democratic activity consists of, and to scrutinize the nature of democratic solidarity respectively. I will argue that because Rawls puts less emphasis on productive activity as a source of solidarity among citizens, he deprives himself of one of the powerful sources of solidarity in modern societies. In view of this remark, I will discuss Taylor's and

Nussbaum's suggestion of patriotism as a source of citizens' motivation and evaluate their view that Rawls neglects the role and importance of "particulars" in motivating citizens to pursue justice. In the end, drawing on Rawls' theory of moral psychology in *Theory*, I will emphasize aspects of Rawls' account that could address "the motivation objection" which stresses the need for particular attachments, patriotism, and love. I will begin with Rawls' view of social unity and his view of what "ought to" constitute civic friendship, hence civic solidarity, in a society characterized by reasonable pluralism.

5.1 Social unity

Both in *Theory* and in *Political Liberalism*, Rawls contends that social unity is possible only when citizens have a shared conception of justice and are tied to society with respect to their commitment to the principles of that conception. Nonetheless, in *Political Liberalism*, Rawls alters his view of the extent of the moral consensus that could be achieved in the well-ordered society he holds in *Theory*. I will briefly comment on the change in Rawls' view and underscore its implications for the account of the two solidarities that I have developed so far. I will conclude the section arguing that although Rawls' account of civic ties relies on citizens' allegiance to principles and ideals of justice, his theory of moral psychology enriches as well as qualifies his position.

In *Theory*, Rawls maintains that the principles of justice provide abstract ideals that generate the basis of social unity in a society where individuals hold different religious, philosophical and political views. Hence, according to Rawls, in societies where pluralism is a vital fact, what binds individuals to one another is not the existence of unreflected commitments, sentimental ties or affections—nor it is shared religious,

philosophical or political doctrines. Rather, Rawls argues that in pluralist societies, social unity is possible only when citizens have a shared public conception of justice.

Rawls writes:

Among individuals with disparate aims and purposes a shared conception of justice establishes the bonds of civic friendship; the general desire for justice limits the pursuit of other ends. One may think of a public conception of justice as constituting the fundamental charter of a well-ordered human association. (*Theory*, 5)

Rawls argues that in the wider society where it is impossible to rely on extensive ties of fellow feeling among men, the shared conception of justice is what brings men together.

Rawls holds:

In any case, the citizen body as a whole is not generally bound together by ties of fellow feeling between individuals, but by the acceptance of public principles of justice. While every citizen is a friend to some citizens, no citizen is a friend to all. But their common allegiance to justice provides a unified perspective from which they can adjudicate their differences. (*Theory*, 474)

It is thus necessary to conceptualize the common ground between citizens independently of fellow feeling or pre-reflective adherences—the task which Rawls carries out both in *Theory* and in *Political Liberalism*. In addition, Rawls sees that social unity around abstract principles provides greater inclusion capacity for modern democracies.

How, then, for Rawls is such a shared conception of justice arrived at?²³⁸ In *Theory*, Rawls explains how such a conception could be obtained when each and every individual hypothetically adopts a certain point of view—one that focuses on morality—and subjects himself to certain restrictions, accordingly. The idea of the original position

²³⁸ I would like to note that in *Theory*, Rawls is not concerned with the question of how such consensus on the conception of justice is arrived at. That is the question which occupies Rawls in *Political Liberalism*. In *Theory*, Rawls simply assumes that such consensus is actually achieved in society, and tries to show the stability of that conception.

helps to illustrate this hypothetical procedure. When citizens adopt a certain point of view, the original position, and assume its restrictions on knowledge, the veil of ignorance, Rawls argues that they would be situated symmetrically and fairly. The veil of ignorance prevents parties from shaping the principles from their particular interests, views and attachments. As a result, citizens “take up a point of view that everyone can adopt on an equal footing” and adopt an objective and a “common standpoint.” (*Theory*, 516) The two principles of justice are the principles which free and equal persons would agree on under fair conditions of original equality.

Hence, for Rawls, the shared conception of justice is the only bond that encompasses citizens as a whole and brings them together. Rawls argues that although a well-ordered society is heterogeneous with respect to the various views and conceptions of the good that its citizens hold, it is “homogeneous” with respect to the sense of justice citizens share. Rawls says that in a well-ordered society “[e]veryone has a similar sense of justice and in this respect a well-ordered society is homogeneous. Political argument appeals to this moral consensus.” (*Theory*, 263)

In his later works, keeping his original belief that social unity is possible only when citizens have a shared conception of justice; Rawls alters his view concerning the extent of such consensus. Whereas in *Theory*, Rawls’ view is that citizens hold the same comprehensive doctrine—the theory of justice articulated in *Theory*, and this is what accounts for the stability of justice as fairness, in *Political Liberalism* Rawls acknowledges the fact that this conclusion contradicts the central assumption of plurality

in the well-ordered society.²³⁹ The stability argument in *Theory* tries to show that justice and good are congruent. Rawls argues that by acting from the principles of justice persons at the same time express their nature as morally autonomous, free and equal rational beings. (*Theory*, 515) And, because expressing their nature as such is an intrinsic good for human beings, citizens show allegiance to the principles of justice and the institutions which realize these ideals. However, for Rawls, there is a serious problem with this earlier account of stability since it ignores the plurality of “incompatible yet reasonable comprehensive doctrines” which affirm the essentials of a constitutional democratic regime, which, nevertheless, reject the comprehensive account of justice presented in *Theory*.

Thus, unlike in *Theory*, Rawls argues in *Political Liberalism* that the moral consensus which underlines citizens’ unity should be political and not substantial. (*PL*, 63) Because it is possible that rational and reasonable persons could disagree about the foundations of morality and justice, the basis of their agreement must be limited to the domain of the political. (*PL*, 38) To quote at length:

The problem of political liberalism is to work out a political conception of political justice for a constitutional democratic regime that a plurality of reasonable doctrines, both religious and nonreligious, liberal and nonliberal, may freely endorse, and so freely live by and come to understand its virtues. Empathetically it does not aim to replace comprehensive doctrines, religious or nonreligious, but intends to be equally distinct from both and, it hopes, acceptable to both. (*PL*, xxxviii)

²³⁹ Rawls states; “...the argument in *Theory* relies on a premise the realization of which its principles of justice rule out. This is the premise that in the well-ordered society of justice as fairness, citizens hold the same comprehensive doctrine, and this includes aspects of Kant’s comprehensive liberalism, to which the principles of justice as fairness might belong. But given the fact of reasonable pluralism this comprehensive view is not held by citizens generally, any more than a religious doctrine, or some form of utilitarianism.” (*PL*, xl)

Rawls argues that although the recognition of reasonable pluralism does not affect the result in the original position—hence the two principles of justice (or similar principles) are selected—it seriously affects the second stage when the concern is whether institutions that realize these principles could gain sufficient support. (*PL*, 64-5) Many reasonable comprehensive doctrines consider it oppressive if the moral consensus is established around a particular comprehensive doctrine, and for Rawls this affects their ties and loyalty to just institutions, and leads to instability.²⁴⁰ The inclusion of all members in political society is central for guaranteeing citizens' loyalty to society. The feeling of being left out in the very constitution of their society is destructive to citizens' unity, as much as it is to their ties and allegiance to society.²⁴¹ Critics, however, argue that the increased capacity for inclusion is maintained at the expense of looser ties and weaker attachments, which threatens the persistence of democratic liberal society. I will discuss this criticism in detail in this chapter.

Thus, in *Political Liberalism*, Rawls argues that social unity is achieved through an overlapping consensus among reasonable comprehensive doctrines. (*PL*, 201)

According to Rawls, an overlapping consensus on the political conception of justice is the “most reasonable basis of social unity available to us.” (*PL*, 134) Rawls holds that an

²⁴⁰ The danger with *A Theory's* account of stability is its reliance on the Kantian conception of moral autonomy. Whereas for a Kantian liberal the good life is the one lived autonomously, for a religious person it consists in respecting the divine authority in one's life. Rawls acknowledges that those who do not hold the Kantian view of moral autonomy as their conception of the good life would feel excluded from the political society.

²⁴¹ Rawls, however, acknowledges that even under the political conception of justice, illiberal views which suppress liberty of conscience will always exist. In this respect, Rawls anticipates the existence of minority of citizens which does not hold to the public conception of justice and which would not show allegiance to just institutions. Rawls hopes that unreasonable (intolerant) views would not gain much support from citizens. He anticipates that when reasonable views flourish under the political conception of justice, intolerant and unreasonable ones would not gain many adherents. (*PL*, 65)

overlapping consensus is not a mere *modus vivendi* which is achieved as a result of compromise or by means of coercion. On the contrary, an overlapping consensus refers to the idea that the political conception of justice is part of each comprehensive doctrine and justified by reasons within them. (PL, 218) It is a “module, an essential constituent part that in different ways fits into and can be supported by various reasonable doctrines.” (PL, 145) Hence, in *Political Liberalism*, justice as fairness is interpreted as a political conception of justice as opposed to a substantial comprehensive doctrine. (PL, 188) As a result, the scope of citizens’ agreement is reduced to the domain of the political, where they interact as free and equal citizens, which further increases the inclusive capacity of Rawls’ account of social unity, compared to in *Theory*. Rawls holds that “...the roots of democratic citizens’ allegiance to their political conception lie in their respective comprehensive doctrines, both religious and nonreligious.”²⁴² Rawls contends that citizens will sufficiently support and comply with the political conception of justice because the political conception fits their comprehensive views and is a constituent part of them. Hence, by complying with the political conception, citizens will also comply with what their comprehensive views dictate. (PL, 171)

A complete analysis of the transition of Rawls’ works exceeds the scope of our inquiry. I should stress lastly that Rawls argues that his original theory of justice is not subject to a substantial change from *Theory* to *Political Liberalism*, and he still regards

²⁴² John Rawls, “The Idea of Public Reason Revisited,” in *Political Liberalism*, expanded ed. (New York: Columbia University Press, 2005), 463.

the two principles of justice as the most reasonable alternative in the original position.²⁴³

Yet, Rawls admits other principles as an alternative to difference principle. He says:

Indeed, I would simply be unreasonable if I denied that there were other reasonable conceptions satisfying that definition, for example, one that substitutes for the difference principle, a principle to improve social well-being subject to a constraint guaranteeing for everyone a sufficient level of adequate all purpose means. (*PL*, xlvii)

Furthermore, Rawls contends that the principles of justice could be the subject of overlapping consensus in different degrees. For Rawls thinks that on matters concerning the first principle of justice which conveys basic rights and liberties, and concerning the principle of fair equality of opportunity, one might expect more agreement than on matters of social and economic justice. On the contrary, as Rawls emphasizes, the second principle is always open to wide disagreements in reasonable opinion. Thus, in *Political Liberalism*, Rawls contends that political consensus on the difference principle is less likely to achieve and more demanding. As a result, Rawls argues that the difference principle is not a constitutional essential. (*PL*, 228-30)

I will argue that with the exclusion of the difference principle from the consensus that could be achieved in liberal democracies, Rawls leaves out an important source of citizens' unity and solidarity. Rawls emphasizes that a social minimum is a constitutional essential since it is crucial for providing the basic needs of all citizens. However, as Rawls argues in *Theory*, economic justice is distinct from the idea of providing every citizen a decent social minimum. Whereas the latter aims to protect citizens whenever they fall below a certain standard of life which threatens their

²⁴³ Rawls remarks; "Justice as fairness—its two principles of justice, which of course include the difference principle—I believe to be the most reasonable conception because it best satisfies these conditions." (*PL*, xlvii)

functioning as citizens, economic justice requires the fair division of society's resources and benefits among worker-citizens. Thus, economic justice requires that the basic economic institutions should be organized with respect to the difference principle. With this change, I argue, Rawls deprives his theory of the ability to achieve greater inclusion and greater solidarity at once. *Theory* has greater inclusion capacity because the least advantaged is included in society by the difference principle more than they would be in any alternative principle. The difference principle prioritizes the well-being of the least advantaged on matters of social and economic justice. As I argued in the fourth chapter, Rawls presumes two distinct interdependencies of citizens (political and productive) in *Theory*; hence he endorses two distinct sources of citizens' solidarity which could be fostered in society. Thus, *Theory* is capable of generating wider and stronger solidarity since it considers citizens not only as equal participants in the exercise of coercive political power, but also as joint producers of their social product. Yet, in another respect, *Political Liberalism* is more inclusive than *Theory* since Rawls gives up the comprehensive conception of justice of *Theory* and admits reasonable disagreement on matters on morality and justice.

In *Political Liberalism*, Rawls relies solely on the political solidarity of democratic citizens. However, given Rawls' view of the scope of citizens' democratic activity and given the ever narrower consensus on political values, it becomes much more difficult for Rawls to generate stronger bonds among citizens. In this respect, as I claimed, Rawls theory becomes more vulnerable to lack of solidarity objections without the emphasis on productive solidarity. Before examining the objections, in the next section, I will examine what, for Rawls, citizens' democratic activity consists of.

5.2 Democratic activity of citizens

Rawls states that the political relationship among democratic citizens consists of two components: “Democracy involves, ..., a political relationship between citizens within the basic structure of the society into which they are born and within which they normally lead a complete life; it implies further an equal share in the coercive political power that citizens exercise over one another by voting and in other ways.” (*PL*, 217-8) Thus, for Rawls, the relationship among democratic citizens is the relation of persons within the basic structure of society. (*Theory*, 227; *PL*, 216) Nonetheless, democratic activity of citizens should not be thought of as active participation in political life where citizens give voice to their personal views and reflections on political questions. Rawls thinks that the democratic activity of citizens is distinct from citizens’ deliberations in “the background culture” where they defend their views without restrictions in various associations in civil life e.g. churches, universities and scientific societies.²⁴⁴ (*PL*, 220) On the contrary, the democratic activity of citizens is limited to occasions where citizens engage in public reason either as officials e.g. legislators, or in executive or judiciary functions, or as members of a political party who engage in political advocacy in a public forum, or as citizens when they are to vote on constitutional essentials and matters of basic justice.²⁴⁵ (*PL*, 215) Only on these occasions are citizens required to honor the public reason whose content is formulated by the “political conception of justice.” (*Theory*, 221; *PL*, 223) Public reason, for Rawls, is characteristic of the democratic people. However, for Rawls, the exercise of public reason is limited to those

²⁴⁴ Rawls, “Public Reason,” 444.

²⁴⁵ Ibid.

matters who are the subject of a political consensus among reasonable citizens. Thus, public reason does not apply to all political questions, but applies only to constitutional essentials which include right to vote, the extent of toleration, questions regarding fair equality of opportunity. It excludes tax legislation, property regulations, environmental concerns, cultural expenses such as funding art and museums, for instance.

Rawls notes that there are two basic aspects of the reasonable. First is that citizens are reasonable when they are willing to cooperate with others on fair terms given that others also do so. The second aspect, Rawls states, is that reasonable citizens recognize the “burdens of judgment” as limiting the exercise of coercive political power in democratic societies. (*PL*, 54) The burdens of judgment explain why reasonable and rational citizens could disagree on matters of morality and justice even though they sincerely attempt to reach reasonable agreement, and even when they reason and weigh evidence correctly. For Rawls, reasonable disagreement is the natural outcome of free exercise of human reason in democratic societies, and arises because (1) empirical evidence is conflicting and complex, and hard to evaluate; (2) there are always many considerations involved and we might give different weight to different considerations; (3) our concepts are vague which means that most of the time we interpret the concepts we employ differently; (4) we weight various considerations not only in the context but always against our total experience which widely differs between persons; (5) there are different kinds of normative considerations to take into account which makes the overall assessment difficult; (6) and lastly, any system of social institutions necessarily excludes some moral and political values—Rawls emphasize that there is no all inclusive social world with respect to values. (*PL*, 56-7) These are the sources Rawls mentions regarding

why reasonable people will likely disagree. Rawls stresses that citizens are reasonable to the extent to which they recognize the burdens of judgment as a natural outcome of the workings of the human intellect under democratic institutions.

Let us now illustrate how, for Rawls, the recognition of the burdens of judgment, or the sources of reasonable disagreement will lead citizens to limit their ambitions in the political domain. Rawls contends that the fact of reasonable disagreement sets limits on citizens' view of "what can be reasonably justified to others." As a result, reasonable citizens are those who acknowledge the fact that no reasonable agreement could be reached around a single comprehensive doctrine. By historical experience, reasonable citizens know that a comprehensive consensus could only be attained by the coercive power of the state which, being reasonable citizens, they are unwilling to exercise on one another. This means that when citizens are to discuss constitutional essentials, they should not appeal to their comprehensive views, namely to the whole truth as they see it. (*PL*, 127) Thus, Rawls remarks, "Political liberalism views this insistence on the whole truth in politics as incompatible with democratic citizenship and the idea of legitimate law." (*PL*, 447) Leaving aside the possibility of consensus on substantial conceptions of the good life, reasonable citizens are those who are willing to proceed from shared principles, and to justify their conduct to one another according to principles that all can accept as free and equal.²⁴⁶ Thus, reasonable citizens appeal to the public conception of justice when they discuss basic constitutional matters. (*PL*, 218) Citizens have to conduct fundamental discussions "within the framework of what each regards as a

²⁴⁶ Samuel Freeman, "Political Liberalism and the Possibility of a Just Constitutional Regime," *Chicago-Kent Law Review* 69, (1994): 634, <http://scholarship.kentlaw.iit.edu/cgi/viewcontent.cgi?article=2933&context=cklawreview>.

political conception of justice based on values that the others can reasonably be expected to endorse.” (*PL*, 226) Consequently, democratic citizens acknowledge the scope of value consensus in liberal democracies, and are willing to honor its limits. In that citizens honor the moral duty of civility, they are to appeal to public reason when matters of constitutional essentials and basic justice are at issue. This duty also implies a willingness to listen to others and fair-mindedness, a readiness to accept accommodations and alterations in one’s own view. (*PL*, 217, 253)

Thus, Rawls holds that in their democratic activity citizens are required to appeal to the shared ground between them. In this respect, reasonable citizens do not appeal to their non-public reasons which are many, but the public reason in society. (*Theory*, 220) For the present, my aim is not to discuss public reason or the ideal of citizenship Rawls endorses in detail, which would exceed the scope of this project. My only aim is to illustrate the scope of citizens’ democratic activity for Rawls. I would like to emphasize that for Rawls the activity of democratic citizens requires moderating citizens’ ambitions in the political domain and consists of citizens’ willingness to honor the limits of what could be reasonably justified to others given the fact of reasonable pluralism. Rawls’ view of what “ought to” constitute citizens’ activity in a democratic society, however, to many critics implies passive citizenship and an instrumental view of the activity of participation.

In the following section, I will examine Taylor’s objection to Rawls’ view that social unity could be maintained around abstract and universal principles. Taylor argues that attachment to abstract principles is loose, and powerless to motivate citizens to

make sacrifices for the common good. I will critically examine Taylor's view that despite its greater inclusion capacity, a principle-based account of social unity, and solidarity based on it, are not viable.

5.3 Patriotism

In his "Cross Purposes," Taylor contends that democratic society needs some commonly recognized definition of the good life.²⁴⁷ Taylor states that procedural liberalism conceives of society as an association of individuals who have diverse conceptions of the good and life plans. The fundamental aim of procedural liberal society is to make room for these different conceptions of the good as much as possible without committing to any particular idea of the good. Procedural liberalism then remains neutral between conceptions of the good that citizens hold.²⁴⁸ According to Taylor, there are grave problems with this conception of society with regard to its view of citizens' identity and community. Taylor notes two weak points in particular: one is the "viability" of a society conceived on procedural terms; and the other is the applicability of its fundamental ideas to any society except the United States. As he puts it, if the procedural liberal theory is shown to fail at these points, "the theory can be taxed with being unrealistic or ethnocentric."²⁴⁹ Both objections, according to Taylor, are raised because procedural liberal theory rejects endorsing a commonly held conception of the

²⁴⁷ Taylor, "Cross Purposes," 182. See also, Charles Taylor, "Why Democracy Needs Patriotism?" in *For Love of Country*, ed. Joshua Cohen (Boston: Beacon Press, 1996), 121.

²⁴⁸ Taylor, "Cross Purposes," 186.

²⁴⁹ *Ibid.*, 187.

good, however in Taylor's view, participatory self-rule amounts to a conception of the good. My discussion will focus on the viability objection.

Drawing on the civic humanist tradition, Taylor argues that for a society to motivate its citizens to make sacrifices for the common good such as paying their taxes or serving in the armed forces, it is necessary that citizens identify themselves with the political community. Thus, patriotic identification with the common good of society is required to motivate citizens to act for the good of society and forgo their more particular interests. Taylor argues that patriotism differs from "apolitical attachment to universal principle" in that its reference is always to "a particular common enterprise." Put another way, a person always feels solidarity with his compatriots in a common enterprise which is defined through a common history. (Ibid., 188) Since "patriotism involves more than converging moral principles; it is a common allegiance to a particular historical community," it requires more than the consensus on the right. And since patriotism involves love of the particular, the atomist ontology of liberalism is inadequate to account for the bond of citizens which is based on a sense of shared fate. (Ibid., 192, 198)

Taylor admits that procedural liberalism endorses a conception of right which in a broader sense functions as a form of shared good. For Taylor, however, the problem for procedural liberalism remains intact since a procedural liberal state needs to motivate citizens to defend the conception of right it endorses. Thus Taylor argues, "while the procedural liberal state can indeed be neutral between believers and nonbelievers in God, or between people with homo and heterosexual orientations, it cannot be between

patriots and antipatriots.” (Ibid., 198) Either procedural liberal theory accepts the good of patriotism for a liberal democratic society and violates its commitment to not endorsing any conception of the good, or it stays neutral and fails to motivate citizens to make sacrifices for the common good. Whereas citizens’ patriotism—their identification with the common good—is the motivation to engage in participatory self-rule; by engaging in participatory self-rule, citizens will have a livelier sense of collective identity and stronger identification with the common good.

For Taylor, the capacity of citizens to respond actively to threats to their freedom and equality distinguishes them from despotic societies. And, when citizens fail to respond with outrage to such threats, their society falls a prey to despotic and totalitarian tendencies. Thus, Taylor asserts, “pure enlightened self-interest will never move enough people strongly enough to constitute a real threat to potential despots and putschists. Nor will there be enough people who are moved by a universal principle, unalloyed with particular identifications...” (Ibid., 197) From this, Taylor concludes that even a procedural liberal society needs patriotic allegiance to defend itself against non-democratic urges. Yet, given its atomic conception of society and its atomic sources of allegiance, Taylor disputes the capacity of the procedural liberal society to generate such patriotic identification.

However, Taylor fails to see that Rawls assumes the existence of a bounded democratic society with its basic institutions.²⁵⁰ As I maintained in the third chapter,

²⁵⁰ Rawls says; “The parties in the original position supposed that their membership of society is fixed. ...we are born into *our society* [emphasis added] and within its framework realize but one of possible forms of our person; the question of our entering another society does not arise.” He continues: “Thus the

Rawls relies on the historical and cultural consensus on the values of liberal democracies. For Rawls refers to a “we” as corresponding to the citizens of democratic liberal societies, and appeals to their considered convictions about justice to test the principles of justice in reflective equilibrium.²⁵¹ Furthermore, as Kymlicka persuasively argues, Rawls acknowledges the fact that adherence to principles cannot explain the existence of boundaries between liberal democracies. In this respect, Rawls assumes these boundaries as given.²⁵² These boundaries are historical and mostly owe their existence to shared language, territory and common institutions. By arguing for the shared principles of justice as the core of citizens’ unity, Rawls does not claim that people come together and establish a liberal democratic society solely on the basis of principles of justice. On the contrary, abstract principles are thought to meet the need for a more inclusive basis of social unity in existing liberal democracies. In this respect, as I will argue later in this chapter, Taylor supposes that by arguing that citizens acquire attachment to the principles of justice, Rawls renounces the importance of the particular, both historical and cultural. However, Taylor could repeat his original worry. If the basis of unity is made too abstract for the sake of including everyone, society fails to motivate people to act for the common good. In this regard, I will examine whether the basis of unity Rawls endorses is as abstract as Taylor takes it to be. Before this, however, I would like to discuss another line of criticism Taylor pursues against Rawls.

alternatives are not opportunities to join other societies, but instead a list of conceptions of justice to regulate the basic structure of *one’s own society* [emphasis added] .” (PL, 227)

²⁵¹ To quote Rawls; “What justifies a conception of justice is not its being true to an order antecedent to and given to us, but its congruence with our deeper understanding of ourselves and our aspirations, our realization that, given our history and the traditions embedded in our public life, it is the most reasonable doctrine for us. We can find no better basic charter for our social world.” “Kantian Constructivism,” 307.

²⁵² Kymlicka, *Contemporary*, 255.

5.4 Participatory self-rule

Taylor contends that procedural liberalism cannot provide a kind of patriotic allegiance described so far since it conceives of participatory self-rule as instrumental to citizens' other ends, and not as part of the ideal of citizenship it endorses. Taylor argues that with its instrumental conception of political participation, procedural liberalism "marginalizes" participatory self-rule.²⁵³ In procedural liberal theory, civic participation is not a good that all citizens should seek, but only a good to those who are willing to devote their time to politics. As a result, Taylor argues, procedural liberal society cannot generate sufficient patriotic identification with democratic society and its conception of right.

Taylor thinks that when citizens engage in civic life actively, they would have a livelier sense of belonging to the political community, its ends and ideals. Taylor considers such identification important for motivating citizens to defend the democratic state against threats.²⁵⁴ On the contrary, if citizens do not participate actively, they will lose the sense of belonging to the larger community, for they lack a collective identity. Thus, Taylor holds that unless citizens conceive of participatory self-rule as an expression of their freedom, citizens' relation to government will remain adversarial. On the contrary, the republican idea of "to rule and to be ruled in turn" implies that the

²⁵³ Taylor, "Cross Purposes," 199

²⁵⁴ Nicholas H. Smith and Arto Laitinen, "Taylor on Solidarity," *Thesis Eleven* 99 (2009): 48-70, doi: 10.1177/0725513609345374.52.

governors are also “us” and not “them.” Thus, for a viable patriotism, as Taylor conceives it, instrumental understanding of participatory self-rule is destructive.²⁵⁵

To start with, Rawls rejects active citizenship on the grounds of its being a perfectionist ideal of a comprehensive doctrine which is rooted in Aristotle’s conception of citizenship. (*PL*, 205) Rawls stresses that participation in political life is one of the many other forms of human good that citizens might find valuable. (*Theory*, 227-8; *PL*, 206) On the other hand, Rawls does not think that the ground for self-government is merely instrumental. In his view, participation in political life has a profound effect on the moral quality of citizens, it enhances citizens’ self-esteem. Also, Rawls agrees with Mill that when citizens engage in civic life actively, they acquire more inclusive sentiments which are directed to the wider society and not limited to one’s circle of friends, family and associates. (*Theory*, 233-4) Conceiving of democratic participation as instrumentally valuable, however, Rawls does not deny that democratic participation is crucial for healthy democracies. But, for Rawls, rather than the number of people who engage in democratic participation, it is the representational power of that number that is important. It is possible that a majority of citizens actively engage in democratic participation, but they might represent only a few of the interests and points of view in society. Thus, for Rawls a healthy democracy is attained when all sectors of society are equally represented in politics and everyone is equally guaranteed fair value of political rights. (*Theory*, 228)

²⁵⁵ Taylor, “Cross Purposes,” 201.

Hence, Rawls distinguishes classical republicanism from civic humanism and considers the latter a form of Aristotelianism. Rawls rejects civic humanism because it is a perfectionist and comprehensive doctrine which understands the good life as the life of the citizen. In this respect, Taylor's conception of participatory self-rule draws more on the civic humanism of Arendt than classical republicanism.²⁵⁶ Arendt claims that human beings realize their true nature when they actively participate in civic life. Only by taking part in the political life of society do human beings realize their freedom.²⁵⁷ Although rejecting civic humanism, Rawls underscores that there is no fundamental opposition between his theory and classical republicanism. Rawls agrees with classical republicanism about the importance of an informed citizen body with a willingness to take part in political life for maintaining a constitutional regime. (*PL*, 206) Thus, Rawls holds that not all citizens but a sufficient number of citizens who are informed and qualified for political participation is sufficient. To the contrary, Taylor argues for the necessity of widespread political participation for the stability and endurance of democratic societies. Taylor contends that because procedural liberalism does not honor participatory self rule, the number of citizens who take part in civic life will be insufficient to maintain a democratic regime. With the marginalization of participatory self-rule, more people will be drawn to their personal affairs and become unresponsive to anti-democratic tendencies in their society.

²⁵⁶ Quentin Skinner argues that classical republicans considered political participation as necessary for the freedom of the commonwealth. However, only a few of them considered it as the activity of all citizens. Republicans, both ancient and modern, agree that people must possess virtue, but thought that only some people possess it naturally. For the rest, there must be laws that coerce people out their natural tendency to self-interest. Thus, on the classical republican view, a majority of citizens must be forced to be free. Quentin Skinner, *Liberty Before Liberalism* (New York: Cambridge University Press, 1998), 32n103.

²⁵⁷ Arendt, *The Human Condition*.

I will argue that the disagreement between Rawls and Taylor originates from their different views regarding the source of citizens' sense of belonging in society. Contrary to Taylor who sees participatory self-rule as crucial for generating a sense of belonging in citizens, Rawls thinks that citizens' sense of belonging is generated by the fact that the society and its institutions are just and affirm and advance citizens' good. Rawls contends that seeing that their good is advanced by the society, citizens will normally develop an attachment to the institutions of society and the principles which these institutions realize. To illustrate this, in the following section, I will return to *Theory* and Rawls' account of citizens' moral development.

5.5 Rawls' moral psychology

In *Theory*, Part III: Ends, Rawls illustrates how citizens who grow up in a well-ordered just society would normally acquire an understanding of and an attachment to the principles of justice, and sufficient motivation to act justly. This section aims to emphasize the social context of Rawls' theory of moral psychology. It aims to illustrate how, for Rawls, citizens' allegiance to principles is attained in a context of individuals' earlier attachments and loyalties to particular individuals and associations. It also aims to illustrate how, for Rawls, a sense of belonging to the wider society is generated in citizens by living under and benefiting from just institutions. However, this section is not intended to evaluate whether Rawls' account is empirically verified by scientific psychology.

At the outset, I will note that Rawls' account of citizens' moral development presupposes a social and political context.²⁵⁸ Rawls assumes that the society is just and known to be just, and citizens have a normal and effective sense of justice. I will argue that the morality of social cooperation, its being just, underlines Rawls' view of the moral motivation of citizens. However, Rawls underscores that citizens' moral psychology would be different in non-ideal theory where the justice of the basic structure is not established. Respectively, the theory of motivation Rawls endorses in *Theory* will not be valid when just institutions are lacking.

Rawls analyzes the moral development of human beings from their early childhood to adulthood in three stages. Rawls assumes that the sense of justice is acquired gradually by younger members of society as they grow up. In the first stage, the morality of authority, the child is subjected to the authority of his parents. Rawls describes how the parents love the child and in time the child will love his parents and trust them. Seeing that his parents love him unconditionally, assist him with his needs as well as affirming his sense of worth by encouraging him to discover and cultivate his abilities, the child comes to love his parents. (*Theory*, 464) Rawls maintains that the child lacks the necessary capacities and understanding for assessing the validity of moral precepts addressed to him by his parents. Thus, when the child obeys these precepts, it is for the sake of pleasing his parents. As a result, he evaluates his surroundings by appealing to his parents' standards. When he is subjected to external constraints as in the

²⁵⁸ Thomas Baldwin, "Rawls and Moral Psychology," in *Oxford Studies in Metaethics* III, ed. R. Shafer-Landau (Oxford: Oxford University Press, 2008), 248.

form of parental norms, the child does not understand the reason behind these restrictions and views them as arbitrary impositions. Rawls holds that if love and trust is established firmly between the child and the parents, the child obeys parental norms out of love for his parents given that the parents also respect the same precepts in their conduct. In this respect, on Rawls' account, parents are the moral exemplars of the child and should exemplify the morality they want the child to obey. (*Theory*, 466) It should be emphasized that although the child has a capacity for love from the beginning, he does not develop this capacity until he experiences the unconditional love of his parents. Rawls also notes that the morality of authority is temporary in the child's situation; and as long as the child develops necessary capacities and becomes a member of various associations and assumes different roles in them respectively, his morality will consist of other elements than obedience to authority. (*Theory*, 467)

The second stage, the morality of association, illustrates the moral development of persons with respect to the variety of associations they join. Rawls notes that the size of associations might vary from family to friend circles, to universities, religious associations and to the national community. Whereas the child's morality consists of his gathering of moral precepts addressed to him, in the morality of association, the persons' morality consists of the precepts which are appropriate to particular roles the individual assumes in each association he takes part in. Rawls holds that in the transition from the morality of authority to morality of association, persons' moral understanding and capability to assess moral precepts increase. In interaction with different people and by assuming different roles e.g. student, wife, teacher, client, and team member, persons come to realize that people have different needs, wants and goals. Also, in their relations

with different people, they recognize that different viewpoints exist. In this stage of moral development, individuals' moral capacities are enhanced in a way such that they learn how to see things from the perspective of others by imagining their roles or grasping what their particular ends might be.

How, according to Rawls, do persons become bound to each other in these associations and what are the conditions of their friendship and trust? Similar to the previous stage, in the morality of association individuals acquire ties to particular individuals and associations by way of imitating older members of the association. For Rawls, persons acquire the necessary virtues appropriate for their role through moral exemplars. Individuals want to be like these moral exemplars, to act in the ways they do. Individuals admire persons who live according to the ideals of the association and they adopt the ideals these moral exemplars realize both in their words and conduct. Just like in the first stage where the child admires his parents and wants to be like them; in the second stage, individuals admire their associates who display the required skills and virtues of character. (*Theory*, 471) Rawls regards moral learning from exemplars as crucial for persons' acquiring attachments and loyalties. In this way, Rawls remarks, the bonds of friendship and mutual trust develop in the new members.

Nevertheless, moral learning through exemplars is not itself sufficient to generate strong bonds and attachments in individuals. Rawls endorses the view that the conviction that others are affirming our good is a condition of our being bound to the persons and associations. Rawls writes:

...they [the three laws] assert that the active sentiments of love and friendship, and even the sense of justice, arise from the manifest intention of other persons to act for our good. Because we recognize that they wish us well, we care for their well-being in return. Thus we acquire attachments to persons and institutions according to how we perceive our good to be affected by them. The basic idea is one of reciprocity, a tendency to answer in kind. (*Theory*, 494)

Thus, Rawls contends that the very basic psychological tendency to reciprocate is what accounts persons' being attached to individuals and associations.²⁵⁹ Psychological reciprocity has a fundamental place in the development of feelings of friendship and mutual trust among members. Given that the association is just, which means "all of its members benefit and know that they benefit from its activities," the conduct of our associates in conformity with the principles of association is seen as supporting the good of all. Put another way, the recognition that other members' are affirming our good by way of acting in conformity with the principles of association will generate feelings of friendship and mutual trust among members.

Thus, the fact that an association is just and known to be just has great effect on how we perceive our joint activity with others as well as the claims of our fellow citizens. Rawls contends that "The justice or injustice of society's arrangements and men's belief about these questions profoundly influence social feelings; to a large extent they determine how we regard another's acceptance or rejection of an institution, or his attempt to reform or defend it." (*Theory*, 492) Thus, Rawls holds that the fact that the arrangement is just contributes to the strength of our ties and our willingness to protect these arrangements.

²⁵⁹ Baldwin, "Moral Psychology," 259.

Rawls stresses that many social theories avoid using moral notions. In those views, affections and ties are explained by the frequency of interaction; it is said, for instance, the more men engage in a common activity with others, the more friendly feelings and affections develop between them. But Rawls emphasize that we cannot take the rules given; rather we need to explain why these rules and not others are accepted. This for Rawls is crucial for accounting for why we would like to act upon certain rules and not others. Thus, Rawls asserts, the morality of the rules affects citizens' compliance. (*Theory*, 493) In this regard, "a correct theory of politics in a constitutional regime presupposes a theory of justice which explains how moral sentiments influence the conduct of public affairs." (*Theory*, 493) Thus, Rawls holds that the fact that social cooperation is just and its terms are fair, by itself produces in citizens the necessary motivation to uphold just schemes of cooperation.

Then, the extra motivation which Taylor equates with patriotic identification with the particular nation might be provided, at least in the ideal theory, with the justice of the basic structure and citizens' knowledge of it. When the terms of social cooperation are fair, and the basic structure is just; and when citizens generally view the society as affirming their good, Rawls believes that citizens are sufficiently motivated to work for the preservation and stability of these just structures. Not because their identity is constituted by the democratic community, its history and practices, but because its being just and confirming their good is what motivates citizens to uphold just institutions and protect them. It is true that Rawls revises his earlier account of the congruence of

justice and good he holds in *Theory*.²⁶⁰ But he does not give up the idea that the motivation to act justly originates from citizens' belief that society's arrangements are just and for the good of its citizens. Thus, for Rawls "[the three psychological laws] characterize transformations of our pattern of final ends that arise from recognizing the manner in which institutions and the actions of others affect our good." (*Theory*, 494)

To continue, assuming that a person develops his moral capacities through the previous two stages, and acquired necessary feelings and attachments, in the last stage, Rawls argues, persons develop an attachment and loyalty to the principles of justice themselves. In morality of association, an individual recognizes the two principles of justice as the common ground between citizens. Yet, his motive for complying with them springs to a large extent from his fellow feelings for others and his concern for the approval of the wider society. The morality of principles reflects the stage of moral development where individuals become attached to the principles themselves, and act in conformity with them because they consider these principles and the institutions which realize them as good in themselves. Hence, the individual wants to act in line with the principles he values as such, and not simply out of his belief that the institutions affirm his good or the good of his associates. As a consequence, a person wants to act justly and uphold just institutions even in situations where he, his friends or his associates are

²⁶⁰ The congruence argument in *Theory* serves to guarantee that citizens are sufficiently motivated to comply with justice because justice expresses and affirms their good. In *Political Liberalism*, Rawls gives up the congruence argument because it takes persons' good as consisting of the good of moral autonomy. Samuel Freeman persuasively argues that in *Political Liberalism*, Rawls offers a different congruence argument which occurs between public and non-public reasons; hence between the political conception and comprehensive views. "Possibility of a Just Constitutional Regime," 640. He argues that Rawls no longer conceives of justice as citizens' intrinsic good which is the same for every citizen (although it is still intrinsically good for some citizens), but it is in the good of each citizen as each citizen views her own good from her own comprehensive view. (638-46).

not directly affected by them. Once the corresponding sense of justice is developed, individuals want to do their part in maintaining just institutions. “And this inclination goes beyond the support of those particular schemes that have affirmed our good. It seeks to extend the conception they embody to further situations for the good of the larger community.”(*Theory*, 474)

Once a morality of principles is accepted, however, moral attitudes are no longer connected solely with the well-being and approval of particular individuals and groups, but are shaped by a conception of right chosen irrespective of these contingencies. Our moral sentiments display an independence from the accidental circumstances of our world, the meaning of this independence being given by the description of the original position and its Kantian interpretation. (*Theory*, 475)

In this way, Rawls argues that moral sentiments acquire an independence from contingencies of the world which makes it possible for citizens to value justice in itself independently of whether it advances the good of us and our associates. Nevertheless, this passage is mostly taken to suggest that individuals realize their true moral nature when they abstract themselves from the contingencies of their world. Sandel, for instance, argues that Rawls is, on the whole, suggesting that justice and morality must be independent of all historical and social particularities. In that respect, it is argued, Rawls conceives of human identity as independent of its particular ends and attachments.²⁶¹

I will argue that according to Rawls, our acquiring a sense of justice is continuous with our previous attachments and sentiments like love, fellow feeling and trust. The course of moral development does not imply that the previous stages, as well as the bonds, attachments and sentiments developed in these stages are transcended and left behind as irrelevant. Rather, for Rawls these attachments and loyalties acquire new

²⁶¹ Sandel, *Limits of Justice*, 47-65.

final ends and include the wider society. (*Theory*, 494) The attachments develop cumulatively, incorporating all ties and loyalties of the previous stages into a rich net of human relations.²⁶²

Furthermore, Rawls obviously argues that our natural attachments to particular persons and groups are crucial for the full development of persons' moral capacities.²⁶³ (*Theory*, 486) Individuals discover their innate capacities for love, trust, friendship and cooperation, and experience moral feelings such as guilt and resentment in these earlier stages. For a person who does not experience what it means to love someone and show care for others' good, a sense of justice, a desire for the common good would be unimaginable. Rawls remarks that "persons understand their sense of justice as an extension of their natural attachments; and as a way of caring about the collective good." (*Theory*, 496) Rawls adds that the existence of ties and affections that persons gathered in earlier stages affects the intensity of moral feelings and their power to guide individual conduct. To quote Rawls: "When the natural ties of friendship and mutual trust are present, however, these moral feelings are more intense than if they are absent." (*Theory*, 475)

Taylor presupposes that by arguing that citizens' acquire attachment to the principles of justice and it is what obtains social unity Rawls necessarily renounces the importance of particulars. The "abstract principles" objection is misleading in that it

²⁶² Eamon Callan, "Love, Idolatry, Patriotism," *Social Theory and Practice* 32, no. 4 (October, 2006): 540, http://www.law.uvic.ca/demcon/victoria_colloquium/documents/loveidolatrypatriotism.pdf

²⁶³ "Certainly the ...account of the development of morality supposes that attachment to particular persons plays an essential part in the acquisition of morality. But how far these attitudes are required for later moral motivation can be left open, although it would, I think, be surprising if these attachments were not to some degree necessary." (*Theory*, 486)

does not do justice to Rawls' full account of how allegiance to principles is possible in the first place. Next, I will briefly elaborate Nussbaum's version of the "abstract principles" objection. I will suggest that for Rawls the institutions of society are particularized and historicized forms of the ideals of justice. In this way, I argue, they are the focus of individuals' particular attachments and loyalties.

5.6 The quest for the particular: institutions of justice

Nussbaum agrees with Taylor that patriotic identification is necessary for maintaining and stabilizing justice. Nussbaum argues for the incapacity of abstract principles for generating strong public emotions. Thus, for Nussbaum;

Rawls' proposal, as developed, is highly abstract. ...People really don't fall in love with abstract ideas as such, without a lot of other apparatus in the form of metaphor, symbol, rhythm, melody, concrete geographical features, and so forth. ...Vividness and particularity are crucial determinants of emotional response, and thence of altruistic action.²⁶⁴

Nussbaum emphasizes that without rich and intense public emotions, stability cannot be reached solely through institutions and rational agreement on principles. Nussbaum states; "these institutions and laws will not sustain themselves in the absence of love directed to one's fellows and the nation as a whole."²⁶⁵ Nussbaum underscores that Rawls is right in his acknowledgment of emotions as necessary for the maintenance and stability of justice. Yet, for Nussbaum, "...the moral sentiments on which Rawls relies cannot be transparently rationalistic—simply an embrace of abstract principles presented

²⁶⁴ Martha Nussbaum, *Political Emotions*, 221

²⁶⁵ Ibid., 214.

as such—if they are really to do the job he assigns to them.”²⁶⁶ Thus, Nussbaum stresses the power of the particulars to produce in citizens necessary political emotions which motivate them to struggle for justice. She writes; “The public love we need, then, includes love of the nation, and a love that conceives of the nation not just as a set of abstract principles, but as a particular entity, with a specific history, specific physical features, and specific aspirations that inspire devotion.”²⁶⁷

Hence, like Taylor, Nussbaum requires compassionate and patriotic attachment to one’s nation and its people and argues that only in this way are citizens sufficiently motivated to act upon the requirements of justice. However, there is another key issue underlying the disagreement between Rawls and his critics. It concerns the degree to which citizens should be committed to society for them to be considered to be in solidarity. Critics require that when citizens are in solidarity, they are willing to sacrifice for the common good, which might include heroic and patriotic acts. Rawls does not think that liberal democratic society requires patriotic, supererogatory and heroic acts. In his view, society cannot expect of its citizens more than what could be legitimately enforced. However, it is important to note that Rawls works in ideal theory. Most of these expressions of civic solidarity might be unnecessary in a well-ordered, homogeneous (with respect to its shared conception of justice), well-functioning society, whereas they might be necessary in societies which are unjust and where citizens should be more committed to establish justice. Nussbaum underscores this point and argues that Rawls’ ideal theory, as it is, is insufficient to address the needs of unjust societies which

²⁶⁶ Ibid., 10.

²⁶⁷ Ibid., 207.

try to establish justice and to motivate citizens effectively to a common end.²⁶⁸ Taylor seems to make the same point when he requires that citizens should respond with outrage to anti-democratic threats, which for Taylor is impossible given Rawls' view of social unity and his account of citizens' motivation based on that view.

To continue, Nussbaum requires that to motivate citizens, it is necessary to use "symbols, memories, poetry, narrative or music" to lead the mind through the principles themselves. Nussbaum argues that human mind is somehow "quirky and particularistic" and it will be easier and better if the attachment to principles is mediated by appeals to these literary instruments. For Nussbaum, "the symbols may acquire a motivational power that bare abstractions could not possess."²⁶⁹ Nussbaum concludes that if distant people and abstract principles are to be the object of our emotions, it is needed to position them within "our cycle of concern." That is, "...creating a sense of "our" life in which these people and events matter as part of our "us," our own flourishing."²⁷⁰

Along these lines, Nussbaum suggests that public authorities must be more active in creating narratives, symbols, and rhymes that cultivate in citizens the required emotions which are consistent with the principles of liberalism and values of democracy. As such, these practices must cultivate emotions that are friendly to individual freedoms and persons' right of criticism and dissent. So, Nussbaum requires that political liberal society must be concerned with making people experience certain emotions in certain

²⁶⁸ Likewise Callan argues that the role patriotism might play in actual democratic societies is obscured in Rawls' *Theory* because the well-ordered society is already just. Callan, "Love, Idolatry, Patriotism," 542.

²⁶⁹ Nussbaum, *Political Emotions*, 10.

²⁷⁰ *Ibid.*, 11.

contexts and toward certain objects such as the nation, its goals, its specific tasks, its problems and its people. (Ibid., 135) Nussbaum contends that liberal democracies must teach patriotism and foster compassion and patriotic love through festivals, songs, poetry, sculptures and public parks. She writes:

...through many strategies: through public artworks, monuments, and parks, through the construction of festivals and celebrations, through songs, symbols, official films and photographs, through the structure of public education, through other types of public discussions, through the public use of humor and comedy, even by shaping the public role of sports. (Ibid., 203)

I read Nussbaum as suggesting that once the principles of liberal society are in hand, we cannot expect them to generate the emotional support in citizens while remaining abstract principles. It is necessary to materialize these principles through public narratives, art and music. Nussbaum seems to suggest that the principles of justice must be vividly particularized in the narratives and symbols to gain popular allegiance from citizens. In this way, citizens would have a livelier sense of identification with the nation, its aspirations and its people. This, according to Nussbaum, brings the unity of abstract and particular: “the type of compassionate love we engender, while vivid and particular in one sense, addressed to concrete features of the nation’s history and geography and culture, should nonetheless be inclusive and abstract, as Rawls suggests, in order to include all members of the nation.” (Ibid., 318)

I will not object to Nussbaum’s idea that materializing the ideals of society by expressing them in public rituals is necessary in order to generate popular allegiance among citizens. This part of Nussbaum’s discussion, to my own judgment, is illustrative and convincing. Also, Nussbaum’s account is future-oriented in that liberal democracies

need to create these expressions in ways consistent with their ideals. Since what makes a historical event a special moment in people's history is the fact that the event is the mark of the principles democratic citizens value in common, such as liberty, equality and the value of democratic participation, the past event is not appropriated solely because the event is simply in "our past." Hence, when public authorities draw on the nation's past and its historical figures, they select some events but leave aside others; and in that they are required to interpret the past as expressing the ideals of political liberalism.

Although Rawls does not mention these practices, I do not think that he would object to the claim that liberal democracies will need and indeed should have particular symbols, marches, stories and narratives that support as well as illustrate the two principles of justice and help to make them more vivid and concrete. But for Rawls, as I will argue, the vividness and liveliness of the principles originates in another source. I will argue that given Rawls' emphasis on institutions, the liveliness of citizens' emotions, their sense of justice, will be sustained primarily by the institutions of society. Thus, Nussbaum ignores Rawls' emphasis on institutions and the way institutions might be taken to particularize as well as historicize the ideas of justice. Like Taylor, Nussbaum assumes that by endorsing the principles of justice as the core of citizens' unity, Rawls renounces the importance of particulars in motivating citizens to support and comply with justice. I will argue that Rawls' not explicitly discussing these points or underscoring their importance is not sufficient reason to take him as renouncing their importance.

In this respect, Rawls thinks that citizens acquire the sense of justice by growing under and interacting within just institutions. In their interaction with institutions of society, Rawls suggests, the ideals of just society become concrete and are seen by citizens as supporting their good. Thus, citizens are not asked to grasp the principles in the abstract without first comprehending them in the acts and decisions of institutions. Citizens are not thought to understand the value of the ideals of justice without first experiencing them as materialized in the acts of institutions. For instance, Rawls does not think that a religious person understands the value of toleration by grasping the ideal of freedom of conscience in the abstract. Rather, she understands the value of toleration and liberty by experiencing how the basic institutions of society secure her freedom of conscience and enable her to lead a life in accordance with her religious conviction. In *Theory*, Rawls suggests this as an example of how an intolerant religious sect might come to understand the value of liberty of conscience through experiencing that very freedom and benefiting from it under just institutions. (*Theory*, 219)

Admittedly, in *Theory*, Rawls' discussion of institutions is highly abstract. The reason for this is that, in *Theory*, Rawls is preoccupied with sketching out institutions that could best realize the two principles of justice. However, in *Political Liberalism*, Rawls gives a more historical and substantive discussion of institutions. Rawls, for instance, refers to the Supreme Court as the institutional exemplar of public reason whose content is given by "a political conception of justice." (*PL*, 223, 234) The Supreme Court gives "public reason vividness and vitality in the public forum"; its task is to develop the best interpretation of the constitution and the ideals it secures. (*PL*, 236-7) The role of the Court is to force political discussion into a principled form by

educating citizens about how to conduct themselves when constitutional matters are concerned. (*PL*, 239-40). Rawls observes that The Court is a particular institution which has a history of its decisions, interpretations and discussions. It is not clear why both Taylor and Nussbaum think that for Rawls citizens should respect and value the principles of justice necessarily without respecting the Court and understanding its role as a guarantee of their liberties and rights.

5.7 Patriotic love

In *Political Emotions*, Nussbaum claims that her theory of political emotions extends Rawls' theory of moral sentiments in fundamental respects.²⁷¹ Nussbaum argues that the main difference between her and Rawls is that Rawls' society is an ideal one in which problems of exclusion and hierarchies are overcome, whereas Nussbaum considers non-ideal societies where "nations aspiring to justice," (*Ibid.*, 117) and where stigma and exclusion are serious problems to combat. (*Ibid.*, 164) Yet, Nussbaum contends that even Rawls' well-ordered just society where discrimination, stigma and exclusion are absent needs patriotic love since these negative attitudes could arise given the reality of human psychology. Nussbaum claims that Rawls' theory could be (and should be) extended to include patriotism.

Nussbaum defines patriotism as a strong emotion, a form of love, whose object is the nation. Patriotism as a form of love is distinct from "approval, commitment or embrace of principles." (*Ibid.*, 208) Nussbaum emphasizes that patriotic love is particularistic, the thicker it is, the more likely it is to inspire people. (*Ibid.*, 209)

²⁷¹ Nussbaum, *Political Emotions*, 9, 23, 219, 225.

Nevertheless, Nussbaum admits that patriotism is two-edged, it is good when it motivates people to do good for others and to sacrifice for the common good; yet it is dangerous when it excludes others and generates negative feelings towards those who are not one of “us” or not like “us.” (Ibid., 206) In view of this danger, she holds that patriotism needs to be qualified by critical faculties and the value of critical freedom and the right to dissent. Hence, Nussbaum holds, “critical freedom, not herd-like obedience, is the mark of a true patriot.” (Ibid., 218) However, for Nussbaum it is not easy to dismiss patriotism so easily since without patriotic love, what we have is a spiritless society which cannot motive its citizens for good. (Ibid., 219)

Nussbaum thinks that patriotic love could be modeled in various ways, and people might think differently about their relation with the nation. For some, the nation is a beloved parent, for others it is like a beloved child. For some, also, the nation is the subject of romantic love. Patriotic rituals, songs, and poetry depict one’s relation to the nation differently. (Ibid., 208) In the present context, I will not debate whether patriotism is good or might be a good under certain circumstances.²⁷² My discussion will focus on whether Rawls’ view could be reconciled with patriotic love.

One obvious difficulty for those who think that Rawls’ theory needs patriotism and could be extended to include it is that Rawls never discusses nor refers to patriotism

²⁷² For a critical perspective on patriotism see George Kateb, “Is Patriotism a Mistake?” *Social Research* 67, (2000): 901-24, <http://www.jstor.org/stable/40971420>. See also constitutional patriotism of Habermas as an alternative to nationalistic patriotism. Habermas formulates patriotism as a political attachment to the norms, values and ideals of constitutional democracy rather than to the national community. For Habermas’ theory of constitutional patriotism; See Jan-Werner Müller, *Constitutional Patriotism* (Princeton, NJ: Princeton University Press, 2007); Jan-Werner Müller, “Seven Ways to Misunderstand Constitutional Patriotism,” *notizie di POLITEIA*, XXV, 96, (2009): 20-24, <http://www.politeia-centrostudi.org/doc/Selezione/96/Muller%20NP%2096.pdf>.

explicitly. For those who are acquainted with Rawls' work, even the terminology of patriotism—sympathy, compassion, pity, sacrifice, patriotic love—is anti-Rawlsian. Rawls underscores the importance of moral sentiments for the stability of a just society. However, for Rawls, identification with the principles of justice is achieved more by way of gaining an understanding of the principles of justice than by patriotic identification with them, which seems to be a matter of something's being "ours" and not "theirs."²⁷³ Rawls underscores that adherence to principles requires the morality of those principles—to understand and to value them as principles which reasonable person are expected to endorse in common. Hence, unlike natural attitudes such as love and trust, the distinguishing feature of moral sentiments is that moral sentiments presuppose an understanding and acceptance of certain principles. (*Theory*, 481, 487) On the contrary, patriotic love is primarily about our affiliation with something that we think as "ours" e.g. when the nation is "our nation," the people are "our people," or even the principles are "our principles" which are inherited in our culture and history.

However, these different sources of allegiances do not necessarily exclude each other. Rather, I argue, the former (moral sentiments and the principles of justice) qualifies and guides one's love for his country. In this respect, Rawls suggests that when citizens complete their moral development, we no longer love our country because it is

²⁷³ Rawls suggests that allegiance to principles is the result of citizens' gaining an understanding of the principles of justice through public discussion. Rawls tells us that citizens who have an interest in political affairs, and those holding legislative and juridical offices continuously apply and interpret the two principles of justice. He holds that by engaging political discussion in this way, persons "achieve a mastery of these principles and understands the values they secure and the way in which they are to everyone's advantage." (*Theory*, 473) Hence, for Rawls, adherence to principles is not achieved by way of grasping them in the abstract.

solely “ours,” but because we collectively achieved justice in our society. To quote

Rawls:

For whenever there is a shared final end, and end that requires the cooperation of many to achieve, the good realized is social: it is realized through citizens’ joint activity in mutual dependence on the appropriate actions being taken by others. Thus establishing and successfully conducting reasonably just (though of course always imperfect) democratic institutions over a long period of time, perhaps gradually reforming them over generations, though not, without lapses, is a great social good and appraised as such. This is shown by the fact that a people refer to it as one of the significant achievements of their history. ...Moreover, this good can be significant even when the conditions for realizing it quite imperfect; and the sense of its loss can also be significant. This is made clear when a democratic people distinguish different periods in their history, as well as their pride in distinguishing themselves from nondemocratic people. (*PL*, 204)

I argue that for Rawls, our appraisal of our society or our pride in it is conditioned by the fact that its arrangements are just which is the collective achievement of citizens. Rawls suggests that the institutions of society are just and endure over time is the source of our pride in them as well as our identification with the democratic society. Although morality of association precedes and is necessary for the morality of the principles in sequence; once the latter stage is achieved, our loyalty to principles might strengthen or weaken our patriotic identification with our society, depending on whether or not the basic institutions of society realize the ideals of justice.²⁷⁴

Nussbaum contends that Rawls does not acknowledge the necessity of love for justice or its contribution to justice. Nussbaum states, “...the moral sentiments on which Rawls relies cannot be transparently rationalistic—simply an embrace of abstract

²⁷⁴ In a context of children’s education, Amy Gutmann argues that although patriotism and loyalty are naturally acquired, this will change as children learn to critically evaluate their surroundings and attachments. Amy Gutmann, *Democratic Education* (Princeton, NJ: Princeton University Press, 1999), 62.

principles presented as such—if they are really to do the job he assigns to them.”²⁷⁵

Nussbaum reads Rawls’ moral psychology as suggesting that allegiance to principles renounces or annihilates citizens’ earlier attachments, feelings and loyalties to persons and associations (the nation state), and necessarily makes them irrelevant for justice and the stability of a just society, for Rawls. Nussbaum wrongly supposes that because Rawls requires adherence to principles and views embracing them as a kind of agreement with and gaining an understanding of them, he excludes the role of political love in justice. I argue that political love might have a place in the Rawlsian society, yet it is subordinate to the adherence to the principles of justice.

Callan persuasively argues that for Rawls justice and love co-exist in society and mutually strengthen one another. Callan argues that in Rawls’ account of moral development, love and justice evolve as mutually reinforcing sentiments. Callan states that Rawls “toward the end of *A Theory of Justice* ... elaborated a conception of moral formation that makes the psychological congruence of love and justice the fulcrum of stability.”²⁷⁶ As I argued, however, although Rawls explicitly endorses neither the value of patriotism nor the role of love in politics, his theory contains materials through which one could work out these ideals in a manner consistent with his overall theory. For Rawls, as I argue, once citizens’ moral development is mature, they subject their natural allegiances, such as feelings of love for and loyalty to the nation, to critical evaluation and subordinate them to the political ideals they endorse.

²⁷⁵ Nussbaum, *Political Emotions*, 10.

²⁷⁶ Callan, “Love, Idolatry, Patriotism,” 540.

CHAPTER 6

CONCLUSION

In Rawls' theory, justice and not solidarity, individual rights and liberties, and not social ties and attachments, have priority. This fact leads critics to argue that Rawls neglects solidarity and civic bonds, and adopts an individualistic perspective. This dissertation has been an attempt to respond these critics by exploring the solidaristic bases of Rawls' theory which for the most part has been neglected by his communitarian critics. In this dissertation, I have argued that in Rawls' *Theory* civic solidarity is nourished by two central and joint activities of citizens in society: democratic and economic activity.

In order to show how communitarians misconstrue Rawls' theory, I have emphasized the non-Kantian aspects of Rawls' *Theory*, which critics mostly ignore. I have maintained that although the original position models a perspective that is impartial, ahistorical and free from the contingencies of the world, it is intended to sort out our already existing convictions about justice. Thus, I have argued that Rawls presumes and relies on the pre-reflective solidarities actually exist in the liberal democratic societies, yet conceives of them as the step to conceptualize what really ought to bind people together in the wider society given the fact of pluralism. Unlike communitarians who think that these actually existing bonds and attachments are the reason why people stay together and act justly, Rawls argues for the necessity of rational reconstruction of these values in the original position. Rawls thinks that it is only when citizens, as rational and reasonable free and equal beings, accept these values and endorse them to one another, they are bound by them and obliged to follow them. Hence, for Rawls, under modern conditions, an inclusive and society-wide civic

solidarity is possible only when these values gain a new status in political life of citizens.

To the contrary, critics take Rawls as arguing that because making a decision about principles should not be affected by the contingencies of the world, and must be agreed by free and rational individuals as advancing their own good, Rawls neglects the importance of communal attachments and bonds which makes morality possible in the first place. Yet, as I have illustrated in the fifth chapter, this reading is wrong given Rawls' account of moral psychology. Rawls explicitly argues that particular bonds and attachments are crucial for individuals to develop a sense of justice. For Rawls, "persons understand their sense of justice as an extension of their natural attachments, and as a way of caring about the collective good." (*Theory*, 496)

I have established that the conception of democratic solidarity Rawls endorses construes the civic bond as artificial and constructed as opposed to natural and given. So, for Rawls, citizens' unity cannot be comprehended as inherited in the culture despite the existence of shared values and practices. Nor could the civic ties that bind citizens be natural and merely historical. Thus, when there are no given, natural or historical bases of unity available, or when they are available, but fail to unite citizens in the wider society, citizens have to construct the basis of their unity and define their ties to one another by finding principles which would be the foundation charter of the society. For Rawls, I have argued, the principles of justice provide such a basis.

I have detected that the ready dismissal of critics of the possibility of solidarity in Rawls' works lies in their identification of community and solidarity. Communitarians view civic solidarity as essentially rooted in the tacit and pre-reflective solidarities

already in place in society, and have concluded that only by facilitating these already-existing bonds and attachments can civic bonds in society be strengthened. In so doing, however, they fail to see how civic solidarity could be conceptualized as a political project of citizens who direct their efforts to establish a just democratic society.

Thus, I have suggested reading Rawls as relying on the bond-forming and solidarity generating capacity of citizens' two joint activities: political and productive activity. I have argued that by conceiving citizens' as active contributors to joint productive activity in society, Rawls endorses an account of economic solidarity which requires distributive justice among such contributors. As a result, the difference principle expresses the obligations of citizens to one another in their joint productive activity. I argued that for Rawls, as much as social cooperation is about meeting citizens' needs and fulfilling their ends in a mutually satisfactory way, it is also about producing together both their material and social world. The latter is more comprehensive in that citizens' mutual satisfaction of needs takes place in an environment they jointly build, the existence of which owes to the productive cooperation of citizens, including the efforts of past generations. I have claimed that Rawls' critique of the notion of desert, his formulation of natural assets as common assets of society, and the importance of the basic structure of society on the life prospects of individuals, jointly suggest this reading.

However, I have argued for the existence of two distinct senses of "contribution" in Rawls' *Theory* which are in tension. In the first sense, Rawls understands contribution strictly in economic terms, and identifies it with "work," which brings Rawls closer to libertarian thinkers such as Gauthier and Nozick. As I have stressed, Rawls distances his view of contribution from that of libertarians. (*PL*, 280) In the second sense of the term,

the emphasis is more on the fact that “everyone contributes to society” and that society is the result of the joint activities of citizens. In the dissertation, I have argued that the first understanding of contribution is detrimental to citizens’ self-respect and solidarity. To the contrary, I have argued that the second understanding of contribution could be interpreted in a more inclusive way, for instance, as suggested by Van Parijs.

I have emphasized that with *Political Liberalism* Rawls to a large extent gives up the contribution-oriented paradigm of justice and its conception of citizens as active contributors to society, and conceives of citizens predominantly as equal participants in wielding the collective coercive power of the state. I have stressed that Rawls relies more on individuals’ being equal citizens’ than their being active contributors to account for citizens’ ties and attachments; hence he relies more on democratic solidarity than economic solidarity. However, I have argued that by putting less emphasis on productive activity as a source of solidarity among citizens, Rawls deprives his theory of one of the powerful sources of solidarity. Thus, *Theory* is capable of generating more encompassing solidarity since it considers citizens not only as equal participants in the exercise of coercive political power, but also as joint producers of the social product. Although the strictly economic understanding of contribution in *Theory* fatally hinders realizing the idea of economic solidarity implicit in Rawls’ fuller view of society, *Theory* has still a paramount place since there Rawls considers the productive activity of citizens as the source of their sense of “togetherness.”

In this dissertation, I suggested a reading of Rawls which focuses on the solidaristic bases of his theory. This dissertation has been an attempt to develop an

account of civic solidarity from Rawls' liberalism. My project, I think, contributes to the literature on Rawls since it reconsiders Rawls' liberalism and constructs it from the perspective of solidarity. The dissertation also contributes to the recent attempts to scrutinize the concept of solidarity by using Rawls' liberalism with its emphasis on justice as the fundamental virtue of citizens' cooperative activity. Hence, drawing on Rawls' difference principle and his conception of society as a productive activity, this dissertation revitalizes the neglected paradigm of the activity of production in conceptualizing citizens' solidarity. In this way, the dissertation contributes to the development of an alternative to the communitarian conception of civic solidarity.

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