

Is There a Role for Envy in a Liberal Theory? Rawls, Social Unity, and Justice

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“You know, I think it’s about envy. I think it’s about class warfare.”

- *Mitt Romney on concern with inequality.*

Introduction

A long-standing objection to redistributive policies is that they are motivated by envy. These accusations are intended to discredit redistributive policies. After all, envy is what J.S. Mill calls the “most odious and anti-social of all passions.”¹ We may wonder whether this objection is worth taking seriously; it often either begs the question or amounts to an *ad hominem*. As Richard Norman states, “The question of the wrongness of inequality is logically prior to the question of moral psychology. If inequalities are indeed unjust, then no further psychological explanation is needed of why people might object to them.”² Moreover, what theory of justice blindly seeks equality at the expense of all else? Equality without limits approaches Kurt Vonnegut’s dystopic world in “Harrison Bergeron,” where the state burdens the naturally strong with bags of birdshot and the naturally beautiful with masks to make people “truly” equal.³ Unsurprisingly, egalitarianism often grounds itself in other values, such as justice or fraternity.⁴ Nonetheless, some theorists make a point to distance their views from envy, and perhaps no theorist more than John Rawls.

¹ John Stuart Mill, *On Liberty and Other Essays*, ed. John Gray (Oxford, UK: Oxford University Press, 1991), 91.

² Richard Norman, “Equality, Envy, and the Sense of Injustice,” *Journal of Applied Philosophy*, 19 (2002), 44.

³ Kurt Vonnegut, “Harrison Bergeron,” in *Welcome to the Monkey House* (New York, NY: Dell Publishing, 1968), 7-14.

⁴ Robert Young, “Egalitarianism and Envy,” *Philosophical Studies*, 52 (1987), 267-276.

Rawls most fully engages envy in *A Theory of Justice*, devoting two sections to it.⁵ Even in his earlier 1958 article, “Justice as Fairness,” Rawls denies envy as a motivation to parties responsible for selecting principles of justice: “[T]he bare knowledge or perception of the difference between their condition and that of others is not, within certain limits and in itself, a source of great dissatisfaction.”⁶ What is striking about this earlier exclusion of envy is that it occurs before Rawls introduces the veil of ignorance, which denies parties in Rawls’s original position specific knowledge about themselves. Despite Rawls’s concerns, secondary literature gives scant attention to his treatment of envy.⁷ However, recent publications by Patrick Tomlin and Jeffrey Green challenge Rawls’s treatment of envy, each pushing for an expanded role for envy in Rawls’s ideal theory of justice.⁸ Tomlin argues that Rawls’s constructivism demands that general envy should be considered in selecting principles of justice, resulting in a more egalitarian principle of justice. Green argues that justice demands that ideal legislators should regulate the economic expectations of the most advantaged (or super-rich) even when doing so has no or negative economic effects to the rest of society. In both cases, envy is intended to shape Rawls’s principles of justice in a more egalitarian fashion.

Further reflection on Rawls’s treatment of envy is needed for three reasons. First, it clarifies an underexplored aspect of Rawls’s theory. He discusses envy in Part III of *TJ*, which is

⁵ John Rawls, *A Theory of Justice* (Cambridge, MA: Harvard University Press, 1971 and 1999), 143-144, 530-548/124-125, 464-480. I will cite this work parenthetically in text as *TJ* hereafter, in the form 1971 edition page number(s)/1999 edition page number(s). Where a passage is in one edition but not the other I will specify which edition the page number refers to.

⁶ John Rawls, “Justice as Fairness,” in *Collected Papers*, ed. Samuel Freeman (Cambridge, MA: Harvard University Press, 1999), 52. I will refer to this volume as *CP* hereafter.

⁷ Two prominent overviews of Rawls’s theory only touch on envy. See Thomas Pogge, *John Rawls: His Life and Theory of Justice*, trans. Michelle Kosch (Oxford, UK: Oxford University Press, 2007), 116, and Samuel Freeman, *Rawls* (New York, NY: Routledge, 2007) 263-272.

⁸ Patrick Tomlin, “Envy, Facts and Justice: A Critique of the Treatment of Envy in Justice as Fairness,” *Res Publica*, 14 (2008), 101-116. Jeffrey Edward Green, “Rawls and the Forgotten Figure of the Most Advantaged: In Defense of Reasonable Envy towards the Superrich,” *American Political Science Review*, 107 (2013), 123-138.

still poorly understood.⁹ Taking Part III seriously corrects the common view that Rawls's theory has limited affective range because of its Kantian pedigree. Underplaying this context, as the two treatments noted above do, distorts Rawls's views on envy and obscures important features of his theoretical approach.

Second, this project describes what is at stake in the objection from envy. Though often *ad hominem*, the charge of envy points to a worry rooted in social unity. This may seem odd, as one reason offered in favor of redistribution is that it limits inequalities that damage community.¹⁰ However, I argue that generalized envy against certain classes undermines the crucial value that grounds Rawlsian social unity – reciprocity.

Finally, the project reveals a neglected dimension of the relationship between ideals of justice and unjust circumstances. More specifically, ideals of justice rightfully distance themselves from negative emotions such as envy. Under *unjust* circumstances, however, different considerations apply. It may be that normally vicious emotions such as envy are instrumentally useful in pushing us towards that ideal. Unappealing aspects of human psychology might be turned to in an effort to motivate action against injustice. In this way, my discussion of envy and injustice opens up space for ideal theorists to think about nonideal theory in more realistic ways. It is important to stress that these last two points go beyond Rawls and speak more broadly to concerns about the role envy plays in political theory.

My discussion is separated into three main sections. First, I outline Rawls's description of envy and its relation to his overall theory. Second, I rebut Tomlin's and Green's challenges to Rawls on envy. Both views miss the Rousseauvian elements of Rawls's theory. In particular,

⁹ Paul Weithman's impressive treatment of part III of *TJ* only alludes to the problem of envy in a brief discussion of how relative position relates to self-respect. *Why Political Liberalism? On John Rawls's Political Turn* (Oxford, UK: Oxford University Press, 2010), 141-144.

¹⁰ See G.A. Cohen, *Why Not Socialism?* (Princeton, NJ: Princeton University Press, 2009), 34-37.

they underappreciated the importance of institutions to shaping and molding citizens' motivations and beliefs. Finally, I will suggest that envy plays a role in responding to injustice. Where reciprocity is not the norm, envy may be the best reply.

Rawls on Envy

In designing the original position, Rawls denies envy a role in determining principles of justice. He does so in two ways. First, parties in the original position are so conceived that they are incapable of envy. Second, these parties do not consider facts about the role of envy in normal social life when initially choosing the principles of justice (*TJ*, 143-144/124). Why is this justified? How can we ignore envy as a fact of human nature? One reason is that “envy tends to make everyone worse off” and is “collectively disadvantageous” (*TJ*, 144/124). Given this, it is undesirable for principles of justice to reflect envy. A second reason for excluding envy is that it presupposes what Rawls calls a *special psychology*, or a disposition that varies across individuals and that could be taken into account only by making the selection of principles of justice needlessly complicated (*TJ*, 530/464). To deal with envy (and other special psychologies), Rawls separates the argument for the principles of justice into two parts. First, we derive principles of justice without reference to envy. Second, we investigate whether these principles of justice are “feasible in view of the circumstances of human life” (*TJ*, 144/124).¹¹ By this, Rawls means we should investigate whether principles of justice will give rise to strong disruptive attitudes that endanger the stability of a just society. Rawls understands stability in a peculiar sense. It is not that disruptive attitudes will risk revolution or violence. Rather, such attitudes may lead persons

¹¹ Rawls retains this approach to special psychologies throughout his career. See *Political Liberalism*, Expanded Edition (New York, NY: Columbia University Press, 2005), 140-141. I will cite to this work as *PL* parenthetically in text hereafter. See also *Justice as Fairness, a Restatement*, ed. Erin Kelly (Cambridge, MA: Harvard University Press, 2001), 180-181. I will cite this work as *R* parenthetically in text hereafter.

growing up in a just society to abandon their sense of justice, or their “effective desire to apply and act from the principles of justice and so from the point of view of justice” (*TJ*, 567/497).¹²

Rawls gives his account of envy when investigating its potentially disruptive effect on the stability of his conception of justice.

Rawls defines envy as,

[T]he propensity to view with hostility the greater good of others even though their being more fortunate than we are does not detract from our advantages. We envy persons whose situation is superior to ours... and we are willing to deprive them of their greater good even if it is necessary to give up something ourselves (*TJ*, 532/466).

Before moving on, I call attention to a potential confusion. The first sentence matches common understandings of envy. However, the second sentence introduces the willingness to accept losses as a *necessary* feature of envy.¹³ Holding the first sentence true, such willingness is clearly sufficient for envy, but it is not obvious why it is necessary. Why doesn’t Rawls’s account of envy include leveling-down cases, or cases where we are willing to deprive others when it does not harm us?

This definition of envy isn’t as eccentric as it may seem. Rawls isn’t interested in a comprehensive account of psychology, but rather seeks a conception for the purposes of his theory (*TJ*, 462/405; *PL*, 86-88). This does not mean that Rawls invents principles of psychology as he sees fit. Rather, if the natural science of psychology contradicts central features of the conception he adopts, then this will provide a good reason to reject, or at least revise, the theory, after the principles of justice have been chosen. Keeping this in mind, I can now reconstruct the reasoning for Rawls’s definition of envy.

¹² See also Weithman, *Why Political Liberalism?*, 5-6.

¹³ Cf. Robert Nozick, *Anarchy, State, and Utopia* (New York, NY: Basic Books, 1974), 239f; Jon Elster, *Alchemies of the Mind: Rationality and the Emotions* (Cambridge, UK: Cambridge University Press, 1999), 165.

The problem of envy pertains to the difference principle, which holds that social and economic inequalities are to be arranged so that they are to the greatest expected benefit of the least advantaged (*TJ*, 82/72). One ambiguity of the difference principle is the status of inequalities that neither benefit nor harm the economic expectations of the least advantaged.¹⁴ What drives this uncertainty is Rawls's assumption of close-knitness. When economic expectations are close-knit, raising or lowering the economic expectation of any representative person will impact the economic expectations of other representative persons (*TJ*, 80/70). There is no slack to be taken up by increasing the economic expectations of any representative person. Rawls briefly considers that this assumption may not hold, ultimately concluding that, practically speaking, "when the greater potential benefits to the more advantaged are significant, there will surely be some ways to improve the situation of the least advantaged as well" (*TJ*, 72, 1999 edition). Thus, he operates with this assumption throughout the theory. This explains why Rawls posits willingness to incur mutual loss as *necessary* in his definition of envy: regulating the expectations of the more advantaged always affects those of the least advantaged. Given this, Rawls is only concerned with cases where regulation economically harms *both* the least advantaged and the more advantaged. After all, envy is collectively, not individually, disadvantageous.

Within this general account, Rawls distinguishes several different types of envy. First, Rawls distinguishes between general and particular envy. The target of general envy is a privileged class or group of people for their general advantage. The target of particular envy is a specific individual or group for a specific good (*TJ*, 531/466). Rawls focuses on general envy, as this is the sort of widespread sentiment that threatens stability. Aaron Ben-Ze'ev criticizes

¹⁴ Philippe van Parijs, "Difference Principles," in *The Cambridge Companion to Rawls*, ed. Samuel Freeman (Cambridge, UK: Cambridge University Press, 2003), 202-210.

Rawls's attention to general envy over particular envy, using empirical literature to point out that feelings of envy intensify as subject-object distance closes.¹⁵ Given this, reducing general inequality might exacerbate envy rather than ameliorate it. While no doubt envy may be felt strongest to those closest and most visible to us, Rawls is not concerned with the intensity of feelings from within the standpoint of an individual. Particular envy will always be a problem for some people more than others, but such envy will likely not be widespread.¹⁶ If what we are worried about is the stability of a conception of justice, as Rawls is, then general envy should be our focus. Widespread general envy threatens to overcome the sense of justice, grounding political action in rancor rather than justice.

Rawls then distinguishes between benign (or emulative) envy and malicious envy. The former is admiration of what someone else has (sometimes reflected by striving to achieve what others have), while the latter is rancor towards those who have more. Malicious envy is "envy proper," and is the focus of Rawls's concern (*TJ*, 533/467).

Finally, and most importantly, Rawls describes "excusable envy":

[S]ometimes the circumstances evoking envy are so compelling that given human beings as they are no one can reasonably be asked to overcome his rancorous feelings. A person's lesser position as measured may be so great as to wound his self-respect; and given his situation, we may sympathize with his sense of loss. Indeed, we can resent being made envious, for society may permit such large disparities in these goods that under existing social conditions these differences cannot help but cause a loss of self-esteem. For those suffering this hurt, envious feelings are not irrational; the satisfaction of their rancor would make them better off. When envy is a reaction to the loss of self-respect in circumstances where it would be unreasonable to expect someone to feel differently, I shall say that it is excusable (*TJ*, 534/468).

¹⁵ Aaron Ben-Ze'ev, "Envy and Inequality," *The Journal of Philosophy*, 89 (1992), 551-581.

¹⁶ See Tomlin's discussion in "Envy, Facts and Justice," 113-115, for further reasons to doubt Ben-Ze'ev's critique.

A few clarificatory points forestall possible misunderstandings: Envy is “not a moral emotion” or source of normative force, but rather a natural attitude (*TJ*, 533/467). This distinguishes envy from resentment. Envy does not refer to a moral concept, while resentment must. This is why we can resent being made envious where the inequality is founded on injustice. Further, this envy is both (non-ir)rational *and* excusable. While we can excuse or understand rancorous emotions under certain circumstances, this does not make the envy felt any less undesirable. General excusable envy worries Rawls because the difference principle may “encourage propensities and aspirations that it is bound to repress and disappoint” given its lack of theoretical limits on inequality (*TJ*, 541/474). If it does, then we must reconsider the principles of justice.¹⁷ Rawls provides three reasons to doubt that general excusable envy threatens the stability of a well-ordered society, or the allegiance citizens of such a society have to their sense of justice (*TJ*, 536-537/469-471). I only briefly mention these three points here, as my discussion of challenges to Rawls on envy will expand and clarify them.

First, the principles of justice taken as a unit and their public nature underwrite the self-respect of the least advantaged. These principles grant the greatest degree of benefit and respect to the least advantaged relative to other conceptions of justice. For instance, utilitarianism would sacrifice the liberties of the least advantaged if the benefits to the rest of society outweigh the total costs; perfectionism suggests that the least advantaged are not worthy of esteem. The difference principle plays its part in securing self-respect by embodying the value of fraternity. The least advantaged know that even if they are poorer than others, they are as well off as

¹⁷ This worry is not unique to *TJ*. Rawls later says, “The two principles also specify an ideal form for the basic structure in the light of which ongoing institutional and procedural processes are constrained and adjusted. Among these constraints are the limits on the accumulation of property... that derive from the requirements of the fair value of political liberty and fair equality of opportunity, and *the limits based on considerations of stability and excusable envy, both of which are connected to the essential primary good of self-respect.*” (*PL*, 284, emphasis mine).

possible because of the sacrifices of the more advantaged. Second, inequalities in a well-ordered society should be less severe than we experience here and now due to the operation of the difference principle in conjunction with the priority of the fair equality of opportunities. Fair equality of opportunity not only disperses economic wealth through increasing the supply of talent, but also allows persons to achieve their own good through its distributive demands for real (rather than merely formal) opportunity.¹⁸ Finally, while particular envy may arise from time to time in the competition for certain offices and positions, this is not a concern unique to justice as fairness and would not endanger the stability of a conception of justice.

We can now turn to recent commentary that challenges Rawls on the role of envy in liberal theory. I will focus on two critics, Patrick Tomlin and Jeffrey Green. (By scrutinizing these views, we can complete our understanding of the role of excusable envy in justice as fairness. Further, this allows us to appreciate where envy may end up playing a role in a theory of justice, as I will suggest later.)

Challenges to Rawls on Envy

Both writers challenge Rawls on envy, though in different ways. Tomlin contends that general excusable envy should enter the considerations of parties in the original position. The argument is (roughly) that, because general excusable envy is a general psychological fact, Rawls's constructivism demands parties to consider envy when they select principles of justice. Including envy in the original position is likely to make parties more wary of inequality, as it

¹⁸ This latter feature of well-ordered society reduces the visibility of inequalities by rooting self-worth in one's own projects and ends, not the provision of "secluded roads for liberal limousines" as G.A. Cohen quips. *Rescuing Justice and Equality* (Cambridge, MA: Harvard University Press, 2008), 384f.

may turn out that they suffer from such general or excusable envy when the veil is lifted.¹⁹ This may result in the selection of a more egalitarian principle than the difference principle.

Green, on the other hand, seeks to expand the role of envy in Rawls's theory. Green considers limiting envy to considerations of stability overly narrow. Instead of excusable envy, Green prefers the idea of reasonable envy, or "the willingness, as a part of the implementation of justice, to impose costs with neutral or negative effect on the rest of society."²⁰ Importantly, reasonable envy plays a role in the implementation of justice by *ideal* legislators.²¹ As this regulation may generate economic costs for everyone, Green concedes that it is partly rooted in envy. However, this envy is reasonable, and acceptable as such.

This is only a brief summary of these views, but should be enough for now. What I plan to do in this section is draw attention to what both these views have in common. Both accounts seek to push envy into Rawls's ideal theory of justice, Tomlin at the level of the selection of principles in the original position and Green at the stage of ideal legislators implementing justice. However, both views go amiss insofar as they fail to appreciate the Rousseauvian elements of Rawls's theory. When I speak of the Rousseauvian features of Rawls's theory, I mean two things: first, how just institutions work to shape the motivations and beliefs of citizens in a well-ordered society, and, second, that citizens in a well-ordered society affirm the principles of justice as their own. These two points are related, as affirmation is partly a product of institutions instilling the proper sense of justice, or so I will argue. By exploring Tomlin's and Green's

¹⁹ Tomlin, "Envy, Facts, and Justice," 106-108.

²⁰ Green, "Rawls and the Forgotten Figure of the Most Advantaged," 136f.

²¹ Green here is referring to Rawls's four-stage sequence, a disaggregation of the original position. *TJ*, 195-201/171-176. The first stage is where the initial selection of the two principles of justice occurs. The proceeding three stages concern the implementation of justice - a constitutional convention, a legislative stage, and a judicial stage. Green explicitly locates the role of envy at the legislative stage, where ideal legislators seek the passage of laws and policies in light of the principles of justice. Note that Green's claim is *not* about how to respond to our current unjust state of affairs, but operates at the level of ideal theory.

contentions *seriatim*, I will draw attention to how Rawls's concern with the problem of envy highlights his affinities with Rousseau.

To restate Tomlin's position: parties in the original position have access to general social facts to select principles of justice. As such a social fact, general envy should enter the parties' considerations. Armed with this knowledge, parties in the original position would select principles of justice with an eye towards avoiding general envy entirely, rather than merely investigating whether the selected principles trigger disruptive amounts of envy. One possible response to Tomlin (and one he considers) is that considering envy will not have any substantive impact on the selection of the principles of justice. I believe this is Rawls's *actual* position given the treatment of envy in Part III. Regardless, Tomlin might claim that Rawls's treatment is unsatisfactory. The difference principle licenses potentially boundless inequalities, and such inequalities (despite their rational grounding) are bound to generate feelings of envy.

Rawls, however, has a response to this. Citizens of a well-ordered society *affirm* the difference principle. This affirmation reframes inequalities licensed by social and economic policy – mitigating general envy and supporting the claim that considering envy will not impact the ultimate selection of principles of justice. Tomlin argues that this response is not available to Rawls, as “it blurs the Rawlsian ‘moral division of labour’, whereby the basic structure is considered the sole subject of justice and individual actions, provided they are in accordance with just rules, are exempt from criticism from the perspective of justice.”²² Tomlin here is referring to Rawls's view that principles of social justice apply to what he calls the basic structure of society, or the basic political and economic institutions that govern society (such as the political constitution or organization of political economy). Worrying about affirmation of

²² Tomlin, “Envy, Facts and Justice,” 110.

principles of justice moves beyond the focus on the basic structure and brings into attention the beliefs and motivations of citizens within a well-ordered society. Tomlin thus echoes a criticism of Rawlsian justice made most famous by G.A. Cohen – that the focus on the basic structure ignores the ways in which individual actions and beliefs impact the patterns of distribution within society.²³

While this paper cannot fully engage the Rawls-Cohen debate, what I have to say here relates to it. Given Rawls's peculiar understanding of stability, Rawls *has* to worry about individual motivations and beliefs. Without the proper motives and beliefs, a just society is not possible over time, as citizens would find themselves tempted to abandon their allegiance to the principles of justice. However, concern about individual affirmation of public principles of justice doesn't demand that Rawls apply these principles at the individual level. There are other ways to generate commitment to justice. Specifically, Rawls focuses on how institutions governed by principles of justice play a role in "educating citizens to a conception of themselves as free and equal" (*R*, 57). Joshua Cohen has brought attention to the role just institutions play in shaping the motivations and beliefs of actors in Rawls's theory.²⁴ Rawls sees himself following Rousseau in taking people as they are, and laws as they might be.²⁵ On this reading, institutions governed by the principles of justice help produce something akin to the ethos that G.A. Cohen and others have thought necessary to a liberal egalitarian theory of justice in the form of a sense of justice. Just institutions then work doubly to combat and mitigate the effects of general excusable envy on self-worth. First, just institutions provide a strong material base for the least advantaged to execute their life-plans. The difference principle ensures that the least advantaged

²³ Cohen, *Rescuing Justice and Equality*, 116-150.

²⁴ Joshua Cohen, "Taking People as They Are?" *Philosophy & Public Affairs*, 30 (2001), 363-386.

²⁵ John Rawls, *The Law of Peoples with "The Idea of Public Reason Revisited"* (Cambridge, MA: Harvard University Press, 1999), 13.

have the most resources they could have compared to other conceptions of justice. Second, just institutions instill a sense of justice, conditioning individuals' response to inequalities. The more advantaged understand and accept their public duties to contribute towards helping the least advantaged, and the least advantaged understand the purpose of these inequalities. This latter part is especially important, as it weakens the view that the institutional focus of the difference principle harms the self-respect of the least advantage by allowing the more advantaged to exploit their talents.²⁶

Outside the difference principle, just institutions limit the degree of inequality and incidence of envy in other ways. Tomlin's focus on the difference principle ignores how other principles of justice serve to mitigate envy. Most obviously, the lexically prior principles of the fair value of political liberties and fair equality of opportunity have their own distributive effects independent of the difference principle (*PL*, 284). Even if the difference principle may not limit inequalities in theory, worries about the effects of inequality over generations on political power or educational opportunity surely do. Additionally, lexically prior values mitigate envy by bolstering self-respect. These values amount to a public affirmation of the worth of a given person regardless of his or her relative position. The superior resources of the more advantaged do not matter as much as they might otherwise to a person whose self-respect lies in his ability to execute his life-plan. And where fair equality of opportunity is secure, the least advantaged have an effective opportunity to pursue their good. For these reasons, Tomlin's argument that envy should influence the selection of principles of justice in the original position is unconvincing.

Green too pushes Rawls on the role of envy. Green, however, works at the level of ideal legislators. Green enlists what he calls reasonable envy to defend the claim that "the

²⁶ Cf. Richard Penny, "Incentives, Inequality and Self-Respect," *Res Publica* 19, 4 (2013), 335-351.

implementation of liberal justice requires identifying and potentially regulating the economic expectations of the most advantaged, sometimes without any (or even negative) economic benefit to the rest of society.”²⁷ Green provides three arguments in support of this claim: a heuristic, a protective, and a redressive argument. As this regulation may generate economic costs for *everyone*, Green concedes that it is partly rooted in envy. However, Green contends that this envy is *reasonable* and thus acceptable.

Green’s first argument, his heuristic argument, pertains to implementing the difference principle. Given the difference principle’s open-textured nature, Green argues that explicit integration of the economic expectations of the most advantaged serves a heuristic value (or effective method) for guiding ideal legislators: “when in doubt, legislators seeking to implement the difference principle should prefer to impose too many rather than too few economic costs on the most advantaged class...”²⁸ Green’s second argument, his protective argument, is that too much inequality can damage the fair value of the political liberties. Based on this worry, Green argues that ideal legislators need to police the upper bounds of the distribution of income.²⁹ Green’s third argument, his redressive argument, is an extension of the idea that difference principle mitigates the influence of social or natural contingencies on the distribution of social primary goods. Green is worried about what he calls “a shadow of unfairness” - residual unfairness arising from the opportunities inequality grants to the most advantaged class’s children. We can mitigate some of these inequalities in opportunities by regulating the most advantaged.³⁰

²⁷ Green, “Rawls and the Forgotten Figure of the Most Advantaged,” 124.

²⁸ Ibid., 126-129.

²⁹ Ibid., 129.

³⁰ Ibid., 131-132.

Before responding to Green's account of envy, I will point out a source of confusion. The heuristic argument focuses on the difference principle, the principle responsible for the distribution of economic expectations. In this case, leveling-down for the sake of equality clearly takes on an envious character. However, I am not sure why Green considers limiting inequality to protect the fair value of political liberties or fair equality of opportunity envious. The distributive effects of these principles come from interests of higher value than economic well-being. These are interests we *all* share. It is not that we are willing to incur economic losses to reduce inequality; we exchange these economic costs for a different, higher value. There is nothing envious about that. Because of this, I focus my attention on Green's heuristic argument, which is clearly envious in its demand for more equality at the cost of the economic expectations of all.

My main concern with Green's concession to envy is that it overlooks how envy damages social unity. A well-ordered society structures political life around the idea of free and equal citizenship. This is a *prima facie* reason to resist the identification of a class of persons for targeted, non-productive burdens. Rawls states, "[Justice as fairness] presents itself as a conception of justice that may be shared by citizens as a basis of a reasoned, informed, and willing political agreement" (*PL*, 9). If citizens share a conception of justice, then so-called reasonable envy is out of place. It should be no surprise that the accusation of envy is often paired with the charge of class warfare, given envy's divisive and anti-social nature. The charge, however, is often leveled indiscriminately against all redistribution. Not all redistribution is envious, nor is it socially divisive.

On Rawls's account, the difference principle provides an interpretation of the principle of fraternity, as "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” (*TJ*, 105/90). Further, the difference principle expresses the idea that “existing inequalities are to fulfill the condition of benefiting others as well as ourselves,” and thus is “essentially a principle of reciprocity” (*R*, 64). Rather than dividing society, redistribution guided by the difference principle exemplifies social union through the value of reciprocity. Given this, it would be odd for ideal legislators to interpret the difference principle in a way that undercuts reciprocity. While Green does not engage the importance of reciprocity to Rawls’s case for the difference principle, we could imagine Green responding that the most advantaged have reason to accept the idea of reasonable envy. After all, the difference principle already imposes burdens on those who could secure higher rewards otherwise. Yet, these individuals have good reason to affirm a society governed by the difference principle. Thus, we should explore the grounds on which the most advantaged abide by the difference principle, and see if these grounds are compatible with reasonable envy.

Rawls provides three related reasons why the more advantaged should not attempt to renegotiate the terms of social cooperation, and instead affirm a society governed by the difference principle. The first reason comes from what Rawls calls the “educational role of a public political conception.” As I noted in my discussion of Tomlin, Rawls depends heavily on the role of institutions in shaping the beliefs and motivations of citizens of a well-ordered society. Through engaging with just institutions, citizens come to conceive of themselves as free and equal citizens “engaged in mutually advantageous social cooperation” (*R*, 125). The second reason is that the most advantaged will “see themselves as already benefited by their fortunate place in the distribution of native endowments...” (*R*, 126). The third reason, in Rawls’s words, is that

[O]nce it is publicly understood that 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 (*R*, 126).

These three reasons share the idea that just institutions shape the perceptions of the more advantaged to see themselves as playing a particular role in a well-ordered society: to benefit everyone (including themselves) through their productivity. Is the institutionalization of reasonable envy as Green prescribes compatible with the most advantaged coming to see themselves as occupying this role? I suggest not for two reasons.

First, regulation that singles out the most advantaged for regulation with negative consequence is a public action. What such regulation says to this class is: we don't care if your unequal wealth would benefit us all. We would rather have less in the long-run than allow you to have more here and now. Confronted with reasoning of this sort, *why* (or even *how*) would the most advantaged see themselves as "engaged in mutually advantageous social cooperation?" Why wouldn't they just view this regulation as vicious? Accordingly, Green's argument abandons the crucial value of reciprocity. So-called reasonable envy undermines the most advantaged class's reasons to see themselves as fulfilling their social role. As previously noted, Green does not engage the importance of reciprocity to Rawls's case for the difference principle. Green only mentions reciprocity once, and this is to contrast the idea of redress with reciprocity.³¹ Second, reasonable envy towards the most advantaged in effect accuses them of insincerity in their allegiance to principles of justice. In his concluding remarks, Green provides an interesting commentary on the etymology of envy. Envy literally means "hostile look," and that "envy most basically involves a suspicion toward a particular person or class and, so, an

³¹ Ibid., 130.

identification of them.”³² This invocation of suspicion in relation to justice is puzzling, as suspicion is at odds with the value of civic friendship. To clarify this, I will appeal to Rawls’s concept of the strains of commitment.

Rawls invokes the strains of commitment to defend justice as fairness against the alternative of utilitarianism. Parties in the original position “must ask themselves whether those they represent can reasonably be expected to honor the principles in the manner required by the idea of an agreement” (*R*, 103; see also *TJ*, 175/153). People cannot agree in good faith to principles they cannot affirm over a complete life. When the strains of commitment are excessive, people have two reactions (*R*, 128). The first reaction is of a bitter, violent nature. But Rawls’s description of a second, milder reaction is of relevance to the present discussion:

We feel left out; and, withdrawn and cynical, we cannot affirm the principles of justice in our thought and conduct over a complete life. Though we are not hostile or rebellious, those principles are not ours and fail to engage our moral sensibility (*R*, 128).

While the strains of commitment often focus on the prospective position of the least well-off, the difference principle asks those at the top to make sacrifices. Both Thomas Nagel and Robert Nozick criticize Rawls for underplaying the justification of the difference principle to the more advantaged.³³ What is common to these concerns, and what I suggest is the substantive concern behind the objection that envy motivates egalitarianism, is that redistributive policies aimed solely at limiting the wealth of others encourage social divisiveness. However, Rawls adequately responds to this worry when he provides reasons (outlined above) why the more (and thus most) advantaged would affirm a society governed by liberal principles of social justice. On the other

³² *Ibid.*, 137.

³³ Thomas Nagel, “Rawls on Justice,” in *Reading Rawls: Critical Studies on Rawls’ Theory of Justice*, ed. Norman Daniels (Stanford, CA: Stanford University Press, 1975), 13. Nozick, *Anarchy, State, and Utopia*, 192-197.

hand, Green's proposal ignores how the perspective of the most advantaged matters to the proper implementation of liberal justice. Specifically, Green overlooks the relation of social unity to the principles of justice and their stability. Imposing mutually harmful regulation impacts the most advantaged in just the way described above: they feel left out, withdrawn, and cynical.

For these reasons, I find Green's view of envy in Rawls mistaken. In making these arguments, I do not want to be read as arguing that ideal legislators can *never* identify and/or regulate the economic expectations of the most advantaged. Rather, my point is to push for interpretative latitude for ideal legislators implementing principles of justice, particularly the difference principle. Rawls suggests this when considering the permissibility of civil disobedience in the name of the difference principle: "the appeal to justice is not sufficiently clear and its resolution is best left to the political process."³⁴ Furthermore, we cannot ignore the perspective of the most advantaged given the crucial value of reciprocity. That being said, I do think envy has a role to play outside the question of stability – in facing injustice.

Envy and Injustice

While Green resists the realm of nonideal theory, or principles designed to transition from our current unjust state of affairs to a more just state of affairs, his allusions to current policy trends in taxation and inheritance suggest that contemporary injustices motivate his project.³⁵ In this section, I will defend the suggestion that envy might yet have a role to play in facing injustice. While we do not want our ideals of justice influenced or shaped by envy for the reasons presented earlier, we may think that envy (as well as potentially other vicious emotions) is useful insofar as it may motivate action against injustice under nonideal circumstances.

³⁴ John Rawls, "The Justification of Civil Disobedience," in *CP*, 184.

³⁵ Green, "Rawls and the Forgotten Figure of the Most Advantaged," 137.

Under our own unjust circumstances, we regularly see policies that favor the most advantaged defended in terms of helping the least advantaged by incentivizing productivity – so called trickle-down economics. Some may think that a Rawlsian theory should embrace this inequality on these grounds. Similarly, Rawls’s project is often taken as a justification of the modern welfare state.³⁶ This is a mistake. Rawls rejects welfare capitalism for it “permits a small class to have a near monopoly of the means of production” (*R*, 138). For Rawls, such concentrations of wealth are incompatible with the principles of justice insofar as they undermine fair equality of opportunity as well as the fair value of political liberties, values that take priority to the difference principle. Given this, appealing to the difference principle to justify unequalizing incentives without the proper background institutions in place seems insincere, or at least not what it was intended for.

G.A. Cohen, writing partially in response to Nigel Lawson’s 1988 proposed income tax cuts to the top rate in the UK, questions the moral credentials of offering unequalizing incentives to wealthy.³⁷ Cohen points to a tension in the argument: if what we care about is the interests of the least advantaged, then why do we leave unquestioned the motives and behavior of the more advantaged that render unequalizing incentives necessary? If the more advantaged *genuinely* cared about the interests of the least advantaged, they wouldn’t demand such incentives to operate productively. Cohen suggests that granting grossly unequal incentives for the rich is akin in some ways to paying ransom to a kidnapper – while doing so may be the right thing to do all things considered, the rich (or the kidnapper) cannot sincerely justify receiving this payment given their responsibility for the situation.³⁸ This observation seems particularly potent against

³⁶ For example, Steven B. Smith, “The Philosopher of Our Times,” *The New York Sun*, May 11, 2007, accessed December 30, 2013 at <http://www.nysun.com/arts/philosopher-of-our-times/54265/>.

³⁷ Cohen, *Rescuing Justice and Equality*, 34-35.

³⁸ *Ibid.*, 63-64.

the current background of gross inequality. Such inequality largely does seem the product of strategic political bargaining (or what Rawls calls “at best a regulated rivalry,” *TJ*, 226/199) rather than genuine social cooperation. A natural question to ask is what should be done?

Whether or not reduced taxes increase productivity is a contentious empirical issue. For argument’s sake, let’s assume that it is true (here and now) that the more advantaged will work less hard and be less productive if tax rates are substantively raised. One response is to capitulate, and accept that reducing taxes is the best way to benefit the least advantaged. This would be understandable. However, Cohen suggests that it would not be unreasonable for us to reject the incentives argument: “[R]ejection by the poor of the proposal made by the rich is not necessarily irrational: uncooperative anger is one rational response to what the rich say.”³⁹ This seems like a clear-cut case of envy: rancor that includes a willingness to incur losses to deprive others of their superior goods. But it isn’t *merely* envy.

An interesting change between the 1971 and 1999 version of *TJ* is that, in the former, Rawls suggests that rejecting productive inequalities is “short-sighted,” while in the latter Rawls drops this language (*TJ*, 151, 1971 edition). It may be that Rawls realized that rejecting such inequalities is not always short-sighted. Sometimes rejection of productive inequalities could be justified in terms of looking to the long-term justice of a society. In situations such as our own, excusable envy is constructive at the level of nonideal theory as it may help us get to a just society. I interpret Rawls as suggesting this when he notes, “Indeed, we can resent being made envious, for society may permit such large disparities in these goods that *under existing social conditions* these differences cannot help but cause a loss of self-esteem” (*TJ*, 534/468, emphasis mine). Excessive inequalities are problematic for self-respect as they occur in societies that do

³⁹ Ibid., 65.

not fully satisfy *either* principle of justice. For Rawls, a just society mitigates envy and bolsters self-respect as citizens have the requisite resources to execute their life-plan. The difference principle in conjunction with the lexically prior fair value of political liberties and fair equality of opportunity makes sure of that. Further, persons do not come to develop the appropriate sense of justice without just institutions. It is this sense of justice that reframes inequalities such that they are tolerable or understandable by the least advantaged. Moreover, this sense of justice motivates the more advantaged to not spite or hold in contempt the least advantaged, and restrain themselves from exploiting their superior talents. Just institutions, then, work in multiple ways to “put in the hands of citizens generally, and not only of a few, sufficient productive means for them to be fully cooperating members of society on a footing of equality” (R, 140).

Under current circumstances, we do not have fair equality of opportunity nor do we have the fair value of political liberties given the high concentrations of wealth in a small proportion of society. Appealing to the difference principle to justify unequalizing incentives is inappropriate here and now, as it serves to only exacerbate such inequalities. This undercuts the self-respect of the least advantaged in at least two ways. First, the least advantaged may not have the requisite resources execute their life-plan independent of others. Where quality of education is largely a product of the social class one is born into, it is hard to say that everyone can live out their life-plan. Second, the ideal of fraternity is not embodied in what social and economic policy we *do* have to help the least advantaged. The welfare state treats the least advantaged as a charity case, rather than as participants in social cooperation. This isn’t strictly independent from the lack of fair equality of opportunity, as “given the lack of background justice and inequalities in income and wealth, there may develop a discouraged and depressed underclass many of whose members are chronically dependent on welfare” (R, 140). Against this background, we might

think envy is constructive as, “for those suffering this hurt, envious feelings are not irrational; the satisfaction of their rancor would make them better off” (*TJ*, 534/468). If this is the case, then envy may have a role to play: moving us towards a just, well-ordered society.

Of course, there are a number of questions suggested by this idea. What are the bounds of this excusable envy? When is excusable envy valuable? While I cannot give precise conditions on when envy is excusable and when it is not, it does seem that excusable envy is most useful in situations where civility and dialogue have broken down. Consider the current situation, where talents are regularly leveraged as a bargaining tool in political debates over tax rates. It is difficult to suggest that the more advantaged act reasonably in Rawls’s terms. Rather, individuals consider what is in their rational best self-interest with half-hearted reference to a common standard of justice. At the very least, it seems that many are blind to realities of inequality today – reflected in the almost constant charge that social criticism of such inequality is about envy rather than justice.⁴⁰ Under circumstances such as our own, envy does not damage social unity, as there is limited social unity to damage. Our situation is at best a constitutional consensus, where actors only agree upon the procedures through which disagreements are solved and not so much on a shared ideal of justice (*PL*, 158-159). In this way, my approach to excusable envy injects a bit of realism into Rawlsian theory. A Rawlsian can acknowledge that appealing to a sense of justice does not always work, because other interests get in the way. Where we lack the right institutions and motivations, we may have to employ less attractive aspects of human psychology to motivate action in the face of injustice. As noted earlier, where reciprocity is not the norm, envy may be the best reply.

⁴⁰ In addition to the epigraph, consider billionaire Tom Perkins’s recent insinuation that concern about levels of inequality somehow relates to Kristallnacht. There is a degree of tone deafness in comments such as these (to put it lightly).

One might ask, why doesn't my reply to Green also apply to the suggestion put forth here? Why doesn't excusable envy under unjust circumstances alienate the rich? Where is the reciprocity? My response is that reciprocity in a thick sense does not hold under unjust circumstances. As noted, welfare capitalism treats the least advantaged as charity cases rather than reciprocating participants in social cooperation. Given the lack of social reciprocity, I follow Rawls when he says, "We do not consider the strains of commitment that might result from some people having to move from a favored position in an unjust society to a less favored position (either absolutely or relatively, or both) in this just society."⁴¹ Of course, there are limits on what is permissible in nonideal theory. Principles of nonideal theory must be morally permissible, politically possible, and effective.⁴² Political possibility and effectiveness should be measured in terms of contributions towards achieving a fully just society rather than addressing individual counts of injustice.⁴³ Given this, a stronger version of this objection begins with the observation that envy is divisive and damaging to social unity. Then moves to the position that rejecting cooperation with the more or most advantaged ultimately hinders our ability to achieve a just society. There is something to this claim. Overly zealous persecution of those well off may induce Randian fantasies where these members exit society for greener pastures. Vilification of the rich is inexcusable insofar as it inflicts deep wounds in social relations. Moreover, some might worry that rancor may boil over into morally impermissible violence against the rich as a result of such vilification. However, excusable envy does not require such persecution and vilification. Small steps towards a more egalitarian society seem appropriate, even if each of these have short-term costs to society. I cannot tell you what the exact path to a more just society

⁴¹ John Rawls, "Reply to Alexander and Musgrave," in *CP*, 251.

⁴² Rawls, *The Law of Peoples*, 89.

⁴³ A. John Simmons, "Ideal and Nonideal Theory," *Philosophy & Public Affairs*, 38 (2010), 21-25.

is. My point is that some action against increasing inequality is surely required, even if it results in some short-term mutual disadvantage. To believe otherwise is to forgo the possibility of *ever* achieving a more just society.

Another objection to my proposal is that I am not describing envy; I am describing resentment. Recall that envy is not a moral feeling because it does not refer to moral concepts such as justice. Resentment, on the other hand, is a moral feeling. We feel resentment towards those who benefit from and propagate injustice. On Richard Norman's account, unjust inequality is of the same species as free riding and provokes resentment in this way.⁴⁴ Given this, hostility towards unjust inequality is resentment, not envy. My response is that I do not take excusable envy to be a moral feeling, nor a replacement for resentment. Rather, I take excusable envy to be just that: excusable. While we can conceptually separate envy and resentment and other forms of rancor, it is difficult in practice to separate what really motivates actors. Our various emotional responses to inequality seem entangled. It may be in many cases that envy transmutes into resentment through *post hoc* rationalization. Jon Elster draws attention to how reason reframes situations in order to transmute passions into other passions to avoid psychic costs. Envy is an emotion we are particularly ashamed of, and find difficult to admit to others and even ourselves. To avoid such shame, cognitive reframing of a situation can turn envy into righteous anger.⁴⁵ My claim here is not that all righteous anger is a rationalization of envy, but that resentment of the rich at times surely has its source in envy. If this is the case, this envy is excusable rather than reasonable or justified. Of course it does not follow that actions motivated as such are not reasonable or justified. After all, the question of justice is prior to the question of moral psychology.

⁴⁴ Norman, "Equality, Envy, and the Sense of Justice," 43-54.

⁴⁵ Elster, *Alchemisties of the Mind*, 350-355.

Conclusion

In this paper, I have sought to clarify Rawls on envy. In doing so, I have tried to accomplish three goals. First, I brought further evidence to bear on the importance of stability to justice as fairness, and how just institutions mitigate envy as a destabilizing factor. In doing so, I argued that Tomlin's and Green's treatment of envy overlooks this feature. Second, I showed that behind the charge of envy is a worry about interclass unity – policy that purposefully seeks out and regulates the more advantaged without accompanying benefit undermines the value of reciprocity. Finally, I expanded Rawls's account of envy to demonstrate how envy might play a constructive role at the level of nonideal theory as a motivation for action. While my arguments operate primarily within a Rawlsian framework, the issues they raise bear importance to liberal theory more generally. Concerns about the link of inequality to social unity and how we should deal with unjust circumstances are not unique to Rawls's theory. With my review on envy complete, I will conclude by briefly raising a remaining puzzle for Rawlsian theory.

Earlier, I pointed out the Rousseauvian features of Rawls's account. Institutions governed by the principles of justice should mitigate excusable envy through limiting inequality and providing equal liberties and fair opportunity. Further, Rawls has an overriding faith that just institutions will instill the appropriate sense of justice, shaping the response of citizens in a well-ordered society to inequality. Critics point out that Rawls's focus on absolute welfare underplays the effects of status and relative welfare on self-respect. Thomas Pogge notes, "[E]nvy is hardly the only reason for being concerned with one's relative index position. One might reasonably be concerned for one's access to various *positional* goods...."⁴⁶ Thomas Nagel similarly argues,

⁴⁶ Pogge, *John Rawls*, 116. Emphasis in original.

“Rawls is too willing to rely on equal liberty as the support of self-esteem; this leads him to underrate the effect of differential rewards on people’s conception of themselves.”⁴⁷ Now, it may be the case relative position negatively impacts self-respect, but it is not clear that more egalitarian theories of justice do better on this account. After all, relative position isn’t limited to comparisons of wealth.⁴⁸ Regardless, the question still stands: do just institutions have the effect Rawls believes they do? If not, how should we respond to the problem of envy? These are difficult questions that liberal theorists should take seriously.

⁴⁷ Nagel, “Rawls on Justice,” 13n.

⁴⁸ See Emily McTernan’s critique of an egalitarian ethos on the grounds that it harms self-respect and mutual respect. “The Inegalitarian Ethos: Incentives, Respect, and Self-Respect,” *Politics, Philosophy, & Economics*, 12 (2013), 93-111.