

Completing Rawls's Arguments for Equal Political Liberty and its Fair Value: The
Argument from Self-Respect

Word Count: 10 962

John Rawls bases his support for the moral importance of democracy on a conception of citizens' higher-order interests. On his view, citizens conceive of themselves as having a higher-order interest in the development and exercise of their two moral powers – the capacity for justice and the capacity for a conception of the good. Rawls argues that a secure sense of self-respect is essential for the adequate development and full and informed exercise of the two moral powers, and that equal political liberty and its fair value is needed to ensure a secure a sense of self-respect.

Despite the vast literature on Rawls's work, few have discussed his arguments for the value of democracy. When his arguments have been discussed, they have received staunch criticism. Some critics have charged that Rawls's arguments are not deeply democratic. Others have gone further, claiming that Rawls's arguments denigrate democracy.¹ These criticisms are unsurprising, since Rawls's arguments, as arguments that the principle of equal basic liberty needs to include democratic liberties, are incomplete. In contrast to his trenchant remarks about core civil liberties, Rawls does not

¹ Rawls's most ardent critics are, perhaps, Steven Wall, "Rawls and the Status of Political Liberty," *Pacific Philosophical Quarterly* 87(2006): 245-270 and, more recently, Jason Brennan, "Political Liberty: Who Needs It?", *Social Philosophy and Policy* 29.01:1-27. Meena Krishnamurthy, "Reconceiving Rawls's Arguments for Equal Political Liberty and its Fair Value: On our Higher-Order Interests," *Social Theory and Practice*, 38.2 (2012): 258-278; Joshua Cohen, "For A Democratic Society," in *The Cambridge Companion to Rawls*, ed. Samuel Freeman (Cambridge: Cambridge University Press, 2003), pp. 86-138; Amy Gutmann, "Rawls on the Relationship between Liberalism and Democracy," in *The Cambridge Companion to Rawls*, ed. Samuel Freeman (Cambridge: Cambridge University Press, 2003), pp. 168-199; and Harry Brighouse, "Political Equality in Justice as Fairness," *Philosophical Studies* 86.2 (1997): 155-184 are largely in support of Rawls's arguments.

say much about the inclusion of political liberties of a democratic sort – such as the right to vote – among the basic liberties.

In what follows, I will complete some of Rawls’s arguments and show that he has grounds for including political liberties, particularly those of a democratic nature, in the principle of equal basic liberty. In doing so, I will make some beginning steps toward illustrating the genuinely democratic nature of Rawls’s arguments.

My paper takes the following form. In section 1, I make some preliminary remarks about Rawls’s arguments. In sections 2 and 3, I develop one of Rawls’s main arguments for equal political liberty and its fair value, namely the argument from self-respect. In section 4, I explain the significance of this argument. In section 5, I defend this argument against objections. In section 6, I give some final thoughts about the implications of the argument from self-respect for Rawls’s broader theory of distributive justice. In particular, I argue that the argument from self-respect, at minimum, supports restrictions on the difference principle and may even require a principle of redistribution that is more demanding than the difference principle.

§1. Preliminaries

Rawls argues for what he calls “the special conception of justice.”² This conception consists of three principles: *the principle of equal liberty*, *the principle of fair equality of opportunity*, and *the difference principle*.

The principle of equal liberty states that “each person is to have an equal right to the most extensive system of equal basic liberties compatible with a similar system of

² Rawls’s special conception of justice, which prioritizes liberty, is to be implemented only after society reaches a certain level of material well-being. Prior to this point, the general conception of justice applies and the difference principle arranges the distribution of all social primary goods, including liberty.

liberties for all.”³ Among other things, it requires protection of the political liberties such as the rights to vote and to hold public office.⁴ Also included in the first principle is “a proviso” that the political liberties, and only the political liberties, are to be guaranteed their fair value.⁵ This means that the worth (or usefulness) of political liberties must be sufficiently equal in the sense “that citizens similarly gifted and motivated have roughly equal chance of influencing the government’s policy and of attaining positions of authority irrespective of their economic and social class.”⁶

The second principle states that social and economic inequalities are to be arranged so that they meet two conditions: (i) social and economic inequalities must be attached to offices and positions open to all under conditions of fair equality of opportunity, which means that those who have similar levels of talent and motivation should have the same prospects of success regardless of socioeconomic position (this is the principle of *fair equality of opportunity*); (ii) social and economic inequalities must be to the benefit of the least advantaged (this is the *difference principle*).⁷

Moreover, Rawls argues that the first principle is prior to the others; that is, the second principle is always to be applied within institutions that satisfy the requirements

³ John Rawls, *A Theory of Justice* (Cambridge: Belknap Press of Harvard University Press, 1999) (hereafter *ATJ*), p. 220. For Rawls, “liberty” simply means that persons are not under a constraint (or a set of constraints) to do (or not to do) a particular act (or particular acts). Rawls is concerned with liberty in the sense of constitutional and legal restrictions.

⁴ *Ibid.*, p. 53. While Rawls often refers to the right to vote and the right to hold public office as examples of political liberties, he never gives us a complete list of the political liberties. Rawls suggests that a list of basic liberties can be drawn up by considering “what liberties provide the political and social conditions for the adequate development and full exercise of the two moral powers” (*Justice as Fairness: A Restatement* (Cambridge: Harvard University Press, 2001) (hereafter *JF*), p. 45). The political liberties are distinguished from other liberties in the sense that they “enable citizens to develop and exercise their two moral powers in judging the justice of the basic structure of society and its social policies” (*JF*, p. 45).

⁵ *JF*, p. 149.

⁶ John Rawls, *Political Liberalism* (New York: Columbia University Press, 1996) (hereafter *PL*), p. 358.

⁷ *JF*, pp. 44-46.

of the first principle – this is *the doctrine of the priority of liberty*.⁸ For Rawls, the priority of liberty means that “liberty can only be limited for the sake of liberty itself.”⁹ Basic liberties can only be restricted when they come into conflict with other basic liberties. They cannot be limited for the sake of greater social or economic advantages, for example.¹⁰

Rawls offers his arguments for democracy as a package deal. He believes that a few different arguments can be given for democratic institutions but that these arguments work together to support the value of democracy.¹¹ His arguments can generally be divided into two groups. The first set of arguments focus on the content of some of our “fundamental aims,” aims which are commonly part of our conceptions of the good, and the second focus on our “higher-order” interests, interests which flow from our moral powers as citizens.¹² In this paper, I focus on Rawls’s arguments relating to self-respect, which are of the latter sort.¹³ I focus on this set of arguments because they are among the strongest of Rawls’s arguments for equal political liberty and its fair value.

⁸ *JF*, p. 46.

⁹ *ATJ*, p. 214.

¹⁰ It is worth noting that the priority of liberty holds only when social and economic development is enough for effective exercise of basic liberties. Until this point, it may be permissible to forgo certain political rights for the sake of significant social or economic returns. For example, if citizens are starving and only a benevolent dictator would be able to provide enough food for everyone, then an undemocratic political order might be permissible on Rawls’s view. See n. 2 p. 3.

¹¹ I say “work together” here because it is difficult to specify what exactly Rawls thinks is the relationship between these different sets of arguments. It is clear on his view that the arguments are mutually reinforcing in the sense that they all generally push us toward the acceptance of equal political liberty and its fair value, though there may be some differences in the extent to which he thinks the arguments do this. However, it is unclear, without further examination of each set of arguments in detail, whether any of them are sufficient, in themselves, to establish equal political liberty and its fair value. The argument from self-respect is perhaps the best candidate for such an argument.

¹² *ATJ*, p. 475. See also Cohen, “For a Democratic Society,” p. 104.

¹³ My goals in what follows are rather limited. My main aim is to show that a principle requiring equal political liberty and its fair value is an appropriate component of Rawls’s theory of justice. To this end, I want to show that Rawls’s strategy for justifying equal political liberty and its fair value is compelling. I will not attempt to defend the priority of liberty, that is, the priority that Rawls gives to the political liberties over other goods such as economic wealth. I will also not attempt to support Rawls’s claim that only the political liberties are entitled to the guarantee of fair value. It may be that cases can be given for

§2. The Argument from Self-Respect

Rawls's main argument for equal political liberty and its fair value is grounded in a concept of self-respect, a concept which is, in turn, grounded in Rawls's political conception of the person.

On Rawls's view, the person (or citizen) is conceived as having two moral powers: a sense of justice and a capacity for a conception of the good.¹⁴ "A sense of justice is the capacity to understand, to apply, and to act from the public conception of justice which characterizes the fair terms of social cooperation."¹⁵ The capacity for a conception of the good is the capacity to form, to revise, and to rationally pursue a determinate conception of the good, a conception of what is valuable in human life.¹⁶ In addition to these two moral powers, persons are conceived as having, at any given time, a determinate conception of the good that they try to achieve.

Rawls's conception of the person is a political conception in the sense that it is "a conception that is suited for the basis of democratic citizenship."¹⁷ Following in the

including both of these aspects in Rawls's theory of justice, but exploring these matters is beyond the scope of this paper.

¹⁴ It is important to note that Rawls makes a shift from using "person" in *ATJ* to using "citizen" in *PL* to describe his moral conception of the person. Rawls makes this shift largely because of his desire, in *PL*, to develop a more fully political conception (rather than relying on a moral/Kantian conception) of the person. Throughout this paper, I will follow Rawls's use of "citizen" in *PL* to refer to his political conception of the person. This is because I am most concerned with developing his political (and not moral) argument, which is given in *PL*, for equal political liberty and its fair value. It is, however, important to note that while Rawls's political argument for equal political liberty and its fair value was only given full expression in *PL*, some of the main strains of the argument were first developed in *TJ*. As a result, the argument, as he gives in it *PL*, relies on some of what he writes in *ATJ*. In what follows, I rely on *ATJ* only to the extent that it is necessary to complete the argument given in *PL*.

¹⁵ *PL*, p. 19.

¹⁶ *Ibid.*, p. 19. A conception of the good usually "consists of a more or less determinate scheme of final ends, that is, ends we want to realize for their own sake, as well as attachments to other persons and loyalties to various groups and associations" (*Ibid.*, p. 19).

¹⁷ *Ibid.*, n. 20 p. 18.

tradition of democratic thought, citizens are viewed as free and equal persons. Citizens have equal status by virtue of their possession of the two moral powers: having the two powers to the minimum degree necessary to be a fully cooperating member of society makes citizens equal (not socioeconomic position or natural abilities).¹⁸

Rawls argues that we have a higher-order interest in the development and exercise of the two moral powers.¹⁹ This is because it is either a means to or a part of our good. Rawls also argues – and this is particularly important for our topic here – that a secure sense of self-respect is essential to the adequate development and the full and informed exercise of the two moral powers.

Rawls is concerned with the self-respect of citizens as free and equal persons.²⁰ On his view, self-respect is a sense of oneself as having equal status or equal value as a citizen, which “is rooted in our self-confidence as a fully cooperating member of society capable of pursuing a worthwhile conception of the good over a complete life.”²¹ Self-respect involves two elements: (i) a sense of one’s equal worth rooted in the capacity to develop and to exercise the two moral powers, the capacity for justice and the capacity for a conception of the good, necessary to be a fully cooperating member of society; (ii) a sense of one’s equal worth rooted in the belief that one’s conception of the good and plan of life are worth carrying out.²²

Rawls argues that self-respect is important to citizens because “without self-respect nothing may seem worth doing or if some things have value for us, we lack the

¹⁸ c.f., p. 19.

¹⁹ “To say that these interests are ‘higher-order’ interests means that, as the fundamental idea of the person is specified, these interests are viewed as basic and hence as normally regulative and effective” (Ibid., p. 74).

²⁰ *PL*, 319.

²¹ Ibid., p. 318.

²² Ibid., p. 319.

will to strive for them. All desire and activity becomes empty and vain, and we sink into apathy and cynicism.”²³ If we do not have a secure sense of self-respect, then we will no longer see our ends and aims as worth pursuing; they will cease to be of value to us. When we feel that our ends have little value, we will not be motivated to pursue them. In turn, I suggest, we will not be motivated to develop and to exercise our two moral powers, for we have an interest in developing and exercising the two moral powers only because they can be a means to, as well as a part of, our good. In short, without a secure sense of self-respect, we will not be motivated to develop and to fully exercise our two moral powers. To the extent that we have a higher-order interest in exercising and developing these two powers, “parties in the original position would wish to avoid at almost any cost the social conditions that undermine self-respect.”²⁴

For this reason, Rawls argues that self-respect is a primary good – a good that is necessary to realizing the two moral powers and that the state is responsible for distributing. However, he has in mind here “not self-respect as an attitude toward oneself but the social bases of self-respect.”²⁵ “The social bases of self-respect are those aspects of basic institutions that are normally essential if citizens are to have a lively sense of their own worth as moral persons.”²⁶

²³ *ATJ*, p. 386; *PL*, p. 318.

²⁴ *ATJ*, p. 386.

²⁵ *JF*, p. 60.

²⁶ John Rawls, “Social Unity and the Primary Goods,” *Collected Papers*, Samuel Freeman (ed.) (Cambridge: Harvard University Press, 1999), p. 366; hereafter *CP*. See also *CP*, p. 314 and *ATJ*, p. 256. Rawls focuses on the social bases of self-respect rather than the personal attitude of self-respect for two reasons. First, it is not the role of the state to distribute self-respect as an attitude toward oneself, because this is not something that the state can in itself distribute. The most that society can legitimately do (i.e., without too much interference in private life) is to provide the social bases for realizing self-respect. Second, certain social bases of self-respect are essential to citizens’ secure sense of self-respect. Self-respect is not something that we are born with. It is something that must be learned and encouraged over time. As Rawls writes, “basic institutions must educate people to this conception of themselves . . . Acquaintance with and participation in . . . public culture is one way citizens learn to conceive of themselves as free and equal, a conception which, if left to their own reflections, they would most likely

We must now consider what it is to be respected by others, on Rawls's view. We are respected when we are treated and regarded in ways that "confirm the sense of our own worth."²⁷ We regard ourselves as having equal worth (as citizens) by virtue of our having (i) the capacity to develop and to exercise the capacity for justice and the capacity for a conception of the good and (ii) a conception of the good that is worth pursuing. In turn, we must be treated and regarded by others in ways that express an acknowledgment of our being an equal member in the system of social cooperation by virtue of our having (i) and (ii).

With this background information in mind, Rawls argues that a less than equal political liberty would establish peoples' position in public life, or social institutions, as inferior. He suggests that peoples' equal worth is respected by social institutions only when all individuals have the same political rights and liberties. Thus, if we wish to ensure a secure sense of self-respect, we would not accept anything less than equal political liberty.

§3. The Argument from Self-Respect Developed

As of yet, Rawls has not give us any reasons for why he holds that peoples' equal worth is respected by social institutions only when all individuals have the same political rights and liberties. The argument from self-respect is meant to provide such reasons.

His arguments can be divided into two strains. The first emphasizes the threat to self-

never form, much less accept and desire to realize" (*JF*, p. 56.) Thus, Rawls suggests, "self-respect depends upon and is encouraged by certain public features of basic social institutions, how they work and how people who accept these arrangements are expected to (and normally do) regard and treat one another" (*PL*, p. 319). On Rawls's view, citizens' sense of self-respect is diminished unless social institutions express equal respect.

²⁷ Rawls uses this phrase in *ATJ*, p. 389. Joshua Cohen makes a similar suggestion in "For a Democratic Society," p. 109.

respect that is posed by being excluded from the process of political decision-making (3.1). The second emphasizes the threat to self-respect that is posed by the outcomes that are likely to result from such exclusion (3.2).

3.1 Though Rawls may not have recognized this, part of having the capacity for a conception of the good involves having a conception of the public good, a conception of what is valuable in public life. To some extent, the capacity for justice and the capacity for a conception of the good overlap: both involve a vision of the way in which society is to be arranged. Suppose that racial minorities are denied the right to vote. On Rawls's view, racial minorities would be unable to maintain a secure sense of their equal worth. As citizens, our sense of equal worth is grounded in our ability to exercise our two moral powers. So, to respect us is to treat and to regard us in ways that take our exercise of these powers to be of equal value. If racial minorities are denied the right to vote while racial non-minorities are not, then the equal worth of racial minorities is not affirmed.²⁸ Excluding racial minorities from the process of political decision-making, by denying them voting rights, suggests that their two moral powers are less important, less valuable than others'. In particular, it suggests that their views on the public good and justice are of less value than those of White citizens, for example. This is because there are alternative arrangements available, namely, equal voting rights, that could easily be implemented and that would give equal weight to the views of racial minorities on justice and the public good. Insofar as we choose not to implement such alternative

²⁸ This only holds if we assume that all else is equal, that is, if we assume (as we should) that racial minorities have not been convicted of committing of severe crimes, are not insane, or not in possession of any other characteristic that would suggest that they lack the two moral powers to the level necessary to be considered a fully participating member in the system of social cooperation. If a citizen did lack the two moral powers to this level, then it would not necessarily be undermining of a citizens' sense of self-respect to deny them equal liberty to vote. For more on this issue, see n. 30 p. 10.

arrangements, it is suggested that the views of racial minorities on such things are not of significant value.²⁹ Under these conditions, racial minorities would not be able to sustain a secure sense of self-respect. Social institutions that exclude racial minorities from voting fail to affirm their equal worth as free and equal citizens and hence are undermining of their sense of self-respect as citizens. Thus, racial minorities would not be able to support institutions that did not support equal liberty to vote.³⁰

From the original position, we do not know whether we will be part of the racial minority or not. It may happen that we are part of the racial minority and that we may suffer accordingly. Given that we are concerned to ensure “at all costs” the social bases necessary for a secure sense of self-respect, we would not be willing to take chances by permitting lesser political liberties to racial minorities. Taking such chances would not be consistent with a deep and proper valuing of self-respect. Thus, we could not make a good faith agreement to uphold institutions that did not guarantee equal political liberty. The only acceptable choice is equal political liberty.³¹

²⁹ I assume that the publicity condition is satisfied here. Rawls believes that in a fully just society the relevant pattern of benefits is sought for publicly available reasons. This is to say, the basic justification for social arrangements in a fully just society is one that is available to everyone. This justification includes everything that would be said when the system of justice is set up and why we would proceed in one way rather than another (*PL*, 67).

³⁰ These arguments are not meant to suggest that all exclusion from public decision-making is insulting. For example, denying voting rights to inmates, particularly those who have committed severe crimes such as murder or sexual abuse, does not seem insulting in the same way that denying voting rights to minorities is. As with minorities, denying voting rights to those who have committed grave crimes certainly will suggest that their exercise of the two moral powers is of less significance or of less value than others'. But, unlike with minorities, it will not undermine inmates' sense of self-respect as citizens. Remember that as citizens we see ourselves as having equal worth in virtue of our having the two moral powers to the level necessary to be fully cooperating members of society. In committing such severe crimes, inmates have shown that they are not able to exercise the two moral powers – particularly the sense for justice – at this level. And so, as rational agents, we can suppose that inmates will recognize this and will see the denial of their voting rights as consistent with this fact and as a proper valuing of their capacities as citizens. In turn, I suggest, inmates will not have their sense of self-respect as citizens undermined, even if they are denied equal voting rights.

³¹ This example illustrates that self-respect seems to turn on having equal authority. It is interesting to note that we now have reason for rejecting a decent consultative assembly and for favouring equal voting rights instead. Imagine that in a consultative assembly racial non-minorities have greater authority over collective

Rawls suggests that an analogous argument can be made with respect to the fair value or equal worth of liberty: inequalities in the worth of political liberty undermine self-respect in the way that inequalities in political liberty do.³² Since Rawls does not explore this suggestion in any detail, it is worth at least briefly considering the form such an argument might take.

Imagine a society where the poor have the right to vote, but are less able to make effective use of their right to vote, say, because the wealthy are able to make greater contributions to political campaigns and, in turn, are more able to influence legislation.³³ If the poor have less of an opportunity to influence political outcomes than the rich, the suggestion is, their self-respect would be undermined for reasons similar to those in the last case.

The private financing of political campaigns is not consistent with ensuring self-respect.³⁴ To take *me* to be of equal value is to take *my exercise* of the two moral powers to be of equal value. Since the poor lack the funds to contribute to private political campaigns, private financing of political campaigns allows the views of rich citizens, on justice and the common good, to shape the course of public life to a much greater extent

decisions. This would be degrading of racial minorities' sense of self-respect. If non-racial minorities have more power than racial minorities over political decisions, it singles them out as inferior. It suggests that their exercise of the two moral powers is somehow of less value than others.' This is damaging of racial minorities' sense of self-worth. And so, to ensure a secure basis for self-respect, citizens will reject a decent consultative assembly and agree to equal voting rights (which are consistent with the self-respect of all citizens).

³² Rawls did not discuss the fair value of liberty and its connection to self-respect in *ATJ*, but he says later in *PL*, n. 29 p. 318, that "it should have been." This development is in response to Norman Daniels, "Equal Liberty and Unequal Worth of Liberty," in N. Daniels (ed.), *Reading Rawls* (Oxford: Basil Blackwell, 1975), pp. 253-281.

³³ This is an example that Rawls is particularly concerned with. See *PL* VII, §7, §12.

³⁴ What sorts of institutions will properly express an equal valuing of citizen's two moral powers is to some extent contingent on social or empirical factors. For example, if there were rough economic equality (as in Luxembourg), then perhaps private financing of political campaigns would not be inconsistent with self-respect. In such a society, equal influence over political decision-making might still be possible or even likely.

than those of the poor. Moreover, there are other equally feasible arrangements that are available and that allow the views of both the rich and the poor on justice and the common good to influence public life relatively equally – for example, public financing of political campaigns. Insofar as we choose not to take up such alternative arrangements, it suggests that the views of the poor on justice and the common good are not of significant value. If they were of significant value, we would not implement arrangements that give unequal weight to the views of the poor. We would implement institutions that allowed citizens to influence the course of public life in a more equal manner. Insofar such a scheme is available and is not taken up, it is suggested that the poor's exercise of the two moral powers is somehow less important than the rich's exercise of the two moral powers. As a result, the poor's sense of self-respect will be undermined.³⁵ Thus, insofar as agents within the original position are concerned to accept principles that ensure the social bases of self-respect, they would not permit unequal worth of political liberties. They would only accept equal worth of liberty.³⁶

In short, on this strain of Rawls's argument, the value of equal political liberty and its fair value stems from the importance of being able to participate in the process of decision-making to our sense of self-respect. Being excluded from the process of political decision-making as a fully participating and influential equal is diminishing of

³⁵ Again, I assume that the publicity condition is satisfied here.

³⁶ It is important to note that actual political participation is not necessary for ensuring one's sense of self-respect. This is because citizens' interest in political participation can be understood more as a valuing of having access to or having an opportunity to participate in political decision-making than it is a matter of actually participating in it. It seems plausible to think that even if women (as a group) did not tend to participate in political decision-making, they would be greatly insulted if they were prevented or disallowed from such participation. Even if they do not tend to actually participate in political decision-making, it would still suggest something negative about their exercise of the two moral powers (in particular) to exclude women. The disrespect that is expressed is independent of whether women would actually participate or not.

our sense of self-respect because it suggests that our exercise of the two moral powers is less important than others’.

3.2 Self-respect is damaged in such cases for reasons unrelated to the two moral powers. Our self-respect can be damaged when others do not treat us in ways that are consistent with regarding us as having a conception of the good that is worth pursuing. Developing this thought brings us to a second and distinct argument for equal political liberty and its fair value. In what follows, I will focus on the fair value of equal political liberty, but similar arguments can be given for equal political liberty as well.

Suppose, that because of their contributions to political campaigns, the rich are able to control the course of legislation to their advantage. Also imagine that the poor tend to live in one state or province. Because of the greater political influence of the rich, the poor persistently lose out. Many of the country’s garbage dumps are built there, less money is spent on schools and the maintenance of roads and other public buildings, for example. Under this kind of institutional arrangement, an undue burden is placed on one social group – the burden of social cooperation falls much more on the poor than the rich.³⁷ Any procedural arrangement that was known to be likely to have this effect would be rejected by parties in the original position. This is because the interests of the poor are disregarded by this kind of social arrangement, and the poor are encouraged to feel that this disregard exists at public sanction. This is undermining of the poor’s sense of self-respect.

Private financing of political campaigns allows the rich to control the electoral process to their advantage. As a result, the poor are less able to advance their own

³⁷ In discussing the fair value of liberty, Rawls suggests that “instituted arrangements must not impose any undue burdens on various political groups in society and must affect them all in an equitable manner” (*PL*, p. 357). I take myself, here, to explain why this is a requirement of equal respect.

interests. There are other arrangements, such as public financing of political campaigns, that are feasible and more conducive to the equal advancement of interests. Insofar as we choose not to take up such alternative arrangements, it suggests that the poor's interests are not of significant concern. For if they were, we would not implement institutions that allowed (or were likely to allow) their interests to be ignored. We would implement institutions that allowed the poor's interests to be advanced in a more equitable manner. Awareness of these points is likely to be undermining of the poor's sense of self-respect. It is hard to see ourselves as having equal value when social institutions establish or reinforce the view that our interests deserve less concern simply because of our membership in one rather than another social group.³⁸ Our interests and aims are part of our determinate conception of the good. They are part of our conception of what is valuable in human life. To dismiss our interests as being less worthy than others' is to suggest that our conception of the good is not as valuable as others', is not as worthy of pursuit as others'. This is undermining of our sense of self-respect.³⁹ Thus, given that agents wish to ensure the social bases of self-respect, they would not permit unequal political liberty or unequal worth of political liberty.

In short, on this strain of Rawls's arguments, the value of equal political liberty and its fair value lies in the importance to self-respect of the likely results of being involved in the process of political decision-making. Being excluded from the process of political decision-making as a fully participating and influential equal is diminishing of

³⁸ c.f., Charles Beitz, *Political Equality* (Princeton: Princeton University Press, 1990), p. 110.

³⁹ A person can continuously lose out simply because she does not know how to her exercise influence, say because she lacks charisma, or because she simply can find no support for her views in larger society. But perpetual loss under these circumstances is not undermining of self-respect. Perpetual loss in these cases seems more a matter of bad luck than it is a matter of being ignored or discounted. Because unlike in the last case, there is not much that society can do to change things, at least not without too much interference. For example, society could brainwash others into sharing your views, but this significantly interferes with citizens' liberties.

our sense of self-respect because it is unlikely to lead to the equal advancement of our interests. As a result, this exclusion suggests that our interests, interests that are part of our determinate conceptions of the good, are not of equal value or concern.

§4. The Importance of the Argument from Self-Respect

If we interpret Rawls in the ways I suggest, then not only does this locate Rawls in the centre of debates about the value and justification of democracy, debates that Rawls is usually thought to have little to offer to, but it also gives us insight into the value and justification of democracy.

On this account, the value of equal political liberty and its fair value is instrumental, but not straightforwardly so. To summarize, the argument for equal political liberty and its fair value comes in two strains. The first argument is that ensuring equal political liberty and its fair value is essential to expressing an equal valuing of citizens' two moral powers. Excluding some citizens from the process of political decision-making expresses an unequal valuing of their two moral powers, which is undermining of their sense of self-respect. The second argument is that ensuring equal political liberty and its fair value is essential to expressing an equal valuing of citizens' determinate conceptions of the good. Excluding some citizens from the process of political decision-making expresses a lack of concern with their interests and suggests that their conception of the good is not as valuable as others, which is undermining of their sense of self-respect. Ensuring the conditions of self-respect is important, on Rawls's view, because of its importance to securing our higher-order interests in developing and exercising our two moral powers. Without self-respect citizens will not

be motivated to fully develop and exercise their two moral powers. So, while the ultimate value of equal political liberty and its fair value is cashed out in terms of outcomes, value is also placed on the more process oriented aspects of equal political liberty and its fair value.

Rawls's account has two advantages over other more straightforwardly instrumental accounts, such as standard Utilitarian accounts, of the value of equal political liberty and its fair value. First, the second strain of Rawls's argument gives us an account that goes beyond the standard Utilitarian account of why we ought to equally advance citizens' interests by ensuring equal political liberty and its fair value. Most standard Utilitarian accounts of equal political liberty and its fair value, such as the Benthamite view, hold that its value (as secured through democratic arrangements) lies in its tendency to maximize well-being (or happiness) by protecting our material interests. The second strain of the Rawlsian argument says something similar. On Rawls's view, we ought to equally advance citizens' interests. However, on his view, the reasons for holding this are not Utilitarian. They are linked to Rawls's account of the higher-order interests, which are, in turn, linked to his political conception of the citizen. Rawls holds that we ought to advance citizens' interests equally because failing to do so would suggest that the interests of some citizens are not of equal value or importance. Suggesting this would be disrespectful because it would fail to express an equal valuing of those (disregarded) citizens' determinate conceptions of the good. In this way, the Rawlsian argument gives a justification that is different from the standard Utilitarian account for the equal advancement of interests and the related value of equal political liberty and its fair value. Those who are not convinced by the Benthamite (well-being

based) view or are of the view that self-respect is a core value or hold a similar conception of the moral person (or citizen) will be more convinced by Rawls's argument for the importance of equal political liberty and its fair value.

Second, the first strain of the Rawlsian argument gives grounding to the common intuition that, even if it did not work to secure our (material) interests, ensuring equal political liberty and its fair value is of importance. This is in contrast to other more commonly held instrumentalist views of the value of equal political liberty and its fair value. If it happens that, as a matter of fact, guaranteeing equal political liberty and its fair value does not ensure that our (material) interests are protected, then, on the Benthamite view, equal political liberty and its fair value are no longer of value. The first strain of the Rawlsian argument does not face this problem.⁴⁰ On this view, part of the value of equal political liberty and its fair value is purely procedural. Ensuring that all citizens are able to equally participate in and influence the process of political decision-making expresses an equal valuing of citizens as possessing the two moral powers to the extent necessary to be fully participating members in society. So, even if, in the end, ensuring equal political liberty and its fair value fails to ensure that our interests are equally advanced (or satisfied), they still have value.

The Rawlsian argument also advances upon other more standard arguments linking the value of equal political liberty and its fair value and self-respect. It has perhaps long been held that the value of equal political liberty and its fair value are tied

⁴⁰ Note that the second strain of the Rawlsian argument is open to a similar objection because of the emphasis it places on the equal advancement of interests. On this argument, if it happened that allowing the rich to have greater influence over political decision-making worked well toward equally advancing citizens' interests, then implementing such a policy would not express disregard for the interests of the poor. In turn, implementing such a policy would not suggest that the poor's conceptions of the good is not as valuable as those of the rich. This suggests that the first strain of Rawls's argument provides stronger support for the value of equal political liberty and its fair value.

tightly to self-respect. However, typically, the argument for this connection is empirical or psychological in nature. The argument is something akin to the following: under certain conditions (say, a culture like ours), citizens will predictably come to feel a diminished sense of self-respect when they are denied equally effective voting rights. The problem with this argument is that it gives us no reason for thinking that it is morally appropriate for individuals to come to feel this way when they are denied an equally effective vote.⁴¹

The Rawlsian framework gives us such reasons. Rawls's arguments from self-respect do not give us a merely psychological argument for the connection between self-respect and equal political liberty and its fair value. Rawls's arguments are steeped in "a *moral* psychology drawn from the political conception of justice as fairness . . . not a psychology originating in the sciences of human nature but rather a scheme of concepts and principles for expressing a certain political conception of the person and an ideal of citizenship."⁴² Self-respect, as Rawls conceives of it, is a moralized or normative concept. It is a concept that flows from the moral conception of the citizen, a conception of the citizen as having the two moral powers, and not the empirical sciences. On Rawls's view, citizens have a sense of self-respect when they have a sense of themselves as having equal worth in virtue of their possession of the two moral powers and a conception of the good that is worth pursuing. Their sense of self-respect is, in turn, properly dependent on being treated and regarded in ways that confirm this sense of equal

⁴¹ Jason Brennan (in "Political Liberty: Who Needs it?") has recently argued that Rawls's argument from self-respect (or "status") is based on contingent psychological facts. Though I cannot respond to his criticisms to the full extent they deserve, what I say here (on the normative, and not merely psychological, basis of Rawls's view) and below in 5.1 (on the, general, necessity of equal political liberty and its fair value to self-respect) should provide at least some preliminary reasons for thinking that Brennan misinterprets Rawls's arguments.

⁴² *PL*, p. 87.

worth. Being given an equally effective vote serves as an acknowledgment and confirmation of the equal worth that I, as a citizen, have. It is an expression of the fact that my capacity to reflect on justice and the common good is equal to others' and that my interests – which are part of my conception of the good – are of equal significance. In short, being given an equally effective vote confirms my equal status as a possessor of the two moral powers and as possessing a determinate conception of the good that is worthy of pursuit. On the contrary, refusing to give me an equally effective vote serves as a denial of my equal worth. As suggested above, it suggests that my exercise of the two moral powers is somehow lacking or that my interests are not of equal significance. Hence, being denied an equally effective vote is not a confirmation of my equal worth; it is best understood as an expression of my unequal worth. In turn, when I am denied an equally effective vote, it is appropriate for me, in the sense that I have good reasons, to have a diminished sense of self-respect.

§5. Objections

5.1 I have suggested that it is appropriate for citizens to feel a diminished sense of self-respect when they are denied equal political liberty and its fair value. However, both arguments also imply that, under certain conditions, citizens will necessarily feel a diminished sense of self-respect when they are denied equal political liberty and its fair value. For the sake of simplicity, consider the first strain of Rawls's argument.⁴³ On this

⁴³ Something similar holds true in relation to the second strain of the argument. If there are other alternative arrangements, such as equal voting rights or public financing of political campaigns, that would be more likely to ensure the equal advancement of citizens' interests and these alternatives are feasible, then denying equal voting rights or the fair value of such rights to racial minorities would necessarily suggest that their interests, which are part of their determinate conceptions of the good, are not of equal concern or value. This would be undermining of racial minorities' sense of self-respect.

argument, it follows that if there are other alternative arrangements that are feasible to implement and that would give racial minorities, for example, a more equally influential say, then denying them equal political liberty and its fair value necessarily suggests that their exercise of the two moral powers is of less value than those racial non-minorities who have equal political liberty and its fair value. One might object to this line of argument by suggesting that, even under such conditions, there are other ways of affirming self-respect than ensuring equal political liberty and its fair value, arguing that equal political liberty and its fair value are not necessary for self-respect.

Consider, for example, a caste society. In a caste society, those who belong (on the basis of heredity) to upper castes have administrative and judicial power. Yet, it seems possible for all members of such a society, even those who are members of lower castes, to maintain their sense of self-respect. As Rawls puts it, in such a society, “each person is believed to have his allotted station in the natural order of things . . . Men resign themselves to their position should it ever occur to them to question it; and since all may view themselves as assigned their vocation, everyone is held to be equally fated and equally noble in the eyes of God.”⁴⁴ In this society, people’s sense of self-respect comes from a belief of having equal worth in the eyes of God. And so, even though members of lower castes have unequal political liberties – in the sense that they have significantly less, if any, influence over political outcomes than those who belong to upper castes – they are able to maintain their sense of self-respect. It seems, then, that equal political liberty and its fair value are not necessary for self-respect.

Rawls attempts to respond to this objection. He argues, from the original position, “our problem is how society should be arranged if it is to conform to principles

⁴⁴ *ATJ*, p. 479.

that rational persons with true general beliefs would acknowledge.”⁴⁵ In other words, when we are attempting to decide the principles of justice that are to guide the arrangement of social institutions, we are not to be guided by obviously false beliefs. Thus, Rawls argues, “when the belief in a fixed natural order sanctioning a hierarchical society is abandoned, assuming here that this belief is not true, a tendency is set up in the direction of the two principles of justice in serial order.”⁴⁶ Rawls’s view is that once the belief in a fixed natural order is given up, “the effective protection of the equal liberties becomes increasingly of first importance in the protection of self-respect.”⁴⁷

Rawls’s response here is not satisfying. Insofar as his response relies on the view that belief in a fixed natural order or hierarchy is false, it seems to be inconsistent with the value and importance that both we and Rawls usually place on religious belief. But Rawls has the means for providing a more plausible response. I think, in the end, he would admit that there are some who derive their sense of self-respect from other aspects of life than the exercise of their two moral powers. Consider, for example, a deferential wife who derives her sense of self-respect from bowing, in all matters, to her husband’s will or an obedient Catholic who defers, in all matters, to the authority of the church. In both of these instances, the individual’s sense of self-respect is not derived from the development and exercise of the two moral powers.⁴⁸ Rawls suggests that we should not be concerned with this kind of person when making decisions about the basic structure of social institutions. Why might this be? He is making a judgment about what constitutes a proper sense of self-respect among those who view themselves as free and equal

⁴⁵ Ibid., p. 480.

⁴⁶ Ibid., p. 480.

⁴⁷ Ibid., p. 480.

⁴⁸ In both cases, one might argue, their sense of self-respect is actually enhanced by giving up the opportunity to develop and exercise their two moral powers.

citizens. On Rawls's view, free and equal citizens value themselves properly only when they "care about . . . opportunities in order to develop and exercise their moral powers [as citizens]" and "they show a lack of self-respect and weakness in character in not doing so."⁴⁹ Properly valuing oneself as a citizen involves valuing the development and exercise of the two moral powers.

It seems clear that from this perspective that the lower caste members' (proper) sense of self-respect will be undermined by a caste system. As part of properly valuing themselves, individuals will take their participation in political decision-making to be as valuable as others.' A caste society does not support or affirm this valuing. In a caste society, members of upper castes make decisions about the arrangements of social institutions, while members of lower castes are deemed as unworthy of participation in decision-making. In this scenario, the lower caste members' exercise of the two moral powers is branded as inferior to that of the upper caste members. As a result, members of lower castes will be unable to maintain their (proper) sense of self-respect within a caste society (a society where there is neither equal political liberty nor fair value of political liberty).

5.2 I have suggested that lower caste members' sense of self-respect is undermined when upper caste members have greater power or authority over decision-making than lower caste members.⁵⁰ It may seem that my arguments support the

⁴⁹ *PL*, pp. 76-77.

⁵⁰ On the view I have argued for, disrespect is shown when not everyone is valued equally. The disrespect associated with unequal voting rights is relative or comparative; it is a matter of some being viewed and treated as inferior relative to others. What if there is anarchism? In this case, no one has a vote and so, it would seem to follow, that no one is insulted or degraded. If this is right, then perhaps Rawls cannot use the argument from self-respect to explain the general significance or value of having the right to vote. This seems correct. Rawls's view is best understood as an institutional one. It is only when institutions are being designed and instated that the demand for equal political liberty and its fair value kicks in. This is not to say that Rawls has no reasons for preferring a system of law and government, more generally, over

conclusion that any disparity in political power necessarily suggests that those with less power are and must be seen as inferiors. This, however, would not seem to be the case. For example, people who hold public office, such as those who are President or Supreme Court Judges, have more authority than average citizens, but this is not usually considered to be undermining of their sense of self-respect (assuming that equality of opportunity holds). Similarly, consider, how in the United States, those individuals who live in sparsely populated rural states, such as Wyoming or Idaho, have more relative political power because of equal representation in the senate than those individuals living in densely populated states. Few people believe that this suggests the superiority of those living in Wyoming over those in New Jersey or New York.

Each example requires a different response. In response to the first example, it is important to note, the reasons explaining why I am not a Supreme Court Judge and do not have the authority of a Supreme Court Judge are numerous. For example, I might not have pursued such a career, even if I did, I might not have the required knowledge and skills, or I might not have the opinions or the temperament that is necessary to gain support, and so on. The fact that I am not a Supreme Court Judge is not an expression of the view that my exercise of the two moral powers or that my interests are less valuable than others. It is more expressive of the fact that I simply do not have what is necessary

anarchy. Rawls, for example, argues that part of the reason for preferring a system of law relies on the value of the rule of law and its protections (on this see *PL*, p. 296; c.f., *ATJ*, p. 178). Rawls's insistence on our higher-order interest in developing and exercising our capacity for a conception of the good is also of importance here, and provides perhaps the strongest argument against anarchy. Rawls argues that citizens view themselves as free in virtue of their being capable of revising and pursuing their conception of the good (*PL*, p. 30f). In a Hobbesian state of nature, the level of violence is so great that one has to put all of one's efforts into simply surviving and this is not consistent with liberty. This is because one would not be able to exercise the capacity for a conception of the good in a Hobbesian state of nature. The sort of freedom Rawls is concerned with is restricted if the processes of forming and pursuing life goals is too difficult, as it would be in a state of anarchy. We need a system of law and governance in order to form, revise, and rationally pursue our conceptions of the good; we need it in order to be free. Note that these arguments are only effective against a Hobbesian notion of the state of nature and not a Lockean one.

to be an effective Supreme Court Judge. Similar points can be made in relation to not being President. For this reason, my not having as much authority as a Supreme Court Judge or the President is not necessarily undermining of my sense of self-respect as a citizen.

In response to the second example, it is important to consider the purpose of bicameralism. Bicameralism is a system of government where the legislature is divided into two chambers or houses, an upper and a lower house. In the United States, the upper house or the Senate consists of 100 seats. Regardless of population, each state elects, through popular vote, two representatives to the Senate. The lower house or House of Representatives has 435 members. Again, members are elected by popular vote. Here, the number of seats given to each state is apportioned on the basis of population. The more populous states such as NY (29) have more representatives in the House of Representatives than less populous states such as Idaho (2).

Having two chambers is essential to protecting the interests of the minority in legislation. Imagine that there was just one chamber based on population. Because of their small populations, people of Idaho and Wyoming would tend to consistently lose out (much like the poor in the above “garbage” case). This is a loss that individuals within the original position would be concerned to prevent. The individuals living in Idaho and in Wyoming are likely to have distinct and shared conceptions of the good and of justice based on their shared territory. This is because geography is an important determinant of people’s conceptions of the good and, potentially, their conceptions of justice. Neighbours will often have common experiences. These common experiences often lead to a shared perspective on what constitutes a good life and to a shared

perspective on what justice requires in public affairs and politics. Moreover, there are problems or issues that are specific to a state or province. For example, among those residing in Quebec, there is a special concern with being recognized as members of a distinct Francophone culture. This special concern is both part of many Francophone's conception of what is essential to a good life and to their conception of what justice requires. Insofar as these interests and views are part of individuals' conceptions of the good and of justice, it is important to ensuring the self-respect of these citizens that their interests and views be represented equally in political decision-making. To ensure that these (geographically based) interests and views are protected, we must ensure that certain parts of the country, the more populous, do not gang up on others, the less populous. For this reason, there needs to be two chambers. Within a two chamber system, for any bill to pass, it must pass through both the house and the senate by simple majority. This ensures that people in the more populous states, such as California and New York, reach out to those in the less populous states, such as Wyoming and Idaho, and cannot afford to ignore them. This is why ensuring that there is an upper chamber where those living in sparsely populated states have more relative political power (because of equal representation in the senate) than those individuals living in densely populated states is not undermining of citizens' self-respect. It acts as a way of balancing the relatively more political power that densely populated states enjoy in the lower chamber where political power is apportioned on the basis of population. In short, bicameralism serves as a means of ensuring that all citizens have the grounds for their secure sense of self-respect by ensuring that all citizens have their two moral powers

equally affirmed and their interests, which are part of their conceptions of the good, advanced equally in political institutions and structures.⁵¹

5.3 Steven Wall raises a further concern in relation to the argument from self-respect. Wall writes, “Rawls [in *ATJ*] seemed to deny that the political liberties must be equal for society to be well-ordered. In discussing Mill’s proposal for plural votes [for the educated], he allowed that ‘plural voting may be perfectly just.’”⁵² Wall aptly asks, how can Rawls’s claim about plural voting be squared with his claim that the fair value of the liberty to vote must be guaranteed for citizens to have a secure sense of self-respect? In what follows, I try to answer Wall’s question. That is to say, I try to illustrate how these two claims can be reconciled.

Let us begin by considering Mill’s argument. Mill argues that those with greater education, which is supposed to be a mark of superior knowledge and intelligence, should have plural or more votes.⁵³ Mill agrees with Rawls to the extent that he thinks that everyone has a claim to a voice and cannot, without great insult, be excluded from matters of common interest, such as national affairs. However, Mill argues that this does not entail that everyone ought to have an equal voice in such matters. The voice of those with superior knowledge and intelligence, which is measured by one’s level of education, should be given greater weight. Although everyone should have a say, those with a

⁵¹ In general, the connection between denying equal political liberty and its fair value is a necessary one, but can be defeated under certain conditions. The claim is that, if A denies B equal political liberty and its fair value, then B’s sense of self-respect will necessarily be undermined *unless* there are no means of giving B equal political liberty and its fair value (i.e., it is not feasible) or *unless* B lacks the two moral powers to the level required to be a fully participating member in the system of social cooperation (see n. 30 p. 10). Reasons relating to skill are also sufficient to defeat the connection between denying equal political liberty and its fair value and disrespect (see §5.2). There may also be other conditions under which the connection between denying equal political liberty and its fair value and disrespect is defeated.

⁵² Wall, “Rawls and the Status of Political Liberty,” p. 258.

⁵³ For this argument see John Stuart Mill, *Considerations on Representative Government*, Vol 18 (1861), in J.M. Robson, *Collected Works of John Stuart Mill* (Toronto: University of Toronto Press, 1963-1991). Rawls considers Mill’s arguments in *ATJ*, pp. 204-206.

greater capacity for the management of joint interests should have a greater say. Mill suggests that the superior influence of the educated should be enough to protect them from the class legislation⁵⁴ of the uneducated, but not so much as to allow them to enact their own class legislation. As Rawls puts it, on Mill's picture, ideally those with superior knowledge "should act as a constant force on the side of justice and the common good, a force that, although always weak in itself, can often tip the scale in the right direction if the larger forces cancel them out."⁵⁵ As a result, Mill thinks that everyone, even the uneducated, who have less of a vote, will benefit from weighted voting.

Mill suggests that plural or weighted voting of this kind is not insulting or damaging of the uneducated's sense of self-respect. He writes,

entire exclusion from a voice in the common concerns is one thing: the concession to others of a more potential voice on the ground of greater capacity for the management of joint interests is another . . . Everyone has a right to feel insulted by being made a nobody and stamped as of no account at all. No one but a fool, only a fool of a peculiar description, feels offended by the acknowledgement that there are others whose opinion, and even whose wish, is entitled to greater amount of consideration than his."⁵⁶

Rawls considers Mill's proposal.⁵⁷ Here, Rawls insists that unequal votes, if justifiable at all, must be justifiable from the standpoint of those with fewer votes – the uneducated in the Millian context. Rawls takes Mill to accept this burden of proof. The high burden of proof stems from our concern with self-respect. Rawls suggests that weighted voting can only be permitted if it is consistent with our sense of self-respect. He suggests that for weighted voting to be consistent with self-respect, there must be a

⁵⁴ Class legislation is legislation that favours a particular class.

⁵⁵ *ATJ*, pp. 204.

⁵⁶ Mill, *Representative Government*, p. 474.

⁵⁷ *ATJ*, pp. 204-206.

powerful (and not just a plausible) argument that unequal suffrage will serve the interests of the uneducated as a whole, a requirement that seems to follow from the second strain of Rawls's argument. To show that we value the uneducated as citizens, we must give a powerful argument showing that the interests of the uneducated will be advanced more systematically, if they are given less votes. And, on Rawls's view, "the gain to the uneducated is to be estimated in the first instance by the larger security of their other liberties."⁵⁸ Unequal suffrage can only be justified if it serves to make basic liberties more secure and effective.⁵⁹ Rawls concludes, "admitting these assumptions, plural voting may be perfectly just."⁶⁰

While such an argument could be given in principle, I doubt that Rawls thinks the high burden of proof could be met in reality. Even if unequal suffrage were to serve the basic liberties, that is to say, to make them more secure and effective, it is unlikely that weighted voting would serve citizens' interests as a whole. While Rawls argues that individuals' interests are respected in the first instance when the basic liberties are more securely protected, he also argues that individuals' interests are only absolutely respected when the difference principle is observed. The difference principle states that social and economic inequalities are to be arranged so that they are to the benefit of the least advantaged.⁶¹ To determine if weighted voting for the educated can be justified, we need to consider whether the interests of the least advantaged among the group of uneducated individuals, who would receive less votes on Mill's proposal, would benefit from such a policy. This seems unlikely.

⁵⁸ Ibid., p. 204.

⁵⁹ This coincides with what Rawls says about self-respect in *ATJ* § 82.

⁶⁰ Ibid., p. 205.

⁶¹ *ATJ*, 266.

The difference principle is hard to apply and there are many judgment calls that need to be made – empirical and otherwise. On Rawls’s view, the most fundamental threat to justice is, perhaps, not being appropriately impartial. Different groups of individuals will have different conceptions of how to apply the difference principle. Furthermore, there is a tendency for our conceptions of how to apply the difference principle to represent our own interests disproportionately.⁶² This seems only natural given that people have a more intimate and sensitive understanding of their own interests than of others’.⁶³ No education level, or qualification of any kind for that matter, is going to help us overcome this fact. An education from Cambridge or Oxford, for example, will not guard against partiality. So, if people tend to advance conceptions of how to apply the difference principle that reflect their own interests, it follows that individuals, particularly the least advantaged, who lack equal opportunity to advance their own conceptions of how to apply the difference principle will tend to lose out. If, for example, those with superior education are given a greater say, it is likely that the interests of the uneducated and, particularly, those of the least advantaged individuals among the uneducated, will be ignored. Consequently, it seems unlikely that weighted voting will ever meet the high burden of proof that Rawls requires. If weighted voting were adopted, it would be damaging to the self-respect of the least advantaged members

⁶² This is similar to one of Rawls’s arguments against utilitarianism. He suggests that promoting average utility is not the right social standard. This is because it leads people to be governed by calculations that they will tend to get wrong because of being partial to themselves. In other words, it is hard for us to calculate what is in the best interests of all, because we tend to be partial to our own interests. Thomas Christiano (in “An Argument for Democratic Equality,” in Thomas Christiano (ed.), *Philosophy and Democracy* (Oxford: Oxford University Press, 2003), p. 57) also raises concerns about partiality. Note also that this tendency toward partiality is not a contingent matter. It seems to be part of our nature as human beings.

⁶³ A similar point is made by Christiano in “An Argument for Democratic Equality,” p. 57.

of the uneducated. Fair value of the liberty to vote must be guaranteed, if we wish to secure citizens' sense of self-respect.

Moreover, as Rawls notes in his discussion of Mill's proposal, the grounds for equal political liberty and its fair value "are not solely instrumental."⁶⁴ Recall the first strain of Rawls's argument. Equal political liberty and its fair value enhance citizens' sense of self-respect by affirming their value as possessors of the two moral powers to the level to required to be a fully participating member in society.⁶⁵ When equal political liberty and its fair value are ensured, the citizens' awareness of their own worth "is confirmed in the constitution of the whole society".⁶⁶ Allowing some to have a more influential voice in political decision-making, as per Mill's suggestion, would not be consistent with citizens' sense of self-respect in this sense and hence would be rejected, by parties in the original position, in favour of establishing the fair value of the liberty to vote.

5.4 There is an objection that pulls in the opposite direction of my response to Wall's objection. The worry is that in societies such as the United States, if we ensure an equally weighted vote for all citizens, then, because of their inferior numbers, the affluent (or most advantaged) are likely to end up with very little genuine political influence. This is problematic not only because it would lead to the unequal political influence of the affluent but also because of its potential effect on the least advantaged.

In the case where votes are weighted equally, the less affluent, who would now be politically dominant, would be likely to design the economic order in such a way that it would generate less economic inequality than would be required for optimizing the

⁶⁴ *ATJ*, p. 205.

⁶⁵ *Ibid.*, p. 205.

⁶⁶ *Ibid.*, p. 205.

position of the least advantaged. For example, imagine a society that is composed of three groups: the rich = 10% of the population, the poor = 60% of the population, and the poorest = 30% of the population. Suppose the optimal scheme under the difference principle would produce 40, 25, and 20 units of wealth among each group respectively. However, because it would be to their advantage, the middle group is likely to prefer a suboptimal scheme that would produce, say, 30, 27, and 18 units of wealth for each group respectively, which would be to the detriment of the least advantaged.⁶⁷ In short, there is a danger that the majority (“the poor”) will use their superior political influence to make the least advantaged worse off than they would be if the difference principle was optimally satisfied.

On Rawls’s view, weighted voting can only be justified if the difference principle is satisfied, since satisfaction of the difference principle is necessary for the advancement of individuals’ interests as a whole (something that is, on the second strain of Rawls’s argument, necessary for ensuring self-respect). If the rich are given greater political influence, by giving greater weight to their votes, then they could use this influence to block the majority from implementing a suboptimal satisfaction of the difference principle and to ensure that the difference principle is more fully satisfied. Because they will receive more units of wealth, the rich are more likely to prefer the optimal situation where 40, 25, and 20 units of wealth are distributed among each group respectively over the suboptimal situation where 30, 27, and 18 units of wealth are distributed to each group respectively. Weighting votes in favour of the rich would not only work to ensure the fair value of political liberty for the rich but it would it would also work to satisfy

⁶⁷ Because of the positive value of incentive effects, the poor are still likely to favour a scheme that gives the rich slightly more wealth and income than themselves.

Rawls's requirement for a powerful justification in favour of weighting votes. The interests of the least advantaged (among those with lesser votes) would be advanced as a whole. For these reasons, one could argue that Rawls's arguments support weighting votes in favour of the rich.⁶⁸

In response, it is important to emphasize that the fair value of equal political liberty applies to all individuals, including the affluent. Like the poorest individuals, affluent individuals must also be ensured an equally effective say in political decision-making. Otherwise their sense of self-respect would be undermined in the ways already discussed.

There is, however, another and more preferable way of ensuring the self-respect of the affluent while also meeting Rawls's demand that the interest of the least advantaged are advanced as a whole: we can opt for a stronger principle of distributive justice.⁶⁹ This has the added advantage of ensuring that the interests of the least advantaged are advanced without giving some individuals (the affluent) a more influential say than others (the poor and poorest) in political decision-making.

The difference principle allows for differences in wealth and income to occur, for example, in the case of incentive effects which would benefit the worst off. This will result in an economically stratified society. A more strongly egalitarian principle that favours a roughly equal distribution of income and wealth among individuals and that allowed for no significant economic difference between individuals, would avoid this. Under such a principle there would be no rich, poor, or poorest groups of individuals in

⁶⁸ A similar argument could be given in favour of private financing of political campaigns. It could be argued to be a means of equalizing the political influence of the affluent. The reasons I offer below against weighting votes for the affluent also apply against allowing the private financing of political campaigns.

⁶⁹ Or, more minimally, we could opt for placing restrictions on the difference principle, for example, that allowed only small differences in income and wealth. I discuss this possibility on p. 41.

society. Each individual would roughly be in the same economic group. As a result, in such a society, ensuring equal political influence for all citizens (by giving everyone an equally weighted vote) would not have the effect of making the least advantaged worse off. Given that there are such alternative methods that are feasible and that could be used to distribute political influence more equally among individuals of differing economic status, without giving some a more influential say than others, choosing weighted voting for the affluent would be undermining of the self-respect of those who would receive less influential votes. It would suggest that their views on justice and the common good are of less value than the affluent's. Hence, parties within the original position would not choose to weighted voting for the affluent. Instead, they would opt for the fair value of the liberty to vote and for a principle of distributive justice that is more strongly egalitarian than the difference principle.

5.5 I have argued that agents who seek to ensure a secure sense of self-respect will reject weighted voting procedures. But why assume that arguments related to self-respect require voting procedures of any kind; might not citizens' sense of self-respect be consistent with certain non-voting procedures?

David Estlund has recently argued that there is no strong moral argument for favouring standard voting procedures over his Queen for a day proposal.⁷⁰ Under the Queen for a day proposal, one voter is picked at random from the set of all voters to be monarch and is required to decide one political issue. Each citizen is regarded and treated equally under this scheme, since each citizen has the same chance of her views on justice and the common good influencing public affairs. Moreover, insofar as each

⁷⁰ David Estlund, "Beyond Fairness and Deliberation: The Epistemic Dimension of Democratic Authority," in Thomas Christiano (ed.) *Philosophy & Democracy: An Anthology* (Oxford: Oxford University Press, 2003), pp.81-83.

citizen has an equal chance of being selected to be Queen for a day, each citizen has the same chance of her interests influencing public affairs. Queen for a day expresses an equal valuing of citizens' exercise of their two moral powers and of their determinate conceptions of the good. In turn, this proposal seems to be consistent with citizens' sense of self-respect. One might legitimately wonder whether, from within the original position, there are any grounds for rejecting such a proposal.

Rawls has available to him at least two grounds for rejecting Estlund's proposal. Recall that the principle of equal basic liberty requires not only that equal political liberties are guaranteed but also that equal civil liberties (such as free speech, freedom of conscience, and so on) are guaranteed as well. Rawls suggests that equal basic liberty, both political and civil, is required for the self-respect of citizens. In light of this, it seems that agents within the original position would not opt for Queen for a day.

In a sense, being Queen for a day is like being Supreme Court Justice for a day with the assumption that you only had one case to decide. The main task of a Supreme Court Justice is to ensure that the basic liberties are protected. To be a good at her job, a Supreme Court Justice must know certain things and have certain skills. For example, she must have an extensive knowledge of the constitution, precedent, and the rule of law.⁷¹ If a Supreme Court Justice is chosen at random from the set of all citizens, there is no guarantee that the person chosen would have the required knowledge or skill set. Without the specific knowledge and skills, the person is unlikely to be very good at securing the basic liberties. Similar things can be said about Queen for a day. There is no guarantee that the person chosen to decide an issue will have the knowledge and skill

⁷¹ As mentioned earlier, assuming that equality of opportunity holds (that everyone has a fair chance of attaining public offices), there does not seem to be anything wrong with having these types of requirements.

set required to ensure that equal basic liberty is protected. Equal basic liberty would be jeopardized by Queen for a day. Because of the importance of the basic liberties to citizens' sense of self-respect, this is not a risk that we would be willing to take. We simply would not accept such a scheme.

Rawls has something further to offer when we consider his argument against F.Y. Edgeworth.⁷² Edgeworth held that the principle of utility would be chosen by rational self-interested agents in the original position as a political principle to assess social policies. One would wish to promote utility with each choice, whether it is about taxation, property legislation, and so on. On Edgeworth's view, this is the best procedure for all. Even if one does not benefit now, say when a certain taxation policy is chosen, one's time will come later, say when a certain policy concerning property is chosen. Therefore, by adopting a principle of utility, self-interested and rational parties have assurance that they will not lose out in the end and will best improve their life prospects.⁷³

To a certain extent Rawls agrees with Edgeworth. He suggests that Edgeworth's reasoning is plausible in the case of lesser policy issues, that is, in cases where decisions have a relatively small and temporary influence on the distribution of advantages and where there is some institutional device insuring randomness to prevent disadvantages from perpetually accruing to a small few, for example.⁷⁴ If, for example, it is decided that the electricity will be cut in a particular area for a few hours, it seems reasonable to

⁷² See *ATJ*, pp. 147-148. What I say here is more in the spirit of Rawls's argument than it is an exact recapitulation of his argument.

⁷³ *Ibid.*, p. 147.

⁷⁴ *Ibid.*, p. 148.

respond to those who lose out from such an arrangement with, “Don’t worry you’re time will come.”

However, in other cases, where questions of social policy are more vital, where they are likely to result in large and enduring shifts in the institutional distribution of advantages, Rawls suggests that Edgeworth’s reasoning fails. For example, imagine that, for some reason, utility would be maximized by burning all the Christian churches down. It seems inappropriate to say to Christians, “Don’t worry you’re time will come later. You will benefit from some other decision later down the line.” The impact of such a decision is simply too pervasive and too continuing in influence. Its effect will go beyond days and weeks, and might even go beyond months or years (depending on whether Christians are allowed to rebuild their churches and how long it would take). It is irrelevant whether Christians will benefit over the long run. There are certain fundamental interests, such as our interest in expressing religious attitudes, that are central to our determinate conception of the good and that we would not be willing to sacrifice, even if we would benefit over the long run.⁷⁵ Some things need to be off the decision or bargaining table; they need to be guaranteed. So, Rawls holds, Edgeworth’s argument fails when it comes to vital questions of policy. Insofar as they have certain fundamental interests, interests that are central to their determinate conceptions of the good, rational agents in the original position would not choose the principle of utility when it comes to the most important matters of social justice.

A similar argument applies to the case of Queen for a day. Sometimes the issue to be decided will be trivial in its impact, such as the decision about whether electricity should be cut for a few hours in a particular neighbourhood. Other times decisions will

⁷⁵ *ATJ*, p. 131.

be significant in its impact, it may concern whether certain religious practices should be permitted, for example. Queen for a Day may be acceptable in the case of trivial decisions, but it does not seem so in the case of more vital concerns. Just as with the principle of utility, people would be unwilling to accept Queen for a day because there is always the possibility that their fundamental interests, interests that are central to their determinate conceptions of the good, could be threatened in a significant way. This is a worry for those who are concerned to ensure self-respect at all costs.

If, for example, the fundamental interests of a religious minority (imagine that Christians were in the minority), were ignored or violated, while the interests of the religious majority were not, and there were feasible ways of ensuring that the fundamental interests of both were satisfied (say, by ensuring freedom of conscience), then not ensuring that their fundamental interests were protected would suggest that the fundamental interests of the religious minority were not of equal importance. In turn, it would be difficult for members of the religious minority to maintain their sense of self-respect. Given that parties within the original position are moved to ensure self-respect at all costs, they will wish to protect themselves against the possibility of having their fundamental interests ignored or violated. In turn, they will reject Queen for a day and, instead, opt for ensuring equal liberty to vote and the fair value of this liberty.

5.6 The previous arguments might be taken to support weighted voting or some other arrangement that allows the knowledgeable and skilled to rule. The argument against Queen for day is that it would be rejected by parties in the original position because unskilled people, who might be chosen to be Queen for a day, might do a poor job of protecting individuals' basic liberties and fundamental interests (both of which

would be undermining of citizens' sense of self-respect). It could then be argued that one way to avoid this problem is to give greater votes to those with the skills that are necessary to ensure the protection of citizens' basic liberties and fundamental interests. But the previous arguments against weighted voting rule out this type of arrangement. In particular, even very smart and skilled people (including those who are judges) need to be restrained by citizens, who know best about their own interests. So, when we combine the arguments against weighed voting with those against Queen for a day we seem to have strong reasons for supporting a representative democracy. Under this scheme, the skilful are able to make decisions, but they are restrained by the citizenry.

§6. Final Thoughts

In this paper, I have attempted to complete and to defend Rawls's argument for equal political liberty and its fair value. In developing Rawls's arguments from self-respect, I argued that there are two distinct strains or lines of argument. First, Rawls argues that denying equal political liberty and its fair value to some citizens, such as racial minorities, would suggest that their exercise of the two moral powers is less valuable than others'. Second, Rawls argues that denying equal political liberty and its fair value to some citizens would suggest that their interests, which are part of their determinate conceptions of the good, are less important than others. I argued that, in both instances, denying equal political liberty and its fair value would undermine citizens' secure sense of self-respect. So, given that, agents within the original position are concerned to ensure the social bases necessary for a secure sense of self-respect, they

would not be willing to take chances by permitting lesser political liberties to some citizens. They would wish to ensure equal political liberty and its fair value.

My case for supporting equal political liberty and its fair value has largely been based on the importance of securing the liberty to vote. I focus on this liberty not only because the liberty to vote is the clearest example of a purely political liberty but also because it is the clearest example of, what is usually taken to be, a central democratic liberty. It is a liberty that is thought to be essential to the practice of democracy. In showing that Rawls is fundamentally committed to ensuring equal liberty to vote, my arguments are a step toward illustrating the “deeply democratic” nature of Rawls’s conception of justice.⁷⁶ To make a more complete case for the democratic nature of Rawls’s arguments, I would need to give an account of the other types of political arrangements that are required by Rawls’s arguments. This is because, though equal political liberty requires that equal voting rights are ensured, the fair value of political liberty requires more than this, that is, if each of those holding votes are to have equally effective influence over political decision-making. What arrangements might the fair value of political equality require? I can only give a brief indication here.

My arguments have already illustrated that public (rather than private) financing of political campaigns is required to ensure the fair value of political liberty. It also seems that further arrangements are necessary. In the final analysis, I think, Rawls would admit that public financing of political campaigns would not be sufficient to genuinely establish the fair value of political liberty. Even with the public financing of campaigns, the votes of the poor are still likely to have unequal worth. Their votes are still likely to

⁷⁶ Steven Wall argues that Rawls’s theory is not deeply democratic in his paper, “Rawls and the Status of Political Liberty,” p. 246.

be less effective and less influential than the votes of the rich. Those with more resources usually have more leisure time available and more education, both of which allow for more persuasive public expression of their views.⁷⁷ Moreover, the wealthy also have more money to support well-organized lobbying efforts, which also work to promote their political views. For these reasons, even with public financing of political campaigns, the rich are still likely to have greater influence over elections and political debates.

Egalitarian measures in the economy are more likely to help the poor to have fair value of political liberty. If there is no longer a concentration of cash in certain groups, then there will likely be rough equality in the use of political influence and power. Rawls briefly suggests something similar when he considers how the fair value of political liberty is to be secured.⁷⁸ Here he suggests, *inter alia*, that if fair value of political liberty is to be secured then “wealth must be kept widely distributed.”⁷⁹ If this is right, then something like the difference principle may be appropriate. After all, it is meant to be an egalitarian principle governing the distribution of income and wealth. And to this extent it will diminish unequal political influence and thus work to secure the fair value of political liberty.

However, the difference principle may be insufficiently egalitarian to guarantee equality of political influence.⁸⁰ As mentioned earlier, the difference principle does allow for differences in wealth to occur (e.g., in the case of incentive effects which benefit the

⁷⁷ c.f., Harry Brighouse, “Political Equality in Justice as Fairness,” p. 157.

⁷⁸ *ATJ*, pp. 198-200.

⁷⁹ *Ibid.*, p. 198. It is clear that other things besides wealth are also important for equality of influence. As Brighouse (in “Political Equality in Justice as Fairness,” p. 160) points out, a very rich person can lack influence simply because she doesn’t know how to exercise influence, because she lacks charisma, or because she can find no support for her views in larger society. I take it that Rawls does not focus on such things because they are not things that can in and of themselves be provided by the state, at least without too much interference.

⁸⁰ The discussion on p. 32 also suggests something similar.

worst off) and if there are significant differences in wealth, then there will be significant differences in political influence.⁸¹ So, something stronger than the difference principle may be required to secure the fair value of political liberty. Or minimally, the fair value of political liberty may put a limit on the kinds of inequalities that are permitted by the difference principle. It may, for example, only allow sufficiently small inequalities in wealth and income.⁸²

⁸¹ As Rawls states: “some citizens have, for example, greater income and wealth and therefore greater means of achieving their ends” (*PL*, 326).

⁸² Harry Brighouse makes a similar suggestion in “Political Equality in Justice as Fairness,” p. 176.