

RAWLS AND ENVY*

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In sections 80-81 of *A Theory of Justice*,¹ John Rawls seeks to rebut in advance the charge that his principles of justice are “based in part on envy” (p. 538). I wish to examine the significance of this charge, summarize Rawls’s reply, assess the latter’s validity, and conclude with some remarks on the import of envy for Rawls’s political philosophy.

1.

Why should Rawls be concerned with this objection before it has actually been raised against his theory? The reason, he tells us, is that “many conservative writers have contended that the tendency to equality in modern social movements is the expression of envy” (p. 538). This accusation Rawls sees as directed against egalitarianism in general, not merely against certain forms of that doctrine. It would, therefore, apply to his conception of justice (“democratic equality”) which, by his own account, is a form of egalitarianism:

While there are many forms of equality, and egalitarianism admits of degrees, there are conceptions of justice that are recognizably egalitarian, even though certain significant disparities are permitted. The two principles of justice fall, I assume, under this heading. (p. 538)

The difference principle is a strongly egalitarian conception . . . (p. 76)

The egalitarianism of Rawls's two principles becomes clear when we recall the provisions of the general conception from which they are derived:

All social primary goods - liberty and opportunity, income and wealth, and the bases of self-respect - are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored. (p. 303)

There is, then, no doubt as to the fundamentally egalitarian character of Rawls's conception of justice. Rawls is right in thinking that he has to answer any plausible charge leveled against egalitarianism as such.

But what is the nature of that charge, and is it plausible? At first one might try to answer these questions by consulting some of the "conservative writers" whom Rawls seems to have in mind. But Rawls gives the name of only one such writer, Helmut Schoeck, together with a general reference to a number of other authors mentioned or quoted in Chapters XIV - XV of Schoeck's book, *Envy: A Theory of Social Behavior*.² Unfortunately, Schoeck's own argument turns out to be almost wholly sociological and psychological, failing to add up to a philosophical case against egalitarianism. Furthermore, it would be very difficult to construct such a case from the statements of the many authors quoted by Schoeck. I therefore propose to leave aside Schoeck's arguments about egalitarianism and to try to reconstruct such a philosophical case from other indications given by Rawls. I say indications, because regrettably Rawls has not stated precisely the charge he is trying to refute. My own reconstruction will have two alternative values: (1) it is probably the argument that Rawls has in mind, and (2) if it is not, then at least it constitutes the real point at issue.

The indications in Rawls's text from which I shall try to reconstruct the argument are the following. He is concerned with the possible reproach that "the principles of justice are based in part on envy," are "the expression of envy," "give voice to envy," and "spring from envy" (p. 538). What could such a reproach add up to when directed at a contractarian form of egalitarianism? It would mean that the conception of equality chosen "would be adopted in the original position only if the parties are assumed to be sufficiently envious" (p. 539).

Now, suppose the principles of justice *were* in this sense founded on envy. What would be the objection? The objection would be that *envy is a vice* (pp. 532, 534). We obviously cannot have principles of justice whose very derivation depends on giving expression to a vice. *This* is the reproach which Rawls believes that he has avoided.

Let us restate the charge more precisely in order to clear it of all suspicions of being an instance of the genetic fallacy or a form of *ad hominem* argument. Envy is no blind feeling, but an emotion and a vice. As such, it must have an inner structure. It must be based upon perceptions and involve appraisals. It must seek satisfaction by altering circumstances. Envy therefore has certain interests. How, then, could a conception of justice be "based on envy"? By being derived from a set of premises, one of which asserts as a moral imperative that the interests of envy must be satisfied. Such a conception of justice *would make the interests of envy its own* and in that sense would be "based on envy." This is not to say that the advocates of such a conception would themselves be envious. They might have any number of motives, such as the desire to placate envy. But, at any rate, such motives would be irrelevant to the argument.

We may, then, summarize the imagined objection to Rawls's argument in the following way: (1) the principles of justice are based on envy in the sense that they have been derived from an argument asserting the interests of envy; (2) but envy is a vice; (3) therefore the principles of justice must be rejected upon moral grounds.

Now, if this is the objection to his theory that Rawls has in mind, then he is right to take it seriously. And even if he does not have it in mind, he should consider it. Let us see if his attempted vindication of his principles successfully answers the objection or has any prospect of doing so.

The strategy of Rawls's defense is as follows. He starts by giving a definition of envy which he regards as appropriate. Then he divides the argument for the principles of justice into two parts. The first part consists of the chain of inferences leading up to the final choice of the principles by the parties in the original position. The second part consists of a reassessment of the principles so chosen in order to determine whether they are consistent with the stability of society. Applying his definition of envy to the first part of the argument, Rawls concludes, as I interpret him, that no premise asserting the interests of envy thus defined enters into the choice of the principles of justice. Indeed those principles turn out to be antithetical to the interests of envy. Therefore, democratic equality *considered qua justice* is not derived from envy. Proceeding to his examination of the second part of the argument for the principles - that is, their reassessment in terms of stability - Rawls concedes that this reassessment does give

some consideration to the interests of envy. But he concludes that this consideration is both morally unobjectionable and appropriate.

2.

A close look at both the component steps and the logical structure of this rebuttal is a necessary prelude to assessing its validity. Let us take up the component steps first, beginning with Rawls's definition of envy.

We may think of envy as the 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 (estimated by some index of goods . . . [the primary goods]) and we are willing to deprive them of their greater benefits even if it is necessary to give up something ourselves The individual who envies another is prepared to do things that make them both worse off if only the discrepancy between them is sufficiently reduced. Thus Kant, whose definition I have pretty much followed, quite properly discusses envy as one of the vices of hating mankind. (p. 532)

Envy, then, has several necessary conditions according to Rawls: (1) the focus of the envious person's concern must be on the mere "discrepancy" between himself and the envied person, that is, their disparity with respect to the possession of the goods in question; (2) he must see his own position in this respect as inferior; (3) he must view this fact not only with regret, but with chagrin and even hostility, implying at least a minimal readiness to act to alter the situation in his own favor; (4) he must be ready even to accept loss to himself in order to bring about this end. These necessary conditions set the stage for the rest of Rawls's argument, thus some preliminary comments are called for.

In the first condition above, I have used the word "mere" to indicate that the person who feels envy does so even though the person he envies has a right to his superior advantages or possesses them justly. Rawls brings this out clearly in his comparison of envy with resentment:

A further point is that envy is not a moral feeling. No moral principle need be cited in its explanation. It is sufficient to say that the better situation of others catches our

attention. We are downcast by their good fortune and no longer value as highly what we have; and this sense of hurt arouses our rancor and hostility. Thus one must be careful not to conflate envy and resentment. For resentment is a moral feeling. If we resent our having less than others, it must be because we think that their being better off is the result of unjust institutions or wrongful conduct on their part. Those who express resentment must be prepared to show why certain institutions are unjust or how others have injured them. What marks off envy from the moral feelings is the different way in which it is accounted for, the sort of perspective from which the situation is viewed. (p. 533)

If envy does not wax on grounds of the envied person's unjust possession, neither does it wane on grounds of his just possession. Its "perspective" is amoral, and it is ready to act in either case: "We are prepared to deprive them of their greater benefits." Envy both in perspective and in action is blind to right and justice.

Having defined envy and distinguished it from resentment, Rawls argues that envy is not to be found among the motives of the parties in the original position. The reason is that envy is absent from his own list of such motives, a list that he has fixed by stipulation. Envy is excluded from this list because it is a special psychological propensity which may or may not occur or which may occur with varying intensities in different persons. Such propensities have to be left behind the veil of ignorance by the very nature of Rawls's argument (pp. 530, 143-4).

Nor can it be argued, he continues, that envy is introduced into the original position because the other conditions of the position provide for it. He is here thinking of the circumstances of justice, the formal constraints of the concept of right, the list of alternative conceptions presented to the parties, and, no doubt, the veil of ignorance itself. Indeed, "each of the stipulations of the original position has a justification which makes no mention of envy. For example, one invokes the function of moral principles as being a suitable general and public way of ordering claims" (p. 538). Finally, Rawls points out, the very conception of justice - democratic equality - chosen by the parties is antithetical to the interests of envy. For that conception provides for inequalities on condition that the least well off representative man thereby achieves a betterment of his position. But this is precisely the exchange that the envious man of Rawls's definition would *refuse*. Thus "the content of the principles" is antithetical to "the characterization of envy" (p. 538). Rawls maintains that these considerations, taken together, show that the first part of the argument for the principles is

envy-free.

But what of the second part of that argument, namely the reassessment of the already derived principles in terms of stability? That reassessment is necessary, according to Rawls, because any threat to the stability of a society governed by any conception of justice will "undermine the arrangements it counts to be just" (p. 531). Since envy, by Rawls's definition, is "a form of rancor that tends to harm both its object and its subject" (p. 533) (it harms its subject for instance by the loss he is willing to take), it is "collectively disadvantageous" (p. 532) and, when aroused to a certain extent, will render the social system both "unworkable and incompatible with human good" (p. 531). The well ordered society must, then, be such as not to arouse envy to any considerable degree. Any proposed conception of justice must pass this test.

How, then, would Rawls's principles minimize the occurrence of envy? It is hard, at first glance, to see how they would do so at all, since Rawls's envious man would by definition reject the difference principle and continue to nurse his rancor. One would think that the envious man would be a continued threat to stability. To deal with this problem, Rawls introduces the concept of "excusable envy." A society based on his principle should greatly reduce excusable envy. As I interpret it, Rawls's argument runs something like this: The total amount of envy in a society is made up of excusable envy plus inexcusable envy. Democratic equality reduces the amount of excusable envy, thereby reducing the total amount of envy and contributing to the stability of society. The inexcusably envious who remain are not a large enough group to be a real threat. I am not certain that this is what Rawls means, but I cannot see what else he could mean.

Now, what is "excusable envy"? Well, Rawls tells us,

Sometimes 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 by the index of objective primary goods 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 may 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. Since self-respect is the main primary good, the parties would not agree, I shall assume, to count this sort of subjective loss as irrelevant. Therefore the question is whether a basic structure which satisfies the principles of justice is likely to arouse so much excusable envy that the choice of these principles should be reconsidered. (p. 534)

This passage attributes the excusability of certain cases of envy to their supposed rationality. In these cases the satisfaction of envy would make their subjects better off instead of worse off. Those who are excusably envious are not, then, willing to take a loss in order to satisfy their envy. They would, presumably, accept the "deal" offered by the difference principle if they lived in a society whose basic structure were governed by Rawls's conception of justice. What they would - excusably from Rawls's point of view - do in less egalitarian societies is something that Rawls seems willing only to hint at.

Rawls next tells us that the main motivational basis of excusable (?) envy is a "lack of confidence in our own worth combined with a sense of impotence" (p. 535). (I have inserted the question mark because Rawls seems subtly to shift his ground at this point; I will have to leave the discussion of this matter to Section 3) Rawls's problem, then, is to discover what features of the basic structure of society lead some people to have a lack of self-confidence, and whether democratic equality tends to minimize such features. Rawls believes that the main features of a society detracting from its citizens' self-respect are (1) civic inequality, (2) the visibility of social and economic inequalities, and (3) the absence of some "constructive alternative to opposing the favored circumstances of the more advantaged" (p. 535). He then argues that the principles of democratic equality provide against the first by the political liberties they guarantee. The second is provided against by the lesser income spread allowed and by the fact that "the plurality of associations in a well ordered society, with their own secure internal life, tends to reduce the visibility, or at least the painful visibility, of the variations in men's prospects" (p. 536). As for the third, democratic equality would seem to offer as many constructive alternatives as any other conception of justice. Rawls adds an additional advantage: since claims on "social resources" are disconnected from both the concept of desert and the standard of perfection, "no one supposes that those who have a larger share are more deserving from a moral point of view" (p. 536) or are being rewarded for any excellence they display. The principles of democratic equality, therefore, "underwrite their self-assurance" (p. 536). On all these counts, democratic equality turns out to contribute to the stabi-

lity of society because of its tendency to placate envy. The principles of justice do not, then, have to be reconsidered because of any difficulties that might arise in this area. Furthermore, our consideration of the principles of justice under the heading of stability has been morally innocuous, for we have not *derived* them in this part of the argument.

Rawls is willing to admit that what he calls "strict egalitarianism" may be based on envy. Strict egalitarianism, as we have seen, is "the doctrine which insists upon an equal distribution of all primary goods" (p. 538). As I interpret Rawls, he would apply the term "strict egalitarian" only to a person who, knowing the economic law that incentives lead to growth in the "social product," still insists on equal distribution. Such a person would be envious in the sense defined by Rawls because he would be hurting himself by refusing to accept the "deal" offered by the difference principle. On the other hand, a person unaware of this economic law and acquainted perhaps only with "zero-sum" conditions in what Rawls calls "poor peasant societies" (p. 539) might insist on equal distribution of primary goods, thinking that one man's gain is inevitably another's loss. Such a person would be motivated by resentment, not envy, for he would think, however mistakenly, that unequal distribution inevitably means the imposition of losses on some men without compensation. "In this case, it would be correct to think that justice requires equal shares" (p. 539). The advocate of such a policy would not be a strict egalitarian in the sense defined, only an unenlightened one. When we compare the three conceptions of justice - strict egalitarianism, unenlightened egalitarianism, and Rawlsian democratic egalitarianism - we find that, in Rawls's view, only the first provides for the satisfaction of the claims of envy. The last two are absolved.

Rawls now believes that he has demonstrated (1) that the principles of justice are innocent of the charge that they provide for the satisfaction of the claims of envy, and (2) that a society based on the principles of justice would be unlikely to encourage widespread envy, and therefore would be more stable than many other societies. He is claiming, therefore, that his proposed society is innocent of a vice and is the possessor of an additional virtue. Let us see how these claims stand up.

3.

Taking up the steps of Rawls's argument one by one, let us begin by examining his definition of envy. How far is it in accord with ordinary usage? Assuming that dictionaries reflect the latter to a reasonable

degree, I have extracted several examples. In each case the definition chosen (1) states a current meaning, (2) comes closest of all other definitions under that entry to the definition given by Rawls, and (3) implies, either explicitly or implicitly, that what is being defined is a vice. Implicit designation of a vice would consist in the absence of any other definition under that entry that is close to Rawls's and expresses greater opprobrium in its choice of words. I may add that I cannot find examples that disagree with the following.

Envy: 3. The feeling of mortification and ill-will occasioned by the contemplation of superior advantages possessed by another.)³

2a. A painful or resentful awareness of an advantage enjoyed by another, accompanied by a desire to possess the same advantage.⁴

To envy is to feel spite and resentment because someone else possesses or has achieved something that one wishes he had himself. (*The award has made him envy you and he is no longer your friend.*)⁵

Jealous - Envious: A person is jealous of intrusion upon that which is his own, or to which he maintains a right or claim; he is envious of that which is another's and to which he has no right or claim. One is envious who begrudges another his superior success, endowments, possessions, or the like. An envious spirit is usually bad.⁶

To vary our sources, I shall add a definition from a dictionary which is both older and in another language:

Envy (Neid): 3. Today as in earlier language envy means that state of mind, characterized both by odium and by self-torment, which is distressed at the perception of the prosperity and the superior merits of others, begrudges them these things and usually wishes at the same time to destroy them or to possess them oneself. Synonymous with grudgingness, the evil eye.⁷

Leaving the question of ordinary usage aside, let us look at a sample of definitions of envy given by moral philosophers in the past.

Aristotle:

Envy means being pained by people who are deservedly prosperous. To see whether the good man is envious, you must ask who is envious and what is envy. For if envy is pain at the apparent prosperity of an honest man, clearly the good man is not envious, for then he would be a bad man.⁸

St. Thomas Aquinas:

Another's good may be reckoned as one's own evil, insofar as it conduces to the lessening of one's own good name or excellence. It is in this way that envy grieves for another's good¹⁰

Envy . . . is always sinful.¹¹

Envy is a mortal sin.¹²

Envy is . . . a capital vice.¹³

Spinoza:

Envy is hatred insofar as it affects man so that he is sad at the good fortune of another person and is glad whenever any evil happens to him.¹⁴

Butler:

Emulation is merely the desire and hope of equality with, or superiority over others, with whom we compare ourselves To desire the attainment of this equality or superiority by the particular means of others being brought down to our level, or below it, is, I think, the distinct notion of envy. . . . [Envy is an] unlawful passion.¹⁵

Finally, there is the definition of Kant, which Rawls associates with his own:

Envy (*Livor*) is the propensity to view the well-being of others with distress, even though their welfare is in no way detrimental to one's own.¹⁶

What do we learn from a comparison of these definitions of envy with Rawls's? First and most important, there is a crucial provision present in Rawls's definition, but absent from all the others, whether they are given by dictionaries or moral philosophers. Rawls's provision is that the person who feels envy must be willing to accept

a loss to himself in order to reduce the disparity between himself and the envied person. Rawls regards this as a *necessary condition* of envy: he who is not prepared to accept such a loss is not envious. Kant's definition, which Rawls tells us he has "pretty much followed," seems to fall short of this provision.

This clause in Rawls's definition is *essential* to his claim that the interests of envy are not provided for in the first part of the argument for the principles of justice. Indeed, if we examine one by one each of the conditions of the original position - the rationality of the parties, the circumstances of justice, the formal constraints of the concept of right, the list of alternative conceptions presented to the parties, and the veil of ignorance - we will find that not one of them provides for the interests of envy in the *Rawlsian* sense. Not one of them panders to that vice which refuses to accept the betterment of one's own position in return for permitting another to have more primary goods than oneself.

But what if we take the other definitions listed above? (1) We find the each of them either explicitly or implicitly identifies envy as a vice. (2) But we find at the same time that none of them specifies as a necessary condition of envy the willingness on the part of the envier to accept loss to himself in order to bring his rival down. On the contrary, they do not even mention such an extreme attitude. Of course the willingness to accept such a loss might be regarded by those offering the above definitions as a *sufficient* condition of envy, but there is no reason to suppose that they would require it as a *necessary* condition. And certainly usage reflects the truth here. For why should envy have to be implacable in order to be envy? This is not true of any other vice. We know that a person may be deflected from pursuing one of his vices by a cleverly considered appeal to another of his vices. Are we to assume that no one ever suffers from envy unless it is his *strongest* vice? Is there no way to bribe an envious man?

I submit that there is, granting that he has a slightly stronger urge, namely the desire to get a state-guaranteed free ride. This is to offer him a deal, a deal like Rawls's difference principle. Indeed, the difference principle is exquisitely tailored to a person of this type. Rawls, of course, would not admit that this stronger urge, even when a habit, is a vice, but that is not essential to our point. What is essential is that Rawls's difference principle makes the satisfaction of envy in the ordinary sense the criterion of justice, and even the substitute for economic progress, unless the other urge which we have just named is satisfied in its place.

The great difference between Rawls's view of envy and that expressed in the definitions quoted above now begins to emerge. The

latter regards as necessary to envy only two conditions: (1) chagrin that another person has more than oneself, and (2) unwillingness to modify this attitude in either feeling or action on the ground that the other is in rightful possession of his superior advantages. These two attitudes taken together are enough to make envy a vice; indeed the second involves a readiness to violate the rights of others. For the standpoint of the ordinary view of envy, readiness to accept the difference principle would not prove the *absence* of envy; rather it would prove that one is *willing to swallow one's envy for a consideration*. The very desire for this consideration would from some other moral perspectives only add a second, perhaps worse, vice to the first. But on Rawls's view, at least, acceptance of the trade-off would show innocence of envy. It is clear that these divergent views of envy reveal moral attitudes separated by a great gulf. What is important to see, however, is that Rawls's definition of envy is crucial to his defense of his own moral attitude. That being the case, the definition must be defended on independent grounds. Do such grounds exist? Is there, in fact, such an autonomous vice as is described in Rawls's definition? Or is it rather the case, as I submit, that what Rawls is discussing is merely the intensification of envy to the point where it becomes a person's dominant vice?

It is true that Schoeck sometimes speaks of envy in the way Rawls does. But he qualifies his position so that implacability is not presented as a necessary characteristic of envy. He says, for instance, that "the envious man will *often* suffer injury to himself so as to bring it on his fellow man"(emphasis mine).¹⁷ When the vice has become dominant in this way we can speak of *the envious personality*. It is this envious personality which is represented in allegories and morality plays as Envy with a capital E. This is the sense, I think, which Schoeck has in mind when he quotes proverbs like, "Envy devours its own master," "Envy flogs itself," "Envy cuts its own throat," and so on.¹⁸ But that extreme development of envy does not enter into Schoeck's formal definition. Rather, he identifies envy as

the state of mind of a person who cannot bear someone else's being something, having a skill, possessing something or enjoying a reputation which he himself lacks, and who will therefore rejoice should the other lose his asset, although that loss will not mean his own gain. (Emphasis mine.)¹⁹

Rawls, it seems, has constructed a sense of envy which is so narrow that it excludes many cases coming under the ordinary meaning. But it is on the basis of this ordinary meaning that a strong argument

can be brought against Rawls's egalitarianism.

Rawls seems to be vaguely aware that he is departing from the ordinary meaning of envy, and this awareness appears like the return of the repressed to haunt his very definition. Observe how in that definition he says "the individual *who* envies another is prepared to do things that make them both worse off if only the discrepancy between them is sufficiently reduced" thus making willingness to accept injury *essential* to envy. But observe also that a few lines before that, also within the same definition, he says that "we *envy* persons whose situation is superior to ours *and* we are willing to deprive them of their greater benefits even if it is necessary to give up something ourselves" (p. 532, emphasis mine). Here Rawls falls back into the ordinary meaning of envy, to which willingness to accept a loss is *accidental*. But these two meanings contradict each other, and Rawls must choose between them. If he chooses the ordinary and wider meaning, then under that concept will be included the case of the man in whom envy is a very strong urge and who will therefore hold out for absolute equality until he receives a bribe satisfying a yet stronger urge: to get something for nothing from the state. Surely it could not be denied that such a man's modified egalitarianism would in part be "based on envy." But if Rawls chooses the narrower meaning - as, of course, he does - then he can be accused of being arbitrary and tendentious. I believe that I have shown how arbitrary it is. In what sense can it be said to be tendentious?

Rawls's definition of envy is tendentious because it is perfectly tailored to his difference principle. If it is urged that the difference principle is "based" on envy, he answers by defining envy in such a way that it could not serve as a motive for choosing that principle. But this is a circular argument. The objection was based on the common understanding of envy, and cannot therefore be circumvented by redefinition. Of course there can be no objection to moral philosophers giving their own definitions of virtues and vices. But this will not automatically dispose of objections to their theories that are based on common understandings of these traits. The conflict between common understanding and philosophical redefinition must be discussed and settled in the light of the realities being dealt with. Redefinition by itself will settle nothing.

The same studied and tendentious process of redefinition to which Rawls resorts in the case of envy is carried over into his treatment of jealousy, grudgingness, and spite. Rawls needs to redefine these traits because of the inner needs of his defense against the envy objection. Unsure that his defense has been decisive, Rawls proposes a kind of truce. After all, he points out, objections of this nature can cut both ways. If those who advocate the difference principle can be

accused of giving voice to envy, so those who reject it for less egalitarian conceptions can be accused of giving expression to vices which are the opposite of envy:

Jealousy and grudgingness are reverse, so to speak, to envy. A person who is better off may wish those less fortunate than he to stay in their place. He is jealous of his superior position and begrudges them the greater advantages that would put them on a level with himself. And should this propensity extend to denying them benefits that he does not need and cannot use himself, then he is moved by spite. These inclinations are collectively harmful in the way that envy is, since the grudging and spiteful man is willing to give up something in order to maintain the distance between himself and others. So far I have considered envy and grudgingness as vices. (pp. 533-4)

One could say to conservative writers that it is mere grudgingness when those better circumstanced reject the claims of the less advantaged to greater equality None of these charges and countercharges can be given credence without first examining the conceptions of justice sincerely held by individuals and their understanding of the social situation in order to see how far these claims are indeed founded on these motives. (p. 540)

We seem to have here a *tu quoque* argument, which Rawls then half withdraws on the condition that his would-be critics desist. The success of any such strategy depends, however, on common agreement that jealousy, grudgingness, and spite are, *as Rawls has defined them*, vices. In the absence of detailed demonstration by Rawls or initial agreement on this point by his opponents, our only resort can be to ordinary usage and our best available means reference to dictionary definitions. In making such reference, I shall follow the same principles I did in the case of the term envy. Also, I shall assume that Rawls is using the term "jealousy" as approximately synonymous with "grudgingness" and the term "spite" as a special intensification of grudgingness. There is some doubt as to whether Rawls regards simple grudgingness, before it reaches the point of spite, as a vice, but I shall assume that he does so on the ground that otherwise his introduction of grudgingness into the argument would be pointless. The following, then, are the dictionary entries which I think bear on the point.

Grudgingness: The condition of quality of being grudging, unwill-

ling, reluctant or stinting.²⁰

The quality or state of being grudging.²¹

Grudging: That grudges: . . . unwilling, reluctant, resentful, envying.²²

1: that grudges: UNWILLING, RELUCTANT, ILLIBERAL, UNGENEROUS.²³

Begrudge: To grumble at, show dissatisfaction with; esp. to envy one the possession of; to give reluctantly, to be reluctant.²⁴

Jealousy: 3. Solicitude or anxiety for the preservation or well-being of something; vigilance in guarding a possession.²⁵

4b. in respect of success or advantage: Fear of losing some good through the rivalry of another; resentment or ill-will towards another on account of advantage or superiority, possible or actual on his part; envy, grudge.²⁶

1a. a jealous disposition.²⁷

2. a zealous vigilance.²⁸

Jealous: 1c. hostile toward a rival or to one believed to enjoy (as a possession or attainment): ENVIOUS, RESENTFUL.²⁹

Spite: 2. A strong feeling of contempt, hatred, or ill-will; intense grudge or desire to injure; rancorous or envious malice.³⁰

2a: often petty ill-will or hatred toward another accompanied with the disposition to irritate, annoy or thwart; envious or rancorous malice.³¹

Looking over these definitions, one cannot help being struck by the fact that they answer so little to Rawls's requirements. For what Rawls needs is (1) a vice, which is (2) attributable essentially to those who are "better circumstanced," and (3) in virtue of which they seek to preserve their superior position by rejecting "the claims of the less advantaged to greater equality." Finally, to complete this structure, he needs (4) another vice, perhaps the intensification of the first, whose essential mark is the willingness to accept a loss in order to preserve the inequality in question. These requirements are not met at all. For

the definitions agree, to be sure, in identifying grudgingness as unwillingness to give, but they do not say who is unwilling to give what to whom or how far short of equalization of holdings this reluctance begins. As to grudgingness or jealousy being necessarily regarded as vices in these definitions, the presumptions are certainly not favorable to Rawls. Of course, when these terms are treated as equivalent in meaning to envy, one can presume that they denote a vice; otherwise they could indicate a neutral trait, or even a virtue, as in the case of two of the definitions of jealousy. One might think, of course, that "illiberal" and "ungenerous" might be the names of a vice, and indeed they might. But then two further requirements would have to be satisfied if "generosity" were to do the work Rawls requires, i.e., motivate people to *accept* democratic equality: (1) generosity would have to be defined as necessarily indiscriminate with respect to desert, and (2) a man would have to be defined as ungenerous unless he supported the forcible seizure of goods held by others for redistribution to the "less advantaged." I do not think that the notion of generosity will bear this weight, and, if it doesn't, then its opposite is not the vice that Rawls needs. As for spite, quite clearly our definitions regard that trait as a vice, but they characterize it in a way that is of no value for Rawls's purpose. This whole argument, far from amounting to a successful counter-attack against the "conservatives" (by which Rawls seems to mean those less egalitarian than he), only shows how deceptive the process of redefinition can be. This is indeed only one example of the deeply embedded ideological rhetoric that pervades so many of Rawls's arguments.

I believe that I have now shown (1) that Rawls's defense against the envy objection is based upon a tendentious redefinition of envy, and (2) as a corollary, that his counter-attack against his anti-egalitarian opponents is based on equally tendentious redefinitions of grudgingness and spite. If I am right in my arguments so far it follows that, whereas Rawls's "conservative" opponents cannot be accused of pandering to a vice, he can, for the demands of envy in the ordinary sense are satisfied and promoted by Rawls's principles. I have thus met Rawls's challenge and shown that his principles do indeed "give voice to envy." I have shown this by demonstrating a one-to-one correlation between "the content of the principles and the characterization of envy." And of course doing this included, but goes beyond, rejecting as circular and "loaded" his own formula as to how alone he might be refuted: "one must first argue that the form of equality objected to is indeed unjust and bound in the end to make everyone including the less advantaged worse off" (p. 538). For his conception of justice cannot be accepted until it is *first* proven not to be based on envy.

What remains to be shown is the *precise way* in which the

interests of envy are covertly assumed to exist in the motives of the parties and covertly provided for in the other conditions of the original position. This I shall now proceed to do.

The basic motivations of those in the original position are set forth in Rawls's "thin theory of the good." This theory both describes the primary goods and specifies the method ("rationality") by which the parties order such goods and seek means to their acquisition. All this involves an implicit theory of human nature which sees the latter as a set of pre-given goals and which sees reason as merely an instrument of those goals. Reason operates by pruning these goals to meet the more implacable demands of nature, arbitrating among those which remain, and, finally, seeking the most effective means of implementing the resulting life-plan. There is no discussion of the obvious alternative procedure. Such a procedure would be to define man as a rational animal, specify his precise relation to a natural environment open to rational control but not to arbitrary demands, and then positively formulate his good in terms of that total picture. For Rawls, on the contrary, "an individual's good is the hypothetical composition of impulsive forces that results from deliberative reflection meeting certain conditions" (p. 417). Among these conditions may be the immediate and absolute veto of nature, and in this case, of course, a given goal must be omitted from the life-plan (e.g., an armless man must abandon the goal of being a violinist). But there are situations where nature's veto may be hidden and nature's penalty even shifted to other people, as in the case of the goal of occupying a position for which one is not the most qualified candidate. Normally nature's veto would be expressed through the free market, i.e., the refusal of employers to hire, and of consumers to patronize, those who are unqualified for a position. Not so in Rawls's society. For him "the realization of the self which comes from a skillful and devoted exercise of social duties" (p. 84) is a fixed goal. If nature vetoes that goal in certain cases, then we must find "a conception of justice which nullifies the accidents of natural endowment" (p. 15) lest those holding to such goals in the face of whatever failures or test results not "be deprived of one of the main forms of human good" (p. 84). To assist such people to attain such aims, the state must sometimes force employers to abandon their hope to "attract superior talent and encourage better performance" (p. 84). In this way we avoid "a callous meritocratic society" (p. 100).

Such a conception of the human good, not being objectively founded in the relation of man to nature, can only lead to a conception of self-respect which is subjective and arbitrary. That is to say, a person's self-respect will not be founded on a hard objective look at one's own performance but upon how one appears to other people,

and, indeed, upon the opinions of those others. And Rawls's theory of self-respect is precisely what one would expect in view of this demand. It is in large part subjective, or, more strictly, socially subjective, dependent on the evaluation of the group (see pp. 440-46) of what we sometimes call the "significant others":

While it is true that unless our endeavors are appreciated by our associates it is impossible to maintain that they are worthwhile, it is also true that others tend to value them only if what we do elicits their admiration or gives them pleasure. (p. 441)

It is not surprising that those basing their self-respect on such foundations would be in constant fear of being objectively evaluated. Any such wound to a self-respect so conceived can only threaten the onset of gnawing pangs of envy. They would be "downcast" (p. 533). This being so, is it any wonder that such people would grasp eagerly at principles of justice which would "underwrite their self-assurance" (p. 536)?

Granted that the parties in the original position hold Rawls's view of self-respect, we can readily read their motives. Rawls tells us that envy is not to be found among such motives because he has not listed it as being there. But we have seen that one reason he had for not listing it is because he has an arbitrary definition of envy. But we should recall that he gives another reason, namely that envy is an emotion that varies from one individual to another. Now, if my argument has been correct, envy to a moderate degree, or at least a tendency to the same, is what all the parties either have or expect to develop. Rawls in fact admits it. He tells us that envy of this kind is "a reaction to the loss of self-respect," and that, "since self-respect is the main primary good, the parties would not agree, I shall assume, to count this sort of subjective loss irrelevant" (p. 534).

It is true that this seems to come in the second part of the argument. But the fact is that the parties know this as part of their knowledge of the primary goods, and that they know it behind the veil of ignorance. Now, since the need to avoid envy plays its part in the choice of the principles, and since that need is based on a tendency to or fear of envy already present, it follows that, in a clear sense, the choice of the principles of justice is "based on envy."

Rawls tells us that the other stipulations of the original position are not based on envy. They are supposedly "a suitably general and public way of ordering claims" (p. 538). But these conditions are all based on Rawls's primary concept of "justice as fairness." "Justice as fairness" is the name of his *theory of justice*, which demands that the

conception of justice governing the basic structure of society be chosen under conditions that are "fair." But what is fairness? In Rawls's original explanation it was simply "one of the forms of conduct in which the recognition of others as persons is manifested,"³² the form of which is concerned with equal treatment and the prevention of anyone's being "taken advantage of."³³ Without receding from this position, he explains fairness in *A Theory of Justice* as representing "certain ends that cannot be given up" (p. 111), ends that have been identified as such by "our considered judgments in reflective equilibrium" (p. 111). Rawls explicates these demands as similar to the claims of children upon their parents for equal "attention and affection" (p. 540). The claim to be treated in this equal way is based on being a "moral person" (p. 12), which means a moral agent. This quality is, of course, a very abstract one, entirely separable from the notion of being anyone in particular, or of having any particular rights. Now, whatever one may think about this claim, it is important to see that Rawls makes it the basis of all other rights and claims. And it is equally important to see that it functions in conjunction with Rawls's concept of self-respect.

The application to society of the notion of fairness results in the "concept of justice," which is "defined . . . by the role of its principles in assigning rights and duties and defining the appropriate division of social advantages" (p. 10). Accepting this *concept* as setting the parameters of their choice, the parties in the original position are to choose a *conception* of justice which is one of its interpretations (p. 10). But although Rawls claims that his *concept* of justice is neutral between *conceptions* of justice (p. 6), the parameters of the concept rule out all antecedent rights based on who the parties are and how they have acquired what is theirs. For Rawls, justice is not the recognition of rights; rights are, rather, created by the principles of justice and then distributed in the "appropriate" way. The only discussion allowed is over which way in the most appropriate. But the answer is predetermined anyway by the one natural right which Rawls recognizes as antecedent to the contract. This is the right to be treated "equally." The search for the appropriate distribution of rights is therefore a search for the answer to the "problem" of inequality. This is for Rawls the central question of justice (p. 7). The real "end that cannot be given up" turns out to be *equality*, at least as an ideal. This is because inequality is seen as an affront to self-respect. The central interest of Rawls's *theory* of justice, as well as his chosen *conception*, is thus identical with the interest of envy.

Rawls's *concept* of justice, therefore, rules out every *conception* of justice that does not take the demands of envy as at least the premises of all negotiation. Above all, the Lockean theory of natural

rights is excluded, and with good reason. According to Locke, each person has a natural right to the fruits of his own labor. But as different people put in different amounts of labor, the result is economic inequality. There can be no objection to this, according to Locke, for the world has been given "to the use of the industrious and the rational . . . not to the fancy or covetousness of the quarrelsome and contentious."³⁴ Now, covetousness is the sister of envy. And envy, allied with shrewdness (rationality) would, given the chance, gladly give way to covetousness and accept the deal offered by the difference principle. For thereby one of the aims of envy itself - spoilation of the envied person - would always be a threat hanging over the latter's head unless the principle were observed to the letter. Locke's theory of natural rights is antithetical to the interests of both covetousness and envy, and Rawls's exclusion of that doctrine from his list of "conceptions of justice" is a tacit admission of the commitment of his own theory to those interests.

We could pursue our argument to show that the whole elaborate machinery of the original position is introduced so as to serve the interests of envy. It is not necessary to do that in detail since the principles of the argument are clear enough. But if the argument is correct, the implications range beyond Rawls's theory of justice. They would be equally valid for his whole projected theory of right (p. 17). And that is, I think, a sober prospect.

But what of the second part of the argument, Rawls's reassessment of the principles of justice in the light of stability? Suppose that the derivation of the principles has been shown to be envy-free. Could the second part of the argument be absolved of the charge of letting in envy again by the back door? The answer to this is to be found first by examining closely Rawls's concept of "excusable envy" and then by considering the logical relation of the second part of the argument to the first. Let us start by returning to the passage on "excusable envy" (p. 534). Rawls is here introducing into the discussion a new entity, "excusable envy." Is this, together with "inexcusable envy," a coordinate species of the genus envy as I have suggested above? If so, there would be an advantage for Rawls. For it would now be easier to conceive envy as one integrated phenomenon, a social problem whose incidence would be reduced by his principles of justice. But Rawls in fact shies away from treating the two as species of one genus. This is shown by the fact that he never uses the term "inexcusable envy." The reason for this reluctance is not far to seek. Rawls has already defined envy as a vice. Now, how can a vice have two manifestations, one inexcusable and one excusable? There is no such thing as an excusable vice. Even more, there is no such thing as a vice for which it is excusable not to take strong measures to abandon.

But Rawls regards "excusable envy": as something which is not only excusable to *have*, but also excusable to *nurse* and to *seek outlets for*. Therefore he avoids classifying it as a vice. Indeed it is likely that he would deny that it is a vice, for he introduces the section discussing "excusable envy" with the words, "So far I have considered envy and grudgingness as vices" (p. 534).

But if "excusable envy" is not a vice, on Rawls's assumptions, what is it? To answer this question we shall first have to ask what makes it excusable. One answer that Rawls gives is that it is a reaction to a disparity considerable enough to cause a "wound" to the "self-respect" of the envious man. It is needless to point out that the only way in which this could excuse envy would be if Rawls's theory of self-respect and the consequent moral imperatives which it would impose were true. What I want to emphasize now is that if all that were established, envy would then become indistinguishable from justified resentment, and, all things equal, to pursue the satisfaction of such resentment is to pursue justice, and to pursue justice is a virtue. But if Rawls takes this line, there is no need for separate treatment of excusable envy under the heading of stability. All this could have been taken care of in the first part of the argument.

But Rawls obviously does not do this. This is because he wants to treat envy as a vice whose incidence can be reduced by the adoption of his principles. Now, he cannot claim that a basic structure based on his principles would reduce envy as he has previously defined it, that is, envy in the sense I have called "inexcusable." Hence he must claim that it reduces "excusable envy." To make this alleged reduction even relevant to his case, he must treat "excusable" and "inexcusable" envy as if they were different manifestations of one social phenomenon which is in fact a vice. Rawls is thus trying to have it both ways: he must avoid calling "excusable envy" a vice while treating it as a vice when he needs to do so.

How does Rawls treat "excusable envy" as a vice? He does so in two ways. The first way is to stress that it is nasty, unpleasant, and a form of rancor. As such it seems to be quite different from resentment. It seems to be an unpleasant characteristic in a person and a canker on society. But the second way in which he treats excusable envy as a vice is by dropping the distinction between the two kinds of envy right after he has introduced it! He does this in the *same* paragraph in which he tells us he is going to discuss *only* "excusable envy":

We are now ready to examine the likelihood of excusable general envy in a well-ordered society. I shall only discuss this case, since our problems is whether the principles of

justice are a reasonable undertaking in view of the propensities of human beings, in particular their aversion to disparities in objective goods. Now I assume that the main psychological root of the liability to envy is a lack of self-confidence in our own worth combined with a sense of impotence. Our way of life is without zest and we feel powerless to alter it or to acquire the means of doing what we still want to do. *By contrast* someone sure of the worth of his plan of life and his ability to carry it out is not given to rancor, nor is he jealous of his good fortune. Even if he could, he has no desire to level down the advantages of others *at some expense to himself* (pp. 534-5, emphases mine).

Rawls thus falls back on what I have called "inexcusable envy." This is certainly a vice, and vices do call for reduction in terms of stability, but this is one vice which Rawls's principles are hardly designed to reduce. Rather, they are designed to reduce "excusable envy," whose satisfaction would make its subject "better off." But this is not on Rawls's assumptions a vice for the reasons we have given. We might add that it is not a vice under his own definition of vice, which is that of something which makes both its subject and its object worse off.

Rawls seems to me to be driven by yet another imperative in introducing all this ambiguity. He seems to be suggesting that envy is sometimes not only excusable in the envious person, but that it is "society's" fault, that it is the fault of people *other* than the envious person. And he seems to be further suggesting that it is inexcusable for these other people not to take measures to reduce the vice. But the measures in question amount to the adoption of Rawls's principles of justice. Thus an additional reason for adopting the principles of justice: the reduction of vice in the interest of stability.

Rawls's treatment of "excusable envy" as *a vice which is the fault of someone other than the vicious person himself* has superficial plausibility when we consider the fact that having a drug habit is classified as a vice. But a drug habit, after all, can be contracted quite innocently due to the incompetence of a physician. We have here what might be called in a Pickwickian sense an "excusable vice." But what we really mean is an excusable *habit* which would become a vice, and so inexcusable, if the user took no strong measures to abandon it. It would be inexcusable, for example, for him to remain bitterly and rancorously addicted to his drug if the medical board failed to compensate him by assessing the errant physician for damages. Rawls's treatment of "excusable envy" is quite different. Rancorous and nasty as it is, the habit

may without moral censure be retained, nursed, and even acted upon. Whereas "we are normally expected to forbear from actions" to which we are prompted by envy and "to take steps necessary to rid ourselves" of that vice, the case is different with excusable envy. What actions is Rawls thinking of, one wonders? In the case of excusable envy "no one can reasonably be expected to overcome his rancorous feelings." Now the superficial plausibility of the analogy to the innocently contracted drug habit vanishes. There is no obligation to overcome the propensity. As for the injustice in the case of "excusable envy" which might parallel the incompetence of the physician, the only demonstrable injustice which Rawls alleges is the "disparity" of primary goods. I cannot help thinking that, all in all, this is one of the most extraordinary passages in the history of ethics. Whatever the arguments expressed in it do, they do not tend to relieve the impression that Rawls is once again assigning to envy a major role while going through the motions of exorcising it. I think we can safely conclude that the concept of "excusable envy" does not serve the purpose for which it was intended.

There remains the question of Rawls's stratagem in separating the two parts of the argument. Would the resulting logical relation between the parts serve Rawls's purpose if the rest of his argument stood up? I do not believe that it would.

For the second part of the argument for the principles of justice is by Rawls's own definition *a part* of that argument (p. 530). If the principles of justice did not pass muster at this second stage, they would necessarily, he tells us, be "reconsidered" (p. 531). Choice of the principles is, therefore, to some extent based on their compatibility with the stability of society. Rawls might answer that the second stage of his argument is in no sense a deduction of principles of justice *as such*, that it is an argument from *stability*, and that the criteria of stability are different from those of justice. He might even point in his defense to his position that democratic equality is not necessarily the *most* stable conception of justice (p. 504). The fact is, however, that the certification of a conception of justice as reasonably stable is a necessary condition of its final certification as the most favored conception of justice. And the most favored conception of justice is the one that comes to determine the basic institutions which in turn determine what actions and persons are to be regarded as just and unjust throughout the society. What is just and unjust is, therefore, strictly determined by the argument from stability. But the argument from stability itself is an argument that a society based on democratic equality would *just happen* to be able to bank the fires of envy. Therefore, even if the argument from stability is external and accidental to the derivation of the principles of justice, it is internal and

necessary to the final appraisal as just or unjust of every institution, action, and person in the society.

In summary, my reply to Rawls's defense is as follows.

(1) The first part of his argument for the principles of justice is based on envy in an important sense of envy which is quite damaging to the moral status of those principles, and

(2) The seemingly accidental and innocuous role which considerations of envy play in the second part of the argument is illusory: these considerations finally determine what is to be accounted just and unjust.

(3) Therefore, Rawls's argument can in no way escape the reproach of being based on envy.

4.

Finally, I wish to make a few remarks on the special import of envy for Rawls's theory of justice. It is Rawls's contention that, even though other forms of egalitarianism may be based on envy, his own theory is not open to this reproach. I have argued that, in any comparison of Rawls's theory with strict egalitarianism, the latter would have to be said to be based on envy to a far greater degree. However, that is because strict egalitarianism would subordinate all other considerations to envy, thus making economic development, and with it industrial civilization, impossible. How does it stand, though, when Rawls's theory is compared with other egalitarian defenses of the welfare state, that is, with theories which regard the achievement of equality as a positive goal to be taken in conjunction with and weighed against others? Here the various forms of utilitarian and intuitionistic defenses of the welfare state may be taken into account. I think two questions should be raised in any such comparison: (1) Is the basis of the alleged desirability of equality the same as the complaint involved in the envious attitude, or, on the contrary, is it a moral argument that has nothing to do with envy? (2) How large a place does the goal of equality play in the theory? To answer these questions, let us consider a utilitarian defense of the welfare state which takes as one of its premises Sidgwick's principle that in the distribution of happiness "it must be reasonable to treat any one man in the same way as any other, if there is no reason for treating him differently."³⁵ Now the essential negative ground for equality expressed in this principle differs *prima facie* from Rawls's grounds which I have shown to be intrinsic to the envious attitude. Further, the weight given to equality in this principle is relatively weak. So far as the statement itself goes, almost any consideration of almost any weight could prevail over equality. The

same observations would apply to a greater or lesser degree to intuitionistic arguments for the welfare state: the value of equality is presented on grounds that are at least overtly different from those of envy, and equality is weighed against any number of other values. Now what is the result when we compare these forms of egalitarianism with Rawls's theory?

The result is, I think, that Rawls's theory is by far the most difficult to exonerate of involvement with the demands of envy. For, first, Rawls's argument for equality on grounds of self-respect, indeed his very concept of self-respect as tied to relative status and being "looked down on" by significant others, coincides exactly with the complaint of the envious man. And, secondly, when, in Rawls's theory, equality gives way before *another* value, the absolute improvement of the least advantaged representative man, this *second* value is not so far removed from envy as to be incapable of assuaging it with ease (pp. 536-7). It seems, indeed, to be covetousness. The answer to our two questions, then, indicates that when it comes to answering the charge of being based on envy, Rawls's theory compares unfavorably with both utilitarian and intuitionistic defenses of the welfare state. And the very arguments which Rawls uses against other interpretations of his second principle show that his differences from them depend upon his concept of self-respect and upon the fact that equality in his theory gives way to other values with far less readiness.

Of course it is important to realize that one who asserts the interests of envy or becomes their partisan is not necessarily motivated by envy. There may be any number of grounds for such advocacy, among them the belief that envy should be placated. I believe that all such grounds are wrong, but that is another matter.

I conclude, then, by stating that, apart from strict egalitarianism, there is no theory of justice that is, in the sense defined, more truly based on envy than that of Rawls, and that, consequently, of all moral defenses of the welfare state on grounds of equality there is none more deeply sympathetic to the interests of envy or more radically committed to promoting its claims.

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