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### Publication Date

2020

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UNIVERSITY OF CALIFORNIA SAN DIEGO

Relational Equality: A Conceptual and Normative Analysis

A dissertation submitted in partial satisfaction of the requirements for the degree  
Doctor of Philosophy

in

Philosophy

by

Kathryn E. Joyce

Committee in Charge:

Professor Richard Arneson, Co-Chair  
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Professor Dana Nelkin

2020

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The Dissertation of Kathryn E. Joyce is approved, and it is acceptable in quality and form for publication on microfilm and electronically:

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University of California San Diego

2020

## DEDICATION

To my Grandpa Harris, for convincing me to aim higher long ago.  
Rest in Peace.

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## ACKNOWLEDGEMENTS

I consider myself lucky to be part of the vibrant academic community at UC San Diego. I've accrued more intellectual and personal debts than I can count. To start, I want to thank my advisors, Dick Arneson and David Brink, for their supervision. I especially appreciate David's ability to connect dots along with his diligent and insightful feedback. More generally, I appreciate his kindness and willingness to help me navigate academia. I'm grateful for Dick's encouragement and guidance. He has a knack for thinking of things no one else does. I'm a better philosopher because he steered me toward fundamental issues and wouldn't let me take anything for granted. While I'm solely responsible for its flaws, this dissertation was largely shaped by discussions (and disagreements!) with Dick.

I also want to thank my other committee members for their input and enthusiasm for my project. Dana Nelkin's ability to see the value in nebulous ideas encouraged me to keep thinking through many of the ideas that eventually led to this dissertation. I'm grateful to have Cathy Gere on my committee. Her interest in my project and feedback early on was motivating. I can't thank Lucy Allais enough for our many discussions about the material in this dissertation, not to mention the constant support and reassurance (and the rock climbing!). She has a way of being simultaneously rigorous, charitable, and exuberant.

Aside from my committee members, I owe a debt of gratitude to Nancy Cartwright. From my first year in the program, Nancy always seemed to understand what I was trying to say no matter how muddled or clumsy. That did wonders for my confidence. Not only is she estimable, she's generous. I'm privileged to have collaborated with her. Through Nancy I met Harry Brighthouse. I had been a fan of Harry's for years and am now grateful to count him as a mentor.

I'm especially indebted to Christie Hartley, Lori Watson, and Gina Schouten who have been incredibly supportive mentors and friends. Each of them has provided helpful feedback on material

in this dissertation. Christie has always been honest and forthcoming. The fact that she is so trustworthy, makes her confidence in me all the more meaningful. Not only has Lori been a constant source of encouragement and laughter over the past seven years, talking with her always makes me excited about philosophy. I'm inspired by Gina's skill and presence. I am grateful for the six weeks I spent with her at Harvard—time with Gina is always stimulating, productive, and fun. I've learned so much from all three of them; knowing them makes me happy to be a philosopher.

No one survives graduate school without the support of friends and family. I could have never gotten to this point without my wonderful colleagues and friends, including Craig Agule, Claudi Brink, Kathleen Connelly, Susanne Degher, Max Edwards, Brian Eremita, Sally Hargate, Cami Koepke, Sam Salwei, Tom Grundy, and Eric Watkins in addition to those previously named. I wouldn't even have tried if Jack Weinstein hadn't believed I could be a philosopher after I stumbled into his class as a freshman at the University of North Dakota.

Nothing I could say would be enough to adequately thank this last set of people for all they have invested in me over the years. I'm grateful to those who believe in me but would love me even if I were to fail: my Mom and Dad, who taught me to work hard, my siblings, and my friends Emily Cahill, James DiGiovanni, and Noel Martin. Most of all, thank you to Paul Cassedy for putting up with me, making sure I eat and sleep, taking me on countless adventures, and giving me the space to do this.

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- 2018      Meeting Our Standards for Educational Justice: Doing our Best with the Evidence (with Nancy Cartwright), *Theory and Research in Education* 16 (1).
- Teaching Philosophy through Role-Immersion Games: Reacting to the Past (with Noel Martin and Andy Lamey), *Teaching Philosophy* 41(2).

## ABSTRACT OF THE DISSERTATION

Relational Equality: A Conceptual and Normative Analysis

by

Kathryn E. Joyce

Doctor of Philosophy in Philosophy

University of California San Diego 2020

Professor Richard Arneson, Co-Chair

Professor David Brink, Co-Chair

For many egalitarians, social justice requires equality in the distribution of goods or opportunities. By contrast, relational egalitarians take social relationships among members of society, not distribution, to be the proper object of egalitarian concern. This dissertation provides a conceptual framework for theorizing about relational equality. I demonstrate its appeal by using it to develop an account that attends to neglected aspects of relational equality, grounds its core commitments, and provides resources for addressing some of the most pressing objections raised against it. I conceptualize ‘relating’ in terms of three components: status/standing, regard, and treatment. All three components can be worked out in negative and/or positive terms: persons can lack or possess statuses; regard can require lacking or possessing beliefs and attitudes; treatment can require negative or positive behavioral norms. I characterize egalitarian relationships in terms of both negative and positive norms that are responsive to the equal value of persons *and* their nature as reasons-responsive agents. I identify some egalitarian norms that apply to various relationships among responsible agents living interdependently, including norms of mutual accountability,

fairness, and answerability. Relational equality, as I describe it, is an attractive social ideal. I ground it as a *political* value that generates demands of *justice* by connecting it to the fair value of the basic liberties, the social bases of self-respect, and fair equality of opportunity. Although this strategy fits with a broader range of liberal commitments, I propose an alternative that appeals to a minimal perfectionist liberalism inspired by J.S. Mill. I argue that relational equality provides necessary social conditions for persons to realize their nature as deliberative agents within society.

# Introduction

Since the late twentieth century, social movements in the United States have demanded racial and gender equality along several dimensions. Among these is a call for equality in social relations, which stands in opposition to oppression and social hierarchy. Many agree that this demand captures something important. Indeed, some philosophers, known as *relational egalitarians*, claim that it captures a crucial aspect of egalitarian justice. Yet, relative to others, this kind of equality remains undertheorized within analytic political philosophy. Theories of egalitarian justice tend to focus on equality in the distribution of social goods. Relational egalitarianism de-emphasizes distribution, focusing instead on how members of society stand and relate to one another. Taking inspiration from social movements, it targets social status hierarchies and unequal relations like oppression and champions a society of equals.

Many political philosophers find relational egalitarianism promising either as a rival or supplement to distributive egalitarianism. Yet, many questions about its nature, value, and implications for social justice remain open.<sup>1</sup> Given trends in political philosophy, relational egalitarians have focused on carving out a space for interpreting equality in terms of relationships rather than distribution. As a result, options for working out the relational egalitarian position remain underexplored. The literature contains many disparate ideas and claims that have not been systematically analyzed in relation to one another. Indeed, we currently lack a framework for organizing these contributions.

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<sup>1</sup> See Fourie (2015).

This dissertation advances the relational egalitarian project by analyzing conceptual and normative aspects of relational equality. My aim is to defend relational egalitarianism by developing a plausible account of relational equality and grounding it as a social justice value. The resulting account of relational egalitarian justice is not a complete theory or ideal of social justice; rather, it characterizes the content and demands of one value at the heart of social justice.

Nearly every aspect of relational egalitarianism requires interpretation. I start in this introductory chapter by distilling two core commitments that define relational egalitarianism and unify the disparate ideas offered in its name. These commitments structure the dissertation. I analyze the core concepts they contain, creating a conceptual account that is useful for theorizing about relational equality; I use it to compare existing proposals. I then explore theoretical options for developing substantive theories of relational equality and relational egalitarian justice. With this architecture in place, I turn to questions about valuable ways of standing and relating as equals. I focus on standing as equals within structural accountability relations and relating as equals within interpersonal accountability practices. I then consider how a set of standard liberal commitments constrains justice requirements pertaining to relational equality. After reconciling key relational egalitarian concerns with these liberal commitments, I show that some demands of relational egalitarian justice can be grounded in a variety of liberal theories.

Before outlining my project in more detail, it will be useful to distinguish relational equality from other kinds of equality and situate it within liberal theories of social justice.

### *Different Kinds of Equality and the Egalitarian Plateau*

All liberal theories embrace some kind of equality. Contemporary theories of justice share a commitment to *moral equality*—the idea that persons are moral equals. This is a claim about the

fundamental value of persons.<sup>2</sup> Moral equality is thought to imply that, because persons are equally valuable, their lives are equally important and ought to be treated as such. Typically, that's taken to mean they ought to be treated with equal concern and respect. This is what has been called the "egalitarian plateau."<sup>3</sup> From here, theorists must determine what treating persons with equal respect and concern implies for justice.

In addition to being egalitarian in this general sense, liberals agree that individuals are entitled to an equal set of basic rights and liberties. The state must treat them with equal respect and concern by securing and protecting their civil and political liberties on an equal basis. So liberal theories are egalitarian in this sense as well. Accordingly, I take for granted that the positions at stake in this dissertation share a commitment to this kind of political equality.

What I call *egalitarian* theories recognize further egalitarian entitlements, usually within the domain of distributive justice. Not all liberal theories are egalitarian in this sense. Those that are, claim that justice requires equality in the distribution of some set of goods (e.g. economic goods, resources, or opportunities) in addition to political rights and liberties. These *distributive egalitarian* views can be formulated in a variety of ways. The most significant differences between them are in how they specify the egalitarian principle(s) of distribution and the currency, or set of goods, that they take it to regulate. In any case, distributive egalitarianism holds that inequalities in the distribution of goods produced through social cooperation must be regulated and constrained in ways that show equal concern and respect for persons. Often, this is taken to mean that departures from an equal distribution must be properly justified.

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<sup>2</sup> Moral equality is notoriously difficult to justify. Still, it's widely accepted. The few who reject it still seem to accept the implications—that persons are to be respected as equals. For attempts to justify moral equality and to challenge it, see Steinhoff (2014).

<sup>3</sup> Dworkin (1983) first uses this term. See also Swift (2014).



Relational egalitarian theories are not theories of *distributive* justice per se, because they do not propose distributive principles.<sup>4</sup> As Elizabeth Anderson, the most prominent proponent explains: “Unlike contemporary analytic political philosophy, which tends to ask only what goods society offers individuals to enjoy, the [relational] egalitarian tradition regards human beings as the most important product of social arrangements”(2012, 50). Relational egalitarians thus focus on social relations among members of society. As we shall see, this includes status structures along with corresponding relations of power and authority, and social norms that structure interpersonal relationships and interactions. While questions about distribution do arise for relational egalitarians, they tend to be indirect concerns. I return to this issue later in this Introduction. The point here is that there are two main kinds of egalitarian theories: distributive and relational.

Because social relations are complex and multifaceted, relational equality is more difficult to pin down than distributive equality. Moreover, distribution and social relations are intertwined. While they can be separated and examined independently in the abstract, in real world cases, it’s often easier to identify and describe distributive inequalities. Considering two paradigm cases of unequal social relations (race and gender) will help illuminate and motivate relational egalitarian concerns.

Landmark Supreme Court cases recognize what we are calling relational equality as distinct from political and distributive equality. Consider *Plessy v. Ferguson* (1896), which challenged racial segregation.<sup>5</sup> The U.S. Supreme Court upheld the ‘separate but equal’ doctrine, declaring that the equal protection clause of the fourteenth amendment was “undoubtedly to enforce the absolute equality of the two races before the law, but...it could not have been intended to abolish distinctions based on color, or to enforce *social*, as distinguished from *political*, equality...” (my emphasis).

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<sup>4</sup> However, Saynal (2012) argues that it can count as a theory of distributive justice because it guides decisions about distribution.

<sup>5</sup> See *Plessy v Ferguson* 163 U.S. 537 (1896).

Although they view it as unprotected, the court recognizes that there is a kind of equality beyond equal rights before the law—equality of social statuses or social standing. Social statuses reflect public recognition of individuals’ worth or value and their appropriate roles within society. The statuses (or classes) of inferiority and superiority that the court refers to embody public judgments about the (unequal) value of individuals in racial groups. While they may stand as equals in terms of *legal* relations, they do not stand as equals in terms of social relations.

In *Brown v. Board of Education* (1954), the court overturned the *Plessy* decision, ruling that the equal protection clause prohibits segregating schools by race.<sup>6</sup> The unanimous decision famously declared that ‘separate but equal’ is inherently unequal in an important sense: even if the schools were equally resourced and equally good in terms of ‘tangible’ factors, segregating students by race generates a sense of inferiority.<sup>7</sup> Here too, the court identifies *relational* equality as a distinct type of equality that opposes certain structural relations that shape our conceptions of ourselves and how we relate to one another. By holding distributive differences between schools fixed, it distinguishes relational inequalities from distributive inequalities. Unlike the *Plessy* decision, the decision in *Brown* recognizes racial hierarchies as an *unjust* form of inequality.<sup>8</sup>

As the decision in *Brown* and subsequent civil rights legislation indicates, racial equality doesn’t just refer to equality of wealth, legal rights, or opportunities across racial groups. Part of the concern is with how people are socially *identified* and how social groups are *valued* relative to one another. In the case of race, the concern is with widely shared beliefs, attitudes, and stereotypes that

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<sup>6</sup> See *Brown v. Board of Education* 347 U.S. 483 (1954).

<sup>7</sup> Those familiar with the ruling will recall that the Court also claims that segregation yields unequal educational opportunities. However, the fact that they claim that the doctrine of ‘separate but equal’ is *inherently* unequal suggests that the harm or wrong is not entirely due to effects on opportunities. Even if that is the opinion of the Court, we can disagree—what makes a policy unconstitutional is not the same as what makes it unjust.

<sup>8</sup> Given that the case concerns the equal protection clause of the fourteenth amendment, the Supreme Court’s basis for declaring legal segregation unjust seems to be that it is inconsistent with equality before the law. We need not accept that it is unjust (only) for this reason. Even the court seems to have more in mind since it raises concerns about inferiority within the community.

differentiate racial groups and arrange them hierarchically, marking some as inferior to others. Of course, this affects their economic opportunities and shares of economic goods. But that is a separate, albeit serious, concern. Imagine that we implement a lottery system to equalize opportunities thereby achieving full racial integration across occupations, governmental agencies, and educational institutions. Say this results in a distribution of economic shares that no longer reflects race, but racial stigmas and status inequalities continue to structure relationships within those institutions and within society more generally. Relational egalitarians are concerned about these social relations even though they have been detached from economic opportunities and holdings.

Similarly, gender inequality, the other paradigm case we will consider at various points, has both distributive and relational aspects. Indeed, while public discourse tends to focus on distributive inequalities like the gender pay gap and gender disparities within particular fields, some of these embody or arise from unjust social relations and are objectionable for that reason. We cannot fully achieve gender equality by fixing distributive inequalities in isolation from their source.<sup>9</sup> For example, say we increased the pay for jobs held mostly by women, compensated women for household labor, and closed the pay gap so that distributive outcomes between men and women are equal. Doing so eradicates distributive inequalities arising from gender differences, but not gender differences themselves. Adjusting economic rewards doesn't change how different kinds of work are valued, nor does it change ideas about who ought to do such work. Women would still be overrepresented in occupations that are considered less valuable and more appropriate to their role as nurturers; women in male dominated fields would continue to be evaluated as less competent in the workplace due to conflicts between gendered norms and standards of excellence—even though their pay no longer reflected such evaluations; women who work outside the home would still do most

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<sup>9</sup> While she is not advancing a relational egalitarian view, Schouten (2019) argues that the gendered division of labor is not essentially a distributive problem and therefore cannot be resolved with distributive interventions alone. Watson and Hartley (2018) draw a similar conclusion.

of the household and caregiving work due to a gendered division of labor within families. These important dimensions of gender inequality remain intact, which is objectionable from the standpoint of relational equality.

To be sure, it would be good to eliminate some distributive inequalities between men and women, but on its own, it would be insufficient for gender equality. Further, not all distributive inequalities between men and women are themselves unjust. Men and women need not be equally represented across occupations, for example. Unequal representation is objectionable currently because it arises from gender categories that structure relationships between men and women and the backdrop of gendered norms and institutions against which men and women make plans and choices. Relational egalitarianism directly targets these sorts of social, relational inequalities.

### *Relational Egalitarianism: Core Commitments*

Having highlighted some key concerns and distinguished relational equality from other kinds of equality, we can turn to a more general characterization of relational egalitarianism. Relational egalitarianism is a *kind* of egalitarian theory. It unites a set of theories that (1) conceive of equality in terms of relationships and (2) hold that such relationships are important from the standpoint of justice. As these core commitments indicate, relational egalitarianism does not simply hold that equality within certain relationships is *valuable*—it holds that this kind of equality generates demands of justice.

Each of these core commitments can be interpreted in various ways, leaving room for a wide, diverse range of views. Working out the first commitment means offering an account of *relational equality* by explaining the *nature* and *value* of egalitarian relationships: What makes a relationship egalitarian? What kinds of relationships ought to be egalitarian? What do egalitarian

relationships involve or require of participants? Why are such relationships valuable when and where they are?

Working out the second means offering an account of *relational egalitarian justice* by identifying what justice requires with respect to those relationships. Doing so involves articulating the content of the demands (i.e. what it requires), determining their site (i.e. the entities to which they apply) and scope (i.e. where or to whom the demands apply), and grounding them as demands of *justice*.

Although working out these core commitments is central to the relational egalitarian project, few proponents explicitly do so. Much of the literature concerns downstream issues about implications for theories of social justice, like the institutional, distributive, and individual measures needed to realize a particular aspect of relational equality. Contributors also tend to focus on what relational egalitarianism *excludes* instead of what it *requires*. They often rely on intuitive, vague conceptions of relational equality or appeal to canonical accounts that remain undertheorized. Indeed, Anderson acknowledges that relational egalitarians “have always been better at criticizing inequality than at devising a coherent and successful conception of the society of equals” (Anderson 2012, 51). Due to this trend, the space of relational egalitarianism has not been adequately explored.

Broadly speaking, Part I of my dissertation explores this space in the abstract by identifying available choice points for interpreting each commitment. Chapter 1 focuses on the first commitment and Chapter 2 focuses on the second commitment. In Part II, I begin to develop a substantive account of these core commitments.

Judging by the existing literature, the relational egalitarian project takes for granted that justice requires that members of society relate to one another as equals within some set of relationships. Accordingly, relational egalitarians focus on what relating as equals involves and which relationships matter for justice. Conceiving of the project this way prematurely narrows the conceptual space. Justice could require different things with respect to egalitarian relationships (e.g.

promoting or enabling them), we should not simply assume it requires that members of society relate as equals.

Further, aiming to bring about relations of equality among members of society seems to be in tension with some other common commitments about justice—like the idea that the demands of justice apply primarily to institutions and pertain to institutional actions and arrangements. The deeper motivation for these commitments is the idea that justice aims to regulate society in ways that protect individuals’ capacities for developing and pursuing their own ends. Relational egalitarianism, as it is usually understood, seems to assign to individuals ends that do not obviously serve that aim. Indeed, the assigned ends might be intrusive and excessively demanding if they conflict with individuals’ particular values and pursuits. Additionally, a focus on the character of interpersonal relationships suggests that the demands apply to the individuals within them rather than to state institutions. Relational egalitarians seldom acknowledge or confront these challenges.

For these reasons, I conceive of the project in terms of broader questions what egalitarian relationships entail, why they are valuable, and what they imply for social justice. I explore the nature and value of relational equality independently of questions about implications for justice. Then, I turn to questions about egalitarian justice without assuming that justice requires realizing a society in which all members relate to one another as equals across some set of relationships. My approach departs from others in ways that I hope will yield a clearer and more grounded account of relational equality and relational egalitarian justice. Still, I take it to be largely faithful to the relational egalitarian project.

### *Chapter Outlines*

Chapter 1 is devoted to analyzing some of relational equality’s core concepts. I propose a conceptual account that distinguishes between two types of relationships: structural and

interpersonal. While proponents express a concern for both, these distinct kinds of relationships are not clearly distinguished in the literature; their conceptual relationship and relative importance is largely left open to interpretation. I conceptualize structural relations in terms of statuses that position individuals or groups relative to one another within a social structure. Statuses are characterized by social meanings, norms, and corresponding conferrals of power and authority. I conceptualize interpersonal relationships in terms of how participants regard and treat one another. In many cases, including those most relevant to this project, structural relations serve as social preconditions for interpersonal relationships. For example, on my view, relating as *equals* means that participants stand as equals (in the relevant sense), regard one another as equals, and treat one another as equals (*because* they regard one another as equals).

This conceptual account of relational equality permits various interpretations of the various components, leading to different conceptions. For example, both structural and interpersonal relationships can be worked out in positive (i.e. what they require) and/or negative (i.e. what they prohibit) terms. It thus provides a useful framework for understanding egalitarian relationships, comparing existing proposals, and constructing more substantive accounts.

Again, I explore these concepts independently of considerations about how they will fit into a theory of social justice. Chapter 1 simply concerns what it is to stand and relate as equals at an abstract level.

In Chapter 2, I consider issues that arise if we treat relational equality as a social justice value. Here, we are still working with an abstract notion of relational equality, so the issues I identify will be relevant for theorizing about relational egalitarian justice in general. I canvass theoretical options available for specifying demands of justice given relational egalitarianism's focus on egalitarian relationships among members of society. In particular, I consider what relational equality implies about the content, grounds, site, and scope of those demands. I lay out and evaluate some hitherto

unappreciated options available to relational egalitarians. A comprehensive and conclusive assessment of these options would require appealing to a substantive account of relational equality and specifying one's broader commitments about justice. As such, I return to that task in Chapter 4 after developing the necessary resources.

After exploring the space of relational egalitarianism in Part I, I turn to substantive questions about the nature, value, demands of relational equality in Part II. In Chapter 3, I use the abstract framework and conceptual resources from Chapter 1 to begin developing a substantive account of egalitarian relationships. Few proponents offer explicit positive accounts of egalitarian relationships. Instead, as previously noted, they identify unequal relations that are ruled out, like caste hierarchies, domination, and oppression. Since the existing literature focuses on *negative* aspects of relational equality (what it excludes), I focus on articulating *positive* aspects (what it involves or requires).

Because my focus is on persons, understood as deliberative, responsible agents, I characterize egalitarian relationships in terms of mutual accountability and reciprocal answerability. I argue that, within a society of equals, members stand in relations of mutual accountability such that they are in a position to effectively hold one another accountable for abiding by the relevant set of norms. The particular norms for which individuals are accountable depends on the relationship in question, but for relationships to be egalitarian, the norms must be constrained by egalitarian considerations and they must include some distinctively egalitarian norms, like reciprocal answerability. Relating as equals interpersonally involves engaging in egalitarian practices of mutual accountability and reciprocal answerability. Someone is answerable to me when I have the authority to call on them to answer for their conduct and they recognize an obligation to do so. Within egalitarian relations of *reciprocal* answerability, I must be ready to listen and respond appropriately to



the reasons they provide and recognize an obligation to answer to them when they call on me to do so.<sup>10</sup>

While it might seem odd to focus on relations of accountability for purposes of characterizing egalitarian relationships, what I have in mind seems to capture a familiar aspect of relationships among equals. Consider the prevalence of sexual harassment in the workplace. A key inequality here is a lack of mutual accountability—men can harm women with impunity. Of course, this stems from disparities in power between women and men—especially men who are wealthy or in supervisory positions. But it isn't *just* an inequality of power, it's the fact that men hold *unaccountable* power over women. Jodi Kantor and Megan Twohey's report exposing Harvey Weinstein's decades of sexual abuse led to a wave of allegations against men in positions of power across many industries. Describing how this contributes to gender equality, they say "Large numbers of men suddenly had to *answer* for their predatory behavior—a moment of *accountability* without precedent" (2019, 2 my emphasis). They recognize that providing reliable means through which women can effectively hold men accountable addresses an important kind of inequality. In Chapter 3, I develop this idea and return to this case.

Although I don't claim that these relations of accountability and answerability are sufficient, I take them to be important general characteristics of egalitarian relationships among agents that have not been appreciated. I ground the value of these relations in persons' fundamental interests related to responsible agency; I argue that relating as equals within practices central to responsible agency is valuable for agents because it enables them to flourish within interdependent social relations. Societies can be more or less conducive to developing and exercising deliberative, reasons-responsive capacities and to directing one's own life. I argue that relational equality generates moral

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<sup>10</sup> Answerability is taken to mean very different things. While I expand in Chapter 3, I think my interpretation roughly aligns with how it is used in common language. I'm not using it as a technical term as many do within the literature on moral responsibility.

entitlements and obligations for individuals. It also indicates an attractive ideal of interpersonal relationships and of society more broadly.

The moral demands and social ideal I identify in Chapter 3 are distinct from demands of *justice*. But, understanding the nature and value of relational equality is important for determining what justice requires with respect to it and how it might be grounded in various liberal theories. Chapters 4 and 5 take up questions about relational egalitarian *justice*.

In Chapter 4, I return to questions about the demands of relational egalitarian justice, which I explored at an abstract level in Chapter 2. I situate my conception of relational equality within a broader liberal framework by articulating commitments about justice that I accept and take to be common among contemporary philosophers. These commitments provide constraints that help us home in on what justice demands with respect to relational equality. I argue that demands of justice pertain primarily to *structural* relations among members of society and aspects of society that shape interpersonal relationships. Thus, demands of justice only pertain to interpersonal relationships and individual conduct *indirectly*. With a sense of the *content* of the demands in mind, I turn to questions of site (the entities to which the demands of justice apply). My liberal commitments imply restricting the site to state institutions as contemporary liberals commonly do to protect space for individuals' personal pursuits. However, the demands of relational egalitarian justice that I recognize extend beyond institutional arrangements and so seem to be in tension with this restricted, institutionalist view of site. I reconcile these commitments by defending an alternative account that restricts the site of justice to institutions but places informal social structures and norms within the reach of justice.

Chapter 5 offers three strategies for grounding demands of relational egalitarian justice. While they do not ground the *same* demands, each grounds demands pertaining to structural relations and background social conditions for interpersonal relations of equality. The first strategy proposes a particular way of thinking about the relationship between the state and the moral action

of persons. The second strategy connects relational equality to standard aims of justice that are widely accepted by liberals of various stripes: fair value of the basic liberties, fair equality of opportunity, and the social bases of self-respect. The third strategy invokes a perfectionist liberal theory inspired by John Stuart Mill, which provides the most robust grounding for demands of relational egalitarian justice. However, many political philosophers, including some relational egalitarians, reject perfectionist conceptions of liberalism. I defend this particular perfectionist account by showing that it's responsive to concerns about consequentialism, neutrality, and elitism that often motivate abandoning perfectionist liberalism in favor of political liberalism.

In sum, the view I defend in this dissertation is roughly as follows. I argue that persons have an important interest in standing and relating as equals in certain ways because it is a necessary social condition of freedom for all members of society, with the requisite capacities, to pursue and realize their nature as deliberative, responsible agents. Social conditions depend on individuals; they require stable patterns of behavior and some assurance of their reliability. Entitlements to social conditions, like entitlements to protection of rights, can only be provided through coordinated, collective action. Relational egalitarian justice seeks the social and political conditions that enable relating as equals and promotes reliable patterns of such relations. It issues demands that apply to the basic institutional structure of society, but the informal social structure of society is within the *reach* of justice.<sup>11</sup>

Importantly, claiming that relational equality generates demands of justice and aspirational social aims is not yet to draw conclusions about what the state ought to do in service of them. That

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<sup>11</sup> I work out the notion of 'reach' in Chapter 4. Briefly, the *site* of social justice includes those entities who are compelled to act by principles of justice and the *reach* of social justice includes the objects of those actions. For example, say state institutions are the site of social justice. We can then say that justice requires state institutions to protect the physical safety of citizens; threats to physical safety then fall within the reach of justice because justice requires the state to do perform actions that address those threats. More specially: threats to physical safety arise within 'private' workplaces. Those workplaces fall within the reach of justice because the state must impose policies within them to protect workers from those threats.

requires examining other considerations including demands issuing from other values and legitimacy constraints. All-things-considered judgments about what the state ought to do, or about what states of affairs are most valuable, fall outside the scope of my project.

### *Current Debates and the Scope of my Project*

My project focuses on developing and defending undertheorized, fundamental aspects of relational egalitarianism. As such, some issues that have dominated debates among egalitarians fall outside its scope. Before setting them aside, it will be useful to briefly discuss some of these issues along with recurrent assumptions about relational egalitarianism. In the interest of opening up conceptual space and shedding light on underappreciated possibilities, we must untangle features of the particular relational egalitarian theories that are most familiar from those that are necessary to relational egalitarianism as such (defined in terms of two core commitments). In particular, I'll briefly consider the relationship between relational and distributive egalitarianism, issues concerning value pluralism, and what a focus on relationships implies with respect to state action. While I do not attempt to resolve these issues here, discussing them contributes to my aims by preparing us for an abstract discussion of relational equality in Part I and it opens space for the account I begin to develop in Part II.

*Relational and Distributive Egalitarianism.* Relational egalitarianism claims that the relational aspects of egalitarian justice cannot be subsumed by or reduced to distributive aspects or requirements. That is to say, concerns about social relations are not just concerns about distribution.<sup>12</sup> While relational egalitarians often present their views as an alternative to distributive

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<sup>12</sup> Some seem to think that relational egalitarianism can be characterized in terms of distribution. Prominent relational egalitarians deny this. See Scheffler (2001, 2015) and Anderson (1999, 2010b, 2012).

equality, suggesting that the two views are inconsistent, that doesn't follow from the claim that they are distinct.

Relational egalitarians generally recognize distribution as an important tool for realizing relational equality. However, that doesn't imply that it has no value apart from its contributions to those ends. I take it that relational egalitarians who endorse particular distributive principles (e.g. sufficiency) are merely committed to the claim that those principles are the only distributive implications of relational equality considered on its own, in the abstract. It's reasonable to think that the value of *that* distribution or distributive principle lies solely (or primarily) in its contribution to relational egalitarian ends. But this need not exhaust the distributive demands of egalitarian justice. The idea that it *does* is a further claim that doesn't immediately follow from the claim that a certain distribution is instrumentally valuable for realizing relational equality.

This point is often unclear in the literature. My sense is that relational egalitarians have underspecified the parameters of their projects. They often focus exclusively on elucidating equality without clarifying whether they are describing a broad ideal of a just society (the 'society of equals') or merely considering one value nestled within that ideal. Some prominent proponents, like Anderson, do seem to think of relational equality as a broad, complete ideal that captures the demands of social justice. On her view, distribution is only valuable for its contributions to democratic equality, her particular account of relational equality. However, relational egalitarians need not commit to this view.

Even if they do recognize other roles for *distribution*, many relational egalitarians reject *distributive egalitarianism*. Roughly, distributive egalitarian theories hold that justice requires equal distribution (sometimes adjusted to reflect relevant factors) of some subset of social goods, known as egalitarian currencies (e.g. resources, opportunities for welfare, access to advantage, capabilities, achieved levels of wellbeing, economic goods). As G.A. Cohen puts it, "I take for granted that there

is something justice requires people to have equal amounts of” (1989, 906). For them, distributing that “something” equally is the sort of equality that justice demands.<sup>13</sup> Many relational egalitarians deny this.

Importantly, rejecting distributive egalitarianism does not mean that relational egalitarians cannot endorse distributing some things equally. What they reject is the assumption that *the sort of equality justice requires* is distributive equality. Relational egalitarians could argue, and some do seem to suggest, that relational equality, *precludes* distributive equality. But I take the more plausible position to be this: the reasons we have for valuing equality support relational equality but not distributive equality. Thus, distributive equality is *unsupported*, not *precluded* by their views. This implies that, for them, if the value of *equality* demands equal distribution as a matter of justice, it must be because equal distribution serves the aims of relational equality.

It’s an open question whether relational equality as such demands distributive equality or some other distributive principle. Relational egalitarians who take egalitarian relationships to *require* equal distribution are usually motivated by empirical claims about the material conditions that foster egalitarian relationships under certain conditions (e.g. a society that greatly admires wealth). So, according to these relational egalitarians, distributive equality, is not the sort of equality that justice requires directly even if equal distribution of some good(s) is part of the broader egalitarian ideal of a just society.

Moreover, interpreting equality in terms of relationships (and not in distributive terms) does not preclude the possibility that justice demands distributing something equally for other reasons.

Most egalitarians recognize that other values generate demands of justice.<sup>14</sup> That means, at least for

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<sup>13</sup> This phrasing ignores some nuance. Inputs or outcomes can be distributed. If we are distributing outcomes (like opportunities or capabilities), the distributive inputs contributing to those outcomes will likely be unequal because they will correspond to individual differences in circumstances and natural abilities. If we are distributing inputs equally (like resources), we can expect unequal outcomes stemming from differences in how individuals use those inputs.

<sup>14</sup> Pettit is an exception; his theory is built on the value of freedom.

some relational egalitarians, there are things that matter for justice apart from relationships. For such views, the requirements of relational equality may constrain demands issuing from other values but need not exclude them. Principles of distribution, then, can be justified by appealing to other values if they are consistent with (or weightier than) relational equality. Since many contributions focus exclusively on elucidating equality, this possibility is often obscured within the egalitarian literature. Noticing it raises the issue of pluralism.

*Pluralism.* As I see it, there are at least two (compatible) ways in which relational egalitarians can be pluralists. First, they can be pluralists about social justice by recognizing other social justice values and normative considerations that must be balanced with the demands of equality. Second, they can be pluralists about the value of equality itself. Notably, both can provide resources for objecting to relational or non-relational inequalities that are not inherently ruled out by relational egalitarianism. Given that these options are underexplored and underappreciated, it's worth elaborating a bit further.

*Pluralism about social justice.* Pluralists about social justice recognize that values or considerations other than equality may instruct courses of action or support principles of justice. The majority of relational egalitarians are pluralists in this sense. But they have yet to adequately explore relationships between equality and other values.<sup>15</sup> Recognizing other values raises important questions about whether equality conditions the importance of other values or is conditioned by them, whether equality takes priority such that demands issuing from other values must be consistent with the demands of equality, or whether it is just one important value that must be traded-off against others. While I accept this kind of pluralism, I set aside questions about other values.

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<sup>15</sup> This may not accurately describe those who are theorizing about relational equality within the framework of political liberalism. But it is often unclear where these theorists agree with Rawls's formulation and where they depart from it.

Setting aside their relationship to equality, other values may pick out and recommend addressing injustices that are not violations of equality. When they do, we can conceive of those as demands of justice. Importantly, other values might assess comparative differences, or inequalities, as unjust and recommend addressing them. Fairness, for instance, might demand addressing some distributive inequalities. That is, a pluralist theory of social justice can provide grounds for objecting to inequalities—broadly construed—or their consequences without appealing to the value of equality. This may occur when the problem is a *difference* between what persons have rather than the fact that persons have unequal amounts (e.g. some people have more resources than they need while some have less than they need); it could also occur when the problem concerns consequences of an inequality, rather than the inequality itself.

For example, consider economic inequality—the subject of much contemporary political discourse. One might object to economic inequality because those with less suffer from poor quality of life and impoverished opportunities for wellbeing. This objection targets the *consequences* of disparities in wealth by appealing to the value of wellbeing or opportunities for wellbeing. Objecting to economic inequality on those grounds suggests reducing the inequality for the sake of wellbeing—not for the sake of equality. Alternatively, one could object to economic inequality by arguing that it is unfair, not merely because of the inequality, but because of how the inequalities were produced. If economic inequalities stem from unfair opportunities to develop talents and compete for rewards, objections may appeal to fairness.

Objections to economic inequalities that appeal to relational equality, by contrast, would highlight their effects on social relationships among members of society or trace their origin to relational inequality. Thus, relational *equality* can ground objections to various forms of inequality, including non-relational forms (comparative differences) that arise from or affect egalitarian relationships. Additionally, pluralist relational *egalitarians* can ground objections to various forms of



inequality in social justice values other than equality. While relational egalitarians are generally pluralists about social justice, as far as I know, only Scanlon explicitly works out objections to relational and non-relational inequalities that appeal to other values.<sup>16</sup>

*Pluralism about equality.* Relational egalitarians can be pluralists about the value of equality itself. Above, I pointed out that relational egalitarianism could be consistent with distributive egalitarianism—in addition to its consistency with distributing some good(s) equally.<sup>17</sup> Indeed, Gideon Elford interprets distributive and relational equality as two distinct dimensions of egalitarian concern, neither of which is reducible to the other.<sup>18</sup> He acknowledges that they may sometimes conflict in practice, but he views equality as a value comprised of distributive equality and relational equality. That means egalitarian justice requires both and we must work out which takes priority in practice.

While Elford opens space for this type of view, he does not develop it. To do so, one must explain why both relational and distributive equality are valuable. Why think that moral equals are entitled to equality within social relationships *and* the equal distribution of something? Why think that we, as a collective, owe individuals within society relational equality and distributive equality? To answer these questions, it would be useful to understand why we might think that individuals are owed either type of equality. While it's often taken for granted, the path from moral equality to either relational or distributive equality is not well understood. But that is an issue for later. Here, the point is just that a pluralist about equality cannot simply show that *distribution* is important apart from its contributions to relational equality—she must explain why *distributive equality* is valuable and properly understood as an independent egalitarian aim.

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<sup>16</sup> See Scanlon (2018).

<sup>17</sup> Hopefully I have made the distinction sufficiently clear: as I'm using the terms, distributive egalitarianism is a view about the sort of equality that justice requires while distributing goods equally merely describes a way of dividing and distributing goods that could be useful or valuable for many reasons, but need not be a justice requirement in its own right.

<sup>18</sup> See Elford (2017). Lippert-Rasmussen (2018) also proposes this kind of pluralist view.

Importantly, this kind of pluralism should not be confused with the idea, expressed above, that a relational conception of equality can ground objections to various forms of inequality. And, it is not to be confused with the common idea among relational egalitarians that the value of equality is composite in that it draws on values other than equality itself (e.g. respect, recognition, fairness). While we should keep them in mind, a full treatment of issues pertaining to pluralism fall outside the scope of this dissertation.

*The Demands of Relational Equality and State Action.* Our discussion of pluralism implies that working out the demands of relational egalitarian justice is necessary but insufficient for determining what the broader theory of social justice requires. Presumably, what we do in pursuit of relational equality is constrained by some considerations—either egalitarian or imposed by other values.

Prescribing aims is one thing, determining whether and how they can be legitimately pursued is another. Say we clearly articulate the aims of relational equality. What the state ought to do still depends on what other values demand and, in real-world contexts, further considerations concerning feasibility and transitional justice must be taken into account. Sometimes, it might be more appropriate to pursue some aims through non-state action instead of or in addition to state action (e.g. consciousness raising campaigns). The important point is that specifying the demands of relational egalitarian justice doesn't independently or directly determine what actions the state ought to take to satisfy them. For example, accepting that relating as equals involves regarding one another in a certain way (i.e. holding certain beliefs and attitudes) does not entail endorsing policies that allow the state to regulate individuals' thoughts or indoctrinate them at all, much less using any means necessary. Thus, it would be a mistake to hold our inquiry concerning what it is to stand and relate as equals hostage to commitments about permissible state action.

# Part I: Conceptual Analysis

# Chapter 1

## Relational Equality: A Conceptual Framework

Theories of relational equality are essentially theories of egalitarian relationships. Relational egalitarianism holds that relationships among members of society are the proper object of egalitarian concern. It condemns unequal relationships and prescribes egalitarian relationships of some kind. How should we conceptualize egalitarian relationships? Relational equality refers to an ideal of relationships wherein persons *stand* and *relate* to one another as equals. But what does it mean to stand as equals? What does it mean to relate as equals? These central concepts are seldom analyzed. As a result, the literature contains a collection of disparate ideas that resist systematic analysis.

This chapter develops a conceptual account of relational equality by analyzing its core concepts—namely, egalitarian relationships. While my aims in this chapter are analytical, my conceptual account provides a framework that’s useful for building substantive theories of relational equality and for organizing existing contributions.

I begin by distinguishing between two types of relationships: structural and interpersonal relationships. I analyze each type in turn. Because relational egalitarianism targets social hierarchies, my discussion of structural relations focuses on different kinds of statuses (e.g. moral, political, social) and arrangements. But I will point out that relational egalitarians should also be concerned with some other social factors commonly associated with (but not obviously captured by) status relations. Turning to interpersonal relationships, I analyze relating as equals in terms of regard, and treatment. I then discuss the connection between structural and interpersonal relationships. I argue that relating as equals has an additional, structural, component: standing as equals. Analyzing these elements yields a conceptual framework that delineates different aspects of relational equality,

highlights choice points, and indicates dimensions along which conceptions can (and do) vary. I conclude the chapter by using this framework to compare existing accounts of relational equality.

### *1.1 Distinguishing between Structural and Interpersonal Relationships*

When articulating their views, canonical relational egalitarians focus on both *standing* as equals and *relating* as equals. This suggests that relational egalitarianism is concerned with both *interpersonal* relationships and *structural* relationships among members of society. However, these distinct kinds of relationships often are not clearly distinguished within the literature.

Structural relationships refer to the way groups and individuals are positioned relative to one another within a structure of some kind.<sup>19</sup> For example, the relationship between the manager of a business and the employees she manages is a structural one because it refers to their relative positions within the company. Assuming the company's authority or command structure is hierarchical, their relative positioning doesn't just indicate the roles each of them plays, it also indicates that the manager has authority over the employees and they are thus subject to her commands at work. Employees with the same rank and role are also structurally related to one another, but they are related as equals. As this case demonstrates, structural relations describe the relative arrangement of individuals, groups, or other entities (e.g. corporations, concepts, mental states).

When relational egalitarians discuss 'social relationships,' I take them to mean structural relations among members of society that are entrenched in an established social structure, like a system of social statuses or a legal system, for instance. Those who hold inferior and superior positions in a social status hierarchy are in an *unequal* structural relationship in that they are related

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<sup>19</sup> See Scott (2014), Grindstaff et al. (2019).

in a hierarchical way. When different statuses confer power and authority, people find themselves in social relationships characterized by differential power and authority. Again, these social relationships are *structural* because they concern how individuals or groups are *positioned* relative to one another within the social status structure.

Interpersonal relationships include intimate, ongoing relationships like friendships and marriages as well as interpersonal, episodic interactions. Interpersonal relationships are influenced by structural relationships and the social norms that correspond to different positions.<sup>20</sup> This is true regardless of whether those whose status empowers them relative to others enjoy or resent their privileges.<sup>21</sup> I return to the connection between interpersonal and structural relationships below.

Relational egalitarians could focus their theories on just one kind of relationship. Indeed, some, including Rawls, are primarily concerned with structural relationships that are mediated by state institutions. Others, like Anthony Laden, seem to be primarily concerned with the nature of interpersonal relationships. But many proponents appear to treat both as objects of egalitarian concern. For example, Samuel Scheffler describes relational equality as “an ideal governing certain kinds of interpersonal relationships” and claims that “justice requires the establishment of a society of equals, a society whose members *relate* to one another on a *footing* of equality” (2015, 21 my emphasis). Anderson tends to focus on structural relations, arguing that the positive aim of egalitarian justice is to “create a community in which people *stand* in relations of equality to others” (1999, 289). However, she often uses the language of “relating as equals” and characterizes an egalitarian society partly in terms of interpersonal relationships (e.g. Anderson 2010a, 2012).

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<sup>20</sup> We should not confuse structural relationships with structural *features* of interpersonal relationships. Interpersonal relationships are structured by many things, some of which have nothing to do with their relative positions within a broader social structure. For example, a marriage is structured by spouses’ shared goals, their routines and expectations, and the agreements they make with one another. Interpersonal relationships are structured by social relationships and norms, but not exclusively.

<sup>21</sup> Ridgeway (2019).

Here, it's important to keep in mind the distinction I've drawn between a theory of relational equality and an ideal of relational egalitarian justice. Theories of relational equality characterize egalitarian relationships, which is necessary but insufficient for determining what egalitarian justice requires. Our understanding of what it *means* to stand and relate as equals should not be limited by commitments about restrictions on demands of justice or state action. In the next chapter, we will consider other factors relevant to working out justice requirements.

For purposes of conceptualizing relational equality, it's important to recognize that structural and interpersonal relationships are distinct; adequately characterizing egalitarian relationships requires attention to both kinds and to the relationship between them.<sup>22</sup> We should not assume that the sort of equality we value within interpersonal relationships is the same as the sort of equality we value within structural relationships. Similarly, we should not assume that equality within structural relationships is sufficient for equality within interpersonal relationships or vice versa. Further, we should not assume that they carry the same implications—the demands of relational equality depend on what kind of relationships ought to be egalitarian as a matter of justice and in what sense they ought to be egalitarian. For example, equality within structural relationships is usually taken to prohibit certain kinds of status hierarchies. Status equality might be sufficient for *structural* egalitarian relationships but not for *interpersonal* egalitarian relationships. Spouses do not relate as equals within a marriage simply in virtue of their equal social or legal statuses; equal power might be necessary for interpersonal egalitarian relationships but not structural egalitarian relationships—understood as status equality.<sup>23</sup>

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<sup>22</sup> I use 'relating as equals' or 'interpersonal egalitarian relationships' interchangeably and I use 'standing as equals' and 'social egalitarian relationships' and 'structural egalitarian relationships' interchangeably.

<sup>23</sup> Daniel Viehoff (2019) accepts that egalitarian friendships require equal power but argues that the features that make it necessary within friendships don't have an obvious counterpart within broader social/political relationships. He demonstrates that a concern for structural equality and a concern for interpersonal relations of equality carry different implications—they are not simply two routes to the same conclusion about what relational equality is or requires.

## 1.2 Structural Relations: Standing as Equals

The concept of a structural relation is well understood. The notion of an *equal* structural relationship is also relatively straightforward. The important question for relational egalitarians is what it means to stand as equals in the relevant sense. ‘Standing’ is a matter of status. So, analyzing the concept of ‘standing as equals’ requires considering what it means to *be* an equal and what kind of (equal) statuses are available.

Individuals can be equal to one another in various ways and in terms of different kinds of statuses including moral, social, legal, and political statuses. For example, it’s common to think that persons are moral equals in that they each have equal fundamental moral worth—no one is fundamentally inferior or superior in terms of value. To *be* a *moral* equal is to possess the characteristics in virtue of which persons have (equal) moral value. Possessing those characteristics—*being* a moral equal—means that one has an equal *moral* status.

*Standing* as a moral equal could just mean *being* a moral equal. Within the notional moral community, for example, those who *are* moral equals, *stand* as moral equals. We can say that such individuals have equal moral standing. Although relational egalitarians care about moral statuses, their concern is not with *moral* standing, in this sense, because they are not concerned with the notional *moral* community as such. Rather, they are concerned about *social* standing within non-notional societies or communities made up of persons living interdependently.<sup>24</sup> *Social standing* as a moral equal within such a community requires being recognized and, perhaps, acknowledged, as a moral equal by others. To *stand* as a moral equal within some society or community is to have the

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<sup>24</sup> Of course, relational egalitarianism is also concerned with political and legal standing. Like social standing, they require recognition, but it is from the state or state institutions. The idea that the state must recognize citizens as equals is not a distinctive feature of relational egalitarianism—it is widely accepted among political philosophers. For that reason, my primary focus is on social standing.



*social* status of a moral equal. Unless otherwise specified, when I use “standing” I mean *social* standing.

If we think of *being* a moral equal as a normative fact about individuals with the requisite characteristics and *standing* as the recognition of that fact by others, then it’s possible for someone to *be* a moral equal without *standing* as one relative to others within their community. Put in terms of statuses, it’s possible to have equal moral status (interchangeable with: moral status as moral equal) without having the social status of a moral equal. Indeed, this occurred in the case of slavery: persons of color who were enslaved stood as moral inferiors even though they were, as a matter of fact, moral equals.<sup>25</sup> We appeal to their equal moral status to explain the wrong of slavery. As we shall see later in this chapter, standing as equals is important for relating as equals.

My suggestion is that we understand ‘standing as equals’ as a structural status relationship wherein individuals have and are widely recognized as having the status of an equal. This way of understanding it fits with the fact that relational egalitarianism targets social status hierarchies. While at the conceptual level of understanding what it means to stand as equals, it may suffice, this leaves open the question of *which* statuses must be equal. Members of society can have multiple overlapping statuses, some of which are more fundamental and consequential than others. This is an important choice point relational egalitarians will encounter when developing substantive theories of relational equality. As such, it’s worth briefly considering different kinds of statuses.

### 1.2.1 *Statuses: Moral, Political, Social*

Extant relational egalitarians agree that members of society ought to stand as moral equals, but their concern typically extends beyond moral statuses to other kinds of statuses, namely, social

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<sup>25</sup> It’s notoriously difficult to articulate the basis for claiming that persons have equal moral value. This example does not require taking a stance on the basis of moral equality—only on the assumption that the basis does not track the physical characteristics used to distinguish racial groups.

and political statuses. They often call for relating as *social* equals and *political* equals. Like in the moral case, one is a social equal or a political equal when they possess the relevant characteristics. Legal and political statuses can be enshrined in state constitutions: Persons are political equals when the state deems them citizens and grants them equal political rights and privileges.

In addition to being designated (and thus recognized) as an equal citizen by the state, *standing* as a political equal within society requires *social* recognition of one's equal political status. To see this, consider a xenophobic society where naturalized citizens are legally full citizens with the same political rights and privileges as all other citizens but are not recognized as *equal* citizens by the majority of (birthright) citizens. Although the state recognizes them as such, their social standing as an equal citizen depends on how they are viewed by other members of society. Despite their official political and legal status, within a xenophobic society, naturalized citizens may be relegated to the inferior position of “second-class citizens” within the social structure.

In addition to moral and political statuses, there tend to be additional social statuses recognized within a society. Members of ascribed identity groups have the social status of a member. Racial (or racialized) groups are the paradigmatic example of ascribed identity groups. In the U.S. “white” is a social status and “black” is a social status. Social statuses can function merely to *differentiate* individuals by grouping them according to some feature, but they can also function to *stratify* groups by positioning them hierarchically, as in the case of race. I take ‘social status’ to be a broad category that includes the kinds of statuses members of society can have that are not strictly political or legal. Social statuses can vary widely in terms of their basis (e.g. race, esteem) and implications (e.g. roles or rank that they assign).

As noted above, I take the relevant sense of ‘standing’ to be social standing. An important question for relational egalitarians—who often speak in terms of standing as social equals—is whether they are concerned just with (social) standing as moral/political equals or if they are also

concerned with standing as equals in terms of these other social statuses. That is to say, are they concerned only with *social recognition* of normative statuses (moral/political) or are they also concerned with social recognition of *social* statuses? This is important for determining what forms of social hierarchies or status inequalities are prohibited and permissible.

An option that's popular among existing views is to say that persons should only have social statuses *befitting* moral equals. Putting it this way suggests that moral equality places constraints on the sort of social statuses moral equals can permissibly have. Plausibly, whatever social statuses one has should reflect—or at least not contradict—one's standing as a moral equal. That condition, on its own, permits wide variations in individuals' social statuses as long as they are consistent with each of their standing as a moral equal. While I see this as a sensible constraint, it seems insufficient for capturing relational egalitarian concerns with social statuses. After all, relational egalitarianism opposes relations of oppression and domination which seem *prima facie* consistent with standing as moral equals.

Social statuses are a matter of the meaning and value societies place on certain differences, social identities, roles, and positions. Social statuses that differentiate and stratify members of society (as individuals or groups) need not be based on claims about inherent moral worth.<sup>26</sup> For example, gender categories assign social identities that have historically conferred a high social status on men compared to women. In many societies, being a man came with access to the public sphere, valuable social positions, and authority over women. The standards of dignity and esteem were different for women and men. Women could not reach the same levels as men because the most estimable activities were performed by men. Still, none of this presupposed that men and women were

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<sup>26</sup> Ridgeway (2019) argues that they are often based on judgements about social value which are separate from fundamental moral value.

unequal in terms of fundamental moral worth. Indeed, should the occasion arise, men were often expected to sacrifice themselves to protect women, which suggests that their lives were worth less.

This example shows that we can stand as social *unequals* without denying moral equality. That is to say, we can stand as moral equals without standing as social equals—persons who stand as moral equals can still, simultaneously, stand as social inferiors/superiors. Thus, views focusing only on social statuses that affect standing as moral equals seem too permissive. They appear to permit many social status hierarchies including gender hierarchies which are typically taken to be a main target for relational egalitarians.

This case also highlights a difference between the nature of moral and social statuses that bears on relational egalitarian prescriptions. Above, I said that *being* a moral equal is a normative fact but *standing* as a moral equal depends on others' recognition of and response to that fact. By contrast, being a social equal depends largely on standing as a social equal. To have a social status is to be recognized as one with that status. Returning to the example, we could say that women (in the relevant time period) have a claim to social equality, either in virtue of their moral equality or something else, but not that they *are* social equals and so should stand as social equals relative to men.<sup>27</sup>

Because moral and social statuses differ in this way, the claim that persons ought to stand as moral equals and the claim that persons ought to stand as social equals carry different implications. If persons are entitled to stand as moral equals, we are obligated to recognize them as moral equals. But, if persons are entitled to stand as social equals, our obligations would go beyond recognition of what persons already are. We would have to create the social conditions that make persons social equals. Misrecognition in the moral case occurs because the moral status one possesses is not

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<sup>27</sup> Of course, there are different kinds of objections we can make to gender inequality, some having to do with the social bases of self-respect and the value of egalitarian relationships and others concerning fair opportunity.

recognized; in the social case, it isn't misrecognition of an existing (normative) status, but failure to recognize a duty to *confer* that status on someone.

### 1.2.2 Moral Equality and Authority

Discussions of standing and status often invoke the concept of authority. It's common to think that moral equals are entitled to fundamental authority over themselves (e.g. Anderson 1999; Fourie 2012; Pettit 2012). What warrants this inference from inherent value to an authority entitlement? As I understand it, entitlements to authority don't stem solely from persons' inherent moral value, but from the kind of moral beings they are—moral agents. I take moral equality and moral agency to be two different moral statuses.<sup>28</sup> The fact that relational egalitarians often connect them suggests that they think individuals ought to stand as moral *agents* who have equal inherent value.

The distinction here is between the nature and value of individuals. In keeping with the wider literature, relational egalitarians tend to use both moral agency and moral equality, often interchangeably, without defining them. But the agency of persons and the equal value of persons carry different implications that we must appreciate. Persons' interests and the ways in which we should treat them come from what it means to be an agent. That they are equally valuable tells us, *inter alia*, how to weigh those interests against the interests of other agents. We might say that, from the moral point of view, their lives are equally important and so their equally important interests carry equal weight. (I take up these points in the second part of the dissertation—for now, it is the distinction that matters, not how I interpret the implications of each).<sup>29</sup>

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<sup>28</sup> Persons' moral value is often thought to stem from their moral agency. Even if they are connected in this way, we must not conflate them since they imply different entitlements and norms.

<sup>29</sup> It's possible for the equal value category to encompass human beings who are not agents. Recognizing the equal value of individuals who lack sufficient agential capacities would mean treating as equally important the fundamental interests that such individuals do have. Some individuals who are not agents will have a fundamental interest in being cared for

Distinguishing between these moral statuses highlights an additional feature of the gender hierarchy example considered above: we can stand as moral equals in terms of value without standing as equal moral *agents*. Equality in inherent moral worth obtains in the example, but women and men have unequal status as moral agents—men have authority over women and enjoy greater agency. Men might treat women’s interests as equally important and give them equal weight in deliberations concerning them while also perceiving their interests as fundamentally different. Indeed, attempts to justify traditional gender roles often appeal to the idea that they serve the interests of both men and women, given equal weight.

Relational egalitarians who hold that persons ought to stand as moral equals *and* moral agents have grounds for objecting to the status and authority relations in this case. Standing as a moral agent means that others recognize one as an agent who has basic authority over oneself. Further, standing as a moral agent places additional constraints on permissible social statuses. Plausibly, it implies that whatever additional social statuses persons have in virtue of their various social roles and positions must be consistent with their standing as equal moral agents and, perhaps, with their self-conception as equal moral agents.

Although people can stand as equals in terms of different statuses, I will continue to simply use ‘equals’ (e.g. standing as equals, relating as equals) for convenience. When it becomes appropriate in later chapters, I will use more specific language.

### *1.3 Interpersonal Relations: Relating as Equals*

Having discussed structural relationships and statuses, we can turn to interpersonal relationships. In due time, I’ll consider how structural relations and standing are related to

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and participating in caring relationships. Their equal value demands that we treat those interests as equally important to others’—agents and non-agents. They carry different implications, but why think my interests in my agency are more important than the interests those with downs syndrome or severe autism have in their own flourishing?

interpersonal relationships. For now, the task is to decide what it is to relate as equals, interpersonally.

One way to understand ‘relating as equals’ is in terms of treatment: members of society relate as equals when they treat one another as equals. Clearly, relating involves treatment—but is treatment sufficient? An alternative option is to think of relating in terms of regard *and* treatment: members of society relate as equals when they regard one another as equals and treat one another as equals.<sup>30</sup> There are different ways of understanding treatment, regard, and the relationship between them. Provisionally, we can think of regard in terms of attitudes and treatment in terms of behavior.<sup>31</sup> Relational egalitarians could accept that treatment is often driven by or reflective of attitudes and still insist that relating as equals requires only treatment as equals. If so, any concern they have with attitudes (i.e. regard) is likely motivated by empirical assumptions about what supports stable behavioral practices (*treating* one another as equals).

Are either of these two options plausible conceptions of ‘relating’? Leaving out regard implies that relating as equals is consistent with regarding one another as *unequals*. If relating as equals just means treating as equals, then members of a highly racist society could relate as equals as long as their racist attitudes did not influence how they treat one another. This could occur even if they stand as equals in terms of social status. One who has equal standing is widely recognized as an equal (in terms of the relevant status) by members of society, but that doesn’t mean the particular persons with whom one interacts recognizes one as an equal. I grant that, given all we have learned about implicit biases, this is empirically unlikely. Still, it is conceptually possible. Imagine someone hiding their racism while in certain public spaces where members of what they take to be the ‘inferior’ race are present because racism is widely rejected. In such cases, no one is treated as an

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<sup>30</sup> G.A. Cohen (2013) proposes understanding ‘relating’ as regard and treatment and others including Elford (2017), and Lippert-Rasmussen (2018) have adopted it.

<sup>31</sup> Here I follow Cohen’s definitions of regard and treatment. See Cohen (2013).

inferior or superior so, according to this view, there are no relations of inferiority and superiority. But this seems insufficient for relating as equals. I think this possibility gives us good reason to reject the idea that relating involves only treating or treating plus standing.

Considering a further example reinforces this conclusion. Incorporating regard, we can say that two individuals (who stand as equals) relate as equals just in case they regard one another as equals *and* they treat one another as equals. I take it that the general structure of “relating as X” is the same across relationships where the value of X differs. So, to motivate this suggestion, we can abstract away from relationships of equality and consider a more familiar relationship.

Two men with the same parents relate as brothers when they regard one another as brothers and treat one another as brothers.<sup>32</sup> To regard a sibling as a brother but treat him like a stranger would not be to relate as brothers. Equally, failing to regard a sibling as one’s brother but treating him as a brother would not be to relate as brothers. The latter might occur between foster siblings, for example. At least initially the youth in foster care and the children in the foster family might not regard one another as brothers but could still treat one another as they treat those whom they *do* regard as brothers. Treatment without the corresponding regard can be described as relating *as if* they regarded one another as brothers. That is to say, they are relating to one another as brothers relate. By accepting that regard is a necessary component of ‘relating’, one denies that relating as equals is consistent with regarding as *unequals*.

So far, I’ve depicted the interpersonal activity of relating as a conjunction of regarding and treating. Instead of a conjunction, I suggest viewing them as having a causal or motivational connection: one treats another as an equal *because* she regards the other as an equal. Returning to the case of siblings, if the conjunction itself is sufficient, that means I relate to my sibling as a brother when I regard him as a brother but only treat him as a brother because it is in my interest—perhaps

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<sup>32</sup> This example comes from Lippert-Rasmussen (2018) who also defends a version of this conjunctive view.



it pleases my parents who control my allowance. Here, I fail to be *motivated* by my regard for my sibling as a brother even though I both regard and treat him as such. To be sure, assuming I can hide my real motivations, this would be better for our relationship than alternatives where regard, treatment, or both were absent. Still, at the abstract level of understanding what it is to relate as X—not necessarily what can be expected of individuals in a given situation—acting for selfish reasons, despite regard, seems to fall short.

On the view I'm suggesting, regarding someone as an equal provides a reason for treating them as an equal. It's plausible to think that relating as equals means that each party act, or be disposed to act, on the reasons that stem from their regard for others as equals. There is an additional feature to highlight: the mutual or reciprocal nature of relating as equals. In discussions about 'relating,' it is sometimes portrayed as one-directional: A relates to B as C. But some relationships require reciprocity. The conception I'm proposing allows us to say that:

A relates to B as C when A treats B as C because A regards B as C.

The case of relating depicted in this construction is one-sided: A is relating to B. Now say that B does not reciprocate:

A regards and treats B as C, but B does not regard or treat A as C.

In this case, it seems that A and B do not relate as C. Think of friendship. I cannot relate as friends with someone who does not regard or treat me as a friend even if I regard and treat her as a friend. Similarly, I cannot relate as an equal with a coworker I regard as a superior even if she regards me as

an equal. So, relating sometimes requires mutual regard and treatment. It appears to depend on the relationship in question.

In these examples, we are considering what it is to relate as C: friends or coworkers. Participants are playing the same role within the relationship. However, in some relationships, participants play different roles, so what is required is not mutual regard, but appropriate regard. Consider a relationship between parent and child. To relate as parent-child, the parent must regard the other participant as their child and the child must regard them as their parent. Regard is required on both sides, but, because the roles within the relationship differ, what each participant must be regarded *as* differs.

Notice that we can object to unequal treatment regardless of whether or not it reflects unequal regard or standing.<sup>33</sup> I have claimed that relating as equals requires both regarding and treating one another as equals. But it doesn't follow that the absence of each component is necessary for relations to be *unequal* or objectionable from the standpoint of relational equality. Whether or not one regards another as an equal, it is unacceptable to treat them in certain ways. Subordination and domination do not by definition involve *regarding* others as unequals.<sup>34</sup> Still, they are ways of *treating* others as unequals and are (potentially) objectionable on those grounds. For example, think of a person who tries to dominate someone whom they regard as an equal by intimidating them with threats of violence. Such treatment is inconsistent with relating as equals, despite the fact that the offender regards his victim as an equal. Hence, guarding against such forms of treatment is necessary for relating as equals (as I have described it) but, to reiterate, doing is insufficient.<sup>35</sup>

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<sup>33</sup> The careful reader might notice a shift from "treat as equal" to "equal treatment" and "regard as equal" to "equal regard." While I acknowledge that these could mean different things, I am using them interchangeably. I only shifted here to enhance readability.

<sup>34</sup> Lippert-Rasmussen makes a similar point.

<sup>35</sup> While relations can be objectionable because equal regard or equal treatment or both are lacking, we can reasonably hold that, all else equal, unequal treatment is worse than unequal regard on its own.

This point reveals an asymmetry between ‘relating as equals’ and ‘*not* relating as *unequals*.’ Relating as unequals requires regarding and treating one another as unequals. You and I can *avoid* relating as unequals if either of us fails to regard or treat the other as an unequal. For example, return to the case of race. In arguing that we must include a ‘regard’ component, I said that racists could relate to those they regard as inferior while refraining from treating them in accordance with that regard (i.e. as inferiors). In doing so, racists and supposed ‘inferiors’ avoid relating as unequals. But the absence of such relations is insufficient for relating as equals as I have defined it. We could still think of the regard required in negative terms such that what relating as equals requires is *not* regarding the other as unequal (e.g. inferior or superior). The racist fails to meet this negative condition. In the next section and later in this dissertation, I will discuss this issue concerning positive and negative norms of regard and treatment. Here, the point is just that avoiding unequal relations is not equivalent to relating as equals—indeed, it requires far less.

### 1.3.1 *Regard and Treatment*

Having further analyzed ‘relating’ in terms of regard and treatment, causally connected, we can turn our attention to these subconcepts. I identified regard as the attitudinal component and treatment as the behavioral component of relating. Each component can be analyzed in terms of negative and positive norms. Those developing an account of relating as equals should specify whether relating as equals *rules out* regarding one another in certain ways, *requires* regarding one another in certain ways, or both. Likewise, relating as equals might prohibit certain behavior and/or require certain behavior.

*Regard.* We can think of regard in terms of beliefs and attitudes. Lippert-Rasmussen observes that relational egalitarians typically think of it in the following way:

“I regard X and Y as equals if, and only if, I consciously believe that X and Y are equals”  
(2018, 85).

As he points out, this formulation is inadequate because it leaves out non-cognitive attitudes and unconscious, or implicit, beliefs. But, relating as equals “is not just a matter of what we believe, but it is also a matter of how we respond non-cognitively” (2018, 85). To see this, consider Lawrence Blum’s discussion of racism. Blum explains that one form of racism involves antipathy toward a racial group, regardless of whether the racist perceives members of that group as inferiors, equals, or superiors. A racist could consciously believe that members of the hated racial group have equal moral and/or social status but be angry about that fact. According to the above definition, this racist regards members of the other racial group as equals. In this case, the racist is aware of the attitudes they have in response to their belief, but sometimes they are harder to detect. Men who believe that women are equal have the requisite propositional attitudes, but if they just feel more comfortable in the company of men, especially in the workplace, it seems that they fail to regard women as equals.

In addition to non-cognitive attitudes, it seems plausible that regard involves implicit beliefs, not just explicit beliefs. Return to the example of men and women in the workplace. A manager might explicitly regard their employees as equals even though they tend to understand and agree with what the men say far more often. This might be driven in part by non-cognitive attitudes, but it’s also plausible to think that underlying implicit biases about the talent or credibility of men and women play a role. In general, I take it that there is a difference in regard between someone who *implicitly* and *explicitly* believes X and Y are equals and someone who only *explicitly* believes that X and Y are equals.

Incorporating these insights, we get something like the this:

I regard X and Y as equals if, and only if, I explicitly and implicitly believe that X and Y are equals and respond positively (cognitively and non-cognitively) to that belief.

Of course, relational egalitarians could incorporate either distinction without the other, but I think this formulation better captures the concept than would those alternatives.

Given its propositional and affective dimensions, recognition respect appears to be a plausible conception of ‘regard.’ Stephan Darwall describes recognition respect as “a disposition to regulate conduct toward something by constraints deriving from its nature” (2004, 43). He contrasts recognition respect with appraisal respect, a form of esteem. Whereas the object of appraisal respect is excellence or merit, the object of recognition respect is the “dignity or authority” persons possess in virtue of their being persons (49). While recognition respect is often used to discuss recognizing the moral status of persons, it extends to other statuses—like the social status one has in virtue of her moral agency. Recognition respect “concerns, not how something is to be evaluated or appraised, but how our *relations* to it are to be *regulated* or *governed*” (49, original emphasis). As I understand it, recognition doesn’t involve merely identifying or classifying individuals. It also involves an internal appreciation or acknowledgement of what their status means with respect to one’s behavior. Thus, it seems to extend beyond the belief that someone counts as an equal. Respect is the appropriate emotional response to the nature of the individual one recognizes. For example, if one is recognized as a moral agent with the corresponding authority, respect for her means being disposed or willing to respond to her in ways that take account of her authority and agency.

Understanding the ‘regard’ component as recognition respect, taking as its object not just persons’ moral agency, but their status as equals in the relevant sense seems to depart from the above (revised) formulation by extending beyond different kinds of propositional attitudes and non-cognitive responses to them. It extends to the sort of attitudes characteristic of respect—the

disposition or willingness to act in certain ways. Similarly, in a different context, Gary Watson claims that regard extends beyond beliefs. He says that “[t]o regard people as responsible agents is to be *ready* to treat them in certain ways” (2004, 220, my emphasis). I take ‘readiness’ here to be like respect as Darwall describes it in relation to recognition respect. I think it makes sense to build respect into our notion of ‘regard’ so that to regard people as equals is to believe (or recognize) that they are equals (implicitly, explicitly, cognitively, non-cognitively) *and* respect them as such (where that involves a readiness or disposition to treat them as equals).

Importantly, conceiving of regard as recognition respect means thinking of it in positive terms. To say that recognition respect is the sort of regard required for relating as equals, is to say that the presence of beliefs and attitudes—not merely the absence of them—is required. As I noted at the beginning of this section, relational egalitarians have the option of working it out in negative terms. Developing that view would mean articulating the beliefs and attitudes that persons must lack to satisfy the requirements of regard rather than identifying the beliefs and attitudes persons must possess. I find it difficult to imagine an attractive account of regarding *as equals* spelled out in primarily negative terms, but it is a possible position. However, if we ask about a different kind of relationship, it might be plausible to think it requires only negative norms of regard. For example, two people might relate as strangers because they do not regard one another as anything else.<sup>36</sup>

*Treatment.* This brings us to ‘treatment.’ Treating implies that that one can causally affect another. Regard, however, does not. I can regard people who I may never meet as moral equals, for example, when I recognize them as such and am ready to treat them as I morally ought to should I be in a position to affect them. *Expressing* regard can, but need not, count as treatment. I can express regard for someone who I admire but will never meet. I can talk about or write about someone in a

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<sup>36</sup> It seems that most negative norms of regard can be restated in positive terms, which is not unique to this case. I regard someone as a stranger and that entails not regarding her as someone I have met.

way that expresses my regard for them but doing so only counts as treatment if it affects them in some way, however indirectly.

We can understand equal treatment as follows: to treat as an equal is to treat someone as equals ought to be treated. This can involve the absence of action, the presence of action or both. I take this to be a relatively familiar and ecumenical understanding of ‘treatment’ that doesn’t need significant analysis. The interesting questions about treatment concern the nature and content of the norms.

We are focused on a particular relation: relating as equals. Persons can relate as equals within the context of many different relationships. The treatment involved in relating as equal spouses likely differs from the treatment involved in relating as equal coworkers. It could be that there are a set of general egalitarian norms that apply across a wide range of domains and relationships alongside other, more specific norms. Whether or not that’s plausible, I think, depends on what we mean by ‘equals’ which was discussed above but not settled. If we are thinking in terms of fundamental statuses—like one’s fundamental status as a moral equal—the norms may apply across relations among moral equals. So, the question would be: how ought moral equals treat one another within the context of a marriage? But answering this question may not yield a complete set of egalitarian norms that apply to marriages. We might have something more specific in mind when we think of equal spouses. If so, we should ask: how ought equal *spouses* treat one another? Perhaps relating as equal spouses involves a sort of transparency and concern that relating as moral equals—in general or in that kind of relationship—does not require. In due time, I return to this issue. For now, I am just presenting ways in which we might think of egalitarian (treatment) norms. As I have pointed out, they can be general and/or context- and relationship-specific in nature.

While it seems that the nature and content of treatment norms could be flexible, varying by context or relationships, norms of regard and standing seem more stable. Whatever the treatment

involved, relating as equals within any relationship or context will involve having the relevant statuses and regarding one another as equals. Indeed, relating as anything plausibly involves the same norms of status and regard: participants recognize one another's status and respect it, meaning they accept what that status implies and are disposed to act accordingly. The point is that status and recognition respect seem to be part of any relationship. The statuses we recognize and respect in others vary but relating always involves recognizing one's status and respecting it such that we are ready to treat them in accordance with it. Because they capture what's appropriate, norms of treatment will differ according to status and relationship.

#### *1.4 Relationship between Structural and Interpersonal Relations of Equality*

For the most part, I have analyzed structural and interpersonal relations of equality separately. This has been useful for getting a basic understanding of them and for exploring choice points related to each type. Now I'll consider the relationship between them. I will argue that relating as equals has a social aspect that includes standing as equals.

Structural status relations can play an instrumental role in interpersonal relations: we are more likely to regard someone as Y if they stand as Y. But statuses also indicate social norms that apply to interactions among the people bearing them. These norms guide interpersonal relations. For example, within universities distinctions in faculty titles have meaning, which is recognized by people in that context and it indicates appropriate norms of interaction, in part because the statuses track roles, achievement, and entitlements. Graduate students teaching courses are usually instructors, not professors. This status distinction affects their pay and, often, access to their students' records (in the case of UCSD, they must access their class rosters and enrollment information through a staff member). Graduate student instructors often feel uncomfortable when students, who are commonly oblivious to faculty distinctions, call them 'professor.' Lecturers in who



hold PhD's often do not attend faculty meetings or vote on decisions made within the department. All of this may be justified. I am simply using it here as an example to show that the statuses one holds affect interpersonal relations.

Statuses can also function to confer power, authority and considerability; they can regulate access to certain practices, spaces, and modes of interaction. Regardless of how they regard or treat one another, people can find themselves in social positions that structure their interpersonal relationships, limiting the ways in which they can relate to one another. Consider two people with unequal statuses who find themselves with unequal power and authority. Due to these disparities, the person with superior social status attracts favorable treatment and the social norms governing their interactions with inferiors confer advantages on them. To use a simple example, let's say inferiors are to let superiors go to the front of queues. Now say the two people flout these norms, believing that the statuses they reflect are artificial. The 'superior' insists on waiting in line and the inferiors allow him to do so. We can say that, interpersonally, they relate *as if* they were equals. But their behavior flouts operative norms in their society. The superior and inferiors know that the superior has the option of cutting in line. They regard one another as equals and treat one another as they would treat equals, but, the fact that they are not equals, because they do not *stand* as equals, means they do not (and cannot) fully relate as equals.

Similarly, in *Subjection of Women*, J.S. Mill observes that husbands and wives cannot relate as equals when the institution of marriage structures their relationship such that "every privilege or pleasure she has [is] either his gift" or "depend[s] entirely on his will" (16). Mill's point echoes the one I made above: no matter how they regard and treat one another, husbands and wives cannot truly relate as equals while wives are entirely dependent on their husbands' character or choices. As the quotation indicates, even if husbands treat their wives well, they do so because they choose to do

so not because their wives' legal, social, or political statuses demand it (because they don't). This is an example of how structural relations of *inequality* disable interpersonal egalitarian relationships.

These examples suggest that relating as equals has a structural component: standing as equals. It's worth noting that social standing may not be necessary for all interpersonal relationships—just those where participants must regard one another as having a particular social status. Generally, relating as friends doesn't require social standing as a friend because 'friend' is not a status that comes from wide social recognition. You have the status of my friend when I regard you as a friend. If you also regard me as a friend, we can relate to one another as friends. By contrast, relating as *equals* requires regarding one another as equals, which *is* a status that depends on wide social recognition. However, further social factors that bear on egalitarian relationships might also apply to other kinds of interpersonal relationships.

Standing as equals may not be the only social prerequisite for relating as equals. It also depends on other structural relations and social conditions like, for example, how groups are differentiated (as opposed to ranked) and the social norms that govern their interactions. In virtue of the meanings attached to them, statuses can direct people to different roles, subject them to different expectations, and (dis)empower some relative to others. One might think of these social factors as elements of social hierarchy. To my mind, it seems just as plausible to think that they do not fit under that heading. Indeed, it's common to think of status hierarchies and structural power relations as separate concerns.<sup>37</sup> Either way, it's useful to separate the various social conditions that affect relationships among members of society. To get a grip on some of them, consider an example from Dorothea Gädeke. She asks us to imagine a 'sexist society' where rape and sexual harassment are widely tolerated:

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<sup>37</sup> For example, see Kolodny (2019) and Viehoff (2019).

[Rape and sexual harassment] are considered as an expression of the natural game of flirting that involves making women accept what they initially don't accept, but what they are assumed to want anyway. Any 'no' on the part of women is deemed part of this game. In fact, a woman who complains about unwanted advances by men will be taken to play the game of flirting; her 'no' is interpreted as a move that is supposed to arouse even more interest in her male counterpart. Even if rape is outlawed, women who press charges against their tormenter will be reminded that rape is, ultimately, their fault, since they aroused men by rejecting their advances—after all, this is what flirting is all about (2020, 7-8).

This example highlights social factors that systematically influence relations between people who stand as men and people who stand as women.

While they are not legally entrenched, the sexist norms Gädeke describes “shape any interaction women might have with men, whether privately, at the workplace, or in public” (8). Even if they are recognized as equals in some sense, gender groups are understood in a way that disempowers women and empowers men within sexual relationships. This power relation exists and influences how men and women relate (and can relate) to one another interpersonally regardless of how particular individuals actually regard and treat one another. Men who embrace the sexist norms and act on them are in the same power relationship with women as men who reject and flout the norms.

This power dynamic reflects ideas about the features used to differentiate gender groups. It's sustained through informal social norms and practices that embody ideas about genders. The same interpersonal treatment (rape or sexual harassment) could occur in the absence of unequal social power relations and corresponding sexist norms. In such a society, a man with superior physical strength may be able to rape a woman when no one is around to stop him. But it would not be legally or socially tolerated—it's a crime for which he would (very likely) be punished. His power over the woman comes from his physicality and the fact that no one is around to see or stop him—

not from gendered norms that systematically empower men to force sex on women with impunity.<sup>38</sup> Indeed, in a non-sexist society, relationships between men and women would be shaped by relations of equal power within sexual relationships. So, while egalitarian norms and social relations of power between men and women are unlikely to secure interpersonal relations of equality across all individuals and relationships, they at least *enable* such relationships and may even *encourage* them.

This case reinforces my claim that standing as equals is important for relating as equals. But it also highlights social conditions that may be seen as separable from social hierarchies but nonetheless influence interpersonal relationships in ways that should be of concern to relational egalitarians. Although one might fold these into their conception of social hierarchy, others conceive of hierarchies more narrowly. To avoid giving the impression that I only take social statuses to be important, I will typically use ‘social aspects of relational equality’ to capture the array of social conditions relational egalitarians may care about.

Because they are connected in the way I’ve described, concern for interpersonal egalitarian relationships among members of society gives relational egalitarians a reason to care about structural relations and other social factors. However, this need not be the *only* reason for valuing structural relations of equality. Indeed, some claim that unequal structural relations—like social status hierarchies—are objectionable in themselves and not only because of their effects on individuals.<sup>39</sup> That suggests they are a separate concern. If so, some relational egalitarians may be interested in a broader set of structural relations and other social conditions that extends beyond those that enable or encourage relating as equals, interpersonally. We should not assume, then, that the social aspects

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<sup>38</sup> Gädeke discusses this variation of the case for purposes of defining domination as a *socially constituted* capacity to interfere with someone else at will due to status asymmetries. Here, I am simply using her example to show how structural relationships shape interpersonal relationships.

<sup>39</sup> For example, Fourie (2012), Scheffler (2001).

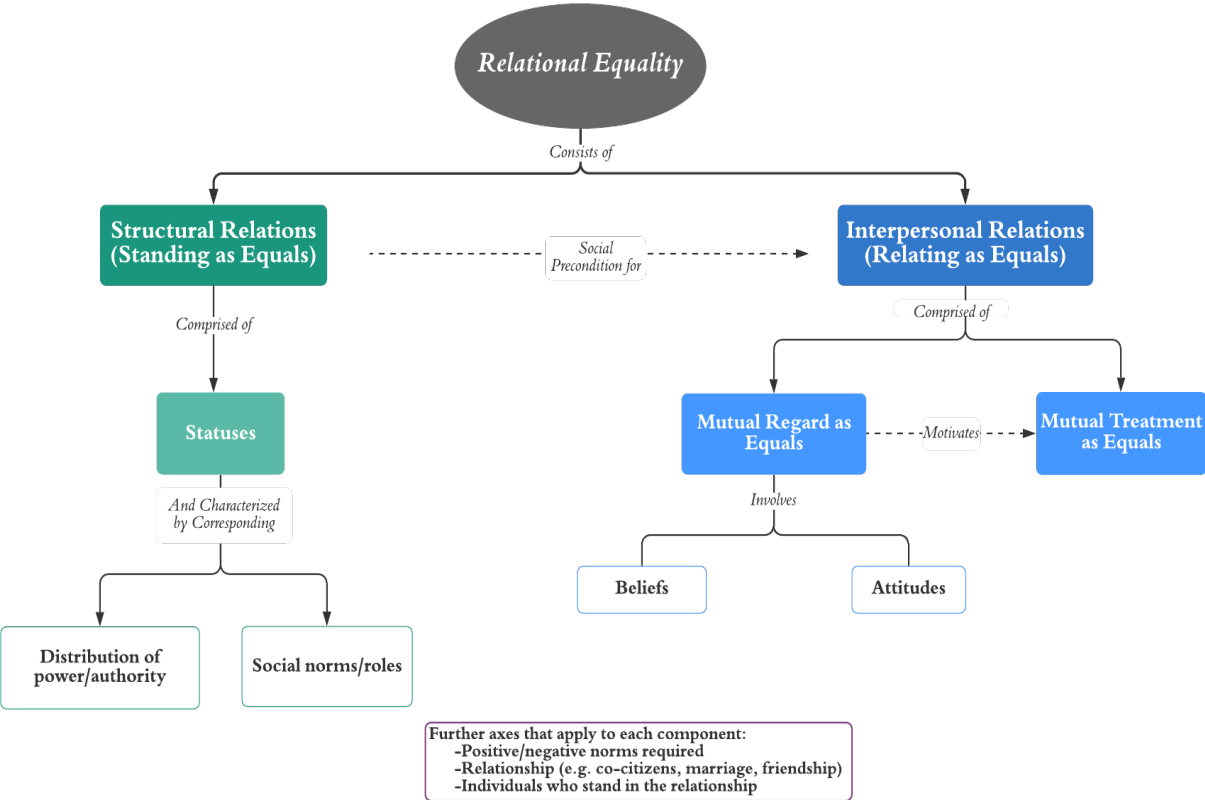
of relating as equals interpersonally exhaust the demands of structural equality across relational egalitarian views.

If relating as equals consists in social standing, (mutual) regard, and treatment, then it might seem like justice cannot require it, at least not in this full sense. We cannot force people to regard others in certain ways or act for particular reasons, even if we can force them to perform the action those reasons dictate. But, as I have previously pointed out, we need not think that justice requires *securing* all aspects of relational equality across all members of society. Indeed, in later chapters I will deny this. For now, it's important to keep in mind that I am here performing an analytical task—conceptualizing 'relating' in the abstract. Eventually, I will turn to the normative task of exploring the moral importance of relating in certain ways and consider implications for social justice. At that point, I will argue that some aspects of relational equality are socially valuable (i.e. a good way for society to be) and individuals are sometimes obligated to relate as equals; however, on my view, these aspects of relational equality are not required by justice. Rather than securing interpersonal egalitarian relationships, I will argue that justice requires enabling them in certain ways.

### *1.5 Relational Equality: An Abstract Conceptual Framework*

The following diagram captures the abstract conceptual account of relational equality I have proposed. It provides a framework for comparing existing accounts (which I will do in the next section) and for developing new theories (which I will do Chapter 3).

Figure 1: Conceptual Diagram of Relational Equality



As I have explained, ‘relating’, understood in terms of ‘regard’ and ‘treatment’, captures the interpersonal dimension of relational equality. The ‘standing’ captures the structural dimension, which influences the interpersonal. Standing as equals is part of the *social* aspect of relating as equals because statures have meanings that are widely understood within contexts where they are operative. They imply norms that guide interpersonal interactions and they can regulate access to certain practices, spaces, and modes of interaction. Statures can also function to confer power, authority and considerability.

We can use this framework to compare different accounts of relational equality along several dimensions, including:

1. Whether they are concerned with structural relationships, interpersonal relationships, or both.
2. How they understand the relationship between structural and interpersonal equality relations.
3. How they *conceptualize* structural relations of equality.
4. How they *conceptualize* interpersonal egalitarian relationships (i.e. the concepts used to define what it is to relate as equals).
5. How they interpret each of the concepts they use to conceptualize standing as equals/relating as equals.
6. The nature (positive/negative; general/context-sensitive) and substantive content of the norms used to characterize each type of egalitarian relationship and their respective components (i.e. statuses, regard, treatment).

The first dimension asks whether or not an account adopts this general framework. The second asks about the connection between the two kinds of egalitarian relationships I take to be part of relational equality.

The third and fourth dimensions concern how each kind of egalitarian relationship is conceptualized. Standing, regard, and treatment tend to play some role in existing theories of relational equality. But they could play a different role or, as noted, some of them may be excluded (e.g. regard). Earlier, I explored some alternative ways in which relating as equals could be conceptualized. Although I argued for the account depicted above, we saw that it's possible to conceptualize 'relating' solely in terms of 'treating.' Take another example. Although I include standing as a necessary precondition, others might think of it solely as an independent requirement of relational equality that isn't itself part of relating as equals. There are always many different, equivalent, ways of mapping concepts. One might be able to adjust the position of the 'standing' component without changing the substance of this framework. But I think excluding 'standing' from 'relating' altogether *would* change the substance. Of course, the extent to which that change affects what relational egalitarians prescribe depends on the alternative role it plays. The point is that we can compare the (usually implicit) conceptual structure of particular accounts to this framework.

The fifth dimension concerns how the accounts in question interpret the concepts they take to be ingredient to relating as equals. For example, we saw that regard can be understood in different ways. While I interpret it in terms of explicit and implicit beliefs and attitudes, it is sometimes taken to consist of only beliefs or only attitudes.<sup>40</sup>

The sixth dimension doesn't have to do with the conceptualization of the components. Rather, it concerns the nature and the content of the norms used to characterize them. Recall that each element of standing as equals and relating as equals can be characterized in negative and/or positive terms (nature of the norms). And, the (negative or positive) norms themselves can be worked out in various ways (content of the norms). For example, an account that conceives of each element in negative terms might say that persons relate as equals when they do not stand as inferiors/superiors, they do not regard one another as inferiors/superiors, and they do not treat one another as inferiors/superiors (whatever treatment or behavior that excludes). In this case, standing and relating as equals requires that the persons so related *lack* unequal statuses, lack the beliefs that they are unequals, are not disposed to treating them as unequals, and do not treat them as unequals. By contrast, one could conceive of some or all of the elements in positive terms so that relating as equals requires the presence of a status and the corresponding presence of regard and treatment. Thus, even accounts that fit this conceptual framework can differ in terms of the nature and content of norms they describe to characterize egalitarian relationships.

For another example of how this framework might be useful, consider 'respect.' Although they seldom explicitly describe what it is to relate as equals at a conceptual level, when discussing what egalitarian relationships involve, relational egalitarians commonly invoke the notion of respect. However, despite all the work it does in their accounts, they usually don't spell out what respect

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<sup>40</sup> As Lippert-Rasmussen observes, it is often formulated in terms of beliefs. Cohen, however, describes regard in terms of attitudes minimizing, the role of beliefs.



entails. Admittedly, it is common and we generally have at least an intuitive understanding of what it means. But, in the context of relational equality, it can mean different things. It could be a matter of regard or treatment or both. However it's understood, the beliefs, attitudes, or behavior it involves need to be characterized in more detail if we are to understand what persons must do to relate as equals. Substantive accounts provide such characterizations. Using this framework provides useful guidance by asking about the kind of thing respect is on a particular view (attitude, belief, treatment) and asking about the positive/negative norms associated with it. Additionally, the further axes prompt us to identify the kind of relationships in question and specify how that factor affects the content of the norms (e.g. what respect positively or negatively involves). Importantly, the framework distinguishes these considerations and questions from one another which encourages clarity in taxonomizing or developing accounts.

### *1.6 Mapping Some Existing Accounts*

So far, my discussion has been intentionally abstract. Applying the conceptual resources that I have been developing will clarify them further. Additionally, considering concrete examples sheds light on some of the available positions I've been mapping out in the abstract, providing an opportunity to evaluate them.

Comparing existing accounts of relational equality along most of the dimensions listed above would require significant interpretation since few proponents explicitly articulate these aspects of their accounts. Many contributions do attempt to describe the substance of egalitarian relationships, however. So, regardless of whether they fit neatly within my framework, we can examine some of the major contributions along the sixth dimension presented above: how they characterize the nature and content of status, regard, and treatment norms.

Existing accounts differ most visibly in the treatment norms they take to be involved in relating as equals (i.e. the behavior they think relating as equals requires or excludes). Accordingly, we can compare them by focusing on this aspect of their accounts. Recall that I identified two issues concerning the nature of norms: (1) whether they are general or context-specific, and (2) whether they are negative or positive. We can examine treatment norms in terms of these characteristics in addition to their content (i.e. the particular behaviors they prescribe).

The content of egalitarian treatment norms tends to be worked out within the context of specific relationships, like relating as (equal) co-citizens in a democratic society or relating as equal spouses within a marriage, for example. Prominent relational egalitarians, Anderson and Scheffler, draw on different resources to characterize them. Scheffler asserts that:

...equality is not an emergent value that appears for the first time at the political level, and we should be able to see some connection between the way it functions in political contexts and the way it functions elsewhere...One of the advantages of the relational conception of equality is that it represents equality as a value that applies to human relationships of many kinds, and we may learn things by looking at its nonpolitical applications that will help us to understand how it applies to the political case (Scheffler 2015, 24).

Scheffler claims here that at least some features of egalitarian relationships should be generally applicable across relationships. His strategy is to consider what it means to relate as equals within a marriage, or, as he puts it, what it means for a marriage to be “a relationship between equals” (24). He extends his conclusions about the case of marriage to political relationships among citizens and suggests that they extend to other relationships.<sup>41</sup> As the above quotation suggests, Scheffler thinks of equality in the political case in terms of interpersonal relationships. In doing so, he appears to place structural relations in the background.

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<sup>41</sup> Daniel Viehoff agrees that the general features of egalitarian relationships can be extended from private relationships to political relationships. Like Scheffler, he takes marriage as a paradigmatic case from which we can glean relational egalitarian norms. Further, Viehoff makes claims about the value of these in relation to one another. See: Viehoff (2017).

By contrast, Anderson focuses on how citizens in non-hierarchical status relations ought to relate to one another within a democratic community. According to her view, what citizens must do to treat one another as equals is similar to what the state must do to treat citizens as equals. Anderson's strategy suggests that the treatment norms she identifies are specific to the political context and relationships within that domain. However, she doesn't rule out the possibility that relational egalitarian treatment norms generalize to other domains. Indeed, she likely focuses on the political domain because she is describing the sort of egalitarian relationships that matter from the standpoint of justice, leaving open the question of whether the general features she identifies extend beyond it. Scheffler, on the other hand, explicitly takes the norms to be general, but allows that the exact behaviors they imply varies by context. Still, he thinks that we can pinpoint the distinctively egalitarian features of one relationship, cast it in general terms, and apply it to others.

Both Anderson and Scheffler characterize egalitarian treatment norms in positive and negative terms. For Scheffler, deliberation is central to egalitarian relationships. On Anderson's view relating as equals centrally involves justification. As we shall see, both of their accounts capture the common idea that treating someone as a moral equal involves equal consideration—behaving in ways that show equal concern for their equally important interests. Their characterizations also reflect the fact that the persons relating are moral *agents*. Recall that above I identified advantages of taking both of these statuses into account when deciding how members of society ought to stand and relate to one another.

### *1.6.1 Positive Characterizations*

To see the shape a positive characterization of relating as equals might take, consider Scheffler's deliberation-focused account. He argues that relating as equals centrally involves deliberations that give proper weight to the interests individuals have as moral equals. He describes

equality as an interpersonal practice of joint decision-making, which “makes substantial demands on the attitudes, motives, dispositions, and deliberative capacities of the participants” (2015, 30).

Individuals relate as equals within a relationship when they make decisions concerning that relationship by deliberating in certain ways. By reflecting on the character of an egalitarian marriage, he arrives at the egalitarian deliberative constraint (EDC), which he takes to be the “distinctively egalitarian element in the complex ideal of an egalitarian relationship” (2015, 25). It is worth quoting his description of the constraint at length:

In a relationship that is conducted on a footing of equality, each person accepts that the other person’s equally important interests—understood broadly to include the person’s needs, values, and preferences—should play an equally significant role in influencing decisions made within the context of the relationship. Moreover, each person has a normally effective disposition to treat the other’s interests accordingly. If you and I have an egalitarian relationship, then I have a standing disposition to treat your strong interest as playing just as significant a role as mine in constraining our decisions and influencing what we will do. And you have a reciprocal disposition with regard to my interests. In addition, both of us normally act on these dispositions. This means that each of our equally important interests constrains our joint decisions to the same extent. We can call this the *egalitarian deliberative constraint* (25, original emphasis).

Scheffler defines ‘interests’ as one’s subjective needs, values, and preferences. A relationship is egalitarian when decisions made within it are equally constrained by each participant’s interests.

Scheffler explains that the EDC should be understood diachronically. On balance, each person’s interests should have equal weight in deliberations that take place over the course of the relationship, but interests can sometimes be weighed unequally. Further, he claims that decisions within a relationship need not be made jointly in order to satisfy the EDC. Decisions can be equally constrained by each participant’s interests as long as whoever makes them applies the EDC. This does not mean that individuals can be *excluded* from the decision-making process, however. Scheffler stipulates a participatory requirement, according to which each party is equally entitled to participate in decisions made within their relationships. This entitlement reflects the idea that equals recognize

one another as equally entitled to “determine the future course and character of [their] relationship” whether it be between marriage partners, neighbors, or members of society more generally (27).

To get a clearer picture, consider Scheffler’s description of spouses planning a vacation. The spouses have conflicting preferences about where to go on vacation and for how long: one wants to go to Paris for three weeks and the other wants to go to Rome for one week. Because each spouse has a commitment and disposition to the EDC, they apply it to their decision-making process. Scheffler explains that they can use various strategies to reach an agreement. They might compromise by splitting the difference (e.g. going on vacation for two weeks, Paris for one and Rome for one), negotiating a trade-off (e.g. we’ll do what you want for vacation but that means we’re spending the holidays with my family this year), taking turns (you plan the vacation this year and I’ll plan it next year), taking separate vacations, or flipping a coin (25-26). The decisions they reach need not benefit them to the same extent in that case or in the long-term (28). What’s important is that each of them has an effective disposition to giving their interests equal consideration so their decisions are equally influenced and constrained by them.

Scheffler extends the core of the EDC from personal to social and political relationships. He describes a society of equals as one in which “the comparably important interests of each member constrain social decisions to the same extent” because “each member is committed to treat the equally important interests of every other member as exerting equal influence on social decisions” (35-36). Social decisions include, for example, decisions about the constitution, laws, and design of institutions. To honor this commitment within social and political relationships where those relating don’t know each other’s subjective interests, Scheffler explains that we’ll have to create large-scale processes in which all can participate in joint decision-making. In this case the EDC is satisfied by each individual’s opportunity to participate and commitment to equal consideration. This

description of the society of equals suggests a democracy in which members *relate* to one another primarily through institutions.

While in some ways similar, Anderson's account emphasizes justification rather than deliberation. As noted, Anderson focuses on relations among equal *citizens*. Thus, she often discusses justification within democratic practices, like those involving public reason.<sup>42</sup> While Anderson describes justification as interpersonal, it is, to use Anthony Laden's terminology, *impersonal* in that it appeals to an objective source—the universe, an existing social structure, or a set of rules—to show that an action/decision is rational or reasonable.<sup>43</sup> The validity of a justification depends on those objective sources. Viewing justification this way implies that the justification one offers can be valid even if those actual persons to whom it is offered reject it.

Anderson claims that we relate as equals when we comply with the reasonable demands others make of us and act according to principles that express equal respect and concern (2010a, 5). State institutions must also embody such principles and act in ways that express equal respect and concern. These are the principles that persons who conceive of themselves as equals “would reasonably adopt or could not reasonably reject, for regulating the claims they make on each other” (5-6). By following such principles, “they constitute themselves as a free society of equals, and thereby realize the kind of relational equality demanded by justice” (5-6).

Like other contractualists, including T.M. Scanlon, Anderson thinks of justification in terms of principles that all reasonable persons *would* accept or could not reasonably reject under certain, hypothetical, conditions. This is because, as Lori Watson and Christie Hartley observe “what persons accept given an inferior social position is not the same as what they find reasonably justified as free and equal citizens” (2018, 150). Individuals' actions, institutions, and disparities in power are

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<sup>42</sup> When discussing justification in the context of social justice, we are not usually talking about justifying claims in the sense of showing that they are true. Rather, we justify our actions and institutions to those who can hold us accountable.

<sup>43</sup> See Laden (2014).

justified only if they adhere to principles that would be acceptable to reasonable persons conceiving of themselves as free and equal citizens. Justification, then, can be assessed by consulting a set of identified principles or considering the proposed action from the perspective of a hypothetical, reasonable citizen. This is the sense in which it is *impersonal* according to Laden. Such principles express equal respect and concern for co-citizens and by accepting them as directives or constraints, one treats others with equal respect and concern.

One could accept that relating as equals involves impersonal justification but employ a different standard. Rather than appeal to the fundamental interests persons have as citizens, one could draw on a broader set of interests. For Anderson, persons' interests in their authority as moral equals and status as citizens generate justice obligations, but not their interests in happiness or well-being.<sup>44</sup> Scanlon, by contrast, suggests that social institutions (especially inequalities that arise from them) must be justifiable to all members of society in that they "appeal to the reasons individuals have for accepting such institutions" (2018, 157). Presumably, some reasons for accepting state institutions stem from individuals' interests in their own well-being and opportunities to live a happy and fulfilling life in addition to their interest in living autonomously. Although there are surely many other impersonal standards of justification one could favor for purposes of treating others as equals by accepting the obligation to act and arrange society in ways that are justifiable, I will not explore them here.

### *1.6.2 Negative Characterizations*

Niko Kolodny characterizes egalitarian relationships primarily in negative terms, focusing on structural status relations that shape interpersonal relationships by producing or sustaining

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<sup>44</sup> This position stems from the contractualist framework that grounds Anderson's conception of relational equality. She seems to have a broadly Rawlsian framework in mind.

inequalities in power, authority, and consideration. He describes egalitarian relationships as *not* standing in relations of inferiority with others.<sup>45</sup> Roughly, on his view, “relations of inferiority partly consist in *asymmetries of power and (de facto) authority*” and partly in subordination or “*disparities of consideration*” (2019 draft, 15 original emphasis). The former part is a matter of status distinctions that underpin asymmetries of power and (de facto) authority—these are structural relations and associated social conditions. The latter part is a form of treatment wherein individuals enjoy certain kinds of favorable responses (e.g. respect, courtesy) in virtue of their social status (and not in virtue of characteristics like merit, desert, or their personal relationship to the people who favor them).

Kolodny is not concerned with one-off encounters, nor is he concerned with status distinctions and relations that can be justified and are properly constrained or context bound. Rather, his concern is with *social* relations of inferiority which I take to be *patterns* of behavior, including interpersonal relations, that arise from social status hierarchies (draft, 15). In hierarchical societies, people find themselves positioned as inferiors/superiors relative to one another. When status hierarchies create systematic asymmetries in power and authority, members of society relate as inferiors/superiors because corresponding social norms structure their interpersonal relationships and interactions.

For Kolodny, relational equality is about avoiding the bad of standing and being treated as inferiors. Social hierarchies and associated disparities of power and (de facto) authority are only objectionable absent certain tempering factors. Likewise, forms of treatment involving disparities of consideration are only objectionable when they arise from status hierarchies and are otherwise unjustified. Relating as equals occurs when treatment (e.g. consideration of one’s interests) does not

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<sup>45</sup> Kolodny’s view is complex and fits into a much broader project. He thinks that unequal power, authority, and consideration are neither necessary nor sufficient for relational inequality but identifies them as common features of objectionable social relations. He recognizes a variety of mitigating factors that bear on the extent to which such disparities and acts of subordination are objectionable (e.g. voluntariness). My aim here is not to summarize Kolodny’s complete view. I am focusing on the nature of egalitarian relationships characterized negatively. Thus, I present this element of his view in isolation from his more comprehensive account developed in Kolodny 2014a, 2014b, and 2019.



correspond to hierarchical status distinctions. In other words, we relate as equals when we do not relate as inferiors and superiors.

Other relational egalitarians who develop negative views could describe the content of the negative norms differently—in other words, they might have different ideas about what relating as equals excludes. Another negative characterization of relating as equals targets status hierarchies themselves, de-emphasizing treatment and corresponding disparities in power or authority. For example, Fourie seems to think that we relate as equals when our interactions are unstructured by hierarchies of social status that embody (unequal) evaluations of persons' inherent worth. She stresses that it is the difference in social statuses that is objectionable, not the effects of status distinctions on individuals or their interpersonal interactions. This suggests that Fourie's account of relational equality concerns structural status relations rather than interpersonal relationships or social factors that structure them.<sup>46</sup>

Relational equality is often taken to exclude domination. Domination can be understood in terms of structural or interpersonal relationships. Iris Marion Young defines domination as social conditions “which inhibit or prevent people from participating in determining their actions or the conditions of their actions” (1990, 38). As Young describes it, domination refers to structural power relations among members of society, but it's also structural in the sense that those relations are a function of social structures and institutional arrangements. According to Young, domination is objectionable when it is *oppressive*. She explains:

...not everyone subject to domination is also oppressed. Hierarchical decision-making structures subject most people in our society to domination in some important aspect of

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<sup>46</sup> The account Fourie offers may be intentionally abstract—it isn't offered as a full-fledged substantive account. However, she does explicitly focus on status hierarchies themselves which represents one option for negatively characterizing relational equality whether or not it is her considered view.

their lives. Many of those people nevertheless enjoy significant institutionalized support for the development and exercise of their capacities and their ability to express themselves and be heard (38).

This passage indicates that oppressive forms of domination systematically frustrate development and exercise of persons' capacities. Young's view suggests that oppression is the (structural) relation to be avoided, not domination as such.

By contrast, neo-republicans like Philip Pettit and Frank Lovett conceive of domination as a relationship between agents. They defend something like a negative account of egalitarian interpersonal relationships.<sup>47</sup> For Pettit, the relations to be avoided are relations of domination across a set of basic liberties. Domination occurs when an agent possesses the uncontrolled ability to interfere with someone else's choices, or, as it is sometimes put, they have the *capacity* to arbitrarily interfere with someone's choice. More precisely, Pettit and Lovett define it as follows:

A dominates B with respect to a choice when A possesses the power to interfere with B's choice without B's control over that interference (Pettit & Lovett 2019).<sup>48</sup>

Put in terms of *non*-domination:

B is free to  $\phi$  or not to  $\phi$  to the extent that no A has the uncontrolled ability to interfere voluntarily in B's choice [with respect to  $\phi$ ] (Pettit & Lovett 2019, 2).

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<sup>47</sup> Pettit thinks that persons can be dominated by individual or collective agents. However, he takes social justice to concern relations among citizens. Because he develops his account of domination for purposes of theorizing about social justice, his characterization of domination focuses on interpersonal cases. Thus, my brief description of his view also focuses on interpersonal domination.

<sup>48</sup> Pettit and Lovett acknowledge that the well-known formulation that defines domination in terms of "arbitrary power" is misleading because "arbitrary" is ambiguous. They maintain that republicans have always understood it to mean "insufficiently controlled."

Notice that, on this account, power imbalances are objectionable when they *enable* some to interfere with others' decisions, should they choose to do so, regardless of whether interference actually occurs.

Pettit acknowledges that the capacity for uncontrolled interference sometimes stems from social structures and institutional arrangements. However, he insists that domination is essentially a relation between agents. Republican social justice, on his view, aims to negate the *effects* of social and institutional structures on interpersonal relationships.

For disparities in power to be consistent with non-domination, individuals must have control over others' interference with their choices. That is to say, interference must be on the weaker party's terms. Notably, republicans have not fully spelled out what counts as 'uncontrolled' or 'sufficiently controlled' (Pettit & Lovett, 3). While they disagree about "the sort of control that would actually serve to reduce or eliminate domination," republicans agree that "control must robustly protect" individuals against interference. They also tend to agree that the control condition is unsatisfied in cases where one relies on the dispositions of the powerful to refrain from interference. As Lucy Allais explains, "a dependent person is not less in the power of the more powerful partner when the partner is virtuous and caring, just as a slave is not less subject to the slave-owner's power when the slave-owner is benevolent" (2015, 193).<sup>49</sup> This is because individual dispositions do not negate the *capacity* of some to interfere (arbitrarily) with others' choices.

Setting these details aside, according to the republican view, members of society are to stand and relate as equally undominated persons. While Pettit doesn't offer a positive characterization of egalitarian relationships, he emphasizes "the importance of equality in the interactions that people are capable of enjoying with one another" (2014, 99). Pettit thinks that securing non-domination

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<sup>49</sup> But, as Thomas Simpson argues, Pettit cannot consistently sign on to this idea while maintaining that civic virtue is necessary for freedom as nondomination. Simpson aims to vindicate the role of civic virtue in republican freedom. See Simpson (2017).

across the basic liberties for all members of society secures the right kind of interpersonal egalitarian relationships. With respect to the status component, he holds that persons are to have “publicly established and acknowledged” statuses as equal, undominated persons. This will purportedly eliminate the need for deferential and servile behavior stemming from unequal power, enabling all members of society to “walk tall and look others in the eye” without reason for fear of deference (2012, 83).<sup>50</sup> To be clear, it isn’t that all members of society *will* be comfortable enough in social settings to walk tall and look others in the eye—some people are shy or timid. The crucial point is that they do not act deferentially because they are dominated.

Whereas Kolodny is concerned about the norms of treatment to which certain social hierarchies might give rise, Pettit is concerned about the social hierarchies insofar as they *enable* objectionable forms of treatment. Kolodny recognizes various factors that temper the extent to which asymmetries of power and authority (and corresponding treatment) are objectionable. The main consideration for him is whether persons *are* treated as inferiors, not whether they *could* be. By contrast, Pettit is concerned with the capacity of some agents to interfere with others’ (protected) choices. One attempting to articulate negative norms of relational equality must decide whether it is the capacity or the treatment itself that is objectionable.

### 1.6.3 *Evaluating Negative Characterizations*

I take it that relating as equals excludes some statuses and behaviors, but we might wonder if negative characterizations are adequate on their own. When we are talking about structural relations

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<sup>50</sup> Pettit has a comprehensive theory of justice based on freedom as non-domination. Here, I am only focusing on a specific part of what he identifies as the egalitarian aim of his view: “promoting people’s equality in freedom as non-domination, where this is now understood as freedom of undominated status, not freedom of undominated choice” (2012, 88). My concern is with the relations among persons with equal statuses that he describes. One might think that, taken as a whole, Pettit’s view does not count as a relational egalitarian view. While I disagree, I will not attempt to argue that it does. However, see Garrau and Labrode (2015) for such an argument. It’s also worth noting that he likens his concern for “interactional equality” to Anderson’s and Scheffler’s egalitarian views. See Pettit (2014, fn 84).

of equality and relating as equals are we just talking about a bad to be avoided or are we also talking about a good to be realized? Notice we can relate as equals in a negative sense by staying away from one another. But suppose we accept the common presupposition that members of a community must interact. A negative ideal tells us what such interactions *lack* but not what they *involve*.

To see this, compare two worlds, A and B. Both worlds are free from domination and no one is treated as an inferior. In world A, social hierarchies and domination are absent because members of society are equally powerless and miserable. Interactions among them are often unpleasant. They are not treated as inferiors because, outside of family groups or small communities, they try to avoid one another. In world B, members of society engage in interpersonal relationships that express mutual respect. They are not powerless. Rather, they eschew domination and collaborate in pursuit of community goals because they are committed to living together in mutually beneficial ways. Their social interactions generally affirm their status as a member of the community and their inherent worth as persons. Additionally, they have ample means to develop their capacities, direct their lives, and engage in fulfilling personal relationships as equals.

A purely negative account of relational equality apparently lacks the resources to choose one world over the other. As such, considered on its own, it might be subject to a version of the leveling-down objection: from a negative standpoint, the residents of both worlds A and B relate as equals. If, however, we think that the residents of world B *relate as equals* to a greater extent than residents of world A, then we should recognize at least some positive relational norms. It's possible that one might deny that residents of world B relate as equals to a greater extent, arguing instead that world B is morally preferable for other reasons not having to do with relationships among members of society. A pluralist relational egalitarian who accepts a negative characterization might then appeal to a different value to justify choosing world B over A. Indeed, pointing to other values has been a

common response to the leveling-down objection applied to other kinds of egalitarian views.<sup>51</sup> Still, it's plausible to think that world A is worse or less valuable than world B in virtue of the relationships it lacks. This intuition speaks in favor of including positive norms in our characterization of egalitarian relationships.<sup>52</sup>

#### 1.6.4 *Evaluating Positive Characterizations*

Assuming relating as equals requires positive norms, are Anderson's and Scheffler's proposals adequate accounts of what is involved in interpersonal relations among equals? There are several reasons for thinking that they are, at best, incomplete. First, in both cases, the norms concern interpersonal *treatment*, but they do not require interpersonal *interaction*—individuals can, in principle, satisfy the requirements on their own. On Anderson's view, justification is hypothetical. Justifying our actions and principles is a matter of determining what others, *would* accept under hypothetical conditions. Making claims on one another *could* be interpersonal, but it could also be mediated entirely by institutions. Within relationships that are by definition interpersonal (e.g. marriages), Scheffler describes deliberation as a joint activity wherein participants express their interests and assess options together. While this interpersonal practice is an important part of what makes the marriage he describes seem egalitarian, it is not a necessary feature of relating as equals as he conceives of it.

Further, they seem to allow behaviors that we generally take to be disrespectful among equals and among agents, including some resembling subordination and paternalism. Both Scheffler

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<sup>51</sup> The original objection comes from Derek Parfit (1997). Tempkin nicely articulates the pluralist response, see Tempkin (2003a, 2003b).

<sup>52</sup> It's worth noting that the leveling-down objection applies to telic egalitarian views—those that take equality to be intrinsically valuable. For then, even if equalizing benefits no one (and perhaps makes some worse off), we would have at least one reason to equalize by leveling down. A world in which all have only one eye is in one way superior to a world in which some have two functioning eyes while others are blind (Parfit, 1997). This version of the objection would then apply to telic relational egalitarian views, but not to deontic forms of relational equality. However, I present a reformulated version above to get at a similar issue.

and Anderson accept that accounts of egalitarian relationships ought to reflect the agency of participants. Although deliberation and justification are activities that engage agential capacities, the interpersonal practices Scheffler and Anderson describe seem to at least sometimes be at odds with respecting one another's agency.

Consider Scheffler's deliberative account, which centers on the EDC. Recall that Scheffler describes relating as equals as a *practice* wherein participants in a relationship deliberate and make decisions that arise within or pertain to their relationship by applying the EDC. He takes two core features to apply broadly: relationships are egalitarian when participants are *disposed* to apply the EDC and when decisions concerning the relationship are equally constrained by their respective interests.

Scheffler's focus on joint decision-making seems too narrow. Relationships—at least many personal relationships—often involve other sorts of interactions and practices, not involving this sort of decision-making. Can we relate as equals within these other aspects of our relationships? Is relating as equals consistent with expressing condescending attitudes or contempt? Do my partner and I relate as equals if he continuously explains things to me because he assumes, wrongly, that I do not understand things as well as he does? Is relating as equals compatible with systematically distrusting members of a gender or racial group or finding them less credible than others? Scheffler's account seems to leave these questions open.

Regardless of whether it's sufficient, the EDC does seem to capture an egalitarian feature of personal relationships. But is it a *general* feature of egalitarian relationships? We might find the analogy between egalitarian personal relationships (namely, marriages) and egalitarian relationships with fellow members of society less illuminating than Scheffler expects it to be. It seems reasonable to think that egalitarian personal relationships involve subjecting at least some decisions to the EDC, but it doesn't follow that we should do the same with our fellow members of society or co-citizens.

The kinds of interests involved seem importantly different. Within personal relationships, we share our interests, broadly defined by Scheffler as needs, values, and preferences, as we perceive them here and now. We expect our partners to take those *actual, subjective* interests into account. But actual subjective interests don't seem to be what matters in the broader social case.

As Scheffler acknowledges, we don't have epistemic access to others' actual interests most of the time. Even doing our best, we might have an inaccurate sense of their interests. Practical constraints suggest that applying the EDC to deliberations about social decisions involves considering others' objective interests rather than their subjective interests. Objective interests might include generic interests that we all have in pursuing projects without obstruction, the conditions of our wellbeing, or other fundamental interests shared across persons. These are the important interests that we often think give rise to rights and entitlements. It's reasonable to think that they should constrain and inform deliberations about social decisions, just as our commitment to equal basic liberties do. However, shifting from subjective interests to objective interests entirely has a more significant effect on the character of relationships than Scheffler realizes.

Unlike persons' subjective interests, we can include objective interests in our deliberations without consulting other members of society. Indeed, Scheffler recognizes that the 'participatory' or interactive aspects of relating as equals does not easily extend to relations among citizens or to relations with a more 'anonymous' character. But deliberating on our own seems odd as a practice that is supposed to capture the interpersonal aspect of relating as equals. Can we really relate as equals through private deliberations?<sup>53</sup>

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<sup>53</sup> Thomas Christiano makes a similar point in the context of justifying the authority of democratic decisions. He points out that we are fallible in our assessment of our interests and others' interests--we disagree about the content and weight of different interests. Respecting others as equals by taking their interests into account and weighing them equally in our private deliberations is non-public. My good faith efforts to determine what your interests are and how to equally advance them could look to you like blatant disrespect. His point is that we cannot respect others as equals in this private, deliberative way. See Christiano (2004, 2010) and Viehoff (2014).



Further, focusing on others' objective interests—or their actual interests as we interpret them—doesn't require us to grant epistemic authority to others with respect to their own interests. But this seems to be part of respecting persons as agents. What should we do in cases where someone's subjective interests, as they see them, conflict with their objective interests? Favoring objective interests seems paternalistic. Imagine that my partner wants to borrow my car to go see a stupid movie for the third time while he should, for the sake of his objective interests, exercise or read a book. Deciding against lending it to him because he should be exercising or reading seems inconsistent with the egalitarian nature of our relationship. Indeed, it seems paternalistic. Consider another case in which, rather than appealing to my partner's objective interests, I favor my own interpretation of his subjective interests over his own. Perhaps I decide that he doesn't *really* want to go to the movie even though he insists that he does. This seems to subordinate his judgement and perspective regarding his affairs to my own. This kind of case differs from the paternalist case in that my interpretation need not track his interests objectively speaking or from his point of view.

Does prioritizing objective interests over my co-citizens' subjective interests seem paternalistic or subordinating in the same way? If so, it seems that applying the EDC will at least sometimes involve paternalism or subordination—if only because we lack access to individuals' subjective interests. If not, then it's hard to see how the marriage analogy supports extending the EDC to broader social decisions.

Daniel Viehoff sketches an alternative that focuses on deliberation but potentially avoids some of the problems that arise when we extend his account from personal to political relationships. Viehoff emphasizes the control each participant has over their relationship. In doing so, he, like Scheffler, de-emphasizes the status component in favor of the interpersonal aspect. His formulation stipulates that relating as equals involves showing equal concern for one another's equally important interests relevant to their relationship. His description of what this entails makes it seem almost

identical to Scheffler's EDC. On Viehoff's view, relating as equals also requires that participants have equal rights and *see* each other as having equal rights within the relationship. I take it that Scheffler, and others, would sign on to this requirement as well. Finally, the distinctive feature of his account is that it requires nonsubjection. Viehoff describes nonsubjection as participants having roughly equal control over their interactions within their relationship and the terms of the relationship more generally. Nonsubjection, or equal control, is not necessarily a matter of equal power or advantage. Rather, it is satisfied when participants are committed to refraining from using power disparities or other advantages to gain greater control over the relationship.

Aside from potentially serving as a nice complement to the negative norms previously discussed, Viehoff's focus on the relationship itself could be a useful supplement to Scheffler's account of egalitarian relationships in the political domain. This is because it implies a particular set of interests to taken into account in our decisions: the interests we both have concerning our relationship as co-citizens. While initially plausible, this view as whole or its narrow focus on interests concerning the relationship may encounter problems. I introduce it here because Viehoff's move from personal to political relationships seems more successful than Scheffler's. This is because, if we think of relating as equals in terms of deliberations and a commitment to exercising equal control within relationships, it seems like a natural fit with democratic relations among citizens. By contrast, Scheffler's view requires considering a wide range of others' *subjective* needs, preferences, and values.

Anderson's account seems incomplete for similar reasons. Anderson describes justification as "a matter of vindicating claims on others' conduct" (3). Her description suggests that justification will occur through interactive, interpersonal practices that involve exchanging reasons. But the actual practice will not always be necessary because the grounds for vindication and individuals' claim rights are predetermined. Determining whether one's actions are justifiable from a hypothetical

standpoint only requires appealing to those objective grounds. So here too, the *practice* of equality doesn't appear to require much interaction. Which isn't necessarily an objection on its own, but the norms seem to structure our interpersonal interactions much less than proponents acknowledge. Indeed, we might wonder if they are adequate norms for guiding the behavioral component of relating as equals.

Anderson's view raises a more substantive question: does treating others as equals require that they *actually* accept the reasons we offer for justification or only that they *hypothetically* accept them from an idealized standpoint?<sup>54</sup> We might think the answer depends in part on the kind of relationships within which reasons are offered. Plausibly, there are cases in which we must treat as equals individuals with whom we do not directly interact or interact with very briefly in one-off encounters. In these cases, hypothetical acceptance might be the only option if we are to justify our course of action to them at all. But it seems that within many interpersonal relationships involving consistent interaction, treating someone as an equal—and as an agent—is at odds with neglecting their actual response—or depriving them of the opportunity to respond—in favor of a hypothetical response. In her discussion of interpersonal relationships between adults, Onora O'Neill observes that if treating someone with respect requires acting in ways that are justifiable from a hypothetical perspective, respecting them will often involve overriding their actual responses, effectively “coercing them in the name of [their] higher and more rational selves” (1985, 257). By understanding our obligations of justification as obligations to justify our actions to hypothetical, idealized versions of individuals “we risk acting in ways which would be enough to treat ‘ideal’ rational beings” with respect, but not the actual persons to whom we owe justification (253).

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<sup>54</sup> There is a distinction to be made here between hypothetical acceptance based on one's assessment of someone else's actual interests and hypothetical acceptance based on the interests they *would* have given counterfactual capacities or circumstances (i.e. ideally rational citizens, conceiving of themselves as citizens). I set it aside here.

Relying on what persons *would* accept as a justification or taking only their *objective* interests into account in our deliberations also treats individuals as abstract persons. But we don't just want to be treated as abstract persons with limited (as opposed to idealized) capacities. In many of our relationships—including those among friends, neighbors, and co-workers—we want to be treated as ourselves, the particular persons that we are. In other cases, treatment as a person—any person—seems appropriate.

Anthony Laden offers an alternative account of justification as a norm of egalitarian relationships that doesn't rely on hypothetical acceptance: intersubjective justification. Laden's intersubjective view departs from the sort of impersonal account that relies on objective standards of justification. For him, treating others as equals means being responsive to particular individuals, not abiding by principles they *could* accept (but may not) or acting according to our own ideas about their interests.

Laden situates this activity of intersubjective justification within a broader picture of social reasoning, which he defines as a form of reciprocal, respectful interaction. Laden is not concerned with any structural relations—like social positions or status norms—as such, but with whether they are intersubjectively justified to everyone subject to them. Securing such justification requires practicing equality—relating as equals who are responsive to one another. As he describes it, “equality is neither a natural fact nor a social goal but a kind of practice” in which participants are “prepared to offer justifications to one another” and “take themselves to be bound by the uptake or rejection that their justifications meet” (2014, 113;114). In other words, it is something that agents *do* together.

On Laden's view, we can only appeal to laws or institutions if they themselves can be intersubjectively justified. Imagine I challenge the constraints my employer places on my self-expression within the workplace. He might respond by pointing out that he is legally entitled to

impose such constraints at his discretion. While he might be right about the law, I can reject his justification if I think the law itself is unfair or unacceptable. However, I owe him a justification for breaking the rules, so we must negotiate.

There is much to like about how Laden characterizes relating as equals. For one, it involves engagement and interaction that other views allow but do not necessarily require. It also treats individuals' actual interests, as they perceive them, as important for deciding how to act and arrange society. It doesn't impose on them arrangements that they would (in expectation) accept if they were sufficiently rational. Insofar as we wish to avoid the worries I've raised about subordination, paternalism, and disrespect, this is a desirable feature. But it also raises a separate set of problems.

Basing justification on actual acceptance seems to open up the possibility for some to manipulate others. If disparities in power are justified when those with less power accept the distribution, what's to stop the powerful from gaining acceptance by exploiting the imbalance? A dictator may procure acceptance from the ruled by arguing that their lives would be worse if he did not have so much power. If they agree, the arrangement is justified. It might be true that the benevolent dictator uses his power to maximize the wellbeing of those he rules. But it could also be that the dictator uses propaganda to instill false beliefs about how they would fare without him in power. It seems that, as long as those ruled accept the dictator's argument, it doesn't matter whether or not his claims are true. Acceptance driven by propaganda would justify his dictatorship as well as acceptance driven by true facts about what is in the best interest of the ruled. Similarly, persons may develop preferences and beliefs in the course of adapting to their oppression. They may then accept differences in power that would not be justifiable by many standard principles of justice. Alternatively, some individuals may respond irrationally to justifications others offer to them. Must we accept that there is no way to justify an action or arrangement if a stakeholder stubbornly refuses to accept relevant reasons? How do we justify desegregation to a racist? These familiar concerns

motivate the sort of impersonal justification that Anderson espouses, which requires acceptability or lack of basis for reasonable rejection rather than actual acceptance.

One avoids some of these problems by making room for impersonal justification at some level. We can accept the practice of equality, as Laden describes it, without taking on the view that intersubjective justification is necessary ‘all the way down.’ At some point, we might rely on impersonal justification. For example, the interpersonal practice of relating as equals may involve intersubjective justification but justifying the structures within which those relations occur could appeal to principles or some other source. Indeed, contra Laden, one might think that our entitlement to interpersonal relations of equality (understood as a practice of intersubjective, reciprocal justification) itself must be grounded in something other than actual acceptance.

Instead of allowing impersonal justification at some level, Laden appeals to pure procedural justice. As it applies here, procedural justice is the view that we determine what is justifiable (or required by justice) by going through a procedure. Outputs are authoritative because they come from the procedure. Without going through the procedure, we cannot answer the questions that the procedure answers. To use Rawls’s example, the outcomes of gambling are fair only if they are the result of a fair gamble. Likewise, acceptance or rejection are legitimate only if they are produced through intersubjective justification. Intersubjective justification, as a procedure, is governed by some norms and rules, including that participants treat one another as equals. The dictator that manipulates those he rules is not engaging in the procedure, so their acceptance does not justify his power. I take it that acceptance driven by an oppressed person’s adaptive preferences is illegitimate for similar reasons. Similarly, one who stubbornly refuses to consider reasons violates the rules and norms governing the procedure. Dismissing responses from the stubborn, those with adapted preferences, and those under the dictator’s rule may seem problematic. But, importantly, they are *owed* justification. So, until the procedure takes place, the action or arrangement is unjustified.

Presumably, obstacles would have to be removed for the process of intersubjective justification to unfold.

This brings out an important aspect of the procedural approach: normative criteria apply to the procedure, not directly to its outputs. We cannot determine that acceptance is illegitimate by examining it in isolation. Someone can accept arrangements that conflict with principles or values that we hold. Evaluating acceptance or rejection, or the thing to which they are responses, in terms of normative criteria does not bear on justification. If we could use normative concepts to evaluate outputs, the procedure would be unnecessary for justification—even if it is necessary for epistemic reasons. A pure proceduralist will insist that we can only use normative criteria to evaluate the procedure. As illustrated above, viewing oneself as answerable to others and treating them with proper regard or recognition are necessary parts of intersubjective justification. If either is absent, the conversation that occurs does not count as intersubjective justification. It is only on those grounds that we can view the result as illegitimate.<sup>55</sup>

What do these criticisms show? They indicate that the proposed positive norms are inadequate—at least on their own—as *general* norms applicable across relationships. We saw that Scheffler encountered problems in extending the EDC beyond certain kinds of personal relationships. Anderson’s account of justification seems adequate within some contexts and inappropriate when applied to others. In terms of their content, the positive norms Scheffler and

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<sup>55</sup> Although it does not bear directly on my discussion here, it is worth mentioning Korsgaard’s distinction between procedural and substantive realism. These are metaethical positions concerning moral truth. According to procedural realists, “there are answers to moral questions *because* there are correct procedures for arriving at them” (36). According to substantive realists, “there are correct procedures for answering moral questions *because* there are moral truths or facts which exist independently of those procedures, and which those procedures track” (37). As I understand it, procedural justice is consistent with either kind of realism. It’s possible to ground the procedure for determining what justice requires in substantive moral claims. It is also possible to think that the dictates of morality and justice are produced through procedures. If one accepts the latter view, she must explain what it is that makes the procedure “correct” without appealing to independent moral truths. If she accepts the former, she can explain procedural justice in terms of substantive moral claims. But, for it to be pure procedural justice, those claims must govern the procedure and not the content of the outputs. The point is that one can endorse procedural justice without committing to procedural realism.

Anderson propose seem to sometimes allow disrespect, subordination, and paternalism, especially when applied within personal relationships or interpersonal interactions. These seem *prima facie* inconsistent with relating as equals, especially given that both Scheffler and Anderson think such relationships must respect the agency and authority of participants. While Laden's account avoids these problems, it encounters others.

One way to address some of these issues is to distinguish between different kinds of relationships and figure out which norms apply within each of them. Provisionally, we might divide them into intimate relationships, public relationships, and relationships involving anonymous participants. Where participants are anonymous to one another, it makes sense to think that only their status as a person, not their individual identities, matters. If so, relying on generic interests or hypothetical acceptance seems appropriate. It's plausible to think that we should employ impersonal justification within the context of what we might call public relationships, at least at some levels of decision-making. In personal relationships among equals, intersubjective justification within objective constraints seems appropriate. In due time, I will consider categories of relationships and the norms that apply to them. For now, the point is just that an account of relating as equals should be sensitive to these kinds of issues.

### *Conclusion*

In this chapter I analyzed some of relational equality's core concepts, arranging them into an abstract framework that provides guidance for examining and developing accounts of interpersonal egalitarian relationships, which I distinguished from structural relationships. I argued that we should conceive of relating as equals in terms of status, regard, and treatment. Each of these are necessary for relating as equals, but we can fail to relate as equals when any of these components is absent.



Using the conceptual account I proposed, I examined the nature and content of some relational egalitarian norms that advocates have used to characterize relating as equals.

I argued that a purely negative characterization seems insufficient. Additionally, the positive characterizations on offer seem unsatisfactory on their own. With the exception of intersubjective justification, the positive dimensions considered so far are largely impersonal. None adequately capture the intuitively plausible idea that relating as equals “demands that we treat others not impersonally, but to some extent as the persons they are” (O’Neill, 261). This is because some existing accounts allow persons to disregard the actual interests of others in favor of generic interests or their own interpretation of others’ interests. Doing so can be seen as a form of subordination—I subordinate your perspective to mine when I act on principles that I think you should accept or would accept under different circumstances or when I prioritize your objective interests over your subjective interests in my deliberations about what to do. Such treatment neglects the agency and authority of those engaging in egalitarian relationships.

In Chapter 3, I develop an account of egalitarian relationships characterized by mutual accountability and reciprocal answerability that avoids these problems. There, I’ll argue that focusing on accountability practices as the core of egalitarian relationships, rather than joint decision-making or justification, offers a broader and richer account, and one that can be extrapolated to a wider range of relationships including impersonal interactions within political society. I take accountability to be a more *general* feature of *relationships* among responsible agents than decision-making or (impersonal) justification.

# Chapter 2

## Specifying the Demands of Relational Equality

I identified two core relational egalitarian commitments—conceiving of equality as a characterization of (interpersonal and structural) relationships and claiming that such relationships are important for social justice. The previous chapter focused on exploring options for working out the first commitment, which concerns the nature of egalitarian relationships. I conceptualized egalitarian relationships in the abstract and developed a framework for formulating substantive characterizations. I now turn to issues pertaining to the second commitment, which claims that relational equality—however it is understood—generates demands of justice. This claim raises questions about the content, scope, and site of those demands along with what *grounds* them as *justice* demands. Interestingly, while relational egalitarians have been somewhat attentive to the scope of relational equality, issues related to the content, site, and grounds are widely neglected. In this chapter, I explore each of these issues and consider options for specifying the demands of relational equality.

### 2.1 Content

Specifying the content of justice requirements is an important part of articulating a theory of relational equality. If we talk only in abstract terms, we do not know what we commit ourselves to by accepting relational equality. I imagine that those who find relational equality wildly implausible and those who take it to be nearly obvious are, at least sometimes, responding to different ideas about what it requires (in addition to what it *is*).

Most relational egalitarians evidently hold that justice demands achieving relational equality—that is, bringing it about that all members of society relate as equals within some set of relationships. As Lippert-Rasmussen puts it “A situation is just only if everyone relates to one another as equals” (2018, 26). Similarly, Scheffler claims that “justice requires the establishment of a society of equals, a society whose members relate to one another on a footing of equality” (Scheffler, 2015, 21). Anderson claims that the positive aim of egalitarian justice is to “create a community in which people stand in relations of equality to others” and act in ways that express mutual concern and respect (1999, 289). Indeed, it’s common to say that “justice requires relational equality.”<sup>56</sup>

Despite apparent (implicit) agreement among extant relational egalitarians, this interpretation is unnecessary. It could be that justice requires *something else* with respect to relational equality. For instance, justice might require *enabling* or *promoting* relational equality rather than *realizing* it. Further, ‘relational equality’ here is ambiguous—we saw in the last chapter that there are different aspects of relational equality.

Distinguishing between the social and interpersonal aspects of relational equality expands our available options. The same demands need not apply to both aspects of relational equality (i.e. structural relationships and corresponding social norms and interpersonal relationships). Rather than demanding that the state realize *relational equality* across some set of relationships or domains, for example, it could be that justice requires creating the social conditions that enable *interpersonal* egalitarian relationships. Similarly, justice could require securing the *social aspects* in order to make the *interpersonal aspects* available to all members of society.<sup>57</sup>

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<sup>56</sup> This phrasing is ambiguous. It seems to capture all of the preceding examples, but it doesn’t distinguish between structural and interpersonal relationships. Lippert-Rasmussen’s common clearly refers to interpersonal relationships among members of society, but the others might be referring solely to structural relationships.

<sup>57</sup> I think this is what some existing views amount to, but the language of ‘relating as equals’ makes this difficult to see.

There are obviously many ways to go here. The point is that relational egalitarians must specify *what* justice requires with respect to relational equality in addition characterizing different aspects of relational equality and determining which are a matter of justice. One *might* decide that justice requires realizing both interpersonal and structural egalitarian relationships within some set of relationship or contexts, but that should not be assumed. Indeed, in Chapter 4 I will argue that the demands of relational egalitarian *justice* primarily concern structural relations.

## 2.2 *Grounding*

How we ground and interpret the content of its demands depends on why we think relational equality is valuable and our broader commitments about justice. For example, it's plausible to think that structural relationships, the basis for status assignments, and status norms that shape interactions and interpersonal relationships are what matter for justice because they grant access to valuable relationships that tend to obtain only between people who consider themselves to be equals or because egalitarian status norms allow unavoidable relationships to take on an egalitarian character, thereby increasing their value for participants. However, establishing the value of such relations is insufficient for grounding justice requirements. Defending this kind of view requires accounting for the value of egalitarian relationships and situating it within a broader account of what qualifies as a justice requirement.

We usually think that entitlements and corresponding obligations, or demands, arise from certain fundamental interests of persons.<sup>58</sup> It's common to distinguish between moral entitlements/demands and entitlements/demands of justice. Justice entitlements are particularly weighty compared to other types of claims, so the corresponding obligations are generally seen as

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<sup>58</sup> The notion of 'persons' can be understood in different ways. Biological accounts define persons in terms of biological characteristics. Normative conceptions understand persons in terms of particular, agential, capacities. In subsequent chapters I will discuss normative conceptions, which are relevant for theorizing about moral and political entitlements.

enforceable.<sup>59</sup> Enforcing duties usually involves applying sanctions. We can distinguish between legal sanctions (e.g. regulation by criminal or civil law), social sanctions (e.g. shaming, social exclusion), and individuals' reactive attitudes (e.g. blame). According to a broad interpretation, all of these count as enforcement in the right sense, so duties of justice are those that are properly enforced by any of these sanctions; this implies that other kinds of duties (e.g. moral) are *unenforceable*. A narrower view holds that duties of justice are those that are properly enforced through *legal* sanctions; on this narrow view, other kinds of duties might be enforceable, but not through legal sanctions. We will return to this issue in Chapter 4. For now, the point is that duties of justice are enforceable. For duties to be grounded as duties of justice, then, enforcement of the relevant kind must be justified.

Demands of both morality and justice stem from individuals' fundamental interests. By considering individuals' fundamental interests, we can determine what is *good* for them. For example, persons obviously have an important interest in their own well-being. Doing something that improves another person's well-being would benefit them. Under normal circumstances, we might consider such actions to be morally good or praiseworthy. Similarly, acting to secure my own well-being would be prudent. But none of this implies that those actions are *required* in the sense that they are enforceable.<sup>60</sup>

Identifying demands of justice is also different from identifying features of societies that are good for persons. By considering their fundamental interests and social arrangements that serve those interests, we can develop social ideals that capture valuable features of societies (e.g. social structures and norms). Social ideals can be used to evaluate candidate social arrangements or existing states of affairs and they can suggest aspirational aims. But, absent further premises, such ideals do not indicate duties of justice.

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<sup>59</sup> This claim about the enforceability of justice duties is widely held. See Brighouse (2004), Miller (2017), and Swift (2014).

<sup>60</sup> They might be required by reason or by a commitment to prudence or by morality.

So, relational egalitarians can demonstrate the value of egalitarian relationships or a social ideal (i.e. society of equals) by connecting it to persons' fundamental interests. Grounding demands of relational egalitarian *justice*, however, requires more than establishing its value; one must also argue that the demands are enforceable via the relevant kind of sanctions. The options available depend on other commitments about justice, including the aims of justice one recognizes. Consider a few examples. One who takes a utilitarian approach aims to maximize the good and will thus recognize demands that contribute to that aim. Grounding strategies that appeal to flourishing or substantive values (e.g. autonomy) are available to perfectionist and comprehensive liberals but not to political liberals. Instead, political liberals must appeal to the idealized conception of citizenship that animates their approach.

Chapter 5 returns to issues of grounding. There, I argue that some demands of relational egalitarian justice can be grounded in common liberal frameworks by showing that relational equality contributes to liberal aims like securing fair equality of opportunity, the fair value of the basic liberties, and the social bases of self-respect. Further, I show that a version of perfectionist liberalism grounds a more robust set of demands.

### 2.3 *Site*

'Site' in this context refers to the agents or entities to which the demands or principles of justice apply. In other words, the site of social justice includes those who are obligated to fulfill the requirements of justice. To illustrate, consider the moral domain. We can say that moral agents are the site of moral duties because it is to them that moral duties apply. Put differently, they are subject to moral demands.

Political philosophers agree that state institutions are included in the site of social justice. That means institutions are just insofar as they satisfy the demands of justice. However,

philosophers disagree about whether the site is *restricted* to the main political, social, and economic institutions of society; following John Rawls, these institutions are often referred to as ‘the basic structure.’<sup>61</sup> This *restricted* or *institutionalist* view holds that the demands of justice apply primarily to the structure and operation of state institutions and only derivatively to individuals, who must help establish, uphold, and comply with them. Individuals are not directly subject to the same demands such that justice requires them to apply the same principles or work toward the same ends in their daily lives. So long as they abide by the rules of just institutions, they are free to live their lives as they see fit.

By contrast, an alternative approach holds that the site of social justice includes *both* state institutions *and* individuals.<sup>62</sup> According to this *individualist* view, the demands of justice apply “to the choices that people make *within* the legally coercive structures to which...principles of justice (also) apply” (Cohen 1997, 3 original emphasis). Justice does not merely require that individuals choose to comply with just institutions; their actions and choices *within* those institutions, which are “neither enjoined nor forbidden” by them, are also subject to the demands of justice (Cohen, 3).<sup>63</sup> Such choices and actions are *personal* in that they do not bear directly on state institutions. Thus, on individualist views, individuals’ personal behavior can be deemed just or unjust even when they are complying with just institutions.

An example will clarify the contrast between institutionalist and individualist views. Rawls’s difference principle holds that inequalities in the distribution of all-purpose goods are justified if and

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<sup>61</sup> See Rawls (1999, 2005). There is a question about what is included in the basic structure. It certainly includes the *coercive* institutions of society—those through which the state exercises coercive power over individuals. For the purposes of this paper, I accept this conventional demarcation of the basic structure.

<sup>62</sup> The ‘restricted view’ is sometimes called the ‘institutionalist view’; the ‘inclusive view’ is sometimes called the ‘individualist view.’ Because these terms carry different connotations within different literatures, I adjust the terminology to avoid confusion.

<sup>63</sup> Those who think of justice in Kantian terms will find this claim counterintuitive, since it seems to conflate matters of *right* with matters of *virtue*. There may be more fundamental disagreements about justice underlying this debate, but because they are not commonly invoked, we will set them aside for now. For further discussion see Tan (2004).

only if they are necessary to improve the condition of the worst-off members of society.<sup>64</sup> According to institutionalist views, state institutions are beholden to the difference principle. Individuals must comply with those institutions, but do not have to abide by or try to realize the difference principle through their daily choices and actions. Thus, on the institutionalist view, justice permits well-paid medical doctors to try to maximize their share by demanding higher pay for increasing their productivity. According to the individualist view, such self-interested maximizing behavior is unjust. Individuals must comply with institutions that realize the difference principle *and* apply it in their deliberations about how to live their lives. If they applied the difference principle within their own lives, well-paid doctors would likely agree to accept pay cuts or unpaid overtime when doing so improved the condition of the worst-off members of society.

Recall that I characterized duties of justice as *enforceable*. Above, Cohen claims that not all duties of justice are *legally* enforceable. This implies that some are subject only to personal or social sanctions. The individualist account seems most plausible if we accept this broad view of enforcement. If all duties of justice were legally enforceable, the individualist view would seem overly intrusive. Conceiving of enforcement exclusively in terms of legal sanctions is more plausible if justice only requires individuals to comply with just institutions.

There is a question about what is included in the basic structure, the site of egalitarian justice for institutionalists.<sup>65</sup> It certainly includes the *coercive* institutions of society—those through which the state exercises coercive power over individuals. For various reasons, institutionalists usually restrict the basic structure to these formal, coercive institutions that are directly regulated by the state.<sup>66</sup>

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<sup>64</sup> since I am only using the difference principle to demonstrate the restricted view, disagreements about how best to interpret it do not matter here.

<sup>65</sup> Schouten argues that determining what is included in the basic structure is a substantive question, but I do not take up that question here. See Schouten (2013).

<sup>66</sup> Rawls defends the institutionalist view because the basic structure profoundly and pervasively influences individuals' life prospects from the start. Tan later defends it by arguing that it is important for state institutions to avoid limiting the personal pursuits of those subject to its coercive power.



Critics of the institutionalist view, namely, G.A. Cohen, argue that this demarcation of the basic structure is arbitrary.<sup>67</sup> They claim that it should also include the informal structure of society, comprised of social norms, practices, and a social ethos. However, Cohen argues that institutionalists cannot simply expand the basic structure to include the informal social structure because it is partly constituted by how individuals behave. That means the informal structure is connected to personal conduct such that including it entails including personal conduct. But, if one accepts that personal conduct is part of the site of egalitarian justice, their view is no longer institutionalist.<sup>68</sup>

According to Cohen's individualist view, to determine whether society is just, we should evaluate individuals' behavior, the informal social structure, and the basic structure of society because all of these things bear on the extent to which principles of justice are realized.

The issues within this debate loom large for relational egalitarians because they are concerned with the character of interpersonal relationships, which are a matter of individual conduct, and the social statuses that structure those relationships, which are a matter of both institutional *and* informal social norms and statuses. However, in a previous section we saw that there are many different ways to interpret what justice requires with respect to the interpersonal and structural aspects of relational equality. The idea that justice requires realizing interpersonal egalitarian relationships seems to imply an individualist view, but other interpretations may be consistent with an institutionalist view. But, if Cohen is right about the connection between informal

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<sup>67</sup> The arbitrariness charge depends on the justification for restricting the site to the basic structure. The reasons Rawls provides seem to apply equally things that are excluded from the basic structure, therefore excluding them is arbitrary. Others have offered alternative justifications to refute the arbitrariness objection. I am not directly concerned with this debate here because I am exploring positions that relational egalitarians could take regarding site given their focus on status hierarchies and interpersonal relationships. I am *not* considering how any of these positions may be justified.

<sup>68</sup> This is a compressed summary that leaves out many important issues that Cohen raises and ignores responses others have offered on behalf of the Rawlsian view. My goal is not to accurately account for the debate, but simply lay out and evaluate some ways of thinking about the site of egalitarian justice.

social structures and individual behavior, then even views that focus on structural relationships seem committed to an individualist account.

Depending on their other commitments, relational egalitarians might find individualist views attractive. After all, they often claim that race- and gender-based status hierarchies are unjust. For example, Lippert-Rasmussen argues that relational egalitarians ought to adopt an individualist account by asking us to consider two societies, A and B. Both A and B are equally non-racist in terms of their institutions, but some members of society A are racist while no members of society B are racist. Proponents of the individualist view claim that society B is more just than society A because A, but not B, includes racists. Proponents of the institutionalist view are putatively committed to the conclusion that societies A and B are equally just. This kind of case is supposed to show that institutionalist views fail to accommodate the intuition that racism makes a society less just—an intuition that many relational egalitarians seem to share.

Whether or not relational egalitarianism implies the individualist view carries serious ramifications. Many philosophers prefer the institutionalist view because it's thought to better capture other liberal commitments. Indeed, some, including some relational egalitarians, take it to be an important desideratum for plausible theories of social justice (e.g. Schemmel 2012). Thus, it's worth exploring ways of reconciling it with an institutionalist account.

### *2.3.1 Site: The Institutional Account and Relational Equality*

Whether relational equality can be reconciled with an institutionalist account of site depends largely on the content of its demands. Christian Schemmel offers a straightforward reconciliation. He argues that relational egalitarian demands of justice should focus exclusively on the relationship between the state and individual members of society. What matters, on this view, are the attitudes the state expresses toward citizens. Like others, he claims that relational equality requires that

institutional arrangements and state action express equal respect and concern for all citizens. But his view differs in that he takes this to be sufficient for relational egalitarian justice.

Whereas relational egalitarians are typically concerned with the character of relationships *among members of society* and the social statuses and norms that structure them, Schemmel argues that demands of relational equality should focus on the “attitudes expressed by institutions in their treatment of persons, such as contempt or neglect” which can “generate potentially unjust social relationships and hierarchies” (2012, 123).<sup>69</sup> Given his explicit focus on institutional, and *not* individual, attitudes, Schemmel evidently views unequal relationships and statuses as objectionable, from the standpoint of justice, only when the state expresses attitudes that contribute to them. Indeed, he claims that what “the relational egalitarian primarily objects to” are “implicit institutional judgments about the worth” of persons and social hierarchies that are “instantiated or made possible by such implicit judgments of worth” (2012, 134).

Schemmel describes the *content* of relational equality’s demands in terms of the attitudes expressed by the state through state action. So conceived, there is no tension between the demands of relational equality and the restricted view that demands of justice *apply* only to state institutions. For, on this view, the demands of relational equality do not in any direct way concern how individuals actually relate to one another (within the confines of laws protecting them from violence, rights violations, etc.) or the (informal, non-institutional) social statuses and norms that mediate those relations. If what justice requires are attitudes on the part of institutions, it makes perfect sense to say that such requirements apply only to institutions.

While this reconciliation appears to succeed, many relational egalitarians will reject it, finding the purely *expressivist* account of relational equality it entails impoverished because it neglects the

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<sup>69</sup> Schemmel’s claim is actually stronger than depicted here. He doesn’t just claim that the *demands* of relational equality should focus on attitudes expressed by state institutions, he claims that these attitudes are the subject matter of relational equality itself.

interpersonal relationships and much of the social phenomena that motivates relational egalitarianism. While the social aspect of relational equality surely includes formal, institutional norms and institutional treatment, Schemmel treats these as the sole objects of concern. Hence, on his view, relational egalitarian justice concerns only *institutional attitudes* expressed through *institutional treatment*. It does not directly require anything with respect to interpersonal relations and (informal, non-institutional) social statuses/norms.

Justice may *indirectly* require something with respect to these other aspects of relational equality *if* treating citizens in ways that express the right attitudes requires actions that somehow concern the egalitarian character of interpersonal relationships or the statuses and social norms that guide them. Schemmel suggests that this might be the case by pointing out that institutional attitudes can potentially have causal effects on unequal interpersonal relationships and status hierarchies. At the same time, he emphasizes the “intrinsic importance of the way social and political institutions treat individuals” and claims that it is the attitudes the treatment expresses, not the effects it produces, that matter for justice (2012, 143).

Even if we grant that justice requires treatment that affects interpersonal and social relationships, the range of options is limited to institutional rules, actions, and norms. In terms of interpersonal relationships, at best, the state can address those that are structurally mediated by state institutions, like political relations among citizens. These constraints stand to leave intact much of what typically concerns relational egalitarians. Indeed, according to Anderson’s canonical formulation, relational egalitarians are not concerned just with the sort of political and legal standing that can be secured through institutional arrangements; they aim at “abolishing private relations of domination” and “enabling all citizens to stand as equals to one another in civil society” (1999, 316-17). She claims that justice requires securing “the social conditions of being accepted by others, such as the ability to appear in public without shame, and not being ascribed outcast status” (1999, 318).

What Anderson describes are not solely, or even primarily, a function of institutional attitudes that can be secured through the sort of institutional action Schemmel's account allows.

For example, race-based status hierarchies persist in the U.S. despite equal rights and laws prohibiting racial discrimination. While, as a matter of fact, state institutions in the U.S. might contribute to them in some ways, race-based status hierarchies are largely a function of widely held stigmas and stereotypes that demarcate and racialize groups of people, depicting some groups as inferior to others. Corresponding social norms embody these status assignments by setting different expectations and evaluative standards (e.g. intellectual abilities, aptitudes, preferences). Norms of respect in societies with race-based hierarchies instruct members of inferiorized races to treat "superior" racial groups with deference and servility. These informal, non-institutional aspects of society foster anxiety, discomfort, and even animosity within interpersonal relationships.<sup>70</sup>

Most of those who are attracted to the relational approach want to address status hierarchies, including those that could coexist with a basic structure that is just by the lights of Schemmel's relational egalitarian view. Recall, though, Cohen's claim that including these aspects of society is unavailable to an institutionalist because they are a function of personal choices and conduct; including them entails including individuals in the site. If addressing these hierarchies is important, an account of relational equality that ignores informal aspects of society that contribute to them seems *prima facie* unattractive. Indeed, as Schemmel characterizes it, relational equality is hardly distinguishable from rival views; it merely elaborates on the idea, widely accepted among liberals, that the state must express respect for all members of society as equals. Because it carries serious costs in terms of relational egalitarian commitments, relational egalitarians have good reasons to reject Schemmel's reconciliation.

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<sup>70</sup> See Anderson (1999, 2010a), Blum (2002, 2010), Fourie (2012), Fricker (2007), Haslanger (2012), Ridgeway (2009, 2014).

Fortunately, other options are available. Institutional egalitarians, to use Kok-Chor Tan's terminology, can take different positions on questions concerning individuals' choices and conduct within a society governed by just institutions.<sup>71</sup> At minimum, they are committed to the claim that the principles of justice that apply to the basic structure of society are distinct from those that apply to personal conduct. This leaves open the possibility that *some* demands of equality apply to personal conduct; what it denies is the claim that the *same* demands that apply to institutions apply to individuals acting within them. We can capture this basic, minimal institutionalist claim as follows:

*Minimal institutionalist commitment:* demands of justice that apply to the basic structure of society are distinct from those that apply to personal conduct (if there are any).

An institutionalist could couple this commitment with any of the following views:

1. *Multiple sites.* The demands that apply to individuals are demands of egalitarian justice, but there are multiple sites that differ both in the kind of entities they include and the demands or principles that apply to them.<sup>72</sup>
2. *Different types of justice.* The demands on personal conduct are generated by a different type of justice than demands on institutions; each type of justice has a single site.
3. *Not all demands of equality are demands of justice.* The demands of equality extend beyond justice; the basic institutions are the sole site of egalitarian *justice* but not the sole site of egalitarian *demands*.

Each of these options offers a way of reconciling a (minimal) institutionalist view with a commitment to the idea that equality makes demands on individuals regarding their personal conduct. The first two options treat all demands of relational equality as justice demands whereas the third option does not. Consider what each of them implies for an account of relational equality.

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<sup>71</sup> Tan (2012) 19-21.

<sup>72</sup> A single site can include different types of entities and agents. It is a single site because the principles of justice apply to it. Presumably, if it includes different types of entities/agents, the principles of justice apply to each of them.

The first view suggests a pluralist position that may seem appealing to relational egalitarians who think justice requires relating as equals (i.e. equality within interpersonal relationships). It would be odd to think that relational equality generates a single set of demands that applies both to institutions and individuals (directly or indirectly through informal structures). Institutions and individuals are different types of agents who have different capabilities and perform different types of actions. Individuals participate in relationships with one another. Perhaps institutions also participate in relationships with individuals in a relevant sense, but presumably those relationships would look very different than interpersonal relationships among individuals. If the relationships differ, it's plausible to expect corresponding differences in the demands of justice that apply to institutions and individuals. If the demands pertain to interpersonal egalitarian relationships among individuals, it's plausible to think that the duties institutions have with respect to those relationships differ from the duties that individuals have with respect to them. Institutions merely affect individuals' access to certain interpersonal relationships and the background conditions for them.

Coercive institutions structure social relationships and many kinds of personal relationships by determining the legal terms of interdependence. To give just a few examples: they specify and enforce the rights participants have against one another; they can express respect or disrespect that influences self-esteem and the esteem individuals receive from others; and they regulate the distribution of opportunities, thereby affecting who has access to relationships within professional, educational, or governmental environments. Although modes of expression may differ, individuals can also express respect or disrespect. Again, expressing respect for others as equals is commonly taken to be an egalitarian demand. This is one case where relational equality might make the same demand on individuals and institutions, but it's unlikely that all demands will be the same given the different types of agents and the roles they play within relationships.

For these reasons, the *multiple sites* option may appeal to relational egalitarians over an individualist account that recognizes a single set of demands that apply to all entities within a single site. To be a pluralist in the sense of recognizing multiple distinct sites of justice, one must identify the various demands that apply to each site and explain how they are generated.

The second view rejects the idea that one type of justice, in this case social justice, applies to multiple sites. Instead, it recognizes different types of justice that each apply to a single site. An institutionalist who adopts this view might say that coercive institutions are the site of social justice, but also recognize individuals and their actions as the site of a different kind of justice. For example, they could think of social justice as an institutional virtue and “personal” justice (however they wish to interpret that notion) as an individual virtue. Adopting this kind of view requires identifying a type of justice distinct from social justice (or whatever kind of justice they think applies to the coercive structure). Some recent proponents seem to implicitly suggest something like this when they discuss *relational* justice.<sup>73</sup> I take them to be distinguishing between social justice, which applies to institutions, and relational justice, which applies to participants in interpersonal relationships. Relational egalitarians who take this route must work out the demands that equality generates for social justice and the demands it generates for relational justice.

Notice that distinguishing relational justice from social justice allows one to be a relational egalitarian about the former without being a relational egalitarian about the latter. It could be that social justice requires distributive equality or merely requires equal protection of rights and liberties but relational justice requires relating as equals. If we were to accept this view, then we would see some contemporary debates between distributive and relational egalitarians as misguided because interlocutors are discussing different types of justice that are compatible with one another. However, a relational egalitarian could draw this distinction and insist that relational equality generates social

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<sup>73</sup> See Laden (2014) and Lippert-Rasmussen (2018).



justice demands for institutions and relational justice demands for interpersonal relations. In either case, the challenge facing one who accepts relational justice as a distinct type of justice is to adequately define ‘justice’ in a way that clearly distinguishes it from social justice without reducing it to something else.

The third option takes equality to be a value that generates demands of justice for institutions, but also (non-justice) demands that apply to other sites, like individuals, the social ethos, or other informal aspects of society. Relational egalitarians do sometimes distinguish their descriptions of (in)egalitarian relationships from claims about whether or not they are just.<sup>74</sup> In doing so, they imply that the demands of equality are not coextensive with the demands of equality *for justice*. For example, Fabian Schuppert describes relational equality as a normative ideal that condemns many relationships within current society—like gender inequalitarian relationships—but is distinct from the ideal of social justice.<sup>75</sup> Presumably, the ideal of relational equality generates *some* demands of social justice. Otherwise, it would be out of place in debates about egalitarian social justice. What’s clear is that, on this view, the demands it generates for individuals fall outside the purview of social justice. Relational egalitarians who wish to defend this kind of view must distinguish the demands of social justice, which apply to basic institutions, from non-justice demands that apply to other sites.

These options show some available routes for developing institutionalist accounts of relational equality that can capture its interpersonal aspects and structural aspects that are not mediated by state institutions. While they are distinct commitments, they permit various permutations. For example, one might think that there are multiple sites of egalitarian justice while

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<sup>74</sup> See Schuppert (2015), Kolodny (2014b).

<sup>75</sup> See Schuppert (2015) 120-125.

also holding that relational equality issues non-justice demands for some (non-justice) sites (e.g. individuals).

### 2.3.2 *Evaluating the Options*

Adequately evaluating these options would require appealing to a substantive account of relational equality and to broader commitments about justice. At this point, we are working with a generic version of relational egalitarianism. Still, the generic version provides *some* resources for evaluating available accounts of site from the perspective of (generic) relational egalitarianism.

First, consider the individualist view. In one sense, including individuals in the site of social justice expands our options for specifying the content of the demands relational equality generates for justice: it allows demands pertaining to interpersonal relationships between individuals, which involve beliefs, attitudes, and treatment. Because it allows us to apply demands of justice to informal social structures (which, as Cohen explains, are closely connected to individuals), including individuals also allows demands that pertain to structural and social relationships among members of society. However, there's also a sense in which the individualist view *limits* the content of those demands: it applies the same set of demands to individuals and institutions. There's a risk of formulating an impoverished or unattractive account of relational equality's demands in order to satisfy this constraint.

As I pointed out above in the discussion of a pluralist (i.e. multiple site) institutionalist view, it would be odd to think that the same set of (relational egalitarian) demands applies to institutions and to how individuals behave within them. It's odd because individuals and institutions are different types of agents that participate in different types of relationships and play different roles within them. Why think that what relational equality demands within interpersonal relationships among members of society is also appropriate within relationships between institutions and

individuals? Interpersonal relationships plausibly involve reciprocity while relationships between institutions and individuals are unidirectional. Further, it seems highly plausible that state institutions should ‘relate’ to individuals impartially. Impartiality might sometimes be required within certain kinds of interpersonal relationships, but we usually don’t think it applies across all of them.<sup>76</sup> A possible response would be to say that we should not relate as equals within interpersonal relationships that demand partiality. But choosing between partiality and relating as equals seems implausible. We often think of marriage as a relationship that requires both.

Lippert-Rasmussen, who defends individualist (relational) egalitarianism, anticipates this concern. He claims that the same demand (i.e. to relate to individuals as equals) applies to both institutions and individuals, but what satisfying it requires varies according to the nature of relationships and the context in which they take place. This is somewhat helpful, but we are still constrained by the claim that both institutions and individuals have the same obligations.

Institutions are collective agents through which members of society act. Plausibly, what we, as a collective, owe individual members of society differs from what we, as individuals, owe individual members of society. If not, it’s difficult to see how justice could issue demands regarding the social aspects of relational equality (e.g. status hierarchies). Relating as equals requires regarding and treating individuals as equals (e.g. with equal respect and concern) within interactions and relationships with them. Addressing status hierarchies or social norms that *underpin* objectionable relations doesn’t seem to count as regard or as treatment directed at individual citizens. Even if we recognize further demands of relational equality—beyond relating as equals—how could demands to address these social aspects be formulated so they are plausible when applied to both individuals and

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<sup>76</sup> Schemmel makes a similar point in arguing against what he calls the radical egalitarian approach but what I am calling the individualist view. See Schemmel (2012).

institutions? The capacities institutions and individuals have for addressing status hierarchies and informal social norms seem importantly different.

Still, one might think that justice requires both institutions and individuals to eradicate objectionable status hierarchies and norms through the actions available to them. For example, the state might campaign against race-based status assignments through public school programs or policies that incentivize racial integration while individuals apply informal social sanctions like negative reactive attitudes (e.g. resentment, anger, blame) and participate in consciousness-raising efforts. Perhaps concerns about the constraint can be addressed by formulating the demands in terms that are sufficiently general. But then a worry about demandingness may arise: the more individuals must do to address social aspects of relational equality, the more demanding the view becomes. And, given that they are both subject to the demands of justice, requiring more of institutions means requiring more of individuals.<sup>77</sup>

Another putative advantage of the individualist view noted above is that it allows us to include informal aspects of society (e.g. social norms, social ethos) in the site—at least in principle. While applying the same generic demands to both individual persons and institutions might make sense, that's not true of the informal social structure. Institutions and individuals are agents that can be obligated to act in certain ways whereas informal aspects of society like social norms are not agents. Social practices, norms, and the ethos affect agents in that they influence choices and behaviors, underpinning patterns, but they do not *act* in the relevant sense. They bear on individuals' dispositions to, for example, employ Scheffler's egalitarian deliberative constraint (EDC) in their deliberations, but it doesn't make sense to say that the informal structure itself abides by the EDC for the simple reason that it does not deliberate. Thus, assuming it makes sense to say that *any*

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<sup>77</sup> The extent to which demandingness matters does depend on other commitments to some degree but I think most liberals are concerned about overburdening individuals. In any case, I return to this worry later in the dissertation when I specify the liberal commitments I accept as constraints on my own view.

demands of justice apply to the informal structure, they will surely differ in content from demands that apply to collective and individual agents. It seems, then, individualists also exclude the informal structure.

As we saw, some of the institutionalist options escape this problem because they recognize different sets of demands that apply to different sites. If demands of justice can only apply to agents, then informal aspects of society will still be excluded. Aside from that constraint, options that recognize multiple sites or different kinds of justice that each apply to a single site don't seem to conflict with generic relational egalitarianism.

Finally, consider the final option which takes the demands of relational equality to extend beyond demands of justice. This option allows us to say that relational equality places demands of justice on the basic structure and non-justice demands on individuals. For those who distinguish between duties of justice and duties of morality, it's plausible to think that relational equality issues *moral* demands for persons that are separate from what it requires the state to do as a matter of *justice*. From the standpoint of relational equality, we might say that within some relationships the individual participants are morally obligated to relate as equals (however we end up characterizing such relations). Institutionalists like Schemmel could accept this kind of view. However, if it limits the content of the (justice) demands to state action as Schemmel's does, we might find the resulting view of relational egalitarian justice similarly impoverished.

Additionally, while this option can recognize duties for individuals concerning their interpersonal relationships, it cannot capture the intuition that Lippert-Rasmussen and others use to motivate the individualist approach: Recall that two societies, A and B are equally non-racist in terms of their institutions, but some members of society A are racist while no members of society B are racist. Individualists claim that society B is more *just* than society A because A, but not B, includes racists. An institutionalist option that assigns non-justice duties to individuals seems unable to reach

this verdict. Like other institutionalist views, it seems committed to the conclusion that societies A and B are equally just.

In Chapter 4, I will propose an institutionalist account that preserves key relational egalitarian commitments and provides a response to this case. My account distinguishes between a broad social ideal of relational equality wherein members of society relate to one another as equals and an ideal of relational egalitarian *justice* that places demands regarding structural relationships on institutions.

## 2.4 *Scope*

Generally, within the social justice literature, the question of scope is taken to be: among what set of agents do the demands of justice apply? Whereas *site* is a question of who must satisfy the demands of justice, *scope* is a question about who is entitled to justice. As it is sometimes described, those in the site are the givers of justice while those who fall within the scope are recipients of justice (Lippert-Rasmussen, 2018, 146).

Scope refers to those who hold justice entitlements. Within the egalitarian literature, debates about scope are mostly about whether or not the requirements of egalitarian justice extend beyond state borders. In recent decades, several distributive egalitarians have cast their views as global in scope. Relational egalitarians who address issues of scope tend to hold that the demands of relational egalitarian justice only apply within the state.<sup>78</sup> Some focus on relations among citizens who are subject to the same social and political institutions. This question of scope depends heavily on why relational equality matters—that is, it depends on what grounds the value of relational equality. If its value is tied to the value of democracy, then it's reasonable to think its demands arise

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<sup>78</sup> I know of two examples. Rekha Nath (2015) argues in favor of a global relational egalitarianism. Gillian Brock (2009) defends a global version of Anderson's democratic equality.

within and are limited to democratic societies. If, however, it is part of a broader moral ideal, restricting it to states seems *prima facie* arbitrary.

It's worth noting that this issue of global/domestic scope appears more complicated in the case of relational equality than distributive equality.<sup>79</sup> Recall that, in the previous section, I distinguished between the justice and non-justice (e.g. moral) demands of relational equality. That means it's possible for relational egalitarians to say that demands of relational equality extend beyond state borders, but they are not justice demands. If they are not justice demands, the site need not be state institutions. Instead, it could be that individuals have moral obligations to relate to others in certain ways and these moral obligations do not just arise among citizens within a state. Perhaps I have a moral obligation to relate to others as equals in some sense when I'm traveling abroad, for example. What relating as equals involves—in terms of positive/negative norms—may differ when those relating are co-citizens because, as we have seen, the specific norms that apply depend on the type of relationship in question. It's also theoretically possible that the state has non-justice, perhaps moral, duties to people beyond its borders. That's another way in which relational equality could issue demands that are global in scope *and* demands that apply only within the state.

Of course, one who takes either of these positions must still explain why demands of justice apply only within the state.

While the broader egalitarian literature focuses on this issue, a wider array of questions concerning scope are relevant to discussions of relational equality. Demands concerning the interpersonal aspect of relational equality can range over various domains of life, relationships, and individuals. In asking about the scope of relational equality in this sense, we can ask: *who* should relate as equals? Within the context of *which relationships* should they relate as equals? In *which domains*

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<sup>79</sup> My impression is that similar options and complexities don't arise regarding the scope of distributive equality, but I could be wrong. Regardless of whether it's *more* complicated in the relational case, it's complicated in the ways I identify.

should they relate as equals? Demands concerning the social aspect of relational equality can also apply within different domains and among different sets of individuals, but questions about scope pertain to status structures and norms: who ought to stand as equals? Within the context of which relationships or within which domains of life should they stand as equals? Of course, because relating as equals requires the social and interpersonal components, answers to these questions are closely connected. However, if only *some* demands of relational equality are justice demands, then only some of them will be relevant to questions about the scope of *relational egalitarian justice*.

Within the state, we might think of scope as primarily a matter of the domains within which relationships take place or, instead, as a matter of certain *kinds* of relations or specific relationships, regardless of where they occur. For example, the scope could cover all relationships in the political domain. Alternatively, it could extend over political relationships wherever they take place. Or, it could be that specific relationships fall within the scope, like marriages.

Scope could also be primarily a matter of *who* is relating rather than where the relationship takes place or what kind of relationship it is. For example, Anderson claims that citizens should relate as equals whenever they are relating as citizens qua citizens. This generally means that they should relate as equals within the political domain and, perhaps, civil society. As Hartley and Watson develop Anderson's view, members of society should also relate as equals within the domains of life or relationships that bear on their equal political standing as a citizen.<sup>80</sup> On their view, this includes the private domain of the family and the workplace.

Again, answers to these questions of scope depend on a number of factors including the site and whether we are talking about justice or non-justice demands. They also depend on the content and grounds of the demands. Determining why relational equality matters will help us to determine when, where, and among whom it matters. If the value of relational equality derives from the value

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<sup>80</sup> See Watson & Hartley (2018).



of democracy, for example, then it's plausible to think the scope is narrow, ranging over citizenship relations within the political domain.<sup>81</sup> Without these details in hand, I am limited in the extent to which I can explore and evaluate the options for answering these questions. Without answers to them, I cannot say much more about scope as it applies to relational equality. As such, we can revisit these issues later in the dissertation once I have provided more details about the content and value of relational equality.

### *Conclusion*

This chapter concerns four related aspects of relational equality's demands: their content, grounds, site, and scope. In particular, I have explored what a generic version of relational egalitarianism implies with respect to these issues. Whereas the prior chapter explored options for working out the first core relational egalitarian commitment (the nature of egalitarian relationships) in abstract terms, this chapter explores options for working out the second core commitment, which claims that justice requires something with respect to relational equality. We have discussed options for specifying the content, site, and scope of those demands and what is involved in grounding them. Interestingly, these issues have received little attention within the literature on relational equality. For that reason, I mapped positions available to relational egalitarians and evaluated some of them in light of their focus on interpersonal and structural relationships.

Note, the evaluations offered in this chapter are defeasible. While I've tried to be ecumenical in my analysis by drawing on general features of relational egalitarian accounts, I expect some will disagree with my evaluation. Even so, hopefully the options I articulate and the issues I identified as relevant to evaluating them will be useful for developing substantive accounts of relational equality.

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<sup>81</sup> This is how Tan (2012) describes the value of relational equality.

## Part II: Toward a Substantive Account of Relational Equality

# Chapter 3

## The Nature and Value of Relational Equality

In this chapter, I begin developing a substantive account of relational equality by using the abstract conceptual framework developed in Chapter 1. This means elaborating on the nature of relational equality by articulating what is involved in standing and relating as equals and accounting for the value of those relations.

The first section outlines and motivates my strategy for characterizing egalitarian relationships. Like other relational egalitarians, I attempt to specify some general features of egalitarian relationships that apply broadly. Instead of building a broad account from egalitarian features of a specific, paradigmatic relationship (e.g. friendship, marriage) as others have done, I examine general features of relationships among persons—understood as responsible, deliberative agents—and consider how such relationships could be egalitarian.

In the second section, I employ this strategy to characterize egalitarian relationships. Because the existing literature focuses on *negative* aspects of relational equality (what it excludes), I will focus on articulating *positive* aspects (what it involves or requires). In particular, I argue that an ideal of relational equality includes standing in structural relations of *mutual* accountability and relating as equals interpersonally by engaging in egalitarian practices of accountability and answerability. While I do not claim that these relations are *sufficient*, I take them to be important positive aspects of relational equality that have not been appreciated.

The third section concerns the value of the egalitarian relationships I describe. Subsequent chapters consider what justice requires with respect to relational equality. Regardless of what it implies for justice, we can account for the value of relational equality by identifying moral

entitlements concerning the interpersonal aspects of relating as equals. We can also identify several ways in which relating as equals—the social and interpersonal aspects—are good for persons. I argue that relating as equals within practices central to responsible agency is valuable for responsible agents living together within a shared community.

### *3.1 My Strategy for Characterizing Egalitarian Relationships*

Those who attempt to characterize egalitarian relationships typically do so by examining a familiar case in order to identify its distinctively egalitarian features. They then build a broader account by extending those features to other contexts. Friendship and marriage are commonly treated as paradigm cases. The idea is that identifying distinctively egalitarian aspects of these relationships will indicate general features that can be used to determine what it means for other types of relationships to be egalitarian. For example, many relational egalitarians focus on political relationships; they aim to identify features that can be used to work out a conception of political equality among citizens (e.g. Scheffler 2015, Viehoff, 2014).

This is a familiar inductive strategy that involves inferring a general conclusion or a conclusion about a new case from a specific case. Its success depends on whether the cases are similar in the relevant ways. Generalizing from a particular case requires evidence showing that the target cases are analogous. In this context, that means the properties of the initial relationship that give rise to its egalitarian features must be present in the relationship(s) to which one generalizes. For example, the plausible claim that for a marriage/friendship to be egalitarian, the spouses/friends must have equal power over the marriage/friendship is often taken to show that equal power is a general feature of egalitarian relationships. That means for *any* relationship to be egalitarian, participants must have equal power over it. This idea is commonly used to justify political equality (i.e. citizens have equal power over political decisions). Supporting this inference requires evidence

showing that the aspects of marriage/friendship that make equal power necessary are also present in these broader political relations. However, establishing that norms of egalitarian friendships also apply to political society is a difficult task because the relationships are significantly different.<sup>82</sup>

Focusing one's analysis on aspects of the paradigm case that they take to be present across other cases of interest would strengthen the basis for extending identified features from one case to another or generalizing to a broad set of relationships. Scheffler evidently employs this strategy.

Recall that Scheffler considers what it means to relate as equals within a marriage in order to identify general features that can be extended to political relationships among citizens and to broader social relationships among members of a community. He observes that spouses must regard one another as full-fledged agents who have equal authority over the marriage and they must be exposed to treat one another accordingly. Apparently, Scheffler views the practice of joint decision-making as central to relationships among persons across many kinds of relationships including marriage. Thus, he develops his account of egalitarian relationships by identifying what makes this practice egalitarian. In other words, he explores what it means for participants to relate as equals within the practice at the heart of their relationships: joint decision-making.

My strategy is similar in that it identifies a practice central to a wide range of relationships and asks what would make it egalitarian. However, I analyze this practice at a general level rather than within the context of a particular relationship (i.e. marriage) or a particular *kind* of relationship (i.e. intimate, personal). As a result, the case for applying the egalitarian features to different relationships is more straightforward.

Whereas Scheffler analyzes joint decision-making, I focus on interpersonal accountability practices involving what P.F. Strawson calls the reactive attitudes (e.g. blame, forgiveness, resentment). Within the literature on moral responsibility—which runs parallel to the relational

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<sup>82</sup> Daniel Viehoff makes this point in a recent essay. See Viehoff (2019).

egalitarian literature—accountability is considered a constitutive feature of relationships among responsible agents, generally speaking. It's plausible, then, that relating as equals within accountability practices will be important for characterizing egalitarian relationships among responsible agents.

My focus on accountability is motivated by the idea that structural and interpersonal relationships ought to reflect the *agency* of participants in addition to their *equality*. I take this to be relatively uncontroversial. Indeed, in Chapter 1 we saw that recognizing individual entitlements to authority over oneself makes the most sense if relational egalitarians are concerned with both moral equality and agency. While Scheffler and Anderson both accept that accounts of egalitarian relationships ought to reflect the agency of participants, I argued that their views failed to adequately do so. This is because the practices of deliberation and justification they describe sometimes involve disregarding others' subjective interests and reasons. I pointed out that relating as equals and as agents plausibly requires treating others as the persons that they are.

The relevance of agency fits with the common ideas about moral and political obligations discussed in Chapter 2. We generally think that moral entitlements and obligations stem from the nature of beings. That's because a creature's fundamental interests derive from their nature. Their fundamental interests indicate what it means for them to flourish and what is good for them. While we could think of human nature in biological terms, for the purposes of discerning moral entitlements, it is more common to think of the normative nature of humans as persons. Like many others, I conceive of persons as reasons-responsive, deliberative agents who are capable of directing their lives and of acting responsibly in virtue of their capacities for practical reasoning and normative competence.<sup>83</sup> By normative competence, I mean the cognitive capacities to identify and evaluate

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<sup>83</sup> My understanding of agency follows the account of responsible/reasons-responsive agency developed by David Brink and Dana Nelkin (2013), which I take to capture widely shared commitments. See also Brink (2019), which develops these ideas and traces them to historical figures like T.H. Green.

reasons and norms and the volitional control to act accordingly.<sup>84</sup> Possessing these capacities is necessary for acting responsibly and for directing one's own life, in other words, acting autonomously.<sup>85</sup> (Hereafter, I shall use 'persons' or 'deliberative agents' to refer to this normative conception). Persons' fundamental interests arise, in large part, from these normative aspects of their nature. As previously noted, philosophers also tend to accept that persons have equal moral worth, or fundamental value, despite the fact that they struggle to ground that claim. And, as we have seen, that is often taken to imply that their equally important interests are equally weighty.

The following argument captures these ideas:

1. Relations among individuals ought to embody appropriate responses to the distinctive features of the individuals so related, properly weighted relative to one another.
2. Their fundamental nature and worth are especially important, distinctive features of persons.

Therefore,

3. Relations among persons ought to embody appropriate responses to their fundamental nature and worth (from 1, 2).
4. Persons are equally valuable in terms of inherent moral worth (fundamental worth)
5. Persons are deliberative agents (fundamental nature)

Therefore,

6. Relations among persons ought to embody appropriate responses to their *equal worth* and *deliberative agency* (from 3, 4, 5).
7. Relations among persons are objectionable insofar as and to the extent that they fail to embody appropriate responses to their equal worth or deliberative agency (from 6).

I take it that the first two premises express widely held moral convictions, as does the third premise that follows from them. Likewise, the fourth and fifth premise make claims that few would deny.

The same is true for the claims that follow. We tend to agree that, in our relations with one another,

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<sup>84</sup> I take it that *moral* agency refers to something more specific than deliberative agency: it requires competence with respect to *moral* norms—recognizing them and responding appropriately.

<sup>85</sup> There are different ways to understand 'autonomy.' I use self-direction as a term that (hopefully) carries less baggage but gets at the sort of thing I mean: reflecting on one's beliefs, values, and commitments, deciding what to do or believe in light of those considered judgments, and acting according to those judgments. It might be that *possessing* the underlying reasons-responsive capacities is sufficient for acting responsibly while acting autonomously or directing one's own actions, requires exercising them. Although it is worth noting, I don't think my arguments here significantly hang on this distinction between responsibility and self-direction, or their necessary conditions.

morality requires agents to respond appropriately to these features. Further, we agree that *respect* is the appropriate response to the equal worth of persons and to their agency, though we might disagree about what behaviors are respectful. Still, what the argument demonstrates is that persons have a moral obligation to relate to one another as moral equals and as deliberative agents meaning they must regard and treat one another as such.

Notice that this argument does not appeal to the effects of relating as equals. It concerns responses that are appropriate or warranted apart from the good effects they might have. The responses are not appropriate because of potential good effects—they are appropriate because persons are moral equals and deliberative agents. Of course, responding appropriately to these features may have instrumental value because doing so is likely to positively affect the persons involved. Similarly, inappropriate responses may be harmful. These considerations are relevant to our practical deliberations, but that is not to say that responding appropriately is only valuable in virtue of the good effects it tends to secure or the harm it tends to avoid. Rather, it's plausible to think that responding appropriately (or failing to do so) produces good effects (or harm) *because* persons value it.<sup>86</sup>

To use Nico Kolodny's example, thinking that egalitarian relations matter only because of their good effects is like thinking that the insincerity or ulterior motive of a friend only matters because one would be sad if one were to find out about it.<sup>87</sup> The sadness is unpleasant and could affect one's overall wellbeing, but that's because one had reason to want the friendship to be different (i.e. sincere). Likewise, Kolodny claims that standing and relating as an inferior is not

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<sup>86</sup> A recent systematic review of the vast empirical literature on status suggests that the desire for status is a fundamental human motive. To be fundamental, according to their criteria, a motive must aim at a goal that affects long-term psychological health, induce a wide range of goal-directed behaviors, be non-derivative (i.e. end in itself, not reducible to some other aim or motive like the desire to form human attachments), and be universal in that it is observed across individuals with different characteristics (e.g. age, gender, personality) in a wide variety of places and cultures. See Anderson, Hildreth, & Howland (2015). Cecilia Ridgeway (2019) offers further evidence for this claim about status.

<sup>87</sup> This example appears in Kolodny's draft presented at the Social Justice Workshop at UCSD.



wrong *only* insofar as it makes one's life go worse (e.g. detracts from well-being); as equals, we have claims against inferiority regardless of the consequences it has had or will have. In due time, we will consider the effects of egalitarian relationships among agents, but I want to make clear that the moral requirement is not a function of the effects.

What constitutes appropriate responses to persons' agency and equality? Responding appropriately to the moral equality of persons involves treating their lives as equally important. Often, this is described in terms of equal consideration—giving individuals' equally important interests equal weight in our deliberations about what to do. Notice that agents can treat non-agents with equal consideration by weighing their most important (non-agential) interests appropriately.<sup>88</sup> So, equal consideration can be unidirectional within some relationships. As Anderson puts it, equal consideration has to do with “how we relate to others as the *objects* of their regard and actions” (2012, 45 my emphasis).<sup>89</sup> Recall that equal consideration need not be interactional, especially if it is objective interests, rather than subjective interests, that must be considered.

In Chapter 1, we saw that Scheffler takes equal consideration to be the egalitarian feature of relationships among equals. His account implies that equal consideration must be bidirectional (or multidirectional)—all participants in the relationship must show equal consideration in their deliberations. So, those relating as equals are also agents with deliberative capacities. They respect one another's agency by taking their agential interests into account, and, in at least some relationships, considering their *subjective* interests. Although his account of egalitarian relationships *does* reflect the deliberative agency of persons in these ways, it still seems like a matter of relating as

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<sup>88</sup> To say that agential interests are most important for *agents* doesn't imply that they are more important than fundamental interests of non-human animals and humans with insufficient agential capacities.

<sup>89</sup> Interestingly, in her survey article on equality, Anderson contrasts relations in which we relate as objects of one another's regard and treatment with relations in which we relate as agents. While we recognize a wide range of individuals and other sentient beings as objects of our regard and treatment, we only recognize other rational adults as agents. She does not say much about this distinction, nor does she elaborate on what it means to relate as agents—she just says it requires authority over ourselves and prohibits being under the unjustified, unaccountable power of others who are seen as ‘fit’ to rule us. See Anderson (2012, 45).

objects of regard and treatment as opposed to relating as agents who are entitled to authority over themselves. I will argue that we can learn more about the character of relationships wherein *agents* relate as equals by examining relations involving reciprocal answerability and mutual accountability for norms that are egalitarian in some respects.<sup>90</sup>

This may seem obvious and most relational egalitarians would likely agree that accountability has a role to play. Indeed, Anderson claims that equal citizenship involves mutual accountability; Scheffler says that we must regard “the other as a full-fledged agent who has the capacities associated with this agential status” (2015, 24); and Schuppert claims that to treat another as an equal is “to recognize the other as a free and responsible agent and to respect and value the other’s relevant interests adequately” (2015, 110).

Despite these claims, they don’t use accountability to characterizing egalitarian relationships. Instead, their accounts reflect the agency of participants in that the requisite treatment (e.g. justification, deliberation) involves using agential capacities (e.g. rational or deliberative capacities) to consider others’ interests and indicates some of the interests that must be considered (i.e. interests associated with agency). The account I develop in this chapter focuses on standing in relations of accountability and engaging in practices wherein agents hold one another accountable and call on one another to answer for their actions. These structural relations and interpersonal practices are central to relations among responsible agents. I arrive at my view by considering what would make these relationships egalitarian.

At the beginning of this section, I argued that relations among persons ought to embody appropriate responses to their agency and equality. After characterizing such relations, with a focus

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<sup>90</sup> As I use the term, ‘equal responsible agents’ does not mean that agents are equal in their reasons-responsive capacities or that they are equally responsible in any way. Rather, it means ‘responsible agents with equal value.’ It is a more convenient way to refer to persons’ value and nature as agents.

on relations of equality among agents, I will return to questions about their value and associated moral obligations.

### *3.2 Characterizing Relationships Among Responsible Agents*

Before exploring how responsible agents relate as equals, we must consider relationships among responsible agents. In Chapter 1, I conceptualized relating as *equals*. But as I pointed out the same conceptual framework can be used to spell out other types of relationships. Put in general terms, my conceptual account says:

Individuals who are to relate as X must have standing as X and they must regard and treat one another as X.

So far, we have been getting the content of each component (standing, regarding, and treating) from ‘equals’ because that has been the value of X. Although fully articulating the content of the norms requires indicating a relationship within which individuals are relating as X, I will continue to focus on the content that comes from specifying ‘X.’

Say ‘X’ is responsible agents. According to my framework, individuals who stand as responsible agents relate as responsible agents when they regard one another as responsible agents and treat one another as responsible agents *because* they regard each other as such. Regard consists of beliefs and attitudes. That is to say, it has both propositional and dispositional content. I’ve suggested that the notion of recognition respect nicely captures these elements of regard. In this context recognition means perceiving someone’s status, resulting in a belief about the kind of being they are. Understanding the kind of being they are allows us to identify the relevant behavioral norms that we must abide by to treat them accordingly. Respect refers to the dispositional

component, the *readiness* to respond appropriately to their status (i.e. abide by the relevant behavioral norms).

Descriptions of relationships among responsible agents within the literature on moral responsibility fit this model. There, regarding someone as a responsible agent is often described as taking the *participant stance*.<sup>91</sup> When we take the participant stance toward someone, we view them as candidates for appraisal, apt targets for the reactive attitudes. Reactive attitudes, as described by Strawson, are attitudinal responses involving intentional content with a more complex structure than emotions like anger or joy.<sup>92</sup> Reactive attitudes include blame, resentment, indignation, and gratitude. They are responses to other persons' actions and the attitudes we take those actions to reflect. Taking the participant stance toward someone means viewing them as *eligible* for these kinds of responses and being prepared to act accordingly. To be eligible, or an apt target, for the reactive attitudes, one must be a responsible agent. That means taking the participant stance toward someone involves recognizing them as a responsible agent and recognizing the implications of that status: as responsible agents we have the authority to make demands on one another and we have obligations with respect to one another. This is the 'recognition' or belief-oriented aspect of regard. The 'respect' or attitudinal aspect is being prepared to respond appropriately to their responsible actions and demands.

Consider an example. if someone intentionally and unapologetically cuts in front of me while I'm standing in a queue, I might take that as an indication that they think of themselves as more important or think that they need not abide by the norms that apply to others (including me). In

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<sup>91</sup> The participant stance is sometimes associated with attributability, the kind of responsibility that corresponds to one's quality of will (i.e. character traits or concern/regard for others' interests), but I associate it with accountability as well. On the attributability interpretation, it's appropriate to take the participant stance toward those on whom we have claims to (reciprocal) good will. A reactive attitude like blame, then, is appropriate when someone's actions reflect bad will even if they lacked control over them. Indeed, this view might suggest that blame is appropriate even if the actor lacked control over the quality of her will displayed in the action. See Gary Watson (2004).

<sup>92</sup> See Strawson (1974).

response to the attitude displayed in their action, I may experience indignation or resentment. For those reactive attitudes to be apt, I must judge the person to be responsible for cutting in line—they understand lines, they did not *have* to cut in line, and they have no excuse or justification for doing so—and I must assume that I have a legitimate demand on them with respect to the norms governing queues.<sup>93</sup> This latter point is important. Reactive attitudes are appropriate within relationships wherein participants have legitimate claims on one another's conduct. What they have claims *to* depends on the particular relationship they are in—we have claims on our family members that we do not have on strangers, for instance.

Treating someone as a responsible agent centrally involves holding them accountable for abiding by norms that are operative within a relationship, community, or context. These are the norms that obligate us as members of a community or participants within a relationship. Within the literature, such obligations are often taken to be constitutive of membership in human communities. To say they are obligated to observe norm Y is to say they are accountable for observing norm Y. Being accountable means being liable to sanctions for (responsibly) failing to observe norm Y (absent mitigating factors or excuse). Members are accountable *to* one another for abiding by the relevant norms. Thus, members have the authority to *hold* one another accountable by calling on one another to account for apparent transgressions and applying (appropriate) sanctions in response to (culpable) violations. Sanctions come in various forms.<sup>94</sup> Informal sanctions include things like

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<sup>93</sup> Although I invoke Strawson's account of the regard and treatment norms involved in relating as responsible agents, I reject the response-dependent interpretation of his view and the non- or anti-realism it implies. As my description suggests, I accept a realist interpretation according to which reactive attitudes presuppose responsibility for the action or attitude in question and are justified only if the target is responsible for it. This realist interpretation is reflected in the example: my indignation toward someone who cuts in line is only warranted if I am right in regarding them as a responsible agent and I'm right that their action constitutes wrongdoing for which they are responsible.

<sup>94</sup> In the previous chapter I discussed different kinds of sanctions that might be used to enforce individuals' duties of justice. Here, we are not asking which sanctions are appropriate responses to injustice. We are considering responses to norm violations in general without yet distinguishing between different kinds or the nature of our obligations for abiding by them. So, by acknowledging various kinds of sanctions here, I am not taking a stance on questions about enforcing duties of justice.

expressions of blame, downgraded esteem or trust, and adjusting one's relationship with the transgressor; formal sanctions include things like reporting someone to the police or firing them.<sup>95</sup>

*Being* accountable to someone is a *structural relation* indicating their status (i.e. as responsible agent and member of community) and corresponding obligations with respect to a norm and authority to apply sanctions.  *Holding* accountable is an *interpersonal practice* wherein someone is called to account for an action and sanctions are assessed and, when appropriate, applied. This does not rule out the possibility of forgiving someone for culpable wrongdoing.<sup>96</sup>

*What* persons are accountable *for* and *to whom* varies. One can be accountable for a set of community norms that apply to all members, a set of norms that apply only within a personal relationship, or norms that are role-specific. Consider an example of each possibility. Within my neighborhood everyone is obligated to clean up after themselves when they use public spaces like the park or the beach. They are accountable to other members of the community who can hold them accountable by confronting them or reporting them so they will incur a fine. I am accountable to my partner for doing the chores I agreed to do; only my partner has the authority to hold me accountable for doing those chores (and for other norms we set within our partnership). Within my role as a university employee, I am accountable to the university administration for fulfilling my duties in accordance with my contract and university policy. Notice that in these last two cases my partner and employer are not necessarily accountable to me for the same set of obligations, though they may be accountable to me for something else.

In addition to accountability, relating as responsible agents often involves *answerability*. By answerability I mean an interactive process of exchanging reasons in order to answer for one's

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<sup>95</sup> I am not making the strong claim that a reactive attitude is necessary for accountability, there are difficult issues here, but they are orthogonal to my aims.

<sup>96</sup> See Allais (2008). I don't mean to rule out the possibility of forgiveness for a transgression or a mere warning for a first offense. I take 'sanctions' to include a broad range of responses, including expressions of disapproval or blame that often seem to accompany forgiveness or the decision to 'go easy' on someone.

behavior.<sup>97</sup> It isn't just a matter of *explaining* behavior because reasons are offered in an attempt to *justify* the behavior to someone or to take responsibility for it. Unlike accountability, answerability doesn't require a set of norms for which people are accountable and it need not involve sanctions. If I am answerable to someone, they have the authority to demand that I answer for my conduct regardless of whether it violates an established norm for which I am accountable. Of course, we are not answerable for all decisions we make simply in virtue of being responsible agents who act for reasons. Still, it is a common way of relating as responsible agents. Below, I will argue that reciprocal answerability is a distinctively egalitarian norm for which agents are accountable across a broad range of relationships.

To summarize in general terms, when we recognize someone as having a particular status, we recognize that they are subject to demands relevant to that status along with the corresponding authority and entitlements. One's status also places demands on us—just as they are to abide by certain norms and treat others appropriately, we are to treat them appropriately in accordance with their status. We then prepare to treat or engage with them in certain ways out of *respect* for the status we recognize. Among agents, part of what that treatment involves is evaluating how individuals respond to the relevant demands and reacting accordingly. So far, I've focused on negative responses and imposing sanctions, but we might respond positively to someone who upholds or exceeds the demands by, for example, awarding appraisal respect.

Unlike recognition respect, appraisal respect, or esteem, is awarded based on an *evaluation* of one's conduct or character, not simply a recognition of the kind of being they are. Recognition respect (for one's status as an agent and as an equal) is something we owe to all persons because it responds to the fundamental statuses they have in virtue of their nature and value. Recognition

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<sup>97</sup> I define answerability in a way that I think is fairly intuitive and true to ordinary usage outside. However, it departs from accounts of answerability within the literature on moral responsibility.

respect—taking the participant stance—is a prerequisite for appraisal respect, since one must recognize another as a responsible agent who is subject to certain demands and standards to recognize them as candidates for evaluation. Appraisal respect requires a responsiveness to particular persons—who they are and what they do—not to their personhood as such.

Whereas we take the participant stance when we view individuals as accountable for abiding by a set of norms, we take an *objective* stance when we view individuals as “ones to be controlled, managed, manipulated, trained...” (Strawson, 225). We might have emotional reactions toward them, like repulsion, disappointment, fear, pity, or love (not reciprocal adult love), but those reactions do not presuppose agency and obligation on the part of their targets. Thus, the objective stance excludes reactive attitudes because the target is exempt from the demands those attitudes presuppose and express (Watson 2004).

Taking the objective stance toward a responsible agent disrespects them. It is a failure of recognition respect and can lead to treatment that, while appropriate for non-agents, is inappropriate for agents (e.g. paternalism). Because that’s the case, if norms of relating as equals required, encouraged, or allowed taking the objective stance, it would be at odds with relating as responsible agents.

In sum, taking the participant stance and holding one another accountable for responding appropriately to norms and (appropriate) demands is an interpersonal practice central to relating as responsible agents. To participate, agents must stand in structural relations of accountability, meaning they are accountable to others for a set of norms (Watson 2004, 273-76).

### *3.3 Egalitarian Accountability Relations and Practices*

In some ways, ideal relations among responsible agents are implicitly egalitarian—at least as they are commonly described in literature on moral responsibility. That’s because the moral



community and moral norms are egalitarian in certain ways. Moreover, relations among responsible agents are often spelled out in terms of *mutual accountability*: As members of a community, agents are accountable *to one another* for abiding by norms that apply within that community. This relation of *mutual* accountability is structural—it indicates the members’ status relative to one another and relative to a set of binding norms. This status grants each member the authority to hold others accountable by calling on them to account for apparent transgressions and applying sanctions for (responsible) norm violations.

To get a better grip on mutual accountability, compare it to the accountability relations described in the previous section. Recall that to be accountable for X is to be subject to the demand to do X (i.e. obligated to do X) and thus liable to sanctions for (responsibly) failing to do X. This is a structural relation between an agent and a demand. We also stand in structural relations with those who have the authority to *hold* us accountable for X by imposing sanctions. Being *held* accountable for responsibly failing to do X is an interpersonal exchange wherein someone with the requisite authority calls us to account for failing to do X and applies the relevant sanctions. *Mutual* accountability for X requires at least two agents who are accountable to one another for X. That is, they each have the authority to hold the other accountable for X.

Because we are interested in *egalitarian* relationships, we should distinguish between relating as mutually accountable agents and relating as responsible agents. Persons can relate as responsible agents when accountability is unidirectional—one is accountable to the other for something, but not vice versa. For example, in virtue of their respective roles, servants are accountable to their ‘masters’ but masters generally are not accountable to their servants. Still, they relate as responsible agents when the master holds the servant accountable for adequate service and the servant takes responsibility for how he has performed his duties. It isn’t just that the master *treats* the servant as a responsible agent; they *relate* as responsible agents because each regards and treats the other as a

responsible agent by engaging in an accountability practice wherein the master calls the servant to account and the servant responds by accounting for his performance.

There are plenty of communities where rules apply to some but not others and in which members stand in relations of asymmetric accountability. Thus, there seems to be nothing inherently egalitarian about standing and relating as responsible agents. By contrast, mutual accountability captures the egalitarian character of accountability relations. Standing as equals within structural relations of accountability means standing in relations of *mutual* accountability. Interpersonal accountability practices (i.e. holding accountable) are egalitarian when participants regard and treat one another as *mutually accountable* members of a community or relationship.

Several egalitarian features of mutual accountability are implicit in recent analyses of hypocritical blame. Roughly, hypocritical blame involves holding someone accountable (by expressing blame) for wrongdoing while refusing to accept blame or blame oneself for similar acts of wrongdoing. Notice, the concern is with the act of *blaming*, not the judgment that someone is culpable for a wrong and thus *blameworthy*. So, it's about an interpersonal accountability practice. Many find hypocritical blame objectionable. Philosophers often invoke egalitarian reasons to explain *why* it's objectionable.

It seems that the hypocrite and the target of his blame relate as responsible agents: the hypocrite accurately identifies wrongdoing on the part of the target and calls him to account for it; the target offers reasons or mitigating factors and the hypocrite responds by considering them and blaming the target to the appropriate extent. Within the practice as described, each party regards and treats the other as a responsible agent—the hypocrite by calling the target to account and blaming him; the target by responding with reasons to account for the wrongdoing. So, the objection cannot lie in a failure to relate as responsible agents.

Many theorists claim that, due to the hypocrisy, this instance of relating as responsible agents involves a wrong: the hypocrite fails to treat the target with equal consideration. According to R. Jay Wallace, hypocritical blame is wrong because it embodies a failure to treat persons' interests as equally important.<sup>98</sup> The hypocrite treats his own interest in escaping blame as more important than the target's interest in escaping blame. Further, the victims of the wrongdoing in both cases have an interest in blaming the person who wronged them. The hypocrite treats the interest of the target's victim as more important than his victim's interest. This account of wrongness says that hypocritical blame violates a norm that is egalitarian in its content: the norm of equal consideration.

As we have seen, relational egalitarians often use equal consideration to characterize relating as equals. Wallace's analysis nicely demonstrates the way in which these extant accounts of relational equality are sensitive to the agency of those relating—the interests we have in being blamed fairly are interests related to our agency that, among other things, concern how we relate as responsible agents. The hypocrite fails to weigh equally his target's (agential) interests in blaming those who wrong them and in avoiding blame. Thus, he fails to treat the target as a moral equal. This example highlights a way of relating as equals within accountability practices: holding others accountable in ways that show equal consideration for their (equally important) interests concerning accountability.

However, this is not the only sense in which accountability practices can be egalitarian. Presumably, we can be *accountable for* a norm of equal consideration as it applies to accountability practices and more generally. If so, the target can hold the hypocrite accountable by blaming him for the failure of equal consideration manifested in hypocritical blame. In doing so, the target says, “we are equals—my interests in being blamed fairly are just as important as yours.” By accepting blame, the hypocrite acknowledges that he is subject to a norm of equal consideration and that his failure to apply it in this case was wrong because he and his target are equals.

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<sup>98</sup> Wallace (2010, 329-330). Lippert-Rasmussen (2018) and Duff (2010) offer similar variations of this response.

While other relational egalitarians would focus on whether or not they show equal consideration, I think accountability for the norm is part of what makes the relationship egalitarian. That is to say, we do not just relate as equals when we abide by an egalitarian norm, we relate as equals by holding one another *accountable* for abiding by it. Likewise, we do not just stand as equals when we are both *subject* to an egalitarian norm in virtue of our status, we stand as equals by being mutually accountable for abiding by it.

To illustrate, say you and I are subject to a norm of equal distribution. For simplicity, I am cutting a cake and the norm dictates that I give you an equal slice. By complying with that norm, I regard you as an equal (by recognizing that the norm applies to you) and treat you as an equal. However, this is unidirectional. If I can take a larger share with impunity should I decide to do so, we do not *relate* as equals—even if I decide to divide it equally.<sup>99</sup> You do not stand as an equal in our relationship if you must just take what I give you without recourse. By contrast, imagine that I'm accountable to you for taking only my share. When I take a larger slice, you assert your entitlement to an equal slice and ask why I haven't given it to you. When I cannot provide a justification or excuse, you blame me for disregarding the egalitarian norm. I recognize your authority to ask me to account for my action and I accept your blame, thereby acknowledging that I wronged you—perhaps I give you some of my cake or apologize.

I'm suggesting that we can relate as equals in an important sense even when one of us violates an egalitarian treatment norm (e.g. equal consideration or equal distribution) and we can *fail* to relate as equals even if the egalitarian treatment norm is upheld in our interaction. If so, accountability for (egalitarian) norms is part of relating as equals. Returning to the case above, that

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<sup>99</sup> This echoes a point that republicans like Pettit make about the capacity to interfere. They are concerned about the capacity to interfere with someone's choices and seek to eliminate that capacity. Here, I'm not talking about interference with choices, I'm talking about the capacity to disregard egalitarian norms with impunity. That capacity depends on whether I am accountable to someone for treating her as I ought to treat her. In other words, it depends on how we stand relative to one another—not just on whether we are subject to the norm in that it technically applies to us. I'm not sure how much my point ultimately differs from the republican point. It may be more semantic than substantive.

means the hypocrite fails to treat the target with equal consideration, but they relate as equals when the target holds the hypocrite accountable for that failure. Because they are both accountable *to one another* for adhering to the norm in their interactions, we can say they are *mutually accountable*.

Aside from *agents* being mutually accountable *for* an egalitarian norm, accountability *practices* themselves can be governed *by* egalitarian norms. To see this, consider how hypocrisy might undermine accountability. Wallace's analysis may show that the hypocrite does something *wrong* by blaming the target, but it doesn't provide grounds for challenging the *legitimacy* of accountability practices involving hypocrisy. We can accept that, by (hypocritically) holding the target accountable, the hypocrite *wrongs* the target without denying that the hypocrite holds the target accountable. But some *do* see accountability practices involving hypocrisy as illegitimate. This is because the conditions for (legitimately) holding someone accountable are not met: the hypocrite lacks the moral standing to blame the target. In other words, the target is not accountable to the hypocrite for the violation. If so, standing to blame depends on the relationship between the blamer and the target—and not just in the familiar sense that the blamer must be connected to the target's *wrongdoing* in a certain way.

According to some plausible analyses (e.g. Duff 2010), standing to blame requires that the blamer and the target be in relations of mutual accountability. Because the literature focuses on moral norms, assume that the norms in question apply to all moral agents. The hypocrite lacks the standing to blame the target *not* because he has committed similar acts of wrongdoing, but because he refuses to be held accountable for them. Hypocrisy, on this view, isn't about one's history with respect to the wrongdoing as such—it's about whether one takes responsibility for it. The fact that I've broken a promise to you in the past doesn't mean I cannot blame you for breaking a promise to me now. As long as I have taken responsibility by accepting your blame, I have the moral standing

to blame you for breaking your promise.<sup>100</sup> In trying to hold someone accountable for a violation while refusing to be *held* accountable for that same violation, the hypocrite treats himself as having the authority to hold someone accountable for abiding by a moral norm but fails to recognize the target's authority to hold *him* accountable for that same norm.

The hypocrite's failure is one of regard—while he takes the participant stance toward the target of his blame (i.e. recognizes him as an apt target of reactive attitudes), he fails to recognize or respond appropriately to the target's moral *authority* to make the *same* demand on him. As Anthony Duff explains, the hypocrite's authority to hold the target accountable stems from the fact that *both* he and his target are members of a community. Members are obligated by—and accountable for—a set of norms that applies to all members. The hypocrite disregards (or fails to regard) the target's *authority* to hold him accountable for the norm. Insofar as the hypocrite refuses to accept blame from his target, he says: you are accountable *to me* for X, but I am *not* accountable *to you* for X. This is a mistake because for the target to be accountable to the hypocrite for X, they must both be members of the relevant community. But, if they are both members, then they are accountable *to one another* for X.<sup>101</sup>

So, for interpersonal accountability practices (i.e. *holding* someone accountable) to be legitimate, the participants must have the moral standing to blame one another. Participants have the moral standing to blame only if they:

1. stand in relations of mutual accountability in virtue of their membership in a community of some kind (moral, political, or otherwise), and

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<sup>100</sup> Evaluations of character are different. Perhaps it would be hypocritical to say you are a worse person than me even though we committed equivalent acts of wrongdoing, or if I said that it's *worse* when *you* do it. Here, the question is about whether blame for the wrongdoing is hypocritical, so these nuances can be set aside.

<sup>101</sup> Given Duff's view, the conjunction is false because for the first conjunct—you are accountable *to me* for X—to be true the second conjunct—I am *not* accountable *to you* for X—must be false and vice versa. See Duff (2010).

2. recognize that they stand in this relation (i.e. regard one another as mutually accountable members of the community).<sup>102</sup>

Hypocrites lack the moral standing to blame their targets because hypocrisy entails a denial of 2. By denying that he is accountable to the target, the hypocrite denies that they are mutually accountable—this amounts to denying that the target is accountable to him. Hypocrisy is thus excluded from legitimate accountability practices because hypocrites lack the moral standing to blame their targets.

Notice that the hypocrite's failure to recognize that he and his target are in a structural relation of mutual accountability does not change the structural relationship in this case. As members of the moral community, they *are* mutually accountable for moral norms—so condition 1 is met. Recall that *moral* standing is a normative fact about individuals with the requisite characteristics. One can have moral standing or a moral status regardless of whether others recognize it. Regard, not standing, is what undermines the accountability practice in this case. The hypocrite's lack of *recognition* obstructs the interpersonal practice of accountability—they *are* mutually accountable moral agents who cannot *relate* to one another as such due to lack of regard on the part of the hypocrite.

Conflating 'moral standing to blame' with a more general notion of moral standing would obfuscate this point. But, as I understand it, moral standing to blame is shorthand for 'moral standing to blame P for X.' It's a claim about whether a particular moral agent is entitled to blame someone for a particular act of wrongdoing—not about moral standing in general. We might say that I do not have the moral standing to blame my neighbor for lying to his friend because I don't

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<sup>102</sup> These are not sufficient conditions for moral standing to blame. Moral standing to blame also requires other things like being the victim of the wrongdoing or having a relationship with the victim. However, based on my understanding of Duff's account, they are necessary conditions.

stand in the right relation to the wrongdoer, the victim, or the wrongdoing. I can judge my neighbor as blameworthy for telling that lie, but I do not have the moral standing to sanction him for it.

Lacking the moral standing *to blame* in this sense does not affect my moral standing *as a member of the moral community*, so it does not change the fact that my neighbor and I stand in relations of mutual accountability such that if he lied to me I would have the authority to blame him.

In the same way, we can say that the hypocrite lacks the moral standing to blame a particular target for a particular act of wrongdoing. But, the *basis* for lacking moral standing to blame the target differs—it stems from a lack of regard on the part of the hypocrite, not that the wrongdoing was directed at someone else. Just as I can *judge* my neighbor as blameworthy for lying to his friend, the hypocrite can *judge* the target as blameworthy for an act of wrongdoing. However, neither I nor the hypocrite are entitled to *blame* them by calling them to account and imposing sanctions. Again, the upshot is that it's possible to lack the moral standing *to blame* without losing the moral standing we have as moral agents and as mutually accountable members of the moral community.

This analysis of moral accountability practices indicates that they are governed by relational norms: One's entitlement (or standing) to hold someone accountable for an act depends, *inter alia*, on their relative statuses and the regard they have for one another. In other words, it depends on structural and interpersonal relations among participants. More, the structural and interpersonal norms governing the practice seem to be *egalitarian*. It isn't just that participants must stand and regard one another as *responsible* agents who are apt targets of the reactive attitudes or *moral* agents who are subject to moral norms—they must stand and regard one another as *mutually accountable members of a community* governed by a set of norms that, all else equal, apply equally to all of them.

It's worth identifying egalitarian features that are built into the moral case. Because we have been discussing the *moral* community, structural relations of mutual accountability indicate that participants are *equal* members and thus have equal status with respect to the relevant norms. Moral



norms are inherently egalitarian in their content—their requirements treat moral agents as equals. Their equal standing also indicates that they have equal authority to hold fellow members accountable for norm violations (at least when they are affected). Regarding someone as a mutually accountable member of the moral community means recognizing their (equal) moral statuses and what we are accountable to one another for in virtue of those statuses. Moral agents are subject to and evaluable by the same norms and standards. To apply them unequally without justification would be a moral failing.

Although relational egalitarianism ultimately concerns interpersonal and structural relations of equality among members of society, not among members of the notional moral community, discussing the moral case is instructive. Because moral practices of moral accountability are inherently egalitarian in several respects, examining them reveals features that can help us understand what such practices might look like in other contexts.

Outside of the moral case, agents may not be accountable to one another for the *same* norms. In some relationships the *same* norms may apply to all participants while in others participants may be subject to different norms that correspond to their respective roles. Regardless, mutual accountability means each participant is subject to a set of norms and participants have the authority to hold one another accountable for the relevant norms. For example, whether our duties pertaining to household labor are the same or different, my partner and I stand in relations of mutual accountability for performing our respective household duties because he owes me something for which I have the authority to hold him accountable and I owe him something for which he has the authority to hold me accountable.

Mutual accountability implies *equal* authority to hold one another accountable. By saying the authority each of us has is *equal*, I mean that our demands carry roughly the same weight and we are both in a position to apply appropriate sanctions that carry similar force. We are not mutually

accountable for X if your demand that I do X gives me a strong reason to do X whereas my demand that you do X gives you a very weak reason to do X. For example, consider whether an office manager and a lawyer at a law firm are mutually accountable for replenishing the supply of paper in the copy machine. The expectation is that anyone who notices the paper is low when using the copier adds paper. However, the office manager is responsible for the stock of supplies, including the supply of paper in the copier. Thus, the demand the lawyer makes on the office manager to stock the copier is weightier—provides a much stronger reason—than the demand the office manager makes on the lawyer to stock the copier. It seems that they are not mutually accountable for stocking the copier, given that one has a much stronger claim on the other to stock it. When it comes to moral demands, mutual accountability appears to imply that each moral agent has an equally strong claim on others to comply.

Similarly, it seems that we are not mutually accountable for X if the sanctions you have at your disposal are effective but mine are not. Say that, given their vows, two spouses are each subject to equally weighty demands to tell the truth, but only one of them has the power to file for divorce; the other can only respond to lies by expressing anger, which tends to have little effect. I submit that they are not mutually accountable for telling the truth because they are not both in a position to impose effective sanctions. In the moral case, theorists are generally talking about expressing blame for moral wrongdoing and adjusting one's relationship to, or appraisal of, those they blame. Presumably, all moral agents can apply these kinds of sanctions. Thus, they are equal in their capacity to sanction others for moral wrongdoing. This grants them access to practices of mutual accountability for moral norms—it allows them to participate as equals. By contrast, the spouses in the example above have unequal capacities to sanction one another.

Recall that we are considering what it means for responsible, deliberative agents to stand and relate to one another as equals. My strategy is to examine the statuses and practices central to

relationships among agents and determine what would make them egalitarian. We found that standing in structural accountability relations is a key aspect of relationships among responsible agents; accountability is a key practice within relationships among agents; and answerability is a key norm within relationships among agents. I'm arguing that standing as equals in structural accountability relations means standing in relations of mutual accountability and relating as equals within accountability practices means regarding and treating one another as mutually accountable for norms that apply within the relevant community or relationship. Later in this chapter, I will argue that egalitarian relationships among agents involve *reciprocal* answerability.

### 3.3.1 *Social Relations of Mutual Accountability*

Examining *moral* practices of mutual accountability involves considering them in isolation from the social context within which they take place. Our theories of moral responsibility largely determine their content and shape. These parameters are appropriate given the aims of that project; theorists must abstract away from considerations that do not bear on the moral conditions of those practices. After all, they are developing normative accounts, not descriptive accounts. However, the fact that moral accountability is also a *social* practice that's affected by broader social circumstances *is* relevant when exploring relationships among members of society (as opposed to the moral community). When we consider the social practice of moral accountability, relational egalitarian concerns about social statuses and corresponding norms loom large—even more so when we move from social practices of *moral* accountability to accountability for broad (and domain-specific) social norms. We can start with social practices of moral accountability in order to hold fixed the egalitarian character and extension of the norms.

Moral standing to blame is insufficient for *social* standing to blame. Within society, engaging in moral accountability practices requires standing in moral *and* social (structural) relations of mutual

accountability. As we've seen, social standing requires wide social recognition. Recall that in the hypocrisy case, the hypocrite's lack of regard for the recipient is what blocks the accountability practice—the target cannot effectively hold him accountable for his similar acts of wrongdoing and he lacks the standing to hold the target accountable. In the social practice, structural relations between ascribed identity groups or social status hierarchies can render 'superiors' unaccountable to others in that the others cannot effectively hold them accountable. This can be due to different social expectations, tendency to apply norms asymmetrically in our evaluations of others, or because some individuals lack access to those who have wronged them.

Members of society only stand in relations of mutual accountability with one another when they have the *social* standing to *effectively* hold one another accountable for the relevant norms. As we will see, this holds true for moral norms and other kinds of norms, including legal, social, or professional norms.

The statuses we possess as moral agents are normative facts. Our legal statuses and obligations to one another are enshrined in our constitution. A just legal framework makes us accountable for respecting one another's rights and obeying laws by giving us the legal standing and means to impose sanctions on those who violate them. However, possessing the moral and legal entitlement to hold someone accountable is cold comfort when the powerful can violate the relevant norms with impunity due to status inequalities and corresponding social norms that empower some while disempowering others. Moral and legal entitlements are insufficient for placing members of society in the position to effectively hold one another morally and legally accountable.

To see this, consider sexual harassment. In addition to being morally wrong, for decades, sexual harassment in the workplace has been illegal. That means victims—who are usually women—of sexual harassment have the legal entitlement to hold harassers accountable and there are legal mechanisms for doing so. Still, victims of sexual harassment have often been unable to hold their

harassers legally or morally accountable because they lack the social standing. Women cannot rely on their reports being taken seriously because their testimony is often awarded less credibility than their harasser due to gendered epistemic norms. They also risk retaliation; the costs a victim incurs for reporting a crime can be higher than the costs the harasser incurs for committing it. And, sadly, women can't rely on others caring enough about their plight to make moral and legal sanctions effective.

Take convicted sex offender, Harvey Weinstein for example. For decades Weinstein, a rich and powerful film producer, harassed and assaulted women with impunity despite dozens of reports to human resources and several to the police.<sup>103</sup> Various factors related to his wealth, social stature, and social identities (e.g. race and gender) placed him beyond the reach of the intended accountability mechanisms—at least when his victims tried to use them. Indeed, his behavior was considered an open secret within the company and the industry. Weinstein wasn't held accountable until the New York Times published a detailed report cataloguing the abuse. The reporters, Jodi Kantor and Megan Twohey, knew that the fame of the accusers would bear heavily on the extent to which the public would care about Weinstein's abuse—regardless of the overwhelming evidence proving it occurred to lesser known actresses and other employees.

This example demonstrates that social statuses and corresponding norms can compromise accountability practices among members of society. Weinstein wasn't accountable to the women he abused, not just because he had power over their careers—some were willing to risk their careers—or because he was physically stronger, but also because his behavior was widely tolerated by others and enabled by sexism. When accusations surfaced, he dismissed them, claiming the accusers were “crazy” women who were trying to extort him. His word was apparently enough to discredit them. When women sought legal recourse, they were steered toward non-disclosure agreements (NDA).

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<sup>103</sup> See Kantor & Twohey (2019).

Some of them report not understanding that the deals they made didn't require admissions of guilt.<sup>104</sup> I'm not suggesting that the victim's lawyers were intentionally misguiding them. The fact that NDA's actually are the best—sometimes only—option is part of the problem. Weinstein would also use reputation management firms to keep up a positive public image and make sure that accusers were discouraged and discredited.

The general point is that social circumstances within which accountability practices take place bear on who members of society are accountable to, in effect, and for what. Weinstein and his employees do not stand in relations of mutual accountability if they are beholden to (professional, moral, legal) norms that he can violate with impunity.

Andrew Altman and Christopher Heath Wellman claim that egalitarians should be concerned about “what the wealthy or the politically powerful or the socially privileged can do, *with impunity*, to those below them” and, as they observe, this is “a function of the kind of relationships in which they find themselves” (2009, 132 my emphasis). By emphasizing impunity, they suggest that egalitarian relationships require accountability. My claim is that they require *mutual* accountability. It is not just that the powerful should be sanctioned for treating those below them in certain ways, it is that they should be accountable *to* those below them. That is to say, sanctions should come from a particular source.

The privileged would not be able to treat those below them badly *with impunity* if other privileged members of society condemned them for it, but they still wouldn't be in relations of equality with those below them. They should be in relations of mutual accountability with other members of society, regardless of differences in their social roles or statuses. Contrast that with being in relations of mutual accountability with other superiors for treating inferiors with respect. Harvey Weinstein was accountable to his business partners for how he treated employees; he was

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<sup>104</sup> Ibid.

fired when he became a liability. Just as mutual accountability among agents for a norm concerning patients does not make agents accountable *to* patients, being sanctioned for his crimes doesn't make Weinstein accountable *to* the women he harmed.

Relational egalitarians often claim that members of society are entitled to social and political statuses befitting their moral status as equals and as agents. If we understand their moral status as including their status as *mutually accountable members* of the moral community, then they are entitled to the social and political statuses necessary to stand in relation of mutual (moral) accountability and engage in interpersonal accountability practices. That is to say, their social and political statuses should not interfere with moral accountability practices.

### *3.3.2 Relating as Social Equals: Mutual Accountability for Social Norms*

Is this sufficient for the egalitarian relationships among members of society? While it is part of the picture, I think that relating as equals is about more than eliminating status inequalities based on perceived disparities in *moral* worth and ensuring entitlements to *moral* agency and *moral* accountability. While I take persons' fundamental moral statuses to constrain them, many social norms of status, regard, and treatment appear to be consistent with standing, regarding, and treating one another as moral equals and agents. These might also be objectionable from the standpoint of relational equality.

Responsible agents engage in similar practices of accountability and answerability as members of social communities (in addition to the moral community). We can distinguish between social practices of *moral* accountability and social practices of *social* accountability. These differ primarily in the kind of norms involved (moral vs. social) and who is subject to them (moral agents or members of society who are responsible agents). It's plausible to think that the egalitarian features of social accountability will resemble the egalitarian features of (social practices of) moral

accountability that we have been exploring. Accordingly, I propose the following: Within society, responsible agents relate as social equals when they engage in *egalitarian* social practices of mutual accountability for moral *and* social norms.

More specifically, according to my conception, relating as *social* equals is characterized by the following features:

1. Members of society, regardless of roles and status distinctions, are equally subject to/ accountable for a set of social norms
2. Members of society stand as equals in the sense that they are mutually accountable for those norms, meaning they have the social standing to *hold* one another equally accountable.
3. Among those norms is a norm of reciprocal answerability within relationships among responsible agents.
4. Social norms to which we are mutually accountable are egalitarian in that all members of society subject to them have a fair opportunity to satisfy them—no persons are privileged or disadvantaged relative to them in virtue of their social statuses or identities (includes norms of social dignity and esteem).
5. Social norms must have egalitarian effects in that they do not function to create or sustain status hierarchies or arbitrary social categories, nor do they function to hoard opportunities or deny access to valuable opportunities and relationships.

These features concern the content, effects, and application of social norms. Although I am using the general term ‘social norms,’ I am not claiming that all social norms must meet these criteria. Rather, I am referring to a subset of social norms that apply broadly to persons in virtue of their membership within the society.

We explored the first two items on the list in the previous section when considering social practices of moral accountability. They concern the application of social norms and social relations of mutual accountability for abiding by them. The third item concerns the content of the social norms to which members of society are accountable. The relational egalitarian norms we have seen so far (e.g. deliberation, justification) fall into this category. While not *all* of the social norms that apply broadly will be egalitarian in their content, in the next section I will propose answerability as a norm that is distinctively egalitarian in this sense.



The fourth norm concerns accessibility or fair opportunity to satisfy social norms that apply to all members of society. Fair opportunity is a broader ideal and there is a significant literature discussing it. Here, I want to focus narrowly on norms of social dignity and esteem since these social norms involve social standing and bear on relationships. I will also focus narrowly on social factors, like statuses and ascribed identities, that might serve as obstacles to meeting standards of social dignity and esteem.

Above, we briefly discussed appraisal respect and esteem. Members of society should have a fair opportunity to earn esteem or merit.<sup>105</sup> Since others' appraisals of us affect our prospects for valuable jobs, positions, and relationships, we can justify this by appealing to the value of fair opportunity more generally. I take that to mean, provisionally, that the reasons for awarding esteem—like other opportunities or rewards—must be relevant and operative in that they genuinely regulate our appraisals.<sup>106</sup> I can have appraisal respect for someone who deserves it, but award it for some other, irrelevant, reason. If so, there is a relevant reason for the appraisal respect, but that reason is inoperative.

Moreover, like other legitimate obstacles that mediate individuals' access to goals, the appraisal must be relevant to whatever goals or rewards it helps individuals obtain. That is to say, appraisal respect for one's character must stem from evidence of one's virtue and virtuous character must be relevant to whatever rewards follow that appraisal. For example, if my colleague acts in ways that indicate kindness and generosity I can esteem her as someone with those virtues. On the basis of my appraisal, I may become friends with her—kindness and generosity are qualities that are relevant to friendship. However, they may not be relevant to a competitive promotion. Appraisal

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<sup>105</sup> This is one point of connection between relational egalitarianism and fair opportunity. Relational egalitarians seldom describe the relationship between relational equality and fair opportunity. I take fair opportunity to be important for social/distributive justice, and, presumably, so do other relational egalitarians. While the connection is worth exploring, that task must be set aside for now.

<sup>106</sup> Here I follow Bernard Williams' conditions for justifying unequal treatment (Williams 2005) which overlaps to some extent with Peter Westen's conception of equal opportunity (Westen 1985).

respect for one's kindness and generosity cannot frustrate fair opportunity for job prospects. In this example, the appraisal is well-founded. If instead my assessment is based on stereotypes about women of a certain race, religion, and age who are mothers without evidence about the particular individual, then my appraisal respect is an unwarranted reward and cannot justify further rewards appropriately distributed on the basis of kindness and generosity.

Now consider social dignity. The term 'dignity' is used in several different ways to indicate a number of different things. Following Suzy Killmister, I take 'social dignity' to mean that one meets a set of normative social standards the violation of which is shameful. Not all social standards are relevant to dignity because, even if we are evaluated or sanctioned for violating them, it isn't shameful to violate all of them. Killmister contrasts personal dignity with social dignity:

...there is a dual pathway to having dignity: an agent comes to have *personal* dignity through recognizing normative standards the violation of which she takes to be shameful; an agent comes to have *social* dignity through being a member of a community that recognizes normative standards for members, the violation of which are considered shameful (2075).

Following Adam Smith, relational egalitarians often claim that, to relate as equals, members of society must be able to appear in public without shame.<sup>107</sup> They are usually talking about the distribution of material resources, holding that all should have enough to meet social standards of decency. Here I am making a different, albeit related, point. Questions of distribution aside, the standards of social dignity themselves should be egalitarian in the sense that they apply across all members of society and they are possible for all to meet. Standards should not require having or lacking immutable physical characteristics like height or skin tone, for example. Standards of social

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<sup>107</sup> See Smith's *Theory of Moral Sentiments* (1982).

dignity should also not differ by arbitrary social categories and groupings, marking individuals and reinforcing status distinctions.

Personal standards of dignity will vary and different communities within society are likely to have local standards. One might feel shame when she fails to meet these standards, but it will not affect her basic social standing. For example, Muslim women often wear hijabs. Within the Muslim community appearing without a hijab may be considered shameful. Women who wear hijabs might view it as a personal standard of dignity—she would be ashamed to appear in public without it. Still, in the U.S., it is not shameful to appear without a head covering. So, while being seen without her hijab would cause some individuals to feel ashamed and could affect their standing within a religious community, it would not affect their social standing as a member of society in the U.S.

By contrast, indicators of poverty—like sleeping in public or having to wear mismatched shoes or missing teeth as an adult—are shameful in the U.S. because they violate standards of social dignity. Regardless of whether the individual actually feels shame, others will see her situation as shameful and that assessment affects her social standing and, by extension, affects the social norms governing her interaction with others. These standards can be more or less egalitarian and they can be more or less fair. These arise in complicated ways and are often tied up with prior ideas about status and social identities, but a social ideal of relational equality includes fair, egalitarian standards of society dignity.

Finally, the fifth item concerns the effects of social norms for which all members of society are accountable. Social norms, like those governing esteem and social dignity, can function to exclude some people from valuable opportunities by implicitly favoring qualities that are

concentrated among some already privileged members of society. This is a way in which social norms can be inegalitarian. Like the previous item, it is related to fair opportunities and access.<sup>108</sup>

### *3.3.3 Answerability: A Positive Relational Egalitarian Norm*

The third item on the list is a positive relational norm that is egalitarian in its content. Relational egalitarians have focused on these kinds of norms when characterizing the relations they prescribe. I propose answerability as a positive treatment norm of relating as equals. I do not claim that it is the only positive requirement, but I do take it to be an important one that has not yet appeared in the relational egalitarian literature.

As previously noted, there are different ways of understanding the notion of answerability. I understand it as an interpersonal, interactive practice. Indeed, answerability is more interpersonal than accountability and less tied to a set of recognized norms. Holding someone answerable means asking her to answer for her conduct and be ready to listen and respond appropriately to the reasons she provides. Recall that answerability is not simply a matter of explaining oneself, it is about justifying one's behavior to a particular person. The involved parties—the person answering for themselves and the person to whom they are answering—must be responsive to the reasons offered, but justification need not appeal to a set of rules or norms, so it is not just a matter of accountability in that sense. Part of answering *to you* is providing reasons *you* can accept in an attempt to gain your actual acceptance.

For example, when called upon to answer for infidelity, one may decide there's no answer their spouse will or can accept. In that case, they must accept that the action was unjustifiable to the

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<sup>108</sup> See Tilly (2009) for an in-depth discussion about how social norms cause “durable” inequalities of various kinds including inequalities of status, resources, and opportunities. Tilly explains that the norms need not—and usually are not—intentionally devised to serve this purpose. They can thus, in principle, meet the other criteria on my list while still causing effects that are objectionable from the standpoint of relational equality. Also see Anderson (2010b) for examples of how race-neutral, antidiscrimination admissions and hiring practices yield unequal outcomes.

spouse; Answering, then, might simply mean acknowledging that what they've done cannot be justified and—perhaps—taking responsibility. But, the cheating spouse might be able to answer to their therapist for the infidelity by explaining their mental states or they might answer to a close friend simply by saying it was a loveless marriage. Of course, whether a friend would accept that as a partial excuse or justification depends on the actual individual. The point is that answering is an interactive process and particularities about the individuals involved matters to the inputs and the results.

Being answerable to someone means being willing to engage in this kind of interactive exchange when they call on you to do so. Answerability *can* be unidirectional in some cases, like parent-child relationships. Parents can ask children to answer for their behavior and children must comply. Children might ask parents to answer for themselves, but they are not obliged to do so under normal circumstances. *Reciprocal* answerability is an egalitarian norm within relationships among adult agents. Calling on someone to answer for their actions addresses them as someone I am in a relationship with—be it friendship or co-citizens—and it signals my willingness to engage with their reasons and answer to them for my actions.

Reciprocal answerability supplements mutual accountability. Within many egalitarian relationships, participants should be able to express their reactive attitudes to others even when a norm violation hasn't occurred. By engaging in practices of reciprocal answerability, we express subjective expectations, preferences, and values that help us respect one another, negotiate the terms of the relationship, and better understand how to adhere to norms for which we are accountable within that particular context. For example, a friend might be offended when I walk into his house without removing my shoes. There's no general norm that requires taking off one's shoes when entering a house. Still, he can ask me to answer for doing so. I would tell him that I wear shoes in

my own house and most of my friends do the same. He accepts my response and I learn something about how to show this particular friend respect for his preferences when I visit his home.

While it requires all parties to recognize that they stand in relations of reciprocal answerability with one another, answerability does not seem to require equal power or status within all contexts. People with unequal power and authority can relate as equals in this sense. Indeed, it is a particularly important supplement to mutual accountability in such cases.

Consider an exchange between the manager of a firm and her employee whose work has recently been subpar. The manager calls the employee to answer for the quality of his work by asking him why it didn't meet expectations. The employee offers an explanation—perhaps he defends the quality of his work given the circumstances. The manager listens to his reasons, considers them fairly, and is responsive to him. Suppose she decides some sanctions are warranted. Because she is also answerable to her employee, she explains why she thinks the sanctions she proposes are appropriate. He considers her reasons and, if they are fair and appropriately sensitive to the reasons he offered in his defense, he accepts the sanctions. If the sanctions seem unfair or unjustified, the employee raises concerns and the manager considers them and responds. Say they cannot agree on a resolution despite their commitment to answer to one another. The manager may decide that the employee's objections are unfounded. Assuming she explains that to him, imposing the sanction despite his objections seems consistent with a norm of answerability. If she finds herself unable to respond adequately to his objections but is not convinced that sanctions are inappropriate, they may appeal to a neutral third party or to objective standards that they both do accept or can agree to accept for the purposes of this decision.

Compare this situation to one in which the manager imposes sanctions telling her employee that she doesn't care *why* the work was subpar, nor does she care what he thinks about the sanctions. Even though, in both cases, the manager can impose the sanctions at her discretion—she doesn't

violate any norms by doing so—the lack of answerability in the latter case makes the relationship seem less egalitarian and less respectful of the employee as an agent who acts for reasons.

Say that answerability is an expectation at this firm. The employee should be able to hold the manager accountable for how she handles the situation. One way to build a mechanism for accountability into the workplace would be to require employees to turn in performance evaluations of their supervisors periodically, just as supervisors do for employees under their supervision. Managers can also be accountable for the sanctions they impose. Sanctions should be fitting, fair, and announced in advance so that employees are aware of them. If they are not, employees should be able to contest them.

My suggestion is that answering to one another and being accountable to one another makes relationships between managers and workers more egalitarian, despite differences in professional status and authority. Similarly, within intimate, personal relationships relating as equals means being mutually accountable and answerable to one another.

Notice that, while these are positive norms, they suggest corresponding negative norms like nonsubjection or nondomination. If spouses are to be genuinely accountable to one another, one cannot have greater control over the relationship or power to interfere arbitrarily with the other spouse's choices and actions. Partners may often rely on each other, allowing the other to make decisions for them or exercise power over them. Indeed, deep trust is desirable within marriages. Simply by sleeping next to someone we make ourselves vulnerable to them in terms of physical safety. But even within relations of dependency, spouses can be accountable for how they exercise power over the other. Just as in the workplace, they need effective means of holding one another accountable. That means marriages must be voluntary in that spouses have the genuine, ongoing option to exit.<sup>109</sup> It also requires protection from domestic violence. Someone who can physically

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<sup>109</sup> Kolodny and others agree that voluntariness and exit rights are important.

harm their spouse with impunity is not accountable to them. Of course, not all marriages will be like this. The claim is that a marriage between equals will be.

### *3.3.4 Comparing Positive Norms: Answerability, Justification, and Deliberation*

Despite having some intuitive appeal, I pointed out that the positive norms relational egalitarians have proposed seem inadequate as general egalitarian norms that apply across relationships. Taking into account the norms of relating as responsible agents supports some of my criticisms, especially the idea that relating as equals sometimes requires being responsive to and treating individuals as the persons they actually are rather than an idealized person or as someone indistinguishable from others (e.g. in that we are responding to generic interests that everyone has).

We saw that some existing accounts allow persons to disregard the actual interests of others in favor of generic interests or their own interpretation of others' interests. Doing so can be seen as a form of subordination—I subordinate your perspective to mine when I act on principles that I think you should accept or would accept under different circumstances or when I prioritize your objective interests over your actual interests in my deliberations about what to do. According to Laden's intersubjective account, justification requires *actual* acceptance obtained through an intersubjective process of exchanging reasons. Because justification is a matter of actual acceptance, rather than hypothetical acceptance, it escapes the problems associated with Anderson's view. However, as we saw, it encounters problems of its own. Although he articulates procedural norms governing the justificatory process, it seems poorly equipped to respond to acceptance driven by adaptive preferences, manipulation, and power imbalances.

Let's see how answerability compares to norms of justification and deliberation. First, consider the impersonal nature of deliberation and (impersonal) justification. Accepting either of these norms and introducing mutual accountability would make them more interactional.



Accountability for employing the egalitarian deliberative constraint means that participants can demand that others abide by it and call them out for not doing so. Accountability for abiding by principles acceptable to free and equal citizens would similarly allow us to condemn those who fail to do so. I think Anderson and Scheffler would both accept this and they might even imagine that participants are answerable to one another. But insofar as they ultimately rely on objective standards—like the hypothetical acceptance of free and equal citizens or persons’ generic interests—the explanation remains one-sided.

By contrast, answerability, as I have described it, requires responsive exchanges. When we answer to someone, we try to offer them reasons that they can accept. Justification has to do with their actual, subjective responses to our reasons. This does seem like the sort of thing that Anderson and Scheffler have in mind within the context of democratic townhall meetings or policy debates. The question for them, then, is whether these processes are just playing an epistemic role in deciding what is justifiable/satisfies the egalitarian deliberative constraint or a justificatory role.

Scheffler stipulates that participants must be allowed to participate in deliberations concerning their relationships. As we saw, this seems right within personal relationships like marriage, but less plausible within broader social and political relationships. Apparently, democratic processes that allow everyone to vote satisfies this requirement among citizens. Public debates may occur, but they don’t seem to be required. If Scheffler’s view and Anderson’s view allow us to relate as equals while ignoring what others say, acting in their best interest as we see them, they seem to allow taking the objective stance toward others. If that’s the case, they allow us to relate as equals without relating as responsible agents. I take that to be a problem, and I think they would too.

So, they don’t seem to require interaction, nor do they require responding to individuals as they actually are. Indeed, sometimes relating as equals on these accounts will mean overriding others’ inputs and, in general, treating everyone the same way. Both intersubjective justification and

answerability require individuals to be responsive to other people as they are, engaging with the reasons they actually have. However, my account specifies additional egalitarian norms and allows some objective standards rather than relying wholly on actual acceptance.

### *3.4 The Value of Egalitarian Relationships Among Agents*

Above, I explored the nature of relational equality among responsible agents. I identified general norms of mutual accountability and answerability. Additionally, I have articulated some criteria for social norms to which all members of society are accountable. The aim was to characterize egalitarian social relationships among agents in greater detail—focusing on positive requirements. Here, I will consider the value of the relationships that I have described and the social conditions that support them.

At the beginning of the chapter, I argued that persons are morally obligated to relate as equals and as agents. Then, I characterized those relations beginning with the interpersonal aspects and then canvassing the social aspects. The first reason for valuing these relations is that, by engaging in them, members of society fulfill these moral requirements. The ideal captures an appropriate way for equal, deliberative agents to live together.

Beyond that, relating as equals allows us to realize the value of relationships among responsible agents. We saw in the previous sections that social conditions can undermine moral accountability practices. By standing in *social* relations of mutual accountability and reciprocal answerability, responsible agents have fair access to these practices. They are valuable for agents and make valuable contributions to effective deliberative agency. Moral and social accountability practices also serve as epistemic practices and they function to generate, sustain, and reinforce norms. Inclusive practices of mutual accountability wherein members of society relate as equals may

improve their outputs objectively speaking. Regardless, because the practices function in these ways, individuals have strong interests in participating in them under fair social conditions.

The relationships I've described are valuable in virtue of their contributions to effective deliberative agency—they aid development and the exercise of persons' deliberative capacities in ways that contribute to their self-realization as deliberative agents. I take it that holding others accountable is also a way of asserting our fundamental status as equals and as agents, so it is also likely to aid self-respect.

To develop our deliberative capacities, we must practice exercising them and engage with other deliberative agents. Developing as deliberative agents and effectively enacting deliberative agency requires conceiving of and respecting ourselves as equally valuable deliberative agents. This is a socially-informed process. Members of society are deeply interconnected through shared institutions and social practices. These formal and informal structures pervasively influence our lives and interactions with one another. We cannot help but define ourselves in relation to one another. As Hakkan Seckinelgin explains,

There is an information loop between the way in which people are perceived in a society...and the way in which these perceptions inform self-recognition and awareness.

Through social interaction people develop an image of themselves on the basis of how their social attributes are perceived by others (2016, 130).

Persons develop within social contexts, forming images or concepts of themselves. Seckinelgin goes on to explain that the social context provides “resources to facilitate and limit this process” including “norms, values, material resources, and modalities of being and acting within a given social environment” (131). Indeed,

Human beings comprehend themselves in relation to their social environment and others within that environment to think about themselves and become a person, by acting as someone who is comprehensible to others within that environment (131).

Concerns about social statuses and standing arise within societies because persons define themselves in relation to others through shared social norms that are operative in their society. Because our lives are deeply interconnected in these ways, it is important for persons to stand as equally valuable, deliberative agents so that they come to see and respect themselves as such.

What social statuses are necessary for or supportive of functioning as deliberative agents within society? Persons need to stand as moral equals, recognizing that the value of their own and others' interests. They need political standing so that they have rights and opportunities. Standing as a citizen in a democratic state gives them equal authority over political decisions. They need epistemic standing as a knower—not necessarily equal, but adequate for engaging in valuable forms of discourse, contributing and benefitting from others' insights. They need to stand as agents who are reasons-responsive, apt for inclusion in accountability and deliberative practices and with authority over themselves.

Deliberating with others helps agents become familiar with different ideas and lifestyles, helping them to develop personal ideals, beliefs, and values. Allen Buchanan emphasizes the importance of our “ineliminable social epistemic dependency” for the success and value of these practices (2004, 99). He claims that, in societies that encourage uncritical epistemic deference to authority figures, the operation of our moral capacities is systematically disabled or compromised. Buchanan argues that false beliefs can undercut deliberative practices, especially those concerning morality and value, in part by misinforming dispositions, “instead of being reliable moral guides, one's moral emotions become both symptoms and sustainers of false beliefs” (2004, 97).

According to Buchanan, liberal societies with a cultural of moral egalitarianism guard against these poor epistemic conditions by discouraging bad epistemic practices and enabling good ones. By ‘moral egalitarianism’ he means that persons have the skills and confidence to criticize authorities and norms and they know that others will listen and engage with what they say. Status hierarchies and inegalitarian relational norms detract from these conditions while the relational egalitarian norms I have described contribute to them. They also bear on the diversity of perspectives that persons have access to, which affects their options for developing values, beliefs, and goals.

Aside from these social practices key to the development and exercise of deliberative agency, standing as equals provides access to deep personal relationships that, according to Mill and others, can only be realized among equals. Mill recognizes that we need social and personal relationships to flourish. Indeed, Mill argues in favor of a sort of relational equality (involving equal social, political, and legal standing, equal rights, and equal opportunities along with egalitarian social norms) in *Subjection of Women*. He thinks this sort of equality is important for deliberative beings in part because they enable equality within personal relationships—namely, marriage and friendship. As Brink points out, “Mill has reason to recognize friendship among equals as a microcosm for ideal social organization” (286).

### *3.5 Moral Obligations and Social Ideals*

The interpersonal aspects of relating as equals and as mutually accountable agents are morally required insofar as they are appropriate responses to persons’ fundamental nature and value. Clearly, both the interpersonal and social aspects of relational equality I’ve described are good for responsible agents living together in an interdependent society. However, given the principle ‘ought implies can’, persons can only be obligated to do things that it is possible for them to do. The social aspects that support egalitarian relations among responsible agents are outside of persons’ control—

no individual has control over social structures and norms that govern interpersonal interactions and practices. These aspects of society arise from and underpin patterns of behavior, but they are usually not produced through consciously coordinated effort on the part of individual actors. If members of society have a moral obligation to create these social conditions, it must be something that they collectively owe individuals. Members of society collectively fulfill their obligations to individuals through state institutions (and not informally coordinated efforts). The social aspects of relational equality seem to be social conditions that are supportive, perhaps necessary, for agents to realize their fundamental interests within society.

These considerations suggest that relational equality generates social aims or political entitlements. The next chapter considers the question of political entitlements and demands of justice. For now, we can say that the relational equality identifies valuable social aims that we have reason to pursue. Call them aspirational social aims. These are part of a social ideal wherein members of society have equal access to and relate as equals within accountability practices and more generally.

# Chapter 4

## The Site and Content of Relational Egalitarian Demands

In Chapter 2, I claimed that we need a sufficiently detailed account of relational equality and a sense of one's broader commitments about justice in order to specify relational egalitarian demands. In the previous chapter, I characterized important aspects of relational equality and explored their value. My aim in this chapter is to begin working out the demands of relational equality, focusing on their site and content, given some common liberal commitments. These considerations constrain the strategies available for grounding demands of relational egalitarian justice, which is the topic of the next chapter.

### *4.1 Liberal Commitments*

Following liberals like Kant and, more recently, John Rawls, I understand justice as a question about how free and equal persons ought to live together.<sup>110</sup> Social justice (as opposed to retributive or compensatory justice) concerns how we structure a cooperative society made up of free and equal persons who disagree about conceptions of the good life. As Tan puts it, "justice aims to regulate social arrangements so as to protect equally individuals' capacity to pursue their personal ends and commitments" (2004, 333). The focus, then, is on the institutions and structures that arrange society.

As we saw in Chapter 2, philosophers agree that principles of justice apply to the basic structure of society. The question is whether they also extend to individuals in their daily lives.

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<sup>110</sup> Kant's political philosophy is found in *The Metaphysics of Morals*. Ripstein (2009) offers a useful discussion. For Kant's influence on Rawls's political philosophy, see Rawls (1980).

According to this kind of view, just institutions set limits within which individuals can set and pursue their own ends “freely and fairly” (333). Although individuals have a duty to comply with just institutions, justice doesn’t assign further ends that individuals must pursue within their daily lives. Thus, thinking of justice this way implies an institutionalist account of site—it restricts the demands of justice to the basic structure of society.

Within this tradition, liberals distinguish between justice and morality or ethics. The latter concerns how individuals ought to live their lives—what they are morally obligated or permitted to do. We often think that acting morally involves acting for the right reasons. If that’s the case, one cannot be forced to act morally; while we might be able to compel someone to perform the action that morality requires, we cannot force them to do it *because* morality requires it.

We often think moral demands capture what individual moral agents owe to other moral agents (or to themselves). By contrast, the demands of justice capture the obligations members of society as a collective owe to individual members. What *individuals* must do in order for the *collective* to fulfill its obligations are individual duties of justice, which can be institutionalized and coercively enforced by the collective through the apparatus of the state.<sup>111</sup> For example, citizens are forced to pay taxes so that the state—members of society as a collective—has resources to, among other things, fulfill some obligations to individuals. Another simple example involves rights violations. The state must protect individuals’ basic rights. To do that, they must be able to force other individuals to respect those rights by imposing sanctions on those who violate them.

So, according to this strand of liberalism, individual duties of justice are those that the state can (legitimately) use coercive power to enforce. Importantly, individual duties of justice are enforceable through exercises of state power like prohibition or regulation by the criminal or civil law; they are not, as individualists about site like Cohen claim, simply duties that are enforced by

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<sup>111</sup> See Brighouse (2004), James (2011), and Swift (2014).



social sanctions, like shame or exclusion, or others' reactive attitudes, like blame or anger. These kinds of informal social and personal sanctions may aid compliance with institutions if they enforce the same duties the state is entitled to enforce. They may even be appropriate responses on the part of individuals. Even so, these kinds of sanctions, on their own, do not indicate duties of justice. After all, we express reactive attitudes in response to actions that we consider to be *morally* right or wrong and social sanctions are often not impartial about conceptions of a good life. For example, within the U.S. social norms and patterns of judgment have historically punished mothers who work outside the home. They thus express ideas about the kinds of (permissible) lifestyles adult women ought to pursue.

I take these to be familiar liberal commitments that are consistent with a range of liberal theories, including some within the categories of comprehensive, perfectionist, and political liberalism.<sup>112</sup> They contrast with versions of liberalism that take inspiration from ancient philosophers, namely, Plato. These strands do not sharply distinguish between morality and justice. A just state aims to make society *and* its members just. Tan posits that these different ways of understanding justice and the project of political philosophy underlie disagreements between those who accept a restricted, institutionalist account of justice and those who favor including individuals:

The critics of the institutional view seem to share with the ancients the belief that political philosophy is concerned too with how to instill in people the right virtues...the objectives and scope of ethics and political philosophy are indistinguishable. The state of one's soul and the institutions of one's state are inseparable concerns... The difference between institutional egalitarianism and its critics, therefore...reflects the different ways of understanding the relationship between justice and virtue (Tan 2004, 360-61).

Tan's comments apply to Cohen's criticisms considered in Chapter 2. Recall Cohen's claim that justice makes demands on the "legally unconstrained choices" individuals make within their daily

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<sup>112</sup> In Chapter 5, I will explore these varieties of liberalism in more detail. For now, the point is that the commitments I've articulated form a broad liberal framework that allows for much variation with respect to other theoretical issues.

lives. This claim relies on a fundamental assumption about the nature of justice requirements that is rejected by those who distinguish between morality and justice as Tan describes.

Making this distinction and restricting the site of justice to institutions is motivated by a commitment to balancing individual duties of justice with individuals' personal pursuits. If the demands of justice apply to people's legally unconstrained choices, they are likely to place stringent, counterintuitive burdens on individuals, detracting from their ability to live their lives as they see fit. Further, it severely narrows the range of permissible pursuits. Thus, those who share my liberal commitments are likely to find the individualist view overly demanding and intrusive.

These commitments imply an institutionalist account of site. But, as we saw in Chapter 2, focusing on relationships among members of society seems to suggest that demands of justice apply directly to individuals. So, proponents who accept these common liberal commitments must reconcile their relational egalitarian commitments with an institutionalist account of site. Whether or not they can do so depends on how they conceive of relational equality and its implications for social justice. Below, I consider what my account of relational equality coupled with my liberal commitments implies about the demands of relational egalitarian justice. I argue that the content of those demands pertains primarily to structural relationships and other social aspects of relational equality. However, they are not limited to institutional factors. I then propose and defend a particular institutionalist account of site that accommodates these relational egalitarian demands.

#### *4.2 The Demands of Relational Egalitarian Justice*

The liberal framework I've described cannot accommodate the common relational egalitarian claim that justice requires relating as equals. The reasons that motivate restricting the site of social justice to institutions speak in favor of excluding the interpersonal aspects of relational equality from the realm of justice. For it seems that duties to relate as equals interpersonally would

have to apply to individuals and it would plausibly restrict their freedom to live their lives as they see fit—even without the idea that duties of justice can be coercively enforced by the state. This is because a duty to relate as equals restricts our freedom to decide for ourselves how to organize our interpersonal relationships, which often play a significant role in our life plans.

While a concern for protecting individuals' freedom to organize their relationships and pursue their own projects speaks *against* the idea that justice *requires* individuals to relate as equals, the same concern speaks in *favor* of creating conditions that *enable* them to do so. Since relationships of various kinds are central to many personal pursuits, relating as equals (and as mutually accountable agents)<sup>113</sup> within them ought to be a genuine option for members of society. As previously discussed, social conditions significantly influence the kinds of relationships they can have with one another. Structural relationships like social standing as equals and mutual accountability are necessary for relating as equals within various interpersonal relationships. For egalitarian relationships to be a genuine option, then, necessary social conditions must be secured.

That doesn't *ground* the claim that justice requires enabling egalitarian relationships by securing the necessary social conditions. Rather, the point is that *if* justice requires enabling egalitarian relationships, then the state must secure certain social conditions. Whether justice *does* require enabling interpersonal relationships (or eliminating social status hierarchies or something else), depends on further ideas about the aims of justice and how they are justified. In the next chapter, I'll consider grounding strategies available to some different versions of liberalism that fit within this basic framework. As we shall see, each strategy can ground *some* demands of relational

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<sup>113</sup> I am using the typical phrasing—relating as equals—as a shorthand that includes the account I gave in the previous chapter, namely relating as mutually accountable members of society, along with relating as moral equals, equal citizens, and whatever other statuses are required for mutual accountability within a particular society.

egalitarian justice. The idea here is to outline demands that capture key relational egalitarian concerns and are at least consistent with these basic liberal commitments.<sup>114</sup>

Institutions that aim to bring about egalitarian interpersonal relationships as a matter of justice would severely restrict individuals' personal pursuits, so justice cannot require relating as equals (for institutionalists). Institutions that aim to create hospitable conditions for egalitarian interpersonal relationships would secure an optional personal pursuit, so justice could, *ceteris paribus*, require social conditions that influence the structure of interpersonal relationships. Additionally, egalitarian interpersonal relationships and the conditions conducive to them are important for pursuing a variety of other life plans.

Relational egalitarians who, like me, accept these liberal commitments but nevertheless appreciate the value of relating as equals, then, should interpret the demands of relational egalitarian justice as pertaining primarily to *structural* relationships like ascribed social identities, rankings, and accountability along with other *social* aspects of relational equality, like background social norms and expectations. (For brevity, I will simply say 'social aspects of relational equality' unless I am discussing a specific aspect).

Social aspects of relational equality are a function of both formal institutional structures and informal social structures. My criticism of Schemmel's institutional account of relational egalitarian justice in Chapter 2 indicates that focusing only on institutional structures sacrifices too much of what is distinctive about relational egalitarianism. Condemnation of *informal* structures like oppressive social status hierarchies is at the heart of relational egalitarianism. Any adequate interpretation of relational egalitarian justice will target these injustices. For that reason, I take

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<sup>114</sup> These commitments are consistent with many different liberal views. Not all of them will recognize the value of egalitarian interpersonal relationships as a legitimate basis for demands of justice. In the next chapter, I offer different grounding strategies that should appeal to a variety of liberals.

accounts that neglect all informal aspects of society to be implausible. If that's what these liberal commitments require, they simply rule out relational egalitarianism.

In his discussion of the egalitarian ethos, Cohen argues that informal aspects of society cannot be easily included in the site while individuals are excluded. That's because individuals' behaviors underpin informal social norms, expectations, and practices. Indeed, social and interpersonal aspects of relational equality influence one another. Social statuses and corresponding social norms guide interpersonal relations, and, in turn, interpersonal relations can sustain and reinforce them. It seems plausible, then, that if justice requires something with respect to status norms (e.g. categories of social identity, hierarchically ranked statuses and their evaluative bases) and social norms, it may also require something with respect to the personal conduct associated with them. My institutionalist account of site addresses this challenge.

I've argued that the content of relational egalitarian justice requirements pertains primarily to social aspects of relational equality. One possibility is that justice demands enabling egalitarian interpersonal relationships (e.g. mutual regard, practices of mutually accountability, reciprocal answerability) by securing some necessary social conditions including certain structural relationships among members of society. I've acknowledged that social aspects of relational equality include the informal social structure, which underpins and is supported by patterns of behavior. But, as Cohen claims, including these aspects of society within the site of social justice entails including individuals. How, then, can my claims about what justice requires be reconciled with my commitment to an institutionalist account of site?

### *4.3 The Site of Relational Egalitarian Justice: Reconsidering Institutional Options*

In Chapter 2, I considered a few different institutionalist conceptions of site. Do any of them capture these ideas about relational egalitarian justice? Given the liberal commitments I've

articulated, they seem unpromising. Recall that two institutionalist options allow assigning duties of justice to individuals. They differ from individualist views in that they assign *different* demands to individuals and institutions. The pluralist option does this by recognizing multiple sites of social justice, each subject to a distinct set of demands. The second option recognizes different types of justice, each of which have a single site. Some relational egalitarians suggest this kind of view when they distinguish between ‘relational justice’ and ‘social justice’ or ‘distributive justice.’

For those who accept the liberal commitments I endorse above, any view that casts relational egalitarian demands on individuals as *demand of justice* encounters a serious problem because we can be coercively forced to do what justice requires of us. If relational equality demands, as a matter of justice, that individuals relate or interact in certain ways, then the state can legitimately use its coercive power to force them to do so. Recall that ‘relating’ is not simply a matter of treatment, but also of regard (beliefs and attitudes). For example, Scheffler says “...a society of equals is characterized by a reciprocal commitment on the part of each member to treat the equally important interests of every other member as exerting equal influence on social decisions” and “each member has a normally effective disposition to treat the interests of others accordingly” (2015, 35-36). Enforcing such duties, by installing these commitments and dispositions, would be highly intrusive.<sup>115</sup>

This worry about intrusiveness poses a problem for an institutionalist view that recognizes multiple sites of social justice and for one that distinguishes between different types of justice (e.g. relational and social justice). Even though the demands differ by site or type of justice, they still apply relational egalitarian demands of justice to individuals. Thus, like the individualist view, they are overly demanding and intrusive. While Scheffler claims that “justice requires the establishment of

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<sup>115</sup> Remember that we are talking about a certain kind of enforcement: sanctions the state imposes using its coercive power, e.g. civil/criminal law, applying penalties, etc.

a society of equals,” I doubt that he would recommend using the coercive power of the state to force individuals to adopt commitments and cultivate egalitarian dispositions (21). For those who accept the institutionalist view, it’s much more plausible to think of them as moral duties.<sup>116</sup>

Indeed, in the previous chapter I argued that relational equality issues *moral* demands for individuals. At least within some relationships, the participants are morally obligated to relate as equals (however one characterizes such relations). It would be more difficult to explain how such demands could be demands of justice if we think that demands of justice, but not morality, can be coercively enforced. So, in the case of individual behavior, the institutionalist option that distinguishes between justice and non-justice demands seems more plausible than the individualist view or the alternative institutionalist options.

Recall that, according to that option, relational equality places demands of justice on state institutions and non-justice demands on individuals. Since relational equality plausibly generates moral duties for moral agents, this option makes sense of the idea that relational equality demands something of individuals and of state institutions. But, given that the informal structure of society is not determined solely through institutional action, can this view accommodate my claim that demands of justice concern structural relationships and social conditions that, among other things, bear on interpersonal relationships?

#### *4.4. Distinguishing between the Site and Reach of Social Justice*

Incorporating personal conduct and informal social practices/norms into the basic structure entails a commitment to an inclusive account of site, which I have rejected. But, crucially, we need not incorporate them into the *site* of social justice to place them within the *reach* of justice.

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<sup>116</sup> However, this could raise problems for Scheffler because he then seems to be motivating claims about relational egalitarian justice by appealing to claims about morality.

Appreciating this reveals the most attractive option for reconciling my claims regarding the interpersonal and social aspects of relational equality with an institutionalist account of site.

So far, I have accepted the terms of the debate concerning the site of social justice. However, these debates often conflate the *site* of justice with the *reach* of justice and with objects that can be *evaluated* from the standpoint of justice. By the ‘reach’ of justice, I mean the range of things that fall within the purview of exercises of political power and so can be targets of legitimate political interventions.<sup>117</sup> The dialectic suggests that for something to be within the reach of justice or to be evaluated from the standpoint of justice it must be included in the site of justice. For example, many have now observed that family organization bears on the extent to which societies can satisfy the demands of social justice.<sup>118</sup> They then assume the family must be included in the site of justice in order to be evaluated as just or unjust or in order for justice to ‘reach’ it by requiring something with respect to it. Accordingly, a common strategy for proponents of institutionalist views is to include the family in the basic structure. The idea seems to be that if the demands of justice apply to an agent, the content of the demands must pertain to that agent. Similarly, one can only be properly evaluated from the standpoint of justice if the demands of justice apply to one.

These assumptions are not unreasonable. Because ‘ought implies can,’ an agent (individual or collective) cannot be obligated to do something that it cannot do. The ‘can’ here refers to the agent’s capacity to perform the actions necessary to satisfy the obligation. Whether the agent *may* perform the necessary actions is a further question about the morality or legitimacy of those actions when performed by that agent. This consideration may seem to suggest that the site and reach of justice are coextensive and only the agents comprising the site are subject to evaluations of justice.

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<sup>117</sup> It might be appropriate to use the term ‘scope’ here to indicate what falls within the reach of justice. I avoid that term because it is widely used to denote something else: the individuals who are “owed” justice. As noted in Chapter 2, discussions of scope are usually about whether the demands of justice are global or domestic.

<sup>118</sup> Notably, G.A. Cohen (1997) and Susan Okin (1998).



However, it does not clearly imply these conclusions. State institutions have the capacity to act in ways that affect personal conduct and informal social structures, and not just by operating in certain ways or expressing certain attitudes. Indeed, the fact that collective agents like the state *can* do so is what gives rise to concerns about legitimacy constraints on the state's use of coercive power. Because the state has the capacity to intervene in private and civil domains, the moral question (i.e. what is the state permitted or required to do) is more important for adjudicating these issues about the reach of justice.

There seems to be no practical ('ought implies can') or conceptual reason to accept that the reach of justice must be coextensive with site of justice, nor to think that only entities included in the site can be objectionable from the standpoint of justice. There are many entities, like the family, that we take to fall outside of the site (i.e. the basic structure in this case) but within the reach of justice because justice demands that the site constrain or influence them in certain ways. Parents are legally required to send their children to an accredited school or provide a comparable education for them at home, for example.

Similarly, we might think that certain ways of organizing the family are objectionable from the standpoint of justice because they frustrate the aims of justice. For example, wealthy parents can secure advantages for their children that interfere with fair equality of opportunity. That is not yet to say that these practices fall within the reach of justice. It is merely to notice that they obstruct justice, which gives us some reason to devalue them *from the standpoint of justice*. Whether justice *allows* or *requires* interventions to address them in some way (e.g. to discourage or eradicate them) is a further question.

If the *reach* of justice can be more *extensive* without the *site* itself being more *inclusive*, it follows that personal conduct and informal social structures can be within the reach of justice on the institutionalist view. To illustrate the plausibility of this suggestion, consider an example. We usually

think justice demands that the state intervene in intimate relationships—in some ways—to protect individuals from domestic abuse.<sup>119</sup> Intimate *relationships* are not therefore part of the site of justice—they are not compelled to fulfill the demands of justice alongside state institutions. Rather, abusive behavior (i.e. personal conduct) in the relationship (i.e. the private domain) falls within the reach of justice because the demands of justice, which *the state* must satisfy, *require* protecting individuals from physical abuse (perhaps this is related to the state's duty to secure the basic liberties).

Appreciating this distinction reveals an attractive option for relational egalitarians. We can view state institutions as the sole site of social justice but hold that the informal structure of society and some forms of personal conduct fall within its reach. It could be that justice requires the state to constrain or influence the informal structure and personal conduct in certain ways to aid relational equality. Some of those demands may be identifiable in the abstract, but others could arise within particular contexts where the informal structure interferes with relational equality or other important aims of justice.

For example, historically, traditional gender roles have assigned different and unequal statuses to men and women, which indicated sets of social norms and expectations that guided interpersonal and social interactions among members of society. These social statuses, norms, and relationships were inconsistent with the demands of relational equality, which could place them within the reach of justice. They also compromise fair equality of opportunity. Assuming justice requires the state to secure fair equality of opportunity, they could then fall within the reach of justice. Notice that we need not assume that state institutions themselves contribute to this gendered social structure to justify including it within the reach of justice. Similarly, we can evaluate social structures from the perspective of justice by considering how they bear on the aims of justice.

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<sup>119</sup> This example comes from Schouten (2013).

Evaluating personal conduct and informal social structures as unjust and accepting that they fall within the reach of justice is consistent with recognizing constraints on the types of interventions the state may use to address them. Additionally, it's consistent with the idea that whether state intervention is justifiable in a particular case depends on other considerations, including the types of interventions available within the relevant context and their expected effects.<sup>120</sup> Generally speaking, a commitment to protecting persons' freedom speaks in favor of choosing interventions that minimize intrusions and restrictions on individuals' personal pursuits. In cases where the costs of available interventions are too high, intervening may be unjustifiable at that point in time. But that's not to say that the target of those interventions falls outside the reach of justice in general or in that particular case.

#### *4.4.1 The Costs of Placing Relational Equality within the Reach of Justice*

Does placing relational equality within the reach of justice impose costs by making justice overly demanding and intrusive for individuals? To some extent, we minimize these costs by focusing the demands of justice on the social aspects of relational equality—the formal and informal structures—that, among other things, influence how members of society can relate to one another. While personal conduct can fall within the reach of justice, we should still recognize a presumption against demands that directly concern the conduct of persons who are in compliance with just institutions. If relating as equals is valuable in the relevant way, it's plausible to think that justice requires creating the social conditions that enable members of society to relate as equals. That means adopting institutional arrangements that are hospitable to relations of equality, but it may also mean addressing status hierarchies or social norms that frustrate egalitarian relationships.<sup>121</sup>

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<sup>120</sup> See Schouten (2013) and (2019).

<sup>121</sup> See Watson & Hartley (2018).

Of course, changing social norms that are operative within society but are not directly produced or shaped by state institutions will sometimes require changing individuals' behavior. This is why Cohen claims that informal aspects of society cannot be easily separated from individuals. Patterns of behavior guided by social norms function to reinforce those norms. That means changing social norms will often involve interventions that target individuals' behavior to interrupt existing behavioral patterns and encourage new ones. Such interventions are likely to be intrusive, but the *extent* to which they are intrusive depends on what means are sufficient and available for eradicating the norms underlying the behavioral patterns. In some cases, minimally invasive interventions that incentivize or “nudge” people toward alternative options may be effective.

If addressing the underlying norms required *eliminating* behavior, beliefs, or attitudes altogether, interventions would likely be much more intrusive. But it seems that this will rarely be the case. On my view, evaluating behavior as unjust means determining that it detracts from the aims of social justice. It's unlikely that behaviors themselves will be unjust by this standard because the effects of individual instances of them are generally insufficient for affecting progress toward these broad goals. It's *patterns* of behavior that, when widespread, effectively detract from the aims of justice. Targeting patterns of behavior means targeting the norms and expectations underlying them.

Put it this way: in terms of personal conduct, the primary concern of justice is which behaviors are supported by social norms and institutions. We can consistently hold that behaviors themselves (e.g. refusing to treat someone as an equal) are *unobjectionable* from the standpoint of justice while maintaining that the *normativity* of those behaviors *is* objectionable. Here, I mean ‘normativity’ in the sociological sense of a cultural or societal rule or set of expectations that’s

enforced by social sanctions.<sup>122</sup> Securing the social aspects of relational equality doesn't require eradicating a behavior altogether as long as the *normativity* of that behavior is eliminated.<sup>123</sup>

For example, consider the gendered division of labor within families and the workplace, which continues to be common and is normative in the sociological sense. Individuals tend to specialize according to their gender by cultivating skills and pursuing opportunities that correspond to their gender role. There's nothing objectionable about a woman choosing to focus on care-work or a family adopting traditional gender roles. What's objectionable is about the gendered division of labor is what drives it. Within families and workplaces, people divide work by gender because they have specialized by gender; they specialize by gender because gender specialization is taken for granted. Dismantling the gendered division of labor requires addressing gender specialization, which is a widespread behavioral pattern. We can disrupt the pattern by changing the expectation that people will specialize by gender. Perhaps schools incorporate programs that promote STEM for girls and home economics/childcare for boys. A gender egalitarian division of labor is consistent with some families choosing to adopt traditional gender roles; it's also consistent with men choosing to go into historically 'male' fields and women choosing to go into historically 'female' fields. As such, the fact that it requires interventions that affect personal conduct doesn't mean that demands pertaining to the social aspects will be overly intrusive.

Moreover, targeting norms underlying patterns of behavior may be necessary to protect space for personal projects. The liberal presumption against intrusion into our personal lives and relationships stems from the value of creating fair, and roughly equal, conditions for all members of society to set and pursue their own aims. Indeed, the concern with intrusiveness is that it compromises those conditions, limiting the space within which persons can set and pursue aims—

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<sup>122</sup> Ridgeway (2019).

<sup>123</sup> Schouten (2019) makes a similar point. She argues that political liberals can accept interventions that target the normativity of gender specialization in order to undermine the gendered division of labor.

these are the *costs* liberals try to minimize. However, the very value underlying the presumption *against* intrusions will sometimes *recommend* intrusions that protect or expand space for personal pursuits. In cases where social norms or status hierarchies compromise that space for some members of society (e.g. members of inferiorized groups), interventions targeting them may not register as liberal costs, or they might be considered *justifiable* costs.

#### 4.4.2 *Evaluating My Proposal*

Restricting the site as I have proposed accommodates my relational egalitarian commitments while minimizing costs associated with my liberal commitments. Can it accommodate intuitions about test cases that motivate the individualist view? Return to the example Lippert-Rasmussen uses (Chapter 2) to argue that justice requires relating as equals—understood in terms of regard and treatment. The example compares societies A and B. Recall that both A and B are equally non-racist in terms of their institutions, but some members of society A are racist while no members of society B are racist. Proponents of the institutionalist view are purportedly committed to evaluating societies A and B as equally just. My account can avoid this counterintuitive verdict.

Given the parameters of the case, let's stipulate that the racism is not caused or supported by state institutions. According to my view, we need to ask whether the racism is *normative* such that it underpins *patterns* of behavior within society. Say that it is. Such patterns, along with the social structures and norms underlying them, conflict with the social conditions that enable members of society to relate as equals. If justice requires social conditions hospitable to egalitarian relationships, we have the resources to evaluate these patterns as objectionable from the standpoint of justice. That means we can say that society A is less just than society B. Since the state has a *pro tanto* obligation to create the hospitable social conditions, the racist patterns fall within the reach of justice. Whether the state *should* intervene depends on factors having to do with the available

interventions and the circumstances. If the state can and should intervene to address those patterns but fails to do so, then state institutions are unjust.<sup>124</sup>

Now, say that the racism in A is *not* normative nor are there racist patterns of behavior within society. Rather, racism is an antiquated, idiosyncratic view held by a few members of society and widely condemned by the rest. Imagine that racists in A are much like those in contemporary society who believe that the earth is flat: they cling to their beliefs despite exposure to counterevidence and an adequate public education; others are bemused by their claims and dismiss them without a second thought. The individualist view still holds that society A is still less just than society B while my view says that A and B are equally just.

In this version of the case, it's the individualist view that yields the counterintuitive verdict. Why think the beliefs, attitudes, and behaviors of a few outliers detract from the justice of a society that condemns racism and realizes racial equality across domains of life for everyone else? I submit that my formulation of the institutionalist view renders the right verdict in *both* of these cases. Importantly, this is because it distinguishes between the mere *existence of racism* in society and a society that is *racist* in its social norms and corresponding behavioral patterns and it allows us to say that, all else equal, only *racist* societies are unjust, not societies *with racism*.

Standard interpretations of the institutionalist view, like Schemmel's, render the wrong verdict because, for them, racist societies are those with racist *state* institutions. Thus, on their view, A is merely a society with racism even if it's structured by (non-institutional) racist social norms. My account considers a society racist if its institutions *or* informal social structures are racist. While proponents of the standard view might accept this definition of racist societies, their view still says that a racist society is only *unjust* if its state institutions are racist. By contrast, my view says that all racist societies are unjust. Because racist norms fall within the reach of justice, the state may be

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<sup>124</sup> See Schouten (2013) for arguments concerning the *omission* of state action.

compelled to address them. Further, the state would be unjust if it fails to do so. Indeed, in that case, we might say state institutions *themselves* are racist due to their complicity in the racist social structure.

Notice we can claim that society B is more *egalitarian* than A without saying that it is more *just* than A. I do not think that justice requires realizing relational equality to the fullest possible extent. We can, however, imagine a broad social ideal of relational equality wherein all members of society relate to one another as equals across their relationships. Although justice does not require realizing this ideal, we can use it to assess society—societies that are closer to it are more egalitarian than societies further away.

To elaborate, let's compare racist societies and societies with racism in terms of mutual accountability. A society would be racist if members of dominant racial groups were *not* accountable to members of inferiorized racial groups, but members of inferiorized groups *were* accountable to members of the dominant group. Say that due to race-based social statuses, people of color couldn't effectively hold white people legally accountable through the justice system despite their equal legal statuses. This could be because the police are less responsive to calls from people of color about white people. Alternatively, it could be because white people have access to better legal counsel or because courts regularly favor white plaintiffs/defendants. Whatever the reason, in this example, the society is racist because its racial social hierarchy obstructs relations and practices of mutual accountability between members of racial groups.

By contrast, assuming that racial groups exist, in a non-racist society they stand in relations of mutual accountability such that members of each group can effectively hold members of the other legally accountable through the criminal justice system. Such a society might contain racists who refuse to answer for their crimes against those they consider inferior (e.g. refuse to admit wrongdoing). At the interpersonal level, the racists fail to relate to others as equals. But, in a non-



racist society, the racist can still be held legally accountable for illegal conduct. So, the society is still just by the lights of my view.

#### 4.5 Relational Egalitarian Demands for Individuals

According to my proposed account, *justice* doesn't require relating as equals and so demands of justice need not apply to individuals. But we can separate the demands of *relational equality* from the demands of *justice* that relational equality generates. The suggestion is that relational equality is not merely a social justice value such that all of its demands are demands of justice. Rather, it is a broader value that issues *moral* demands for individuals. Racists fail to meet the moral demands of relational equality. It might also pick out some desirable features of society that are not demanded by justice. We can say that a society with racism (not a racist society), while not unjust, is less egalitarian than a society in which all members relate as equals. Similarly, a society where everyone relates as equals is more desirable than a society with racism in the same way that a society where everyone fulfills their moral duties is more desirable than one in which some people fail to fulfill their moral duties.

While, admittedly, the appeal of this suggestion depends on prior commitments about the nature of justice and of morality, it makes sense of the idea that relational equality demands something of individuals (i.e. relating as equals) and of state institutions. My institutionalist account allows the possibility that justice requires something with respect to the interpersonal aspects of relational equality because they could fall within the reach of justice—if they functioned to sustain unjust status hierarchies, for instance. However, in virtue of my commitment to restricting the site, justice won't require *individuals* to relate as equals, nor will it require the state to *realize* an ideal wherein all members of society relate as equals.

## 4.6 *Scope*

I have mentioned that the grounds of relational equality are an important part of what determines its scope, so we cannot yet draw determinate conclusions about scope. But, at this point, we can see that the social aspects of relational equality are limited to a society that shares social structures and institutions. However, the moral aspects—regarding and treating one another as they morally ought to be treated—are not similarly confined. The moral norms are global in scope. So, the demands of relational equality can be quite broad. But, the demands of relational egalitarian *justice* are going to be confined to communities that share formal and informal structures that shape their personal pursuits and their relations with one another.

In this chapter I argued that the demands of justice pertain primarily to social aspects of relational equality. That follows from the liberal commitments I endorse, which I take to be common—although not universally accepted—among political philosophers. Next, I explore how we can ground such demands. What, if anything, does the value of relational equality imply for social justice?

# Chapter 5

## Grounding the Demands of Relational Egalitarian Justice

At the outset, I defined relational egalitarianism in terms of two core commitments: first, equality should be understood in terms of relationships among members of society and, second, such relationships generate demands of justice. Theories must interpret both commitments by characterizing the egalitarian relationships the first commitment refers to, accounting for the value of those relationships, and articulating what justice requires with respect to them. For theories to be plausible, they must ground the demands of justice they specify. Yet, few relational egalitarians have attempted to ground their prescriptions.<sup>125</sup>

In Chapter 3, I characterized egalitarian relationships among responsible agents in terms of mutual accountability and reciprocal answerability. This is consistent with other characteristics relational egalitarians have proposed, like equal consideration or other egalitarian treatment norms for which we are accountable. I accounted for the value of those structural and interpersonal relations, and the social conditions that enable them, by appealing to persons' fundamental interests. I claimed that persons have *moral* obligations to relate as equals. And, I sketched a *social ideal* in which social aspects of relational equality obtain and members of society generally relate to one another as equals across different kinds of interpersonal relationships.

While such a society is attractive, I do not claim that justice requires realizing it or even pursuing all aspects of it. In the previous chapter, I outlined demands that fit with a set of liberal

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<sup>125</sup> Tomlin (2014) identifies this gap in the relational egalitarian literature. He considers the disparate claims proponents have made about the value of egalitarian relationships which he thinks are incomplete and somewhat implausible. They also don't suffice to ground requirements of relational egalitarian justice.

commitments that I, and many others, endorse. Showing that demands pertaining primarily to social aspects of relational equality are *consistent* with the constraints imposed by other liberal commitments doesn't establish that they *are* or even *can* be grounded as justice requirements within that framework—it simply shows that they are not *ruled out*.

This chapter offers three strategies for grounding requirements of relational egalitarian justice. The first strategy proposes a way of understanding the relationship between state institutions and the morality or moral action of persons subject to them. The second strategy appeals to standard liberal commitments about the aims of social justice. I argue that some aspects of relational equality matter for justice because they contribute to securing the fair value of the basic liberties, the social bases of self-respect, and fair equality of opportunity. I take this strategy to be available across a broad range of liberal views. The third strategy invokes a version of perfectionist liberalism inspired by John Stuart Mill. This final option is less ecumenical than the others, though I take it to be consistent with the liberal commitments I identified in Chapter 4. Although relational egalitarians who accept political liberalism are likely to dismiss it, I argue that it provides the best resources for grounding robust demands of relational equality. Moreover, I show that the version of perfectionist *liberalism* I endorse escapes many of their objections and accommodates some of their main reasons for rejecting it in favor of political liberalism.

### *5.1 Considerations for Grounding Demands of Justice*

Recall that justice entitlements and corresponding demands arise from certain fundamental interests of persons (understood in normative terms). Moral requirements are also a function of fundamental interests. Here, we are focusing on interests that generate justice entitlements, which are often conceived of as their *rights*. These indicate demands of justice that the state (members of society collectively) must meet and corresponding individual duties that can be coercively enforced.

Because I take state institutions to be the site of social justice, these individual duties primarily require complying with just state institutions (once they are in place).

One way to determine what persons are entitled to as a matter of justice is to consider the *social* and *political* conditions *necessary* for persons to realize their fundamental interests within an interdependent society governed by shared institutions. What social conditions are necessary for developing and exercising our deliberative, reasons-responsive capacities and directing our own lives? There are certainly internal psychological conditions that are necessary for effective deliberative agency. However, thinking of the relevant interests this way suggests that if justice requires something with respect to their psychological capacities, it is because others' actions and social circumstances bear on them in important ways. A related strategy endorsed by many contractualists, including Scanlon, is to consider the reasons persons have for forming and recognizing the authority of state institutions. These strategies will largely—perhaps entirely—converge on a set of justice entitlements if they both appeal to the same conception of the person.

Not all social conditions conducive to realizing deliberative agency will be required by justice. It may be useful to contrast justice requirements with the sort of social values that inform social ideals. As I'm using the term, social values are features of societies that are valuable for persons—not merely *valued* by actual communities, but *valuable* in light of their fundamental interests. We can form complete social ideas by considering all the social values, weighing their relative importance, and balancing them. For instance, I suggested that the social aspects of relational equality, fully realized, are part of a social ideal. We might also consider features of society like humanity and fairness to be social values because they capture valuable ways for a society to be. If so, our social ideal might be a society of equals that is humane and fair. Like relational equality, other social values may overlap with justice, which tells us how society must be arranged in order to be *just*—not *ideal* in a broader sense. By contrast, social values and the resulting ideals on their own,

neither indicate what justice requires nor justify state action. They may, however, suggest aspirational social aims (to be balanced against other goals and constrained by justice). They may also be useful for evaluating candidate social arrangements or existing states of affairs.

How do we distinguish between what persons are entitled to (justice) and what features of society are good for them (social values)? Above, I said that just entitlements concern social and political conditions *necessary* for persons to realize their fundamental interests. I take it that social values pick out the characteristics of societies that *support* but are *unnecessary* for realizing those interests or are *necessary* but *unenforceable* (for practical reasons or reasons of moral justification).<sup>126</sup>

An example will help clarify the contrast. Persons might have a fundamental interest in friendships with other persons because friends help one another realize their nature as moral agents. Does that mean persons are entitled to friendship as a matter of justice? The answer depends on a couple of considerations. First, we should consider whether friendships are *necessary* for realizing deliberative agency. While they may improve our lives in many ways and support our agency, that doesn't make them *necessary* for realizing it. Second, we should consider whether friendship is the sort of thing persons can be coercively forced to give or do for others. If friendship requires feelings one cannot choose to feel or cultivate, we cannot force ourselves or anyone else to be friends with someone even if we can force them to treat another as they would treat a friend.

Both questions help us decide whether persons are entitled to friendship as a matter of justice or whether it is merely good for them. The first clarifies the relationship between the interest in question (friendship) and deliberative agency. The second helps us determine the content of the

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<sup>126</sup> What I'm noting here is that an action can be unenforceable in two senses. It can be unenforceable due to practical constraints or it can be unenforceable because enforcing it is unjustifiable. For example, say that love is necessary for realizing moral agency. A 'duty' to love is unenforceable in a practical sense because it requires attitudes that are beyond the control of individuals and social policy. Now suppose it's practically possible to force one to love another using love potions. The question then becomes one of justification: *may* individuals be forced to love others? I take it that enforcing a duty to love would be unjustifiable because it necessarily violates autonomy, thus it's also unenforceable for that reason.

obligation or valuable feature of society that the interest implies. For the sake of illustration, say that friendship is necessary for realizing deliberative agency within society. That suggests that it gives rise to a justice entitlement. But the fact that it is not the sort of thing that can be forced from us means that what we owe cannot be friendship itself. Instead, we might owe opportunities for members of society to develop friendships or promote friendship in ways that are consistent with other demands of justice. Providing such opportunities could, perhaps, be satisfied by recognizing freedom of association, or maybe it implies some aims for compulsory public education. If, however, we decide that friendship is instrumentally valuable but unnecessary for realizing deliberative agency, we should see access to friendships as part of a valuable social ideal to which we might aspire, but not something that justice demands.

### *5.2 Strategy 1: Moral Demands and the Demands of Justice*

Although, on my view, the demands of justice *can* pertain to individuals' behavior in that justice could require state institutions to influence or shape it in certain ways, the moral demand to relate as equals is not a justice demand. However, what morality requires of individuals can carry implications for state institutions. It may even imply justice requirements. The same is true of social ideals.

How might we support an inference from the claim that relating as equals is morally required or good for agents to the claim that justice requires something with respect to relating as equals? I see two main strategies—one general and one specific. The general strategy is to argue that a legitimate demand or aim of justice concerns the relationship between state institutions and the morality or moral action of those they govern. For example, one might claim that the state ought to promote or maximize moral behavior within society. The other strategy is to argue that the nature of *specific* moral obligations or entitlements are such that justice requires something with respect to

them, even if it does not require anything with respect to moral behavior in general. Perhaps particular moral obligations bear on justice aims such that pursuing those aims requires promoting or enforcing them. It could be that failure to fulfill those obligations, on some scale, frustrates justice entitlements or aims; the obligation or entitlement could itself be an aim of justice or entailed by an aim of justice; or, wide fulfillment of that obligation promotes or is necessary for achieving a justice aim. This list is not exhaustive, and some options will surely be ruled out by common liberal commitments. In this section I'll sketch the options I find most plausible for grounding demands of justice in the moral demands of relational equality.

I have argued that relating as equals is good for agents and it is morally required of agents. Relating as mutually accountable, reciprocally answerable agents constitutes an appropriate response to the agency of those relating (oneself and others) in that it expresses respect for their (and one's own) value and nature. That individuals have *moral* obligations to relate in these ways doesn't mean the state can force them to fulfill this obligation. The fact that a society in which these moral obligations are widely fulfilled is a valuable, appropriate way for persons to live together is also insufficient for justifying the use of coercive state power to force members of society to relate as equals. After all, isn't it always true that society would be in some ways better if all members performed their moral duties?

However, the moral requirements will justify some demands of justice if we accept that *the state should not obstruct persons' opportunities to avoid serious wrongdoing*. Taking this on board, we would say that society is unjust insofar as and to the extent that it *unnecessarily* obstructs opportunities for members of society to avoid serious wrongdoing, or, in other words, to fulfill their moral obligations. This claim does not refer to any particular moral theory but meeting this demand would likely require recognizing some moral wrongs. While this will surely be a red flag for some readers, for now, I will just note that no version of liberalism is entirely neutral about moral issues.



To motivate this claim about the relationship between the state and opportunities to act morally, consider the following cases.

*Rigged System.* Within society, the system of opportunities and distribution of rewards are such that my success implicates me in the wronging of other members of society. If competition for rewards is unfair, then by competing I engage in unfairness. For instance, if I compete with an arbitrary competitive advantage (e.g. whiteness) I seek benefits from a system I know is rigged in my favor. The problem is, I cannot help but compete because I need the benefits. In this case, state institutions and the economy are arranged in a way that deprives me of the opportunity to avoid wrongdoing—I wrong others simply by seeking basic necessities through the official channels. I may not be fully responsible for the wrong since the arrangements are outside of my control, still, my moral obligation not to wrong someone by enjoying the benefits of a rigged system gives me strong reason to try to change the system so that it is fair.

*False Confession.* Imagine a crime in which someone is harmed. If an innocent person confesses to the crime, they lie to authorities, which is itself (at least a *pro tanto*) wrong. But they also become complicit in a ‘cover-up’ because their false confession helps the guilty party escape punishment. This cover-up wrongs the victim of the crime and it harms those who will be subsequently hurt by the real offender. A criminal justice system that regularly and systematically creates conditions within which giving a false confession is the most rational choice available to the innocent party is unjust. In our current system, innocent people often take plea deals because they cannot afford decent lawyers to defend them in court, they cannot afford bail and so would suffer severe consequences if they were to maintain their innocence (e.g. job loss, endangering children or losing custody of them, enduring hard treatment in jail), and given their poor chances in court, refusing the plea deal means risking a harsher sentence if they are found guilty at trial. In this case, state institutions deprive many people of the opportunity to avoid wrongdoing by disincentivizing honesty. It’s possible that other actors may also be wronged or implicated in the wrongs described here, including public defenders who cannot adequately do their jobs due to the size of their caseload, and prosecutors who punish innocent people.

These cases have multiple problematic features. Whatever else is objectionable about them, though, I submit that part of what makes them unjust is that state institutions significantly obstruct persons’ opportunities to avoid wrongdoing. If these arrangements were somehow necessary or the best we could do in a deeply unjust society, we might evaluate them differently. But assuming that they are unnecessary, these arrangements are unjust in part because they undermine persons’ opportunities to

avoid serious wrongdoing, acting instead as morality requires. Further, recognizing the wrongdoing that occurs in these cases doesn't seem to require taking on controversial commitments about morality or moral theory.

The above cases are meant to demonstrate a generic connection between the justice of state institutions and individuals' moral obligations that doesn't rely on the character of the moral obligations. If one accepts that persons have a moral obligation to relate as equals and that the state is unjust insofar as and to the extent that it *unnecessarily* obstructs opportunities for persons to fulfill their moral obligations (thereby avoiding wrongdoing), it follows that the just state doesn't obstruct persons' opportunities to relate as equals (or at least to avoid relating as unequals), when such obstructions are unavoidable.

What would the state have to do to refrain from obstructing persons' opportunities to relate as equals? We saw that status hierarchies and social norms can compromise individuals' opportunities to recognize, regard, and treat one another as equals (understood partly as mutually accountable agents). This suggests that, if the state is to refrain from impeding our opportunities to avoid relating in objectionable ways, at the very least, it must not contribute to the status hierarchies, norms, and other institutional arrangements that serve as obstacles. In some cases, omissions—failing to act as justice requires—on the part of the state might count as impeding opportunities. This could be a failure to respond to patterns of noncompliance that contributes to unjust hierarchies, for example.

Allen Buchanan offers a case that demonstrates the relationship between social arrangements and opportunities to fulfill moral requirements—relating as moral equals in particular. He describes how growing up in a deeply racist society led him and others to adopt false beliefs about the inferiority of persons of color in the American South. These beliefs, in turn, led white members of society to systematically harm and wrong their black counterparts. Legal and de facto segregation

encouraged these false beliefs as did, Buchanan argues, the pervasive epistemic vices (i.e. culture of uncritical deference to authority and acceptance of the idea that their black peers should not be believed or trusted). These social and institutional structures compromised their opportunity to avoiding wronging one another. An important part of how it did that was by sponsoring social norms and practices that made it very difficult to recognize their equal moral status and associated obligations. Indeed, deeply entrenched social norms *required* stigmatizing and wronging those depicted as inferior. Legal segregation and anti-miscegenation laws not only embodied and expressively endorsed the racial status hierarchy, affirming racist ideas, but they limited opportunities for inter-racial interactions that could challenge the false beliefs underlying it. After legal segregation was declared unconstitutional, the hierarchy persisted.

Again, many aspects of this case are objectionable and unjust. I am not trying to account for all of them. I am also not claiming that the obstructions fully excused or justified racist actions in the South. What I'm saying is that they affect the quality of the opportunity individuals like Buchanan had to relate to persons of color as equals.<sup>127</sup> And, of course, persons of color lacked opportunities to relate to others as equals because they did not stand as equals. I am not focusing on that aspect of the case because it seems that they were wronged and harmed by others' lack of opportunity—it isn't clear that they wronged others by failing to relate to them as equals.

Aside from the generic connection between state institutions and persons' moral duties, in the case of relational equality, the character of the moral obligation in question provides grounds for justice requirements. The racial hierarchy case suggests that, not only does the hierarchy obstruct opportunities to fulfill the moral obligation of relating as equals, but, by doing so, it obstructs

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<sup>127</sup> Because I accept the conception of responsibility offered by Brink and Nelkin, I think excuse and justification do depend on the quality of the opportunity a wrongdoer had to avoid the wrongdoing. But I am not making any claims here about whether the factors I take to affect the opportunity to avoid racist actions are sufficient for fully or partially excusing or justifying the racist actions.

opportunities to avoid other wrongs. Racial hierarchies pose an obstacle to relating as equals because they make it difficult to *regard* black persons as moral equals who are entitled to certain treatment in virtue of that status. Inserting my proposed understanding of regard, it obstructs *recognition respect*. Failure of recognition respect is one wrong that generates further wrongs and harms, for recognition respect is necessary for ascertaining what one owes to others. One is unlikely to treat someone as they (morally) ought to be treated if they misidentify them.<sup>128</sup> The upshot is that relating as equals is a moral obligation that is aided by certain social conditions and its regard component *acts* as a (psychological) condition for fulfilling other moral obligations. As such, if the just state avoids unnecessarily compromising persons' opportunities to fulfill their moral obligations, it must avoid contributing to social conditions that compromise regard among moral equals. Indeed, this suggests that, in some cases, justice will require the state to eradicate or undermine objectionable status hierarchies that obscure moral equality across persons (e.g. through racial integration). Doing so removes obstacles to recognition respect among moral equals, a necessary condition for fulfilling moral obligations. If we accepted the stronger claim that the state ought to *enable* persons to act morally, we might say that the state should *secure* that necessary condition or *enable* recognition respect by promoting positive egalitarian norms, including status norms. However, I have not argued for this stronger claim.

I want to emphasize how the distinction between the interpersonal and social aspects of relational equality matter here. The moral obligation is to regard and treat others as equals, which I've worked out in terms of, among other things, recognition respect, mutual accountability and reciprocal answerability. The social aspect—social standing as a moral/social/political equal—cannot be a moral obligation because it is outside the control of individuals. Recall that standing

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<sup>128</sup> As I have previously pointed out, it's common to think that morality requires treating them appropriately for the right reasons. If so, one could perform the required actions without respecting the target of those actions. This may sometimes prevent harms stemming from disrespectful treatment, but the wrong remains intact.

requires wide (not complete) social recognition of one's status. But, importantly, standing as equals is essential for relating as equals. Members of society can regard and treat one another as equals but they cannot fully relate as equals if either of them lack standing. In post-apartheid South Africa, white and black South Africans can regard and treat one another as equals in their interpersonal encounters but since some of them stand as social inferiors and others as social superiors, they cannot relate as (social) equals. If justice requires that the state not obstruct the interpersonal aspect, then the it requires them to shape or influence the social aspect.

In sum, patterns of status and relations within society affect our opportunities to act rightly and avoid wrongdoing. Eradicating objectionable status hierarchies and patterns of unequal relations are important for helping persons avoid wrongdoing; This reason for removing obstacles to relational equality relies on the content of the moral obligation in that it identifies an aspect of it as a condition for fulfilling other moral duties. Still, the justification is the same: the state should not obstruct moral action. But lacking the social aspects of relational equality also obstructs moral action by impeding recognition respect for others' moral statuses. In short, the same justification gives us a reason to care about the conditions necessary for relating as equals and relating as equals as a condition for fulfilling other moral duties.

However, let me be clear: I do *not* think that the state should try to maximize the fulfillment of moral duties or even promote it (I have said 'not obstruct it' and 'enable it'). It is *not* the state's job to reduce moral wrongs and increase morally right action as such. The justice requirement concerns the social, political, and institutional factors that bear on persons' *opportunities* to act as morality requires, not their actual behavior. That means the state can satisfy this requirement even if some members of society refuse to relate as equals in their interpersonal relationships and interactions.

### 5.3 Strategy 2: Relating as Equals and Important (Liberal) Justice Aims

The *wrong* of failing to relate as equals does not (directly) generate justice requirements. However, the *wrongs* involved, when they occur widely and regularly enough to become widespread patterns of behavior, generate significant harms that frustrate justice entitlements for some members of society. Further, relational egalitarian social norms (including status norms, standards of esteem) when stable promote the aims of social justice. Indeed, realizing some of the norms of relational equality is *necessary* for achieving some of the central aims of social justice.

In this section, I argue that relational equality generates justice requirements by connecting it to other aims of justice that are widely accepted among liberals of various stripes. In particular, I argue that relational equality is important for securing the fair value of the basic liberties and it aids fair equality of opportunity. One way it contributes to these goals is by providing social bases of self-respect, which liberals often consider especially important in virtue of its contributions to these goals and more generally. I also briefly note an argument that others have made regarding its relation to democracy.

As in the last section, the justice requirements primarily concern the social aspect of relating as equals. A concern for basic liberties speaks against interfering in individuals' personal choices to the extent possible and toward the social and institutional arrangements influencing them in ways that detract from the fair value of the basic liberties. But, as we've seen, changing social norms that are operative within society but are not directly produced or shaped by state institutions will sometimes require interventions designed to change the behavior of individuals, but, ultimately, the justice requirements target the reasons for and the normativity of the behavior rather than the behavior itself.

Throughout this chapter I continue to use 'social aspects of relational equality' as a shorthand. I also use 'status equality' which I take to include normative moral and political statuses

as well as certain social statuses—namely, those necessary for standing as moral/political equals and for standing in relations of mutual accountability in society, in contexts like the workplace, and within personal relationships.

### 5.3.1 *The Basic Liberties*

While liberals do not dispute the value of the basic liberties, considering their justification is useful for my argument connecting them to relational equality. Thus, I will begin this subsection by briefly sketching the defense of freedom of expression found in Mill's *On Liberty*, which Mill extends to the other basic liberties.<sup>129</sup>

For Mill, “the only freedom which deserves the name is that of pursuing our own good in our own way” (i.13). Freedom of expression, according to Mill, is one of the most fundamental liberties because of the important role that open discussion plays in properly exercising our deliberative capacities, which are central to our agency.<sup>130</sup> Mill explains:

...the appropriate region of human liberty...comprises, first, the inward domain of consciousness, demanding liberty of conscience in the most comprehensive sense, liberty of thought and feeling, absolute freedom of opinion and sentiment on all subjects, practical or speculative, scientific, moral, or theological. The liberty of expressing and publishing opinions may seem to fall under a different principle...but, being almost of as much importance as the liberty of thought itself and resting in great part on the same reasons, is practically inseparable from it (OL, i.12).

In this passage, Mill connects freedom of expression to freedom of thought and conscience. He recognizes that persons are not self-sufficient. They can be aided or impeded by others in their efforts to devise and pursue aims and projects that they reflectively endorse. Thus, he advocates for freedom of association and:

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<sup>129</sup> I will also invoke Mill's *On Liberty* to make a perfectionist argument in the next section. I think it is appropriate to use Mill here even though I am not yet invoking a perfectionism because his defense of the basic liberties is classic and widely accepted among liberals—many of whom do not interpret Mill as a perfectionist liberal.

<sup>130</sup> Mill also argues that freedom of expression can promote true beliefs, but his appeal to the deliberative capacities is the stronger, and more relevant, rationale.

...liberty of tastes and pursuits, or framing the plan of our life to suit our own character, of doing as we like, subject to such consequences as may follow, without impediment from our fellow creatures, so long as what we do does not harm them, even though they should think our conduct foolish, perverse, or wrong (i.12).

Freedom of expression and the other basic liberties are necessary for engaging in practical deliberations that serve a particular purpose: forming and pursuing one's own personal ideals. Later in *On Liberty*, Mill asserts that one's mode of life is best when and because it is his own mode of life—one that he has chosen through practical deliberation (III.13). It is not just important for persons to exercise the deliberative capacities central to their agency, which they could potentially do while enslaved or imprisoned, it is important to exercise them under conditions of freedom to direct their own lives.

As Brink explains, liberties of thought are closely related to liberties of action:

If the choice and pursuit of projects and plans are to be deliberate, then they must be informed as to the alternatives and their grounds, and this requires intellectual freedom of speech, association, and press that expand the menu of deliberative options and allow for the vivid representation of the comparative merits of options on that menu. If there is to be choice and implementation of choices, there must be liberties of action such as freedom of association, freedom of worship, and freedom to choose one's occupation (157).

For the sake of expanding deliberative options and developing one's own plans and projects, Mill encourages engaging with a diverse set of interlocutors and experimenting with different lifestyles.

Some circumstances are more conducive to these deliberative activities than others. The social conditions that relational equality rule out can compromise the value of the basic liberties for some individuals by impeding their ability to exercise them or undercutting the effects of exercising



them. In other words, social conditions—including social statuses and relational norms—condition the value of the basic liberties for effective agency and leading a self-directed life.

While the expressive liberties are *individual* liberties, they are also importantly *social* in the sense that exercising them in the ways and for the ends that justify their value requires cooperation from others. The basic liberties are valuable because exercising them is necessary for using our deliberative capacities to develop our own plans and projects and direct our own lives. If social conditions are such that the basic liberties cannot play this role for some individuals, then the value of the basic liberties for those individuals is diminished.

This could occur in at least two ways. First, social conditions could be such that some individuals cannot exercise the basic liberties at all. This would be the case, for example, if their speech was somehow suppressed so they could not speak to others. Second, social conditions could be such that individuals *can* exercise the basic liberties but not in ways that adequately engage the deliberative capacities, allowing them to live autonomously. For instance, despite being physically able to speak in public forums, one's expressive liberties lack value for her if she is systematically ignored.

The issue here is not lack of uptake from interlocutors, but refusal to even listen or consider her contribution. Even if she were to offer racist views that were immediately dismissed on those grounds, she is not ignored or excluded because the dismissal is responsive to the content of her speech. Her viewpoint may be (appropriately) marginalized and others may shame her for accepting and espousing it. Here, I mean 'shaming' as commonly understood within sociology as expressing disapproval toward one who violates social norms that support social cohesion.<sup>131</sup> The (often implicit) intention of shaming is to "cause the offender to change, to repent, and to be readmitted to

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<sup>131</sup> See Scheff (2000, 2003) and Walker (2014).

the group” (Walker 2014, 52). This sort of negative reaction does not necessarily undermine deliberations that contribute to self-realization and could even support it.

By contrast, belonging to a social group or occupying a social role that is stigmatized in the sense that it disqualifies individuals from “full social acceptance as a person” and depicts them as “discreditable” or inferior can undermine the value of the expressive liberties for those individuals (Goffman 1963, 14-15). The sort of stigmatization I have in mind takes group- or category-based identities as a basis for stigma as opposed to personal identities that are chosen and controlled by individuals themselves (e.g. punk rocker, surfer, hipster).<sup>132</sup> The groups in question are defined by stereotypes and the individual attributes of the members being stigmatized are often ignored or underappreciated. In this way, stigmas serve as the basis for exclusion and discrimination against individuals who possess the characteristics that are taken to be salient and so used to differentiate and categorize individuals within a society.<sup>133</sup> Historically, the process of stigmatization gives rise to status hierarchies based on socially ascribed identities that mark some as inferior to others.

These status inequalities influence our interactions in ways that can diminish the value of the expressive liberties, especially for individuals who are considered inferior. They may experience testimonial injustice, which occurs when a speaker’s testimony is disregarded, misunderstood, or undervalued by those they address because they think the speaker lacks credibility due to their perceived inferiority. When this occurs, even if one has been allowed to speak without interruption, others are unlikely to engage with her in ways that support deliberating and reflecting on the ideas she has expressed. Importantly, in a society structured by status inequalities, we can expect this to

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<sup>132</sup> I do not deny that there may be unfairness or injustice associated with personal identities that individuals choose for themselves, even if they control the extent to which they communicate that identity to others. My concern here, and throughout this dissertation, is with socially ascribed identities.

<sup>133</sup> The characteristics may or may not accurately describe individuals assigned to a group. The accuracy of the description is distinct from the accuracy of the evaluation attached to those characteristics. To take a familiar example, racial groups may accurately capture differences in skin tone but the character traits historically associated with that physical characteristic are inaccurate. Sometimes the character traits may be contingently accurate because they are socially imposed on members of that group we could then object to the association on those grounds.

occur across a wide range of venues, situations, and interactions. That means members of inferior groups will lack sufficient access to the benefits of free expression and discourse for developing deliberate personal ideals.

Intragroup engagement may be available but deprives interlocuters of exposure to diverse perspectives. In addition to limiting options and means for evaluating them, it curtails opportunities for challenging the stereotypes and stigmas that underpin status inequalities. Similar considerations contributed to Supreme Court's decision to desegregate schools in *Brown v. Board of Education*.

For public discourse and exercising freedom of expression to contribute to self-realization for all members of society, it must occur against a background of mutual respect wherein interlocuters attempt to understand one another as individuals. Consider how hate speech can compromise this practice. Hate speech *marginalizes* members of the deliberative community. In doing so, it “undermines the culture of mutual respect necessary for effective expression and fair consideration of diverse points of view. This is a deliberative cost that all members of the community pay, but the victims of hate speech clearly bear the biggest share of this cost” (Brink 2001, 146). We need a background culture of mutual respect for deliberative practices so that members of society can adequately represent and evaluate different ideas and perspectives.

Hate speech detracts from effective deliberative practices, but it doesn't occur in isolation. It arises from discrimination against certain social identities that exist and are stigmatized within the community. If not, slurs that we consider hate speech would be mere insults targeting individuals. It is because of the status inequalities that these slurs reference and attempt to reinforce that hate speech detracts from deliberative practices and harms marginalized members of the community. If there is a case to be made for regulating hate speech in the interest of protecting the deliberative value of effectively exercising the basic liberties, then there are reasons to address the underlying status and relational inequalities that hate speech expresses and supports.

A society that is structured by pervasive structural inequalities and lacks positive norms of mutual respect, accountability, and answerability in some ways compromises the value of exercising the basic liberties for all members of society, but it harms marginalized members of society much more than others. Thus, while the basic liberties may be formally equal in that they are legally protected for all, the *value* of the basic liberties is unequal. The social hierarchies and norms that relational equality precludes underpin disparities in the effective freedom to exercise basic liberties and in access to the intended outcomes of exercising them. Tolerating entrenched, systematic inequalities in the value of the basic liberties is inconsistent with the conviction that all persons' interests in exercising the basic liberties and directing their lives are equally important.

We need not claim that the value of the basic liberties must be *equal* across persons to hold that their value should be *fair* in that it does not vary by arbitrary social categories, statuses, and corresponding social norms. For the value of the basic liberties to be fair across members of society, systematic differences must be justified. Further, we can deny that individuals are entitled to effective freedom with respect to the basic liberties in the sense that they have sufficient means for doing whatever they want or in that they can achieve their intended results while maintaining that the value of their liberties should allow all to shape important aspects of their lives through their agency. It's plausible to think that the basic liberties should provide fair opportunities for individuals to enact their agency, authoring their own lives in important ways. Fair opportunity here need not imply equal opportunity, but if patterns emerge in the effective use of liberties that cannot be justified, we must examine the circumstances within which they are exercised.

### 5.3.2 *Social Bases of Self-Respect*

An important way in which social aspects of relational equality affect the value of the basic liberties is through self-respect. Because respect for one's own worth bears on individuals'

motivation to set and pursue ends, liberals often emphasize the importance of securing the social bases of self-respect across members of society. Rawls claims that self-respect is essential because “[w]ithout it nothing may seem worth doing, or if some things have value for us, we lack the will to strive for them” (TJ 1999, 386). Self-respect connects to the basic liberties in that lacking self-respect can discourage individuals from exercising their liberties because they (rightly, in some cases) don’t believe they can advance their aims by doing so or they don’t believe that their own aims are worth advancing.

According to Rawls, persons seek principles that “best secure the political and social conditions necessary for the adequate development and full and informed exercise” of their capacities and so “would wish to avoid at almost any cost the social conditions that undermine self-respect” (PL, 325; TJ, 386). The social and political conditions (or bases) for self-respect are thus essential primary goods (i.e. all-purpose means for pursuing any reasonable conception of the good).<sup>134</sup> Rawls claims that “the basic liberties and their priority secure these conditions (under reasonably favorable circumstances)” (PL, 325).

Self-respect, for Rawls, means having a sense of one’s own equal value as a person and having a stable sense that one’s life plans are worth pursuing along with confidence in one’s abilities to effectively pursue them (PL, 319). Rawls’s discussion of how the equal basic liberties principle secures the bases of self-respect is somewhat complex, especially because the account of self-respect he invokes is not entirely clear, nor are its multiple bases. Some aspects of self-respect seem to be general, like one’s sense of their inherent worth. Other aspects seem particular to individuals, like the sense that one’s plans, aims, and projects are worthwhile and confidence in one’s own abilities. Employing Darwall’s distinction previously introduced, it seems that the former, general, aspects can

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<sup>134</sup> Evidently, we can consistently accept an unequal distribution of primary goods generally while maintaining that a subset of essential primary goods—the social bases of self-respect in this case—must be available on an equal basis.

be described in terms of recognition respect for oneself and the latter in terms of appraisal respect for one's abilities and aims. One must recognize her own value as a person and conceive of herself as an agent. Additionally, one must assess her own plans and abilities.

Rawls claims that self-respect largely depends on our perception of how we are valued by other members of society. Accordingly, he treats respect from others as a necessary social basis for self-respect.<sup>135</sup> It makes sense to think of respect from others in terms of both recognition and appraisal respect, since Rawls's description of self-respect (implicitly) includes both. He argues that the equal basic liberties principle provides this necessary social basis. The recognition/appraisal respect distinction is helpful for understanding how Rawls thinks it can play this role.

He explains that individuals express respect for one another by publicly affirming the equal basic liberties principle (PL, 318-320; TJ, 477-81). Rawls says:

...our sense of our own value, as well as our self-confidence, depends on the respect and mutuality shown us by others. By publicly affirming the basic liberties citizens in a well-ordered society express their mutual respect for one another as reasonable and trustworthy, as well as their recognition of the worth all citizens attach to their way of life (PL, 319).

Here Rawls describes the content of the respect individuals express by affirming the basic liberties. Affirming a principle to govern the basic structure expresses respect for other persons subject to it, but not esteem or appraisal respect for any particular individuals. Instead, it conveys something like the following: "I recognize that your projects and plans are worthwhile *to you*." Acknowledging that others have reasons for valuing their projects doesn't speak to whether or not they are objectively

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<sup>135</sup> As I understand it, what's necessary is that others respect you and value you—at least according to your own perceptions—it isn't enough that others do not *devalue* you or refrain from expressing *disrespect*. Respect from others, the essential social basis for self-respect, then, is not merely a negative requirement.

worthwhile or valuable to the community. So it seems that affirming equal basic liberties expresses recognition respect for others as persons who are capable of devising and pursuing projects based on their own values—we recognize them as such and acknowledge the corresponding interests and rights.

Public affirmation of equal basic liberties, then, expresses recognition respect for persons in general. But recognition respect at this level seems insufficient for confirming the value of particular individuals because lack of recognition respect in our interpersonal interactions could counteract or undercut the recognition respect that others express for us by affirming equal liberties for all (including us). Rawls appreciates this, clarifying that it is the provision of equal basic liberties *and* “how people who accept these arrangements are expected to (and normally do) regard and treat one another” (PL, 319). On my reading, publicly affirming the equal basic liberties principle is considered a stable, enduring expression of recognition respect for individuals from fellow citizens but building it into the basic structure of society is also supposed to provide a stable basis for mutual recognition respect among citizens. In other words, accepting it is an *effect* of mutual recognition respect for citizens generally (in that it expresses that respect) and a *cause* of mutual respect within interpersonal relationships and interactions (in that it provides a stable basis for respecting one another). So, recognition respect is one of the social bases of self-respect and it is secured through public affirmation of the equal basic liberties and the “public attitudes of mutual respect” that is expected to follow from that affirmation (TJ, 477-78).

Publicly affirming the equal basic liberties is supposed to secure *equality* in the social bases of self-respect.<sup>136</sup> If public affirmation expresses and supports the social basis of *recognition* respect as I am suggesting, then the equality it produces will be equal recognition respect. Recall that the

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<sup>136</sup> Rawls argues that because the basic liberties are distributed equally and take lexical priority over primary goods that are *not* distributed equally, publicly affirming this principle (and its priority) provides equality in the social bases of self-respect.

'recognition' component of recognition respect corresponds to status. If I have recognition respect for something, I recognize it as a particular type of thing with a particular status and I respect that status by responding appropriately. For members of society to attract equal recognition respect, the status to which it corresponds must be equal. Rawls explains that providing equal basic liberties publicly affirms "the status of equal citizenship for all" and it is "the position of equal citizenship that answers to the need for status" in a just society (478). Individuals' status as equal citizens is to be protected regardless of differences in their social and economic positions. For this reason, among others, *political* liberties, a subset of the basic liberties, are not just equal in a formal sense, but are to have roughly equal value. This provision ensures a sort of political equality in terms of effective freedoms within the political sphere and political status.

How do the equal basic liberties secure appraisal respect as a social condition of self-respect? Rawls assumes that individuals will belong to associations within which they engage in respectful relationships and show appreciation for one another's life plans and activities. Local associations are to provide opportunities for individuals to earn and express esteem. While participating in them likely requires recognition respect, I take it that the affirmation individuals receive from more local associations would be vulnerable if not for broader confirmation of their worth from members of society. For example, my sense of my own value is corroborated by the value my family places on me, but that is likely insufficient for self-respect if people outside my family treat me as worthless or as a social inferior. By contrast, I can have a sense that my plans and projects are worthwhile even if they only generate positive appraisals within my personal relationships and associations, which I can choose for myself. Appraisal respect as a social condition of self-respect is not secured, but the equal basic liberties provide freedom of association which grants access to it.

There is a final aspect of self-respect: confidence in one's abilities to effectively pursue their plans and projects. Whereas the other aspects of self-respect were based primarily on others'



perceptions, this one seems to stem primarily from individuals' internal sense of themselves as agents and of their capabilities. Developing and exercising their agential capacities provides the basis for gaining a sense of themselves as agents and to gain confidence that they can effectively pursue their aims. Rawls thinks that the equal basic liberties provides the basis for these aspects of self-respect because they "guarantee the full and informed exercise of both moral powers" (PL, 319).<sup>137</sup>

In sum, the social bases of self-respect (provided by the equal basic liberties principle) implied by Rawls's analysis are:

1. Recognition respect at a general level
2. Equal political status as citizens
3. (Equal) recognition respect expressed regularly in social interactions among citizens.
4. Appraisal respect for one's accomplishments and to affirm the worth of her plans and projects
5. Developing and exercising one's agential capacities to gain confidence in her effective agency<sup>138</sup>

As I explained, the equal basic liberties principle is meant to secure each social basis, some of which overlap and are mutually reinforcing. 1-3 stem from public affirmation of the basic liberties; 4-5 are more closely tied to having and exercising the liberties. Although both require social cooperation, they need not occur within the political sphere.<sup>139</sup>

Clearly, Rawls appreciates that social and structural relationships bear on self-respect. He acknowledges that expressing recognition respect for one another as equal citizens within the political sphere secures one of its social bases. Following Rawls, some political liberals have worked

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<sup>137</sup> It is surprising that Rawls says this rather than saying the basic liberties provide opportunities for exercising the capacities. The relationship seems to be that exercising the basic liberties to a significant extent requires full or significant exercise of the capacities (moral powers), not that the formal possession of the basic liberties guarantees full exercise of the capacities.

<sup>138</sup> It may seem odd to call this a social basis of self-respect, since it is internal. However, developing our capacities depends on others and the basic structure ensures that we have the liberties we need to exercise them.

<sup>139</sup> One way to make sense of Rawls's claim that the equal basic liberties provide equality in the social bases of self-respect is to apply that claim to the first three bases in this list, which are supported by *affirming* the liberties. The second two items on the list are unlikely to be equal, but the first three could be. So, it would be accurate to say that publicly affirming the equal basic liberties principle secures equality in the social bases of self-respect that it provides. That leaves room for some essential bases of self-respect to be unequal.

out accounts of relating as equal citizens, which, presumably, serves as a social basis of self-respect.<sup>140</sup> However, the informal structure of society, comprised by social norms, rules, and expectations, will also significantly influence respect and self-respect. As sociologist Cecilia Ridgeway observes, statuses and their meanings “have a substantial impact on people’s own self-esteem, sense of worth, and, we might say, socially acknowledged dignity” (2019, 145).<sup>141</sup>

I am not convinced that political equality will generate significant social equality. Where significant structural inequalities (e.g. social status hierarchies) exist, I doubt that political equality will be sufficient for self-respect across members of society. Indeed, others seem to share this concern, considering the significant literature citing persisting gender and racial inequality as examples that challenge Rawls’s optimistic assumptions.<sup>142</sup>

Even if friends of Rawls agree with me that political equality will be insufficient for the kinds and extent of self-respect Rawls has in mind, they are likely to agree with Rawls that these are the only social bases that can be legitimately provided given their institutionalist account of site. Like all institutionalists, they take state institutions to constrain personal conduct because individuals are operating within them and must comply with them, but, on their view, conduct and the informal social aspects of society that guide and are reinforced by conduct are beyond the reach of what justice demands.

Certainly, the question of what legitimate actions can be taken by the state to secure the social bases of self-respect is an important one, but we should consider it after we properly identify the social-bases of self-respect that can serve the purpose that makes them important in the first place. Rawls identifies a set that can be provided by the politically liberal state, but, as others have

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<sup>140</sup> Watson & Hartley (2018).

<sup>141</sup> Further empirical evidence to support this claim can be found in DeLameter (2014) and Fiske & Markus (2012).

<sup>142</sup> For example, Okin (1989), Chambers (2009), Cohen (2011), Robeyns (2010), along with some Rawlsians including Neufeld & Van Schoenlandt (2013), Schouten (2019), and Watson & Hartley (2018).

also noticed, he does not capture some of the most important social conditions that can undermine self-respect, nor the social conditions that support it. Recall Buchanan's discussion of racial inequality that persisted in the American South despite political equality.

I submit that the social aspects of relational equality I outlined in Chapter 3, better capture the social bases of self-respect. The interpersonal relations they enable are also more conducive to self-respect. It's plausible to think that being able to effectively hold others accountable for a set of norms that applies within the community or relationship positively supports self-esteem. Indeed, the social aspects of relational equality I have described secure *equality* in the social bases of self-respect including appraisal respect and social dignity in addition to recognition respect—all of which Rawls recognizes as important, even necessary, if members of society are to enjoy the benefits of self-respect.

Earlier, I distinguished between the site of justice and the reach of its demands. Although this distinction often goes unrecognized, this is a place where it really matters. Restricting the site (and reach) of justice to the basic structure is motivated by a commitment to respect and preserve space for individuals' personal values and pursuits. The institutional view of site I have defended (Chapter 4), which recognizes that state institutions (the site of social justice) can influence and shape informal social structures because these are within the reach of justice, upholds the reasons for Rawls's restrictions on site while allowing us to secure more of the social (and, by extension, interpersonal) bases of self-respect on an equal basis.

Securing the social bases of self-respect that I have identified requires addressing the social conditions and structural relations that frustrate relational equality. That means discouraging certain social hierarchies and social norms that undermine mutual accountability and interpersonal egalitarian relationships and promoting those necessary for (and, perhaps, those that are merely supportive of) them. Importantly, it does not require eliminating all inegalitarian personal

relationships or interactions (e.g. those that do not involve equal consideration or reciprocal answerability). The state need not ensure that all members of society actually regard or treat others as the moral, social, and political equals that they *are*. The social bases of self-respect will obtain for *all* members of society when they *stand* as equals and as mutually accountable members of the community. Recall that *standing* is a matter of wide social recognition but is consistent with lack of recognition or inappropriate treatment from some members of society. Within the current U.S., Catholics stand as equals even though some people continue to regard and treat them as inferior.<sup>143</sup> Such behavior is a moral failing, but it is not a matter of justice. Justice concerns what behaviors are supported by social norms and institutions. Again, we can consistently hold that behaviors themselves (e.g. unequal relations) are unobjectionable from the standpoint of justice while maintaining that the *normativity* of those behaviors *is* objectionable.

As I acknowledged at the outset of this section, addressing operative social norms will sometimes require interventions designed to affect individual behaviors because, as we have seen, patterns of behavior guided by social norms also function to reinforce those norms. It follows that changing social norms will often involve changing behaviors to interrupt existing patterns and encouraging new ones. However, those interventions ultimately target the norms driving the behavior. We can successfully secure the social aspects of relational equality—thereby securing the social bases of self-respect—without eradicating a behavior as long as we eliminate the *normativity* of that behavior.<sup>144</sup> There are many ways in which the state could intervene to accomplish this,

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<sup>143</sup> According to a 2017 report from Pew Research Center, around 3% of Protestants in Western Europe and the U.S. are unwilling to accept Catholics into their family.

<sup>144</sup> Indeed, Schouten (2019) argues that political liberals can accept interventions that target the normativity of gender specialization in order to undermine the gendered division of labor (which essentially consists in entrenched patterns of choices and behaviors) as long as they do not seek to force all families to conform to norms of gender equality. However, not all political liberals will accept Schouten's political liberalism. Still, it seems that the account of site I adopt and the distinction I draw between the site and reach of justice is in some ways less revisionary than her account since she also expands the site of social justice to include informal social norms. I have not committed to that and I don't *think* I need to do so.

including adjusting the incentive structure to reconfigure the costs associated with various options and behaviors. Some interventions will be more intrusive and forceful than others. The burdens of available interventions must be weighed against the expected benefits, but it's worth reiterating that interventions targeting *patterns* of behavior generally preserve space for individuals to develop and pursue their own ends and values. Indeed, insofar as interventions secure the social bases of self-respect for *all* members of society, they could *improve* the quality and distribution of opportunities for personal pursuits.

### *5.3.3 Fair Equality of Opportunity*

This brings us to the ways in which the social aspect of relational equality contributes to fair equality of opportunity. At various points in this dissertation, we have discussed fair equality of opportunity. In the previous section, we discussed it in relation to exercising the basic liberties in ways that provide an opportunity to lead a self-directed life. In Chapter 3 we discussed fair equality of opportunity to earn esteem and meet the standards of social dignity. These, in addition to opportunities to cultivate self-respect, contribute to fair equality of opportunity more broadly, across a range of contexts and types of opportunities.

There are different conceptions of fair equality of opportunity. According to a common way of understanding Rawls's conception of it, fair equality of opportunity stipulates that only differences in ambition and talent—not social contingencies like class or background—can permissibly mediate our access to valuable opportunities (e.g. occupations, education). This means that members of society who are similarly talented and motivated are to have roughly equal prospects.<sup>145</sup> Some would add that competing for opportunities on fair terms requires that

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<sup>145</sup> Rawls's second principle of justice pairs fair equality of opportunity with the difference principle. The former regulates the influence of social contingencies on individuals' prospects and the latter regulates the influence of natural contingencies, like differences in raw talents and abilities. While natural contingencies can influence access to

individuals have adequate opportunities to develop their talents. The strength or demandingness of this requirement depends in part on what opportunities it applies to and what sort of obstacles are illegitimate. I will leave these substantive issues aside.

As we have seen, the social aspects of relational equality afford access to a broad range of opportunities, including opportunities to cultivate valuable personal relationships, develop self-esteem and self-respect, meet the standards of social dignity, earn esteem from others, and participate in social practices of mutual accountability and answerability. These are not usually the types of opportunities that liberals have in mind when they discuss fair equality of opportunity. Still, they tend to recognize at least some of them (e.g. self-respect) as factors that affect persons' competitive prospects in the labor market. As Scanlon observes, "racist and sexist attitudes in a society...undermine equality of opportunity by discouraging members of these groups from thinking of various worthwhile careers as appropriate for them" (2018, 64).

Even for those who are concerned primarily with opportunities to compete for positions of advantage (e.g. jobs, public office, higher education), some aspects of relational equality are relevant. Fair equality of opportunity dictates that opportunities must not be undermined by things like racial prejudice and stigmatization. However, in societies structured by racial status hierarchies, we can expect opportunities to be influenced by unconscious biases despite antidiscrimination laws. Indeed, Anderson's study on racial segregation explains how "racial prejudice and stigmatization, embodied in conscious and unconscious affective and cognitive biases, undermine blacks' opportunities to develop their talents and compete on fair terms in numerous ways" (2010b, 85). This is a complex problem—many factors contribute to disparities in opportunity among racial groups. But Anderson

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opportunities, it cannot determine how rewards are distributed. I'm focusing only on fair equality of opportunity because relational equality has more to do with social contingences than natural contingencies.

draws on a large body of empirical evidence to demonstrate the significant influence of structural and social inequality.

#### *5.3.4 Democracy*

Some relational egalitarians have emphasized necessary contributions to democracy or democratic legitimacy.<sup>146</sup> Essentially, they claim that liberal democratic societies are cooperative enterprises within which citizens ought to have the standing and authority to respectfully exchange reasons with one another, despite potential differences in their conceptions of the good. This requires social standing as a political equal. Citizens' social identities, conceptions of the good, or other affiliations must not compromise their political identity and standing as equal citizens—from an individual's own perspective or the perspective of co-citizens. As Lori Watson and Christie Hartley explain:

In public, political debate...citizens should take other citizens to have a legitimate right to make claims, to propose principles and policies, and to offer justifications for their views. In the public, political sphere, citizens should not disparage, degrade, or humiliate others who disagree with their political views, have a different comprehensive conception of the good, or have a social identity that they dislike or find objectionable (2018, 152).

Ideal democratic practices are supported by relations of mutual respect. We might think of the canonical example as a democratic townhall meeting wherein citizens can speak and engage in debates, taking for granted that each of them will be recognized and respected as an equal citizen regardless of their individual conceptions of the good. The broader social ideal of relational equality is supportive of public political deliberations that are, in this sense, egalitarian.

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<sup>146</sup> Conversely, Kolodny argues that we value democracy because we value social equality, understood negatively as non-subordination. He describes democracy as “a particularly important constituent of a society in which people are related to one another as social equals, as opposed to social inferiors or superiors” (2014, 288).

### *5.3.5 Strategy 2: Concluding Remarks*

The social aspect of relational equality includes standing with respect to various statuses and various social norms including those that structure interpersonal relationships and interactions in different contexts. Which of these are demanded by justice will depend on their relation to the social justice goals we have considered in this section. Whether they are supportive, necessary, or even irrelevant to these goals may depend on the context within which we are pursuing them. For example, fair norms for earning esteem would be much less important for achieving fair equality of opportunity with respect to occupations in a society that used a lottery system or effective ‘blind’ hiring processes. What must be done to advance aims of relational egalitarian justice also varies according to circumstances—enabling egalitarian personal relationships in the Jim Crow south would require a different strategy than enabling them in the Netherlands. This limits what we can say about the demands of relational egalitarian justice in the abstract. This could be a feature or a bug depending on one’s other commitments. Those of us who find the social aspects of relational equality generally attractive will likely want a grounding that secures a broad set across a wide range of social contexts.

### *5.4 Strategy 3: Perfectionist Liberalism*

The previous strategies were able to ground demands of justice that require the state to either enable or refrain from obstructing egalitarian relationships or to eliminate structural relations of inequality and problematic social norms that frustrate liberal aims. They are able to ground demands pertaining to the social aspects of relational equality insofar as they are instrumentally or extrinsically valuable for other social justice values or requirements. In this section I will argue that a version of perfectionist liberalism inspired by Mill provides a more robust grounding for relational equality because of its contributions to deliberative agency. While political liberals object to



perfectionism, the version I endorse fits within the basic liberal framework outlined in Chapter 4 and escapes many of their complaints.

Perfectionist liberalism of the kind I endorse can recognize many social aspects of relational equality as aims of justice and so can ground further positive demands. For example, it has more resources for recognizing access to valuable relationships among equals as an appropriate justice aim. Recall that, according to Mill, friendship and marriages among equals are especially valuable for deliberative agents. If so, the state might legitimately aim to provide access to them, or even promote them, perhaps through public education.<sup>147</sup> It can also ground a demand to support or promote deliberative agency by securing conditions hospitable to flourishing as deliberative agents including structural equality and other social conditions conducive to relating as equals. However, it must also honor deliberative agency by allowing individuals to choose how to relate to one another interpersonally against a background hospitable to relations of equality. So this version of perfectionist liberalism will also constrain what the state may do in pursuit of these aims.

Perfectionist theories begin with an account of the nature of the being with which they are concerned. Perfectionists often adopt normative, rather than biological, conceptions of humans as persons. Persons' fundamental interests and what it means for them to flourish (i.e. realize their nature) depends on the type of beings they are. While some think that perfectionism requires agents to maximize their own flourishing, we can take it to mean that, given our nature, the best life for us is one that expresses and realizes our nature as persons. Thus, we have reason to conduct our lives in certain ways. Lives in which we do not live as persons—however we understand it—are lives in which we do not flourish and are, for that reason, less worthwhile for *us*.

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<sup>147</sup> Although he is not a perfectionist, Laden takes the practice of equality (intersubjective justification) to be an important educational aim. Brighouse and Swift recognize the importance of preparing children to participate in valuable relationships. See Laden (2014) and Brighouse & Swift (2014).

One can easily see how perfectionism could evoke concerns about elitism, paternalism, and, when applied to politics, totalitarianism. However, filling out its content can ameliorate (or vindicate) these worries. Perfectionist liberalism, like liberalism more generally, holds that persons are autonomous agents and so need significant freedom to flourish. It need not cast the *achievement* of perfection as a political aim of the state—much less one that permits exercising state power over citizens without their input or approval, as some critics allege.<sup>148</sup> While persons have strong reasons to live in certain ways, that one has reason to realize her nature doesn't mean that anyone is entitled to force her to do it. The same is true if we think that persons are morally obligated to realize their nature. Indeed, given that realizing it involves independent deliberation and self-direction, neither individuals nor the state could force anyone to realize it—they can only support or promote the development and exercise of autonomy. They must also *respect* autonomy, by respecting autonomous choices, for example.

Perfectionism will seem elitist if we think of “perfection” in terms of achieving excellence in endeavors like science and art.<sup>149</sup> But that concern dissolves if we think of it in terms of exercising our agential capacities. This is something that all persons possess the capacity to do by definition (albeit to different degrees). Individuals can exercise their capacities in various ways, while pursuing different forms of life. The role of deliberation and autonomy in self-realization suggests that even if someone else is a better judge of how one ought to live her life, she is entitled to decide for herself.

Additionally, we can and should think of persons as equally important. Their fundamental *value* does not depend on the extent to which they realize their nature. To say that one's *life* is more *worthwhile* than another because it realizes their nature to a greater extent is not to say that the person living it is more *valuable* or important or worthy of greater consideration. Perfectionist liberals can be

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<sup>148</sup> There are many critics who object on these grounds, but I have in mind here John Christman (2011).

<sup>149</sup> My remarks here are necessarily brief. See Arneson (2000) for a discussion of elitism and perfectionism.

egalitarian in the generic sense of recognizing that the state owes each citizen equal concern. I take that to imply that everyone's interest in realizing their nature to a significant extent ought to be given equal weight in the state's deliberations about social arrangements and policies.

The perfectionist liberal theory I accept is inspired by Mill, as interpreted by Brink.<sup>150</sup> In *On Liberty*, Mill describes persons as progressive beings—moral agents who are capable of self-direction and acting responsibly in virtue of their capacities for practical deliberation and normative competence.<sup>151</sup> Indeed, Mill's conception of the person is similar, perhaps identical, to my description of persons as deliberative agents in Chapter 3. Recall that normative competence refers to the cognitive capacities to identify and evaluate reasons and norms and the volitional control to act accordingly. These deliberative capacities are the defining feature of persons understood as progressive beings and thus realizing their nature requires exercising them. As Brink says, "activities that exercise these deliberative capacities form the principal or most important ingredient" in their flourishing (63).<sup>152</sup> Since many lifestyles involve exercising the deliberative capacities, we should be pluralists about good forms of life for persons.

Persons are fundamentally interested in developing and exercising their deliberative capacities to realize and enact their nature as deliberative, self-directed agents. Because living among others significantly bears on their pursuit of these interests, they are interested in a society in which relations of interdependence among members are consistent with individuals' abilities to realize their deliberative agency. This suggests freedom of some sort as a central political value. Within relations of interdependence, individuals need freedom from others' (systematic) interference, especially with

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<sup>150</sup> See Brink (2013).

<sup>151</sup> See Brink (2013), Chapter 3.

<sup>152</sup> Readers familiar with Mill may notice that I am avoiding the term "happiness" in favor of flourishing and self-realization. This is to avoid misunderstandings that will arise from thinking of happiness as essentially subjective.

respect to activities that are essential for agency. These seem to be captured by the basic liberties that liberals generally recognize.

Recall that, for Mill, basic liberties are necessary conditions for exercising deliberative capacities in ways that contribute to self-realization and leading a self-directed, autonomous life within society. Because persons are equally valuable, they are interested in institutions that show equal concern for their interests. Equal concern for their interest in freedom implies equal freedom, often understood as equal rights to the basic liberties. These need not be equal only in a strictly formal sense. Rather, we can take equal rights to the basic liberties to mean the (roughly) equal effective freedom (power or capacity) to exercise them—or, put differently, their fair value.<sup>153</sup> Thinking in these terms raises questions about what sorts of constraints objectionably restrict individuals' freedom to exercise the basic liberties. Note, effective freedom to *exercise* the basic liberties is not freedom to obtain the outcomes one aims for in exercising them. The power to offer an argument is distinct from the uptake that argument receives.

Although there's room for interpreting its demands, this rationale for freedom as a political value is familiar and, I think, relatively uncontroversial. The fundamental interest in question may give rise to other values independent of (underived from) freedom. Plausibly, individuals would value fairness in the distribution of goods produced through social cooperation. Whether justice demands something with respect to fairness (and if so, what) is a further question.<sup>154</sup> But my concern in this dissertation is the value of equality. If persons are to be in interdependent social relationships, does their fundamental interest imply an interest in equality beyond equal freedom? I think that it implies an interest in relational equality as I have described it.

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<sup>153</sup> It's common to use Berlin's distinction between positive and negative freedom to distinguish between effective and formal freedom, describing the former as 'freedom to' and the latter as 'freedom from'. See Berlin (1969). I do not use Berlin's distinction here because I think it is mistaken. Following MacCallum, I think of freedom as a triadic relation: x is free from y to do (or become) z. See MacCallum (1967).

<sup>154</sup> I'm not claiming that freedom is the *only* political value.

In Chapter 3, I argued that the social and interpersonal aspects of relating as equals are valuable in large part because they enable effective deliberative agency within interdependent societies. The relationships among agents they support—mutual accountability, egalitarian accountability practices, and reciprocal answerability—are necessary for developing agential capacities and for engaging in deliberative activities that help agents develop personal ideals. Being excluded from or marginalized within these practices would plausibly compromise self-realization. Additionally, the social environment that partly shapes their personal and social identities and positions them relative to others is ideal for becoming effective deliberative agents who can direct their own lives within their society while also being a respected, contributing member who can relate to others in ways that appropriately respond to the nature and value of persons.

Indeed, some dimensions of relational equality I described in Chapter 3 appear to be necessary social conditions of freedom and self-realization for deliberative agents. Thus, a perfectionist liberalism that takes these as central values will ground relational equality as an extrinsic value. The aim of politics, on this kind of view, is not *just* to protect space for individuals to pursue their own goals “freely and fairly,” but to create a social and political framework within which all can realize their nature as deliberative beings, capable of directing their own lives. It should capture the necessary conditions of self-realization, some of which arise from general and particular contingencies (factors that could have been otherwise) about agents and their circumstances. Within this framework, social and political arrangements must not systematically obstruct relations that are appropriate among agents and equals (in that they embody respect for and responsiveness to their status as moral equals and as deliberative agents). But, given their agency, it also must not force persons to relate in certain ways. I think that it should secure the social aspects of relational equality in order to *promote* appropriate, valuable relations among members of society. Much like the basic

liberties, within this framework, relational equality is extrinsically valuable in virtue of its connection to freedom and self-realization for deliberative agents.

Before elaborating further on the advantages of the perfectionist liberal grounding, I will defend it against some common worries that have motivated many political philosophers to embrace political liberalism.

#### *5.4.1 Perfectionist and Political Liberalism*

Political liberals raise various objections to perfectionist liberalism, some of which I mentioned in the previous section. For one, they often take perfectionism to assign values to actual individuals that they might not recognize. This seems to offend against liberal neutrality, the claim that individuals within liberal societies should be free to form and pursue their own conception of a good life. They worry that perfectionism justifies paternalistic interference in individuals' lives. I appreciate the importance of avoiding paternalism and respecting individuals' rights to live their lives as they see fit. However, perfectionism, as I understand it, allays these worries.

The response to the paternalism worry can be made without reference to any particular perfectionist theory. If perfectionism requires individuals to realize their nature, this is a *moral* demand. The fact that one is morally obligated to do something doesn't mean anyone else—including the state—has the authority to force them to do it. So, recognizing perfectionist moral duties does not, on its own, justify paternalistic policies that *force* individuals to perfect their nature.<sup>155</sup> Some perfectionist theories that demand maximizing perfection might justify this sort of paternalism but that is not a necessary feature of perfectionism as such.<sup>156</sup>

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<sup>155</sup> Paternalistic policies that protect individuals' opportunities to realize their nature may be tolerated or even required but ensuring opportunities does not force individuals to make use of them and the justification for paternalism in the two cases differs.

<sup>156</sup> I suspect that many liberals reject perfectionism based on Rawls's consideration of it in *A Theory of Justice*, but Rawls describes only two formulations of perfectionism, neither of which is particularly attractive, and both of which compete

Because it holds that individuals need significant liberties to realize their nature, perfectionist *liberalism* ameliorates much of the concern about liberal neutrality. It's true that, according to perfectionist liberalism, persons' fundamental interests do not depend on whether or not they recognize those interests as their own. Their fundamental interests stem from their nature as persons (understood as a normative, rather than biological, category) and do not vary according to the preferences or values they actually develop. However, the extent to which perfectionist liberalism *objectionably* violates neutrality depends on how we are to understand what that commitment entails. On some strong interpretations, even canonical formulations of political liberalism violate it. It's true that perfectionist liberalism offends against weaker interpretations that political liberals *do* accommodate, but it does so in ways that largely capture the motivation for neutrality.

According to John Christman, political liberals "reject the [perfectionist] assumption that there are universal, objective values that apply to people independent of their own point of view" (2009, 229). This strong statement suggests that political liberals are entirely neutral about values, but that's not the case. Rawls explains that political liberalism prioritizes the right over the good but invokes some *political* ideas about the good (*PL V*). These ideas form what Rawls calls a thin conception of the good that applies within the political sphere and includes core liberal values on which all citizens can agree. Because all can agree on it, this thin conception of the good is intended to provide common ground for justifying constitutional essentials and matters of basic justice.

To determine what justice demands, political liberalism appeals to a normative conception of citizenship. Citizens are conceived as individuals with two moral powers: a sense of justice (ability to understand and conform one's conduct to the demands of justice); and the power to formulate, pursue, and revise one's own conception of the good life. Additionally, they have a fundamental

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with individual liberties. See Rawls (1999, 285-292) and for criticism of Rawls and an exploration of more attractive perfectionist theories see Arneson (2000).

interest in exercising these powers over the course of their lives. These moral powers are narrower, but subsumed by, the conception of ‘person’ described above. Within political liberalism, the fundamental interests of citizens so conceived are attributed to all individuals regardless of whether they recognize them as their own.

These interests give rise to the political values of equality and autonomy because even those who reject them as substantive values must accept them as political values to secure their freedom to live a life that excludes substantive equality and autonomy. The *truth* of these political values cannot be invoked to justify the use of political power. Rather, they provide a justification because they are necessary to develop and exercise the two moral powers that characterize citizenship and so must be accepted by citizens qua citizens regardless of whether actual citizens accept them. In other words, their justificatory power comes from the hypothetical consent of citizens, not the actual consent of actual citizens. Thus, political liberalism also assumes “that there are universal, objective values that apply to people independent of their own point of view” (Christman 2009, 229). All *could* accept these values, but that doesn’t mean that they will.

Political liberalism, then, isn’t entirely neutral about the right or the good and it doesn’t avoid Christman’s objection to perfectionist liberalism. The common ground, which is not entirely neutral, is meant to guide fair procedures for adjudicating claims and it imposes substantive constraints on the content of its outputs. In addition to being neutral in this qualified sense, Rawls argues that political liberalism demands that state institutions be neutral in their aims: “the state is not to do anything intended to favor or promote any particular comprehensive doctrine rather than another, or to give greater assistance to those who pursue it” (PL 193). However, he denies that the state should provide citizens with an equal opportunity to advance *any* conception of the good they embrace. Prioritizing the right (principles of justice) over the good means excluding conceptions of the good that are *impermissible* or *unreasonable* in that they fail to respect the principles of justice (195-



197). Rawls acknowledges that political liberalism “may still affirm the superiority of certain forms of moral character and encourage certain moral virtues” (194). But the just state must make “sufficient space” for the plurality of “worthy ways of life” its citizens might permissibly pursue (209-210). In sum, the sort of neutrality that is important is neutrality about how citizens live their lives within certain limits.

Perfectionist liberalism can also make space for many different “worthy” ways of life. However, the limits it sets and the justification it offers for them may differ from political liberalism. The content of the limits depends on their respective conceptions of the subjects of justice (persons or citizens). The limits set by political and perfectionist liberalism will be different only insofar as the normative conception of citizens and the normative conception of persons differ.

Even if the limits were the same they would differ in their *justification*. The political liberal will justify them by appealing to an overlapping consensus, meaning its justification relies on reasons that all could share regardless of their comprehensive doctrines. In other words, the reasons are not subject to *reasonable* disagreement. The perfectionist liberal will justify them by appealing to what is good for persons qua persons. Thus, they make a substantive claim about the objective value of certain ways of life. For example, return to autonomy. On Rawls’s view all who hold reasonable comprehensive conceptions of the good must endorse the political value of autonomy, not because substantive autonomy is part of their comprehensive conception of the good but because living in accordance with any comprehensive doctrine requires political autonomy. By contrast, the perfectionist liberal says that autonomy is valuable for persons in virtue of the capacities which make them persons and so any reasonable, or worthwhile, way of life for a person includes autonomy. Given that it draws on the fundamental (shared, permanent) interests of persons, the limits it sets will not be subject to reasonable disagreement (just as the limits Rawls sets is not subject to reasonable disagreement), but that is not what justifies them.

So, perfectionist liberalism can be pluralist about conceptions of the good *life*, within limits set by the ultimate good for persons qua persons. To a certain extent, the perfectionist liberal can be “neutral” about the plurality of conceptions within these limits. It will not be neutral in its evaluation of the various conceptions, but it can remain neutral about what individuals choose. Like Rawls allows in the case of political liberalism, the state may affirm the value of some over others and encourage some moral virtue among citizens, but, reiterating my response to the paternalism worry, it can refrain from interfering with individuals’ chosen life plans. Allowing persons to choose suboptimal options within the limits respects their autonomy. Moreover, in many cases, the relative value of different options for a particular individual will be difficult to discern, especially from the outside. That fact gives us reason to reserve judgment, deferring to the individual’s assessment when options seem, from an outsider’s perspective, roughly on par (for her).<sup>157</sup>

Foregoing neutrality about the relative value of conceptions of the good life, as perfectionist liberalism does, is not only defensible, but has advantages over political liberalism. Appealing to the (objective) good provides resources for evaluating the relative importance of liberties. Freedom to practice one’s religion is typically considered an important right within liberal societies whereas access to public parks all night long is not. Many reasonable conceptions of the good exclude religion just as many exclude access to parks, so it seems that we cannot justify common judgments about the relative importance of these liberties by appealing to interests that are part of any reasonable conception of the good. But we *can* justify them by invoking the value of exercising deliberative capacities and directing our own lives. It would be fun to go on midnight hikes in public parks but the fact that I cannot legally do so in some places does not frustrate deliberative values

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<sup>157</sup> I am not sneaking in subjectivism here. Life plans and projects can differ in their relative value due to facts about individuals. For example, say from the outside participating in or appreciating the symphony appears to exercise one’s deliberative capacities more than an alternative. For someone who is tone deaf and cannot fully appreciate the complexities of the music or simply has no taste for it, the alternative may be more valuable.

whereas practicing religion involves liberty of conscience and freedom to act according to principles that one endorses (hopefully as a result of deliberation) based on deeply held beliefs (true or false). Thus, the latter is more important than the former.

Similarly, adequately protecting individuals from harm requires considering and evaluating the interests they actually have in virtue of their conception of the good. For example, pollution that renders a woman infertile harms her even though having children isn't important across all reasonable conceptions of the good. We cannot accommodate this kind of case simply by defining harm in terms of interests that are important to the person supposedly harmed, whatever they are. Some might greatly value driving over the speed limit and off-roading through the desert. Without evaluating conceptions of the good, we seem to lack the resources to distinguish between the harm of sterilization and the harm of traffic laws.<sup>158</sup> Either individuals are not entitled to protection from either harm (because the harms are dependent on a particular conception of the good) or individuals are entitled to protection from both, assuming the that interest setback by the harm in each case is equally central to their conception of the good (because the state must remain neutral about their content).

Rawls acknowledges that the basic structure cannot help but favor some conceptions of the good over others *in effect*. What it must not do is *aim* to favor certain conceptions. It cannot justify its policies by appealing to the conceptions of the good they will, in effect, favor. That perfectionist liberalism allows evaluating the effects of public policies on conceptions of the good is an advantage.

For example, consider relationships between parents and children. Harry Brighouse and Adam Swift describe what they take to be an ideal parent-child relationship, defined largely by parents' duties to help their children develop their agential capacities. Appealing to the objective

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<sup>158</sup> My criticisms of liberal neutrality, this point about harm especially, have been influenced by Brink's discussion in *Mill's Progressive Principles*. See Brink (2013).

good for persons, perfectionist liberals have the resources to say that their conception of the parent-child relationship is highly valuable. However, political liberals do not have the resources to evaluate it. It is part of some but not *any* reasonable conception of the good, for some conceptions will exclude parenting or traditional familial arrangements altogether. Those that include parenting and family are likely to disagree about the aims of parenting, parental duties, and children's entitlements. The politically liberal state could, in effect, discourage these parent-child relations. Such effects would be equally justifiable to effects that promote them. While the perfectionist liberal state must be constrained in the aims it adopts and its means for achieving them, given the choice between a policy that, *in effect*, encourages this kind of parent-child relationship and one that discourages it, it can choose the former over the latter, which political liberalism prohibits.

Political liberals like Christman defend a commitment to neutrality in such cases because, he explains, individuals are importantly different. Adults become parents for different reasons, and they embrace different ideas about child-rearing and family. While that's true, individuals are not different with respect to the fundamental interests generated by their agential capacities. Holding that fixed leaves room for recognizing a plurality of differences among persons and the lifestyles they choose. Indeed, the parent-child relationship in question can involve many different activities and occur within many different familial arrangements—but certain aspects are indispensable. Parents cannot deny their children access to a liberal arts education, for example. Out of respect for autonomy, like political liberalism, the perfectionist picture I'm sketching provides for significant pluralism, but it is not *neutral* about the good of autonomy for persons. While pluralism is constrained by substantive, rather than neutral, commitments on the perfectionist picture, it captures what matters.

In sum, we need not be neutral about the right or the good to recognize a plurality of legitimate aims, projects, and modes of life. To say that a good life for a person is one in which she exercises her deliberative capacities to live a self-directed, autonomous life is *not* to say that agents who do this

well will live identical lives; nor is it to say that there is one single best life for any one individual. There may be various options, all of which sufficiently engage the deliberative capacities and require exercising autonomy, aiding self-realization. The fact that some options will be objectively better than others doesn't justify interfering with an agent's choices or actions regardless of whether she selects the best option. Indeed, certain kinds of interventions that override an agent's deliberations, forcing her to adopt a different option, would diminish the value of that option: part of its value consists in the deliberations involved in choosing it. While such interference may be justifiable in some cases, it is not justified simply by the fact that a better option exists for an agent. However, interventions that encourage a different choice by engaging the agent's deliberative capacities, perhaps by offering reasons she hasn't appreciated, need not diminish the value of the choice and may enhance it.

#### *5.4.2 Addressing Obstacles to Deliberative Agency*

The social environment within which agents develop their capacities, deliberate, make choices, and formulate personal ideals bear heavily on these processes and their outputs. Political liberalism has limited resources for addressing obstacles to effective deliberative agency within social environments, especially when they arise (often unequally) within societies ordered by just institutions. By contrast, this perfectionist account is well-equipped to deal with them. I have gestured at these resources, but to further illustrate, consider adaptive preferences, cultural indoctrination, and problematic epistemic conditions for deliberating and developing personal ideals.

Interestingly, Mill recognized many of these concerns along with others I have discussed under the rubric of relational equality. He recognizes the social tyranny of dominant norms and opinions as one of the new threats to liberty, alongside tyranny of the majority in democratic states.

He explains that society prescribes ways of being and living. When its prescriptions are wrong or infringe on matters that should be up to individuals,

...it practices a social tyranny more formidable than many kinds of political oppression, since, though not usually upheld by such extreme penalties, it leaves fewer means of escape, penetrating much more deeply in the details of life, and enslaving the soul itself (i.5).

Social forces can “fetter the development” and “prevent the formation of any individuality not in harmony with its ways, and compel all characters to fashion themselves upon the model of its own” (i.5). Social rules and norms are sometimes presented as self-evident, in no need of justification. Often, Mill observes, they are accepted as natural or unavoidable. He says that “the effect of custom, in preventing any misgiving respecting the rules of conduct which mankind impose on each other, is all the more complete because...it is not generally considered necessary for reasons to be given” rather, people come to believe that “their feelings on subjects of this nature are better than reasons and render reasons unnecessary” (i.6). Mill is here acknowledging that social norms can bypass our deliberative capacities by influencing our sentimental responses, rendering them difficult to challenge or escape. For these reasons, individuals need protection “against the tyranny of prevailing opinion and feeling, against the tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them” (i.5). Mill does not do much to address these issues in *On Liberty*, though he does to some extent in *Subjection of Women*.

The question is not whether there should be social norms to which members of society are accountable. The existence of social norms within a society is not optional. The question, then, concerns the content of those norms, how they are produced, how they are justified, and how they

affect individuals' deliberative capacities and opportunities for realizing their nature as autonomous agents. The relational egalitarian norms I identified in the Chapter 3 do well by these criteria.

In *Subjection of Women*, Mill condemns social and cultural norms that unequally shape the capacities and apparent nature of men and women. He observes that, due to unequal norms, treatment, and opportunities, women's nature has been "greatly distorted and disguised" (61). This, on its own, compromises their abilities to exercise deliberative agency but he also recognizes that women often adapt their preferences to their constrained options. They may appear to choose the roles they are given and even enjoy them or thrive within them. But, unless we remove the obstacles that limit the development and exercise of their deliberative capacities and limit their options, their choices lack the value of genuine choices and we cannot adequately assess whether they are flourishing within their roles.

Like Mill, many contemporary feminist philosophers express concern about adaptive preferences, viewing them as threats to women's autonomy.<sup>159</sup> However, many worry that identifying them as such disrespects women's choices and justifies interventions that are overly intrusive. If women systematically choose subservient roles and relations due to gendered social norms within a society with a just basic structure, political liberals have scant resources for objecting to and addressing these adaptive preferences. This stems from their commitment to neutrality. The perfectionist account can object to and address adaptive preferences that interfere with deliberative agency. And, they need not make all options unavailable. They will focus on the conditions under which individuals choose, targeting those that drive their preferences and choices. That is to say, they need not eliminate access to the personal ideal women choose due to adaptive preferences in

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<sup>159</sup> There is a significant literature exploring the extent to which adaptive preferences undermine autonomy that I will not get into here. Theorists debate the merits of substantive and procedural accounts of autonomy and sometimes consider what they imply for liberal theories of justice. See Mackenzie and Stoljar (2000) for a nice overview.

order to provide alternative options and implement policies that improve the conditions under which women deliberate and choose.

For choices and personal ideals to have value they are supposed to be authored by the agent, but simply being chosen is not enough. They must be genuine choices, made autonomously. That requires knowing about one's options, being able to evaluate them in light of one's own values. Threat or influence of stigma or other relational inequalities can undermine the value of these choices. For example, a women's choices to join religious groups that oppress them by depicting them as subordinate has greater value and justificatory power when made within a society where men and women enjoy relational equality. It is less valuable when it arises from adaptive preferences within a sexist society.

Now consider the epistemic conditions under which members of society deliberate and develop personal ideals. Recall Buchanan's description of our "ineliminable social epistemic dependency" (99). He argues that, because we care about deliberating well and having true beliefs—especially true moral beliefs, we should care about the social conditions within which we exercise moral and epistemic capacities. He thinks the fact that liberal institutions provide good epistemic conditions provides a powerful reason for favoring them. However, he explains that liberal institutions (e.g. basic liberties, just institutions) can only serve this role if certain egalitarian attitudes prevail within society.

He explains that some institutions provide better resources for correcting false beliefs and properly exercising our epistemic capacities than others. In societies that encourage uncritical epistemic deference to authority figures, the operation of our moral capacities is systematically disabled or compromised. He says:

A person growing up in a racist or sexist or anti-Semitic or fascist society suffers affective, as well as cognitive, disabilities. One learns distorted emotional responses, in part by modelling them on the responses of parents, other authority figures and peers, and in part because



one's affective dispositions are (mis-)informed by false beliefs...instead of being reliable moral guides, one's moral emotions become both symptoms and sustainers of false beliefs (2004, 97).

Buchanan argues that these concerns can help justify basic liberal institutions that effectively support freedom of thought, conscience, expression, and association and democratic institutions wherein all can participate as equals, *but* Buchanan recognizes that for liberal institutions to provide good social epistemic conditions for challenging false moral beliefs and acquiring true moral beliefs, there must be a "broad culture of moral egalitarianism" that supports "the tendency of ordinary people to think well enough of themselves to be willing to challenge socially identified authorities on occasion, and to think well enough of their fellow citizens to be disposed to listen to them when they criticize socially recognized authorities and accepted practices" (99).

Buchanan raises these issues as part of an effort to defend political liberalism. But, because liberal institutions are unlikely to secure good epistemic conditions for deliberating without some aspects of relational equality in the background, his argument speaks more strongly in favor of this account of perfectionist liberalism. If liberal societies must secure relational equality for its institutions to play the role Buchanan describes, then it must address social norms and other aspects of the informal social structure that political liberals generally take to be beyond the reach of justice. Of course, liberal institutions could play this role in a society where relational equality was already in place without having to address social norms. But then Buchanan's concerns can only help justify liberal institutions within certain societies, which significantly weakens the justificatory power it holds for political liberalism.

Moreover, perfectionist liberalism more readily recognizes favorable epistemic conditions as a legitimate aim of justice than political liberalism. If we agree with Buchanan that they are an important aspect of a just society, presumably we have reason to pursue them, not just a reason to

adopt institutions that can contribute to them *in effect* under some conditions. Assuming they are as central to personal freedom and deliberation as Buchanan claims, these epistemic conditions seem like they should be more than a happy side-effect of political liberal institutions.

Of course, these resources for addressing social conditions that obstruct deliberative agency might come at too much of a cost if perfectionist liberalism undermined freedom and deliberative agency in other ways that political liberalism is designed to avoid. However, as I have argued, it escapes the brunt of them of their objections and actually seems to, on the whole, be more supportive of these values.

Some political liberals will argue that these problems should be addressed, but not through state action. They sometimes claim that individuals have a moral duty to address objectionable social norms or status hierarchies. Thus, it is worth reiterating that objectionable social norms and meanings give rise to a collective action or coordination problem that cannot easily be addressed through individual action. If political liberals agree that social norms should be addressed because they frustrate the aims of social justice in the ways I have claimed, they should also recognize them as coordination problems that can only be adequately addressed through an apparatus like the state.

# Conclusion

This dissertation makes two broad contributions to the literature—one conceptual and one substantive. First, it advances the relational egalitarian project in general by analyzing its core concepts and mapping various choice points within the theoretical space. Second, it provides a substantive account of relational equality that has clear relevance for social justice. I demonstrate the plausibility of relational egalitarian *justice* by reconciling a set of liberal commitments with key concerns motivating relational egalitarianism.

The reconciliation relies on a novel institutionalist account of site that places informal social structures within the reach of justice. I consider that a feature, not a bug. Many feminist philosophers and philosophers of race have expressed concern about limiting the site of social justice to state institutions because doing so neglects the dimensions of racial and gender inequality associated with informal social structures of the kind I have discussed. However, many of them also embrace the *reasons* for doing so—protecting space for personal pursuits.

My alternative interpretation preserves the concern for personal pursuits driving institutional accounts of site while also allowing that informal social structures can be appropriate targets of state intervention. Indeed, that very concern can provide reasons for the state to address oppressive social structures. As we've seen, social statuses and norms can invade that space—on a very unequal basis—by structuring our relationships and frustrating opportunities for realizing our nature as deliberative, reasons-responsive agents capable of directing our own lives. At the same time, that concern constrains what the state can do to address informal social structures. While we must tolerate personal pursuits and conduct that conflicts with relational equality, we need not tolerate the (sociological) normativity of them.

Finally, I showed that we can ground demands of relational egalitarian justice within a variety of liberal theories. I was able to do so in part by distinguishing between a broad social ideal of relational equality and relational egalitarian justice. By focusing on equality within accountability relations and practices, I developed an important aspect of structural and interpersonal egalitarian relationships that has not yet been appreciated within the literature. Not only do such relations have clear relevance to social justice, they fit with our ideas about respecting one another as responsible agents. While we might also adopt aspects of other accounts that focus on deliberation or justification, mutual accountability seems to avoid some of their counterintuitive implications.

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