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## The problem of envy in ideal and nonideal theory.<sup>1</sup>

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**Abstract:** In recent years, scholars have explored the potential of John Rawls's concept of excusable envy as a source of motivation for building fairer societies. However, I argue that these scholars overlook Rawls's conceptual account of envy and the distinction between ideal and nonideal theory in *A Theory of Justice*. Consequently, they unintentionally rely on a thesis that Rawls aimed to distance his theory from: the notion that equality is a product of envy. Additionally, I engage with critics of Rawls who claim that his treatment of the problem of envy is inadequate. They assert that the least advantaged individuals often assess their societal position based on merit rather than legitimate expectations, which can lead to envy and destabilize a well-ordered society. I assert that while this criticism cannot impact Rawls's ideal theory, it offers an unintended contribution to nonideal theory. To enrich this perspective, I briefly consider the psychology not only of the least advantaged but also of the most advantaged members of society. By delving into this matter, I aim to illuminate the ongoing theoretical debate and provide insights into the ways we can transition to a more just society.

**Keywords:** John Rawls; political emotions; envy; justice as fairness; ideal theory; nonideal theory.

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Envy plays a significant role in John Rawls's analysis of political emotions in *A Theory of Justice* (1971/1999). Although initially overlooked in the scholarly debate following the publication of the book, the matter started to receive attention in 1990's and gained traction in the last decade as researchers became interested in how envy can contribute to establishing more equal societies. Scholars like Gustavo Pereira (2001), Jeffrey E. Green (2013, 2016: Ch. 3), Miriam Bankovsky (2015, 2018), Harrison Frye (2016), Vegard Stensen (2023), and Martin Hartmann (2023: Ch. 19) argue that since excusable envy is, according to Rawls, a reaction to the loss of self-respect caused by a context of injustice, it may serve as a motivating force to reverse unjust situations in real societies. However, I contend that this approach blurs the crucial Rawlsian distinction between ideal and nonideal theory, disregards Rawls's conceptual account of envy, and inadvertently aligns with the conservative/libertarian viewpoint suggesting that demands for equality merely stem from envy.

In contrast, the earlier 1990's discussion aimed at criticizing Rawls's answer to the problem of envy. Like scholars who have more recently discussed excusable envy, Jean Pierre Dupuy (1992) and Aaron Ben-Ze'ev (1992) also seem to have unintentionally operated within the realm of nonideal theory, and therefore their arguments cannot in actuality be directed against justice as fairness. Nonetheless, I argue that these authors still make a valuable contribution to nonideal theory as they inadvertently highlight a difficulty we may face when transitioning to a more just society. They argue that individuals often struggle to consider their legitimate expectations when evaluating their place in society, and thus tend to judge reality based on what they believe they

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deserve. These scholars conclude that this tendency results in envy and, subsequently, in political instability. While I agree with the nonideal perspective of their argument, I improve on it by claiming that envy is not the sole consequence of this tendency. I claim that even if the least advantaged may sometimes be envious, this sentiment is rarely a problem. My perspective is that it is the more advantaged individuals' perception of their situation that is more likely to cause greater injustices, given their greater means to renegotiate the terms of the social agreement.

I start by providing context on the conservative debate about envy during the period in which Rawls wrote *A Theory*. Subsequently, I introduce Rawls's analysis of envy. Next, I show how liberal theorists, who are interested in reducing inequality nowadays, have dismissed important distinctions presented by Rawls, leading them to inadvertently adopt the libertarian premise and depart from justice as fairness. Finally, I claim that the criticism Rawls faced regarding the role of individual merit in causing envy is misplaced and should instead be viewed as a contribution to nonideal theory. My goal is to illuminate the terms of the debate on the problem of envy within the context of justice as fairness and explore the ways available for a transition to a more just society within this tradition.

## I.

Envy appears in a diversity of works in the history of political philosophy. Aristotle discusses envy both in *Politics* (IV.11.1295b-1296a) and in *Rhetoric* (II.10.1387a-b), and so do many others like Baruch Spinoza (E.IIIP24), David Hume (T.2.2.8), Adam Smith (TMS.I.III.1.4-5), and Immanuel Kant (AA6: 459) – the last on whom Rawls (1999a: 466

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5n) grounded his concept of envy. Although there is some disagreement about it, the core concept of envy is that it is a pain resulting from another (justly) possessing a good one is deprived of. The thought that equality results from envy is more recent. Karl Marx, it seems, was the first to suggest a link in his *Manuscripts of 1844*. Not an advocate of envy, Marx (1844: 99-114) suggested that envy could motivate a crude undesirable form of communism. The idea was thus not made popular by any socialist movement, but rather became part of the social imaginary during the cold war as conservatives and libertarians adopted it in their arguments against redistribution. By affirming that those fighting inequality were envious, they wanted to justify the justice of the *status quo*.

Friedrich Hayek played a central role in building this social imaginary. His *The Road to Serfdom*, published in 1944, was a very popular book, especially in its condensed *Reader's Digest* version of 1945, which sold almost 10 million copies in the first year after its publication (Caldwell, 2007). A popular sensation, it also got the attention of academics like Isaiah Berlin, who complained of reading it in a letter to a friend in 1945.<sup>2</sup> Hayek (1944: 159-161, 1945: 51-4, 1960: 148-56) asserts that envy can serve as a motivation for the supporters of a totalitarian socialist state. In his book *The Constitution of Liberty*, whose first edition was published in 1960, Hayek further explores the topic and asserts that envy is pernicious to society but cannot be eliminated. The preservation of freedom thus depends on “not sanction[ing] its demands by camouflaging it as social justice” (1960: 156). According to Hayek, one may desire a community without extreme contrast between the rich and the poor, but this must not be, he argues, implemented using coercion. The inequalities produced by liberty are, to Hayek (1960: 148-9),

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<sup>2</sup> This and other examples are offered by Caldwell (2007: 2).

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inoffensive and necessary, for they are the result of human diversity. In Hayek's (1960: 152-3) thought, being born into a wealthy family provides, in this sense, the same kind of difference among people as being born with a special talent.

Rawls was very likely aware of Hayek's ideas and already expressed concern with the envy of the people occupying "lower positions" around 1960 (see Forrester, 2019: 27). He nonetheless chose to reference Helmut Schoeck, who published in 1969 an English version of his 1966 German book *Envy (Der Neid)*, as representative of the "[m]any conservative writers [who] have contended that the tendency to equality in modern social movements is the expression of envy" (Rawls, 1999a: 471 9n). Schoeck, a sociologist who taught in the United States for fifteen years until 1965, was a more conventional academic than Hayek, and his book is entirely dedicated to envy. What seems to fully justify Rawls's choice is the fact that Schoeck claims that a version of the idea underlying the difference principle – already presented by Rawls in the 1950s<sup>3</sup> – is a socialist argument. Although not citing Rawls, it is very probable that Schoeck was aware of his ideas.

Schoeck discusses with an unnamed interlocutor, a young person, who appears to synthesize the positions of one desiring a more equal society in the capitalist west. He affirms that the difference in income in Russia (then communist) is much greater than it is in West Germany, Switzerland, the US, and England, and then asks if his opponent would not object to this fact. The interlocutor then claims that those earning more in

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<sup>3</sup> The most important paper in this context is "Justice as Fairness," published in the *Philosophical Review* in 1958. A shorter version of the paper had already appeared in 1957 in the *Journal of Philosophy*. Rawls had, in addition, been teaching seminars at Cornell since 1953, where he began presenting his ideas, including the principles of justice. For a more comprehensive study of Rawls's thinking before writing *A Theory*, see Forrester, 2019: Ch. 1 and Gališanka, 2019.

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Russia “were doing something for the people”; they worked to make better off Russians who were disadvantaged and so “their incomes were excusable” (1969: 259). Contra this argument, Schoeck affirms that people who are worse off in the United States had then access to the same goods with a much lower inequality rate than in the USSR thanks to American executives and businessmen.<sup>4</sup> Schoeck is a critic of redistribution, which was “unlikely to bring about any economic improvement for the population at large” (1969: 239).

In the 1964 US presidential election, Schoeck supported the candidacy of Barry Goldwater, a conservative and a libertarian, and publicly criticized social movements for demanding equality (Kaesler, 2007). Social movements or legislators trying to build more equal societies were, to Schoeck (1969: 235-6), working to institutionalize their envy. He was concerned with the number of people in his day who took for granted that an envy-provoking situation was legitimate and so felt guilty for belonging to the elite (1969: Ch. 15 and 16). Although motivating rule abidance and innovation, envy was, to Schoeck (1969: 14, 107, 278, 415-7), a grievous emotion if a society is built to avoid it. He argued that any division of labor, which is necessary for societal progress, inevitably gives rise to envy. Consequently, Schoeck (1969: 57-8) contended that permitting envious individuals to institutionalize their sentiments would hinder the advancement of society.

Like Hayek, Schoeck claims to believe that freedom is not compatible with redistribution. Despite not belonging to the Austrian School of Economics, Schoeck took part in Hayek’s intellectual circle: Hayek cites Schoeck in a note added to the German edition of *The Constitution of Liberty* published in 1971 and acknowledges his

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<sup>4</sup> For reliable data on the comparison between the two countries during the period, see Piketty (2020: 584).

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contribution to the book since its first edition in 1960 (42, 156 11n). Yet, for no reason I could uncover, Schoeck overlooks Hayek's writings in the two versions of *Envy*.

Rawls (1999a: 124-5, 465) did not provide a thorough analysis of Schoeck's text, but his more general concern with envy is clear in *A Theory* as he addressed it in two key moments of the book: in the choice of principles of justice (124-5) and in his assessment of stability (465). Regarding the relation between envy and equality, Rawls asserts that "there may be forms of equality that do spring from envy," that strict egalitarianism "conceivably" derives from envy, and that his remarks are not "intended to deny that the appeal to justice is often a mask for envy" (1999a: 472-3). This may suggest a partial alignment with the libertarian argument, though it is more probable that Rawls did not consider refuting this premise as a necessity. All he needed for his argument to prevail was to place justice as fairness as an exception to the libertarian premise rather than proving it incorrect.

## II.

Rawls discusses envy at two points in *A Theory*: he asserts its absence from the original position and claims envy would not cause instability in a well-ordered society. These constitute distinct arguments that I will briefly explore in this section. The first contributes to justifying the choice of the principles of justice, while the second assesses the political stability of a theoretical society. Despite later shifts in *Political Liberalism* (1995: II, especially §8), where Rawls moves away from psychological discussions and

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presents a normative conception of citizens,<sup>5</sup> he maintains his arguments on envy (Rawls, 2001).

Rawls (1999a: 124, 464-5) assumes that the parties in the original position are rational individuals with a sense of justice and, as such, would not be motivated by irrational emotions, such as envy, in their choice of the principles of justice. The argument serves as a justificatory model designed to ensure a rational and impartial choice between different principles of justice, fulfilling its role because envy should not play a part in this kind of rationale. The argument could only be weakened, in Rawls's view, if envy could not be separated from the sense of justice, which leads him to face Sigmund Freud's ideas in this regard. To Freud, according to Rawls (1999a: 472-3), the sense of justice is grounded in children's recognition that they injure themselves by maintaining hostile attitudes of envy and jealousy towards one another.

In contrast, Rawls asserts that a situation in which individuals have opposing interests and are advancing different conceptions of the good is not an example of envy and jealousy. This, instead, Rawls (1999a: §22) claims, gives rise to the circumstances of justice in which human cooperation is both possible and needed. According to Rawls (1999a: 472-3), Freud fails to distinguish between vices, characterized as irrational and unreflective, and moral feelings. This distinction, for Rawls, is not merely conceptual but reflects human psychology. I do not intend to engage in a discussion about whose approach is superior. However, it appears that even if one deems Freud's interpretation of human psychology accurate, Rawls's justificatory model for the principles of justice remains valid. This is because it hinges on the sense of justice rather than its foundation.

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<sup>5</sup> See also Freeman, 2007: Ch. 8.

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Nonetheless, such a consideration might compromise the educational role of a just society, as asserted by Rawls (1999a: §75, §86). According to him, the sense of justice emerges from the psychological tendencies toward fellow feeling that people develop when social arrangements are just. This is, however, a complex theme in Rawls scholarship that is not the focus of this paper.

In *A Theory*, Rawls defines envy as “the propensity to view with hostility the greater good of others even though their being more fortunate than we are does not detract from our advantages” (1999a: 466). Rawls is concerned with general envy because, unlike particular envy, it results in a sub-optimal political framework. General envy is directed toward the upper classes “for their greater wealth and opportunity” (Rawls, 1999a: 466), while particular envy is directed toward another individual for specific goods they possess. According to Rawls, when we experience general envy toward those in superior situations, “we are willing to deprive them of their greater benefits even if it is necessary to give up something ourselves” (1999a: 466). Additionally, we become “downcast by their good fortune and no longer value as highly what we have; and this sense of hurt and loss arouses our rancor and hostility” (1999a: 467). Rawls argues that this definition is “appropriate” to the question of “whether the principles of justice, and especially the difference principle with fair equality of opportunity, is likely to engender in practice too much destructive general envy” (1999a: 466).<sup>6</sup>

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<sup>6</sup> Walsh (1992) points out that the idea that an envious individual puts something of their own at risk is unique to Rawl’s theory and a weakness in his argument. However, I contend that Rawls is simply adapting the concept to the well-ordered society, where envy would always have such a consequence due to the difference principle.

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Rawls yet recognizes a special case of envy that the concept of envy cannot fully capture – situations where “it would be unreasonable to expect someone to feel differently” (1999a: 468). This special kind of general envy he terms excusable. However, Rawls (1999a: 465) is clear about its status as a vice, a trait of character a rational person does not wish their associates to have. Rawls contrasts excusable envy with resentment, which is a moral attitude towards injustice and the loss of respect. Unlike excusable envy, resentment does not produce hostile acts and is instead joined by an effort of justification and a claim for reparation (Rawls, 1999a: 424, 467). In the context of his theory, Rawls deems it crucial to consider “whether a basic structure which satisfies the principles of justice is likely to arouse so much excusable envy that the choice of these principles should be reconsidered” (1999a: 468). In summary, Rawls is concerned that the stability of a well-ordered society could be threatened if (i) envy and/or (ii) excusable envy were to arise to a dangerous extent within this society’s basic structure.

To address these two concerns, Rawls identifies three conditions that “encourage hostile outbreaks of envy” and argues for their inexistence in a well-ordered society. The first condition is a lack of self-respect (1999a: 469).<sup>7</sup> Rawls suggests that envy could be instigated by the institutional framework, but he maintains this is not to be the case with justice as fairness. In a well-ordered society, the basis for self-respect is “the publicly affirmed distribution of fundamental rights and liberties” (1999a: 477). To Rawls (1999a: §17), individuals deserve neither their natural talents nor their privileged starting points and thus should not be compensated for either of these. Furthermore, rewards should not be based on intrinsic worth or moral desert (1999a: §48). Rawls believes that

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<sup>7</sup> To Rawls, self-respect and self-esteem are synonyms.

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distribution is not the opposite of retributive justice, and so those who act morally should not be compensated. According to him, any notion of distribution tied to a substantive account of moral desert would require a different choice of principles in the original position. Instead, Rawls argues that individuals are entitled to rewards only if their expectations are determined by a system of public rules framing a just scheme of cooperation. The difference principle, therefore, hinges legitimate expectations.

The other two conditions are social. Because the social structure and individuals' lifestyles make inequality visible, less fortunate citizens are often reminded of social discrepancies, which can be "painful and humiliating." Moreover, those in a disadvantageous position see "no constructive alternative to opposing the favored circumstances of the more advantaged" and "believe they have no choice but to impose a loss on those better placed even at some cost to themselves" (1999a: 469). In a well-ordered society, these conditions do not arise because income and wealth disparities are not excessive (1999a: 470-1). Rawls's justification of justice as fairness is, in its own framework (that of ideal theory), robust. In his discussion of envy, he wished to demonstrate the feasibility of justice as fairness, not to examine cases of implementation of justice.<sup>8</sup> Yet, this where the debate on envy is currently headed.

### III.

Envy was not a topic that critics often addressed in the first two decades following the publication of *A Theory*. In the 1980s, the literature<sup>9</sup> (Cooper, 1982; Young, 1987 –

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<sup>8</sup> See Valentini (2012: 658) about this distinction.

<sup>9</sup> I reference solely texts that actively engage with Rawls's arguments on envy, rather than merely citing them.

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and later, Norman, 2002) briefly discussed Rawls's conception of envy as part of a more comprehensive debate on the connection between envy and equality. It was not until the 1990s that some scholars (Ben-Ze'ev, 1992; Dupuy, 1992; Walsh, 1992 – and later, Tomlin, 2008; Wall, 2015) began to question Rawls's answer to the problem of envy. More recently, likely motivated by increasing inequality, researchers (Green, 2013, 2016: Ch. 3; Bankovsky, 2015, 2018; Frye, 2016; Protasi, 2021, 2022; Stensen, 2023; Hartmann, 2023: Ch. 19) have turned to Rawls's considerations about envy as a means to explore strategies for combating inequality.<sup>10</sup> In this section, I will delve into this more recent branch of literature. In the next section, I will partially address the literature from the 1990s, focusing on those texts that, albeit unintentionally, engage with nonideal theory.

Gustavo Pereira (2001), Jeffrey E. Green (2013, 2016: Ch. 3), and Martin Hartmann (2023: Ch. 19, following Green) suggest that the envy of the less advantaged, in a real society, could help control the ambition of the most advantaged. Green does not cite Pereira's paper, published earlier in Spanish, but develops a more robust argumentation of their common claim, which is why I focus on his arguments rather than Pereira's account. Green thinks of reasonable envy and excusable envy as types of non-irrational envy. He defines reasonable envy as "the willingness of implementers of justice sometimes to impose costs on the advantaged without compensating economic benefit for the rest of society" (2013: 134). Green then contends that the reasonable envy of the least advantaged could act to restrain the unjust predispositions of the most advantaged. He provides not only a non-conventional reading of envy in *A Theory*, but

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<sup>10</sup> Because Protasi declaredly drops Rawls's perspective after weighing in on it, I will not address her argument here.

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one that inadvertently leads to the institutionalization of envy – thus countering Rawls’s efforts to prove otherwise.

Green’s argument, in addition, relies on a premise he shares with Rawls: that the less advantaged envy the most advantaged. Rawls, however, also speculates that “we tend to compare our circumstances with others in the same or in a similar group as ourselves, or in positions that we regard as relevant to our aspirations” (1999a: 470). Working under a similar idea, Ben-Ze’ev (1992) argues that envy is prevalent in environments where there are lower levels of inequality because it makes comparisons easier. According to this author, one tends to be more envious of a colleague’s promotion to a manager than of that of a head of a department to a vice-president of a company. Assuming this to be true, excusable envy could never succeed as a policy to control the most advantaged in an unjust society since it would hardly be directed at them. In this debate, Harrison Frye (2016) argues that Green (2013) overlooks the damaging effects of envy but concurs that envy might have some role in promoting justice. Frye suggests that in real societies excusable envy may act as a trigger for reflection, similarly to Rawls’s concept of resentment. This position aligns with that of Bankovsky, who first developed this point.

Bankovsky (2015) advocates a reconsideration of the roles of theory in imperfect real societies. She argues that societies will always produce reasonable envy and that citizens, according to Rawls’s approach, would probably be passive when facing injustices. To her, Rawls only allows theory to be a mirror of reality instead of a resource for critique. Rawls’s theory should, according to her, look for resources that can bring citizens closer to justice. Bankovsky (2018) then claims excusable envy can play such a

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role. She develops her argument through the example of Rajeev, a poor immigrant, who wishes to be part of the National Juniors cricket team but is overlooked in favor of William, a privileged kid who unlike Rajeev has an appropriate place in which to practice. In this context, according to Bankovsky, Rajeev experiences excusable envy – he feels undeserving of the result and powerless to act on the injustice suffered. To Bankovsky, envy is not irrational in this situation and may “carry implications for material redistribution” (2018: 10). She thus suggests that Rajeev’s “envious attempt to alleviate ‘anguish and inferiority’ by reducing the other’s advantage” “may well be prudential” (2018: 13).

Bankovsky (2018) argues that excusable envy can generate both moral and political implications. Morally, it may imply attributing responsibility to social structures which produce it. Politically, it may lead to (i) a claim to mitigate inequality, representing a new formulation of the conventional redistributive argument and the recognitive argument concerning the constitution of self-respect; and (ii) a demand for an institutional response, which, given the impotence characteristic of excusable envy, is expressed through civil disobedience. The example she provides of a political implication of envy is the Occupy movements. Vegard Stensen (2023) aligns with Bankovsky and further suggests that, because Rajeev’s attitudes deriving from envy are prudential, he should be compensated through public policies aimed at enhancing his esteem.

Bankovsky and Stensen overlook Rawls’s theory in two ways. First, they disregard Rawls’s distinction between general and particular envy. When we view Bankovsky’s example through the perspective of *A Theory*, it becomes evident that Rajeev’s envy is particular. He envies a specific good William possesses rather than the kinds of good the

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most advantaged have. Second, even if the example were adapted to this distinction, it would still neglect Rawls's distinction between vices and moral attitudes – for which no adjustment can be made. Rawls never asserts that it is rational or prudential to act on envy, he merely claims that excusable envy is not irrational. His point is that a person may experience injustice and respond to it in ways that are not necessarily moral.

In his excusable envy, Rajeev might use his situation to justify acts such as cheating or robbing, increasing his individual esteem to the detriment of justice – which to Rawls is contradictory, for the basis of self-respect is the “publicly affirmed distribution of fundamental rights and liberties” (1999a: 477). The only way Rajeev's excusable envy could contribute to the advancement of justice is if his distress evolves through reflection into resentment, allowing for rational justification and claims for reparation. While such elaboration through reflection probably represents the reality of human psychology, the argument cannot be made in the Rawlsian framework as it would contradict Rawls's answer to Freud.<sup>11</sup> Moreover, and more importantly, this example is an exception and better describes the case of individuals, not that of the Occupy movement, which we do not have any apparent reason to consider as a group of people who worked up their envy. Therefore, in my account, envy loses its preeminent position in producing a fairer society.

Bankovsky considers the important matters of race and immigration in her analysis. She, however, as already pointed out by Protasi (2021: 143), sees these factors as secondary in her argument. Genuinely considering these issues, which are essential

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<sup>11</sup> The assertion that moral sentiments may succeed vices challenges only Rawls's more general psychological distinction between the two. That is, Rawls's argument that the sense of justice, a special case, is independent from envy can still be considered valid even if we assume that excusable envy could evolve into resentment. See the beginning of section II above.

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in thinking about justice nowadays, makes it impossible to compartmentalize society into two homogeneous groups. While one might think that black people may experience (excusable) envy toward white people, I think racial issues should not be comprehended as straightforward, for one can easily misinterpret matters of equal liberty as being of distribution. Economic inequality and lack of opportunities form only one side of the problems of political participation, police brutality, and freedom of religion. To illustrate this point, I wish to consider a different case.

My example aligns with two claims made by Ben-Ze'ev (1992). Firstly, people usually envy those who share more in common with them (as previously mentioned). Secondly, the focus should primarily be on the envious subject's undeserved inferiority rather than on emphasizing the good fortune of the envied people. Shifting our focus in this way deviates from Rawls's original consideration of envy, where the least advantaged might envy the most advantaged, but respects its main point of discussing whether the principles of justice are likely to provoke too much envy. This new focus helps to reinforce Rawls's claim that envy is a vice and not a judgment on the fairness of another's possession of a good.

Consider a white male from a deprived background who, from a young age, had to support his family. He did not have the time or the financial means to pursue higher education. To him, this represents a loss of self-respect he expresses by envying the black people who are university graduates due to a diversity program. Whether or not he would have pursued a degree without this policy is beside the point. He firmly believes he deserves equal opportunity. In the Rawlsian sense, the white man's envy is excusable but would not contribute to justice if acted upon. His feeling echoes that of

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many Tea Party supporters, as per Arlie Hochschild's (2016) sociological interpretation. According to her, these individuals perceive minorities as cutting in line to attain the American dream. Many (perhaps most) cases of excusable envy in real societies, I believe, present themselves in analogous circumstances.

Green and Bankovsky's arguments, based on their unconventional interpretations of Rawls's ideas on envy, rely on a premise that Rawls was explicitly attempting to distance his theory from – the libertarian idea that envy leads to equality. To understand Rawls's discussion of envy, it is essential to acknowledge that he was stating that his ideal theory of justice was not grounded on envy and its basic structure would not produce enough envy to cause social instability.<sup>12</sup> Therefore, when considering envy in the implementation of justice as fairness, these authors should have adhered to Rawls's (1999b: 89) own criteria for developing nonideal theory, which include a course of action that is morally permissible, politically possible, and likely to be effective.

Excusable envy cannot fulfill such a role. It is a vice grounded in individuals' psychology rather than directed at the basic structure of society, and it may actually contribute to further injustice. However, the impossibility of envious people contributing to a fairer society does not imply that understanding envy lacks value in the implementation of justice. As previously illustrated in the case of the white man facing lack of opportunity, comprehending envy can offer insights into addressing injustices. I will delve further into nonideal theory in the next section while engaging with the arguments of two scholars writing in the 1990's who question Rawls's answer to the problem of envy.

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<sup>12</sup> On Rawls's distinction between ideal and nonideal theory, see Simmons (2010).

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#### IV.

Dupuy (1992), one of the scholars disputing Rawl's solution to the problem of envy, claims that people have difficulty using their legitimate expectations as a parameter in evaluating their place in society. Instead, he claims that people will judge their position based on what they believe themselves to merit. Dupuy affirms that "in their voracity, the modern individual does not accept that one claims the removal of a part of themselves: their gifts, their talents, their efforts – their 'merit'" (1992: 189).<sup>13</sup> If Dupuy's assessment is accurate, it suggests that even when the institutional framework is designed to distribute primary goods in line with the difference principle, people will still need to undergo a fundamental change in their nature for the system to be stable. Dupuy (1992) sees the exclusion of envy from society as a problem within liberalism. He views envy as a natural sentiment rather than a feeling stemming from the way society is structured, and argues that it can hinder the development of self-respect among the less advantaged, potentially leading to instability in a well-ordered society. Meanwhile, Ben-Ze'ev (1992: 580), the other scholar disputing Rawls's answer to the envy problem that I will engage with, claims that if, as mentioned earlier, envy takes place where people have more in common, then a more equal well-ordered society would probably experience a higher level of envy. These are, it seems, solid arguments. The issue, however, is that they do not belong in the realm of ideal theory.

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<sup>13</sup> My translation of the original, which reads: "Dans sa voracité, l'individu moderne n'accepte pas qu'on prétende lui retirer toute une part de lui-même: ses dons, ses talents, ses efforts - son 'mérite.'"

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Rawls aims to provide the basic structure of society with an ideal theory of justice. To do so, Rawls (1999a: 125, 216) assumes there is strict compliance to the principles of justice under scrutiny and that people are capable of a sense of justice. While strict compliance is implausible in real societies, such an assumption is justified as Rawls intends to compare the outcomes of different principles of justice when fully adhered to within the basic structure of society.<sup>14</sup> He reserves the question of partial compliance for nonideal theory, where the complexities of partial adherence are explored. Rawls's ideal theory only investigates "if a conception of justice is unlikely to generate its own support, or lacks stability" (1999a: 125).

In *A Theory*, Rawls argues that the parties in the original position examine the general facts of *moral* psychology. He contends that justice as fairness provides the conditions for the citizens of a well-ordered society to develop their sense of justice. This sense of justice motivates them to adhere to the principles of justice, thus creating a just, stable society (Rawls, 1999a: §75-6). Such a development of the sense of justice, Rawls (1999a: 429) asserts, is a psychological *tendency* of the citizens in a well-ordered society.<sup>15</sup> While Rawls assumes that people are *capable* of having a sense of justice, both Dupuy and Ben-Ze'ev look at human immoral tendencies. Ideal theory, Rawls teaches us, "presents a conception of a just society that we are to achieve if we can" (1999a: 216), whereas the other two authors argue that people may have other (perhaps stronger) tendencies. The point is that they operate on different levels: Rawls aims to

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<sup>14</sup> See Simmons (2010: 7-9) and Stemplowska (2008: 332-3).

<sup>15</sup> In the 1993 version of "The Power of Citizens and Their Representation" (which is lecture II of *Political Liberalism* but appeared in another version in 1980), Rawls moves away from a psychological account of the citizen and assumes a normative conception of the moral powers of the citizen (as I pointed out in section II). This shift, occurring after Dupuy and Ben-Ze'ev made their criticisms, emphasizes the inadequacy of their arguments.

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deliver a realistic utopia, while Dupuy and Ben-Ze'ev are working with a full-blown realism<sup>16</sup> and relying on stronger theses about human psychology.

The issues raised by Dupuy (1992) and Ben-Ze'ev (1992), albeit irrelevant to ideal theory, are yet important to nonideal theory. Ben-Ze'ev teaches us that people will look to those closer to them and may envy, like in the example I provided in section III, those who are also in an unjust situation. Dupuy presents a significant challenge to the implementation of justice, particularly in societies that highly value merit.<sup>17</sup> The difficulty people experience in assessing their position in society through public rules may indeed manifest a social problem. Envy, however, is just one of the potential consequences of what they describe. The most advantaged, I claim, will also make comparisons within their group, and assess their social standing based on merit.

Rawls provides valuable insights into the psychology of the most advantaged individuals, serving as a starting point for a deeper understanding of their perspectives. In *A Theory*, he asserts that jealousy and grudgingness are the *reverses* of envy, that is, these are the feelings of the people who are better off in relation to those who are worse off. An advantaged person, Rawls says, "is jealous of his superior position and begrudges them [the worse off] the greater advantages that would put them on a level with himself" (1999a: 467). Additionally, Rawls introduces the concept of spite, an emotion that takes place when the propensity of a most advantaged person to begrudge

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<sup>16</sup> See Valentini (2012: 658-60).

<sup>17</sup> Thomas Nagel (1973: 12-3 6n), despite not discussing envy, also sees merit as a problem. He briefly suggests that the less advantaged would probably be affected in their intrinsic worth by the consistent schedule of rewards built into the institutional framework. Consequently, he claims that even the well-ordered society would, in this sense, have a meritocratic flavor in its citizens. Similar to the case of Dupuy and Ben-Ze'ev, I believe this argument is important to nonideal theory.

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“extend[s] to denying them [the worse off] benefits that he does not need and cannot use himself” (1999a: 467-8).

Moreover, in *Justice as Fairness: A Restatement*, Rawls very briefly discusses the idea that the most advantaged may be a source of instability. He affirms that “in the well-ordered society of justice as fairness it seems that those most likely to be discontent are the more advantaged” (2001: 125). In the same paragraph, he then asks: “why aren’t they continually urging renegotiations?” According to Rawls, there are three reasons which explain why the more advantaged cooperate with the social system through time. First, they cooperate because of the effect of the educational role of the political conception of justice, seeing themselves as cooperating members of society who engage in mutually advantageous cooperation. The difference principle, in this sense, embodies an idea of reciprocity, which they adopt. Second, they cooperate because they see themselves as occupying a fortunate place in the distribution of talents and thus as having more opportunities to better their situation. Third, they cooperate because they acknowledge the importance of public culture, which is the result of the implementation of the two principles of justice, and which inhibits the “wastes of endless self- and group-interested bargaining” (1999: 126).

In real societies, where these three reasons are absent or nearly absent, it is likely that the most advantaged would be jealous and would try to renegotiate the terms of the agreement. They might believe that they merit more than they are receiving, or they might desire more money or power. In sum, their jealousy, their distorted sense of fairness, and their ambition will probably be obstacles to a transition toward a more just society. Ambition itself is neither a vice nor a virtue and can be felt by individuals in

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varying social positions; it can motivate the creation of life-saving technology, but it can also, when combined with a distorted sense of fairness, stimulate the oil industry to prioritize their economic interests over environmental concerns. Ambition can be equally powerful in both rich and poor individuals, but the wealthy are more likely to hinder the pursuit of justice because they possess greater means to act on their ambition. Wealthy individuals can make substantial donations to political candidates, invest in lobbying efforts, establish offshore companies, or use their connections to secure educational opportunities for their children through back doors opened by donations to prestigious universities.

Furthermore, building upon Ben-Ze'ev's assertions, it is worth noting that in actual societies, just like with envy, emotions such as jealousy, grudgingness, and spite rarely emerge as significant issues between different economic classes. This is true because these people share too little in this aspect of their lives.<sup>18</sup> However, they do share more in the social and political realms of their lives in society and may react to the loss of power and of symbols of their comprehensive doctrines, that is, their set of beliefs concerning moral, religious, and political values. Unlike the case of the white man envious of the opportunity to obtain a college diploma discussed earlier and those cases cited in the above paragraph, in these cases, people react by being jealous or spiteful in relation to matters of right or liberty. To feel this way, they must have a blurred perception that rights and liberties (those included in the first principle of justice) are up for distribution.

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<sup>18</sup> For additional insights into this topic, see Hartmann (2023: Part IV).

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This helps us understand why in 2013, a segment of the Brazilian elite reacted negatively to constitutional amendment 72, which granted (mostly black female) domestic and care workers some of the labor rights that other workers had enjoyed since 1988, such as a maximum number of work hours per week. For most of the critics of the legislative measure, the financial costs of hiring another person as a cleaner or a nanny did not increase significantly, but they lost power over their domestic workers. Moreover, this framework also assists us in understanding that a Christian conservative heterosexual couple may also experience jealousy when the right to marry is extended to homosexual couples. Even though their right remains intact, and the institution of marriage (something they value) becomes more significant in their society by including others, they still feel a sense of loss for something they considered an exclusive symbol of their comprehensive doctrine.

In this text, I have made a modest contribution to the philosophical discussion on the psychology of the most privileged individuals in society. My intention here has not been to provide an exhaustive exploration of the subject but rather to rethink the terms of the current debate about political emotions and inequality in the Rawlsian liberal tradition. Additionally, I have aimed to point out new avenues for the continuity of the discussion.

\* \* \*

Rawls's analysis of envy is, in a sense, an extension to his ideal theory of justice. His decision to incorporate it into *A Theory* was probably influenced by the ongoing debates on equality and envy during the years leading up to the book's publication.

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However, rather than directly engaging in this debate, Rawls aimed to provide arguments demonstrating that his theory was not grounded on the libertarian premise claiming that calls for equality result from envy. Thus, while Rawls's examination of envy does shed light on his focus on legitimate expectations over desert, underscores the significance of self-respect in justice as fairness, and particularly helps us gain a deeper understanding of moral attitudes and vices within the context of justice, it fundamentally reinforces his previously presented arguments. Another piece of evidence supporting this is that the relevant subsequent scholarship, which was extensive, took more than a decade to timidly address the issue. In this context, the current resurgence of the idea of envy and its portrayal as a positive emotion, as suggested by authors in the same tradition, is misplaced. These scholars misinterpret Rawls's main elucidation in his discussion on envy.

Rawls asserts that while virtues are regarded as traits of character one desires in one's fellow citizens, vices should not be seen as equal components of an individual's character. An envious person may react to a loss of self-respect or develop their sentiment based on a distorted conception of justice, such as meritocracy. Vices, to Rawls, do not require individuals to transcend an individualistic view of justice. In contrast, individuals can only possess a sense of justice by exerting a moral effort to align their judgments with the principles of justice that they share with their fellow citizens. To advance justice, Rawls claims, one cannot merely react to the feeling of being treated unjustly. Even if this initial assessment is correct, it is likely that this person will act only to alleviate their suffering.

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This distinction between moral attitudes and vices is the reason why justice cannot be grounded on envy – and thus why Pereira (2001), Green (2013, 2016: Ch. 3), Bankovsky (2015, 2018), Frye (2016), Stensen (2023), and Hartmann (2023) are not truly building their arguments from Rawls’s theory. By misinterpreting Rawls’s theory of justice and assuming that equality can result from envy, these authors inadvertently adopt a premise affirmed by conservatives and libertarians, such as Hayek and Schoeck. Moreover, because they disregard Rawls’s many assumptions when elaborating his ideal theory, they assume there can be a shortcut in the implementation of justice. Justice as fairness, being an ideal theory, is intended by Rawls to “guide the course of social reform” (1999a: 215), indicating that achieving justice as he envisions it requires rational reflection.

Ben-Ze’ev (1992) and Dupuy (1992) contribute to this reflection, albeit indirectly. The former believes he is criticizing Rawls by demonstrating that envy is more common in more equal societies, like the well-ordered society. The latter asserts that Rawls’s theory has a gap because people would hardly adopt the difference principle, as they tend to judge their position in society based on their merit. However, they are both essentially highlighting the obstacles we may encounter when transitioning toward a more just society. The two authors seem to overlook the fact that they are operating on a different level than Rawls here, that of nonideal theory, and that they are contributing to addressing the gap that Rawls deliberately left regarding the practical acquisition of justice.

Since individuals tend to compare themselves to those who are more similar to them and judge their place in society based on their perceived desert, the emotions of

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envy, as Ben-Ze'ev and Dupuy argue, and jealousy and spite, as I further stress, become prominent issues in nonideal theory. The most significant obstacle to implementing justice is likely to be figuring out how to cultivate a sense of justice in citizens of real societies and prevent them from being motivated by vices. Rawls provides us with the direction, but we should not underestimate the difficulties along the way.

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