

Inequality, Difference, and Prospects for Democracy

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Rawls's signature and perhaps greatest innovation is the thought experiment he introduced to sort out the requirements of justice. Rawls proposed that in thinking about the requirements of justice, we are to imagine ourselves in an original position behind a veil of ignorance that obscures the details of our personal identity and social situation. We are to imagine that we do not know our own race, gender, social class, or religion. Furthermore, we are to suppose that we are ignorant of our particular talents and abilities, goals and ambitions, or any significant good or bad fortune that shapes our individual lives. We are to imagine choosing principles from behind this veil of ignorance in an effort to ensure that the principles we choose will not be biased to favor our particular social position, or personal attributes, ambitions, or values. Thus, Rawls conjectures, we will arrive at principles that are fair to all members of society.

Rawls argues that "justice as fairness" will be a form of political liberalism. Political liberalism is, first of all, a form of *liberalism*. Liberalism affirms that political institutions ought to specify and to assign high priority to certain basic rights, liberties, and opportunities for all citizens, and that inequalities in wealth and income ought substantially to be limited. Secondly, political liberalism is a *political* form of liberalism. Rawls claims, and rightly so, that under free institutions we should expect "profound and irreconcilable differences" in people's religious and philosophical worldviews, and in people's basic notions of what makes life worth living. These differences are to be expected even among people who are committed to cooperating with one another on fair terms. Since a social order under free, democratic institutions will not be one in which people accept the same religious and moral values, Rawls argues, justification in a free society will have to be based on a narrower set of values, including a commitment to fair cooperation, equal basic rights, the rule of law, and mutual toleration. He refers to these values as political values. These political values, and not the broader religious and moral philosophies in which they may variously be embedded, provide the terms of public justification. Rawls insists that the principles of justice should have a public justification in these terms.

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Some critics have been bothered by Rawls's political form of liberalism. They have argued that an abbreviated and "freestanding" set of political values is too thin a basis for generating the social solidarity needed to support and to stabilize just institutions. Instead, a more robust overlap of substantive values is required, values emphasizing shared history, language, religion, and other rich details of culture. What is needed is a shared form of identity, one that stands in some measure independently of political institutions. When collective identity is weak or absent, collective commitment to common political values will splinter and just institutions will lack adequate support and common direction, or so it is argued.

There are multiple versions of this criticism. Some emphasize the imperative of a unified conception of the good underwriting a shared national identity (see Taylor 2004; Miller 1995; MacIntyre 1984; Calhoun 2007). The aspiration is to build a shared national culture – to find unity in diversity. Others advocate a version of multiculturalism, arguing that taking equality seriously requires group rights that will enable the political and cultural affirmation of a plurality of ethnocultural identity groups – a politics of recognition (Tully 1995; Young 2000; Kymlicka 1995).¹ A common thread runs through this range of positions that endorse what I will refer to as broadly "communitarian" or "culture-based" criticisms of political liberalism. These critics, broadly speaking, emphasize the importance of organizing a conception of justice around cultural values and loyalties. The notion is that only by drawing upon cultural affinities will the obligations of justice take shape and attract support. The rights and liberties of citizenship must be adequately contextualized in history and culture, or so these critics maintain.

Communitarians rightly call attention to a stubborn obstacle to the realization of political liberalism: a lack of popular commitment to egalitarian principles of distributive justice. Clearly American society has experienced a collapse of commitment, if it ever had it, to any substantive ideal of equality. The income gap between rich and poor is large and has increased in the last 30 years, despite significant growth in the economy overall.² In this period the income share of the top 1 percent of the US population has doubled, and the share held by the top 0.1 percent has tripled.³ At the same time, the real wages of the middle and lower income groups have declined. The wealth gap, which reflects the accumulation of inequality over time, is also stark and revealing.⁴ The top 1 percent of the population now owns 40 percent of the country's wealth, while the bottom 40 percent of the population owns a mere 0.2 percent.⁵

There is little reason to think that efforts to forge a more robust common identity – with either nationalist or multiculturalist stripes – could counter this astounding and expansive inequality and lead Americans toward Rawlsian justice. A more inclusive social understanding of the meaning of citizenship has not in the past brought about greater socioeconomic equality. In fact, expanding the boundaries of citizenship has had just the opposite effect.

The rise in economic inequality in the last 40 years in the United States followed a marked change in social order brought about by the civil rights movements of the 1960s. American democracy became quite suddenly and strikingly more inclusive. This change was not an abstraction whose effects were confined to an impersonal reordering of legal principles and social institutions, detached from the social imagination and all that enlivens it. Rather, it reflected a serious social struggle by disempowered groups for recognition within American society and culture. Broad and deep social and cultural disruption put pressure on the public's conception of the benefits of citizenship and thus of the nation's self-conception. This struggle resulted in significant changes in the public conception of American citizenship, reflected

in the Civil Rights Act of 1964, the Voting Rights Act of 1965, and the Fair Housing Act of 1968. The meaning of this new, broader notion of the citizenry was not easily absorbed and it remained a vexed matter of social and cultural concern. The public grappled – in the domains of art, music, religion, and social life, as well as politics and law – with the new meaning and value of a more inclusive democratic citizenry. It had to decide whether citizenship could be deep as well as inclusive.

As it has turned out, the civil rights struggle for greater inclusion was followed by a thinning of the socioeconomic benefits associated with citizenship. Increasing economic inequality across racial groups has been accompanied by persistent and, in some respects, growing racial inequality. In 2007, a Pew study found that 45 percent of black children whose parents belonged to the middle class in 1968 had fallen to the bottom fifth of the current income distribution (Pew 2007; see also discussion in McPherson 2007). Welfare and other social programs have been cut significantly, and this disproportionately affects African-Americans, especially black children, since relatively greater numbers of black children live in poverty (about three times more), compared with white children. Other social indicators also reflect racial disparity. De facto racial segregation in housing has persisted and, notably, is highest in metropolitan areas in the Northeast and Midwest where African-Americans have experienced the greatest gains in public life (Patterson 2009). Incarceration for nonviolent drug offenses, a mode of social and political exclusion, disproportionately affects the African-American population, and has had staggering consequences.⁶

Racial inequalities in the education of children are also disturbing. In a crushing portrait of American education, Jonathan Kozol (2005) describes racial segregation and inequality so extreme he refers to it as “America’s educational apartheid.” In 2002–2003, public schools in the major American cities were between 75 and 95 percent black and Hispanic. In the poorest and most segregated neighborhoods of our cities, the numbers were even higher than that.⁷ De facto racial segregation in education is paired with spending disparities.⁸ The public and private schools attended by wealthier children have good facilities, pedagogically strong curricula and impressive records of feeding their graduates into elite universities, in contrast with curricula in poor inner city schools, which are not uncommonly designed around state exams and rudimentary preparation for low-paying vocations, such as hairdressing and sewing. In poor inner city schools it is common to find dilapidated buildings with overcrowded classrooms, no air conditioning, no playgrounds or gym, no libraries, no music or art programs, unclean and ill-equipped bathrooms, and inadequate medical staff and facilities for sick children. Not surprisingly, the high school dropout rate in these neighborhoods is very high.⁹ Some of the children Kozol spoke with recognized the social and personal significance of these disparities. One girl explained to him her understanding of the racial segregation of her school and neighborhood. She said, “It’s as if you have been put in a garage where, if they don’t have room for something but aren’t sure if they should throw it out, they put it there where they don’t need to think of it again” (Kozol 2005, 43).

This racialized socioeconomic retraction of the benefits of citizenship in the post-civil rights era is part of a larger historical pattern. Inequality is no stranger to democracy. From the beginning, American democracy was rooted in inequality. The Founding Fathers’ constitutional pact left almost 700,000 people in slavery, about 18 percent of the US population. Despite their affirmation of principles of liberty and equality, the founders were prepared to live with liberty for some and unfreedom for others. In fact, as sociologist Orlando Patterson tells us, subordination and social exclusion helped to give birth to the value of freedom

(Patterson 1991). From its origins in ancient Greece and extending to its conception in America, democracy was a system of exclusive inclusivity founded on the experience of slavery. Those treated unequally were outside of the democratic populace. This helped to give shape and meaning to the value of membership in the polis – the meaning and value of freedom and the benefits of citizenship.

As excluded segments of the population were incorporated, in stages, into the democratic citizenry, their inclusion brought with it resistance and revision of the social benefits of citizenship. Patterson describes a variegated process of extending citizenship and flattening its meaning that has been iterated at different points in our history, for example, in the aftermath of the American Revolution, and in the post–Civil War era. In these cases, forms of group identity – religious Puritanism in the North, white racial privilege in the South – gave way to and subsequently reacted against a more inclusive conception of citizenship (see Patterson 1999). The result was a winnowing of the egalitarian content of membership in the democratic polity, and the emergence of division, distrust, and a concerted effort by privileged individuals and groups to leverage their advantage through politics and other avenues of power in order to maintain their social and economic advantages. Beneath the surface of a more inclusive membership was a recalcitrant socioeconomic conflict of interests and the disturbing will of some groups to dominate others. This deeper truth about social division wears many disguises. Here is one: if we share a political identity – expressed in our common citizenship – and we fail to recognize egalitarian obligations, this must be because freedom is more important than equality.

Libertarians have picked up and exploited this theme. Policies aiming at economic redistribution or social entitlements are rejected as incompatible with the moral priority of property rights and freedom of contract – the heart of the libertarian conception of freedom. According to libertarians, the scope of equality should be limited to the equal liberty we each have to make choices in the pursuit of our interests and alliances and to acquire property that, in effect, expresses our choices. The state is restricted to a minimal function of securing our basic liberty, understood in this way. There are no requirements of justice to redistribute wealth. In fact, unchosen wealth-transfers violate liberty. Not surprisingly, inequalities in wealth can be expected to accumulate over time. There is no injustice in this, by libertarian principles. While we might admire a broader notion of equality, we cannot justly do much to bring it about.

In response, communitarians and some of their more egalitarian, liberal counterparts have insisted that mutual, ethically robust obligations of justice might be forged with the support of a stronger common identity. The extremes of socioeconomic inequality might at least be softened with the cultivation of sociocultural solidarity. But the notion that a common liberal identity could function to orient the obligations and substance of democratic justice is a nonstarter in the context of a deeper conflict of interests. A society cannot transform itself from radical socioeconomic inequality to a robust commitment to democratic values and the common good by inaugurating or amplifying a notion of collective solidarity. There is no reason to believe either that the obligations of justice have their source in mutual identity or that a common commitment to democratic values, however exactly they are to be understood, will arise through collective identity.

In Rawls's vision of democracy, the solidarity required to support common political values and egalitarian norms of distributive justice must be built through productive and fair social cooperation. There is no shortcut through shared identity, the affirmation of a common ideal

of citizenship, or a nonpolitical public realm where this ideal is worked out. A free society rooted in the cooperation of its members depends on fair opportunity in politics, education, and employment. Social solidarity is indeed needed to support democratic equality, and Rawls's insight is that this solidarity must be built through the mutual production and reciprocal sharing of the fruits of social cooperation. An unfair division of social goods, by contrast, is a solidarity wrecker. When those who cooperate get less than a fair share, this produces mistrust, suspicion, insecurity, and hostility. Those who get less are bitter and resentful. Those who get more assume a right to rule and to enjoy superior social status that, naturally, makes them feel easily threatened. This is because their social position of advantage is not acceptable to the disadvantaged. Nor, increasingly, is it acceptable to the middle class, which is an unstable zone when there is no social commitment to fair opportunity and a robust social safety net. Inequality exacerbates social divisions.

Rawls describes two ways in which the least advantaged in an unequal society might react to their socially disadvantaged position. He writes,

In the first way we become sullen and resentful, and we are ready as the occasion arises to take violent action in protest against our condition. In this case the least advantaged are bitter; they reject society's conception of justice and see themselves as oppressed. The second way is milder: we grow distant from political society and retreat into our social world. We feel left out; and, withdrawn and cynical, we cannot affirm the principles of justice in our thought and conduct over a complete life. Though we are not hostile or rebellious, those principles are not ours and fail to engage our moral sensibility. (*JF*, 128)

Rawls acknowledges that alleviating the first, more severe form of alienation might be achieved by ensuring a decent minimum standard of living for all citizens along with the equal protection of basic rights and fair opportunities for all. Avoiding the second form of instability, a milder form of alienation, Rawls argues, requires the "difference principle"; only when inequalities benefit the disadvantaged most will lower levels of alienation be eliminated.

One need not be as committed to egalitarian outcomes as Rawls is to recognize that social alienation is produced by the threat to equal social standing that comes from significant material inequality. We might also recognize that a materially and socially unequal state of affairs can produce the impression that self-interest and group loyalty are the only normative sources of concern and obligation, since a society marked by significant inequalities lacks the social bond produced by reciprocal gain. In other words, identity-based solidarity looks like the best hope for generating mutual obligations only when we take socioeconomic inequalities for granted. This suggests the possibility that underlying the communitarian focus on cultural recognition as a model of inclusion could be a rejection of egalitarian liberalism itself, however submerged this rejection might be in criticisms of Rawls's theoretical approach. Indeed, the weakness of the communitarians' theoretical criticisms leads one to suspect that there is a deeper preoccupation.

Communitarians have resisted Rawls's original position thought experiment precisely because it requires us to abstract from our personal and communal affinities in determining what justice requires. Some communitarians, Michael Sandel in particular, have argued that this is metaphysically impossible (Sandel 1982). Sandel thinks that we cannot abstract from

these affinities because they make us who we are; apart from them we have no perspective. For example, it makes no sense for me to consider what principles I would choose were I not to know that I am a woman from a particular community with certain professional interests, family ties, and nonreligious values. I would have no basis for a meaningful choice.

This is a strong claim and it is not plausible. I see no reason why I could not imagine whether proposed social arrangements would be acceptable from social positions I do not actually occupy. Although I am not poor and do not face racial discrimination, I can understand that poverty and racial discrimination would pose difficulties that I would want to be free of, were I to face them. That is to say, I can understand that persons who face these difficulties would reasonably object to them. Although I am not a religious believer, I can understand that the freedom to worship is very important to someone who is. Rawls is right that our ability to consider what is fair to other people enables us to take up their perspective when evaluating institutions. We can perceive the importance of their interests and values to them even if we do not have the same interests and values. We can understand what matters to them and why by listening to what they tell us, noting their reasons, and considering their priorities.

The lucidity of this possibility suggests that some critics drawn to the communitarian position might have a deeper loyalty to the conviction that we will not agree on egalitarian standards of distributive justice and, morally speaking, we should not have to. A communitarian understanding of the importance of community to individual identity and well-being can be invoked to support a certain vision of both morality and politics. Loyalties and local alliances define the basic configuration of our moral obligations. As Michael Walzer describes it, morality expresses concentric circles of concern (1996, 126). At the core are loyalties to family and other loved ones. Circles of loyalty begin there and expand outward under pressure, weakening with their distance from the core. At the periphery are obligations to persons as such. Political compromise may lead us to the periphery, although it is also possible that we won't get there. Morality does not require us impartially to address the interests of people we do not care about. Morality does not demand equal consideration.

Politics, on this view, is a contest of self and group-interest, and legitimately so. Stakeholders in an identity group bargain in the public forum to affirm their shared interests as against the interests of other individuals and groups. Bargains and compromises are struck in this struggle for power and influence, that is, when the parties are rational. The outcomes of rational bargaining and compromise express the claims of justice. Rational bargains are just because they represent the advancement, by each party, of their most basic identity-based obligations without requiring, ethically speaking, that each impartially consider the claims advanced by other parties as if, to use Rawls's imagery, all bargainers were situated behind a veil of ignorance. This requirement of reciprocal consideration and concern would be, on this understanding, too demanding. Indeed, it could conflict with the substantial obligations we have to the individuals and groups of people with whom we bear the strongest affinities. Group loyalists might want a more civilized version of a bargaining model of politics, but it is not clear that they reject its ethical presumptions.

At the heart of this version of the communitarian position is the notion of an associative obligation. This type of obligation is distinguished from obligations that arise through contracts or promises in that it is nonvoluntaristic. Associative obligations are obligations, for example, to family members, colleagues, neighbors, and fellow citizens that we have not

chosen. They arise directly from the nature and quality of the relationships – from the actions and attitudes of members toward one another (see Scheffler 2001, esp. 61–65). They are constitutive of these actions and attitudes, according to their defenders, and they produce the pleasures of friendship, the love of parents and children for one another, and the pride of patriots. Associative obligations express a notion of equality in this sense: they express reciprocal ties of equal concern between members of a self-identified group. They personally bind each member to every other member of the group, and they do not extend beyond the boundaries of the group (Dworkin 1986, 198).¹⁰

If we are to understand the benefits and burdens of citizenship in terms of associative obligations, as some communitarians suggest we should, then we must understand how associative obligations could be generated through the social practices, institutions, conventions, and attitudes that constitute political community. We need to understand how political community could be strong enough to support associative obligations, and how the associative obligations of political community could prevail in conflicts with other obligations – of friendship, family, and religious or ethnic community.¹¹

The move intended to address these concerns is the assertion that political community cannot be “freestanding.” The threat of conflict between competing spheres of obligation is reduced when areas of overlap are cultivated and expanded. As already discussed, both the nationalist and the multiculturalist versions of the communitarian ideal attempt to show that the political relation can be embedded in cultural meanings that are constitutive of individual and collective self-understanding and of mutual commitment. As David Miller describes the conversation about national identity,

The conversation will usually be about specific issues: which language or languages should be given official status; which version of national history should be taught in schools; what changes, if any should be made to the constitutional arrangements; and so forth. But behind these lie the wider questions: what kind of people are we? What do we believe? How do we want to conduct ourselves in future? (1995, 137)

Crucial to this story is the idea that this enterprise of collective identity formation issues in political obligations that complement and express individual and group self-understandings because the content of associative obligations that ground the benefits and burdens of citizenship is prepolitical. On Taylor’s nationalist and collectivist approach, a broader public sphere “enables a society to come to a common mind, without the mediation of the political sphere” (2004, 91; see also Miller 1995, 129). The public sphere is a sphere of social life, cultural values, and conversation. It is constituted through social practice, by common action and its history, what “we” do and have done together. Taylor maintains that when and only when the public sphere is (allegedly) independent of political power it can be normative for power (2004, 91). This relation of normative grounding is coherent because the public sphere that supports and directs political obligations is what those obligations are designed to protect.

The rhetoric of the multiculturalist story is surprisingly similar, even though the political substance of the view is typically, by contrast, quite liberal. Will Kymlicka writes:

shared values are not sufficient for social unity . . . What more, or what else, is required for social unity? The missing ingredient seems to be the idea of a *shared identity*. A shared conception of

justice throughout a political community does not necessarily generate a shared identity, let alone a shared civic identity that will supersede rival national identities. People decide who they want to share a country with by asking who they identify with, who they feel solidarity with. What holds Americans together, despite their lack of common values, is the fact that they share an identity as Americans. Conversely, what keeps Swedes and Norwegians apart, despite the presence of shared values, is the lack of a shared identity . . . A fundamental challenge facing liberal theorists, therefore, is to identify the sources of unity in a democratic multinational state. (1995, 188, 192)

Kymlicka resists nationalist aspirations by cultural minorities for statehood, although he thinks that secession should be a permissible option. His ideal is a form of multinational federalism (Kymlicka 2004). He believes that social unity in a multicultural state can be achieved through a collective identification across ethnocultural groups with a thin liberal nationalism. Furthermore, Kymlicka argues, a thin liberal nationalism that emphasizes a nation's common history, language, and political forms should be supplemented by rights of self-government and territorial autonomy for national minorities, provided that the core liberal rights of individual members of national minority groups are guaranteed.

I am not skeptical of the value of these qualified group rights and I am sympathetic to several considerations Kymlicka stresses in their favor – particularly the concern to remediate historical injustice. My point is that a multiculturalist position is weak as an expression of the ideal of inclusion in a liberal democracy. A thin liberal nationalism that includes a shared recognition of the value of cultural self-determination might offer a broad basis for establishing the political loyalties of citizenship – but those loyalties will likely be too thin to support egalitarian norms of distributive justice.

From an ethical perspective that takes associative obligations as its starting point, it would not be surprising nor considered particularly disturbing that people would lack enthusiasm for the idea that they should be concerned to justify their political choices to others with whom they have weak, if any, ties of identity-based loyalty.¹² Nor should we be surprised or disconcerted, from this perspective, to find that without ties of loyalty people would lack motivation to secure for all citizens the basic rights and socioeconomic opportunities that are central to a liberal democracy. The loyalties on which identity is built fit uncomfortably with the egalitarian norms of distributive justice that an ideal of inclusive public justification would favor. As Walzer stresses, loyalties weaken as they are stretched. Both the nationalist and multiculturalist versions of the communitarian story are more compelling when the socioeconomic dimension of political justice is weak. In that event, the rights of the underprivileged can more plausibly be understood as rights of autonomy and self-representation or, alternately, as rights to secede.

Understanding politics as a terrain carved by allegiances of loyalty and contested by individuals and groups seeking to promote their differing interests gathers support, more generally, from political philosophies that deemphasize our positive obligations to other persons, even within identity groups. As we have seen, libertarians stress the negative nature of our duties to other people: we have duties not to violate their rights, but no positive duties to promote their good. A common thread in libertarian and some communitarian rejections of political liberalism could be this: persons who fundamentally disagree over morality, religion, and the meaning of life, or who do not freely choose to pursue joint projects that involve egalitarian commitments, should not have to reach political agreement to treat one another

as equals, if that means to view one another as having a substantive claim on real opportunities, wealth, and other resources generated collectively through social cooperation. Rawls's criterion of strong reciprocity in the division of these goods is too demanding under conditions of liberty and difference.

Rawls cautions us that this ethical position has disastrous consequences for democracy. Socioeconomic inequality and the social alienation that accompanies it encourage a skeptical, even cynical, conception of politics. Politics as a matter of antagonistic if not outwardly hostile bargaining between conflicting interest groups is counter to the ideal of public reason, which insists that basic questions of justice should be resolved on the basis of principles that could secure reasonable agreement among all citizens, considered as equals. Unfortunately, a skeptical, even cynical, conception of politics is now widely accepted. Leveraging one's advantage is perceived to be legitimate and politically savvy. The result is an emphasis on private gain and the erosion of what we might think of as the public face of democracy – the protection of civil rights, access to education, free speech, and meaningful opportunities to participate in politics (see Patterson 2011).

Of course, communitarian skepticism about a just requirement of public justification – about the need to justify political institutions and policies outside of one's own group – can be encouraged by intractable disagreements between different individuals and groups about matters of morality and religion. When people disagree deeply about religion, morality, and other matters of personal value, this might aggravate their sense of alienation from one another. But this disagreement is not the deepest source of alienation nor is it an insurmountable obstacle to greater justice. Too often, in fact, it is exploited by powerful elites as a means of weakening a potential coalition of resistance by disadvantaged groups. A socioeconomically just democracy, by contrast, can support a broad conception of toleration. The retreat of some cultural-religious groups from public political life, for example, is tolerable and not destabilizing to just institutions (see Kelly and McPherson 2001). Justice might also support suitably qualified group rights. Territorial autonomy for national minorities whose inclusion was the result of conquest, for instance, might sometimes be required by justice, provided that their “autonomy” is not a form of political exclusion.

Constraining socioeconomic inequality is an essential aspect of a just scheme of social cooperation and a necessary basis for securing a mutual commitment to the rights, liberties, and opportunities that give democracy its substance and meaning. Were social cooperation stable enough to secure our equal basic rights, liberties, and fair opportunities, social alienation in its milder as well as its more severe forms would be greatly diminished. People might be prepared to accept some measure of socioeconomic inequality, provided that those who are willing to work could expect something like a decent middle-class wage. Stabilizing our democracy in this way would also put us in a better position to accept the social disunity produced by value pluralism and cultural differences. We might accept that a plurality of moral, religious, and philosophical worldviews is not an indicator of injustice or the limits of our mutual obligations, and it need not threaten the core values of a compelling vision of democratic justice.

If democratic rights and liberties are important to us, we should take care not to distract attention from the seriously unequal and alienating division of wealth that is the deeper threat to democracy. Rawls's concern to constrain inequality and to promote fair opportunity may be the best hope for achieving a stable social commitment to the basic rights, liberties, and opportunities that are the common currency of a reasonably just democratic society.

Notes

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- 1 Kymlicka stresses the distinction between societal cultures and ethnic groups.
- 2 See Stiglitz 2012. Stiglitz predicts that the current income inequality will continue to grow.
- 3 According to the US Census Bureau, in 2009, the top 20% of the working population earned almost 50% of the nation's income, and the top 5% alone earned over 20%. This represents a substantial increase in the earning power of these segments of the population compared with what it was in 1973. The bottom 20% of American wage earners, by contrast, earned less than 4% of the aggregate income in 2009 – a small and decreasing portion of the pie. They earned about about 5.5% in 1973. The current poverty rate is 13.2%, compared with 11% in 1974. See <http://www.census.gov/people/wealth/> (accessed June 2013).
- 4 According to analysis by sociologist Edward Wolff (2012), the top 20% of the population possesses 85% of the nation's wealth, and this group has absorbed the vast majority of new wealth generated by the US economy in the last three decades.
- 5 According to the Economic Policy Institute, the wealthiest 1% is 288 times wealthier than the median in the US, a gap that has more than doubled since the 1960s. See <http://stateofworkingamerica.org/chart/swa-wealth-figure-6c-ratio-top-1-wealth/> (accessed June 2013).
- 6 For a compelling analysis of the criminal justice system as a system of racialized social control, see Alexander 2010.
- 7 For instance, at Adlai Stevenson High School in the Bronx, blacks and Hispanics made up 97% of the student body; less than 1% were white (Kozol 2005, 41–42).
- 8 \$11,700 was spent per child in New York City in 2005, versus \$22,000 in the wealthy suburban district of Manhasset, Long Island; the median teachers salaries were \$53,000 and \$87,000 respectively. Further, Kozol points out that affluent parents in New York City often “pay surprisingly large sums of money to enroll their youngsters, beginning at the age of two or three, in extraordinary early-education programs that give them social competence and rudimentary pedagogic skills unknown to children of the same age in the city's poorer neighborhoods” (2005, 46).
- 9 Kozol writes that in the United States from 1993 to 2002, “the number of high schools graduating less than half the ninth-grade class in four years has increased by 75 percent. In the . . . districts in New York State where white children make up the majority, nearly 80 percent of students graduate from high school in four years. In the . . . districts where black and Hispanic students make up the majority, only 40 percent do so” (2005, 54).
- 10 Equality of concern implies, Dworkin argues, that associative obligations arise in “communities of principle” – communities in which all members receive equal treatment, according to common principles. He believes that the legitimacy of government reflects and depends on the associative obligations of citizenship, and that if the relationship of citizenship lacks reciprocity, the coercive power of the state cannot be legitimized. I note that Dworkin's use of the notion of an associative obligation lacks the cultural emphasis characteristic of communitarian thought. He believes associative obligations can be grounded solely in the political relationship. In this sense, he is more accurately described as a liberal than a communitarian.
- 11 Dworkin argues that when the substantive requirements of institutional justice are not met, the political obligations of citizenship are difficult to reconcile with competing associative obligations – of family, for example, or community. Perhaps they cannot be reconciled at all and the lives of all individuals in an unjust society will inevitably be ethically impoverished (Dworkin 2000, 236).

- 12 To be clear, Kymlicka distances himself from the communitarian position that the scope of political obligation arises and is limited by ties of identity-based loyalty arising from a shared “way of life” or cultural tradition. He affirms multiculturalist ties of loyalty. See Kymlicka 2002, 257–261.

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