Justice: Verdictive or Aspirational?
Relational Equality as Liberal Legitimacy

Here are some things that I believe to be true: We have reasons of fairness to eradicate unearned disadvantage, and on the right understanding of “uneared,” a very great deal of disadvantage is unearned. Those reasons of fairness are not always decisive. They must be weighed against other considerations, some of which, like fairness, are value considerations. Among the value considerations we must weigh are considerations of legitimacy. Legitimacy permits us to act politically only in ways that respect the political equality of all citizens, including those who disagree with us about what fairness demands; and it permits us to omit to act politically only when so omitting is consistent with the political equality of each citizen. To elaborate just a bit: I believe that the concept “fairness” picks out a distribution of social goods and that the concept “legitimacy” picks out the conditions under which political power may permissibly be used in a liberal democratic state to achieve or maintain fairness or any other social aim. I believe that something like luck egalitarianism is the right account of fairness, and that some version of relational egalitarianism is the right account of liberal legitimacy.

But the purpose of this paper is not to defend luck egalitarianism as the right conception of fairness, and it is only partially to defend relational egalitarianism as a plausible conception of legitimacy. My main goal is to explicate an anatomy of political normativity that makes room for luck and relational egalitarianism to play these roles, and to make that anatomy appealing, in part by showing that it makes room for these distinct sources of political value to play these roles—that by contextualizing those sources of value within my proposed anatomy, we can redeem what has seemed so clearly right about each without succumbing to their respective theoretical liabilities. More specifically, in this paper, I argue that my favored conceptual picture can accommodate what is right about relational egalitarianism without sacrificing the plausible distributive egalitarian commitment to mitigating unearned disadvantage. Understood as a theory of political legitimacy, relational egalitarianism has robust distributive egalitarian implications of its own, and it can permit the political pursuit of distributive egalitarian requirements of fairness that are more demanding still. Moreover, my favored conceptual anatomy enables us to see how considerations of fairness remain practically salient even when legitimacy condemns acting on them.

I. Two Well-Worn Debates

A third concept has so far been missing from this characterization: justice. This omission is conspicuous, because one of the well-worn debates lurking in the background of this project is a debate about the subject matter of justice. But an ambiguity in this characterization obscures something important. On one understanding of “subject matter of justice,” we’re asking something substantive: What or whom do principles of justice compel; and how far and in what arenas of life? On a different understanding, we’re asking something conceptual: What does the term “justice” mean? In both debates, John Rawls and G.A. Cohen are flag-bearers for the opposing camps. Substantively, Rawls restricts the primary subject matter of justice to the basic structure of society. Substantively, Cohen thinks that principles of justice extend to individuals. Conceptually, Cohen sees justice as an input into the question of what we ought to do, politically speaking, and thinks that the justice input may have to be balanced against other considerations like stability or Pareto-improvement. Conceptually, Rawls thinks that justice is (something closer to) an all-things-considered assessment of how political institutions ought to be arranged, which already incorporates those other considerations. The first of the well-worn debates this paper wades into concerns the conceptual subject matter of justice question.

This conceptual disagreement is crucially at play in the other well-worn debate this project wades into: the debate between luck and relational egalitarians. Elizabeth Anderson, flag-bearer for relational egalitarianism, defends the Rawlsian take: Put roughly, justice generates all-things-considered political

---

1 See, for example, Rawls 1999, 6–8; Cohen 2008, 124–40.
2 See, for example, Rawls 1999, 3; Cohen 2008, 7.
“oughts.” As such, the right account of justice will abide by certain constraints: Justice “adheres to the maxim that ‘ought’ implies ‘can’”; principles of justice must be “publicly articulable”; they must be “stable such that people can be motivated...to follow [them] over time”; and they must “satisfy a Pareto improvement condition: that they not forbid actions or block events that advance some people’s interests to no one else’s disadvantage.” Cohen regards these constraints as “alien to justice.” On the subject of ought-implies-can, for example, he claims that “if justice is...each person getting her due, then justice is her due irrespective of the constraints that might make it impossible to give it to her.” For Cohen, alleged principles of justice that incorporate such considerations as feasibility, publicity, stability, and pareto optimality are not principles of justice but rather rules of regulation: While the former tell us what someone is due, the latter tell us, roughly, what should be done to provide them with it. Only the latter, for Cohen, are rightly subject to the constraints of feasibility, publicity, stability, and pareto optimality.

The debate between luck egalitarians and relational egalitarians, then, is bound up with a disagreement about the concept “justice”: For Anderson, justice gives final judgment on what we ought to do politically, and relational equality captures those judgments. For Cohen, justice is a moral input into what we ought to do, which might be constrained by other considerations, and that input demands distributive equality. The conceptual divergence has substantive implications. The debate between luck egalitarians and relational egalitarians, like other important debates in political philosophy, has proceeded largely by way of invoking intuitions about what justice could or could not plausibly demand. To properly situate the philosophical import of these intuitions—as well as to see if we still have them at all once conceptual distinctions are made—we need to get clear on just what thing “justice” is meant to pick out. Or, failing that, we need to make sure that all parties are talking about the same concept, even if they don’t yet agree that that’s the one to call justice. This is the strategy that I put to work in this paper. I want to explicate the following suggestion, and by the end of this paper make it seem like a plausible hypothesis worthy of further consideration: Political philosophy needs both an aspirational and a verdictive concept of justice. Aspirational justice lines up with Cohen’s concept of justice: It simply means fairness understood as each getting her due. The right substantive account of aspirational justice, then, is distributive. Verdictive justice is the output of the ranked weighting of all values relevant to our social arrangement. It tells us which social arrangement we have most moral reason to bring about once all sources of political value are accounted for. Neither luck nor relational egalitarianism, I contend, is a plausible account of that. What relational egalitarianism plausibly does capture are the demands of a different moral concept that—alongside aspirational justice—informs the judgments of verdictive justice: legitimacy. Legitimacy imposes constraints on what we may do politically, in a liberal democratic society, to realize our social ideals including aspirational justice.

Perhaps the term “justice” applies to both the aspiration and the verdicts, and we will always need to attach “verdictive” or “aspirational” or otherwise make clear which concept we’re referring to. Perhaps we would do better to reserve “justice” for only one part of the anatomy. That question I leave open.

Over the course of a bigger project of which this paper is a part, I defend this conceptual anatomy of political normativity by putting it to work and letting it show us what plausible things it enables us to say about the concept(s) of justice, and what plausible things it enables the theories on offer to say—and

---

3 Anderson 2010, 17.
4 Cohen 2008, 337.
7 For arguments (which I find persuasive) that Cohen cannot regard any ethos that includes productive requirements as an ethos of justice if he insists that Paretoian considerations are extrinsic to justice, see Quong 2010; Tomlin 2010.
8 It will become clear that verdictive justice is not the same thing as Cohen’s “rules of regulation.” On Rawls and Cohen’s respective concepts of justice, see A. Williams 2008. Others have argued that both concepts of justice in play are worth theorizing, or that their associated distinct questions are worth asking and their respective methods of justification worth deploying. See James 2018; Tomlin 2012. (And, we'll see, others have argued that luck and relational egalitarianism are compatible.)
what implausible apparent implications it enables them to avoid—about the substance of justice. There is
ample enthusiasm of late for pluralistic and ecumenical accounts both of the concept of justice and of the
(seeming) disagreement between luck and relational egalitarians.9 My project attempts to bring these
close conversations together; to flesh out a theoretical foundation for a kind of ecumenism both about the
concept of justice and about the reasons sourced by relational and distributive accounts of justice; to deploy
that theoretical foundation to show how such an ecumenism can be action-guiding in both ideal
and non-ideal circumstances; and to do all this through the lens of political liberalism thereby making
strides too toward showing how that framework can be action-guiding in circumstances of injustice. In
this paper, I set out the conceptual picture, explore the kinds of normative political judgments it enables
us to make, and then answer an objection from the perspective of luck egalitarianism.

It may seem at first glance that relational egalitarianism gets the short end of the stick in this
proposed reconciliation: Whereas luck egalitarianism gets to be exactly what its proponents argue that it
is—a theory of a concept of justice understood as an evaluative input into what we ought to do
politically—relational egalitarianism is something that none of its proponents (that I know of) argue that it
is: an account of liberal legitimacy. Moreover, the gloss I give on relationally egalitarian legitimacy is
distinctly politically liberal: I’ll argue that relational egalitarianism is most plausibly understood as a sort
of neutrality constraint like that embodied by the Rawlsian liberal principle of legitimacy. Proponents of
relational egalitarianism are not, generally, proponents of political liberalism; still less do they regard
their view as a view of politically liberal legitimacy. And so my conceptual picture looks at first glance to
be most unfriendly to relational egalitarians. I think this is the wrong way to look at it. Though luck and
relational egalitarians should ultimately both sign on for the conceptual anatomy I endorse, luck
egalitarians have more initial reason to want to resist it. Let me explain why by foreshadowing what I’ll
say about the relationship between these concepts: Legitimacy, to put it roughly, is a trump. It constrains
the reasons-giving force of other values—like aspirational justice—to bear on the judgments of verdictive
justice. As an account of legitimacy, relational egalitarianism imposes positive demands that are always
voiced by verdictive justice, and it imposes constraints on other values such that, when the demands of
other values run afoul of legitimacy’s constraints, those demands are never voiced by verdictive justice.

Indeed, the objection I consider on behalf of luck egalitarianism is precisely that this casting gives
relational egalitarianism so much voice that it silences luck egalitarianism. It seems, on my picture, that
the demands of (luck egalitarian) aspirational justice will be reflected in the judgments of verdictive
justice when and only when those demands are seconded by relational egalitarian legitimacy. On the
contrary, I’ll argue, my proposed conceptual picture enables us to redeem the political importance of
relational equality among citizens without unduly sacrificing the distributive egalitarian commitment to
mitigating unearned disadvantage. In the next section, I sketch the conceptual anatomy that I want to
defend and situate that anatomy along various dimensions relevant for normative political theorizing. In
section III, I fill in proposed substantive accounts of the two most important concepts in the anatomy. In
section IV, I consider what kind of case might be made for such a picture, broadly speaking. I then turn in
sections V and VI to the legitimacy component. I argue in section V that, understood as an account of
politically liberal legitimacy, relational egalitarianism imposes robust and plausible distributive
egalitarian demands. In section VI, I argue that, even beyond the demands that relational egalitarian
legitimacy imposes, it affords luck egalitarian aspirational justice space to influence ultimate verdictive
justice. The upshot of the arguments in sections V and VI is that relational egalitarian liberal legitimacy
demands a fair bit of distributive equality and approves still more. Section VII concludes.

II. Conceptual Ecumenism: An Anatomy of Political Normativity

Begin with the broadest evaluative concept relevant in this paper: Verdictive justice provides a
partial ranking of social arrangements by political value and gives an all-things-considered judgment
about what social arrangement we have most normative reason to bring about. The judgments of

9 See footnotes # and #.
Verdictive justice are fully determined by the weighted values that inform it. We’ll see that those judgments vary across circumstances because some of the values that inform them are sensitive to circumstantial social facts. Among the invariant values that inform verdictive justice is aspirational justice, or distributive fairness, encompassing our reasons to arrange the terms of social cooperation to give each citizen her fair share of social value. Verdictive justice is informed too by any other evaluative considerations that bear on the moral value of an arrangement of social institutions, including, plausibly, the value of having more social product to go around rather than less. After all, apart from a fair distribution of whatever social value happens to exist, we want enough social value so that a fair share equips each citizen to live a good life. We want social value to be distributed fairly and abundant. Minimally, on some understanding of “better for” and “worse for,” an arrangement is in one way worse insofar as it is worse for some and better for none.\(^\text{10}\) I’ll call this value, simply, “efficiency.” Plausibly, there are also aspirational values concerning how citizens relate to one another, like community or solidarity. Or perhaps an independent prioritarian aspirational political value strengthens our moral reason to benefit people in proportion to how badly off those people are.\(^\text{11}\)

A different type of normative consideration informs verdictive justice by adjudicating its aspirational inputs: legitimacy. Plausibly, our political pursuit (or preservation) of distributive equality or efficiency in a liberal democratic society is illegitimate unless it is consistent with mutual civic respect among free and equal citizens. I just said that some relational values—like community—are plausibly best understood as aspirational. The value of mutual civic respect is not. Legitimacy is the weightiest political value I want to advance, occupying an importantly different region on the map. I’ll regard the relational value of mutual respect as the core of politically liberal legitimacy, which itself is an evaluative trump card: Legitimacy constrains the reasons-giving force of aspirational, comprehensive values. On the account I’ll endorse, aspirational values are always outweighed by legitimacy whenever aspirational values or their pursuit is not consistent with maintaining mutual respect among free and equal citizens.

There’s plenty there to unpack, but for the moment let’s just review the conceptual picture. Aspirational justice tells us what each is due. Like Cohen’s “justice,” aspirational justice just is a matter of a single evaluative consideration: fairness in the distribution of social benefits and burdens, shorn of considerations like feasibility, stability, and publicity.\(^\text{12}\) Verdictive justice tells us which political arrangement we have most moral reason to bring about—which has the most value—once aspirational justice is balanced against other relevant values, and once the verdicts of those weighted considerations are filtered out or permitted in by the constraining considerations of liberal democratic legitimacy. On the conceptual picture I favor, then, “aspirational justice” refers to a (set of) principle(s) that specifies fairness in the sharing of benefits and burdens of social cooperation; “legitimacy” refers to a (set of) principle(s) that specifies how our social cooperation may permissibly be regulated or political power be exercised to bring about some social end, such as aspirational justice; and “verdictive justice” is the output of the whole set of moral calculations. It looks something like this (with more precision to come):

---

\(^\text{10}\) Some might argue that Pareto or constrained maximizing considerations are part of aspirational justice. I tend to think that abundance of social value and fairness of its distribution are conceptually distinct evaluative considerations, and only the latter strictly a matter of justice, but I’m not sure about this. I will suggest in due course that certain aspects of both are implied by relational egalitarian legitimacy, and that meeting those distributive and Paretian/maximizing requirements is therefore a limiting condition for any liberal democratic political arrangement.

\(^\text{11}\) See Parfit 2000; O’Neill 2008

\(^\text{12}\) Although aspirational justice is one among a plurality of political values, I disagree with Cohen’s “radical pluralist” denial that we can have systematic mechanisms for weighing these values. See Cohen 2008, 3–4.
What I am sketching, recall, is an anatomy of political value. As such, the ultimate judgments of verdictive justice are meant to give us guidance with respect to the problem of politics: how to arrange the terms of social cooperation and interdependence to share the benefits and burdens of that cooperation and interdependence. But they merely provide guidance for action, by specifying the values that give us reason to prefer some social arrangement over another, and by providing a partial ranking of moral importance among the values in question. In just this sense, both aspirational and verdictive justice are axiological. This construal leaves open most of what is substantively and conceptually in dispute in the debate about the subject matter of justice and in the debate between relational and distributive egalitarians. It leaves open, for example, the question of whether the subject matter of justice is restricted to political institutions. Both verdictive and aspirational justice are assessments about the value of arrangements of social cooperation. Whether or not such arrangements can be rendered less valuable by individual behavior within just institutions remains an open question.

**Telic or Deontic?**

Nor does theorizing justice axiologically commit us to regarding the values in question as telic in Derek Parfit’s influential sense of the term. On my substantive filling in of the conceptual picture I’m now sketching, both distributive and relational equality have intrinsic value, by which I mean just that their value is not merely instrumental. But those commitments aren’t part of the conceptual picture, which anyone is free to accept without accepting the substantive commitments I use to flesh it out. Moreover, my substantive commitment to equality as an intrinsic value is not telic egalitarian in Parfit’s sense because I endorse distributive and relational equality as political values: Both distributive equality (as aspirational justice) and relationally egalitarian mutual respect (as legitimacy) are values realized by an arrangement of social cooperation. On my view, to the degree that an arrangement of social cooperation is distributively unequal, it is in one way bad; to the degree that it fails to realize the relevant version of relational equality, it is overwhelmingly bad. But in neither case need we accept the commitments that Parfit associates with telic egalitarianism. Let’s focus on the distributive piece, since that’s Parfit’s target.

---

13 Compare the sense of “ideal” explicited in Brownlee 2010.
14 I should note that precisely in leaving open whether luck egalitarian (aspirational) justice judges only institutional arrangements, I depart from luck egalitarian orthodoxy. See Lippert-Rasmussen 2016, 31. But see also Tan 2012.
Definitively, for Parfit, telic egalitarians believe that “it is bad in itself if some people are worse off than others.” On my view, distributive equality that arises within an arrangement of social cooperation is bad non-instrumentally. In this way, equality is of conditional intrinsic value. Of course, one will need to say more to motivate the view that equality is valuable non-instrumentally on the condition that it arises within a social arrangement. For now, the point is to notice that the picture I’m proposing is not committed to the scope of egalitarianism that Parfit associates with telic egalitarianism—that is, to the view that equality is valuable in all cases with respect to everyone who ever lives. I do not live in a system of social cooperation with Incan peasants, and so whatever else is bad about the lot they endured, it is not dis-valuable by the lights of equality as I understand it, because that value inheres only in arrangements of social cooperation. But again, and still more to the point, nothing in the choice to theorize justice axiologically commits one to the view that equality, if valuable, is telically or even intrinsically valuable.

Compatible with Justice as Fairness?

One substantive question I do effectively set aside by theorizing justice axiologically. Among the considerations that Anderson thinks part of justice and Cohen thinks alien to it are feasibility, publicity, stability, and Pareto optimality. I’ve said that I regard Pareto optimality (or something like it) as alien to aspirational justice but an input into verdictive justice. The same is true of stability and publicity, but in a different way: Both figure into the concept of legitimacy, which constrains political measures to realize both aspirational justice and Pareto optimality. But feasibility is treated importantly differently on my way of looking at things. By construing justice as axiological, I set aside feasibility—or rather, feasibility as such—as alien to aspirational and verdictive justice, and I do this before we even begin attaching theories to concepts. Verdictive and aspirational justice are both assessments of the value of a social arrangement, and feasibility is alien to such assessments even if not to their deontic counterparts.

If aspirational and verdictive justice are both axiological, then neither directly tells us what we should do. This means that Rawls’s justice as fairness cannot be a candidate theory of aspirational or verdictive justice, whether we think of justice as fairness as a comprehensive doctrine or as a (family of) liberal political doctrine(s). Still, if a Rawlsian found my picture of political value appealing, she could certainly argue that it is compatible with justice as fairness. For example, my conception of legitimacy is decidedly politically-liberal Rawlsian, drawing on the ideal of reciprocity. A politically liberal Rawlsian might argue that justice as fairness as a political doctrine is the deontic counterpart of my verdictive justice, and that legitimacy acts as a contractualist procedure adjudicating aspirational value inputs.

Ideal or Non-Ideal Theory?

Parfit, 2000, 84
Parfit’s distinction obscures other forms of egalitarianism as well. See O’Neill 2008. Like O’Neill’s non-intrinsic egalitarianism, my non-instrumental egalitarianism charts a middle course between cosmopolitan globalism, according to which demands of equality apply everywhere with the same strength, and strong statism, according to which those demands operate only within states. On my view, like on O’Neill’s, “the degree of [cooperative] interaction between different individuals, peoples, or societies can determine the extent to which a distributive inequality between them is objectionable.” See O’Neill 2008, 138. I get there by thinking about the conditions (social cooperation; the conditions of politics) under which equality is non-instrumentally valuable; he gets there by thinking about the goods that equality is instrumentally valuable for securing. Of course, my approach has me staring down the throat of the levelling-down objection, but on this I find the pluralist response to be fully satisfying: An equal distribution in which everyone is worse off than the alternative is plausibly not one we should try to bring about; but it is nonetheless better in one way—namely, that it realizes more of the impersonal value of equality. On the limits of the distinction between telic and deontic egalitarianism, see also Julius 2003.

This is part of what differentiates verdictive justice from Cohen’s “rules of regulation.” Cohen 2008, 275. The importance of the “as such” will become clear.

On the compatibility more generally of justice as fairness with luck egalitarianism as an aspirational social value, see Rawls 1999, 86; Cohen 2008, 85; Tomlin 2012, especially 387-389.
I assume the verdicts of verdictive justice inform deontic judgments in roughly this way: What we ought to do as a matter of justice is to arrange the terms of our social cooperation to realize as much social value—as much verdictive justice—as we can feasibly attain. This consequentializing move is modest: It is an open possibility that some of the values that inform verdictive justice are duty-based or second-personal, in that the value is better realized to the extent that people (and institutions) act as duty requires or respond to their second-personal reasons. Practically speaking, what we get by thinking of justice as axiological is a consistent grounding in value for contextually-varying deontic judgments: The very same values that are optimally realized in the fully just society guide us in thinking about how we ought to arrange institutions—and what institutions we ought to have—to pursue justice from within a wide range of circumstances of injustice. Theorized at the right level of specificity, verdictive justice generates a rank-ordering of institutional arrangements according to their realization of weighted political values. Discerning and refining political values and the relationships among them equips us both to describe the institutional arrangement and practices of an ideally just society and to discern what we should do now to move toward a more just institutional arrangement from an unjust status quo.\(^\text{19}\)

I will turn presently to examples illustrating how the concepts within the anatomy work together to determine verdictive justice. For now, let’s consider an example to illustrate how verdictive justice—the output of that interaction—provides action guidance. Suppose that verdictive justice judges a social arrangement more valuable to the extent that any distributive inequalities—when such inequalities exist—attach to positions in competitions for which nobody is disadvantaged in virtue of her social class background.\(^\text{20}\) Assuming that some salary inequalities exist in an ideally just society, then, we can infer from verdictive justice’s rankings that in an ideally just society, protections will be in place to ensure robust equal opportunity in competitions for the advantageous positions: Economic institutions will be regulated “...so as to prevent excessive concentrations of property and wealth”;\(^\text{21}\) high quality education will be ensured so that all can develop the qualifications on the basis of which subsequent positions are awarded; and protections will be in place to ensure non-discrimination in selection for those positions. Because robust equal opportunity (for positions to which unequal rewards attach) is a value of justice, a just society (assuming it contains positions to which unequal rewards attach) will be one wherein institutional mechanisms and practices are in place to ensure robust equal opportunity.

When we turn to the question of how we work toward realizing more of the value of verdictive justice from a starting point of our unjust status quo, the value is the guide; not the institutions that that value would call for in a perfectly just society. This matters for three reasons. It matters, first, because the value can straightforwardly license corrective action in unjust circumstances. For example, the value of equal opportunity may call for legislative requirements for affirmative selection procedures that discriminate in favor of members of certain groups precisely in order to move toward greater realization of equal opportunity. At the foundation of theorizing, we eschew deontic principles that might helpfully guide our social arrangement in an ideally just society but that provide no guidance—or provide the wrong guidance—in circumstances of injustice. The values verdictive justice discerns are invariant; circumstances matter only for how best to realize them. Verdictive justice may license different institutional practices in circumstances of injustice to realize the same values that would guide our arrangement in an ideal society, and it may call for social sectors or institutions that wouldn’t even exist in a fully just society to perform functions that will no longer be necessary once justice is achieved.

Second, a focus on values at the foundational level of theorizing makes a difference because it can help us to see why priority rankings that make sense in a just society are implausible in circumstances of injustice. For example, maintaining institutions that realize equal opportunity may be morally more urgent than maintaining institutions that realize some other value; but things might look much different

\(^{19}\) We can, with Cohen, work toward discerning fundamental political values, but insist, with Rawls, that political philosophy can be action-guiding and needn’t resort to intuitionism in (at least many) cases of value conflict.

\(^{20}\) On Rawlsian fair equality of opportunity, see Rawls 2001, 44.

\(^{21}\) Rawls 2001, 44
when we turn to circumstances of injustice: It may be that institutional arrangements conducive to pursuing some value that is as yet lacking matter little absent other preconditions for that value being realized. Maybe fairness in selection has diminished value as a guarantor of background justice so long as some positions carry unjustly large or unjustly small shares of social rewards. In that case, (part of) the value of equal opportunity is simply unrealizable absent reform to the reward structure within which competitions take place. Even if fairness in hiring is particularly important in a just society, it may be that in an unjust society, circumstances are not in place to make it serve genuine equal opportunity, and so its pursuit becomes less important than some other value that we can realize, or that we must realize to bring about circumstances for realizing the full value of equal opportunity.

Third and finally, conceptualizing justice in terms of values enables us to see that different kinds of values may retain importantly different kinds of reasons-giving force when they are decisively outweighed, in our circumstances, by other values. In this paper I consider how aspirational justice can retain some reasons-giving force even when it is fully silenced by the constraining value of legitimacy—when fair shares as such bear not at all on the verdicts of verdictive justice. As we’ll see, the judgments rendered by the value of mutual respect at the heart of legitimacy can vary depending on non-value-based facts about social circumstances: What mutual respect favors can depend on non-value-based facts about, for example, citizens’ preferences or motivational capabilities. When legitimacy constrains our pursuit of aspirational justice because of those non-value-based facts, it silences the demands of aspirational justice, but it does not extinguish them. The silenced values may generate reasons to change the facts that bring about the very value conflict in which the silenced values give way to legitimacy. We’ll return to this possibility. For now, it’s enough to note that by conceptualizing justice in terms of values, we can attend to those values as live (if dormant) considerations even when, in our particular circumstances or level of abstraction, those values are not reflected in verdictive justice’s judgments.

So: The values that a fully verdictively just society (by definition) realizes best are the same values that should guide us as we work to reform the society we’ve got. The deontic principles those values generate or the course of action they support will likely diverge sharply from what the values call for under circumstances of full compliance, but this is just as it should be.

III. Substantive Ecumenism: Distributive and Relational Equality

Now let’s see how luck and relational egalitarianism might figure into this picture.

On Elizabeth Anderson’s formulation, the disagreement between luck and relational egalitarians is a disagreement about “how to conceive of equality: as an equal distribution of non-relational goods among individuals, or as a kind of social relation between persons—an equality of authority, status, or standing.” Larry Temkin captures well the central negative commitment of luck egalitarianism: “It is bad—unjust and unfair—for some to be worse off than others through no fault [or choice] of their own.” A common positive formulation has it that luck egalitarians are unified in the conviction that justice demands seriously reducing or eliminating involuntary disadvantage—that is, disadvantage for which those on the losing end are not responsible or not to blame. Relational egalitarians, in contrast, are not concerned with distributive inequalities as such. Rather than eroding unearned disadvantage, “the proper negative aim of egalitarian justice is to end oppression”, and the proper positive aim is “to create a

---

22 Cite to Anca’s paper.
23 Anderson 2010, 1. The term “luck egalitarian” was first levelled as disparagement in Anderson’s early critique of the views she referred to by that name. See Anderson 1999.
26 Anderson 1999, 289 On relational egalitarianism, see also Scheffler 2003; Miller 1997.
community in which people stand in relations of equality to others.”

For Anderson, relational equality is substantive democratic equality, where “democratic” means “collective self-determination by means of open discussion among equals, in accordance with rules acceptable to all.”

I’ll assume for argument’s sake that the right principle of aspirational justice is luck egalitarian, calling for (approximately) the elimination of undeserved disadvantage. But while I assume luck egalitarianism as an account of aspirational justice, I offer a relationally egalitarian account of legitimacy as a working hypothesis: I want to make relationally egalitarianism seem plausible in that role, and in so doing generate some support for my conceptual picture. The account of relationally egalitarian legitimacy I favor is centered on the liberal principle of legitimacy drawn from Rawlsian political liberalism.

**Mutual Respect and Equal Standing as Citizens**

The liberal principle of legitimacy specifies that “our exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in light of principles and ideals acceptable to their common human reason.” Chief among these privileged ideals are those derived from the relational value of mutual respect among free and equal citizens. On the account I favor, legitimacy imposes certain absolutist demands and prohibitions that follow from that ideal. Negatively, it rules out as illegitimate any means of pursuing aspirational justice (or any other aspirational social value) when those means would be inconsistent with the ideal of mutual respect among free and equal citizens. Indeed, it condemns it as illegitimate that we even regard the reasons supplied by aspirational justice as reasons, for political purposes, when doing so is inconsistent with the ideal of mutual respect. Even if it is the right account of fair shares, after all, luck egalitarianism is a disputed, comprehensive account of fair shares, and the reasons it supplies must comply with certain constraints—the constraint of liberal legitimacy—before they can act as reasons: Like the reasons supplied by other aspirational values, the reasons supplied by aspirational justice must either be seconded by the ideal of mutual respect or approved by the democratic processes that that ideal condones. Negatively, then, legitimacy acts to filter out certain among the reasons supplied by comprehensive values that bear on the goodness of a social arrangement.

Positively, legitimacy demands of our social arrangement that its constitution ensure for the protection of essential interests that follow from the relational ideal of mutual respect among free and equal citizens. Political liberalism demands that, in constitutional essentials and matters of basic justice, the terms of social cooperation be mutually justifiable among citizens construed as free and equal. As a bedrock commitment of the theory, the ideal of mutual respect among free and equal citizens generates mandatory shared reasons: The aspiration of mutual justifiability is not to secure the conditions (if any) that we all actually agree to; rather, it is to secure conditions that are justifiable in light of reasons that we

---

27 Anderson 1999, 288–89.
28 Anderson 1999, 313. Some deny that luck egalitarianism and relational egalitarianism are genuine alternatives, on the grounds either that one is subsumed by the other or that they identify distinct sources of moral reason or value that are compatible. See, for example, Moles and Parr 2019; Lippert-Rasmussen 2016; 2015; Tan 2012; Wolff 1998. Others deny that the extensional gap between the demands of the two approaches is as large as it’s generally portrayed as being. See, for example, Gheaus 2018; Schemmel 2011. On the view I want to defend, both relational and distributive egalitarianism have separate and irreducible roles to play; otherwise, my view is compatible with some of these ecumenical views. Others writing on the debate between luck egalitarianism and relational egalitarianism have argued that proponents of each are offering their respective accounts as answers to distinct questions. See Vallentyne 2015. I agree that luck and relational egalitarianism are most plausibly regarded as accounts of two distinct concepts, but the reconciliation I want to pursue takes a different form than Vallentyne’s.
29 One can substitute their favored non-luckist or non-egalitarian account of distributive justice, for example Arneson’s Responsibility Catering Prioritarianism. See R. J. Arneson 2000; 2008; R. Arneson 2010; Parfit 2000. For an overview of the various live debates within luck egalitarianism, see Lippert-Rasmussen 2016.
30 See Rawls 1993, for example, xlv.
31 See Schouten 2013.
all can and reasons we all must recognize as such, in our capacity as free and equal citizens. In this way, the ideal of mutual respect among free and equal citizens is a source of reasons that demand to be recognized as such: Actual citizens must recognize the value of mutual civic respect in order to fall within the justificatory community. This is how the ideal of mutual respect can second the reasons supplied by aspirational social values. As we’ll see, much of what aspirational distributive justice favors (and I’ll add: much of what other aspirational values favor), the ideal of mutual respect favors as well.

Indeed, the ideal of mutual respect is (part of) what justifies imposing the reciprocity requirement to begin with. In a liberal democratic society, citizens will inevitably be in profound disagreement with respect to the fundamental values that guide their lives and that inform their social arrangement, and they will thus inevitably be unequally burdened by the political pursuit of any social end. As I understand it, the aim of politically liberal, relationally egalitarian legitimacy is to maintain mutual civic respect among free and equal citizens despite this profound ideological disagreement, and to do that by insisting that shared democratic power be exercised only in ways that can be justified to all parties, using values that all parties can accept as such, whatever else sets them at odds. Mutual respect itself is one such value.

Values Pluralism and Action Guidance

This reciprocity requirement constrains us in acting on the reasons generated by aspirational justice or any other social values, so that our pursuit of those values remains consistent with maintaining mutual respect among citizens, many of whom dispute the very values in question.

This constraining, as we’ve seen, sometimes appear as a positive insistence: Legitimacy demands that our social arrangement realize the value of mutual civic respect, even when the political steps necessary to ensure that compliance impose costs as measured by aspirational social values. Let’s consider an example. Suppose the right balance of luck egalitarian aspirational justice and other aspirational values like efficiency favors selective use of markets, including regulated labor markets; and it favors socializing goods that markets undervalue, like private caregiving and law enforcement. Still, private caregiving is treated as partly a personal consumption decision, such that individuals can make tradeoffs between more time with their dependents and less income on the one hand, or more income and less time with dependents on the other. (Plenty will disagree that this is what aspirational social values favor, but just assume for the sake of illustration.) By stipulation, then, caregiving imposes some earnings tradeoffs, even when it is fairly socially supported. Assume this aggregate material inequality either consists in or gives rise to an inequality along whatever metric matters from the perspective of justice. It follows that the social arrangement favored by aspirational social values may be one wherein women are, on average, somewhat worse off than men in justice-salient terms. This would occur if women more than men choose to trade off remuneration for extra time with their children. Indeed, this is an outcome we should expect were we to pursue distributive justice from the starting point of our gendered status quo.

This aggregate inequality would be approved by the right balancing of aspirational social values. Plausibly, though, it is condemned by relational egalitarian legitimacy: Plausibly, tolerating the inequalities in question is objectionable at the bar of equal standing and mutual respect. Consider one schematic argument for why this should be so: Given the way in which gender historically has worked both to channel women into caregiving and to ensure that caregiving be devalued and marginalized, aggregate gender differences resulting from gendered take-up of caregiving will threaten the equal standing of women caregivers. If this is right, then legitimacy will act to ensure that verdictive justice

---

32 See Schouten 2019; Nussbaum 2011. Justificatory reciprocity is also instrumental for realizing stability for the right reasons. In a society that abides by a principle of reciprocity—in which citizens hold themselves to burden one another only in ways that are mutually justifiable—ideologically divided citizens can assent to their political arrangement even when they are personally burdened by it. See Rawls 1993, xli–xlII.

33 Even if the preference and choices that give rise to the inequalities are gendered and socially malleable, they must be respected as genuine and authoritative from the perspective of politics and justice theorizing. See Schouten 2019.

34 Watson and Hartley 2018; Schouten 2019.
rank as more valuable any social arrangement that includes mechanisms to offset this supposed failure of mutual respect, and that otherwise complies with demands of mutual respect, over any arrangement that lacks such mechanisms. For example, verdictive justice might favor caregiver support provisions that incentivize take-up of caregiving among men and labor market attachment among women—so-called “daddy quotas”—and it might favor these incentives even if they lead to distributions that would be suboptimal looking only from the perspective of aspirational social values.

Note the italicized caveat in the formulation a few lines up: and that otherwise complies with mutual respect. Verdictive justice always favors bringing society into closer compliance with reasons sourced by mutual respect, unless doing so comes at a net cost to that very value. The value of mutual respect at the heart of legitimacy is internally complex, and only by recognizing this can we see how my conceptual picture avoids the unacceptable implications ordinarily associated with strong priority rankings: Surely, you might think, preserving or pursuing mutual respect is not worth any cost at all as measured by worthy aspirational values. For example, the schematic argument for “daddy quotas” just rehearsed suggests that mutual respect favors a certain sort of gender equality or androgyny. But surely, androgyny is not worth pursuing at any cost at all to aspirational values like distributive fairness.

I agree that it’s not, and the casting of legitimacy as a trump fully accommodates this conviction. Just as mutual respect (we’re assuming) favors a certain sort of gender equality or androgyny, it also imposes limits: It imposes limits on the end itself: We do not pursue gender equality for its own sake, but only to preserve mutual respect among citizens. And it imposes limits on the means of realizing the end: We do not pursue gender equality at too great a cost to other ends that mutual respect sets for us. Among those other ends, we’ll see, is a certain sort of distributive equality. No society that realizes the value of mutual respect will be very aspirationally unjust, then, because mutual respect simply seconds a great deal of the demands of distributive justice. Even if mutual respect favors a certain sort of gender equality, it does not favor gender equality at the cost, say, of some citizens living in poverty. I’ll turn to distribution in the next section. For now, the point is just to see how the anatomy works, and how the internal complexity of the trumping value may enable the anatomy to avoid seemingly damning implications.

The gender equality case is an example of a positive demand of legitimacy that, because legitimacy is a constraint, necessarily gets voiced by verdictive justice even when it means deviating from the arrangement most favored by aspirational social values. Consider now an example to illustrate how legitimacy negatively constrains the reasons-giving force of aspirational social values.

Plausibly, whatever inequalities it condones, luck egalitarian aspirational justice disfavors any inequalities arising from the circumstances or choices of children. Luck egalitarianism clearly rules out inequalities due to unchosen circumstances of birth like the wealth of one’s family; I add that it plausibly also condemns lowered prospects (or whatever matters for justice) resulting from, for example, lack of work ethic among first graders. The choices of children simply do not have the kind of moral status to render resulting disadvantage just, whatever other deference those choices deserve. If I’m right about that, then plausibly, aspirational justice directs educational institutions and other institutions that influence children’s life prospects to ensure that all children enjoy equally good life prospects as they enter the point in their lives at which their choices do begin to license distributive inequalities among them.

Other aspirational values will moderate this. Even if aspirational justice favors equal educational attainment, a good society may leverage the brilliance of some for the good of all, and when the institutional mechanisms are in place to do this, the balance of social values plausibly condones some inequalities on the grounds that those inequalities redound to the benefit of all. Plausibly, the balance of aspirational social values favors a system of early education that equally prepares all children to lead good lives except when allowing some to enjoy even better prospects would elevate the prospects of all; in that case, the balance of aspirational values favors allowing the inequality. But to see how legitimacy enters

35 [reference to “Managing Tradeoffs.”]
36 This distinction isn’t deep. Whether the legitimacy value of mutual respect demands some political action that isn’t favored by aspirational values or rules out some political action that is favored by aspirational values, in each case it justifies a deviation from the state of affairs that is favored by aspirational values taken in isolation.
the fray, let’s simplify matters and pretend that aspirational justice exhausts the aspirational social values, and thus that educational equality is what the balance of aspirational social values favors.

The constraints of legitimacy will filter out some of what this balance of values calls for. Consider one strategy for realizing educational equality: starkly means-testing public primary education, leaving all those with private means to find their way in a private education market, while concentrating public educational resources on those who lack private means. Suppose—possibly counterfactually—that this really would promote educational equality. Plausibly, though, means-testing primary education is inimical to the legitimacy value of mutual respect, because actually achieving the standing as equal citizens that mutual respect favors requires that prospective citizens be educated together with other students from all walks of life, not segregated by economic class as they would be if those with means were opted into a separate private system.37 Accepting these suppositions, legitimacy will condemn means-testing primary education, and verdictive justice will rank as less valuable a society that engages in it relative to one that does not, other-mutual-respect-related-things-equal. And it will render this verdict even though means-testing is favored by the weight of aspirational values. In this case, we see mutual respect ruling out as illegitimate a measure that (by supposition) aspirational justice favors.

**Evaluative Incompleteness**

My picture is evaluatively incomplete. I do not work out priority rankings among aspirational values, nor within the complex value of mutual respect. Some of the incompleteness of the evaluative picture may be ineliminable. At the margins, the tradeoffs we should accept between distributive equality and community or between community and efficiency plausibly may just be decided by democratic processes. That is, in those cases, our reasons to defer to democratic process go beyond their role in legitimizing a social arrangement; the processes just determine the evaluative facts. I don’t assume ineliminable evaluative completeness, but neither do I think we should regard it as a liability of my picture if it turns out to provide only partial rankings of social arrangements, or if it turns out to provide a complete ranking only in light of democratic processes settling weighting questions that have no answer independent of those processes. As I hope these quick illustrations convey, we can do a lot even with an incomplete axiology.38 In any case, I make no attempt at completeness in this paper.

**Liberal Legitimacy and Democratic Equality**

This politically liberal account of legitimacy that I’m working to elucidate is relationally egalitarian and highly resonant with Anderson’s own democratic equality view. Anderson says that “[d]emocratic equality regards two people as equal when each accepts the obligation to justify their actions by principles acceptable to the other, and in which they take mutual consultation, reciprocation, and recognition for granted.”39 Relational egalitarian legitimacy regards a social arrangement as more valuable—more relationally egalitarian—insofar as political intrusion into each citizens’ life abides by the criterion of mutual justifiability, one requirement of which is to ensure for each citizen the positive conditions necessary for participation in the democratic system of self-governance on mutually-justifiable terms. Because citizenship is a status we all share in common, mutually-justifiable terms are those we can all accept in our capacity as citizens. Shared interests include those our status as equal citizens implies.

Anderson says that relational egalitarianism is a superior way to understand the “demand to act only on principles that express respect for everyone.”40 I agree with her that relational egalitarianism is the right way to understand that demand. But through my proposed anatomy of political value, I want to insist that that demand is an implication of the overriding value of mutual respect as a principle of

---

37 See Anderson 2007
38 See Sen 2006, 225
39 Anderson 1999, 313.
40 Anderson 1999, 337.
legitimacy, which is only one among the determinants of verdictive justice, and which operates by moderating the normative force of aspirational justice and whatever other social aims we have reason to pursue politically. In effect, relational egalitarian, politically liberal legitimacy specifies that the value of luck egalitarian fair shares is outweighed by the disvalue generated whenever fair shares is achieved in ways that fail to express equal civic respect. And it specifies that, as a requirement for legitimacy, fair shares must be pursued politically insofar as its demands are seconded by the ideal of mutual respect.

IV. How to Defend the Anatomy?

We might argue for a certain conceptual anatomy by showing that it is in keeping with the use of the relevant concepts among philosophers or in ordinary, non-academic conversations. I don’t think my proposed anatomy is in keeping with prevailing usage by the lights of either standard. It is particularly revisionary with respect to the concept of legitimacy, as I’ll acknowledge in concluding. How, then, am I to defend my proposed anatomy—to make the case for a somewhat radical change to prevailing usage? I believe that what principally speaks in favor of this anatomy is its fruitfulness. I hope it has already begun to show itself as striking a plausible balance between principle and accommodation. It accommodates the multifacetedness of political normativity, while ordering the values that bear on the goodness of a social arrangement in a way that is both plausible and informative, and that can be action-guiding in hard cases. I have suggested that my proposed conceptualization enables us to theorize both about a fully just society and about what steps we should take to pursue it. I’ve suggested that it can accommodate a range of plausible substantive accounts of deontic justice—like justice as fairness—while ordering the evaluative inputs of those theories so as to generate comparative judgments. And I’ve foreshadowed the part of the argument yet to come: This conceptualization can help us to make progress with respect to what is substantively at issue between luck and relational egalitarians. It makes visible a plausible way of retaining the truth in relational egalitarianism without succumbing to objections raised by luck egalitarians; it makes visible a plausible way of retaining the truth in luck egalitarianism without succumbing to the objections of relational egalitarians; and it equips both to be more helpfully action-guiding than either seems to be on its own. In what remains of this paper, I continue the work of defending the anatomy by defending relational egalitarianism as an account of legitimacy.41

I argue that relational egalitarianism, as a theory of legitimacy within the anatomy sketched above, can overcome a challenge without abandoning what makes it an attractive view in the first place. Those drawn to any robustly distributively egalitarian account of justice should find existing accounts of relational egalitarianism inadequate in part for their failure to account for the moral importance of fair shares of distributable social goods. Relational egalitarianism appears to retain this flaw even when put into the context of my proposed conceptual anatomy. If legitimacy constrains how political institutions may be arranged to pursue aspirational justice, then any picture of verdictive justice that includes relational egalitarianism as a conception of legitimacy risks failing to account for the moral importance of fair shares of distributable social goods. Such an anatomy appears to afford distributive equality too little weight as an input into verdictive justice. The problem is not that luck egalitarianism on this picture is situated alongside other values that inform what we ought to do; luck egalitarians endorse pluralism. What initially should strike many luck egalitarians as an objectionable demotion of distributive justice is the way in which distributive equality is constrained, on my picture, by relational egalitarian liberal legitimacy. Where the commands of egalitarian distributive justice diverge from what legitimacy permits,

41 In [reference to “Luck Egalitarianism as Aspirational Justice”], I defend luck egalitarian aspirational justice. The anatomy I set out also makes visible plausible solutions to persistent challenges for liberal egalitarianism generally. In [reference to “Managing Tradeoffs”], I argue that my favored anatomy enables liberal egalitarians to deal better than they have so far with problems pertaining to caregiving and to dependency, and thus enables liberalism to give substantive and plausible verdicts on matters that often seem beyond the reach of its diagnostic resources.
legitimacy always wins. This concern extends: Not only luck egalitarians but proponents of any account of egalitarian distributive justice might share this worry about the demotion of aspirational distributive justice. I want to argue that this apparent problem is merely apparent.

I hope that assuaging the worry just described will reassure those from whose perspective my proposed conceptual picture initially looks least appealing: those skeptical of trumping values generally, and those worried about subjecting distributive equality in particular to legitimacy’s trump.

Notice, first, that the priority ranking is defensible on principled grounds. In questions about what social arrangement we have most reason to bring about—in questions of verdictive justice—there is a clear reason that the value of mutual respect among free and equal citizens should trump other social aspirations that are reasonably disputed: Mutual respect is plausibly the very value that should guide us in thinking about whether and how disputed values should be pursued politically in a liberal democracy. In my favored framework of political liberalism, mutual respect is realized and preserved by way of preserving justificatory reciprocity. The value of mutual respect may itself be disputed, and this is likelier still if its demands are robust. But disagreement over the value of mutual respect seems importantly different than disagreement over the value of, for example, distributive equality. The ideal of mutual respect in a liberal democracy is what gives disputes over other values normative significance. It is because we want to preserve mutual respect that we must find a way to deal fairly with disagreement. Thus, if some political strategy could bring about greater compliance with aspirational justice but at the cost of eroding mutual respect, it is plausible on principled grounds that verdictive justice should render the judgment that pursuing that strategy would result in a less good social arrangement.

But principled is one thing. The next question is whether we can accept this trumping relationship in light of the judgments it generates. I’ll argue that verdictive justice is adequately distributively egalitarian even though mutual respect trumps distributive equality. First, I argue that mutual respect itself imposes strongly distributively egalitarian demands; thus, regarding legitimacy as a constraint furthers distributive egalitarian ends because it ensures that verdictive justice will be robustly distributively egalitarian as a matter of legitimacy. Second, I argue that distributive egalitarian aspirational justice is reasons-generating even when it is strongly constrained by legitimacy. To foreshadow: Legitimacy specifies that we may pursue aspirational justice only in ways that express equal respect for all citizens as free and equal. But legitimacy does not specify that we have reason to pursue aspirational justice only under those conditions. Indeed, the values of aspirational justice remain reasons-giving even when legitimacy precludes acting on them. Because legitimacy is partially fact-dependent, certain socially malleable facts matter to the question of how tightly legitimacy constrains the pursuit of aspirational justice through the arrangement of social institutions. When legitimacy rules out further pursuit of some social value like aspirational justice, that value can generate reasons to amend the social facts that make it the case that legitimacy rules out its pursuit—reasons to render aspirational justice more fully consistent with the trumping value of mutual respect. In due course, we will see how this can occur.

Together, these arguments make a strong case that the picture of political value I favor is robustly distributively egalitarian despite casting relational egalitarian legitimacy in a strong constraining role. Remember that I want these arguments to be responsive, too, to the reader more generally skeptical of political trumps. That reader should attend especially to a particular feature of my defense: The conceptual picture as a whole is robustly egalitarian largely because the ideal of mutual respect (and the legitimacy criterion based on it) itself demands so much of what aspirational values independently favor. The dire tradeoffs we imagine when we consider trumping claims generally—just a tiny bit more legitimacy at the cost of so much equality?—simply won’t arise, because legitimacy itself condemns so much inequality in the cases that prompt incredulity. We’ll see that the relationship I endorse between

---

42 See, for example, Goodin 1995.
legitimacy and aspirational social values is substantively importantly different than, for example, Rawls’s casting of protections for basic liberties as lexically prior to distributive justice. The ideal of mutual respect at the heart of the relationally egalitarian liberal principle of legitimacy 

requires protection for the basic liberties, but it demands far more than that, and on the same grounds.

One upshot of the argument, rendered in the language of Rawlsian political liberalism, spotlights the feature of mutual respect that makes it plausible as a trump. Rawls argued that, to count as reasonable, a political conception of justice must 1.) specify and protect certain rights, liberties, and opportunities; 2.) afford a special priority to those rights, liberties, and opportunities, especially with respect to claims of the general good; and 3.) ensure for all citizens adequate all-purpose means to make effective use of those rights, liberties and opportunities. I take the ideal of mutual respect to be what constrains the space of the reasonable and thus what generates these requirements, and I take that ideal to demand more than Rawls recognized. Understood on these terms, my trumping claim effectively asserts that we always have stronger reason to make our social arrangement fall within the domain of the reasonable than we do to make it compliant with any particular conception of justice within that domain. I take that to be plausible because it is principled and its implications are plausible—that latter not least because the domain of the reasonable is more tightly constrained than Rawls noticed it to be and in particular more tightly constrained in ways that distributive egalitarianism independently favors. The crucial point is that the trumping value of mutual respect is not a single straightforward prescriptive requirement like to protect the basic liberties, but rather a value that imposes myriad requirements entailed by that fundamental ideal.

The priority of legitimacy over aspirational social values like distributive fairness leaves much unspecified. In order to discern the full value ranking of social arrangements rendered by verdictive justice, we will need some metric for ranking considerations internal to legitimacy: the often divergent demands of mutual respect. But what we lose in the simplicity of a simple lexical ordering of principles is repaid in plausibility: The ideal of mutual respect favors strong protections for basic liberties, yes, but it favors protections for plenty of other fundamental interests of free and equal citizenship too. These interests subsume a lot of what is normatively weightiest about distributive fairness. Once that is clear, it becomes a far easier pill to swallow that the parts of those values not seconded by mutual respect take a strong backseat to the parts that are.

V. The Distributive Demands of Relational Egalitarianism

We who are concerned about luck egalitarian distributive justice should not reject my conceptual picture as inadequately responsive to it, nor should we reject the picture on the basis of a general skepticism about trumping values. In the next section, I argue that relational egalitarian, politically liberal legitimacy permits egalitarian demands of aspirational justice to influence ultimate judgments of verdictive justice. But first, I briefly rehearse the case for thinking that relational egalitarianism is robustly distributively egalitarian in its own right. Within my conceptual picture, this means that legitimacy generates substantive distributive requirements that verdictive justice will always impose.

Relational egalitarianism, though not in the first place a view about distribution, requires that all citizens have enough material resources to stand in relations of equality. Negatively, Anderson argues, “people are entitled to whatever capabilities are necessary to enable them to avoid or escape entanglement in oppressive social relationships. Positively, they are entitled to the capabilities necessary for functioning
as an equal citizen in a democratic state.”\textsuperscript{43} This includes the ability to exercise political liberties and to participate in civil society and in the economy.\textsuperscript{44}

Though Rawls does not measure shares of distributable goods in terms of capabilities and functionings, his (relational egalitarian) political liberalism imposes analogous requirements. Recall that mutual respect requires justificatory reciprocity, which imposes both negative constraints against exercises of political power that frustrate shared interests of citizenship and positive requirements for exercises of political power called for by the fundamental ideal of fair cooperation among free and equal citizens. That ideal generates shareable, “political” reasons, which can dispositively favor certain exercises of political power such that a liberal state cannot legitimately omit to enact them. In political liberalism, mutual respect for those with profoundly different convictions about the good life and the good society means that we must treat as reasonable some range of conceptions of justice, rather than insisting on pursuing the one we regard as the true conception of justice. To fall among the range of reasonable conceptions, we’ve seen, a political conception must specify and protect certain rights, liberties, and opportunities; afford a special priority to those rights, liberties, and opportunities, especially with respect to claims of the general good; and ensure for all citizens adequate all-purpose means to make effective use of those rights, liberties and opportunities.\textsuperscript{45} The criterion of reciprocity demands these measures because they protect essential interests that follow from political liberalism’s fundamental commitment to preserving mutual respect among free and equal citizens.

On my picture, legitimacy’s criterion of reciprocity applies the ideal of mutual respect as a filter through which reasons sourced by aspirational social values must pass, and be approved, in order to figure into the judgments of verdictive justice. Because it is a comprehensive account of fair shares, aspirational luck egalitarian justice can “speak up” only in a sanitized form, when its demands are approved by the filter of legitimacy. This means that some equalizing measures that distributive equality favors will be blocked from figuring into the demands of verdictive justice, and this is what distributive egalitarians may well find concerning. But it also means that some protections distributive egalitarians should care about—indeed some protections that luck egalitarians have been accused of being unable to endorse—have more secure standing on the picture I’m endorsing. Suppose that, as some charge, luck egalitarianism counsels leaving “deservedly disadvantaged” citizens without even the basic necessities for equal social standing. What that supposition would mean, on my picture, is that luck egalitarian aspirational justice favors that withholding as called for on the grounds that “deservedly disadvantaged” citizens’ fair share of the social product we jointly contribute to producing is rightly small. But this doesn’t mean—and the luck egalitarian needn’t believe—that the social arrangement in which the “deservedly disadvantaged” are so deprived is the one we have most reason to aim for. Such an arrangement is clearly disfavored by the ideal of mutual respect, and as the value at the heart of legitimacy, the demands of mutual respect always figure into the demands of verdictive justice. Verdictive justice therefore always favors arrangements wherein all citizens have enough to stand as equal citizens—not because they are always entitled to that much as a matter of fair shares, but because fair shares defers to the more important value of mutual respect. When enough for social equality is more than fair shares dictates (if indeed fair shares ever claims that some are owed so little), legitimacy demands that citizens receive more than their fair share.

We can now add some substance to our picture:

\textsuperscript{43} Anderson 1999, 316 Anderson attributes this idea that justice is a matter of fair shares of capabilities to Amartya Sen. See Sen 1995. See also Nussbaum 2000.

\textsuperscript{44} Anderson 1999, 318.

\textsuperscript{45} Rawls 1993, xlvi, 6.
As a constraint that imposes both positive and negative requirements, relational egalitarian legitimacy ensures that verdictive justice always demand that each citizen have adequate all-purpose means to make effective use of her rights, liberties and opportunities, to avoid oppressive social relationships, and to stand as an equal citizen. Moreover, although not explicitly egalitarian, this sufficiency requirement is internally responsive to egalitarian considerations. To illustrate, consider the distributive implications of securing the effective use of the basic liberties. On a Rawlsian view of politically liberal relational equality, recall, equal citizenship requires ensuring that each citizen enjoy a threshold of material wellbeing adequate to make full use of her basic liberties. With respect to the political liberties in particular, adequate use has robustly egalitarian implications, because the “limited space of the public political forum” makes the material preconditions for exercising the political liberties positionally valuable. This means that my share of goods becomes less valuable as a means of leveraging political influence insofar as others’ shares grow greater than mine, even if the absolute magnitude of my share doesn’t change. The inequality itself depresses the value of my share.

As a matter of legitimacy, then, political institutions must be arranged to eliminate inequalities that undermine citizen’s ability effectively to exercise their basic liberties and enjoy the equal worth of their political liberties. This demand to secure the equal worth of political liberties gives the relational egalitarian adequacy threshold strictly distributive egalitarian content: Citizens can fall below it, even if the absolute quantity of their share stays the same, as those above it become better and better off. Even if those lower down were otherwise adequately well off for equal citizenship, citizens might be rendered inadequately well off simply in virtue of having less, because simply in virtue of having less, the value of their political liberties can be deflated. Insofar as other goods or capacities that fall within the jurisdiction of relational egalitarian adequacy share this element of positionality, this egalitarian implication extends.

Luck egalitarians, of course, will hardly find this adequacy requirement to be adequate as a distributive requirement. Relational egalitarians have argued that their view is robustly egalitarian, and I believe its distributive egalitarian demands go beyond even the conventional wisdom rehearsed here. On my evaluative picture, those demands are normatively very important, since relational egalitarianism is cast in the role of legitimacy. Still, this element of distributive equality clearly falls short of what luck egalitarians think justice demands. Luck egalitarians should object to any account on which the value of

---

46 Rawls 2001, 150.
47 [reference to “The Distributive Demands of Mutual Respect”]
distributive equality is rendered impotent whenever relational egalitarian legitimacy does not independently give voice to its reasons. I’ll now argue that mine is not such an account.

VI. The Substantive Role of the Aspirational: Distributive Justice Speaks Up

Even if relational egalitarian politically liberal legitimacy happens to condemn a great deal of unearned disadvantage, it will not condemn all unearned disadvantage, and it isn’t clear how luck egalitarianism could remain practically relevant when its reasons are constrained by relational egalitarian legitimacy. Indeed, it isn’t yet clear how luck egalitarianism could remain practically relevant anytime its reasons aren’t positively seconded by legitimacy. In this section, I argue that luck egalitarian aspirational justice can remain practically relevant, even when its demands aren’t seconded—and even when they’re positively condemned—by relational egalitarian legitimacy.

Perhaps the residue between what aspirational justice demands and what legitimately can be accomplished through institutional design generates reasons of justice for individuals to take up the slack. The principles of aspirational justice might apply to individuals, as Cohen would have us believe. Or the fact that citizens in a well-ordered society accept the justification for the principles might mean that they will be disposed to act in ways that further aspirational justice even when institutions have been arranged to do all they legitimately may do. My argument here won’t rely on the view that justice applies to individual behavior in either of these two ways, though I leave open the possibility that it does. I want to argue that aspirational justice remains practically relevant when legitimacy forbids acting on it, even if the value of verdictive justice is realized only by institutional arrangements.

Whether relational egalitarian legitimacy rules out political action to realize the demands of aspirational justice depends on contingencies that actual citizens have a hand in shaping. When the reasons sourced by aspirational justice can’t act as political reasons bearing on our social arrangement directly, aspirational justice may generate reasons to shape the very circumstances that make that the case. I’ve said that, on my anatomy of political normativity, legitimacy is fact-dependent. The demands it issues and the constraints it imposes are contingent on certain non-evaluative facts about the social environment. The absolute demands and constraints of relational egalitarian legitimacy—the constraints and demands issued by fundamental interests we share as citizens—don’t settle all questions of legitimacy. Some range of institutional arrangements will be compliant with those absolute demands and constraints. Within that range, legitimacy dictates that democratic processes be regarded as authoritative. This means that the institutional arrangement ultimately sanctioned by legitimacy is the one that: (first) falls within the range approved by absolute demands and constraints, and (second) results from legitimate decision-making processes of actual citizens. If luck egalitarianism is the correct conception of aspirational justice, then citizens can ease legitimacy’s constraints against its reasons by working through practices of procedural democracy to increase the extent to which luck egalitarian commitments—or, more precisely, all aspirational social values taken in balance—order social institutions.

To unpack this, let’s begin a few steps back. Recall that the absolute requirements and constraints of legitimacy are set by the mandatory shared interests of mutual respect among free and equal citizens. Because free and equal citizens living under democratic institutions will come to hold profoundly divergent conceptions of a good life and a good society, a state that acts to promote justice inevitably promotes a disputed conception of justice and inevitably makes it costlier for some to live out their values than for others to do so. But if in so doing it abides by the requirement of reciprocity, then this unequal burdening is consistent with treating all those in our political community as part of a justificatory community. We show mutual respect by exercising coercive political power only when we can justify it on the basis of reasons that we can all recognize as such, because they derive from interests that we share.

So mutual respect demands that we intrude politically into one another’s lives only in ways that can be justified on terms we can all accept, in light of interests that we share as free and equal citizens. Reciprocity condemns political arrangements or exercises of political power that cannot be justified in

this way, and it demands such interventions as protections for the basic liberties because those interventions are dispositively favored by mandatory shared interests of citizenship. As protections for the basic liberties attest, these requirements are invariant: Which interventions or institutional arrangements are necessary to protect basic liberties may vary depending on social circumstances; but the fact that mutual respect demands those protections is set. Say that these absolute prohibitions and requirements constitute the “minimal condition” for legitimacy: A social arrangement is legitimate only if it falls within the range of arrangements that comply with all the positive requirements and negative constraints imposed by mandatory shared interests of citizenship. I call these requirements and prohibitions the “minimal condition” to indicate that compliance with them is necessary but not sufficient for legitimacy. A society satisfying the minimal condition is one that is legitimate in its constitution and in matters of basic justice.49 But the condition is not minimally demanding. On the contrary, as the distributive demands of mutual respect attest, these requirements and prohibitions are substantively quite robust. And they are evaluatively weighty indeed, because they demands of legitimacy. Our failure to secure them is a failure to stand in relations of mutual respect with other free and equal citizens. On my account, then, even minimal legitimacy is a serious undertaking, but not less morally urgent for that.

The minimal condition does not suffice for legitimacy because the ideal of mutual civic respect also imposes a procedural requirement: The social arrangement must be the one—from among those compliant with the minimal condition—that is sanctioned by a legitimate democratic process. This procedural requirement itself is imposed by the ideal of mutual respect—it too is a requirement of minimal-condition legitimacy—because deliberative democratic ends-setting and decision-making is an interest we share as free and equal citizens. A fully legitimate social order, then, is one that falls within the range delineated by the absolute requirements and constraints implied by the ideal of mutual respect among free and equal citizens, and that within that range is ordered in compliance with the judgments actual citizens express through democratic processes. Our picture is now complete:

Although even the minimal condition for legitimacy is more robustly demanding than we typically think of legitimacy as being, we should want more. We should want our social arrangement to be fully legitimate. And the substance of full legitimacy opens up space for us to say that we should want more even than that. We should want the social arrangement that full legitimacy approves to also realize aspirational social value, including aspirational justice. A social arrangement is aspirationally just in addition to being legitimate insofar as the arrangement sanctioned by a legitimate democratic process and approved by minimal-condition legitimacy also complies with demands of aspirational justice.

49 See Rawls 1993, 10.
Because democratic processes determine which among the minimally legitimate social arrangements has most value all-things-considered, aspirational justice remains practically relevant when its reasons aren’t seconded—and even when they’re impugned—by legitimacy. We never have most reason to pursue aspirational justice at a cost to mutual respect—this is the sense in which legitimacy acts as a constraint on aspirational justice. But trumped aspirational values do not stop being values because our circumstances make it illegitimate to pursue them politically. They do not stop being reason-generating. Rather, their normative force can be redirected: Trumped aspirational values may give citizens reason to change the facts that bring those values into conflict with mutual respect in the first place. Citizens and representatives can promote aspirational justice by working democratically toward aspirationally just institutional arrangements when mutual respect permits it; and they can promote aspirational justice by working to bring the reasons it supplies more fully into the domain of fundamental political ideas we can legitimately invoke compliant with the justificatory reciprocity demands of mutual respect. In short, citizens can influence the contingent facts of democratic decision-making on which depend those matters of verdictive justice that are not settled absolutely by the ideal of mutual respect. If justice is a virtue first and foremost of institutions, then society will not be more aspirationally just until this work through democratic processes yields institutional change. But my anatomy enables us to see that citizens can have reason to push for that change even though the push itself is not demanded by justice.

To the degree that they comply with the absolute constraints and requirements that comprise legitimacy’s minimal condition, then, the demands of luck egalitarian aspirational justice remain practically relevant. Whatever objective requirements of legitimacy are imposed by the ideal of mutual respect among citizens construed as free and equal political persons, relational egalitarian legitimacy leaves some matters to be decided by judgments rendered by actual citizens. These are the matters not settled dispositively by the ideal of mutual respect—those that are neither constitutional essentials nor matters of basic justice. This may include some space within which the demands of public reason simply do not apply: within which citizens are free to vote to further the comprehensive conception of justice they believe to be true. If such space exists, then citizens can bring verdictive justice more fully into alignment with luck egalitarian aspirational justice simply by voting to make it so: by voting to authorize equalizing measures—progressive taxation, labor market reform, socialization of services beyond those mandated by relational egalitarianism—that become legitimate just in virtue of their approval by citizens.

Beyond this space wherein citizens can act democratically on the basis of their own convictions regarding the truth of justice, and even if no such space exists, luck egalitarianism can give citizens reason to work through democratic deliberation to further the extent to which luck egalitarian values are endorsed by an overlapping consensus of citizens, each from within her own reasonable conception of the good. In short: Even if distributive aspirational justice doesn’t impose commands for individuals as individuals to make choices in their lives that further the value of luck egalitarian fair shares, it can give individuals as citizens reason to agitate to loosen the non-absolute constraints of legitimacy to bring our social arrangement into greater compliance with true demands of fairness. This they may do both by endorsing equalizing political policies when this is consistent with public reason and by bringing the demands of luck egalitarianism or even (parts of) the value itself into the substance of public reason.

Recall that, as a requirement of mutual respect among free and equal citizens, we must ensure that everyone achieve the full battery of citizenship capacities up to the threshold for equal standing. As a minimal condition for legitimacy, then, relational egalitarianism could plausibly demand such provisions as a robust tax-and-transfer system, protections for vulnerable workers, government as an employer of last resort, and universal provision of certain basic material goods. Demanding as they are, these provisions take us only so far toward eliminating unearned disadvantage. And even if our social arrangement is unjust by the lights of luck egalitarian aspirational justice, it nonetheless remains verdictively just so long as it falls within the range of arrangements that meet the minimal condition for legitimacy and is sanctioned by the judgment of actual citizens acting through legitimate democratic processes. So, on the one hand, I’ve claimed that aspirational justice generates reasons for citizens to act democratically to

authorize further equalizing measures. On the other, I’ve claimed that verdictive justice favors whatever institutional arrangement citizens select, compliant with the minimal condition, even if that arrangement doesn’t include the further equalizing measures that aspirational justice favors; and I’ve claimed that verdictive justice orders all political values to generate an all-things-considered ranking of social arrangements. How to reconcile the claim that verdictive justice’s judgments are all-things-considered with the claim that aspirational justice—indeed, any aspirational value—can give reason to change them?

In fact, there is no tension here to be reconciled. While verdictive justice specifies the most valuable arrangement of social institutions all-things-considered, its favored arrangement is not necessarily the most valuable one we can achieve. We can have reason to change the verdicts of verdictive justice by easing the tradeoffs among the values that it orders. If we are luck egalitarians about aspirational justice, we needn’t regard a society with undeserved disadvantage as fully just, even if it is verdictively just and thus the society that we have most reason to bring about under our circumstances. We can have reason of aspirational justice to change the circumstances.

Suppose that, in a verdictively fully just society, there remain inequalities that luck egalitarianism condemns. The minimal condition for legitimacy is met—including that everyone reaches the threshold of material wellbeing necessary for equal citizenship—and the social arrangement is otherwise compliant with the verdicts of procedural democracy. But some citizens are still worse off than others through no fault of their own, along whatever metric is relevant to luck egalitarian justice. Assuming still that luck egalitarianism is the right account of aspirational justice, this supposed society remains aspirationally unjust. As citizens, we have reasons to work within the space legitimately available to us to remedy that, either by agitating for realization of luck egalitarianism (balanced always against other aspirational social values) within the space of open democratic contestation or by working to bring the badness of unearned disadvantage into the stock of fundamental ideas that can operate in public reason.

Should we do this successfully, the resulting, differently verdictively just society would still be just by the lights of a freestanding conception of justice, even though citizens within it are motivated by reasons of comprehensive aspirational justice. On the picture I’m putting forth, reasons of aspirational justice never serve illicitly as reasons for political action. A comprehensive conception of justice can give citizens reasons to prefer an overlapping consensus in support of these values rather than those, and it can give reason to work toward better aligning public values with that conception. Only then does the good of mitigating unearned disadvantage operate as a principle of public action. The reasons individual citizens have to bring verdictive justice into better alignment with aspirational justice are, as I see them, reasons to bring it about that our society is ordered by a political version of the true account of what justice favors. The truth of justice here operates not as a principle of public action but as a principle that guides citizens in thinking through their space for influencing what the public values are. Still, if we want to do without the concept of truth altogether in political theorizing—even beyond doing without it as a generator of reasons for political action—then we might regard luck egalitarian reasons as reasons to bring it about that our society is ordered by the most reasonable of reasonable political conceptions.

Crucially, the space in which these reasons operate remains constrained by the minimal condition on legitimacy. Even as the ideal of mutual respect imposes positive requirements that bring us closer to distributive equality as a matter of legitimacy, it also imposes constraints that effectively preclude perfect alignment of verdictive justice with aspirational justice. Plausibly, for example, the minimal condition of legitimacy demands for individuals some degree of occupational discretion. Because legitimacy constrains aspirational justice, this occupational prerogative must be preserved even at a cost to aspirational justice. Assuming we have good reason to attach different social rewards to different social contributions, and assuming our capacity to contribute is to some degree unearned, occupational discretion will preserve unearned disadvantage. Plausibly too, the minimal condition demands freedom of association, which might shield acts of partiality toward our loved ones, including transfers of competitive advantage that are pure bad brute luck from the perspective of those thereby disadvantaged. Legitimacy’s

51 See Rawls 1993, 12.
52 Compare Tomlin 2012, 392–94.
minimal condition thus effectively forecloses the political machinations necessary to arrange institutions optimally to pursue luck egalitarian justice, at least when some citizens demand salary differentials for social contributions or favor the material interests of their loved ones over others. Even so, there remain significant possibilities for legitimate, democratically-enacted legislation to bring verdictive justice into closer alignment with luck egalitarian aspirational justice. Educational institutions illustrate one avenue by way of which a fully legitimate basic structure can lessen the inequality-generating behavior of its citizens: Schools could promote an egalitarian ethos of justice as a component of a politically liberal civic education—for example, by bringing students into careful and open deliberation about such values as justice, fraternity, and solidarity. Such an ethos could be sustained without restricting the occupational prerogative or compromising the protections for partiality that relational egalitarian legitimacy demands.

Some range of institutional arrangements will be approved by the minimal condition of relational egalitarian, politically liberal legitimacy. Aspirational justice guides us in navigating the space between the distributive equality that relational egalitarian legitimacy absolutely demands and the equalizing measures that it rules out as absolutely illegitimate. Such a picture of political normativity can account for the clear conviction that, while certain aspects of human nature bear on the question of how we ought to arrange the terms of social cooperation, those aspects are not immune to criticism at the bar of justice. Suppose that, in a fully legitimate society, human acquisitiveness precludes further progress toward realizing aspirational justice because the better off will not vote to authorize policy that would remove their (aspirationally) unjust surplus and because democratic processes cannot authorize such policy without their approval. In this case, we can criticize their acquisitiveness on that basis—we can regard it as “justice-tainting” —while still maintaining that verdictive justice, within the absolute constraints of legitimacy, heeds the actual sovereignty of actual citizens. We can lament the fact that humans act in ways that frustrate the ends of aspirational justice, while still maintaining that verdictive justice should not take humans to be other than what we are. Because it requires such individual protections as freedom of occupation, relational egalitarian legitimacy ensures that single-minded institutional pursuit of luck egalitarian aspirational justice will always be dis-valuable. But no luck egalitarian endorses single-minded institutional pursuit of luck egalitarianism. I submit that the role carved out for it here is an adequate one.

To a considerable extent, the requirements of legitimacy are set: A legitimate liberal democratic society must protect essential interests that follow from the ideal of mutual respect among free and equal citizens. The categorical demands of that ideal extend far beyond protection for the basic liberties. They include robustly distributively egalitarian demands which, because they are called for by the same considerations that justify protections for basic liberties, carry the same type of normative importance as those protections. The categorical demands of the minimal condition of legitimacy also include the demand to protect some space for actual citizens to set shared ends and make decisions together about how to pursue those ends. This space of democratic ends-setting and decision-making includes a possibility of pursuing luck egalitarian aspirational justice beyond its overlap with relational egalitarian legitimacy. Citizens may vote to authorize equalizing measures—progressive taxation, labor market reform, socialization of services that go beyond those demanded by mutual respect, educational curricula conducive to the development among citizens of an egalitarian ethos—that become legitimate only in virtue of their approval by citizens. Even if principles of aspirational justice don’t directly impugn individual behavior that frustrates equality, they give citizens reason to work democratically for a social arrangement that restricts their capacity to frustrate equality effectively: They give citizens reason to work for policies that reform institutions to realize distributive equality beyond legitimacy’s minimal condition.

VII. Conclusion

One upshot of my picture has been emphasized throughout: Relational egalitarian, politically liberal legitimacy imposes substantive requirements on the judgments that verdictive justice can render, and these include robustly distributively egalitarian requirements. This means that, just as an institutional
arrangement is illegitimate insofar as it fails to secure adequate protection for the basic liberties of
citizens, it is illegitimate insofar as it fails to secure for each citizen adequate material holdings to stand as
a social equal. Like permitting the basic liberties to be in jeopardy, permitting citizens to fall below that
threshold is a failure not only of distributive justice but of mutual civic respect.

The priority ranking I’ve argued for is a strong prioritization of considerations of legitimacy over
considerations of distributive fairness. It diverges from a more faithfully Rawlsian lexical priority view in
two ways that I think render it more plausible. First, the priority exists between values that are realized by
social arrangements, not prescriptions for those arrangements themselves, which makes for more
plausible action-guidance even in circumstances of injustice wherein different sorts of political action are
necessary to realize the same values that characterize the ideally just social arrangement. Second, the
trumping value of legitimacy encompasses the full range of political protections associated with mutual
respect among free and equal citizens, not only protection for the basic liberties.

This puts into relief a second upshot: On my picture, many of the most interesting questions about
justice crucially turn on questions of legitimacy—and particularly on legitimacy’s absolutist constraints
and requirements—because legitimacy determines how far the demands of aspirational justice may and
how far they must be pursued, and because the substance of legitimacy’s positive demands is so robust.54
The ideal of mutual respect at the heart of relationally egalitarian legitimacy does not fully settle how far
we may go, and even some of what it presently takes off the table may be put back on through the actual
efforts of actual citizens to promote aspirational justice. Aspirational justice matters practically and can be
made to matter still more. But on the anatomy of political normativity I have sketched, questions of
legitimacy are of utmost importance, in theory and practice, to verdictive justice.

A third upshot might be regarded as an objection to my proposed anatomy: Legitimacy can no
longer serve as a sort of minimally-demanding, necessary condition for a regime to have authority to
govern. On my account, the implications of the ideal of mutual respect that legitimacy systematizes are
robust, and we should not think that any regime that fails fully to realize them may be ignored or
overthrown. Rather than treating compliance with all demands of mutual respect as necessary for
authority to govern, we might say that a regime can be legitimate even if it fails to live up to all demands
of legitimacy, or we might say that a regime that falls short of legitimacy may nonetheless have authority
to govern and that that authority suffices for citizens’ presumptive obligation to comply. Either of these
seems preferable by far to giving up on the commitment to mutual respect as the ideal on which
democratic legitimacy rests. Indeed, if the demandingness of legitimacy is to be considered a liability for
my account, then I have a high-ranking partner in crime: The Rawls of Political Liberalism also must
accept that few if any societies we’ve known have been ordered by a reasonable political conception of
justice, since any reasonable such conception will, by his lights, provide for the fair value of political
liberties. This condition for reasonableness turns out to be anything but minimal. Yet the ideal of mutual
respect on which it’s based is what justifies a heightened normative status for our most basic liberties. If
that ideal has still further demands, then we should elevate those demands, not demote the ideal. Even if
we choose to diverge from my terminology and reserve “legitimacy” for a different, more substantively
minimal concept, we should find a way to retain the insight that mutual respect imposes demands that
have overriding normative importance in both political theorizing and political practice.

A final upshot is methodological: When we address substantive normative political questions, we
would do well to locate our inquiry within a terrain something like the one I set out here. Even if I’m
wrong about luck egalitarianism as a plausible account of aspirational justice or relational egalitarianism
as a plausible account of legitimacy, we might still make better progress in addressing the normative
political problems confronting us if we are more nuanced in our statements of which considerations we’re
abstracting away from and which we’re including in our analysis. This could help us not only to address
the questions themselves, but to see where we could make progress on multiple fronts by addressing a
particular weighting question: for example, the question of whether our shared interests of citizenship
more strongly favor protecting occupational discretion or preserving the fair value of the political

54 See B. Williams 2005; Miller 2016
liberties. And, of course, it could help us to see when apparent disagreement is merely apparent. Perhaps luck egalitarians and relational egalitarians are in substantive disagreement about the demands of justice. Or perhaps they’re offering conceptions of different concepts, neither of which we should do without.

References


