

## Social equality's (in)compatibilities with 'liberal egalitarianism'

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## **Abstract**

Social egalitarians are concerned about equalising social relationships so as to build a society of equals, where all citizens relate and regard each other as equals. It is contested, though, that social equality's implications are incompatible with 'liberal egalitarianism' for two reasons. First, that its scope goes far beyond the limits of liberal egalitarian principles of justice. Second, that the state would violate the liberal 'neutrality principle' if it carried out social egalitarian policies. In this essay, I argue that although at first glance those objections seem sound, social equality is indeed compatible with liberal egalitarian justice and state neutrality, and therefore it cannot be rejected on those grounds.

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## Contents

Introduction .....	<b>4</b>
<b>1. Social equality: an overview.....</b>	<b>7</b>
1.1. What is social equality?.....	7
1.1.1 Social egalitarianism as an opposition to social hierarchies.....	7
1.1.2 Social egalitarianism is distinct from distributive egalitarianism .....	10
1.2. The scope of social equality .....	11
1.3. The demands of social equality.....	13
<b>2. Is social equality compatible with liberal egalitarian justice?.....</b>	<b>16</b>
2.1. The ‘basic structure objection’.....	16
2.2. Reply to the ‘basic structure objection’ .....	18
2.2.1. Liberal egalitarian principles of justice applying to individual behaviour.....	19
2.2.2. Basic institutions indirectly affect individual behaviour.....	20
2.2.3. Institutional principles and an ethos.....	22
2.2.4. Institutional principles of justice can meet social equality’s demands .....	22
<b>3. Are social egalitarian policies neutral?.....</b>	<b>24</b>
3.1. The ‘neutrality objection’ .....	24
3.2. Comprehensive versus narrow ‘neutrality principle’ .....	25
3.3. The democratic justification for the neutrality of social egalitarian policies .....	28
3.3.1 What do we mean by neutrality?.....	28
3.3.2 Can social egalitarian policies be justified by appealing to social equality itself? 30	
3.3.3. The democratic justification of social egalitarian policies.....	31
3.3.4 Essential features of democracy .....	32
3.3.5 Advancing social equality deepens democracy.....	35
<b>Conclusion .....</b>	<b>38</b>
<b>Bibliography .....</b>	<b>39</b>

## Introduction

In broad terms, contemporaneous political philosophy has taken equality to be an ideal regarding the distribution of something. Some 'equalisandum' that we all should share equally as the consequence of our equal moral worth. G.A. Cohen puts it this way: "I take for granted that there is something which justice requires people to have equal amounts of" (1989, p. 906). Social egalitarians have challenged this idea<sup>1</sup> In their view, the ideal of equality is to equalise social relationships so as to create a society of equals, where all citizens relate to and regard each other as equals. Their main thrust lies in opposition to hierarchies where some are considered inferior while others superior. I call this relational conception of equality social equality.<sup>2</sup>

Recently, social egalitarians have advocated for discussing policy implications of social equality. The policy areas encompass a broad spectrum. For example, they call for integrating neighbourhoods and schools at all levels (Anderson, 2007, 2013); democratising workplace (Néron, 2015a, 2015b; Schuppert, 2015), and increasing participation in public health policy making (Blacksher, 2012; Voigt & Wester, 2015).

Advocates of social equality call, for example, for democratic procedures in relevant decision-making in workplaces (Schuppert, 2015). Even more, the scope of social equality not only governs private associations' rules but more generally individual behaviour. It is an ideal that governs social relationships, and therefore, it is an ideal that governs individuals'

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<sup>1</sup> This strand of egalitarianism, interested in the structure of equal relationships, has been most notably put forward in the works of Iris Marion Young (1990), Elizabeth Anderson (1999), David Miller (1997), Martin O'Neill (2008), Samuel Scheffler (2003) and Jonathan Wolff (1998, 2010).

<sup>2</sup> Social equality is also known indistinctly as 'relational equality' (Fourie et al., 2015). Those advocating for social or relational equality I call 'social egalitarians'.

daily choices.

At first glance, social equality seems to conflict with two core ideas of 'liberal egalitarianism', namely, social justice and the neutrality of the state. On the one hand, social egalitarian policies go beyond of what liberal egalitarian justice would call for. Following Rawls's, liberal egalitarians claim that principles of justice "are framed so as to apply to major social institutions and do not constitute principles for the general regulation of groups, associations, and individuals" (Scheffler, 2006, p. 103). Hence, principles of justice apply solely to major institutions, while private associations and individuals are entitled to create their own rules and act as they please, insofar as they abide by the rules of the institutional framework.

On the other hand, social egalitarian policies seem to be conflicting with state neutrality. According to the 'neutrality principle', which has been acknowledged as "the organising principle of liberal thought", in plural societies the state should not favour or disfavour citizen's moral, religious and philosophical views (hereafter, the conception of the good) [Wall & Klosko, 2003, p. 1]. If social egalitarian policies aim to coercively integrate schools and neighbourhoods and call to democratise the workplace while this is not a shared ideal, can the state implement these policies and still being neutral?

In this essay, I argue that although at first glance social equality may not seem compatible with 'liberal egalitarianism', it actually is. My argument is twofold. First, I argue that social equality is not incompatible with liberal egalitarian justice. Second, I argue that the 'neutrality principle' does not present an objection to carrying on social egalitarian policies. To be clear, I am not justifying or arguing for social equality. Rather, I focus on rejecting the

notion that social equality and 'liberal egalitarianism' are incompatible on these regards.

This essay is structured as follows. First, I introduce a brief overview of the ideal of social equality. Then, I define the ideal's scope and argue that it should encompass individual behaviour. In the third section, I state the supposed incompatibility between liberal egalitarian justice and social equality and then reject it. Next, I discuss to what extent social egalitarian policies are compatible with the 'neutrality principle'. I argue that according to the relevant interpretation of neutrality they are compatible. Finally, I conclude.<sup>3</sup>

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<sup>3</sup> A similar question regarding social equality compatibility with liberal egalitarian justice is discussed, as a research abstract, in Fourie (2014).

## **1. Social equality: an overview**

The purpose of this section is to give a partial overview of social equality. I offer a description of only what I believe to be its most salient and distinctive characteristics.<sup>4</sup> First I describe social equality as an opposition to hierarchies and provide a typology of harmful hierarchies. Then I discuss to what extent it is distinct from distributive equality. Next, I show that the scope of social equality encompasses individual behaviour. Finally, I discuss what demands bring such an idea about.

### **1.1. What is social equality?**

A more formal definition of social equality may come in both positive and negative terms. In positive terms, the ideal of social equality identifies a society of equals, a community where individuals acknowledge that all members of society have equal standing, and hence regard and treat one another as equals. In such a society people cannot be placed in hierarchically ranked categories, such as status, class, casts, and so on, for those categories do not exist (Miller, 1997; Scheffler, 2003). Thus, social equality has been most largely described in negative terms, as an opposition to ranking (and being able to rank) individuals in social hierarchies (Fourie, 2012, p.11). The question that follows then is, what exactly are the social hierarchies?

#### **1.1.1 Social egalitarianism as an opposition to social hierarchies**

A social hierarchy is the expression of relationships between superiors and inferiors, that is

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<sup>4</sup> For more comprehensive discussion of social equality see Fourie (2012) and Kolodny (2014b).

to say, relationships where one person or group is considered to be inferior (superior) in relation to another person or group, who in turn is seen as superior (inferior) [Fourie, 2012]. Of course, hierarchies come in degrees. For example, wealth distribution can be more or less egalitarian and theoretically can range from total equality, where everyone owns the same share, to total inequality, where just one person owns all. In the same way, social hierarchies also can be more or less egalitarian, ranging from an entirely hierarchized society, where there are as many classes as people, to a non-hierarchical one, where there are no hierarchies at all.

However, not all unequal relationships relate to social hierarchies or are harmful to social equality. On the one hand, single discriminatory acts, even when they might express contempt from one person to another, do not amount to social inequality. The expressions of inferior/superior relationships have to be attached to ascriptive categories (e.g. race, gender, sexuality, age, religion, and so on) over which cumulative behaviour creates social stratification (Anderson, 2012, p. 42). On the other hand, some types of hierarchies are necessary. For example, in the military, hierarchy seems to be constitutive of the discipline it requires. Furthermore, hierarchies seem to exist widespread in society. For instance, most of the organisations require some hierarchy of authority. This does not mean that hierarchies are not problematic after all but poses the challenge to social equality to understand in what specific respect hierarchies are problematic (Scheffler, 2005, pp. 17-18).

There are three kinds of hierarchies that appear more troublesome for social equality. First, hierarchies of domination, where those in superior social positions have arbitrary and

unaccountable, de jure or de facto, power and authority over those in inferior positions (Anderson, 2012; Kolodny, 2014).<sup>5</sup> Second, hierarchies of esteem, where some have greater or less consideration because of their belonging to certain ascriptive categories. They are stigmatised and subjected to negative stereotypes and, therefore, subjected to social marginalisation, segregation, persecution, and even violence (ibid.).<sup>6</sup> Finally, hierarchies of standing, where those superior social positions have special weight to influence social decisions (Anderson, 2012).<sup>7</sup>

Going back to the example of the military, the conditions that must be fulfilled so that the hierarchy within is not problematic are the following: it cannot be based on ascriptive categories (non-discrimination), the access to superior ranks should be open to all (career open to talents) and the influences of social background and contingencies should be limited by fair equality of opportunity principle. Finally, the powers of office must be according to the ends assigned to it and, therefore, should not be arbitrary and should be accountable to such ends. Also, it should be clear that the authority of the superior does not attach to the person, but to the office. Therefore, the authority may be exercised only within the domain of their office (Anderson, 2013).

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<sup>5</sup> Instead of using 'arbitrary', Kolodny puts it as "not being resolutely disposed to refrain from exercising that greater power as something to which those others are entitled". I think arbitrarily is more intuitive.

<sup>6</sup> Kolodny is careful enough to use the word 'consideration' instead of, for example, response (positive or negative). The relevance of this distinction is illustrated by the following example: "While politeness might require paying some minimum of attention and regard to each fellow guest at a dinner party whoever he or she may be, it does not require that one find them all equally physically attractive or skilled at conversation, much less that one love them as one does one's spouse or children." (2014b, p. 297).

<sup>7</sup> A brief comment regarding the above characterisation of harmful hierarchies: they are only preliminary and do not mean to be necessary for social inequality arise. Compare, e.g., with Garrau & Laborde (2015).

### 1.1.2 Social egalitarianism is distinct from distributive egalitarianism

As said, the ideal of equality has traditionally been associated with its distributive implications. Distributive egalitarians believe there is some good that has to be distributed equally among individuals (e.g., advantages, resources, welfare, the opportunity of welfare, capabilities, among others).<sup>8</sup> Yet, according to social egalitarians, equality is first and foremost about social relations.<sup>9</sup> Social egalitarians argue that equality is an independent conception which cannot be reduced to its distributive concerns since its ideal cannot be captured according to the distribution of goods (or other 'equalisandum') alone (Anderson, 2012; Fourie et al., 2015; Miller, 1997; Scheffler, 2015). These conceptions of equality are indeed related. Distributive inequalities make it more likely that hierarchies, which are incompatible with social equality would emerge (ibid.). Nevertheless, they are substantially distinct.<sup>10</sup> For example, the 'separate but equals' slogan, which seems intuitively wrong, cannot be challenged by distributive concerns alone. Even if black and white people had the same opportunities and levels of welfare (or the same 'equalisandum'), it still does not capture the whole wrongness of the issue. The most distinctive feature between the two conceptions is thus that distributive equality does not require interaction, whereas social

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<sup>8</sup> For the question about the egalitarian currency, see G. A. Cohen (1989) and Sen (1980).

<sup>9</sup> Advocates of social equality claim this is what better interprets the ideal of equality in a historical context. E.g., Anderson (2012) argues that the ideals of equality have emerged from historical critiques of social hierarchies of the time.

<sup>10</sup> For such a discussion see Kolodny (2014b). For a critique of luck egalitarianism, see also Anderson (1999, 2010) and Scheffler (2003).

inequality is meaningless without it. Social equality refers to social relations while distributive equality refers to what is being distributed.<sup>11</sup>

To illustrate this point, consider Parfit's 'Dived World' example (1997). He depicts a world in which the population is divided into two halves; both unaware of each other's existence. In such scenario, does it matter, *pro tanto* and from an egalitarian standpoint only, that each half has different levels of welfare? For social egalitarians, it simply does not. There is no reason why social egalitarians should worry, since the wrongs they care about, such as stigmatising differences in status, unacceptable forms of power and domination, and relations of servility and deference, cannot obtain in this case where interaction between individuals is impossible (O'Neill, 2008).<sup>12</sup>

So far, I have broadly described and given a preliminary characterization of social egalitarianism, and I have distinguished it from distributive egalitarianism. In the following subsection, I discuss what is the scope of social equality so understood.

## 1.2. The scope of social equality<sup>13</sup>

Let me first introduce formal equality to distinguish it from social equality. I refer to formal equality broadly as the conjunction of civic and political rights that enable equal citizenship

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<sup>11</sup> It might be argued that the social egalitarian equalisandum are relationships. Indeed, but a relation is not something that can be distributed.

<sup>12</sup> An analogue case occurs with intra-generational income inequalities examples. For instance, Kolodny (2014b) provides the following: "When, in optimistic moods, I imagine that posterity will have much greater wealth than I have, no question of social superiority or inferiority makes sense. I am not in any recognisable way "subordinate" to my great-grandchildren" (p. 293).

<sup>13</sup> This subsection follows the distinction between formal equality and social equality in Fourie (2006, Ch. 2.3).

(e.g., equal voting rights) and formal equality of opportunities (e.g., non-discrimination laws). Formal equality embodies a set of (formal) coercive rules of what we are allowed or not allowed to do. For instance, formal equality would be violated if a person does not get a specific job because of the religion he follows. It does not impose any restriction on individuals insofar as they do not violate formalities. Within the subset of actions not penalised by the law, all actions are allowed; individuals and associations may act in one way or another, and formal equality is agnostic about it (Fourie, 2006, Ch. 2.3).<sup>14</sup>

Here is where formal and social equality's paths diverge. Violations of formal equality undermine social equality. But social equality is also an ideal governing social interaction occurring within the limits imposed by formal equality. To illustrate this, let us consider the following case: parents choosing a school where the majority of students pertain to a certain socioeconomic status do not violate formal equality, as it is within the scope of what is permitted by the law (e.g., formal equality). However, if the parents ruled out some schools just because they do not want their children to mix with working class children, that would be an expression of a lack of social equality.

Since rules and regulations of private organisations within civil society affect how those institutions relate to its members and how their members relate to each other, the former are also in the scope of social equality. These rules are also the scope of formal equality but to a lesser extent. For example, they have to abide with formal non-discrimination. But after complying with formal equality, they can take whatever form. An example of such

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<sup>14</sup> Social equality is concerned about social interaction that may occur within all different spheres of social interaction: private life (e.g., family and friends) and civil society (e.g., private associations), public institutions (e.g., the government).

regulations, beyond the scope of formal equality but relevant for social equality, are those churches that impede religious gay marriage and prohibit women from accessing certain positions (e.g., being priests).<sup>15</sup> Even when these rules do not violate the law, they do undermine social equality (Fourie, 2006, p. 132).

### **1.3. The demands of social equality**

I have argued that social equality's concerns also encompass social interaction within what is permitted by formal equality. Yet it presents the following further question: how are the demands of social equality supposed to be met? We have related formal equality with coercive measures for its application. Should we tighten (coercive) legislation so it can also deal with social equality's concerns?

I think we should not, for the following reasons. First, from a practical standpoint alone, it is not possible to design nor to check such a 'finely tuned' system where all optional behaviour cannot amount to social inequality (cf. Cohen, 2001, p. 128). Second, even when these rules could be formulated, they would heavily undermine and compromise freedom. This coercive scheme is such a bad idea that it would also violate what formal equality stands for (Cohen, 2001; Fourie, 2006). Third, enhancing regulation too far into relationships comes at the risk of corrupting the relations themselves. For example, to combat sexism, the state might enact laws so that partners share the same responsibilities within the household. Even when its effectiveness in advancing gender equality is an

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<sup>15</sup> Relationships can be an expression of individual behaviour, social practices, policies, and formal institutions (Fourie, 2012; Schemmel, 2012).

empirical matter, this kind of law would be problematic as it would corrupt the relationships it is trying to equalise. How would your relationship with your partner be if every time you do not do the dishes you might end up being fined?<sup>16</sup> Finally, and related to the later one, we simply cannot coerce people to behave conforming to social egalitarian principles for the very same reason that egalitarian relationships cannot be forced (Fourie, 2006, Ch. 3). Let us take, for example, the case of a relationship of respect. One might show respectful manners to someone while fully despising them in their heart of hearts. Even when the former is subject to coercion, the latter cannot be coerced.

If furthering or tightening legislation is not the way, how, then, should social egalitarian concerns be addressed? In the remainder of this section, I argue that an *egalitarian ethos* can give an answer to these concerns. To set terms, I take an ethos to be a set of values that are translated into principles and which, in turn, are applied to individual behaviour. An ethos affects individual behaviour by providing an assessment and by motivating behaviour. On the one hand, it provides an assessment of behaviour as it encourages (discourages) conducts conforming (opposing) to the values and principles of the ethos, via informal rewards (sanctions). On the other hand, it motivates behaviour as individuals internalise its values and norms, and therefore are motivated to act from those values (Fourie, 2006, p. 148; Wolff, 2003, pp. 149–151).

The concept of an ethos was first introduced by G.A. Cohen as a way of governing patterns

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<sup>16</sup> Fourie (2006) makes a similar point. She says: “Expecting the state, for example, to act as a mediator and to rely on the law to regulate interactions between family members, loved ones and friends is evidently problematic, and yet this is precisely what would be required if we chose only to describe injustices solely through formal equality.” (p. 133).

of individuals' behaviour according to principles of distributive justice (in particular, the difference principle).<sup>17</sup> In the same way, an egalitarian ethos seems the right answer to the question about how to organise non-coerced individual behaviour in such a way that it is compatible with social equality.<sup>18</sup> An ethos captures the scope that cannot be captured by formal equality. It avoids the practical objection against coercive legislation since there is no reason why a set of values and norms cannot be upheld by a whole society. Also, it is compatible with basic liberties and civic rights as it does not interfere with people's freedom (in a negative sense at least). Finally, since it comprises an informal way of assessment, and people does not act upon penalties of coercive legislation, but upon their own motivation, it does neither corrupt nor forces the relationships being equalised.<sup>19</sup> Hence, an egalitarian ethos is necessary for social equality to obtain.

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<sup>17</sup> G.A. Cohen asserts that an egalitarian ethos is a necessary condition for social justice (2001, p. 131). It should be said that Cohen's observation is contestable. For instance, Scheffler refutes him by arguing that "an ethos of justice would not actually be necessary to produce an economic distribution satisfying the strict principle [where patterns of individual's choices abide with the difference principle]—such a distribution could be achieved by the coercive structure alone" (2006, p. 118). Yet, whether we agree or not with Cohen with the need for an ethos in the case of distributive justice, the case for social equality is stronger for the reasons discussed above.

<sup>18</sup> Fourie (2006) agrees. She says: "How can we organise individual behaviour [according to social equality]? The best way to describe this, I believe, is according to a social ethos" (p. 147). See pp. 147-152.

<sup>19</sup> It is worth pointing we have not given any specific shape to an egalitarian ethos that would uphold social egalitarian relationships. Yet, this is beyond the scope of this essay and is neither necessary for the argument here. For such a characterization, see, e.g., Fourie (2006). She argues that an egalitarian ethos that upholds social equality consists of three primary values: respect for persons, civility, and toleration (see chapter 5).

## 2. Is social equality compatible with liberal egalitarian justice?

In this section, I formulate and rebut the objection that social equality is not compatible with liberal egalitarian justice. The latter, it is said, aims only to govern major institutions, while the former's scope encompasses individual behaviour also occurring within those institutions. I argue that even when both seem *prima facie* incompatible, it needs not be the case. The main reason is the following: to account for individual behaviour social equality needs an egalitarian ethos. Such ethos can be directly provided by principles governing individuals. But also, it can be fostered, indirectly, by principles applying to the major institutions alone. Hence, social equality demands can be addressed by principles applying to the institutional framework alone. Therefore, social equality's demands need not be incompatible with liberal egalitarian justice.

### 2.1. The 'basic structure objection'

To resist the ideal of social equality, some might take refuge in what Cohen has famously called the 'basic structure objection'. In a nutshell, it says that principles of justice should apply to the basic structure alone. Moreover, since personal choice occurs within the basic structure (and does not affect it), individual behaviour is beyond the scope of the principles of justice. For the argument that follows it is not necessary to elaborate what specific

institutions the basic structure includes. It suffices to say that it comprises a subset of coercive institutions.<sup>20</sup>

The objection, then, would run as follows: since justice's scope is the basic structure alone, then the scope of social equality cannot extend beyond the basic structure. But, as I argued before, social equality cannot be fully addressed by coercive legislation alone. Hence, social equality is incompatible with liberal egalitarian justice.

As G.A. Cohen thinks, the 'basic structure objection' "is an objection to which friends of Rawls's Theory of Justice would press against" (2001, p. 129). This seems clear as Rawls points out that the primary subject of justice is the basic structure and, hence, principles of justice should apply to it (1999, p. 6, 2005, p. 282).<sup>21</sup> Moreover, Rawls explicitly states that the principles of applying to the basic structure may not work either for private associations, informal conventions and customs, voluntary cooperative arrangements, and individuals and their actions (ibid., p. 7).<sup>22</sup>

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<sup>20</sup> G.A. Cohen (2001) argues that basic structure cannot comprise coercive institutions alone. This constitutes the main thrust of his reply to the 'basic structure objection'. In a nutshell, his argument is the following. If the basic structure includes informal institutions, it also comprises personal choices, since the latter are constitutive of the former. Hence, it has to encompass only coercive institutions. Yet, if we take the primary subject of justice to be the basic structure because of its far-reaching effects on people's lives, why should then justice limit to the coercive structure alone? Non-coercive structures can have effects as severe as those of the coercive practices. Therefore, he concludes, limiting the subject of justice to coercive institutions alone would then be an arbitrary delimitation and, thus, principles of justice should apply also to individual choices. I do not follow this strategy because I disagree with his main premise, namely, that coercive institutions cannot affect personal behaviour. My reasons to disagree with this premise will become clearer later. For an assessment of Cohen's argument see Scheffler (2006).

<sup>21</sup> See also Rawls (2005, pp. 11-12 and Lecture 7).

<sup>22</sup> Here I followed Scheffler (2006). He offers two reasons why the principles might be framed to apply to institutions and not to individual behaviour. The first reason is the so-called 'institutional division of labour',

A word of caution before presenting the rebuttal to this objection. Underlying the claim of incompatibility between social equality and social justice is the belief that the concerns of the former can be tackled by the latter. If this is not the case, why care at all about the incompatibility social justice and social equality? If they are different and distinct ideals, why should they share the same scope?<sup>23</sup> This objection, therefore, is only relevant for those advocating for liberal egalitarian justice, who think that social justice can obtain relations of social equality and, thus, the ideal of social equality is not distinct from social justice. This position is held by those who Schemmel (2015) calls 'liberal justice-based relational egalitarians'. They not only endorse both social equality and liberal egalitarian justice but also think the former may be achieved by the latter.

## 2.2. Reply to the 'basic structure objection'

In the remainder of this section, I shall reject the 'basic structure objection', and hence the apparent incompatibility between liberal egalitarian justice and social equality, for which I provide two arguments. First I argue that liberal egalitarians not only endorse principles of justice that apply to the institutions but also principles that aim to govern individual behaviour, such as the principle of fairness and the principle governing the natural duties.

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which says that principles applying to the basic structure are required to secure background justice over time since it cannot be accomplished by individual behaviour alone. The second reason is what Scheffler calls 'the moral division of labour'. The limited scope of the principles of justice, he argues, allows them to coexist with a plurality of other values and principles that apply to individuals and associations, without superseding or pre-empting them.

<sup>23</sup> Under this view, social justice cannot address all social egalitarian concerns and both ideals refer, to some extent, to different and distinct values. Those adhering to this group are what Schemmel (2015) calls "pluralist social egalitarians".

Then, I argue that social equality's concerns can be met by liberal egalitarian justice. My main argument is that the egalitarian ethos that social equality demands can be fostered via the major social institutions. Therefore, principles applying to institutions can, at least theoretically, shape institutions in a such a way to encourage social equality's desired ethos.

### **2.2.1. Liberal egalitarian principles of justice applying to individual behaviour**

The first part of the reply is to note that even when the basic structure is the primary subject of justice, it does not encompass the whole subject of justice (Scheffler, 2006; Voorhoeve, 2005). For instance, for Rawls the principles of justice applying to the basic structure concern "a special case of the problem of justice [...] which is interested in only one instance of its application" (1999, p. 7). Moreover, Rawls not only discusses principles for the basic structure but also for individual behaviour, which he acknowledges, "are an essential part of any theory of justice" (ibid. p. 93). Both, principles for individuals and the basic structure, are chosen in the original position and arise as the outcome of a hypothetical agreement, but are different in content and scope. Principles for individuals do not aim to govern the basic structure aim but to inform and govern individual and daily choices. In particular, he proposes two principles for individuals: the principle of fairness to govern individual's obligations and a principle governing the natural duties, among which we may find the duty to help one another, the duty of justice, and the duty of mutual

respect.<sup>24</sup> Therefore, the basic structure objection is misplaced, as liberal egalitarians actually do endorse applying principles of justice to individuals' behaviour.

Nevertheless, some may reject this rebuttal. For instance, Phillippe Van Parijs argues that "this is not at all the path Rawls wants us to follow" (Van Parijs, 2003, p. 228). A 'political conception of justice', which is not derived from a comprehensive moral doctrine and the one liberal egalitarians advocate for, cannot include principles for individuals. This is the case, he argues, because the principles for individuals are within the sphere of his theory of good (rightness as fairness) that includes a specific and comprehensive vision of the good. Yet, the 'political conception of justice' should not be grounded in any conception of the good, and therefore, liberal egalitarians would disagree with including principles for individuals in a theory of justice. However, this line of reasoning has been challenged by Voorhoeve (2005). He shows that some principles for individuals are not only coherent in a 'political conception of justice', but are also required to ensure that a just society changes it remains to be just (the so-called problem of stability).<sup>25</sup>

### **2.2.2. Basic institutions indirectly affect individual behaviour**

Now I present a second argument which makes the case to reject the 'basic structure objection' even stronger. We have seen that Rawls distinguishes between the principles that apply to the basic structure and those that apply to individuals. Nevertheless, this does not imply that individuals are unaffected by the institutional principles. Indeed, "individuals

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<sup>24</sup> See Rawls (1999) chapters 18 and 19 respectively for the introduction of these principles and chapters 52 and 51 respectively for the arguments sustaining its incorporation.

<sup>25</sup> He discusses how the duty of mutual respect, the duty of mutual aid, and the principle of fairness contribute to the stability of a just society.

should not, in general, treat them as guides to personal decision-making. But that is not to say that the principles of justice should have no impact on individuals' motives or that the basic structure cannot, in turn, enforce rules that apply to individuals" (Scheffler, 2006, p. 110). That is so since it affects the citizens' 'wants and aspirations'. Rawls devotes chapter 5 in the lecture 'The Basic Structure as a Subject' in Political Liberalism to answering the question of how the basic structure affects individuals.<sup>26</sup> The character and interests of individuals are not fixed or given but are shaped by the institutional form of society, as it has a deep effect over the kind of persons they are and want to be. Even more, the basic structure "shapes the way the social system produces and reproduces over time a certain form of culture shared by persons" (Rawls, 2005, p.269).

On this reading, the effects of the principles for the basic structure are much more far-reaching than only framing the structure. The basic structure not only defines the coercive framework where individuals can *freely* move but also indirectly affects their behaviour and the kind of people they are. Therefore, in the configuration of the principles of justice for the basic structure, should be taken into consideration how they will affect the aims and aspirations of people (ibid.). Interestingly, this same point has also been put forward by Van Parijs as a 'rawlsian alternative' to saving the principles of justice from both "perfectionism and vacuity" (2003, p. 231). Even when Van Parijs argues, as we discussed before, that a 'political conception of justice' should not include principles for the individuals, he acknowledges this does not mean that individuals are unaffected by the institutional principles, since "there is a wide range of other ways in which the choice of

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<sup>26</sup> Rawls also treats this question in chapter 41 of a 'Theory of Justice.' (1999).

institutions can affect people's motivation and behaviour in daily life" (ibid., p. 230). Hence, in a 'political conception of justice', principles "can remain exclusively focused on institutions but must bear in mind that institutions can be a powerful influence on individual motivation" (ibid., p. 231).

### **2.2.3. Institutional principles and an ethos**

We have seen that principles for institutions can indirectly, but nonetheless powerfully, affect individual behaviour, by shaping their motivation and the kind of persons they want to be. Recall now, an ethos provides assessment and motivates behaviour. Both characteristics can be met by designing the correct institutions. Thus, institutions have considerable influence on a society's ethos. This conclusion is shared, among others, by, for example, Joshua Cohen who even claims that indeed "Rawls shares [...] the thesis that institutions make a large difference to ethos." (2001, p. 376). Hence, it follows that in designing the institutional principles of justice, while aiming to the basic structure alone, they can indeed be designed to foster some specific ethos (Van Parijs, 2003, p. 231). We conclude, therefore, that an egalitarian ethos may be fostered: (i) directly by principles for individuals (as proposed by G.A. Cohen), (ii) indirectly by institutional principles via the basic structure (as suggested by Van Parijs and J. Cohen) or (iii) by both.

### **2.2.4. Institutional principles of justice can meet social equality's demands**

Before closing subsection 1.1 above, I claimed that social equality demands an egalitarian ethos to inform and affect individual behaviour. An ethos embodying the values of social equality seems to be the best way to organise non-coerced individual behaviour in such a

way it is compatible with social equality. As I showed above, an ethos can be fostered by major institutions and, therefore, by the principles of justice that apply to those institutions. It is an empirical question to be settled by social psychology what specific shape should take the major social institutions to exert an egalitarian ethos such as the one that social equality needs to obtain. But what is clear is that we cannot hold that the egalitarian ethos required by social egalitarianism cannot be exerted by institutional principles of justice. Thus, the demands of social equality can be fully answered within the scope of the institutional principles of justice.

In conclusion, it is incorrect to claim social equality is incompatible with liberal egalitarian because the former's scope goes beyond the basic structure and is an ideal governing individual choice within the coercive framework. Indeed, principles of justice aim to basic structure alone but it does not follow that individual motivation and actual choices are insulated from such principles. Such behaviour can be indirectly affected by institutional principles defining an egalitarian ethos and, therefore, social equality's demands are not incompatible with liberal egalitarian justice.

### **3. Are social egalitarian policies neutral?**

In this section, I deal with the second objection of 'liberal egalitarianism' against social equality: the neutrality of the state. It is worth pointing out I need not take sides regarding the question of whether state neutrality is justified or not. This is a contested debate characterised by those advocating for neutrality on one side and those advocating perfectionism on the other.<sup>27</sup> My argument is meant to reject the neutrality-objection that may be presented only by those who endorse it.

In what follows, I first present the 'neutrality objection' and I argue it cannot be overpassed by arguing that neutrality only applies to some levels of state policy. Next, I claim the relevant formulation neutrality at stake implies being able to justify state policies without appealing to a specific conception of the good. Finally, I argue that social egalitarian policies can appeal to deepening democracy as a neutral justification. That is so because democracy is one the shared and common ideas that enable citizens in a plural society to pursue their divergent conceptions of the good.

#### **3.1. The 'neutrality objection'**

To set terms, I define the 'neutrality principle' as the principle that in a plural society the state should not favour or disfavour citizens' conceptions of the good (Wall & Klosko, 2003, p. 1). Of course, it can be defined and interpreted in various ways (some which are even

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<sup>27</sup> For an introduction, see Wall & Klosko (2003, Introduction).

incompatible between them)<sup>28</sup> but a general statement, I think, suffices for the purposes here.

By appealing to the neutrality of the state in a liberal society some may pose the following question: are policies aiming to advance social equality neutral policies? Is the state acting in a neutral way by implementing any policy justified by the sole reason of advancing social equality? If not, then, according to the 'neutrality principle', the state should refrain from carrying on such policies.

Social equality, it might be argued, has policy implications that are not neutral, and the state should not implement them. For instance, social equality might be invoked to justify integration policies which might force you to live in, for example, ethnically integrated communities. On what grounds can the state decide who your neighbours are and with whom your children should study? Why should you be obligated to mix with those you do not want to mix with? Or more subtly, why should you stand in equal relations with people whose conception of the good you despise (e.g., because you consider them not tolerant)? Would that not violate liberal state neutrality, since you should be free to live your life according to whatever conception of the good you have, insofar as you do not violate other citizen's rights?

### **3.2. Comprehensive versus narrow 'neutrality principle'**

To overcome this objection, we might argue that the neutrality principle does not apply to

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<sup>28</sup> E.g., see Gaus (2009, pp. 81-82).

all state policies. The argument is the following: if the 'neutrality principle' applies only to some of the most relevant domains of the state action, yet not to all, state policies advancing social equality may not violate the 'neutrality principle' if, for example, they apply only at local level. In this subsection, I shall argue this argument fails, and hence, if we are to reject the 'neutrality objection' we should be able to show that even 'local' social egalitarian policies are neutral.

Let us call the thinner application of neutrality, the 'narrow principle of neutrality', in contraposition to a 'comprehensive' application domain. Those supporting the 'narrow principle of neutrality' posit that it should only apply to what Rawls calls 'constitutional essentials and questions of basic justice'<sup>29</sup>. This restricted domain involves fundamental questions alone, for example, who has the right to vote, or what religions are to be tolerated, and so forth (Wall & Klosko, 2003). In contrast, the comprehensive principle holds that neutrality should have a broader scope than the constitutional structure of the state since it cannot be restricted to a specific level (Gauss, 2003, p. 159). Neutrality, therefore, should not only apply to the fundamental questions but whenever social interaction is mediated by the state (Lecce, 2008, p. 233).

The comprehensive view raises the following objections against the narrow principle neutrality. First, in many cases, it is unclear whether a specific policy concerns to 'constitutional matters' or 'basic justice'. Second, why limit the application of the 'neutrality principle'? One of the reasons presented to advocate for the narrow scope neutrality is that it deeply affects how one, in a plural society, can pursue one's conception of the good,

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<sup>29</sup> See Rawls (2005, p. 214).

whatever it may be. Nevertheless, not only the basic structure can heavily impact our ability to pursue our conception of the good, but also a broad range of state policies (below I provide such an example). Hence, restricting it to the constitutionally essential is arbitrary.<sup>30</sup> Finally, even when the constitution and basic rules were neutral, it does not imply that state-coercive policies are also going to be neutral. The fact that a particular policy is authorised by the Constitution is not a sufficient condition for the policy to be neutral as well (Gauss, 2003).

How is this relevant for citizens in a plural society? All policies not qualifying as being part of the 'constitutional essentials and questions of basic justice' could be arbitrarily non-neutral. For instance, local policies would be beyond the scope of the narrow 'neutrality principle' and could, therefore, undermine the ability of some citizens to pursue their preferred conception of the good (Lecce, 2008). Let us consider, for example, the case of publicly-subsidized private schools that can define their curriculum as they please (these schools qualify as state policies as they are financed by the state). They could, for instance, teach that homosexuality is a 'sin' and that gay people should not be entitled to certain rights (e.g., marriage). It follows that any homosexual child in that school would find his ability to live his sexuality according to his preferred conception of the good hindered.<sup>31</sup> Yet, under the narrow principle of neutrality, this policy cannot be rejected<sup>32</sup> (which, of course, is not to say there are no other arguments to reject it).

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<sup>30</sup> This is in the same spirit as G.A. Cohen's argument against narrowing the scope of principles of justice to the basic structure alone. See footnote n. 20.

<sup>31</sup> This is a modified version of an example used in Lecce (2008, p. 233).

<sup>32</sup> This point is easily generalizable to other state policies (see *ibid.* for such examples).

So far I have presented arguments pro the ‘comprehensive neutrality principle’ which I think are relevant and cannot be discarded with ease. Furthermore, even if there was a level above of which policies should be neutral, the narrow-scope rebuttal of the ‘neutrality objection’ cannot provide answers for all policies above such threshold.

### **3.3. The democratic justification for the neutrality of social egalitarian policies**

In what follows, I provide an argument to reject the ‘neutrality objection’ at all policy levels. Thus, it is broad enough to encompass the demands of the comprehensive principle of neutrality. My argument is structured as follows. First I claim that the relevant kind of state neutrality at play is neutrality of justification, i.e., being able to neutrally justify the policies. Then I discuss whether social egalitarian policies can be neutrally justified. Finally, I argue that although it is problematic to justify them upon the value of social equality (intrinsically or instrumentally), they can be justified upon a shared common ground democratic societies share: democracy.

#### **3.3.1 What do we mean by neutrality?**

This far I have talked with much ease about a policy being neutral. Yet I have not said what I mean by it. This is relevant to my argument below; so, let me explicitly state the notion of neutrality that, I think, is in play here. The ‘neutrality principle’ may refer to ‘neutrality of effect’ or ‘neutrality of justification’. On the one hand, ‘neutrality of effect’ requires that policies pursued by the state do not have the effect of promoting a conception of the good, or giving advantages to adherents of a particular conception of the good. On the other

hand, 'neutrality of justification' requires that the state do not aim to promote any particular conception of the good, or to give advantages to adherents of particular conception of the good, unless it can be justified independently of any appeal to the supposed superiority of any conception of the good over others (Arneson, 1990, 2003; Wall & Klosko, 2003).<sup>33</sup>

I take 'neutrality of justification' to be the relevant principle of neutrality in play here. First, there is a practical objection against 'neutrality of effect'. How can all the consequences of policies be foreseen? If taken literally, this understanding of neutrality is too strong to be taken seriously. A weaker version may ask only for the 'expected' consequences to distribute uniformly among citizens with different conceptions of the good. Nevertheless, neutrality of effect is still highly problematic for 'liberal egalitarianism', as "the two fundamental components of liberal egalitarian justice - respect for liberty and fairness in the distribution of material resources - both preclude consequential neutrality." (Kymlicka, 1989, p. 885). Neutrality of effect would be violated by advancing, let us say, liberty of association if, for example, before it was established as a right the only political association permitted was the government's party. The policy consequences will be beneficial for oppressed people, but certainly not for the oppressors. The principle of neutrality of effect would also be violated if the state favoured policies aimed at the distributional fairness of resources. For not all conceptions of the good have the same costs. For instance, Islam mandates its members to complete a pilgrim to Mecca (the Hajj) at least once in a

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<sup>33</sup> We might consider a reformulation, so to consider also 'neutrality of aim' and 'neutrality of justification' (Arneson, 2003, p. 193). Yet, this distinction is not relevant for my argument here and I assume that if a state policy meets neutrally of justification it also fulfils neutrality of aim, and vice versa (as, e.g., in Wall [2001]).

lifetime.<sup>34</sup> Under the conception of neutrality of effect, equality of resources would then certainly favour those religions not requiring such a costly trip.

### **3.3.2 Can social egalitarian policies be justified by appealing to social equality itself?**

Hence, we may conclude that if the justification of a policy does not favour a specific conception of the good, the 'neutrality principle' would not be violated. The question that follows, then, is if social-equality-enhancing policies can be neutrality justified. One way of answering this is by arguing that these policies can be justified by appealing to social equality itself. This requires social equality to be non-controversially valuable for all citizens. Living in a society of equals may be intrinsically valuable as a good in its own right (or constitutive of other intrinsic goods) and/or instrumentally valuable as it fosters the flourishing of its citizens, for example, by preventing the harms of social inequality (Fourie, 2012; Scheffler, 2003).

However, this is a problematic path to take. On the one hand, demonstrating that social equality is intrinsically valuable (independently of the particular conception of the good one has) is morally and philosophically ambitious (Ibid.) Arguing for this is even more challenging in large and plural societies were not all people share the moral intuition that social unequal relations are inherently wrong (Fourie, 2012, pp. 117-118). On the other hand, if we rely on the instrumental value of social equality, I am not sure we can justify a particular policy by relying on the overall and cumulative effects of social equality. This would be a controversial claim to make. We would need to show for each social egalitarian

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<sup>34</sup> This is mandatory only for those who can afford it.

policy the positive effects it would have on this regard. But most surely, the effects of a social egalitarian policies may not be always positive to all, and even more, might be detrimental to the majority of those affected. Suppose for example you want to justify the following policy: mixing rich with poor and marginalised children in the same school. Suppose moreover, that marginalisation correlates with a greater likelihood of having one peer who suffers domestic violence. Evidence shows long-term detrimental effects (e.g., in earnings) of such policy over the rest of the class (Carrell, Hoekstra, & Kuka, 2016). Hence, how to claim that, regarding this policy, social equality is instrumentally valuable?

### **3.3.3. The democratic justification of social egalitarian policies**

Another way, and the one I follow, of neutrally justifying social egalitarian policies is the following. Since the justification has to be acceptable to all citizens (not only to those who find social equality valuable or to whom are advantaged by it), it has to proceed from what is held and shared in common (Rawls, 2005, p. 100). This is implicit in the ‘public political culture’, i.e., the institutions, laws and culture of a democratic society.<sup>35</sup> Within those ideas, we find the notion of society as a fair system of cooperation among free and equal people, which is valuable as it enables all citizens to pursue their different conceptions of the good. (Scheffler, 2003, pp. 18-19).

I take this answer as a good starting point. The notion of society as a fair system of cooperation among free and equal people is precisely Rawls’s conception of a democratic society (Rawls, 1999, p. 336). Then, what is implicit in the institutions, laws and culture of a

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<sup>35</sup> See Rawls (2005, pp. 13-14).

democratic society is also the very same fact of constituting a democracy. Thus, the shared and common grounds between citizens with different conceptions of the good, and which enable them to pursue their divergent conceptions, then are strengthened by strengthening democracy itself. This, I believe, seems fairly uncontroversial.

My argument then to overcome the neutrality objection is the following: by promoting social-equality-enhancing policies the state is not acting upon any conception of the good (e.g., furthering mixing policies because it would permit people to flourish in a relevant way) but appeals to a justification for deepening democracy, whose value is shared in common and implicit in the 'public political culture'. This argument requires showing how, precisely, social equality is embedded in essential features of democracy and how they are advanced by social equality. This is what I proceed to show in the remainder.

### **3.3.4 Four essential features of democracy**

The first, and maybe less comprehensive understanding of democracy, is an instrumental mechanism to fulfilling (all) individuals' preferences.<sup>36</sup> This relies on the justification that there is no better-performing mechanism than democracy for the realisation of an individual's interests<sup>37</sup>. The latter might or not be correct; it is an empirical matter. However, I think it is too narrow to encompass what democracy entails, as it is vulnerable to the rebuttal that a benevolent dictator could deliver better results regarding the realisation of individual's interests. Democracy is broader than its consequences and

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<sup>36</sup> For a defence of the instrumentalist democracy, see, e.g., Arneson (2009).

<sup>37</sup> Here I understand interest as 'substantive' interests, that is to say, as preferences advancing individual's welfare, autonomy, and other relevant values at stake.

involves more than being an instrumental mechanism to advance as many substantive interests as possible. In what follows I present four features that I think are essential in modern democracies.<sup>38</sup> Then I show that social equality is constitutive of all them. Hence, by advancing social equality, democracy is perfected.

#### **3.3.4.1. First feature: full membership in a political community**

The first feature of modern democracies is full membership in a political community. This entails full and equal rights such as, for example, a right to participate and vote, and a right to freedom of speech, among others. But citizenship does not entail equality of legal rights, it also requires adequate public standing to interact with other citizens. Thus, equal citizenship is not merely formal or a legal status, it also entails a cultural norm (Anderson, 2013, p. 102).

#### **3.3.4.2. Second feature: equality of opportunity to influence social decisions**

The second feature is equality of opportunity to influence political decisions (Kolodny, 2014).<sup>39</sup> Being entitled to run for public office and the rule 'one person, one vote' are direct implications of this feature. Nevertheless, they do not fully cover it. Exerting influence may be accomplished both in a formal or informal way. Suppose you give a relevant donation to finance the campaign of some candidate running to become a member of the parliament. Would he not give you have a more receptive ear in the case that he wins? Even this is problematic, insofar as it does not violate the law this is compatible with formal equality of opportunity to influence political decisions. Hence, citizens should not have only formal but

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<sup>38</sup> This discussion follows Anderson's (2009) depiction of democracy. See. also Anderson (2013, Ch. 5.1).

<sup>39</sup> This is what Rawls calls the 'fair value of political liberty' (see. Rawls, 2005, p. 327 & p. 356).

also substantively equal opportunity to influence political decisions. In plain words, everyone should have the same opportunity of having the same say, regardless of arbitrary (background) factors such as wealth, social and ethnic group, sexual identity, and so on.

#### **3.3.4.3. Third feature: deliberative process in decision-making**

The third feature of modern democracies is having some deliberative process in the decision-making. On this understanding, preferences should not be taken as fixed, but as inputs to a discussion that might update them both via information and learning throughout the deliberation, and therefore might generate different results than aggregative rules alone (Anderson, 2009). This feature is relevant since majority rules alone can lead to harm minorities<sup>40</sup> and policy-making to not being adequately responsive to the concerns of all. Deliberation is one of the democratic tools to both getting rid of morally wrong preferences and being responsive to the interests of all.

#### **3.3.4.4. Fourth feature: a democratic culture**

So far, we have given democracy two levels: a membership organisation and a form of government. Yet democratic society goes beyond democracy as a form of government alone and introduces the interaction between citizens as a constitutive element of democracy. This is because through social interaction (e.g., in civil society) private concerns can become public concerns. By interacting and discussing, citizens get to know that their private matters are also shared by others and that they can be answered by collective and coordinated action (ibid.).

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<sup>40</sup> This is the so-called 'tyranny of the majorities' objection. Namely, the majority has the power to violate individual rights of the minority, given that it has the majority of the votes. Not all preferences should be taken into consideration to be satisfied. Some preferences are illegitimate as they are morally wrong.

### 3.3.5 Advancing social equality deepens democracy

Before discussing how social equality advances democracy, a brief note about what I mean by 'deepening' democracy. Democracy is not binary but may obtain in varying degrees. For instance, each of the above features of democracy may obtain to a greater or lesser extent. Thus, when I say deepening, advancing or perfecting democracy I refer to augmenting the degree of its features towards the ideal standard.<sup>41</sup> Let us take the case of equal opportunity of influence and recall the example I provided above to illustrate this. Equality of opportunity of influence can be advanced towards the ideal of substantial equality of opportunity of influence by introducing strengthening public financing to political campaigns, and therefore reducing the possibility of 'buying' informal influence.

In the remainder of the essay, I shall argue that by advancing social relations towards the social egalitarian ideal (i.e., a society of equals) all four features of modern democracies are also advanced.

Recall David Miller's ideal of social equality as encompassing a society in which people regard and treat one another as equals. This is equivalent to the ideal of equality as a cultural norm being constitutive of citizenship discussed in the first feature of democracy. Nevertheless, what precisely does it mean to regard one another as equals? What does it entail?

Scheffler (2015) sheds light on this question. In an egalitarian relationship, he says, both persons would normally act upon a disposition to treat the substantive interests of the

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<sup>41</sup> This idea is discussed in Arneson (2009). Yet his aim there is to advocate for instrumental democracy, insofar as it can answer which is the desirable degree of democracy in a society.

other as being equally constraining and influential in joint decisions. Then he applies the same rationale to discuss how, then, a society of equals would look. He concludes that “it means that the equally important interests of each of them constrain social decisions to the same extent” (ibid., p. 36). There is nothing much surprising, yet this takes us back to the second feature we discussed above: equal opportunity to influence political decisions. As he puts it “a society of equals is characterised by a reciprocal commitment on the part of each member to treat the equally important interests of every other member as exerting equal influence on social decisions.” (ibid., pp. 35-36). Therefore, in the ideal of a society of equals, as in the ideal standard for democracy, every citizen should have substantial equality of opportunity to influence political outputs. It follows straightforwardly that by advancing towards a society of equals in this respect equality of opportunity to influence is also advanced.

As said before, the deliberative feature is constitutive of modern democracies, among other reasons, because it makes policies responsive to the interests of all. Policies should be reasonably responsive to the concerns of all citizens and not only a subgroup of them. However, this requires that those making public policies must be capable of representing the concerns of people from all walks of life (Anderson, 2013). Yet, social inequality may have harmful effects on representatives' both competence and willingness to be accountable to all their constituents. On the one hand, the lack of social interaction between groups causes cognitive deficiencies regarding the other groups. These gaps come in the way of stereotypes and attribution biases, and make those in the position of power to be less competent of being responsive via deliberation (ibid., Ch. 3). On the other hand,

the willingness to be responsive to the concerns of all constituents comes in hand with accountability of occupants of public offices. Face-to-face interaction is substantial in the constituents' process of making claims. For instance, in a segregated society people in power may never cross paths in their daily routines with some groups of individuals to whom they are accountable. This lack of face-to-face interaction might make less accountable to marginalized and discriminated groups, and, therefore, less responsive to their claims (ibid., Ch. 5.3). Advancing social equality, therefore, makes those in power more competent and responsible, and hence, more likely to respond to demands, concerns and claims of people of all social positions and walks of life.

Finally, the scope of social equality, as we discussed in section 1.2 includes civil society. By advancing social equality, relationships within civil society are also equalised. This further promotes the interaction and socialisation of citizens from all walks of life which in turn makes less costly to pool relevant information and to make shared claims (Anderson, 2009).

In conclusion, all the four features we discussed as essential of democracy are deepened by advancing social equality. Hence, we may conclude, that social egalitarian policies have a neutral justification: fostering democracy.

A brief comment before concluding. My argument here should not be taken as one supporting to embrace social-equality-enhancing policies because they deepen democracy (indeed this may be a *pro tanto* argument, which I do not develop here). The argument I defended is that democracy acts as a neutral justification for social egalitarian policies. It follows that those policies cannot be rejected because non-neutral. That is not to say there

are no other reasons not to carry them on. That should, I think, be a case by case evaluation. Yet, universally, it cannot be said they are not neutral.

## **Conclusion**

In this essay, I question whether social equality is compatible with two central tenets of 'liberal egalitarianism', namely, social justice and the 'neutrality principle'. I reject both incompatibilities.

I have discussed the concept of social equality and I have shown its scope includes individual behaviour and requires an egalitarian ethos to obtain. Then I have argued social equality is compatible with liberal principles of justice since they can, indirectly, affect individual behaviour, and therefore foster social equality's required ethos. Next, I discussed whether carrying on social egalitarian policies is compatible with 'neutrality principle', namely, that policies advancing social equality may disfavour some conceptions of the good. I have shown this is not the case since social egalitarian policies can be justified in the name of democracy itself.

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