JUSTICE, RESPECT, AND SELF-RESPECT

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Abstract:

The aim of this paper is to evaluate the respect-for-persons theory implicit in John Rawls's *A Theory of Justice*. It merits evaluation not only as a contemporary contribution to the respect-for-persons literature, but because it provides an essential premise in one of his arguments from publicity for his principles of justice.

In sections I and II I discuss the meaning and justification of his respect principle. As it stands it seems unjustifiable. In section III I argue that since it is unjustifiable, it renders one argument from publicity unsound. More generally, it seems that Rawls has misconceived the relationships between justice, respect, and self-respect. Perhaps respect and self-respect should be defined in terms of justice, not conversely.
Justice, Respect, and Self-respect

One of the most interesting contemporary respect-for-persons theories is that suggested by John Rawls in *A Theory of Justice*. Although brief, his discussion of respect merits attention for several reasons. It is the most complete contemporary respect theory. It is an important first step in clarifying the conceptual relationships between justice, respect, and self-respect. And, his principle of respect is a crucial premise in one of the main arguments for his two principles of justice, the argument from publicity.\(^1\)

Evaluation of his theory of respect reveals that it rests on an inadequate conception of respect and that as it stands, the theory is in an important sense unjustifiable. In addition, because the argument from publicity uses his principle of respect as a premise, it is either unsound or


\(^2\)Rawls, *A Theory of Justice*, pp. 178-179. "Furthermore, the public recognition of the two principles of justice gives greater support to men's self-respect and this in turn increases the effectiveness of social cooperation. Both effects are reasons for choosing these principles. It is clearly rational for men to secure their self-respect.... Now our self-respect normally depends upon the respect of others. Unless we feel that our endeavors are honored by them, it is difficult if not impossible for us to maintain the conviction that our ends are worth advancing. Hence for this reason the parties would accept the natural duty of mutual respect which asks them to treat one another civilly and to be willing to explain the grounds of their action, especially when the claims of others are overruled.... "Thus a desirable feature of a conception of justice is that it should publicly express men's respect for one another. In this way they insure a sense of their own value. Now the two principles achieve this end. For when society follows these principles, everyone's good is included in a scheme of mutual benefit and this public affirmation in institutions of each man's endeavors supports men's self-esteem. The establishment of equal liberty and the operations of the difference principle are bound to have this effect."
circular, depending upon one's interpretation of the respect principle in that argument. Finally, the general result that emerges from the discussion is that the conceptual relationships between justice, respect and self-respect are not as Rawls has conceived them. I discuss these points in the following three sections.

I

Although a notion of the attitude of respect is central to a respect-for-persons theory, Rawls does not tell us what the attitude is. The closest he comes is in his definition of the duty of mutual respect. The duty of mutual respect is "... the duty to show a person the respect which is due to him as a moral being, that is, as a being with a sense of justice and a conception of the good." (p. 337) Then he says that respect is shown in several ways: "... in our willingness to see the situation of others from their point of view, from the perspective of their conception of their good; and in our being prepared to give reasons for our actions whenever the interests of others are materially affected." (p. 337)

However, even though these behavioral dispositions may be typical of one with an attitude of respect, they are not sufficient to guarantee that one is showing an attitude of respect toward another, for they are compatible with many different attitudes. For example, a particularly curious person might be disposed to try to see situations and events affecting others from their point of view in order to satisfy his curiosity. Or, out of self-interest, one might be disposed to try to see the situation of others "from the perspective of their conception of their good," in order to try to discover how to take self-interested advantage of them.

Similarly, if one is disposed to give reasons for one's actions "whenever the interests of others are materially affected," this is not sufficient to guarantee that one is showing respect for them. One, respecting another not at all, might be so disposed in order to try to appease him. Finally, Rawls's two conditions on showing respect for another do not jointly guarantee that one is showing an attitude of respect. A scheming ruler, wanting to take self-interested advantage of his opponents, might try to see situations and events from his opponents' perspective and to give them reasons for his actions, whenever their interests were materially affected, in an attempt to appease them.
Neither are Rawls's two conditions necessary in general to the concept of the attitude of respect. One can have an attitude of respect and show respect for a person without having either of these dispositions. For example, one might respect a person as a good scuba diver, but not be disposed to see situations and events from her point of view and not be disposed to give her reasons for one's actions whenever they materially affected her interests. Out of respect for her as a scuba diver one might be disposed to emulate her, to follow her advice in scuba diving, to encourage other divers to try to be like her, to acquiesce in her judgment with regard to scuba diving, to have confidence in her scuba skills, etc.

Although these two conditions are not necessary in general to the attitude of respect, they are important behavioral dispositions of the attitude of respect for persons (in Rawls's sense). To see this, we must at least partially reconstruct the notion of the attitude of respect and discuss the bases of respect.

I have argued elsewhere for an analysis of the notion of the attitude of respect similar to the following: A person, R, has an attitude of respect from some evaluative point of view, E, toward another person, P, for having some ability(ies) or trait(s), F, if, and only if,

1) R believes that P has F (or that P is F), and that F is a good-making property of persons from the E-point-of-view,

2) R appreciates why F is a good-making property of persons from the E-point-of-view,

3) R is disposed to have confidence in P to have F, and in P to behave in ways appropriate to the F in question, and,

See my "Toward a Theory of Respect for Persons" in The American Philosophical Quarterly, Vol. 12, No. 4 (October, 1975) for a more complete discussion of the notion of the attitude of respect and some of the conditions of justification which must be satisfied by any theory of respect for persons. I claim that the analysis offered here is similar to the one in APQ, but not identical, for discussion and reflection subsequent to that article has convinced me that the earlier analysis was not quite correct.
4) R is disposed to acknowledge and recognize, in ways appropriate to the F in question, that F is a good-making trait (from the E-point-of-view) of persons in general and P in particular.

However, I do not want to discuss all these conditions or impose my analysis on Rawls. We can, however, sketch a partial analysis of the concept of respect sufficient for the purposes of this paper merely by focusing on conditions 1) and 4) above.

The first requirement on the concept of respect is that the respector believe that the respected person has certain traits or abilities. In Rawls's case if one respects a person's sense of justice and rational plan of life, then one must believe that he has these qualities.

Second, not only must one believe that the respected person has certain traits or abilities, but one must believe that these traits are good-making traits of persons. The attitude of respect is a pro-attitude and whatever else is true of a pro-attitude, it commits one to making a pro-value judgment about the object or state of affairs toward which one has the attitude. If one respects a person for being courageous, one must believe that courage is a good-making trait of persons.

One can have an attitude of respect toward a person because the person has moral good-making qualities, e.g., because the person is just, benevolent, trustworthy, or because the person has non-moral good-working traits, e.g., because the person is a good rock-climber, doctor, businessman, politician. Consequently, when one claims that a person is respect-worthy, one must specify the evaluative system, e.g., moral, nationalistic, religious, from which and according to which the person is respect-worthy.

The third condition of an attitude of respect important for our purposes is the acknowledgment condition \((4)\) above. If one has a pro-attitude toward some object or state of affairs, then necessarily one is disposed to behave toward that object or state of affairs in certain ways. If one has a pro-attitude toward X, then one must do something which brings X into existence, keeps X in

\(^4\)George Pitcher in "On Approval," The Philosophical Review Vol. 67(1958) p. 198, has called this the basis of basal reason for one to have an attitude toward someone or something.
in existence, results in X's flourishing, or being benefited.\textsuperscript{5} For the attitude of respect, the important disposition is the disposition to acknowledge the value of the respected object in ways appropriate to it. That is, if one respects Smith as a good doctor, then one is disposed to rely upon Smith's medical judgments, to go to Smith for medical advice, etc. It is the acknowledgment condition which explains the dispositions which Rawls believes essential to showing respect for another. However, before discussing them further, we need to explain the basis of respect.

According to Rawls, human beings who are moral persons are respectworthy. Moral persons are human beings that (1) "are capable of having (and are assumed to have) a conception of their own good (as expressed by a rational plan of life)" and (2) "... are capable of having (and are assumed to acquire) a sense of justice, a normally effective desire to apply and to act upon the principles of justice, at least to a certain minimum degree." (p. 505) To respect human beings as moral persons is to respect those who have a sense of justice and a conception of their own good.

The sense of justice according to \textit{A Theory of Justice} is a "normally effective desire to apply and to act upon the principles of justice, at least to a minimum degree" (p. 505) or "an effective desire to comply with the existing rules and to give another that to which they are entitled" (p. 312). Of course, these two definitions are somewhat different. I use the former, since it is the one seemingly favored by Rawls, augmenting it with the definition from his essay \textit{"The Sense of Justice."}\textsuperscript{6} The discussion of the essay more fully elaborates the rationale behind his definition of the sense of justice. There he says

\begin{quote}
The capacity for a sense of justice includes these capacities: to understand, at least in an intuitive way, the meaning and content of the principles of justice and their application to particular institutions; to understand at least
\end{quote}

\textsuperscript{5}See William Alston's article, "Moral Attitudes and Moral Judgments" in \textit{Nous}, Vol. II, No. 1 (1968) pp. 1-23, for further discussion of these points.

in an intuitive way the derivation of these principles as indicated in the analytic construction; and to have the capacities of feeling, attitude, and conduct, mentioned in the three laws of the psychological construction.  

The feelings he mentions include the feelings of authority guilt (the feelings of guilt one feels upon violating a rule laid down by an authority one loves, e.g., parents), associational guilt (the guilt one feels upon breaking a rule that one's friends or associates value), and principle guilt (the guilt one feels upon violating a rule or principle one values), as well as the feelings of love, friendship, fellow feeling, resentment, and indignation.

In short, the sense of justice includes the feelings a human being would have who cared about and valued, at least to a minimal degree, principles of justice and human relationships. Presumably, one may be disposed to such feelings without necessarily being a fully just or moral person. One could be an imperfectly just person, but nevertheless care enough about principles of justice and human relationships that one feels guilt upon breaking the principles and wronging others.

A human being with a sense of justice is contrasted with a human being without such feelings. A characteristic of the latter is that he does not care about, does not value and has no emotional commitment to principles of justice and human relationships. Such a human being might be a psychopath.

Though psychopaths know, in some sense, what it means to wrong people, to act immorally, this kind of judgment has for them no motivational component at all. They do not care about others or their duties to them; have no concern for others' rights and feelings, do not accept responsibility, and do not know what it is like to defer one's own gratifications out of respect for the dignity of another human being. Quite significantly, they feel no guilt, regret, shame or remorse (though they may superficially fake these feelings) when they have engaged in harmful conduct.

The second characteristic of moral personhood, according to Rawls, is that one has a conception of one's own good. However, this concept of his theory remains unclear because he seems to take two different positions. When he first discusses it in some detail, he writes that "a person may be regarded as a human life lived according to a plan, for. . . . an individual says who he is by describing his purposes and causes, what he intends to do in his life. If this plan is a rational one, then I shall say that the person's conception of his good is likewise rational." (p. 409) These comments suggest that a person may have a conception of his own good, but it need not necessarily be a rational conception or a rational plan of life. However, later he says that persons are human beings that are "capable of having (and are assumed to have) a conception of their own good (as expressed by a rational plan of life)." (p. 505, emphasis added) Hence, necessarily, if one has a conception of one's good, it is expressed by a rational plan of life.

In what follows I discuss the latter interpretation. It presents the best case for Rawls and any criticisms that apply to it apply with even greater force to the former.

A human being's plan of life is rational

if and only if (1) it is one of the plans that is consistent with the principle of rational choice when these are applied to all the relevant features of his situation, and (2) it is that plan among those meeting this condition which would be chosen by him with deliberative rationality, that is, with full awareness of the relevant facts and after a careful consideration of the consequences. (p. 409)

Secondly, a person's interests and aims are rational, if, and only if, they are to be encouraged and provided for by the plan that is rational for him. (p. 409)

This definition of a person's rational plan of life has to be elaborated by reference to the principles of rational choice in accordance with which such a plan is chosen. Rawls commits himself to the following:

(1) Given the object one is to achieve it with the least expenditure of means (whatever they are); or given the means (to some objective), one is to fulfill the objective to the fullest possible extent.

(2) The second principle of rational choice is that one (short-term) plan is to be preferred
to another if its execution would achieve all of the desired aims of the other plan and one or more further aims in addition.

(3) A third principle we may call that of the greater likelihood. . . . A greater likelihood of success favors a plan just as the more inclusive end does.

Summary: If this principle (one long-term plan is better than another for any given period (or number of periods) if it allows for the encouragement and satisfaction of all the aims and interests of the other plan and for the encouragement and satisfaction of some further aim or interest in addition), is combined with that of effective means, then together they define rationality as preferring, other things equal, the greater means for realizing our aims and the development of wider and more varied interests assuming that these aspirations can be carried through. (p. 413)

Given his conditions on principles of rational choice one is to choose a life plan that is rational for one.

Rawls does not claim that all persons in his technical sense ought to be respected. According to Rawls, there are three classes of human beings to be kept separate for the purposes of analyzing his respect-for-persons theory. First, there is the class of all human beings, presumably all biological entities that belong to the species homo sapiens. Second, a subclass of human beings is the class of persons—all human beings capable of having and assumed to have a rational plan of life. Presumably there may be some, suffering defects of various kinds, who are incapable of having a conception of their own good. Finally, the class of human beings with moral personality or who are moral persons includes all human beings who have a conception of their own good and a sense of justice. Respect is owed to this last class of human beings. In addition respect is also owed to those who merely have the latent capacity for these traits.

Combining his description of the basis of respect with the reconstructed analysis of the notion of respect, we can easily see how Rawls arrived at the dispositions essential to the attitude of respect. If one has an attitude of respect toward a human being with a sense of justice, then one typical way to acknowledge the value of this trait is to offer reasons, when the other person's interests are materially affected, "in good faith, in the belief that they are sound reasons as defined by a mutually acceptable conception of
justice which takes the good of everyone into account." (p. 338) Similarly, if one has an attitude of respect toward another's rational plan of life, or his conception of his good, then one is typically disposed "to try to understand his aims and interests from his standpoint. . . ."
(p. 338) Although these may not be the only ways in which the attitude of respect toward one with a conception of one's own good and a plan of life might be manifested, they are two typical ways which Rawls considers important.9

An understanding of the analysis of respect and the basis of the attitude is essential to a respect theory. However, implicit in the notion of respect are some justification conditions. These conditions must be satisfied if one is to have a justifiable theory of respect.

II

Two kinds of justification are important for a respect-for-persons theory. First, one must show that an object or state of affairs that one claims is the basis of respect really is an appropriate or fitting object of the attitude of respect. Not all objects or states of affairs are respect-worthy, consequently one must examine putative objects of respect to see whether they are (I discuss this further in a few paragraphs). Second, one must show whether and to what extent it is obligatory for an agent to treat the respected object or state of affairs respectfully. That is, merely because something is a fitting object of the attitude of respect, it may be merely supererogatory, not obligatory, to treat it respectfully.

Rawls clearly understands the second problem of justification, for he says "Everyone benefits then from living in a society where the duty of mutual respect is honored. The cost to self-interest is minor in comparison with the support for the sense of one's own worth." (p. 338) He has in effect argued that if everyone in a community treats everyone else respectfully, this will support and enhance the self-respect of all those so treated, and at such a minor cost to the agent's self-interest that it is obligatory for the agent to

9That this is a correct partial reconstruction of the notion of respect implicity in Rawls's theory is confirmed by the fact that the analysis can easily account for the dispositions which Rawls thinks essential to showing respect for another.
treat them respectfully. The fact that an act would produce considerable good with minor cost to the agent's self-interest is a sufficient reason, according to Rawls, for the act to be obligatory rather than supererogatory for the agent to do (pp. 438-439).

I am not convinced that this argument is sound. However, rather than pursue it in detail, I discuss the first problem of justification for respect theories. Understanding the shortcoming of his treatment of the first justification problem will show the unsoundness of the argument for the second.

Rawls's main justification problem is to show that both a person's rational plan of life and a person's sense of justice are appropriate or fitting objects of respect. To show this he must do the following. (1) Specify the evaluative point of view from which a human being with a sense of justice and his conception of his own good is to be respected. (2) Show that both these properties in a human being are good-making traits of persons from the specified point of view. And, (3) show that both these properties are sufficiently important good-making traits from the specified evaluative point of view to warrant one in endorsing the dispositions of respect toward them.10

The first two conditions should be clear, but the third needs further comment. The idea is that one must decide among all the objects or states of affairs that are good-making traits of persons from some evaluative, e.g., moral, point of view which ones are good enough to warrant one in having an attitude of respect toward them. That is, which are good enough to receive the kind of support, honor and encouragement peculiar to respect as manifested in the dispositions of respect (as opposed to those typical of other states of mind).

Clearly, respect-worthy objects can be respected from the moral or some non-moral point of view. Consequently, in evaluating the justification of Rawls's theory of respect, both possibilities must be considered.

Two of Rawls's claims are problematic. He says that a human being's sense of justice and conception of her own good are both objects of respect. He also claims that one should respect those who merely have the capacity for a sense of justice and the capacity for a conception of their own good.

10See my "Toward a Theory" for further discussion of these appropriateness conditions.
Although this claim is not exactly mistaken, it raises some problems.

Clearly, a human being with a developed sense of justice is morally respect-worthy. For one to have a sense of justice implies that one understands and actively has a desire to apply, and to be motivated to act upon, Rawls's two principles of justice. This desire is under one's voluntary control to exercise, maintain, and act upon. Second, an active sense of justice is a moral good-making trait of persons, for those with it will tend to support, uphold, and act upon principles of justice, which is desirable from the moral point of view. Third, a sense of justice is a sufficiently important moral good-making trait of persons to warrant one in having the dispositions of respect toward those with it. One is warranted in having the dispositions to acknowledge and recognize the importance of persons' sense of justice. By respecting and manifesting respect for those with a sense of justice, one helps to support, encourage, and reinforce one of the traits of persons that is important to the moral community. Such support, encouragement, and reinforcement is surely justified from the moral point of view.

However, even if those with a sense of justice are morally worthy of respect, it does not follow that those merely with the capacity for a sense of justice are. Whether or not they are depends upon whether this capacity is a latent or an active capacity. To have an active capacity to do something is to have an ability such that, if one chooses to do the activity in question, one, ceteris paribus, does it. For example, many people have the active capacity to run a mile in one hour. If they were to choose to do this activity, ceteris paribus, they then and there would do it. On the other hand, not everyone has the active capacity to run a mile in ten minutes. If one were to work at developing one's running ability one could after a certain amount of training run a mile in ten minutes. A capacity in this sense is a latent capacity to do the activity. Rawls claims that persons with the latent ability for a sense of justice are owed the duty of respect. This is problematic.

I am reluctant to use conceptual legislation against Rawls and say that capacities are not logically possible objects of respect. Some things, like mere fleeting skillful performances, may not be, but it is not obvious that capacities are not. In fact we often speak of respecting a person's capacities. However, there seem to be reasons of justification for thinking that latent capacities are not appropriate objects of respect.
For one thing, even if we assume that latent capacities are proper objects of respect, certain typical respect claims cannot be made about them. Since persons do not have voluntary control over the presence or absence of latent capacities, out of respect for them one cannot have a disposition to emulate them (a typical, but not essential, manifestation of respect). In order to emulate a person in some way, one must be able, through one's own efforts, to develop and to maintain the same sorts of traits and abilities as the respected person. One cannot do this for latent capacities. Either one has them or not; there is nothing one can do about it. In addition, in respecting a person's latent capacities, one cannot have confidence that the person will develop them. There is no assurance that they will be manifested at all. The dispositions to emulate and to have confidence in respected qualities of persons are characteristic of the attitude of respect, but they seem inappropriate to latent capacities. Consequently, to speak of respect for (latent) capacities is to use the term "respect" in a less central way.

Further, a latent capacity for a sense of justice is not obviously an important good-making trait of persons compared, say, with the active sense of justice. Consequently, why would one think it justifiable to respect such capacities compared with other possible objects of respect? It seems additionally unfair and unjust not to respect those who lack the latent capacity for they can do nothing about its presence or absence. Compare this with respect for traits over which persons have voluntary control. Finally, there are many things we can say about latent capacities and their value, without invoking the concept of respect, hence it is not clear that we should speak of respecting them. One can value, appreciate, or even be disposed to acknowledge the value of a person's latent capacities. Perhaps we should speak of them in these ways and reserve respect-talk for more important good-making properties of persons. Surely Rawls could make all his claims about the capacity for a sense of justice without invoking the concept of respect as he does.

According to Rawls, the second respect-worthy feature of moral personality is one's rational plan of life. However, it is not at all clear that this trait is morally respect-worthy. For it to be morally respect-worthy, it must be a moral good-making trait of human beings and it must be a sufficiently important one to deserve respect. These conditions, it seems, cannot be satisfied.
Morally speaking one has reason to value only those who have a moral plan of life, not those who merely have some rational life plan. For example, it may be the case that, given Hitler's circumstances, the life plan he chose (or had) was a rational one for him. Surely his life plan is not morally valuable, and it is not morally respectable. Whether or not Hitler's life plan was a rational one in Rawls' sense, given Rawls' conditions on rationality, is not clear. However, I can find nothing contained in them that rules out immoral or unjust life plans (or, equivalently, immoral or unjust conceptions of one's good). It would be a contingent matter at best, if such plans were ruled out, but there is no reason to suppose they would be ruled out in the case of every person. Consequently, it is quite conceivable, even likely, that there are immoral or unjust life plans which it is rational to adopt. If this is true, then we have no reason to suppose that the mere possession of a rational life plan either is or is evidence that one has some moral good-making trait.

Perhaps I have misunderstood Rawls on this issue. Perhaps he wants to hold that one should respect a human being's plan of life only if she has a sense of justice. He suggests in the third section of his book that a sense of justice is part of a rational plan of life under special conditions of justice (pp. 507-577). Perhaps he would argue that one with a sense of justice could not rationally have a life plan that would include either unjust or immoral segments, for these would be incompatible with one's sense of justice. Let us suppose, for the sake of argument, that this is the case. Is the rationality of one's life plan morally respectable?

The extreme moralistic position is that a human being's life plan is to be morally valued if it includes living a moral life, and it is to be disvalued and condemned morally, if it includes living an immoral life. According to this view, insofar as one's plan of life does not bear on moral matters, then it is not to be either disvalued or valued morally. For example, if one's plan of life includes fishing or time for some other recreation which does not interfere with one's moral duties or which is not used as a cover for immoral activities, then this segment of one's life plan is morally neutral. It is neither morally good nor morally bad.

However, perhaps this view is too moralistic. Often we do value a person's own good or his conception of his own good for certain moral purposes. Insofar as one, in taking the moral point of view, must be concerned with benevolence and beneficence, then one must be concerned with
and value the welfare of others. However, valuing a person's plan of life is different from respecting it. If one respects a person's plan of life, this implies that the mere fact that he has a rational plan of life is a good-making characteristic. However, when one values, as a matter of benevolence, a person and his plan of life, one is not committed to believing that it is a good-making property of persons. Nor does one believe it is desirable for others to have similar kinds of plans. Consequently, even though we nominally speak of valuing a person's plan of life or "his conception of his good," we do not believe that it is a good thing merely for him to have it. One case we might imagine illustrates the oddity of speaking this way. If a person were believed to be so lacking in intelligence that he could not form a plan of life, but then, to the surprise of everyone, he were able to, we might respect his achievement. (We might indirectly respect the tenacity or his ability to overcome obstacles to form such a plan.) However, we do not normally mean this. Consequently, it is implausible that simply because a person has a plan of life this is a moral good-making property or is evidence that he has moral good-making properties. It is the justness, honesty, etc., of the person's plan, not its rationality, that shows he has moral good-making traits. Hence, one's plan of life does not seem to be eligible for respect from the moral point of view.

Finally, however, even if one's life plan were morally valuable in some sense, it is still not valuable enough to be morally respect-worthy. There is no reason to believe that a life plan consistent with principles of justice is good enough morally speaking for one to be disposed to try to emulate it, to try to preserve, to protect, to try to improve it and to honor it in various ways. Of all the characteristics for which one might be morally respect-worthy, it seems that the mere rationality of a life plan is not one which deserves respect, and the honor appropriate to it.

However, there is one last reply which Rawls might make. In discussing rational life plans, Rawls claims that in choosing them human beings are motivated by the Aristotelian principle. According to the Aristotelian principle, "other things equal, human beings enjoy the exercise of their realized capacities (their innate or trained abilities), and this enjoyment increases the more the capacity is realized or the greater its complexity." (p. 426) What is interesting here is the suggestion that persons in their life plans desire to engage in more rather than less complex activities. This may or may not be a psychological fact about human beings. However, Rawls may be assuming that life plans

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in accordance with the Aristotelian principle are respect-worthy.\footnote{In at least three places Rawls seems to suggest this point: pp. 429, 441-442, and perhaps pp. 498-499.}

If he is, it may be a plausible assumption, but it exposes a difficulty in his respect theory. Even if we grant that suitably complex life plans, in accordance with the Aristotelian principle, are worthy of respect, according to which evaluative point of view is this true? Merely because some activity is complex or requires well-developed abilities of human beings, it is not thereby morally respect-worthy. An ability to do complex activities or well-developed abilities is not necessarily a moral good-making trait of persons.

This causes Rawls the following problem. A human being with a sense of justice is morally respect-worthy, but one with well-developed abilities or abilities to do complex activities is not. I do not know from what point of view these two abilities are good-making qualities, but I cannot concern myself with that issue here. Rawls's problem now is that he must presuppose two different evaluative points of view: one to show the respect-worthiness of a sense of justice and the other to show the respect-worthiness of an ability to do complex activities. However, by presupposing two different evaluative points of view what justifies one respect claim does not necessarily justify the other. That is, on the one hand, if it is morally justifiable to respect those with a sense of justice, it is not necessarily morally justifiable for one to respect those with abilities to do complex activities. On the other hand, if it is justifiable from some evaluative point of view to respect those with abilities to do complex activities, it may be justifiable from that same evaluative point of view to respect human beings having a sense of justice. Having a sense about matters of justice may be an ability to do a complex activity. However, even if it were, it is not clear why respecting such abilities from some non-moral point of view and treating them respectfully is morally justifiable.

If these arguments against Rawls's position are correct, then they suggest that there is no moral duty to treat rational life plans respectfully. Normally, one reason one would have a duty to treat morally respect-worthy traits respectfully is that such treatment would produce a net balance of good over evil with minimal cost to one's
self-interest (at least I assume this for now). However, if a rational life plan is not a morally respect-worthy property for a person to have, it is not obvious that a net balance of good over evil would be produced by treating it respectfully. Considerable evil might be produced by treating certain evil persons, e.g., Hitler's, Charles Manson's, rational plans respectfully. Consequently, the fact that the argument for the first kind of justification is unsound, suggests that the argument for the second kind of justification is unsound.

If these claims about Rawls's position on respect are correct, he must abandon, as a justifiable moral principle, the claims that those human beings with a rational plan of life are respect-worthy and ought to be treated respectfully. He should say that only those with a sense of justice are worthy of respect and ought to be treated respectfully.

III

Although these criticisms show that part of Rawls's theory of respect is unjustifiable, they have additional important consequences for some other claims made in A Theory of Justice. In particular, these criticisms seem to undermine his argument from publicity designed to show that, on grounds of respect, there are reasons for preferring the two principles of justice to principles of utility. (pp. 178-182). In addition, they suggest that some of his claims about self-respect as a primary good may be problematic. (pp. 440-446).

In one of the arguments from publicity Rawls argues that one's public commitment to the two principles of justice expresses greater respect for those to whom the principles apply than does one's public commitment to principles of utility. This is the case because the two principles of justice protect each person's welfare to a greater extent


13In addition to these reasons for thinking the argument for the second kind of justification is unsound, there are stronger ones, but I cannot pursue those here.
than do the principles of average or total utility. Since the principles of justice protect each person's welfare to a greater extent than principles of utility, and, since, according to the principle of respect, one ought to respect each person's conception of her own good, then one's public commitment to Rawls's principles expresses respect for each person's conception of the good and greater respect than public commitment to principles of utility would. Because public commitment to these two principles expresses respect for one's good, and because showing respect for one's good supports and enhances one's self-respect, a primary good, the two principles are to be preferred to the principles of utility.

There are a number of problems with this argument. Consider them in order of increasing importance. First, there seems to be an equivocation on the notion of a person's good. Is it the person's welfare that is to be protected and secured or the person's conception of her own welfare? Second, it does not obviously follow from the fact (if it is a fact) that principles of justice, when conscientiously applied to persons, protect their good, and from the fact that an agent is publicly committed to those principles, that the agent has respect or is showing respect for the persons to whom the principles are applied. Third, it is not clear that showing respect for a person in Rawls's sense will do anything to support and enhance the person's self-respect. Having an attitude of respect toward them will, but merely treating them respectfully may not.

Fourth, this argument places an inordinate emphasis on the importance of institutional arrangements for expressing respect for persons and for supporting and encouraging their self-respect. Ordinarily, what is more important to one's self-respect are the attitudes that associates, friends, and perhaps public officials have toward one. If they respect one and treat one respectfully, then one's self-respect is enhanced and supported, if they do not it likely is not. My armchair social psychology indicates that actual institutional arrangements are far less important in supporting and enhancing one's self-respect than are the interpersonal attitudes one finds expressed toward one. Consequently, institutional arrangements may do little, if anything, to promote persons' self-respect.

Fifth, and most importantly, even if these problems were solved, Rawls's argument rests upon the assumption that a person's conception of his own good is respect-worthy and ought to be treated respectfully. As we have seen, this is
not justifiable. Consequently, to the extent that Rawls chooses between principles of justice and principles of utility on the basis of this argument from publicity, he has no grounds for making his choice. Because his theory of respect is to this extent unjustifiable his argument from publicity is unsound.

To this point I have assumed that the argument from publicity rests on the assumption that an agent's public commitment to the principles of justice expresses his respect for the rational life plans of those to whom the principles apply. However, Rawls might suggest that a public commitment to the principles of justice expresses one's respect for those with a sense of justice, and that this gives one a reason for preferring the principles of justice to principles of utility. However, if he were to suggest this argument, it is circular and begs the question against the utilitarian.

It is circular, because in order to show that it is a morally good thing for a person to have a sense of justice, he must assume the principles of justice he is trying to justify. This is the case, because according to Rawls a character-trait, motive, intention, etc., is morally good if and only if an agent's having it would normally issue in the agent's doing what is required by the principles of right conduct. (p. 437) In Rawls's case, this means that a trait is a moral good-making property of persons if and only if an agent's having it would normally issue in the agent's acting in accordance with Rawls's two principles of justice. Since this is the case, however, Rawls cannot use the fact that a public commitment to principles of justice expresses respect for a person's sense of justice as a reason for preferring his principles of justice to principles of utility, for he has already assumed the justifiability of his principles. This argument for the principles of justice would assume the justifiability of the principles he wants to justify and as a consequence begs the question against the utilitarian.

In addition, if Rawls is permitted to use this argument against the utilitarian, the utilitarian can use a similar question-begging argument against Rawls. The utilitarian can argue that a reason for choosing the principles of utility over the principles of justice is that an agent's public commitment to the principles of utility expresses greater respect for those persons with a sense of benevolence, the cardinal virtue associated with utilitarianism.
A larger lesson to be learned from this criticism is that, at least for some principles of respect, if it is morally justifiable for one to show respect for some morally valuable trait, e.g., justice, benevolence, etc., of persons the principle of respect must be defined in terms of a theory of moral (not non-moral) goodness which in turn must be defined in terms of a theory of right action. It is not clear whether such claims hold for all respect principles, but I am inclined to think that they do. In any case, respect principles like this must be defined in terms of first order principles of right conduct, e.g., principles of justice, utility, honesty, fidelity, etc. This would make respect principles second-order principles of right action; principles requiring that one treat respectfully those who have various primary virtues, e.g., the virtues of justice, benevolence, honesty, trustworthiness, etc.¹²

Finally, some of these criticisms suggest problems with Rawls's conception of self-respect. The concept of self-respect, like the concept of respect, is a value concept. As a result, Rawls's hypothetical agents in the original position behind the veil of ignorance cannot know what states of affairs will or will not contribute to a person's self-respect, for the notion of self-respect is without content, at least in part. Until the parties in the original position have chosen the principles of right, it has little or no content. This is the case, for one of the main reasons persons respect themselves is because they have moral good-making traits and abilities. However, according to the social contract justification, one cannot know what traits and abilities will be considered morally good (and hence proper bases of self-respect) until the principles of right conduct are chosen. This is the case, because a theory of moral goodness is defined in terms of a principle of right action. Consequently, it is not clear that Rawls can use the primary good of self-respect as a reason for choosing between principles of right action. This last point suggests that he has a kind of chicken and

¹² See pp. 585-586 where Rawls mentions this, but still seems unaware of the problems it causes for his argument from publicity. His claims on this page and my arguments suggest that he cannot be quite as indifferent as he seems (p. 110) to the order in which the principles of justice and natural duty are chosen. The principles of justice are logically prior to the natural duty of respect.
the egg problem. Which comes first in a social contract argument: self-respect or principles of justice? I do not have space to pursue these ideas further, but these criticisms suggest serious problems with the notion of self-respect as a primary good which need to be discussed.

What the foregoing discussion shows is that the relationships between justice, respect and self-respect are less clear than Rawls believes. The subject merits much further discussion. This paper has been a first step in this direction.

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