Rawlsian Self-Respect and Limiting Liberties in the Background Culture

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Rawlsian Self-Respect and Limiting Liberties in the Background Culture

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In the end, thank you to all who have helped me in any way, large or small, on this, rather long, journey.
Abstract

John Rawls tells us in his landmark work, *A Theory of Justice* (1971), that self-respect is the “most important primary good” (TJ 386) and that “the parties in the original position would wish to avoid *at almost any cost* the social conditions that undermine self-respect” (TJ 440). The importance of self-respect is a theme that continues throughout the body of Rawl’s work; in *Political Liberalism* (1993) Rawls tells us that in considering different principles of justice parties in the original position put a great deal of emphasis on “how well principles of justice support self-respect” (PL 319). Given the stated importance and pivotal role self-respect plays in justifying important features of *justice as fairness*, the notion of self-respect itself is under-theorized.

This paper attempts to address this issue by proposing a more substantive account of Rawlsian self-respect; it attempts to explicate what self-respect is, and the way it fits into *justice as fairness*. In explicating self-respect in this way I will attempt to address several of Rawls’ critics when it comes to the issue of self-respect. My primary contention is that commentators have tended to characterize self-respect as one dimensional and as if it were an ‘all-or-nothing’ feature, these are mistakes. I aim to suggest that we should understand self-respect as multi-faceted (four facets to be specific) and as of admitting of degrees.

Once an account of self-respect is thoroughly introduced I will attempt to demonstrate the ways in which we might address issues of justice pertain to self-respect in the background culture, an area in which Rawls and many of his commentators are oddly silent. This paper will consider justifying the limitation of liberties in the background culture by appeals to self-respect and the preservation of the social bases thereof in three different examples. These examples will track the distinctions between self-respect in regards to the two moral powers as well as both a religious and secular example.

I hope to add clarity to the issue of Rawlsian self-respect and to tentatively demonstrate ways in which it might be used to address issues of justice in the background culture.
Preface

Recently, across the country we have seen a (continually growing) number of cases wherein members of historically oppressed groups, and others who support them, have come together to demand such things as apologies for previous wrongs, security, inclusion, awareness, change, and, of course, respect. These movements, particularly those taking place on college campuses, have garnered massive amounts of media attention — from the University of Missouri’s football team’s refusal to play over the university’s racial climate and its subsequent deposal of the university president¹, at Princeton, the call for the removal of President Woodrow Wilson’s name and likeness due to his pro-segregation attitudes and actions², the issue at Yale over Halloween costumes and cultural sensitivity³, to demands for justice and inclusion at small liberal arts colleges like Amherst⁴ to large state universities, like our very own University of Tennessee with its own diversity and inclusivity problems.⁵ These movements all demand respect⁶ for their members and those they represent, and similarly, and perhaps more importantly, they all demand the type of climate wherein their members and those they represent have the stable means and opportunity for self-respect. The issue at play here is that the creation of the sort of climate these groups seek requires, what is viewed as, the curtailment of certain basic rights, such as freedom of speech. The question then is, what reasons do we have to think that these groups have a legitimate claim on society such that certain rights and liberties ought to be limited in order to facilitate the establishment and continued existence of the conditions necessary for self-respect and its development; and if there are such reasons to think the claim is legitimate, what sort of form would those claims to legitimacy take?

Of the previous two questions asked — are the aforementioned group’s demands for the conditions for respect and self-respect legitimate, and, what form would those justifications of legitimacy take — I settle the former in favor of the affirmative⁷ and the later in the form of an appeal to the Rawlsian framework and its some of its associated concepts, including basic liberties and primary goods. This paper will be largely concerned with arguing for a way in which the features of Rawls’ account can be used to legitimate limitations of liberty for the sake of

⁵ Adam Tamburin, “GOP Leaders Want to Defund UT Diversity Office,” The Tennessean, December 7, 2015
⁶ And interestingly not political or economic justice.
⁷ I take it that much of this paper will provide justification for answering in this way, though I will not directly take up the cases mentioned. Also, it should be mentioned, I am not saying that I agree with every aspect of what these groups have done or demanded; intense racial sensitivity training for all students and faculty may go too far, or, at least, there is reason to believe, based upon our current techniques, that these measures would be largely ineffective. What I do agree with is the demand for an environment in which reciprocal respect is largely prevalent and the means for self-respect are well established.
preserving self-respect and its social bases. More specifically, I will argue that the preservation of the social bases of self-respect necessitates and legitimates limiting, or reworking, certain basic liberties such as freedom of speech, freedom of conscience, and freedom of association\(^8\); I will argue that these liberties in civil society can be legitimately curtailed in the name of self-respect and ensuring the social bases of self-respect for all.

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\(^8\) I include liberty of freedom of association here because, although it is not prima facie clear from what I will say that it will be undermined, nor will I specifically target it in my proposals to come, Rawls does clearly tell us in *Political Liberalism* Lect. VIII Sect. 5 pg. 313 that liberty of conscience and freedom of association, “go in tandem.”
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Part 1

1.1 “Stage Setting”

So, to begin, we need some foundational, stage-setting work in order to make sense of the arguments to come. I start here with the most general of features. Rawls’ work over his career has been dedicated to developing his account of political justice, better known as ‘Justice as Fairness,” which has, as one of its aims, the aim “to provide an acceptable philosophical and moral basis for democratic institutions and thus to address the question of how the claims of liberty and equality are to be understood.”

Justice as fairness’s’ foundations are explicated by its fundamental commitment to, “society as a fair system of social cooperation over time from one generation to the next,” and its two fundamental companion commitments to “the idea of citizens (those engaged in cooperation) as free and equal persons; and the idea of a well ordered society, that is, a society effectively regulated by a public conception of justice.”

Quite famously, Rawls goes on to give us his two principles of justice which, “specify the basic rights and duties to be assigned by the main political and social institutions, and they regulate the division of benefits arising from social cooperations and allot the burdens necessary to sustain it.” The principles of justice are:

“[1]. Each person has an equal claim to a fully adequate scheme of equal basic rights and liberties, which scheme is compatible with the same scheme for all; and in this scheme the equal political liberties, and only those liberties are to be guaranteed fair value.

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10 Ibid.
11 Ibid.
12 Rawls, JaF(R), Part 1, Sect. 2.3, pg. 7
[2]. Social and economic inequalities are to satisfy two conditions: first [part a], they are to be attached to positions and offices open to all under conditions of fair equality of opportunity; and second [part b], they are to be to the greatest benefit of the least advantaged members of society.”

Furthermore, the principles of justice have the following relationships to each other: “The first principle has priority over the second, so that all citizens are assumed the equal basic liberties; similarly, part (b) of the second principle has priority over part (a), so that the conditions of fair equality of opportunity are also guaranteed for everyone.”

Rawls has dedicated, quite literally, thousands of pages over his career to expanding, developing, and defending these positions, and even a cursory summary of that work would take us far, far, afield here. Given this fact and certain space requirements, certain familiarities with the larger Rawlsian framework are going to be assumed to be known by the reader. If I make a reference to a particular concept without explicitly detailing and explaining it, I shall include a footnote of where the reader may further inquire. Instead, I would like to focus on only those features which are truly necessary to make sense of the question of, “how claims of liberty and equality are to be understood.” Answering this question straightforwardly is complicated given the fact of reasonable pluralism in any liberal democratic society. Of this, reasonable pluralism, and of political liberalism generally, Rawls tells us, “a crucial assumption of liberalism is that equal citizens have different and indeed incommensurable and irreconcilable conceptions of the good.”

The fact of reasonable pluralism shows up primarily in Rawls’ later work, it is

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15 Rawls, Jaf(R), Part 1, Sect. 2, pg. 5
16 Rawls, PL, Part 3, Lect. VIII, Sect. 3, pg. 303
most heavily covered, and lies at the heart of his *Political Liberalism*. While reasonable pluralism does tend to further complicate some of the issues from *Theory*, in general I find its inclusion to be an invaluable addition to the theory because it more accurately reflects the facts about the nature of our world. Whatever might be said for or against reasonable pluralism, it is an unmistakable feature of the later, more mature Rawls’ work and as such I draw primarily from *Political Liberalism* and other texts which recognize such, “different and opposing conceptions of the good.”\(^{17}\)

With the fact of reasonable pluralism accounted for and the central aim of justice as fairness explained, as well as the general direction we need to go in for this paper, I turn to the other foundational elements of Rawls’ theory needed for my purposes. The necessary topics, and roughly the order I shall attempt to cover them in, are: the conception of the person as free and equal and the associated two moral powers of persons, primary goods and basic liberties, and then self-respect and the social bases thereof. Of citizens as free and equal persons and their moral powers, Rawls says, “We also think of citizens as free and equal persons. The basic idea is that in virtue of their two moral powers (a capacity for a sense of justice and for a conception of the good) and the powers of reason (of judgement, thought, and inference connected with these powers) persons are free\(^{18}\). Their having these powers to the requisite minimum degree to be fully cooperating members of society makes persons equal.”\(^{19}\) Elsewhere he describes the two moral powers as the “two highest-order interests” which move persons or the “two powers of moral personality.”\(^{20}\) I will however, from here on, only refer to these powers

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\(^{17}\) Rawls, *CP*, “Social Unity and the Primary Goods,” pg. 361

\(^{18}\) For more on the ways in which person's are ‘free’ see, Rawls, *PL*, Part 1, Lect. I, Sect. 5


\(^{20}\) Both phrases are from, Rawls, *CP*, “Social Unity and the Primary Goods,” pg. 365
as the “two moral powers” as Rawls does in PL\textsuperscript{21}. In PL he tells us these powers, “are the capacity for a sense of right and justice (the capacity to honor fair terms of cooperation) and the capacity to decide upon, to revise, and rationally to pursue a conception of the good.”\textsuperscript{22} While this may seem to conflict with the account of the two moral powers from PL\textsuperscript{23} in which the two moral powers are the capacity for a sense of justice and the capacity for a conception of the good, this conflict is merely prima facie. The use of ‘sense of justice’ in PL simply gives greater clarity and expands upon the ‘capacity to honor fair terms of cooperation’ such that we might better understand the first moral power. After all, a sense of justice\textsuperscript{24} is the, “capacity to understand, to apply, and to act from the public conception of justice which characterizes the fair terms of social cooperation.”\textsuperscript{25} Social cooperation then, which is distinct from socially coordinated activity, “requires an idea of each person’s rational advantage, or good,”\textsuperscript{26} as well as the ‘fair terms of cooperation:’ “these are terms that each participant may reasonably accept, provided that everyone else likewise accepts them.”\textsuperscript{27} What cannot be understated is the importance of the two moral powers. The exercise of the first moral power, offering up, and acknowledging, fair terms of cooperation is the criteria by which persons are judged to be more or less reasonable,\textsuperscript{28} amongst other purposes.\textsuperscript{29} The second moral power, the “capacity to

\textsuperscript{21} Though he does use the language of “highest-order interests” in PL, Part 3, Lect. VII, Sect. 8 pg. 280 but rather than it being about the capacity for a conception of the good, it is an “interest in regulating all their other interests.”

\textsuperscript{22} Rawls, CP, “Social Unity and the Primary Goods,” pg. 365

\textsuperscript{23} See footnote 18.


\textsuperscript{25} Rawls, PL, Part 1, Lect. 1, Sect. 3, pg. 19

\textsuperscript{26} Rawls, PL, Part 1, Lect. 1, Sect. 3, pg. 16

\textsuperscript{27} Ibid. For further information ‘social cooperation’ and ‘fair terms of cooperation’ see, Rawls, PL, Part 1, Lect. 1, Sect. 3, as well as Rawls, JaF(R), Part I, Sect. 2.2.

\textsuperscript{28} Rawls, JaF(R), Part I, Sect. 2.2, pgs. 6-7

\textsuperscript{29} See footnote 23 for further reading on the importance of the ‘sense of justice’ and the first moral power.
decide upon, to revise, and rationally to pursue a conception of the good,\(^{30}\) is vitally important to us as free persons who want to decide for ourselves what we conceive of as good and how we want to structure our lives and goals.\(^{31}\) In the history of moral philosophy, particularly that of Kant, the second moral power is most closely related to the concept of rational autonomy, except without the constraints of the categorical imperative and its derivations.

The moral powers continue to play a large role in relation to the primary goods, the basic liberties, self-respect, and the social bases thereof. One of the aims of justice as fairness, is to “address the question of how the claims of liberty and equality are to be understood.”\(^{32}\) The concept of ‘primary goods’ is introduced to address just this question and ones like it; such as, “given the different and opposing, and even incommensurable, conceptions of the good in a well-order society\(^ {33}\), how is such a public understanding possible [of the the kinds of claims which it is appropriate for citizens to make when questions of justice arise]?”\(^{34}\) For Rawls the answer to this question is the notion of primary goods. The primary goods are, “necessary conditions for realizing the powers of moral personality and are all-purpose means for a sufficiently wide range of final ends.”\(^{35}\) There is much else which the primary goods are responsible for: they are the terms by which parties assess principles of justice,\(^ {36}\) they are the things, “generally necessary as social conditions and all-purpose means to enable persons pursue their determinate conceptions of the good and to develop and exercise their two moral

\(^{30}\) See footnote 20
\(^{31}\) For more on ‘conceptions of the good’ see, Rawls, \textit{PL}, Part 1, Lect. 1, Sect. 3, pg. 19. Also, Rawls, \textit{PL}, Part. 1, Lect. 2, Sect. 7
\(^{32}\) See footnote 9
\(^{33}\) For a discussion of the notion of a ‘well-ordered society’ see, Rawls, \textit{JaF(R)}, Part I, Sect. 3
\(^{34}\) Rawls, \textit{CP}, “Social Unity and the Primary Goods,” pg. 361
\(^{35}\) Rawls, \textit{CP}, “Social Unity and the Primary Goods,” pg. 367
\(^{36}\) Rawls, \textit{CP}, “Social Unity and the Primary Goods,” pg. 366
powers.\textsuperscript{37} Moreover, when combined with the principles of justice, the primary goods allow us determine whether citizens’ claims are appropriate.\textsuperscript{38} They do this by being combined with the principles of justice and setting a ‘benchmark of comparison’ which is, for the principles of justice Rawls gives in ‘justice as fairness,’ an equal division of the primary goods.\textsuperscript{39} Now, of the primary goods, there are five that Rawls lists: (a) the basic liberties, (b) freedom of movement and freedom of choice of occupation, (c) powers and prerogatives of offices and positions of responsibility, (d) income and wealth, understood broadly as all-purpose means\textsuperscript{40}, and (e) the social bases of self-respect.\textsuperscript{41} While there is much to talk about with all of these, I will focus primarily on the first, (a) the basic liberties, though much later in the paper, and the last, (e) the social bases of self-respect, which constitutes the majority of my focus here. Briefly, the basic liberties guaranteed in the first principle of justice, “are specified by a list as follows; freedom of thought and liberty of conscience; the political liberties\textsuperscript{42} and freedom of association, as well as the freedoms specified by the liberty and integrity of the person; and finally, the rights and

\textsuperscript{37} Rawls, \textit{PL}, Part 2, Lect. V, Sect. 4, pg. 307. Here we can see how the primary goods tie back into the two moral powers. Elsewhere, in \textit{CP}, “Social Unity and the Primary Goods,” pg. 373, Rawls restates this point, saying, “the explanation is that primary goods are the things generally required, or needed, by citizens as free and equal moral persons who seek to advance (admissible and determinate) conceptions of the good.”

\textsuperscript{38} Rawls, \textit{CP}, “Social Unity and the Primary Goods,” pg. 370.

\textsuperscript{39} Rawls, \textit{CP}, “Social Unity and the Primary Goods,” pg. 374. They thereby give meaning and give shape to the content of the difference principle as well. We use the primary goods to assess who is the “least advantaged” (Rawls, \textit{CP}, “Social Unity and the Primary Goods,” pg. 364) and to judge the ‘fairness’ of our proposed division of labor in relation to the ideal, the equal division (see figures 6 & 8 in Rawls, \textit{TJ}, Ch. II, Sect. 13, pgs. 66-67 for examples)

\textsuperscript{40} “having an exchange value”

\textsuperscript{41} Rawls, \textit{PL}, Part 2, Lect. V, Sect. 4, pgs. 308-309 (This also includes a short explanation of why each is included in the list. Also listed at Rawls, \textit{CP}, “Social Unity and the Primary Goods,” pgs. 362-363. Also at, Rawls, \textit{TJ}, Part 1, Ch. II, Sect. 11. And again at, Rawls, \textit{JaF(R)}, Part II, Sect. 17.2

\textsuperscript{42} Recall that the political liberties, and the political liberties alone, are guaranteed ‘fair value,’ pursuant to the first principle of justice above. Simply, while other liberties, say freedom of speech, may be more robust with certain persons and parties and some may have more restricted freedom of speech, every person is to be guaranteed the same political power. For more on why the political liberties are guaranteed this ‘fair value’ see, Rawls, \textit{PL}, Part 3, Lect. VIII, Sect. 7
liberties covered by the rule of law,"{43} and, “are the background institutions necessary for the development and exercise of the capacity to decide upon and revise, and rationally pursue, a conception of the good. Similarly, these liberties allow for the development and exercise of the sense of right and justice under political and social conditions that are free."{44} In other words, the basic liberties are necessary for the development and exercise of the two moral powers. There is much to be said about the basic liberties{45}, but for now we need to talk about self-respect and its social bases.

1.2 “Rawls on Self-Respect and Social Bases Thereof”

Self-respect and the social bases thereof are absolutely invaluable to persons and citizens.{46} For without self-respect and the social bases necessary to develop it, “nothing may seem worth doing, or if some things have value for us, we lack the will to strive for them. All desire and activity becomes empty and vain, and we sink into apathy and cynicism.”{47} To adequately explain why this is the case, why self-respect is so important and why things are so terrible without it, I will attempt to provide an account of what self-respect is. Here, in this section, I shall focus primarily on what sort of things Rawls tells us directly and the sort of general direction he points us in. In the following section I will attempt to expand on and give greater detail to an account of self-respect of my own making.

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43 Rawls, PL, Part 3, Lect. VIII Sect. 1 pg. 291
44 Rawls, CP, “Social Unity and the Primary Goods,” pg. 366
46 “On several occasions I have mentioned that perhaps the most important primary good is that of self-respect” - Rawls, TJ, Ch. VII, Sect. 67, pg. 386
47 Rawls, TJ, Ch. VII, Sect. 67, pg. 386
Rawls tells us himself that self-respect has two elements; “the first element is our self-confidence as a fully cooperating member of society rooted in the development and exercise of the two moral powers (and so possessing an effective sense of justice); the second element is our secure sense of our own value rooted in the conviction that we can carry out a worthwhile plan of life.”48 In *Theory*, the first element, or ‘aspect,’ as Rawls calls it there, is a person’s, “secure conviction that his conception of his good, his plan of life, is worth carrying out.”49 I do not take this to be a change in the account from *TJ* to *PL*, rather I take the first element of self-respect from *PL* to be an elaboration and further explanation of the first aspect of self-respect that we see in *TJ*.50 Whatever exact phrasing one cares to use to flesh out the elements of self-respect, one thing that is rather clear is that each element has two constitutive aspects itself; both a private and public aspect. We need to have self-confidence in our status as a, “fully cooperating member of society rooted in the development and exercise of the two moral powers,” but we then need to have that status affirmed by our associates52 and society at large. The same (necessity of private and public aspects of the elements of self-respect) holds true for the second element of self-respect, that we have a “secure sense of our own value rooted in the conviction we can carry out a worthwhile plan of life.”53 We, ourselves, need to genuinely believe and have a secure conviction that our plan of life is worthwhile and that we are capable of executing that plan of life. This conviction then needs to be publicly reaffirmed.

We need society, and our associates, to demonstrate to us that they too genuinely believe we

48 Rawls, *PL*, Part 3, Lect. VIII, Sect. 6, pg. 319
49 Rawls, *TJ*, Ch. VII, Sect. 67 pg. 386
50 “The importance of self-respect is that it provides a secure sense of our own value, a firm conviction that our determinate conception of the good is worth carrying out.” - Rawls, *PL*, Part 3, Lect. VIII Sect. 6 pg. 318
51 See footnote 48 for citation.
52 One of the reasons for the necessity of the freedom of association.
53 See footnote 48 for citation.
have a worthwhile plan of life and that we are capable of carrying it out. Self-respect is always going to be inherently private in that you need to regard yourself in the appropriate way, but self-respect is essentially public in that your worth has to reaffirmed by society and society generally has to regard you in the appropriate way.\footnote{Several citations for the public nature of self-respect: “Given this characterization…” - Rawls, \textit{PL}, Part 3, Lect. VIII Sect. 6 pg. 318; “The second element…” - Rawls, \textit{PL}, Part 3, Lect. VIII Sect. 6 pg. 319; “The social bases…” - Rawls, \textit{PL}, Part 2, Lect. V Sect. 3 pg. 181; “These features of…” - Rawls, \textit{PL}, Part 3, Lect. VIII Sect. 6 pg. 319; “This content has…” - Rawls, \textit{PL}, Part 3, Lect. VIII Sect. 6 pg. 319; “By publicly affirming…” - Rawls, PL, Part 3, Lect. VIII Sect. 6 pg. 319} Self-respect, including both elements and its private and public aspects of each, is absolutely required to adequately develop and exercise the two moral powers. Without self-respect the two powers sit idly by and all of the freedoms, rights, and basic liberties\footnote{I think that perhaps one of the most troubling consequences of a lack of self-respect and the social bases thereof, particularly for one interested in the Rawlsian scheme, is the way in which a lack of self-respect undermines the fair value of the political rights. Without the proper self-respect one would not be moved to exercise their political rights (because they lack the genuine conviction that they have a worthwhile claim to put forward) bringing the value or worth of those rights for those persons to nil. This is the sort of problem we ought be particularly concerned with as it might undermine the project of ‘justice as fairness’ as a whole, for, as Rawls tells us, “unless the fair value of these liberties is approximately preserved, just background institutions are unlikely to be either established or maintained.” - \textit{PL}, Part 3, Lect. VIII Sect. 7 pgs. 327-328} guaranteed to you essentially become meaningless to you; they revert to a status in which it is as if they are merely formal, a consequence Rawls worked hard to avoid.\footnote{“In either case, society must bear at least a large part of the cost of organizing and carrying out the political process and must regulate the conduct of elections. The guarantee of fair value for the political liberties is one way in which justice as fairness tries to meet the objection that the basic liberties are merely formal.” - Rawls, \textit{PL}, Part 3, Lect. VIII Sect. 7 pg. 328. There are other places in Lect. VIII where this issue is taken up.}

\section*{1.3 “Building an Account of Self-Respect and the Social Bases Thereof”}

As I noted earlier, given the stated importance of self-respect it seems odd that so relatively little attention is paid to self-respect by Rawls himself and there seems little in the way of consensus among what few commentators there are. What I should like to do is propose a


\footnotetext[55]{I think that perhaps one of the most troubling consequences of a lack of self-respect and the social bases thereof, particularly for one interested in the Rawlsian scheme, is the way in which a lack of self-respect undermines the fair value of the political rights. Without the proper self-respect one would not be moved to exercise their political rights (because they lack the genuine conviction that they have a worthwhile claim to put forward) bringing the value or worth of those rights for those persons to nil. This is the sort of problem we ought be particularly concerned with as it might undermine the project of ‘justice as fairness’ as a whole, for, as Rawls tells us, “unless the fair value of these liberties is approximately preserved, just background institutions are unlikely to be either established or maintained.” - \textit{PL}, Part 3, Lect. VIII Sect. 7 pgs. 327-328}

\footnotetext[56]{“In either case, society must bear at least a large part of the cost of organizing and carrying out the political process and must regulate the conduct of elections. The guarantee of fair value for the political liberties is one way in which justice as fairness tries to meet the objection that the basic liberties are merely formal.” - Rawls, \textit{PL}, Part 3, Lect. VIII Sect. 7 pg. 328. There are other places in Lect. VIII where this issue is taken up.}

\footnotetext[57]{For a fuller discussion of ‘self-respect’ see, \textit{TJ}, Ch. VII, Sect. 67, and, \textit{PL}, Part 3, Lect. VIII, Sect. 6}
Rawlsian-inspired account of self-respect that I think nicely captures both our intuitive conceptions of self-respect and fits well within the Rawlsian framework while affording us greater precision with which to talk about issues and their effect on self-respect. My account of self-respect, or, more specifically, my account of the types of self-respect is conveniently conveyed by Table 1.

### Table 1

<table>
<thead>
<tr>
<th></th>
<th>2nd Moral Power - Capacity to Form a Determinate Conception of the Good</th>
<th>1st Moral Power - Capacity for a sense of right and justice.</th>
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<td>Reflexive</td>
<td>Type (A)</td>
<td>Type (B)</td>
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<tr>
<td>Reciprocal (Social Base)</td>
<td>Type (C)</td>
<td>Type (D)</td>
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</tbody>
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As you can see my proposed account of self-respect is a bit of an elaboration on Rawls and some of his commentators\(^\text{58}\) though I think it certainly captures the sense of self-respect Rawls was suggesting and can be used quite nicely in the framework of his larger account. I will certainly be doing some elaboration but notice that even with the mere sketch the table gives of my account, one can get a sense of the effort put into maintaining a faith to the Rawlsian influence. My account has been structured to maintain the fundamental nature of self-respect being “rooted in the development and exercise of the two moral powers\(^\text{59}\) while also incorporating both the private and public nature of self-respect that Rawls suggests.\(^\text{60}\)

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\(^{58}\) I’m thinking primarily of Cynthia Stark, Jeanne Zaino, and Joshua Cohen.

\(^{59}\) Rawls, PL, Part 3, Lect. VIII Sect. 6 pg. 319

\(^{60}\) “For our sense of our own value, as well as our self-confidence, depends on the respect and mutuality shown us by others.” - PL, Part 3, Lect. VIII Sect. 6 pg. 319
As for the general features of my account of self-respect, first, self-respect is multi-faceted, meaning it has four different elements, although two are more properly labeled “social bases” of self-respect. Rawlsian self-respect is not just ‘one thing;’ its not a mere valuing attitude towards oneself, it is not solely finding your contributions as mattering to society; self-respect is a general term covering a multitude of ways in which one envisions one’s self, how one sees one’s self in the world, and one’s recognition of how other’s see one’s self. I envision four distinct, yet related, aspects or elements of self-respect; two of which are related to the first moral power, two of which are related to the second, two of which are properly called self-respect, two of which are properly called the social bases of self-respect. Then, among each set related to a moral power, one is private or ‘reflexive’ in nature and the other is public or ‘reciprocal’ in nature. The ‘reciprocal’ forms, while conceivable engendering forms of self-respect proper in certain circumstances, are appropriately called social bases of self-respect. I call the types of self-respect and two of the social bases thereof “Type (A), (B), (C), and (D).” I believe self-respect as being multi-faceted has intuitive support in that it nicely captures how we see our own self-worth in relation to ourselves and others. Moreover, it captures the text of what Rawls himself had to say.

Second, I envision self-respect as admitting of degrees; self-respect is not ‘all-or-nothing’ in nature. Once again I believe this is highly intuitive. One can have more or less self-respect, it is not as if you either have self-respect or you do not. I envision self-respect as if it exists on a spectrum with greater or lesser amounts of self-respect. What we call a ‘lack of self-respect,’ the kind of lack Rawls warned against, is not only a thorough lack of self-respect in any sense, but more often than not is an area on the spectrum of self-respect that falls below a certain point required to effectively make use of one’s moral powers, freedoms, liberties, and opportunities. 

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61 See Cynthia Stark, ‘Rawlsian Self-Respect’
call that point, and those below it on the spectrum, ‘the point of despair.’\textsuperscript{62} I take the point of despair and ‘despair’ generally here to reference the point (and those below it) in which a person distinctly ‘lacks self-respect’ and inhabits the sort of mental space wherein, as Rawls describes it, “all desire and activity becomes empty and vain, and we sink into apathy and cynicism.”\textsuperscript{63} Admitting of degrees also applies to each individual element or aspect of self-respect. One can have more or less of each type of self-respect with varying amounts being sufficient or insufficient in one area. For example, one might have a relatively distinct lack of one type of self-respect but have a robust sense of their own self-worth in another, and so have an abundance of another type of self-respect that all things considered helps them avoid despair.

The final general feature of self-respect on my view is that the aspects of self-respect, and even their social bases, have relations between them and interact with each other (as one might expect). These relationships are not a matter of entailment or a ‘moral logic’ of self-respect, rather they should be seen as generalizations or general guidelines or relations that operate through feedback loops. For example, a significant increase of one type of self-respect should result in an increase in, at least, one other type of self-respect. I realize this may appear to be a controversial claim but all I intend to say is that there seem to be natural relations that hold between types of self-respect that result in corresponding fluctuations in one type as a consequent to a fluctuation in another type. While I hesitate to use the phrase because I do not want to give it the sense of necessity or power attendant to it, one may think of these connections as something approximating ‘causal connections’; what happens in one sphere effects another sphere. This claim is meant to be intuitively appealing. However, this associated

\textsuperscript{62} I am particularly amenable to the idea that the point of despair is not objectively fixed at one particular point but that it might be, for different people, located in slightly different positions. A particular person might be more resilient than another and may be able to operate with a lower overall level of self-respect than another without falling into despair.

\textsuperscript{63} Rawls, TJ Sect. 67 pg. 386
increase is not a necessary entailment, it does not have to occur, and further the increase need not happen to an identical degree. Once again, this seems highly intuitive, how we see ourselves in one aspect often has consequences for how we see ourselves in another, though not always in identical fashion.

I shall attempt to elucidate all of these points further in what follows. Section 1.3.1 through section 1.3.6 and all included subsections cover the nature of those aspects or elements of self-respect in greater detail, including the way in which I envision their relationships with each other in section 1.3.5.

1.3.1 ‘Type (A) Self-Respect’

Type (A) self-respect is the first sense of the multi-faceted account of Rawlsian self-respect. Type (A) self-respect is related to the adequate development and exercise of the second moral power of persons, namely their capacity to form their own determinate conception of the good. More specifically, Type (A) self-respect is ‘reflexive’ in that its subject is oneself. It is a valuing stance towards one’s own conception of the good or set of ends, more specifically, having Type (A) self-respect is the belief that one’s conception of the good is valuable, not that you just merely value it. By valuable I mean in the Tom Hill/Michael Smith sense which will be expounded on shortly, so it does not make a particular claim about whether it is objectively valuable, all things considered, or what particular perspective it is valuable from. The agent, in keeping with reasonable pluralism, from whatever perspective they choose, finds their conception of the good valuable. This is an accomplishment, one that would seemingly engender one with a significant sense of one’s own self-worth or self-respect. There is some sense in which Type (A) self-respect can seem to be the basic form, feature, or facet of self-respect because it seems to be a necessary foundation for other kinds of self-respect; “If one
doesn’t find their own projects to be valuable how can they hope to get much of a sense of self-worth going in another respect?” It can seem necessary for the exercise of the two moral powers and to adequately make use of the basic liberties and rights made available to one. It can seem like this can make a legitimate claim to be the kind of self-respect Rawls had in mind when he said that “without it nothing may seem worth doing.” However, Type (A) self-respect being the most important, primary, or basic in this sense seems to be only one way in which a form of self-respect could be primary or basic. For more on the supposed primacy of particular types of self-respect, or to put it more bluntly as it has been put to me, “which type of self-respect is the most important?” see section 1.3.6.

In this light, lacking Type (A) self-respect can be particularly damaging to one’s overall sense of their own self-worth. One can lack Type (A) self-respect when one does not find the features of one’s conception of the good to be valuable. This can happen for any number of reasons including shifts in perspective and relative importance of ends (say, for example, if I decided to change the perspective from which I judged my ends) and changes in all purpose means (for example, imagine one who grows accustomed to an extravagant lifestyle and judges themselves and their ends from a particularly opulent perspective). Now imagine a person loses all their money and their new ends, having been adjusted to their means, do not correspond with the demands that their still extravagant perspective demands.64 Finally, weakness of will and compulsion can cause one to fall in terms of Type (A) self-respect. Imagine how weakness of will or compulsion could force one to engage with and have ends that one thoroughly disavows from their own perspective but one cant seem to do anything to dislodge them from among their set of ends — perhaps forms of addiction is a good example. Lack of Type (A) self-respect is likely to be extremely alienating as it tends to manifest itself in the form of a general sense of the

64 We might criticize this person for not also tailoring their normative perspective to their means though they have done as Rawls instructed and tailored their ends to their means.
lack of worth of one’s ends (not finding them valuable) or the even more pernicious case in which your ends and thus your valuing don’t seem particularly responsive to your judgment and agency.

1.3.1.1 ‘Elaborating On and Defending Type (A) Self-Respect’

Early on her paper, when Cynthia Stark is investigating the nature of Rawlsian self-respect, she briefly considers the common sense interpretation of self-respect and self-respecting citizens as those who attach “value of some sort to their conception of the good.” A lack of self-respect then, or a citizen who is lacking in self-respect, is one who “fails to attach such value to their ends.” A conception of self-respect that is both reflexive and concerned with the development and exercise of the second moral power, what I have called ‘Type (A) self-respect’, is in many regards the view of self-respect that Stark is addressing here. However, Stark is quick to dismiss this view claiming that it leaves self-respect an “empty concept,” or a mere tautological truth, essentially useless in an endeavor to discover the nature of self-respect. She says that it “follows directly,” as if it were a matter of entailment, that for one to have something as end is to value it some way. For Stark, self-respect is not then a “valuing stance toward one’s ends or conception of the good” because, “it is hard to see how one could not value something that is by definition part of his set of values,” and that it is a “conceptual truth” that, “one values the components of one’s conception of the good.” If self-respect is just valuing, in some sense, one’s conception of the good, then self-respect is vacuous concept, it

66 Stark, Rawlsian Self-Respect, pg. 241
67 Ibid.
68 Ibid.
69 Ibid.
can tell us nothing useful and will be of little use in an account of justice, and likely certainly not able to fill the role Rawls assigns it. On Stark’s account, Type (A) self-respect is an unnecessary distinction and not what Rawls had in mind.

However, Stark’s treatment of self-respect is almost surely mistaken and trades primarily in ambiguities and equivocations. By pointing these out and explaining away the confusion, we can vindicate the very intuitive Type (A) sense of self-respect. First, it does seem a conceptual truth that any end, or other feature of a conception of the good, is in some sense valued; I do not wish to attack that proposition. However, Stark does run over the seemingly important distinction between valuing something and finding something valuable; the former is what Stark focuses on and the latter is almost certainly what we mean when we talk about the nature of self-respect. What we mean when we say that we respect ourselves in the form of Type (A) self-respect is that we hold a particular stance in relation to our set of ends/conception of the good, namely one in which we find its contents valuable. As Stark is right to point out, of course we value in some sense the content of our set of ends/conceptions of the good, that is after all, to borrow her language, a conceptual truth. But valuing something does not entail finding something valuable. When we have taken that further step, and not only value our ends, but also find them valuable, then we have truly done something commendable, worthy of our own self-respect.

This distinction, between ‘valuing’ and ‘finding something valuable,’ is most prominently on display in Tom Hill’s *Finding Value in Nature*, where he points out this common flaw in many metaethical views. Hill first, rightly, reminds us that valuing is not merely desiring or wanting but that, “valuing, it seems, is typically a relatively stable attitude, capable of withstanding (some) critical reflection, reaffirmed over time despite significant alterations in mood, impulses and
momentary inclination."\(^{70}\) Hill goes on to tell us, "a person who values something has a reason, at least from his or her perspective, to do, say and think various appropriate things with regard to it."\(^{71}\) In this sense of ‘valuing,’ it seems incontrovertible that the features of the set of our ends, or our individual conception of the good, involves valuing those features in some sense. However, and this is the part that Stark missed, this does not imply that we find those very same features ‘valuable.’ When we say that a thing is ‘valuable,’ and not just that we happen to value it, we are saying that the thing has “features that make it worthy of being valued even when it is not."\(^{72-73}\) Understanding this distinction, to say that we respect ourselves or respect our conception of the good, is to say that we find the features of conception of the good (or our ends) as valuable and not that we merely value them. In this way self-respect, in particular Type (A) self-respect is not some mere tautology, or vacuous conceptual truth. When a person says that they have found their conception of the good to be valuable, they have indeed told you something important, something that merits their respecting themselves.

The distinction is not altogether difficult to understand and it is easy to see how the two, valuing and being valuable, can come apart. Hill tells us, "we can perhaps imagine someone saying, 'I value X for its own sake even though I admit X is not really worthy of this attitude', but could we understand someone who said, 'X is intrinsically valuable but not worthy of being valued for its own sake?'"\(^{74}\) The apparent answer to his seemingly rhetorical question is ‘no,’ for the same reason Stark originally dismissed the valuing-stance toward one’s conception of the good as the nature of self-respect; its a conceptual truth. X’s being intrinsically valuable just is its being worthy of being valued for its own sake. We can consider the plausibility of the claim, ‘I

\(^{71}\) Hill, Finding Value in Nature, pg. 336
\(^{72}\) This need not be in some objective sense and so not running afool of the fact of reasonable pluralism, it can be entirely from one’s own lights if need be
\(^{73}\) Hill, Finding Value in Nature, pg. 336
\(^{74}\) Hill, Finding Value in Nature, pg. 337
value X but admit X is not really worth of this attitude,' further. Our attitude of valuing toward X might be based on any number of circumstances that we ourselves judge to be antithetical towards a thing's being truly valuable, say, for example, those attitudes being based on "political indoctrination, cultural pressures, irrelevant associations and desires unrelated to the valued object." Moreover, we might find the object of our valuing base, vulgar, or purely silly, and generally unworthy of our attention, but at the same time otherwise enjoyable. For example, consider the enjoyment of a particularly crass and foolish TV show which you enjoy watching but recognize as having very little in the way of features you would deem valuable in a good television show. In this way, you can value the crude television show, say for its mind-numbing and relaxing qualities, but at the same time judge the show not to be valuable; you don't think that others really ought to be watching this show and you may in fact wish that you yourself didn't enjoy or value watching the show. The later might be true in the sense that you wish you hadn't picked up that particular sense of humor that causes delight at such vulgar jokes or that you wish you could get the same sort of relaxation and enjoyment after work by listening to complicated piano concerti.

If the Hill account of the distinction isn't particularly illuminating for you, perhaps consider the distinction Michael Smith draws in "The Human Theory of Motivation" concerning different ways in which a value might be understood. The tight relationship between something being an end and valuing that end is in no way challenged by Smith. Instead he points out the very different ways we might understand the valuing; a distinction be believes, like Hill, much rides on. Having an end, and thus valuing that end, gives one reason to act in the appropriate way towards that; 'You ought, if you aim for a certain end, to take the necessary means to it — or else give up the end,' Kant tells us. Reasons, Smith tells us, "purport to justify certain behaviors

75 Hill, Finding Value in Nature, pg. 337
on the agents behalf,\textsuperscript{76} and, “say that the action is justified from the perspective of the reason.”\textsuperscript{77} In that way we can legitimately move toward the things we value. But the form of those reasons can take two, very different, forms; motivating reasons and normative reasons. “The distinctive feature of a motivating reasons to ‘x’ is that in virtue of having such a reason an agent is in a state that is potentially explanatory of his x-ing.”\textsuperscript{78} Motivating reasons simply explain a particular action by gesturing at how having those reasons is a mere fact about the agent and “that the goals that such reasons embody are [the agent’s] goals.”\textsuperscript{79} Such reasons are given the most minimal justificatory role\textsuperscript{80}, that is they justify merely from the perspective of having that value. This is clearly the sense Stark has in mind when she talks of nature of valuing one’s ends or conception of the good as merely a conceptual truth. On her reading, valuing one’s ends is merely thinking that those ends are justified solely from the perspective of having those ends. That is the most minimal sense of value justification one could have; it essentially says, “I have reason to act on this value because I value it.” No one, not I, nor Smith, nor certainly Stark, is claiming that this isn't a feature of valuing, however where Smith, and I, depart from Stark is by pointing out this, vacuously true aspect of valuing, is not the only one. Stark’s reading equivocates on motivating and normative\textsuperscript{81} reasons. To say that an agent, in valuing their ends, has a normative reason to do X, “is to say that there is some normative requirement that he x’s.”\textsuperscript{82} It is to say the agent’s X-ing is justified from the “perspective of the normative system that generates that requirement.”\textsuperscript{83} This is very different from the picture of valuing that

\textsuperscript{76} Michael Smith, The Humean Theory of Motivation, Mind, Volume 86, 1987. pg. 38
\textsuperscript{77} Smith, The Humean Theory of Motivation, pg. 38
\textsuperscript{78} Ibid.
\textsuperscript{79} Ibid.
\textsuperscript{80} That is to say that they can be easily overridden in some cases.
\textsuperscript{81} Also sometimes ‘justificatory’ reasons.
\textsuperscript{82} Smith, The Humean Theory of Motivation, pg. 39
\textsuperscript{83} Smith’s account fits nicely with a Rawlsian project because it makes no claim about the nature of that normative system and as such fits nicely in with reasonable pluralism.
Stark would have her reader believe. When we say that we have a normative reason to act on the things we value we are saying that action would be justified by a further normative perspective. It is a genuine form of justification for the thing we find valuable, a much more robust form of justification than, ‘I value this so my action is justified because I value it.’ That minimal type of justification is really just explanation or motivation. Normative reasons justify our actions, both to others, and in particular to ourselves. Whatever further normative perspective we hold ourselves up to, having our ends justified in relation to it should be a reason to hold ourselves in esteem. On this reading, finding the features of one’s conception of the good to be justified by normative reasons is analogous to not only valuing one’s ends but also finding them valuable. In this sense we can marry the views of Hill and Smith.

Type (A) self-respect, at least in the way I have conceived of it, is a form of a valuing stance towards one’s conception of the good, but more than that, it is primarily a stance where one finds the features of one’s conception of the good to be valuable. Type (A) self-respect involves appraising one’s ends and finding that they are justified from a normative perspective. Stark was wrong to dismiss the ‘valuing of one’s ends’ account of self-respect (of which Type-A self-respect is a type), not because having an end doesn’t seem to just mean valuing that thing, rather she was wrong to dismiss the account because she fails to notice the distinction between valuing one’s ends and finding one’s ends valuable. It seems to me highly desirable that the ‘final’ or ‘correct’ account of self-respect include the highly intuitive, common sense notion that self-respect has something to do with evaluating our own ends in terms of their value. While doing so just in terms of whether or not we do as a matter of fact value them may be insufficient, evaluating them in terms of whether or not they are valuable is an entirely different endeavor, one that I think its conclusion would likely greatly influence our own estimation of our self-worth, or our levels of self-respect.
1.3.1.2 “Lacking Type (A) Self-Respect”

This section takes up the question of ways in which one might lack Type (A) self-respect.

One way we can fail to find our ends valuable is particularly pernicious, approaching quickly on failing to value them outright.\textsuperscript{84} There may be features of our conception of the good/set of ends which we would, according to our own settled dispositions, actively like to disavow and remove from our set of ends, however, from weakness of will or compulsion, we are unable to do so.

The case mentioned above of enjoying, and even valuing to an extent, a particularly vulgar and crass television show works well to demonstrate this effect. Perhaps from the settled dispositions resulting from reflection, weighing, and ordering of one’s set of ends one would prefer that one did not enjoy particularly vulgar and crass television shows, not even if only for their levity and relaxing capabilities, but instead one actively disliked and thoroughly disvalued that style of television show and one would prefer if one could achieve the same level of relaxation through listening to a piano concerto, a form of art one actually finds valuable in itself.

In an ideal case one would be able to easily rectify this situation and any other form of internal inconsistency between one’s higher order preferences and considered judgments and various particular ends or preferences. However, that sort of ‘internal housekeeping’ or end adjusting is not always so easy, sometimes it is easier said than done. Perhaps some features which have domain over whether or not you find such vulgar humor entertaining are the result of natural traits, characteristics, or dispositions, which are particularly immutable. So no matter how much you would try to change things, you are always going to find such tv shows entertaining and relaxing and as such value them in at least that regard. In that way it seems to me that your valuing such a TV show is a matter of compulsion. But, let’s imagine that the features governing

\textsuperscript{84} Though it may not be strictly possible to do so
whether or not you find those shows entertaining are not immutable but instead would just require substantial changes in your personality. It seems plausible to suggest it is possible agents may have insufficient strength of will to make the necessary changes to cease valuing those shows altogether. The examples do not have to stop with bad television. Similar stories can be told for really enjoying and valuing chocolate cake and the sweet treat it represents and yet finding your physical health far more valuable and ultimately valuing your health more. There seems to be no short supply of real life examples of persons who cannot kick desserts and sweets who otherwise want to stop because they value their health more and find the health valuable. The examples do not have to be particularly as lighthearted either. Inherited dispositions or dependencies, such as in an inherited proclivity for alcoholism or an inherited crack-cocaine addiction can represent valuations, perhaps in the most minimal sense, that the agent, whose ends they are, recognizes as categorically not valuable. Even if that agent worked very hard all their life to ignore and condemn those features of themselves they will likely always still be there. There is no good reason to think that natural dispositions or addictions are any more real than addictions learned later in life, say cigarettes and nicotine or harder drugs like heroin or methamphetamine. Addiction is an excellent example of a general phenomenon of particular ends that the agent nevertheless values in some minimal sense being appraised as thoroughly not valuable yet persisting among the set of ends or individual conception of the good. This can happen through either weakness of will or compulsion. This seems to be a very real, very possible state of affairs that I can only imagine as being an incredibly alienating experience. It seems difficult to imagine how disconcerting it must be to “be at war with oneself” in the sense of not having your agency be able to thoroughly direct and shape one’s set of ends or conception of the good. I have no doubt that persisting in such a state would be highly corrosive to one’s self-respect. Forget being able to bring one’s conception of the good to a place where one finds it valuable, imagine being stuck in a place where your conception of the
good is distinctly not valuable, and you know it. I cannot imagine a life lived like that as one with a meaningful sense of self-respect, in any sense.

There is, of course, another possible explanation for why one might find one’s own individual conception of the good to be lacking from a particular normative perspective. Type (A) self-respect is the private, what I have called, ‘reflexive,’ type of self-respect associated with the second moral power, the capacity to form and revise a conception of the good. There is, however, a public, or ‘reciprocal,’ aspect of self-respect, or more specifically a “social base” of self-respect, related to the second moral power which I have called Type (C) social base of self-respect. Without getting to far ahead of myself, Type (C) (1.3.3) is dependent on others finding our conceptions of the good valuable in projecting the appropriate sense of respect or approval for our individual conception of the good. It is the public need for affirmation Rawls concerned himself with. Of course, one may fail to garner this sort of respect or affirmation from others which can, in certain instances, be so corrosive, so pernicious, as to work backwards and undermine our own sense of our own worth. In other words a particular form of a lack of Type (C) can undermine our own Type (A) self-respect given the right circumstances. This phenomenon will be discussed primarily in sect. 1.3.3.1; proceed there for further elaboration.

1.3.2 “Type (B) Self-Respect”

Type (B) Self-Respect, like Type (A) is reflexive in that it is primarily concerned with one’s own estimation of oneself. However, unlike Type (A), which was related to the second moral power, and involved a valuing stance from which one judged one’s own individual conception of the good to be valuable (and not merely valued), Type (B) self-respect is related
to the first moral power. More accurately, Type (B) self-respect revolves around one’s own recognition of one’s moral status or moral personhood and the status of being the rightful holder of the attendant rights, liberties, opportunities, duties, and obligations. Another way to put it is to say that Type (B) self-respect is a reflexive perspective one takes up to evaluate oneself, much the same as in Type (A), and from that perspective one judges that due to one’s nature, one is entitled to one’s fair share of the primary goods. Rawls puts it this ways, “they regard themselves as self-authenticating sources of valid claims. That is, they regard themselves as being entitled to make claims on their institutions so as to advance their conceptions of the good (provided these conceptions fall within the range permitted by the public conception of justice).” This means that one recognizes one’s own moral status and recognizes that one is entitled to one’s fair share, as specified by justice as fairness, to the various basic liberties, freedom of movement and free choice of occupation, the “powers and prerogatives of offices and positions of responsibility,” income and wealth or other all purposes means, the establishment and securing of the basic aspects of society which would secure this type, as well as the other types, of self-respect, as well as any other basic entitlements promised by justice as fairness. I would argue that Rawls himself recognizes this aspect of personhood that requires one to recognize and demand for oneself one’s fair share of the primary goods, or, as he might put it elsewhere, “fair terms of cooperation.” Rawls says, “citizens view themselves as moved by the two highest-order interests of moral personality, and that their particular conceptions of the good, however distinct their final ends and loyalties, require for their advancement roughly the same primary goods, for example the same rights, liberties, and opportunities, as well as certain

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85 Which is the capacity for a sense of right or justice or the willingness to offer fair terms of cooperation
86 Rawls, PL Lect. I Sect. 5 pg. 32
all-purpose means such as income and wealth."\(^{87}\) There is an understanding that citizens must be afforded their fair share of the primary goods in order to make effective their pursuits of their individual conceptions of the good. It is not enough from the perspective of the agent\(^{88}\) that those rights, freedoms, and opportunities be made available to the agent, it is crucial that the agent recognize and genuinely believe that they are entitled to those rights, freedoms, and opportunities and that they recognize they are the rightful bearers of them. Type (B) self-respect is concerned with this recognition, the recognition of one’s own moral status and the attendant rights, freedoms, and opportunities that come with it.\(^{89}\) Type (B) self-respect is about people recognizing their inherent worth or dignity; it is about people recognizing their own moral value simply for being the kind of valuable being that they are. To put it in the language Rawls would probably be most comfortable with, Type (B) self-respect is about recognizing oneself as a self-authenticating source of valid claims wherein the legitimacy simply comes from the value of one’s moral personhood rooted in the development and exercise of the two moral powers. Type (B) self-respect is the moral recognition of one’s status as person qua person and I think we should like to say that morally, this is a good thing, perhaps even a necessary, required recognition, that people do this. Rawls may or may not be thoroughly comfortable with tying an aspect of justice as fairness to such a thoroughly Kantian ideal such as a moral imperative (and a moral good) as recognizing one’s own inherent dignity. I think the question of whether Rawls

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87 Rawls, CP, Social Unity and the Primary Goods, pg. 361
88 Though it is likely enough from the perspective of justice.
89 Perhaps I can offer a helpful analogy here to help elucidate things. I envision the sort of recognition going on in Type (B) self-respect to be very much like the sort of recognition of one’s inherent dignity that takes place in Kant’s moral philosophy. Kant references how one recognizes one’s own dignity has an inherent value “above all price” (MM Ch. II Sect. 11 [6:435] & GW 36) and goes on to explicate how that recognition entails certain ways in which one must treat one’s self and ways in which one must behave. Examples of such requirements based on recognition of one’s own dignity include avoiding lust and lying and increasing one’s moral perfection. (MM Ch. I Sect. 5 [6:422] - Sect. 22 [6:447])
would approve is largely based on what ‘version’ of Rawls one was looking at. Early Rawls, even the Rawls of TJ and afterwards would likely be fine with the distinctively Kantian bent\textsuperscript{90}, but the later Rawls, after the so-called “political turn” might shy away from the Kantian language and motivations and would prefer purely political justifications — either instrumental or otherwise. So, there is at least one sense in which we wish to secure Type (B) self-respect, and think it is a good thing for people to have, for what amounts to moral reasons and wanting people to recognize their inherent forth for the type of being that they are, whether you cash that out in terms of being a “self-authenticating source of valid claims,” recognizing one’s entitlements to the rights, liberties, and opportunities owed to you, or by recognizing oneself as being possessed of a dignity beyond all price.

There is another, instrumental, more purely political and as such more in line with the later Rawls thinking, reason that can be given for why agents must recognize those primary goods to be rightfully theirs is because it seems necessary for the effective use of those primary goods. People are more likely to make use of those freedoms, particularly, they are more likely to make \textit{effective} use of those freedoms, if they believe that they deserve them, that they are entitled to them, that they are rightfully theirs to use. It seems hard to imagine one making use of one’s fair value political rights if one did not believe one was truly entitled to those rights. So, for example, were I to take up the reflexive perspective and recognize my own moral status, my moral personhood, my status as a “fully cooperating member of society rooted in the development and exercise of my two moral powers,”\textsuperscript{91} I would recognize that I should not only be afforded the rights, freedoms, and opportunities attendant to justice as fairness, but rather

\textsuperscript{90} “Why should a \textit{Kantian} doctrine like justice as fairness…”; “As a \textit{Kantian} view, justice as fairness…” Rawls, CP, Social Unity and the Primary Goods, pg. 360 [My emphasis added]
\textsuperscript{91} Rawls, PL Lect. VIII Sect. 6 pg. 319
that I was entitled to them. I recognize my status as person qua person\textsuperscript{92} and the demand the rights and freedoms that come with moral personhood. In ‘justice as fairness’, that is a fairly extensive list that includes the primary goods but also includes their relationships as stipulated by the principles of justice. I demand, or am entitled to, the basic liberties\textsuperscript{93} which are lexically prior to considerations of “public good or perfectionist values”\textsuperscript{94} as stipulated by the priority of liberty. I demand, or am entitled to, “freedom of movement and choice of occupation against a background of diverse opportunities,” and substantive equality of opportunity as well as the powers and prerogatives attendant to those positions. I am entitled to my share, in accordance to difference principle, of the all-purpose means such as income and wealth. Finally, I would demand that my self-respect, which this section is preeminently interested in, be protected through certain aspects of the structure of basic institutions. Believing myself to be the justified, rightful bearer of these freedoms, rights, and opportunities is necessary for me to adequately and efficiently exercise them. It is necessary that I believe I am entitled to these for without such a belief I am unlikely to be motivated to utilize them to their full potential and thus undermine the sense of equality and freedom justice as fairness attempts to capture on my behalf.\textsuperscript{95}

\textsuperscript{92} Even citizen qua citizen I think would be sufficient
\textsuperscript{93} “Freedom of thought and liberty of conscience; freedom of association, and the freedom defined by the liberty and integrity of the persons, as well as by the rule of law; and finally the political liberties.” - CP Social Unity and the Primary Goods pg. 362
\textsuperscript{94} Rawls, PL Lect. VIII Sect. 2 pgs. 294-295
\textsuperscript{95} I recognize that it is possible that some person, though they didn’t believe that they rightfully deserved such rights, would utilize some of those rights, liberties, and opportunities. However, I believe that such use would not widespread and it would not be frequent. Such cases would likely be isolated and, as I said, would likely be utilized infrequently. This would not suffice because it does not seem that infrequent, isolated cases would give rise substantive equality, or give priority to liberty, or ensure the fair value of the political rights.
1.3.2.1 “Lacking Type (B) Self-Respect”

Lacking Type (B) Self-Respect is indeed rather problematic. As I made several gestures to it in 1.3.2, the need to feel justified in utilizing the rights, liberties, and opportunities is essential to effectively using them. It is difficult to imagine a case in which a person who did not feel like they were justified in voting doing so effectively or very often such that the fair value of that political right was maintained.\(^96\) If one fails to recognize the inherent value of one’s moral personhood then one seems given to fail to recognize the entitlements of the status of moral personhood that are associated with it. This is problematic because it seems that rights, liberties, and opportunities are only effectively used by people when they believe they are rightfully theirs to utilize. Let’s stick with the example of voting. Voting, it would seem, particularly frequent, widespread, and effective voting — the kind it would seem necessary to secure the fair value of the political rights for all — requires that political participants believe that it is their rightful entitlement to vote and that they, as a person qua person, are justified in believing this. Moreover, it seems that they need to believe that they represent a point of view which deserves a voice simply for their moral personhood; they need to know that, as a person, they have a right to put forth their view regardless of what their individual conception of the good may be. This measure goes a long way to securing the fair value of the political rights. Perhaps, what would be even more effective in motivating people in this way, is recognizing the inherent worth of their moral status. Perhaps it would be more effective if people viewed themselves as “self-authenticating sources of valid claims.” Then they would be able to view their perspective as one that demands to be heard through the avenues of political participation.

\(^96\) I’ve chosen voting and the political rights to be my primary example here but I assume that the same sort of example could be given for the other liberties and rights attendant to ‘justice as fairness.’
The question of how one comes to lack Type (B) self-respect still needs to be addressed. There is intuitively a tight, but not necessary, (horizontal, if you are thinking of my table,) connection between Types (A) and (B) of self-respect. If you will recall Type (A) self-respect involves finding your individual conception of the good to be valuable. It is not difficult to imagine the case wherein an individual finds their individual conception of the good lacking, in some robust sense, in relation to their chosen normative perspective and, quite possibly, concludes that not only are they not a good person in relation to their chosen normative perspective, but a bad person. It is easy to imagine such a person who had such a negative, deleterious view of their own individual conception of the good having an associated similar lack of respect for themselves as a person. So, in the terms of the types of self-respect as I have put them, a distinct lack of Type (A) self-respect can undermine any efforts towards having a robust sense of Type (B) (and vice versa). There are other avenues for lacking Type (B). There are other (vertical) relations between types of self-respect, in this case I am imagining a particularly pernicious form of a lack of Type (D) social base of self-respect preying on, and undermining Type (B). Type (D), which has yet to be detailed, see 1.3.5, is, briefly, the general public’s affirmation, endorsement, or respect for one’s own moral status or moral personhood. It is the duty of civility, reciprocity, or the offering of fair terms of cooperation we offer our fellow citizens. There are potential cases in which the public, at least those you're generally aware of, not only fail to offer that respect for your moral personhood but actively dismiss it. That sort of public condemnation could have corrosive effects on one’s sense of self-worth.

I think an example can be particularly illuminating here. Imagine a young person grappling with their own homosexual inclinations or proclivities and attempting to come to terms

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97 This becomes particularly evident I think when you realize that more often than not the question that defines what makes a good or respectable person as a person is going to be largely based on the comprehensive conception of the good that person aspires to.
with them and what they mean for their lives. Moreover, let’s imagine this person has been raised in and is surrounded by a cultural of firmly held fundamental Christian conservatism. These feelings of same-sex attraction are undeniable aspects of their individual conception of the good, despite the fact that maybe they would prefer they weren’t. Imagine this person trying to evaluate their individual conception of the good, with their homosexual tendencies, against the normative perspective of fundamental Christian conservatism that they have been brought up with. In so doing they would be attempting the procedure by which we are able to confer Type (A) self-respect on ourselves. But, can you imagine the difficulty, the incredible sense of alienation and moral failure that must be constitutive of realizing that by your own preferred normative perspective not only are you and your feelings morally wrong and sinful, but demonic? Finding oneself in such a situation is, phenomenologically, I’m sure, beyond adequate description for someone who has not directly experienced such a case. However, with what powers of empathetic imagination we have we can know that such an ordeal is bound to have an incredibly deleterious effect on one’s appraisal of the one value of one’s self and one’s individual conception of the good. I would suggest that such a pernicious lack of Type (A) self-respect is corrosive even on Type (B) self-respect. If there is such a profound failure on the part of one individual conception of the good its seems highly plausible that one can quickly come to believe that one’s moral status as a person has come into question and that maybe the attendant liberties, rights, and opportunities are not necessarily justified for persons such as yourself. The second half of the story I told in the paragraph above is equally as easy to bring to life in an example in which a pernicious lack of Type (D) social base of self-respect undermines or corrodes Type (B). So imagine our same you person coming to grips with their homosexuality surrounded by faithful adherents of fundamentalist Christian conservative doctrine. Let’s even assume that in this case this person was able to square away with themselves and accept their homosexuality and even able to garner some forms of both Type (A) and security in Type (B)
social base of self-respect. But, it is still in its fledgling stages and so is not firmly established and entrenched. Imagine being surrounded by people who not only failed to show homosexual persons respect as persons but actively condemned and dehumanized them. Without going into too much detail, I suggest that, again, such a pernicious form of a lack of respect where Type (D) is supposed to take place can undo the tenuous Type (B) self-respect our imagined person was able to muster. In these ways, this all too real and relevant example displays how Type (B) self-respect might be undermined.

1.3.3 “Building an Account of the Social Bases of Self-Respect”

Having covered Types (A) and (B) self-respect, which are ‘reflexive’ or private aspects of self-respect proper, it is time to move on to what I am calling Type (C) and Type (D) social bases of self-respect. Obviously, the primary goods loom large in justice as fairness and serve as the “necessary conditions for realizing the powers of moral personality.”\(^{98}\) And, as I have previously stated, among the primary goods, “perhaps the most important primary good is that of self-respect,”\(^{99}\) or more specifically the “social bases of self-respect.” Rawls tells us that, “self-respect depends upon and is encouraged by certain public features of basic social institutions,”\(^{100}\) and it is those features of basic social institutions that engender and protect self-respect which constitute the primary good of the social bases of self-respect. As Rawls says, “the social bases of self-respect are those aspects of basic institutions that are normally essential if citizens are to have a lively sense of their own worth as persons and to be able to

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\(^{98}\) Rawls, CP, Social Unity and the Primary Goods, pg. 367
\(^{99}\) Rawls, TJ, Ch. VII, Sect. 67 pg. 386
\(^{100}\) Rawls, PL, Part 3, Lect. VIII Sect. 6 pg. 318
realize their highest order interests and advance their ends with self-confidence. Another way of putting this, in a way that detaches itself from the exact wording Rawls uses, is that the social bases of self-respect are the aspects of society that give rise to the necessary conditions for establishing self-respect. It is this role I envision for Type (C) and Type (D) social bases of self-respect. Type (C) and Type (D) social bases of self-respect are the conditions in which different types of self-respect, Type (A) and (B), can be established and flourish. On my reading, the primary good of the social bases of self-respect includes Type (C) and Type (D) social bases of self-respect, which will be detailed in subsequent sections.

Now there are many different aspects of basic institutions that are normally essential for developing an adequate sense of one’s own self-worth. The public nature of the guarantee of justice as fairness itself, the basic liberties and the fair value of the political rights\textsuperscript{102}, and the difference principle\textsuperscript{103} all purport to support self-respect in one way or another. As they are all rightfully called aspects of basic institutions they are social bases of self-respect and they all work together\textsuperscript{104} to preserve and protect citizens’ self-respect. But this list is certainly not exhaustive. I wish to add what I call Type (C) social base of self-respect and Type (D) social base of self-respect to that list. The social conditions which those social bases of self-respect concern themselves with are features or aspects of the basic structure that protect the self-respect of citizens. But, they also prominently signify the conditions in which the self-respect of citizens can be established, maintained, and flourish. In short as I will be going into some detail in what follows, Type (C) concerns others conferring ‘valuable’ status on one’s individual

\textsuperscript{101} Rawls, CP, Social Unity and the Primary Goods, pg. 366
\textsuperscript{102} Rawls, PL, Lect. VIII, Sect. 6, pg. 318
\textsuperscript{104} “That self-respect is also confirmed by other features of the two principles besides the basic liberties only means that no single feature works alone. But this is to be expected. Provided the basic liberties play an important role in supporting self-respect the parties have grounds founded on these liberties for adopting the two principles of justice.” - Rawls, PL, Lect. VIII, Sect. 6, pg. 318
conception of the good and Type (D) concerns other recognizing and respecting one’s moral status and recognizing one as the rightful holder of the attendant rights, liberties, and opportunities afforded them by justice as fairness. These are rightly included as aspects of basic institutions as Type (C) is a basic element of social unions, the freedom of conscience, and freedom of association, and Type (D) is constitutive of the social cooperation which underwrites justice as fairness. As I hope will become clear in what follows, Type (C) and Type (D) social bases of self-respect, are the public or reciprocal means which ideally support, reinforce, and protect, individual’s self-respect or their own sense of their own self worth. As such they are appropriately called social bases of self-respect.

1.3.4 “Type C Self-Respect as a Social Base of Self-Respect”

Type (C) social base of self-respect, like Type (A) self-respect is associated with second moral power of persons, the capacity to form a determinant conception of the good. In relation to that power, Type (A) self-respect was reflexive in that its primary focus was on one’s self, it was a valuing stance one takes toward one’s own values, set of ends, conception of the good. However, as was detailed, Type (A) self-respect is about far more than just valuing of the features of your conception of the good, it is about finding those features to be valuable. By finding them ‘valuable,’ rather than just valuing them, I mean that one judges that the features of one’s conception of the good, or the conception of the good as a whole, is justified from some normative perspective.¹⁰⁵ Now, in keeping with the fact of reasonable pluralism, this normative

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¹⁰⁵ A similar description can be given using the language Hill uses. One judges the features of one’s conception of the good, or the conception of the good itself, to be valuable because it has features that make it valuable, features which give rise to steady dispositions towards valuing by competent judges. This description fits more with early Rawls but can still be adapted for reasonably pluralism in that it doesn't need to take a specific stand on what exactly the features are that make a thing valuable.
perspective isn’t some objective truth, it is up to the agent which normative perspective they hold their comprehensive conception of the good up against. Type (A) self-respect is concerned with one’s own self evaluation of the valuableness of one’s own ends, as Type (A) is reflexive. Type (C) is concerned with the valuableness of one’s own ends, but Type (C) is reciprocal in nature. Type (C) social base of self-respect is primarily about others confirming one’s Type (A) self-respect by others judging, or affirming, our conceptions of the good as being valuable. Type (C), which is a social base of self-respect, is the condition in which other’s confer valuable status on one’s own individual conception of the good. Rawls tells us that persons have a need to feel, “appreciated and confirmed by others who are likewise esteemed and their association enjoyed.” Rawls seems to take this as a basic psychological fact about persons, one I do not feel the need to directly challenge. Type (C) as a social base, creates an environment in which one can develop, maintain, and build one’s own sense of one’s self-worth, particularly Type (A) self-respect. Think of it this way: finding myself in a situation wherein not only do I find my individual conception of the good to be valuable by my own lights, but my individual conception of the good is also reaffirmed and deemed valuable by others, this is likely to have a greater positive effect on my own self esteem and security in my valuing of my individual conception of the good, than if I was the only one to affirm my conception of the good alone.

The idea of the ‘social union of social unions’ helps to make clear who exactly is likely to be going to be conferring respect, or affirming our conception of the good; it is those like minded, similarly situated members of our own associations. Type (C) social base of self-respect, in its most common form, is the sense of our worth when our plan of life or conception of the good is esteemed as valuable by our associates. Rawls was right to point out that as a matter of basic human psychology we crave affirmation and the respect of others. The

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106 Rawls, TJ Sect. 67 pg. 386
importance of building and maintaining Type (C) builds on this basic assertion. To have Type (C) is to acknowledge how your associates demonstrate their affirmation, approval, and respect for your conception of the good. In short, when one has Type (C) respect, typically, one has internalized the message that one’s associates find one’s conception of the good to be valuable. To lack Type (C) social base of self-respect is to acknowledge that one’s associates do not find one’s conception of the good to be valuable; they do not affirm, approve, or respect your conception of the good; they may go as far as to actively condemn one’s conception of the good. Type (C) is usually dependent on the internalization of the affirmation or lack of affirmation (or active condemnation) of one’s associates in relation to one’s conception of the good. For example, imagine, as part of one’s comprehensive conception of the good, one not only values but finds valuable artistic expression and being an artist. As such one could be said to have Type (A) self-respect, at least in terms of that one feature. If one’s associates demonstrate support, affirmation, respect, and approval for one’s being an artist and one’s choices and work then one comes to internalize that message of esteem of one’s associates and one would then possess Type (C) (again, at least in relation to that one aspect). But imagine your associates were not supportive of one’s chosen direction in life, suppose they condemned and ridiculed your art. Such a message clearly says that they do not find your conception of the good valuable and it definitely displays a definite lack of esteem from your associates. Such a message, when received and internalized, surely has a negative on one’s own self-esteem. In this case one has a substantive lack in Type (C) social base of self-respect.

You may have noticed that I was, at several points, somewhat noncommittal about the exact nature of Type (C), or more specifically, what the sources of Type (C) social base of self-respect are; I said that Type (C) is “usually,” “typically,” “likely to be,” coffered by one’s associates. In a paragraph to come I will elaborate on some of the advantages of the relation between Type (C) social base of self-respect and one’s associates. While I do believe that one’s
associates are most commonly, and often the best source of Type (C), I would like to point out some other potential sources and cases in which one’s associates do not provide the most profound effect on Type (C) social base of self-respect. While Rawls did imagine life as “social union of social unions” we all recognize, Rawls included, that much of life, and in particular life in the background culture as distinct from the political and economic spheres, involves a lot of mobility in-between and among different social unions or associations from one time to another. You associations themselves change over the course of time and the relative importance or closeness of particular associations for you can wax or wane while you are a part of them. In fact there are times when you a member of a particular association that you don’t even truly care for and are or will seek to exit that association. For example, I’m sure the reader has had, at one point, a job they thoroughly disliked with coworkers who really only served to fray their ends of sanity. Those people are your associates, like it or not, and the company your work for your association, though it has relatively minor importance to you and you would seek to leave it when the opportunity presents itself. We can also imagine the role of membership in a religious association waxing or waning throughout one’s life. Perhaps during one’s childhood and teenage years the church played a large part in one’s life where one’s fellow church members were some of the most important associates one had. But after going away to college and gaining some additional perspective you slowly moved away from the teachings of the church and the importance one places on those associations starts to fade away. Moreover, we are never just part of one single association which defines everything about us. We have a job with our coworkers, that defines one association. Perhaps we have religious or other philosophical commitments that we share with other like-minded individuals. Surely we have a hobby which we may or may not practice as part of a community. And we all have a family of some sort that serves as probably the most basic example of an association. What’s more, this all takes place over the backdrop of a general culture and society at large which itself constitutes the largest,
most general type of association. The purpose of this is to point out that no single association is entirely definitive of us and ‘the one true’ association on which we should base our evaluations of ourselves. My individual conception of the good might be looked down upon by coworkers but thoroughly supported and affirmed by my family or philosophical associates. While the lack of respect from coworkers could affect my evaluations of the worth of my individual conception of the good this is unlikely to occur and even if it did its effects would likely be minimal.

The other point I wanted to make when it comes to the sort of sources that can play a role in determining whether one has Type (C) social base of self-respect, now that I’ve tried to explain some of the fluidity and complexity of associations, is to point out that it isn’t necessary per se for associations or associates to be the positive or negative source of self-respect. General climates, say of a workspace or college campus, can have a profound effect on Type (C) social base of self-respect. All things considered all the different types of people and associations within those larger associations may not be your associates in any significant sense, but the climate that can be generated by the group as a whole, or by certain individual groups, depending on their size and the vociferousness with which they advocate, can influence an individual’s ability to develop an adequate sense of Type (C) social base of self-respect. An example of this sort will be considered at length in section 2.1. Society at large, with its general inclinations and attitudes, can likewise affect Type (D). As always, the effects of any of these on any once case of self-respect are never necessary or a priori. When we consider such cases we need to have access to the relevant empirical data, it matters how actual people are affected in real life. This is why the majority of the work to be done when it comes to issues of self-respect and justice is to be done at the constitutional and legislative, even judicial, levels so we can have access to the sort of information necessary to make a reasonable judgment and pursue the appropriate course of action.
There are several advantages of Type (C) social base of self-respect being associated with the esteem or appraisal (or lack thereof or active condemnation) of one’s associates. The first benefit of linking Type (C) social base of self-respect and the attitude towards one’s conception of the good of one’s associates has to do with the aforementioned normative perspective. If you recall, Type (A) self-respect is present when one finds the features of one’s conception of the good to be valuable (as opposed to a mere valuing). One’s judgments about whether or not things are valuable are made in relation to a particular normative perspective that one takes up for oneself. Or, one judges aspects to be valuable in relation to whether or not the aspects of their conception of the good has features that are standardly disposed to engender valuing in persons or regularly make people disposed to judge them valuable (according to Hill). For now, perhaps the language of a ‘normative perspective’ may be slightly more useful and straightforwardly clear. One judges one’s features of their conception of the good against a particular normative perspective to judge whether those features are valuable or not according to that normative perspective. But, one may ask, “what exactly is the ‘normative perspective’ we are supposedly to take up and judge our conceptions of the good or ends against?” “Doesn’t that sort of thing violate the spirit of the Rawlsian project, particularly the fact of reasonably pluralism?” Yes, any assertion that claimed that there was A particular normative perspective against which every person regardless of comprehensive doctrine or association had to hold their ends against, then, yes, such a claim would very much violate the Rawlsian spirit of the project and the fact of reasonable pluralism. But fortunately no such claim is made and whichever normative perspective each individual agent uses is up the them. A Humean may judge their system of ends/conception of the good by their normative prospect which may just be in terms of its internal coherence and lack of contradiction. A Kantian may appraise their system of ends/conception of the good from the normative perspective according to counsels of prudences and different interpretations of the categorical imperative. A conservative Christian
may judge their system of ends/conception of the good according the normative perspective of
the Judeo-Christian bible. Some other person might decide that in accordance to their
conception of the good what they need to be doing is checking their individual conception of the
good against some normative perspective which is an amalgamation of all three: Humeanism,
Kantianism, and Christianity. The beauty of having the freedom to determine one’s
comprehensive conception of the good is that included in that latitude and liberty is the right to
determine which normative perspective for judging the aspects of your conception of the good
are appropriate. The benefit of tying Type (C) social base of self-respect is some cases to
appraisals of one’s own conception of the good by one’s associates is that the majority of
person’s comprehensive conceptions of the good, complete with their attendant normative
perspectives, are drawn from their associations. As such, a person’s associates are in a
privileged position such that their appraisal is probably most accurate and most useful. By
‘privileged position’ I do not mean that one’s associates have some particular ability to inhabit
the normative perspective that the agent herself lacks, but rather I mean that it is a privileged
position because one’s associates are the ones most given to be able to understand and judge
one’s individual conception of the good according to the associations comprehensive
conception of the good because, as associates, they are similarly situated in a number of ways.
Think of it this way: a Kantian seeking approval for their individual conception of the good, and
so Type (C) social base of self-respect, is plausibly best served by having a fellow Kantian or
Kantians evaluate one’s individual conception of the good. This is because one’s associated
Kantians are in a privileged position relative to the average person to know the ins and outs of
the Kantian conception of the person and what it is like to be a Kantian. Likewise, a Christian, it
would seem, would naturally seek to have their individual conception of the good deemed
valuable by one of their associates, a member(s) of their church, because such a person(s)
would be in a privileged position relative to a non-believer to further understand one’s
conception of the good and more understanding of the normative perspective that association tends to make use of. In other words, if the Christian normative perspective is that of Judeo-
Christian Bible it makes sense to seek affirmation of the valuable status of one’s individual conception of the good from the pool of one’s fellow church goers because they are likely to better understand that associations interpretation of biblical text; it would seem strange for the imagined christian to go to professed atheists for the type of affirmation required for Type (C) social base of self-respect. One’s associates are not only going to be in a privileged position relative to the average citizen to evaluate one’s individual conception of the good as valuable or not, but their esteem is likely to be far more significant to oneself and have a greater effect one one’s own self-esteem. We want, we actively desire to be esteemed by others, in particular we desire to be esteemed by our associates. We do so because we share much in common with them (are similarly situated), often our most important relationships are with other members of our associations. It is therefore natural that their esteem or condemnation would have a profound effect on our sense of self-respect. Think of several quick examples. The family is probably the most basic association and we tend to desperately seek their approval, love, and support; we need our family to see us and our individual conception of the good as valuable. When they confer that valuable sense of esteem on us we feel good about ourselves, we increase our own appraisal of our self, we’ve achieved a basic level of confidence in ourself that allows us to move out into the world; in the terms relevant to this paper, we secure Type (C).

But if our family were to find us lacking, if they were to disprove or condemn us or features of our individual conception of the good then that would be an incredibly damaging blow to our sense of our worth and our self-respect (condemnation of child who comes out). We seek the approval of others like us and those we care about. When we feel as if those very same people would condemn us that can be quite a blow to our own conception of our worth. Type (C) social
base of self-respect rests on receiving confirmation for the valuable nature of our individual conception of the good from our associates.

1.3.4.1 “Lacking Type (C) Social Base of Self-Respect”

I have had a few things to say at this point about what it is to lack Type (C) social base of self-respect and have mentioned, in passing, several short examples. Here I shall attempt to provide a little more detailed while also working to get a clear picture in one location. In short, lacking Type (C) social base of self-respect involves failing to have your individual conception of the good affirmed as ‘valuable’ by others to a sufficient extent. Those others may, probably most plausibly, be one’s associates though it may be others with who you share weak ties of association or it may be a general attitude or climate that is pervasive and hostile enough. A lack of Type (C) self-respect can take on two forms. The first is a simple failure to have one’s individual conception of the good affirmed as valuable by others (along with the attendant attitudes and respect). This can be as simple as a mere withholding of ‘valuable’ status. For example, a parent may not necessarily agree with a child’s choice of major in college, they may not think it the most practical or worthwhile, but they may nevertheless see nothing wrong with it. An attitude like this one may have some effect on the child’s Type (C) social base of self-respect but it is likely to depend on a number of factors and is doing to be difficult to predict. For example, does the child have other associates who adamantly support and endorse their choices, or, is the child’s sense of Type (A) self-respect robust enough to mitigate that failure to confer valuable status on behalf of the parents? It also depends on the mental character of the child and depends on how important public affirmation of their individual conception of the good is to them. Rawls is right to point out that people need affirmation from their peers but each individual person does not need the same amount or kind of affirmation as the next person.
Some people need to be constantly reaffirmed and showered with praise. Others, while they invariably need some praise and affirmation, can carry on rather well without a terrible amount of it.\(^{107}\) Still a lack of affirmation from one’s closest associates, or a loud, prevalent lack of affirmation from a larger association or groups of your associations, or society in general is very likely to have negate effects on Type (C). However, the deleterious effects of a failure to affirm someone’s individual conception of the good pales in comparison to the likely effects of an active condemnation of the same individual conception of the good. The worse scenario is when, rather than simply failing to affirm an individual conception of the good, one’s associates or other parties actively disparage and condemn the individual conception of the good. Again, while the effects are not always necessary for all the reasons listed above, this figurative, though the statistics about violence against transgender people\(^{108}\) would beg me to write ‘literal,’ attack on an individual conception of the good can be quite damaging. These types of actively condemning attitudes are almost guaranteed to have a negative valence when it comes to the Type (C) social base of self-respect of affected persons.

In a previous section, 1.3.3.1, I availed myself to a set of examples about a young person grappling with their own homosexual orientation to display what a lack of Type (B) self-respect might look like and the sort of effects it might have. A very similar story can be told here, except we will not go the extra step to respecting one’s own or other’s moral personhood, instead, we focus on affirming the particular conception of the good in question. Once again, imagine a teenager who comes out to their deeply conservative Christian parents as homosexual. It is not too difficult to imagine that they themselves are still struggling with their

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\(^{107}\) I dare to say that a lot of us would have the intuition that we ought to condemn the former person who craves to much affirmation and praise the later person who is secure enough in their own decisions to do well with little in the way of reciprocal affirmation.

\(^{108}\) Hayley Miller, ‘Violence Against Transgender Community Continues to Increase,’ Human Rights Campaign, June 19 2015
orientation having been raised in the particular manner they were and their own sense of the valuable nature of their individual conception of the good, and so their own Type (A) self-respect, is rather tenuous. It is a difficult and fragile time and what they could probably use more than anything is the love, support, and affirmation of their family, their closest associates. However, it is quite easy, and not altogether necessary, to imagine that their ‘coming out’ is not welcomed and met with affirmation, or even cold indifference, but rather fiery condemnation and malice. Building any kind of meaningful Type (C) social base of self-respect seems almost impossible at this juncture and the particularly pernicious, virulent form of condemnation poses a threat to the shaky Type (A) self-respect our imagine teen has managed to construct.109

1.3.4.2 “Why is Type (C) a ‘Social Base’ of Self-Respect?”

If you will recall the concept of what constitutes a “social base of self-respect” is fairly narrowly prescribed as “aspects of basic institutions that are normally essential if citizens are to have a lively sense of their own self-worth.”110 In order for Type (C) to properly be called a social base of self-respect it needs to be demonstrated that it fits Rawls’s definition and not that it simply fits with what we would intuitively see as a social base of self-respect. To be clear, the intuitive case for Type (C) as a social base of self-respect is rather straight-forward and clear. Given the structure of my account of self-respect and its social bases, Type (C) is the public or reciprocal version of Type (A) self-respect. It is natural to describe Type (C) as the conditions of society in which people are given to develop self-respect, specifically Type (A) self-respect. Given that I imagine one would be likely to define the “social bases of self-respect” as just that

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109 Which, as we have already seen, if their Type (A) self-respect is undermined as a result of the active condemnation their Type (B) can also be at risk.
110 Rawls, CP, Social Unity and the Primary Goods, pg. 366
the intuitive appeal of Type (C) as a social base of self-respect is not difficult to see. The thought goes something like this, “Type (C) is society’s, or a particular part of society’s, condition of affirmation for an individual conception of the good, the kind Type (A) self-respect is built on or flourishes under; obviously that must be what we mean by a social base of self-respect.” I can understand the intuitive appeal of such a position but such is not enough to justify as a true social base of self-respect and square it with justice as fairness without doing further work. Type (C) must be established as an “aspect of basic institutions” in order to establish it as the primary good I aim it to be.

I have previously attempted to establish Type (C) as such calling it a, “basic element of social unions, the freedom of conscience, and freedom of association.” The task is then to establish these things as aspects of basic institutions. This task seems relatively straightforward. The idea of Type (C) in relation to social unions, or even in relation to the ‘social union of social unions,’ seems to be regularly evident in what I have had to say about the nature of Type (C). Often Type (C) respect and the self-respect it grounds comes from one associates, though I have argued that this is not always the case. Type (C), in many cases, is dependent on associations, particularly its associates affirming the status of an individual’s conception of the good. One tends to seek like-minded, similarly situated individuals to interact with and to seek affirmation from. These associations of like-minded, similarly situated individuals represent what can be called “social unions.” Society at large, in that it is made up of many associations all interacting with each other, can be called a “social union of social unions.” Rawls says, “a well-ordered society (corresponding to justice as fairness) is itself a form of social union. Indeed it is a social union of social unions.”

People seek out particular associations or social unions to find like-minded and similarly situated persons; undoubtedly one of the motivations for doing so

\[111\] Rawls, TJ, Part 3, Ch. IX, Sect. 79, pg. 462. The rest of Sect. 79 here is a good source for more on social unions and the social union of social unions.
might be for seeking likely sources of affirmation. The sort of affirmation people are seeking is the sort that Type (C) respect is concerned with. Different associations have different comprehensive conceptions of the good and people tend to try to find associations that will be amenable to their individual conception of the good. People try to find associations that are likely to affirm their individual conception of the good such that they can bolster their own sense of Type (A) self-respect. In this sense people tend to seek out the sort of situations in which Type (C) flourishes. In order to accomplish this people need the free exercise of freedom of conscience and freedom of association. These are basic liberties understood as necessary for the adequate development and exercise of the second moral power, the capacity to form and revise a conception of the good. Freedom of conscience allows one to freely pursue whatever form one’s individual conception of the good may take and freedom of association allows one the movement necessary to interact with various persons to learn and develop one’s individual conception of the good, but also to find like-minded persons who might affirm one’s individual conception of the good. Type (C), which is built on that public, reciprocal affirmation of one’s individual conception of the good, is preeminently concerned with and tied to the basic liberties of freedom of conscience and freedom of association. As these liberties are guaranteed for all by the first principle of justice and its priority, they are part of the basic structure of society. As Type (C) self-respect is preeminently tied to these features I contend that Type (C) fits the description of being an “aspect of basic institutions” such that it is appropriately called a “social base of self-respect.”

1.3.5 “Type (D) Self-Respect as a Social Base of Self-Respect”

Nearly all of the types of self-respect and their associated social bases I wish to propose have been covered and the general pattern and structure to them has been discussed. At this
point, I’m sure the reader could make several accurate guesses as to the nature of Type (D) social base of self-respect. Nevertheless, Type (D) merits its own treatment and attention. Type (D) is reciprocal, as I have called it, or public in nature and is related to the first moral power of personhood. Type (D) is moreover a social base of self-respect, most often associated with development of Type (B) self-respect. The conditions of society in which Type (B) is given to develop and flourish is what Type (D) is concerned with. Type (D) is about other’s recognition of one’s moral status. If you will recall, Type (B) self-respect is the reflexive aspect of self-respect related to the first moral power and is concerned with, as I put it, the recognition of one’s own moral status as a person qua person with inherent worth who is the rightful holder of the liberties, rights, and opportunities attendant to justice as fairness. As I said earlier as well, one way Rawls put this is that citizens “view themselves as self-authenticating sources of valid claims.”112 Furthermore, they view themselves as free and equal. Then, much like the relation Type (C) had to Type (A), in that it was the recognition of the public affirmation of the valuable nature of an individual conception of the good that Type (A) privately or reflexively concerned itself with, Type (D) social base of self-respect is the public affirmation or recognition, the reciprocal recognition and respect of one’s moral status as a person qua person (or citizen qua citizen) from others. Type (D) is built on the recognition of the sort of affirmation of one’s own self worth that comes from other’s recognizing one’s own moral status or moral personhood and recognizing that one is the rightful holder, or is entitled to, all of the rights, liberties, opportunities attendant to that status. As I stated in Section 1.3.2 this also means the recognition that one is entitled to their fair share of the primary goods as well as any other freedoms or rights specified by justice as fairness as part of a system of fair terms of cooperation founded on reciprocity. Type (D) social base of self-respect is built on the sort of respect for your fellow citizens that

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112 Rawls, PL Lect. I Sect. 5 pg. 32
plays a prominent role throughout Rawls's work. When others show you the sort of respect attendant to your moral status which they affirm, and in so doing recognize you as justifiably entitled to all the rights, liberties, and opportunities available to you, this is quite likely to positively affect your sense of your own self-worth, what I am calling Type (D). In short, when others view you in this way, you are given to view yourself as free and equal and hold yourself in high regard.

I should note that Type (D) is similar to Type (C) in a few relevant ways. First, others can simply fail to recognize your appropriate moral status as rightful bearer of rights, liberties, and opportunities, or they can actively dismiss your moral status and insist upon degrading your moral status and demanding a shorter list of rights, liberties, and opportunities, if any, be available to one such as yourself. The first option is obviously bad enough in its own right and would likely raise several issues for Rawls larger work not to mention the effects it is likely to have on one’s self-respect. But the latter option is the particularly morally egregious one like to have profound, negatively valenced, consequences on self-respect. Second, in another way Type (D) and Type (C) is similar (and yet different), Type (D) can be conferred by either society at large and citizens in general, or it can be conferred, probably most efficiently, by one’s associates.\textsuperscript{113}

\textsuperscript{113} An area in which Type (D) seems to depart from Type (C) in this case is that Rawls seems to go much further in saying that citizens generally are required, as a matter of foundational justice, to show minimal respect to the status of other citizens as citizens as a feature of offering fair terms of cooperation to all. So much, respecting others as citizen qua citizen, seems to be the benchmark for “admittance” for Rawls and seems to be required by justice. Type (D) self-respect is insulated in some respects in this way. However, it is not clear how much effect this is likely to have and I think we should be want to say that recognizing and respecting persons qua person would be preferable. It may however be enough that respecting citizen qua citizen seems to indicate recognizing them as the rightful holder of all the rights, liberties, and opportunities afforded to them.
1.3.5.1 “Lacking Type (D) Self-Respect”

Lacking Type (D) is indicative of a first order failure occurring somewhere in society as far as justice as fairness is concerned. A lack of Type (D) social base of self-respect occurs when one recognizes that one’s morals status as a person is not being recognized by others, be them my associates or my fellow citizens generally. There are a number of other ways we might put this: lacking Type (D) occurs when one is not being recognized as the rightful bearer of the rights, liberties, and opportunities afforded by justice as fairness; lacking Type (D) occurs when one is not being recognized as free and equal with the ability to develop and exercise the two moral powers; lacking Type (D) social base of self-respect occurs when one is not being afforded the mutual respect and fair terms of cooperation due to a fully cooperating member of society. All of these are roughly equivalent and attempt to describe, in different ways, correlating with different aspects of the larger theory, ways in which one’s moral status might fail to be recognized. I call such a failure a ‘first order’ failure as far as justice as fairness is concerned because circumstances that give rise to a distinctive lack of Type (D) directly contradict the most basic goals and foundational requirements of justice as fairness. Justice as fairness is first and foremost an account of political justice based in social cooperation with the goal of mutual advantage. That social cooperation includes fair terms of cooperation which are publicly recognized rules and regulations founded in reciprocity and mutuality. This is underwritten by the mutual and reciprocal recognition and respect for fellow citizens’ status as free and equal rooted in the development and exercise of their two moral powers. A failure of Type (D) flies directly in the face of the stated goals and foundational assumptions and requirements of justice as fairness. When one fails to recognize another as free and equal, fails to recognize another’s

114 And distinct from social coordination.
115 Rawls, JaF(R), Part I, Sect. 2.2, pg. 6
appropriate moral status, fails to recognize them as the rightful bearers of all the rights, liberties, and opportunities afforded to them, fails to offer them fair terms of cooperation, one undermines the publicly recognized system of social cooperation that is justice as fairness. As is often indicated throughout Rawls’s work, particularly the later works, the principles of justice constrain the acceptable conceptions of the good that can be advanced by requiring the fair terms of cooperation be honored for all, even by the group or view in question, then, after having determined the conception of the good being advocated doesn’t pose an existential threat to the state itself, we practice a principle toleration for those views. So, in some ways, honoring fair terms of cooperation is the baseline for “playing ball” in a modern liberal democratic society. When one fails to take up the appropriate attitude, the type that would engender Type (D) social base of self-respect in another, one fails to provide the required mutuality and reciprocity required to be in good standing in a well-ordered society as stipulated by justice as fairness.

As I have said, lacking Type (D) social base of self-respect is indicative of a significant problem from the perspective of justice as fairness, but from the perspective of the individual, lacking Type (D) can be troubling in so far as, as a matter of human psychology, we crave the affirmation and respect of peers, and sometimes, society in general. In this respect Type (D) is similar to Type (C). Except, whereas Type (C) was concerned with the sort of affirmation of one’s individual conception of the good as being valuable, Type (D) concerns the affirmation of one’s moral status or moral personhood. Finding that others are failing to affirm our moral status is likely to have negative consequences on our sense of our own self-worth. Once again, others need not only fail to affirm our moral status or respect our moral status, which is damaging in its own right, but they can actively condemn us, undermine our moral status, and advocate some minimized sense of our worth. This negatively valences attitude towards our worth is likely to have far greater effect on our own estimations of ourselves. This may be particularly true in cases wherein it is the view of others that one is of a distinctly lower class, that one is
subhuman in some way that merits one’s not being privy to the rights enjoyed by “full” natural human persons. Once again imagine the case of a young homosexual person amidst a climate of deeply seeded fundamental Christian conservatism. Given the view, popular amongst such circles, that homosexuality is not only wrong and sinful, but demonic in nature, it is not difficult to understand how one could suggest that such critics not only fail recognize the moral status of our imagine teen but actively degrade and disrespect them. This would seriously undermine any attempts at building Type (D) but can have, in some cases, perniciously corrosive effects on Type (B) and Type (C). Perhaps a more grounded, real-world, example would serve my purposes better and bring this problem out of the realm of imagination and abstraction. In 1986 when Michael Hardwick went to the Supreme Court for help in overturning Georgia’s anti-sodomy laws, for which Hardwick had been arrested for violating, his pleas for justice and fairness fell on deaf ears. In a 5-4 ruling, the U.S. Supreme Court upheld those clearly discriminatory laws. While the decision itself ought to be enough to appall most readers, I find the concurrence to the majority opinion, penned by Chief Justice Warren E. Burger particularly illuminating. Chief Justice Burger felt the need to include how homosexuality is a “crime against nature,” “an offense of ‘deeper malignity’ than rape,” and, “a disgrace to human nature.” He even notes that homosexuality was a capital offense under Roman Law; beyond this purported “fact’s” dubious nature, one has to question why such a thing would be included by the Chief Justice except to drive home his own feelings on the matter. This may possibly be editorializing too much but I cannot help but feel that sentiments about the capital nature of the offense of homosexuality in Roman Law smacks of the racist’s longing of “the good ole days” of the Jim

117 There seem to have been plenty of times throughout the history of the Roman empire in which homosexuality was fairly widely practices and not a crime.
Crow South. Chief Justice Burger’s own revulsion at homosexuality being the only real thing to have seemed to be established, what sort of message to Michael Hardwick and other homosexuals is contained within these words? The message is quite clear, you are undeserving of the same rights, liberties, opportunities, and of primary importance in this case, protections available to “full” persons whose moral status is fully confirmed. It not only fails to show Hardwick and those like him proper respect, it actively dismisses and disparages his moral status. As John Corvino, a philosopher and prominent gay rights advocate, puts it, “When

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118 “To hold that the act of homosexual sodomy is somehow protected as a fundamental right would be to cast aside millennia of moral teaching.” - Warren E. Burger in the penultimate sentence of his concurrence. See footnote 89 for citation. [My emphasis added.]  
119 It has been put to me that one might defend Burger, or at least challenge my interpretation of Burger, by saying that the Chief Justice needn’t be necessarily be saying that gay people are less than human. The idea, at least in the way the challenge has been put to me, is that Chief Justice Burger does not say homosexuals are subhuman but he is instead practicing something like, the now famous adage, “love the sinner, hate the sin.” This rallying cry of evangelicals across the country extolls one to separate the sinner from their the sin and then to love the person but hate their vice, in this most common case their homosexuality. But this prescription hijacked from Augustine (Letter 211, Section 11 “with love for the persons and hatred for their vices”) often misses the mark and more often than not seems to be a cover for bigotry and discrimination. First, the prescription to love the sinner and hate the sin misses the mark because it wrongly assumes, or at least takes for granted, that the person and their purported sin can be separated. In the first instance who we are and the things we do are not as neatly divisible as one might like, nor are we talking about a matter of trivial importance. This isn’t that one time you swore in church or when you fail to donate money at the checkout at the grocery store. As John Corvino puts it the alleged sin “is not an isolated misstep” but is rather “life-defining” and the sort of thing that can take the form of decades-long loving and committed relationships around which “life” itself is planned (Corvino, What’s Wrong with Homosexuality, Ch. 1, pgs. 12-13). So if there is a line between hating the sin and hating the sinner, particularly in the case of homosexuality, it is razor thin. So, “love the sinner, hate the sin” might not only be flawed in principle, it is also flawed in practice. As it has been used by most of its proponents, it seems the majority of them fall on the wrong side of the aforementioned line. We can look at the principles or the reasoning behind a particular position like “love the sinner, hate the sin” but we can also look at what those ideas do. In the case of “love the sinner, hate the sin” it tends to be rather negative. On some level one would like to agree with the sentiment and practice behind the idea of “love the sinner, hate the sin”; I am not perfect, neither are you; I don’t approve of everything you do, I don’t expect you to do the same for me either. It seems like something approximating the principled toleration underwriting something like reasonable pluralism. That should be an outcome we all desire. Even from within the perspective that gives rise to “love the sinner, hate the sin” we would expect to see people recognizing each others “fallen,” inherently sinful nature and movement forward in love and consideration. Rather, what we see in reality behind the practice of “love the sinner, hate the sin” is the widespread condemnation as if from on high of entire groups of people resulting, often involuntary, reparative therapy or “Sexual Orientation Change
someone tells you that your romantic longings are not merely sinful but unnatural they might as well tell you that you are less than human. Indeed, some who levy the charge are happy to say just that.”¹²⁰ It would seem that Burger, and those who have followed him in kind, both on the bench¹²¹ and in society at large, have maintained just that position in their stances against homosexuality and providing equal freedoms for homosexuals. The message of the rhetoric against homosexuality and homosexual rights has been largely toxic to the self-respect of those afflicted persons. Here I focus in on how the rhetoric used betrays the sentiment that homosexuals are not fit to have the same rights, liberties, and opportunities afforded their heterosexual counterparts, they are not offered fair terms of cooperation, and their moral status is not only not affirmed, but degraded. Such toxic attitudes are incredibly corrosive to Type (D) and have far ranging consequences on self-respect in general.

1.3.5.2 “Why is Type (D) a ‘Social Base’ of Self-Respect?”

As I did in section 1.3.4.2 for Type (C), something must be said as to why Type (D) fits the rather narrow definition of what constitutes a social base of self-respect beyond the intuitive appeal. When we talk of Type (D) we are referring to the state of affairs when others recognize one’s inherent moral status. This social state of affairs or condition of society I wish to establish

¹²⁰ John Corvino, What’s Wrong with Homosexuality?, Oxford University Press, 2013. Ch. 4, pg. 78
¹²¹ I have in mind particularly Justice Antonin Scalia and his dissent in Lawrence v Texas 203.
as a social base of self-respect. Once again the intuitive justification for this position is simple. Self-respect of persons tends to develop and flourish under conditions when society, be that society at large or one’s associates, recognize and make public their respect for one’s moral personhood and affirm one’s status as the rightful holder of the rights, liberties, and opportunities that one is afforded by justice as fairness. Insofar as self-respect flourishes under those social conditions it would seem natural to call those conditions the “social base” of self-respect. But as has been made clear, Type (D) has to be established as an aspect of basic institutions. Thankfully, I believe much of this work has been done in the previous section 1.3.5.1 about lacking Type (D) social base of self-respect, or what it would be like if others did not respect one’s moral personhood. I called such a failure of respect a “first order failure” because it directly contradicted a foundational goal or tenet of justice as fairness. The conditions of Type (D) respect represent the fair terms of cooperation that serve as the foundation for the system of social cooperation for mutual advantage that is justice as fairness. Fair terms of cooperation is about as foundational to the basic structure as is possible. Insofar as the conditions of Type (D) represent those fair terms of cooperation, the mutual recognition and respect for persons’ moral status, then I should like to say Type (D) has the same foundational status as part of the basic structure. If that is true then it is straightforwardly a “social base” of self-respect on the requirement it be an “aspect of basic institutions.”

1.3.6 Relations Between Types of Self-Respect and their Social Bases

Throughout the previous section, in my attempts to describe the nature of the various elements of self-respect I am proposing, I gestured repeatedly to the relationships between the aspects of self-respect and their social bases and how they might interact with each other.
Following the previous discussion, several things should be clear: (1) Questions of justice concerning self-respect cannot, for the most part\(^{122}\), be resolved by ideal agents from the original position. The connections between certain activities and states-of-affairs and self-respect are rather contingent. (2) There are connections and relationships between types of self-respect — changes in levels of self-respect of one kind can affect the levels of self-respect of another kind — but these relations and connections are imperfect. Rather, the connections exist as typically true generalizations describing what amounts to imperfect feedback loops between types. And (3) the strength or effectiveness of the connections varies from person to person. In this section I would like to briefly cover these points.

On the first point (1), the effects of a particular event, activity, or state-of-affairs on self-respect are not matters of necessity or matters of entailment. As such we cannot know *a priori* whether or not a particular action or set of actions is going to adversely (or positively) affect the self-respect of persons. This is why questions of justice pertaining to self-respect are to be settled by the constitution, the legislation, or even the judiciary, where greater amounts of knowledge are made available to us. We need to ascertain the particulars of given cases, the actual causes and the actual effects, along with a host of other circumstantial information in order to truly understand the effects on self-respect and what, if any, obligation the state has in preserving that self-respect. This is why particular questions of self-respect are not answered from within the original position. Agents in such a perspective are *ex hypothesi* unable to gain access to the sort of information that they would need to consider questions of justice pertaining to self-respect adequately. The same activity, under one set of circumstances, perhaps based on who is committing them, can have a corrosive effect on self-respect, while in another situation might have no effect. So, in taking up our less than ideal perspective and considering

\(^{122}\) Obviously OP agents can concern themselves with self-respect to an extent, they have, after all, demanded equal protection for the social bases of self-respect for all.
questions of justice stemming from claims of self-respect, we must be particularly diligent to consider the breadth of empirical evidence available to us as well as the particular conditions the case is situated within.

On the second point (2), the different types of self-respect are related and do in fact interact with each other, but the connections between them are imperfect, are not matters of entailment, and operate primarily on a mechanism of a natural feedback loop. The idea that there are connections between types of self-respect is highly intuitive, as is, I believe, the view that the connections between them can be more or less tight. By ‘natural feedback loop’ I mean that activity in one sphere, or one aspect, is likely to have effect on other related spheres or aspects. For example, one would expect a sharp decline in Type (B) self-respect to be followed by a decline, of some intensity, in Type (A) self-respect. In other words, if one were to begin to have serious doubts about the inherent value of one’s moral status, one would expect to see a similar decline in the security of one’s attitudes concerning one’s individual conception of the good. Such a correlation is likely to occur, we would even feel confident in explaining the subsequent drop in Type (A) self-respect by the precipitous drop in Type (B), but this is not a necessary fact. It is not the case the levels of Type (A) self-respect must fall simply because the levels of Type (B) fell. One might expect that but it certainly is not true for each and every case. Even if Type (A) does fall in relation to Type (B)’s having fell, the falls need not perfectly mirror each other or be perfectly commensurate. If numerical values could meaningfully be assigned to such things, imagine Type (B) fell by X amount. If there is an associated fall in Type (A) it need not be in the order of the same exact magnitude, X. In fact, the fall in Type (A) could be Y where Y is greater than or less than X (Y>X v X>Y).

Some of the specific relationships between the various types of self-respect were elaborated on in the previous section; here I would just like to list a few. Type (A) self-respect is clearly tied to Type (B) self-respect in most cases — finding one’s individual conception of the
self to be valuable is likely to influence one’s recognition of one’s moral status and inherent
worth. This type of “horizontal relation” (if you refer back to my original chart in 1.3) holds for
Type (C) and (D) as well. Other’s evaluation of your individual conception of the good as
valuable or non-valuable is likely to inform and correlate with their respecting and affirming your
moral status or not. “Vertical relations” between types of self-respect also exist in my account.123
A robust sense of Type (C) can bolster our Type (A) self-respect. Similarly a robust Type (D)
can bolster Type (B). As stated, all of these relations can be more or less tight and will largely
depend on the circumstances and can vary from person to person. This brings me to the third
point (3).

Different persons have different constitutions. While it has been stipulated that all people
desire and require the affirmation of others, different people put different levels of importance on
such public affirmation. Some people need to be liked or to be affirmed by society at large while
some people need only the affirmation and support of a few close associates. Still some people
only need the smallest amount of public affirmation at all as they are incredibly secure in their
sense of self-worth. Others, who are on their own insecure, require massive amounts of
constant affirmation from others. As such the way that particular events or particular states-of-
affairs affect these people in terms of their self-respect is likely to vary person to person.
Imagine that two people’s associates failed to convey the sort of affirmation of that
‘valuableness’ of those two’s individual conception of the good such that each was unable to
develop a robust sense of Type (B) self-respect. Moreover, imagine that the first person of the
two is constituted such that they have an incredibly secure sense of their own self-worth and
they care little for the affirmation of others. This person is likely to be little affected, particularly in

123 Though they may only flow “up.” Other’s judgments about us can very plausibly effect our
judgments of ourself but it is far less likely our judgments of ourself will effect, in the same way,
other’s judgments of us.
terms of its effect on their Type (A) self-respect, by their associates failing to affirm their individual conception of the good. The second person, let us imagine, is very insecure on their own and craves, almost pathologically, the support and affirmation of others. That lack of support and affirmation from their associates is likely to be devastating to them — forget Type (B) self-respect — their Type (A) self-respect is likely to plummet rapidly. What are we to say of this case? I think it likely we would be given to praise the former of the two for being so secure and self-confident and blame the latter for a certain lack of conviction and self-assuredness. The point of the example was to illustrate the point that self-respect operates somewhat differently in different persons, even in the same circumstances. One person may be more resilient while another may be able to operate with an all-things-considered lower level of general self-respect without falling into despair while another would be stuck, wallowing in their own misery. We should remember this fact when we consider different cases moving forward.

1.3.7 “The Primacy of Types of Self-Respect”

Having covered the nature of the types of self-respect and having spoke briefly on their relations, I think it is natural to ask the question if any one type of self-respect is primary, or more important than the others. This question, at least in the way it has been put to me, seems to get at whether or not there is one type of self-respect that we or that ought to prioritize. There are no doubt interesting views surrounding that question. However, even if you're not interested in the fundamentality of any of the types of self-respect as being of any consequent to the state, it still might be an interesting question nonetheless. So, is there any one type of self-respect that is more important, foundational, or primary in relation to the rest? There is no tremendously quick and simple answer to this question, the best that can be done is to say that different
aspects of self-respect are primary in different contexts. I will attempt to explain that fact in this section.

There is one sense in which Type (A) self-respect is primary or the most important type of self-respect to have. I believe this has intuitive support when we reflect on what we mean by “self-respect.” Type (A) self-respect is a valuing stance that one takes up in order to evaluate one’s own individual conception of the good and to judge whether or not it and its features are valuable, as opposed to merely valued. Our intuitive judgment lends credence to the view that what we mean by self-respect is a sense of our own self-esteem, it is a reflection of what we think about ourselves. Moreover, we might be given to think that Type (A) is foundational in the sense of if we fail to find our own individual conception of the good valuable it is highly unlikely that we would be able to get much of a sense of any of the other types of self-respect going. I will admit that this view holds some appeal. It seems like any kind of self-respect we might want to talk about requires, first and foremost, that we have a robust enough sense of our own self-worth in terms of the valuable nature of our own ends and projects. It would seem like I may not be able to get any projects off the ground if I cannot first judge those projects to be valuable, even by my own lights. Or, at the very least, it would, I think, be massively difficult to pursue them effectively. So while an argument for the primacy for Type (A) self-respect might sound appealing or powerful in this sense, think back to what I had to say about the importance of Type (B) self-respect in sections 1.3.2 and 1.3.2.1. The stories sound remarkably similar. Type (B) self-respect, which was the type of self-respect built off of a recognition of one’s own moral status as the rightful holder of the rights, liberties, and opportunities afforded to me by justice as fairness, is required to effectively utilize those rights, liberties, and opportunities to pursue the ends of my individual conception of the good. So, in a very similar sense to what I have just said about the primacy of Type (A), Type (B) self-respect can seem to be primary because without the appropriate sense of one’s moral status one cannot effectively utilize the rights, liberties,
and opportunities that are the hard fought, distinctive features of justice as fairness. So it might seem that Type (B), not Type (A) is primary, in what I might call the “personal sense,” though I believe one is liable to go round and round in that debate as to which is primary in the end.

However, there is another sense of self-respect for which can be given a powerful argument for its primacy. I am referring to Type (D) here and the mutual and reciprocal recognition of the moral status of one’s fellow citizens that it is built upon. In section 1.3.4.1 I argued that the type of respect or affirmation that Type (D) social base of self-respect is built on (more accurately in that section I was talking about a lack of Type (D)) is of a ‘first order’ importance to Rawls and justice as fairness. I argued that the mutual and reciprocal recognition of other’s moral status, and all that entails, is the distinctive feature of the foundational requirement of fair terms of cooperation which undergirds the system of social cooperation for mutual advantage that is justice as fairness. I mentioned that this recognition is the sort of ‘ticket of admission’ for permissible views to be advanced within society but it is also the basis for the duty of civility that undersigns the requirements of public reason. So, in some very important sense, perhaps what we can call the “political sense,” Type (D) is primary.

But, of course, I cannot make it so easy and leave you there. Consider what Rawls has to say in The Sense of Justice about the account of moral psychology — in particular moral development — that he offers there. The love, support, and affirmation that a parent pours into and instills in their child is the primary progenitor of authority guilt which is the first stage than an appropriate sense of justice develops out of. It is because the child’s parents loved and affirmed them that they in turn love and affirm their parents, and it is because of this the child applies their standards and morals to themselves. This starts the child’s journey from authority guilt, to association guilt, ending in principled guilt which provides for an adequate sense of justice. This process I have described is the necessary steps, according to Rawls, by which person’s develop an adequate first moral power. So, I think that an extremely powerful case can be made
that the sort of affirmation for one's individual conception of the good that Type (C) concerns itself with, at least in the “developmental sense,” is primary. Without the conditions required for developing an adequate sense of Type (C) early in life a person is likely to not adequately develop the appropriate sense of justice and as such struggle in one of the two fundamental cases, or moral powers of personhood. The development and exercise of the two moral powers is of utmost important in justice as fairness so undermining the initial development of one of those two moral powers is likely to be quite damaging. So, as I said, in the “developmental sense,” Type (C) social base of self-respect seems primary.

As you can see there at least as many arguments as there are types of self-respect for each kind's own primacy. The takeaway should be that each type is preeminently important in its own right, particularly in certain circumstances. Therefore we should take care to provide circumstances in which each type can be adequately developed and then protected.

1.4 “Self-Respect and the Social Bases Thereof in Effect in Rawls”

The social bases of self-respect are the social circumstances and the aspects of basic institutions such that citizens may establish and maintain their own self-respect and have it publicly reaffirmed.¹²⁴ Self-respect and the social bases thereof are also then tied back into the two moral powers. Rawls says, “we may suppose those moral powers to be developed and exercised within institutions of political freedom and liberty of conscience, and their exercise to be supported and sustained by the social bases of mutual and self-respect.”¹²⁵ Despite the apparent and stated importance of the social bases of self-respect, Rawls says comparatively

¹²⁴ Rawls, CP, “Social Unity and the Primary Goods,” pg. 366
¹²⁵ Rawls, PL, Part 2, Lect. V Sect. 7 pg. 202
little about the social bases of self-respect in comparison to the other primary goods. Much of
the focus of *TJ* and *PL*, and of his project as a whole, is dedicated to settling questions about
the political and economic features of the basic structure of society. Undoubtedly civil society, or
the ‘background culture,’\(^{126}\) can have a profound effect on a person’s life given the fact that
much of their life is “lived” as active in civil society in a way it is not typically so often “lived” in
the political or economic spheres of society. This being the case, undoubtedly then, the goings-
on, the associations, institutions, and parties active in civil society can have a profound effect
on citizens abilities to adequately develop and maintain the appropriate sense of self-respect; it
can drastically influence the securing of the social bases of self-respect. If this is true, which I
believe we should take it to be so, then what likely explanation can we give for Rawls failing to
address this aspect of the basic structure of society and instead focusing on the political and
economic.\(^ {127}\) I think a reasonable educated guess as to the answer to this question has two
features: one, the project was already large enough and ambitious enough in covering the
political and economic alone, and, two, it is likely that Rawls believed that taking care of the
political and economic spheres and ensuring a just distribution of the associated primary goods
(and then instituting the requirements of public reason later) would go a long way, perhaps even
sufficiently so, to establishing and maintaining the social bases of self-respect. I think this claim
is easy to support when you look at the ways in which Rawls talks about the social bases of
self-respect and the ways of securing them. For example, when he is talking about the basic

See also, Rawls, *PL*, Part 1, Lect. 1, Sect. 2, pg. 14

\(^{127}\) Really some of the largest treatments Rawls gives of the questions surrounding civil society and
the background culture are in *IPRR* Sect. 5 where he talks about the family as being part of the basic
structure and in Sect. 3 where he (rather briefly) talks about religion and public reason. Also in *IPRR*
Sect. 1.1 he tells us that public reasons does not apply to the background culture. We are told the
same thing in *PL*, Part 2, Lect. VI, Sect. 1, pg. 215
elements of citizens as reasonable and rational,\textsuperscript{128} he says, “we suppose c) that not only are they [citizens] normal and fully cooperating members of society, but they further want to be, and to recognized as, such members. This support their self-respect as citizens. So does counting primary goods, such as the equal basic rights and liberties, the fair value of the political liberties and fair equality of opportunity [and presumably wealth and income], as social bases of self-respect.”\textsuperscript{129} This seems enough to me to plausibly suggest that Rawls believed that much of, if not all of, the work required to secure the social bases of self-respect for citizens could be done by securing political and economic justice.

Of course, this does not always seem to be sufficient. Provided persons, associations, and institutions are willing to offer fair terms of cooperation and respect their fellow citizens as citizens, then their activity in civil society is largely unrestricted.\textsuperscript{130} In general this is not a bad thing and is actually the sort of liberty and freedom ‘justice as fairness’ and liberalism in general are interested in securing. Freedom of thought, freedom of conscience (and freedom of religion which is a subtype), and the other basic liberties are secured by the principles of justice (and it is because of the basic liberties being secured that agents in the original position\textsuperscript{131} choose the principles of justice that they do, the principles of justice mentioned above, which are part of ‘justice as fairness’).\textsuperscript{132} However, the exercise of these basic liberties can lead to conditions in which the social bases of self-respect are undermined and certain groups of citizens fail to develop the adequate sense of self-respect. This is in the sense in which they do not view

\textsuperscript{128} Rawls, \textit{PL}, Part 1, Lect. II, Sect. 7
\textsuperscript{130} Though he is not particularly concerned with what aspect of society it need be executed in, Rawls does discuss the limitation of liberties in \textit{TJ}, Ch. IV, Sect. 34 and in \textit{PL}, Part 3, Lect. VIII, Sect. 2 & Sect. 9-11. Some more on this topic later.
\textsuperscript{131} See Rawls, \textit{PL}, Part 1, Lect. I, Sect. 4; Rawls, \textit{TJ}, Part 1, Ch. III; Rawls, \textit{JaF(R)}, Part I, Sect. 6
\textsuperscript{132} Rawls, \textit{PL}, Part 3, Lect. VIII Sect. 6 pg. 318
themselves as worthy of their own self-respect and/or in the sense in which their plan of life is not respected by society in the appropriate way (the former is likely far more pernicious than the later). This can be particularly true when persons, parties, or associations with particularly illiberal, non-democratic comprehensive doctrines, who are otherwise at least reasonable in that they are prepared to offer fair terms terms of cooperation and given to respect their fellow citizens qua citizens, continue to practice their beliefs or exercise their plan of life in accordance with their conception of the good, and when this conception of the good is advanced, or even seeps into, the background culture or civil society. I will cover a few examples at length in the next section, so at this point I believe it is enough to leave the content of such damaging and corrosive comprehensive doctrines to the reader’s imagination. Whatever particular content the reader might decide upon, the nature of it would be essentially corrosive to the self-respect of other citizens and would likewise be antithetical to the securing of the social bases of self-respect for all. It might do this in any number of ways, including suggesting and promoting unequal distributions of basic liberties, say differing values for the political rights, or an unequal share of some other primary good. It may be something slightly more foundational; the imagined group may reject the equality of the two moral powers for all as persons.\footnote{\textsuperscript{133} They have to affirm the equal moral powers for citizens \textit{qua} citizen in order to be reasonable but they need not, as part of their particular conception of the good, affirm it for persons \textit{qua} person.} How then are we supposed to proceed when the liberties of one or more groups is undermining the securing of the social bases of self-respect for all? In what remains of this paper I will attempt to show two ways in which we are justified in limiting the liberties of, or in some way restricting or constraining, certain persons, groups, or associations which are corrosive to self-respect and the social bases there of. I will attempt to do this by applying the Rawlsian concepts I have introduced so far to two separate examples of institutions and practices heavily influencing civil society in a way highly corrosive to self-respect and the social bases thereof.
Part 2

2.1 “Religiously Affiliated Institutions”

Let us first consider the case of religiously affiliated colleges and universities, and churches and religious organizations. Specifically let us consider some real world examples and applications but up-cycle some of the positions and cases so that they make sense in the Rawlsian framework. In our society, the trend towards inclusivity, understanding, and acceptance of issues revolving around sexual orientation and gender identification have left churches and religious organizations — including but not limited to nondenominational ministries, religiously affiliated colleges and universities, and “other entities whose principle purpose is the study or advancement of religion”\(^\text{134}\) — feeling as if they have been put in an increasingly difficult situation. Either these organizations are to bend to social progress and adhere to society’s new rulings and laws, or they may keep to their religiously founded beliefs, violate the rules and laws, and suffer the consequences, whatever they may be. Religiously affiliated schools coming into conflict with changing tides of social progress and the coordinated laws is nothing new. It was the 1971 ruling of *Green v. Connally*, which upheld the decision of the IRS to not provide tax exempt status to private educational institutions which were racially prejudicial, that pushed evangelical Christian school, Bob Jones University, over the edge.\(^\text{135}\) Bob Jones University had been one of those private educational institutions which had lost its tax exempt status due to racially prejudicial admissions practices. As a result the school filed appeal after appeal claiming that their, purportedly biblically founded, practices should not jeopardize their tax status. After years of meandering through the courts, in 1982, the Supreme


Court struck down Bob Jones University’s appeal of their revocation of tax-exempt status by the IRS. Having been defeated in the highest court in the land, in the following year (1983) Bob Jones University officially renounced whatever claim they thought they had to tax-exempt status such that they could maintain racially discriminatory practices. As an afterword, Bob Jones University did not officially end these practices until 2000.136 Fast forward forty-three years from the *Green v. Connally* decision to 2014, when the Obama administration expanded the Title IX137 protections against discrimination based on sex to include, “claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity.”138 Follow that up with the landmark *Obergefell v. Hodges* decision in June, 2015 where the court ruled in a 5-4 decision that marriage was a constitutionally protected right guaranteed by the 14th amendment, thereby forcing all states to recognize same-sex marriage. In response, dozens of universities — including the local Carson-Newman University139 — have filed for Title IX exemptions to better protect their identity as Christian universities seeing as the application of the new provisions would violate their religious beliefs (such as being forced to provide housing for legally married same-sex couples). Certain such schools have taken advantage of their freedom from the “burdens” of Title IX, like the aforementioned Bob Jones University and Biola University140, and have put rules into effect banning ‘homosexual activity’ and transgendered

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140 Let’s not forget Liberty University, which strictly prohibits homosexual behavior and is by all means open to the same sorts of criticisms I have levied here and the proposed means of curtailment I will propose later. I leave Liberty out of the body of this paper because at this time they have not filed for Title IX exemption and still claim to abide by and comply with Title IX, at least
persons, which sends a very clear message to members of those groups; they do not respect them and they do not respect their plan of life. While merely filing for and obtaining the Title IX exemption does not send the same message, with quite the same force, as actual discriminatory practices, ensuring that you have the ability to do so in the future, should you go back on your word,\textsuperscript{141} does not exactly send the most welcoming of messages. An attorney for the National L.G.T.B.Q. Task Force described the move of filing for Title IX waivers as seeking a, “license to discriminate while still receiving taxpayer money, and they are doing it out of an animus toward transgender people.”\textsuperscript{142} What’s more, this practice of these schools has a sort of domino effect\textsuperscript{143}, emboldening even more religiously affiliated schools to apply for similar exemptions thus perpetuating the climate of hostility towards those targeted parties even farther.

What exactly can we say of this climate of hostility in terms of the types of self-respect which we have become acquainted with during the first part of this paper? Unsurprisingly the rhetoric usually employed by such institutions and associations is draw from the particular religious ideology of whatever particular denomination they are affiliated with. Most of the examples given above are associated with a brand of evangelical Christianity, of the type the tends to popular in the American South. While this group does not have the market cornered in

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\item according to their official statement on their webpage (Title IX and Student Safety at Liberty University, Liberty University, http://www.liberty.edu/financeadmin/financialaid/index.cfm?PID=30442). For an extremely well-written and engrossing article on life at Liberty University while being gay, I recommend Brandon Ambrosino, “Being Gay at Jerry Falwell’s University,” The Atlantic, April 4, 2013.
\item Randall O’Brien insists that school does not discriminate in any way. - Lydia X. McCoy, “Carson-Newman Receives Title IX Waiver,” Knoxville News Sentinel, December 11, 2015
\item Look at the sort of comments O’Brien (President of Carson-Newman) made concerning their decision to file for Title IX exemption. He portrays it as a case of legal counsel to follow the suit of other religiously affiliated schools across the country to just in case, “in the event that in this complex, unpredictable world, some future world, it’s there if we ever need it.” - Lydia X. McCoy, “Carson-Newman Receives Title IX Waiver,” Knoxville News Sentinel, December 11, 2015
\end{itemize}
terms of anti-homosexual, anti-transgender sentiment they do tend to take a very strong, very clear stand on the issue. Homosexuality is not only wrong, it is sinful. It is not only sinful, it is demonic. Transgenderism, much the same as homosexuality, is unnatural in the fullest sense; they both defy god and his will and represent inhuman lifestyles. They are both viewed as willfully disobedient acts outright rejecting the human nature god has designated you. Given these positions hanging out just in the background, just out of frame when these institutions are in the national spotlight, when we consider the effects of some of the moves these groups have taken several things become clear in terms of their effect on self-respect. These groups operating in the background culture are corrosive to the self-respect of members of the targeted communities. We worry first about the gay and transgender people who are a part of those communities and then we worry about the effects of these views seeping out further into the background culture, beyond the association itself, and the effects it has on members of the LGBTQ community at large. Of particular certainty seem to be undermining of the social base of self-respect I have, in this paper, called Type (C) social base of self-respect. For a gay or transgender person who is associated with these institutions, developing a form of self-respect in relation to having one’s individual conception of the good, which includes one’s sexual orientation and/or one’s gender identity, affirmed or viewed as valuable by these groups is quite nearly a lost cause. This is not a case wherein the group is simply failing to affirm a plan of life or conception of the good, they actively condemn and seek the means to undermine it and exclude those who would identify with it. Such a highly corrosive form of a lack of Type (C), which we understand as a social base of self-respect, is likely to have negative consequences on those inflicted individuals own sense of valuableness as it is concerned with their individual conception of the good. In this way Type (A) self-respect can be undermined. It seems highly likely that in cases where the rhetoric takes a particular extreme form that a case for a lack of Type (D) social base of self-respect, a situation in which others fail to respect and affirm the
moral status or moral personhood of targeted persons, can be made. It doesn't seem to be to much of stretch of the imagination that the anti-gay climates at some of these institutions can reach levels where the social base of self-respect that I've called Type (D) has not only failed to be established but become pernicious. It seems like often what is at stake is whether or not gay people should have the same rights, liberties, and opportunities afforded to their heterosexual counterparts; whether that me the right to on-campus housing or the right to be married.

Furthermore, these deleterious effects on self-respect need not only apply to those persons who are a part of these communities or associations. To simply insist that members of the targeted community should just exit the institution is to wrongly oversimplify the problem. These messages and attitudes do not remain solely within these associations, they seep out into the background culture and into public conscious, particularly in the communities in which these institutions exist. I made clear earlier that Type (C) can be influenced by general climates or society at large so it is not the case that one has to be a member of one of these associations to be negatively affected by it. Make no mistakes about it, the message is not welcoming, it is not affirming, and it is reaching more and more people.

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144 This is all presupposing that leaving is so particularly easy or that there aren't reasons why one might stay.
145 Perrin & Siegel et. all, “Promoting the Well-Being of Children Whose Parents are Gay or Lesbian,” American Academy of Pediatrics, 2013. This study highlights that 30 years of study into how children raised by gay or lesbian parents have developed and achieved success compared to their heterosexually-raised counterparts has shown that children of gay or lesbian parents have shown resilience to societal pressures and biases and performed comparatively to their counterparts. The study suggests that the only real measure of likelihood of successful development of the child in the health, stability, sense of security, and stress levels of their parents. The more health, stable, stress-free, and reasonably secure the parents, the more likely the child is to develop successfully. However, in areas where “economic and legal disparities and social stigma” are prevalent surrounding homosexuality, the parents of children are given to lower levels of health, stability, and a sense of security (sometimes even physical security) and higher amount of stress. These factors cause the development of the child to be hampered. Though the study does not traffic in these terms the way they talk about social acceptance makes me feel the connection to the public element of self-respect that Rawls talks about. I would suggest it seems fair to say that societies genuine affirmation of the parents plan of life contributes positively to the factors that play a pivotal role in the successful development of their children.
A similar story holds true for the conduct of various churches and religious organizations in relation to way in which they view and treat women. Many churches affirm (whether explicitly or implicitly) the “biblical view” of the proper role of women and their sexual obligations to their husband. This comprehensive doctrine teaches that in terms of sex, the duty of a wife is to always be available to her husband for sex. Correspondingly marital exemptions to rape persisted shamefully deep into the twentieth century in this United States. We could most certainly go on for some time about the wrongs of such a doctrine but instead I choose to focus on its effects on self-respect of women. Robin West takes up just this issue and focuses on the unwanted but still consensual sex women indoctrinated into this view (and others) are given to engage in and how it causes the women to wind up trivializing themselves. She says,

“such sex is likely to be alienating, and in something like the original sense of that word: It alienates a girl or women form her own desires and pleasures, and from that sense of unified identity that comes from acting in the world on the basis of one’s own desires and pleasures. She internalizes, literally, the message that her body is for the pleasure of another rather than herself.”

Such doctrines that inculcate and advance the conditions that perpetuate this type of view and this type of sex are fundamentally opposed to securing the social bases of self-respect for women and clearly are corrosive to the self-respect of women engaged in these sorts of circumstances. Here the primary target, put in terms we are now familiar with, is Type (B) self-respect and the social base of it, Type (D). What is really in question here is the free, and in particular, equal status of persons. The view that seems to be promoted is one in which not everyone should receive the same rights, liberties, and opportunities. It seems that men and

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women should have varying degrees of these rights, liberties, and opportunities, in particular
women should have fewer of them when it comes to sexual self-determination. As Rawls might
be given to put it, the view advocates for varying degrees of integrity of persons. The worry is,
as I understand it, that women, when faced with such prospects, not only have some diminished
sense of their own self-worth and inherent dignity imposed on them, but rather that they come to
view this truncated sense of self-worth as proper. Over enough time, with the message repeated
over and over again, “internalized” as West says, the woman comes to accept a new view of
herself, one in which she no longer views herself as the rightful bearer of all the rights afforded
her by justice as fairness. In this sense she fails to hold Type (B) self-respect as I have
described it. I feel like one has to wonder what the effects of such an existence would be on
Type (A) self-respect as well. The conditions under which that sense of self-worth are
established, so the associated social base of self-respect, would be one in which the woman
individual conception of the good was affirmed. But in the case described we see the opposite
effect. The woman’s wants, desires, and ends, particularly those associated with sexual being
are being specifically ignored and alienated from her. This in itself is likely to be rather
distressing. But I should think that it would also affect the way one judges one’s self from the
normative perspective. As the example indicates the woman becomes inculcated into this new
role wherein the features of her individual conception of the good matter little, if at all. Surely this
is unlikely to engender a robust sense of Type (A) self-respect in many cases.

What we need are ways of curbing such use of the basic liberties when they are
corrosive to self-respect and damaging to the securing of the social bases of self-respect for all.
Or perhaps, to put it another way, we need to justify reinterpreting the limits of those liberties
such that we avoid such negative consequences. Of course, I am largely interested in bringing
Rawlsian conceptual framework to bear on these issues. Whatever policy we would propose
needs to respect the principles of justice (as stated in ‘justice as fairness), be in the spirit of
political liberalism generally, and be politically feasible. As such disbanding all churches and banning religious worship is out of the question, it would limit freedom of conscience to an unreasonable degree and would be a political nightmare, and is more than likely not desirable. However, what I am proposing meets all of the requirements of any such policy and would likely be effective in curbing the spread of such illiberal, non-democratic comprehensive doctrines into civil society, which are so toxic to self-respect. I recommend building on the Green v. Connally decision and revoking tax-exempt status, (501(c)(3)) status, from those religiously affiliated universities and colleges and churches and religious organizations which endorse and advance illiberal, non-democratic comprehensive doctrines — particularly those corrosive to self-respect and antithetical to the securing of the social bases of self-respect for all. I believe that through legislation we ought to amend the internal tax code such that page four of IRC Section 501(c)(3), which deals with the activities that can jeopardize tax-exempt status, be amended to include a prohibition against advancing, in civil society, doctrines which are corrosive to self-respect and damaging to the securing of the social bases of self-respect for all. The goal is to ultimately protect self-respect and the social bases of self-respect for all and I believe that this would be an ideal first move towards that goal. There is no guarantee that this move would be ideally effective across the board but it is certainly a step in the right direction. We will have to wait and see how a policy such as this one would track our final goal before we can reach a final conclusion. What is certain at this point is the immediate effects and benefits of this move. First, the state is obligated to secure the social bases of self-respect for all, it seems strange to me that the state would provide benefits, in the form of tax-exemptions, to parties that actively run

147 ‘Justice as Fairness’ is after all a ‘realistic utopia.’ - Rawls, JaF(R), Part I, Sect. 1.4
148 Such amendments are best handled at the legislative stage where the most knowledge of the facts of how the interplay of the exercise of the basic liberties and self-respect is known. The legislature is best situated to effectively address these issues. I take the following and similar positions to defend this view: “The further specification of the liberties is left to the constitutional, legislative, and judicial stages.” - Rawls, PL, Part 3, Lect. VIII Sect. 2 pg. 298
counter that goal. So, in the first instance, we get the state back on the right track. Second, the lack of extra resources that would result from a revocation of a tax-exemption would likely hurt the efforts of such associations to promote their deleterious comprehensive doctrine into the background culture; I call this the “isolation” option because the comprehensive doctrine in questions largely persists solely within the association. Provided the members enter into such associations with their illiberal, non-democratic comprehensive doctrines voluntarily, then there is nothing wrong with that, at least as far as political liberalism is concerned (we might say it was foolish or wrong from the point of view of another, more liberal, comprehensive doctrine but that would not be grounds for political action). Of course such sanctions might be substantial enough such that the financial burden of operating without the assistance of tax-breaks causes the association to fold in on itself, losing members, and eventually ceasing to exist altogether; we can call this the ‘extinction’ option. Or, it is thoroughly possible that such action cause these groups, maybe not immediately, to liberalize. Should this happen and they stop negatively effecting self-respect and its social bases then we could reinstate their tax benefits. Let’s call this the “progression” option. From the point of view of political liberalism whether such sanctions result in ‘isolation’ or ‘reduction’ or ‘progression’ is irrelevant. What matters is that we preserve the self-respect of citizens and secure the establishment of the social bases of self-respect those institutions and associations were threatening.149

Critics might reply by objecting on the grounds that political liberalism is supposed to be neutral150 in respect to differing comprehensive doctrines and their conceptions of the good;

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149 If it proved to be the case that removal of 501(c)(3) status was insufficient for protecting self-respect (this would have to be determined over time) and the social bases thereof, the legislation would have to consider further options. Removing all federal funding might be a reasonable next step.

150 See, Rawls, *PL*, Part 2, Lect. V, Sect. 5, for Rawls’ full discussion of neutrality and neutral values and ‘justice as fairness.’
they will object saying that the proposed revocation of tax-exempt status for the organizations and institutions mentioned above shows a decidedly un-neutral stance towards their comprehensive doctrine and their conception of the good. As such, my proposal ought not be allowed by the lights of political liberalism. This is, and has been, a common objection to liberal thought,\(^{151}\) though in the case of ‘justice as fairness’ as a brand of political liberalism it is misguided and a wrongful charge. Similarly, my proposed action against those comprehensive doctrines corrosive to self-respect and the social bases thereof does not violate political liberalism’s commitment to neutrality. Those imagined critics pursuing this line of thought conceive of neutrality as either a neutral procedure that makes no appeals to moral values of any kind, or as a procedure that makes appeals to purely procedural values.\(^{152}\) However, “justice as fairness is not procedurally neutral,”\(^{153}\) nor does it solely appeal to purely procedural values. Rather, ‘justice as fairness’ conceives of neutrality as focusing on the common ground of the political conception itself and focuses on the terms of the basic institutions (as the features which exist firmly within the common ground, or the overlapping consensus).\(^{154}\) Given the way in which neutrality is conceived of in the brand of liberalism I have been applying throughout this paper (‘justice as fairness’) my proposal to remove tax-exempt status from the offending institutions and organizations above violates no principled neutrality. My proposal has as its aim self-respect and the establishment and protection of the social bases thereof. As the last kind of primary good, self-respect is a basic feature of the political conception agreed upon by all parties in the original position, and as such is an appropriately neutral value. My critics therefore cannot claim ‘foul’ on my proposal on grounds of neutrality.


\(^{152}\) Rawls, *PL*, Part 2, Lect. V, Sect. 5, pg. 191. Examples of such procedurally neutral values included impartiality, consistency in application of general principles, and equal opportunity for the contending parties to present their claims.


\(^{154}\) *Ibid.*
It strikes me that in interesting challenge might be raised against my position concerning how the states decide which groups and associations are corroding self-respect of others or the social bases of self-respect in general and when the state ought to interfere. This objection, as I see it, is really two distinct questions; the first is about what criteria the state uses to identify problematic illiberal, non-democratic doctrines that are damaging to self-respect as one’s that should merit government intervention. The second question is an elaboration on the first. Assuming such criteria can be readily explained, do they apply to all such cases across the board; are there any exceptions? I hope to make clear these two distinct questions and hopefully provide reasonable answers to them.

As I said, the first question is about how the state identifies such problematic cases of the erosion of self-respect and how do they determine if they merit government intervention. The answer to the first part of this question has been addressed to some extent previously in this paper. The relations between particular actions and self-respect are not necessary and as such are not the sort of thing that agent’s in the original position could handle. More information needs to be available for competent judges to handle and respond to situations appropriately. I have said previously that this is why much of the work of self-respect and its relation to society, particularly in the background culture, must be done at the constitutional, legislative, and judicial levels. Claims about the corrosion of self-respect or the social bases there-of have to be studied in effect as it is the actual consequences on self-respect of particular actions and groups that we are interested in. One could not predict, from the viewpoint of justice, the deleterious effect of the homophobic and transphobic cultures of some universities on self-respect. It matters how these practices are being conducted and how they are affecting actual persons. When conducting these investigations into how targeted peoples are affected some consequences, in terms of self-respect, are easier to spot than others. For example, legislation or policies that enable and support discriminatory practices, such as refusing of services or refusals to provide
housing, are relatively clear examples of circumstances running antithetical to establishing the sort of Type (D) social base of self-respect. Similarly, policies or legislation which aim to reduce the rights afforded to whole groups, such as marriage or adoption rights, undermine Type (D). These sorts of injustices and movements against establishing the social bases of self-respect for all, in this case targeting LGBTQIA members, provides clear cut examples of practices we would focus on. However, the violations of social bases of self-respect and the corrosion of self-respect do not need to take such paradigmatic forms, though this form of legislation is quite popular in the news these days. The climate can take on a much more tempered, but no less insidious, tone when the discriminatory climate exists in full force but is often not codified in law or official policy. Here we need to look at how the people are affected and spend time trying to get an accurate sense of the new environment. Much of this will require making use of testimonial evidence from afflicted parties. There may be some epistemic difficulties in certain areas in terms of phenomenological experience so such testimonial evidence would be invaluable. This can present its own set of difficulties, featuring testimonial evidence in some sense, but seeing as how self-respect is primarily a self-regarding moral sentiment it is about the only form of direct access to how self-respect proper is being affected that we can get at. Of course we shall have to aim to be fully reasonable when considering such evidence. Fortunately, it is not the only evidence we have to go on when making such judgments, it is just the only direct form of evidence about self-respect specifically we have to look at. There is indirect evidence in the form of what the expected consequences of a distinct lack or corrosion of self-respect would be. We would expect people living in an environment where they were members of a targeted community whose self-respect and the social bases thereof has been undone to display the sort of apathy and cynicism towards their projects that Rawls mentions. So, there might be other psychological markers at play, say in the form of depression and
suicide rates.\textsuperscript{155} We would also expect to see signs of the diminished social bases of self-respect in the form of transgression by the offending parties, say in terms of rates of assault, sexual or otherwise, against certain groups.\textsuperscript{156} Also, given the connection between an adequate sense of self-respect and the effective use the rights, liberties, and opportunities afforded to one by justice as fairness we could expect to see associated dips in other features. Given that this is a Rawlsian project and that we would want to keep our investigation and any future action within the limits of political feasibility and appropriately neutral we should pay very close attention to how affected peoples’ share of the primary goods and other rights afforded them are affected. For example, has the fair value of their political rights been maintained, has substantive equality of opportunity been undermined, or, has their share of all-purpose means remained with the bounds of the difference principle? The point is that there are certain features we can look for to determine when self-respect and the social bases thereof have been undermined. This should answer the first half of the first question I set forth above. Still, I need a way of saying when, once it has been established that self-respect and the social bases thereof have been undermined, it is appropriate for the government to get involved; this is the second part of the first question.

Once it has been established that a certain person or group of persons has had their self-respect (Types (A) and B) undermined and the social bases of self-respect (Types (C) and (D) for example) similarly corroded, what makes the case the concern of the state. For one, it should be stated, it is the job of the state to provide for all the formation and protection of the social bases of self-respect for all such that each and every person can develop the necessary

\textsuperscript{155} Center for Disease Control and Prevention, ‘Lesbian, Gay, Bisexual, and Transgender Health’, LGBT Youth, \url{http://www.cdc.gov/lgbthealth/youth.htm}

sense of self-worth such that they can adequately develop and exercise their two moral powers. Ideally then, any case in which the state has failed to do so should be a matter of state concern. However, as this is not an ideal world and not an ideal case, this is nearly unfeasible and the widespread curbing of liberties across the board that would be required to perform such a test would likely undermine the self-respect of far more people to a far greater extent. Not every single instance of the corrosion of self-respect can be handled by the government; it cannot police every schoolyard bully. Rather, I propose that the state would get involved when the social bases of self-respect, so Type (C) and Type (D), are sufficiently imperiled for a particular group as a whole.\textsuperscript{157} This sort of existential threat requirement is drawn from Rawls but also I think quite reasonable. In TJ, Sections 34 and 35, Rawls talks about the requirements for limiting liberties and the extent of toleration specifically. Here we learn that the curtailment of liberties can only be done in the sake of public order as detailed by the interests of representative equal citizens.\textsuperscript{158} In other words, parties have already agreed to, by use of the original position, the limits of their liberties, and we can use the previous agreement to appropriately limit the use of those liberties when they would be used beyond the agreed up limitations, say for example, to try to undo equality of opportunity. After all, “person can be required to respect the rights established by principle that he would acknowledge in the original position.”\textsuperscript{159} In TJ Rawls also tells us that state force is appropriately used when it is to secure the constitution\textsuperscript{160} or, he says further, in what is perhaps one of my favorite passages from the book, “the limitation of liberty is justified only when it is necessary for liberty itself.”\textsuperscript{161} In PL the stance is softened some and further explicated by the use of the notions of a fully adequate

\textsuperscript{157} As for individuals and their claims, they would need to be settled in the courts.
\textsuperscript{158} Rawls, TJ Sect. 34 pg. 187
\textsuperscript{159} Rawls, TJ Sect. 35 pg. 192
\textsuperscript{160} \textit{Ibid.}
\textsuperscript{161} Rawls, TJ Sect. 34 pg. 188
schema and the significance of a liberty, these notions will be covered in greater detail in the next section. But what we can glean so far is that it is not required by a due deference towards liberty, or by toleration, or by justice, to allow the illiberal or the nondemocratic to destroy the basis of social cooperation.\textsuperscript{162} In so far as I see the social bases of self-respect, so in particular Type (C) and Type (D) as important aspects of the basic institutions of justice as fairness, we are not required to tolerate the actions of groups who would undermine them for all or all of a particular subset. So, to answer the original question, a government, once it has decided that self-respect and the social bases thereof have been undermined, proceeds in determining what cases are appropriate for self-respect by (1) examining what the consequences of their actions would be and (2) looking for appropriate existential threats to equal liberties or the foundations of social cooperation in general (this applies both for everyone and particular groups, such as the LGBTQ community).

Now, as for the second question, given the criteria by which the state recognizes problem cases of the deterioration of self-respect and the social bases thereof and decides which of those merit state intervention, are there any exemptions based on the content of the doctrine being advanced? For example, suppose that unlike in the cases I have put forth so far, the party being charged of being responsible for undermining self-respect and the social bases thereof is not illiberal or non-democratic but their position offends the sensibilities of another group that feels as if they have been wronged. I should like to say, from the beginning, that from the perspective of justice, there should be no exceptions if all of the requirements from above are met. We might want to say that morally we would not want to curb such activities but from the perspective of justice it seems difficult to justify such a distinction. That being said, it would seem that an association that was thoroughly liberalized, which includes the offering of fair

\textsuperscript{162} Rawls, TJ Sect. 35 pg. 192
terms of cooperation, would not be a likely source for one undermining the social bases of self-respect.

2.2 “Pornography”

Having thoroughly covered a distinctly religious example of institutions and organizations whose operation in civil society (the background culture) is corrosive to self-respect the securing of the social bases thereof and so therefore ought to be restricted in some way (I have attempted to provide a proposal for such a restriction above), let me know turn to a distinctly secular example. I am talking of the institution and practice of pornography, a 10 billion dollar industry in America alone, that has similar deleterious effects on self-respect and as such ought to face similar restrictions. Perhaps the inclusion of pornography as an institution and practice ripe for curtailment (on the grounds of preserving self-respect) by a theory from the liberalist tradition might surprise some readers. After all, the celebration of the sexual revolution and push for legitimation and deregulation of consensual sex (and the associated sexual health requirements, i.e., birth control, abortion, etc.) has long been a vital aspect of liberal theory. But, let me be clear, the freedom of expression and of thought that is constitutive of respecting people’s sexual preferences (obviously within limits) and of freely engaging in one’s preferred sexual activities (again, obviously within limits — say, being with consenting partners) are not

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163 Chris Morris, “Things are Looking Up in America’s Porn Industry," *NBC News*, January 20, 2015. This same source cited Kassia Wosick, an assistant professor of sociology at New Mexico State University, as saying that globally the pornography industry is worth 97 billion dollars.

164 Most clearly in cases of liberal writers focused on the topic such as Susan Estridge, Michelle Anderson, and Stephen Shulhofer-West, *Sex, Law, and Consent*, pgs. 221-222. However, I would wager that nearly any theory firmly situated in the tradition of liberalism is likely to espouse these values as they are natural extensions of freedom of speech, freedom of expression, freedom of conscience, and freedom of thought.
identical to the commodification and distribution of sex that is pornography. In his concurrence to the Supreme Court’s decision in the 1964 *Jacobellis v Ohio* case, Justice Stewart said, of pornography, “I know it when I see it.” While there is plenty of merit to Justice Stewart’s claim, we do tend to know it when we see it, perhaps we can do a little bit better and achieve a little more clarity. The Stanford Encyclopedia of Philosophy entry on ‘Pornography and Censorship’ is a bit more helpful. It tells us pornography is, “any material (pictures or words) that is sexually explicit [original emphasis].” ‘Sexually explicit’ is left inherently vague so as to capture cross-cultural sensibilities that may not be captured by a more specific definition; the author uses an example in which certain cultures view the exposed ankles of women as sexually explicit. However, we do get more into what one would expect of the definition of pornography when the author highlights, “audio, written or visual representations of sexual acts (e.g., sexual intercourse, oral sex) and exposed body parts (e.g., the vagina, anus and penis-especially the erect penis).” I also feel as if we ought to add a clause to the definition about the purpose of pornography being for sexual stimulation and excitement for the viewer resulting from the simulated sex acts. This additional clause separates pornography proper from certain categories of art or maybe even of ‘erotica,’ both of which I take to be separate and distinct from pornography (though the distinction is likely to be blurry). Though the question of pornography is far from settled all-things-considered, we certainly have enough of an operational definition to continue our work here. Of the evils of pornography and its deleterious effects on the self-respect of women and securing the social bases of self-respect for women, I

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165 *Jacobellis v Ohio Syllabus*, Legal Information Institute, https://www.law.cornell.edu/supremecourt/text/378/184
167 Ibid.
am not too proud to admit that I could never do the problem justice the way Catherine MacKinnon does in her work, “Pornography as Defamation and Discrimination.” I have included an excerpt here to accurately convey the power and force with which she writes.

“Pornography has a central role in actualizing this system of subordination [of women] in the contemporary West, beginning with the conditions of its production. Women in pornography are bound, battered, tortured, harassed, raped, and sometimes killed; or, in the glossy men’s entertainment magazines, "merely" humiliated, molested, objectified, and used. In all pornography, women are prostituted. This is done because it means sexual pleasure to pornography’s consumers and profits to its providers… It is done because someone who has more power than they do, someone who matters, someone with rights, a full human being and a full citizen, gets pleasure from seeing it, or doing it, or seeing it as a form of doing it. In order to produce what the consumer wants to see, it must first be done to someone, usually a woman, a woman with few real choices. Because he wants to see it done, it is done to her… Children are presented as adult women; adult women are presented as children, fusing the vulnerability of a child with the slutty eagerness to be fucked said to be natural to the female at every age.”

Shortly thereafter, in the lecture given at the Boston University School of Law Distinguished Lecture Series, MacKinnon tells of some of the testimony given in front of the Minneapolis City Council in defense of their ordinance banning pornography. In this testimony we can see clear ways in which self-respect is corroded, if not destroyed, and the social bases of self-respect

threatened. Of the self-respect of women we see testimony of the, “self-revulsion, the erosion of intimacy, the unbearable indignity, the shattered self, and the shame, anger, anguish, outrage, and despair they felt at living in a country where their torture is enjoyed and heard only as “speech” or their abusers.”170 Then, of the social bases of self-respect (though MacKinnon never uses that language): “studies of researches and clinicians documented the same reality women documented from life: pornography increases attitudes and behaviors of aggression and other discrimination by men against women. [Further], pornography increases men’s perception that women want rape and are not injured by rape, that women are worthless, trivial, non-human, object-like, and unequal to men.”171

It does not take an incredible amount of further explanation to take those passages and apply them back into the Rawlsian framework of self-respect and the social bases thereof that we have come to be familiar with. Pornography is corrosive to the self-respect of women in that it portrays them, and does the work of inculcating the belief in society and in them specifically, as if they are little more than sexual objects or mere sources of sexual pleasure to satisfy the sexual needs and desires of men. Objectification as it is practiced here is directly related to a distinct lack of Type (B) self-respect. Type (B) self-respect is concerned with recognizing one’s appropriate moral status and all the rights, liberties, and opportunities afforded to a being with such a status by justice as fairness. Objectification is antithetical to recognizing that sort of moral status as a “self-authenticating source of valid claims” because objectification supplants the appropriate moral status with a lesser one. Objectification is the, “treating as an object what is really not an object, what is, in fact, a human being.”172 In this way objectification supplants the rightful moral status of the agent with some truncated status. Whereas the moral status of a

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170 MacKinnon, *Pornography as Defamation and Discrimination*, pg. 4
171 Ibid.
person affords them, as far as justice as fairness is concerned, a fully adequate scheme of basic rights and liberties, substantive equality of opportunity, fair value for the political rights, a fair share of all-purpose means to pursue their ends, and the securing of the social bases of self-respect such that they could enjoy a lively sense of their own self-worth, object status, as promised by long practices and thoroughly inculcated objectification, guarantees slightly different “entitlements.” Object-status can guarantee one instrumentality, denial of autonomy, inertness, fungibility, violability, ownership, and denial of subjectivity. Over enough time one can start to believe that these are one’s entitlements as a result of having internalized the message of objectification and adjusted the sense of one’s own moral status accordingly. Insofar as this is a plausible reading of the effects of the widespread consumption and visibility of pornography and its clearly objectifying message then Type (B) self-respect is dramatically negatively affected. The social bases of self-respect are similarly undermined. In a society where women are systematically portrayed as “trivial, non-human, object-like, and unequal to men,” men face increasing difficulty challenges to affirm and respect the appropriate moral status of women. This is because they are constantly exposed to portrayals of women unbefitting their moral status in pornography. Women are portrayed as distinctly object-like in all they ways mentioned in the paragraph above, including violability, which seems to accord with MacKinnon’s reported increase in proclivity towards violence for men who consume significant amounts of pornography. The social conditions required of social base of self-respect that Type (D) is concerned with are undermined here.

Given the toxicity and corrosive nature of pornography to self-respect and the social bases thereof we have a very strong case for the rather extreme regulation of pornography in

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173 Martha Nussbaum’s seven ways of treating something as an object. Nussbaum, Objectification, pg. 257
174 Ibid.
civil society; if it should be allowed to persist at all. Here, unlike in the previous example pertaining to churches and other religious institutions and organizations, I do not have a specific proposal for how we restrict pornography through legislation; I am merely sure of the necessity of some kind of rather robust restriction or regulation. If we opt for regulation it would need to be far more robust and demanding than the standard ‘consent requirement’ we operate on today.\footnote{MacKinnon briefly addresses this point saying it clearly insufficient. “Those who say women in pornography by choice should explain why it is women who have the fewest choices who are in it most.” - MacKinnon, \textit{Pornography as Defamation and Discrimination}} I suppose that if I were opt for one course of action over another, I would side with MacKinnon and classify pornography as defamation, and particularly, discrimination and outlaw the practice of producing, marketing, and selling of pornography.\footnote{MacKinnon has wonderful analogy between pornography and hypothetical industry in which Blacks were lynched in order to sell photographs and other materials displaying lynchings on a ten-billion-dollar-a-year scale. - MacKinnon, \textit{Pornography as Defamation and Discrimination}} While every consequence of a practice like this cannot be foreseen,\footnote{For example, what do we do in cases where committed adult partners share sexually explicit photos with each other for each other’s sexual satisfaction? I set difficult questions like this aside for another time.} I am confident that such ordinances that would prohibit and outlaw the commodification of sex through the production, marketing, and sale of pornography would remove the threat posed by pornography to self-respect and social bases of self-respect.

Again we can imagine critics and supporters of pornography to cry ‘foul’ over such legislation that would either radically restrict or completely outlaw pornography.\footnote{Again, from the point of view of political liberalism, it is not particularly important whether or not pornography is outlawed entirely or just substantially restricted. What matters is the securing of the social bases of self-respect for all the preservation of citizens’ self-respect; whichever policy can accomplish that is the one to be utilized.} Once again, ‘justice as fairness’ is able to easily brush aside their complaints, except, this time, we do not need to appeal to neutrality and neutral values. Critics of my proposal are likely to invoke appeals to basic liberties such as freedom of expression, understood as freedom of speech, and freedom of conscience. They will likely claim that any such proposal would violate their
(seemingly absolute) rights. However, they fail to grasp how the basic liberties and their associated ‘rights’ are to be understood. In ‘justice as fairness’ the basic liberties are by no means absolute. Rather basic liberties are balanced and weighted against each other, and adapted and regulated against each other (and only each other)¹⁷⁹ so as to form a ‘fully adequate scheme’¹⁸⁰ (or a ‘coherent scheme’) of rights and liberties. This means that these liberties are to be set-up holistically such as to, “guarantee equally for all citizens the social conditions essential for the adequate development and the full and informed exercise of these powers in what I shall call ‘the two fundamental cases,’”¹⁸¹ which is just a reference to the two moral powers mentioned earlier in the paper. Moreover, each liberty has a ‘central range of application,’ of which Rawls tells us, “the institutional protection of this central range of application is a condition of the adequate development and full exercises of the two moral powers of citizens as free and equal persons.”¹⁸² This is just to say that the ‘central range of application’ of a particular liberty is the ways in which that particular liberty plays a role as a condition for the adequate development and exercise of the two moral powers. Another way of putting this is by saying that the ‘central range of application’ of a liberty is the range of cases in which the liberty is ‘significant.’ “A liberty is more or less significant depending on whether it is more or less involved in, or is a more or less necessary institutional means to protect, the full and informed means to protect, the full and informed and effective exercise of the moral powers.”¹⁸³ We then judge the weight of claims of particular freedoms or to particular liberties accordingly. We ask ourselves, in the case in question, is the particularly liberty invoked

¹⁷⁹ “The priority of liberty implies in practice that a basic liberty can be limited or denied solely for the sake of one or more other basic liberties, and never, as I have said, for reasons of public good or of perfectionist values.” - PL Lect. VIII Sect. 2 pg. 295
¹⁸⁰ Stated clearly in the first principle of justice. For further discussion see, Rawls, PL, Part 3, Lect. VIII, Sect. 8 & 9
¹⁸¹ Rawls, PL, Part 3, Lect. VIII, Sect. 8, pg. 332
¹⁸² Rawls, PL, Part 3, Lect. VIII, Sect. 2, pg. 297
¹⁸³ Rawls, PL, Part 3, Lect. VIII, Sect. 9, pg. 335
significant? Does the case fall within the central range of application of that liberty? Does the exercise of this particular liberty, in these particular conditions, constitute a condition for the adequate development and exercise of the two moral powers? The same questions then get asked of the liberty or liberties at stake or threatened by the unrestricted exercise of the original right in question. If we find that in the particular case in question, the exercise of the liberty in question does no directly bear on the development and exercise of the two moral powers, the case does not fall within the central range of application of the liberty, and the liberty is less significant, then we may be perfectly justified in adjusting that liberty such that is restricted to protect the other liberties it threatened. This is particularly true in cases wherein the other liberties threatened are more significant, the case does fall within the central range of those liberties, and those liberties factor heavily in the adequate development and exercise of the two moral powers. Essentially I have just described the evaluation of the claims of the defense of pornography on the grounds of freedom of expression or freedom of speech. The claim to (nearly) unrestricted access to pornography on the basis of free speech (a basic liberty) clearly does not fall within the central range of application for that liberty; that is to say that one’s unrestricted access to nearly limitless pornography is not significant and is not essentially involved in the full and informed and effective exercise of the two moral powers. ¹⁸⁴ When you consider the status of the liberties that are threatened on the other side by pornography the case is settled quite quickly; the lack of self-respect undermines all liberties and so guarantees significance but the physical violence alone seems overriding. So, yes, critics can claim freedom of speech violations in protest in relation to my proposed regulation or outlawing of pornography, but according to the scheme of liberties provided Rawls, I have done no such thing. I have merely adjusted and reworked the liberties such as to fit into one coherent scheme

¹⁸⁴ Though freely determining one’s sexual orientation, one’s sexual preferences, and engaging in consensual sexual activity in accordance with those preferences with consenting parties does.
compatible for all, and in so doing, I have defended self-respect and the social bases thereof. Freedom of speech covers arguments, principles, and ideals. Pornography clearly does not represent principles or ideals, it is nothing more than base commodification of sex, the advertisements through which pornography is sold is more akin the promotion of ideas than pornography itself is.
Part 3

3.1 Conclusion

In conclusion, I have attempted to achieve one main goal; I have attempted to explain ways in which, using, admittedly expanded, conceptual tools from the Rawlsian corpus, we can legitimately limit the exercise of certain liberties in the name of preserving self-respect and securing the social bases of self-respect for all. If you will remember, at the start of the paper I asked whether or not there was a way to judge the validity of the claims of protesters across the country who have taken offense to the way in which they are represented in civil society, particularly the way in which they are done so with little to no respect. I should like to think that question sufficiently answered. To accomplish the goal of this paper I introduced the necessary background material from Rawls, drawing special attention to the importance of self-respect and the social bases of self-respect. I then took some time in developing an account of self-respect and the social bases of self-respect, elaborating on what Rawls himself tells us. Once the conceptual tools were acquired I applied them to several examples in which the exercise of basic liberties by certain parties, organizations, and institutions were having corrosive, deleterious effects on self-respect and the social bases thereof. I considered both religious (churches, religious organizations, and religiously affiliated colleges and universities) and secular (pornography) examples and sketched ways in which legislative action might be taken to curb the harmful activities of these groups in civil society. According to each example I addressed a proposed objection drawing on different aspects of Rawls' theory to successfully answer the objection. In the end I hope to have gestured at the importance of self-respect and the social bases of self-respect in the Rawlsian tradition and I hope to have furthered a conversation about the role they may play society.
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Vita

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After his time at the University of Tennessee, Kyle plans on pursuing a legal education where he intends to apply his philosophical training to the legal issues of our day.