

SYMPOSIUM
LIBERALISM AND SOCIAL JUSTICE



THE CHOICE OF A SOCIAL SYSTEM
REFLECTIONS ON A “PROPERTY-OWNING
DEMOCRACY AND THE DIFFERENCE PRINCIPLE”

BY
WILLIAM A. EDMUNDSON

[THIS PAGE INTENTIONALLY LEFT BLANK]

The Choice of a Social System: Reflections on a “property-owning democracy and the difference principle”

William A. Edmundson

Sam Freeman makes a novel argument for property-owning democracy over welfare-state capitalism. It is presented in chapter four of his *Liberalism and Distributive Justice* (Freeman 2018 = *LDJ*), “Property Owning Democracy and the Difference Principle” (*LDJ* 137-66). My main focus is the central element of this case, which is a proposed friendly amendment to Rawls’s conception of fair equality of opportunity. The bedrock of John Rawls’s theory of political justice is his commitment to a principle of reciprocity between citizens conceived as free equals. Society itself is conceived as a cooperative productive enterprise, and so reciprocity requires that the institutions of the basic structure be designed to distribute as equally as can be the benefits that cooperation makes possible, unless an unequal division would benefit all. Because of the nature of wealth and income, an unequal division of these goods can result in a greater absolute share for all. Because of the nature of politics, an unequal division of political influence cannot lead to a greater absolute share of political influence for all. Therefore, on Rawls’s view, justice requires that

each citizen's political influence be equal, varying only according to motivation to participate in politics and ability to articulate publicly recognized reasons. Rawls gave only glancing attention to the possibility that an unequal division of political influence might benefit all in terms of the total bundle of primary goods enjoyed by all, including the least advantaged representative person. Mill's proposal for plural votes for the educated was based on this possibility, and Rawls says it is "of the required form" though it rests on an implicit appeal to "the general conception of justice as fairness" (*TJ* 204), that is to say, to the difference principle regarded as the sole requirement of justice. Rawls rejects the difference principle in its general form. Thus, it could be misleading to suggest that the difference principle expresses "democratic reciprocity" and "reciprocity at the deepest level," (*LDJ* 148) as Freeman states. Rawls says that the difference principle owes what appeal it has to its setting in a background in which prior principles are satisfied, as Freeman clearly acknowledges. This matters when orientating one's thinking in the choice of a social system, a task that Rawls framed as a matter of choosing between ideal regime-types. Welfare-state capitalist regimes, as Rawls defined them, do not aim to secure the fair value of the equal political liberties. Consequently, he suggested, they cannot effectively secure fair equality of opportunity. For this reason, Rawls concluded that capitalist regimes, whether of the laissez-faire or the welfare-state variety, cannot realize justice-as-fairness. Welfare-state capitalist regimes are *liberal* in the sense that they guarantee the formally equal basic liberties: and in that sense such regimes can be said to aim to realize *some* liberal conception of justice. But a conception of justice cannot stably realize justice-as-fairness unless it manifests its commitment to a principle of reciprocity in the institutions of the basic structure. Lacking any such commitment, capitalist regimes do not secure fair-valued political equality, their commitment to fair equality of opportunity

is feeble, and the aggregative, maximizing principle that regulates inequalities of wealth and income does not express reciprocity. Freeman rightly reminds us that, for Rawls, “The main problem of distributive justice is the choice of a social system” (*TJ* 242). Recently, a number of writers, including Martin O’Neill, Ben Jackson, John Tomasi, and Jeppe von Platz, have argued that Rawls was too quick to dismiss welfare-state capitalism. In particular, they (and others) argue that welfare-state capitalism need not exclude the institutional measures Rawls recited as possibly sufficient to achieve the fair value of equal political liberty and fair equality of opportunity. Freeman challenges this line of defense of capitalism. Although Freeman’s challenge is framed as a defense of property-owning democracy, what he says could equally well be said in defense of liberal democratic socialism: in fact, I will argue that the issues he raises tend to favor liberal democratic socialism rather than property-owning democracy —as will be apparent once the difference between these latter two ideal regime-types is carefully stated.

I

Preliminary: What Conceptions of Justice Might Capitalism Realize?

Freeman’s defense of property-owning democracy involves construing welfare-state capitalism as a regime that expresses a restricted-utilitarian conception of justice (*LDJ* 146). This conception protects the formally equal basic liberties, formal equality of opportunity, and a social minimum set to assure basic needs (*LDJ* 147). In place of the difference principle, Freeman’s restricted utilitarianism maximizes welfare, as welfare is understood in welfare economics. Why focus on comparing property-owning democracy with this “utilitarian welfare state”

(*ibid.*)? Freeman acknowledges that welfare-state capitalism might be defended as the expression of a non-utilitarian or other conception of (restricted) utilitarianism. He justifies going ahead on the plausible ground that, historically, many of the most influential advocates of the capitalist welfare state have been utilitarian welfare-economists. I agree that the exercise is instructive and worthwhile, and not to be dismissed as merely setting up a straw opponent for Rawls's preferred ideal regime-types. It must be noted, however, that non-welfarist conceptions of utilitarianism exist, which avoid certain key Rawlsian objections. A utilitarian might borrow the concept of primary goods, and restate the utilitarian principle as calling for maximizing a weighted average of holdings of primary goods. Freeman says, "Rawls seems to regard welfare-state capitalism, in its pure form, as embodying the 'aims and principles' characteristic of some form of utilitarianism" (*LDJ* 144). It is a short step from that observation to this: "To see capitalism as grounded in utilitarianism, or some form of welfarism that extolls economic efficiency, is not unreasonable" (*LDJ* 146). One can agree with this while wondering whether imputing utilitarianism to welfare-state capitalism presents it in its best light. Freeman adds,

Rawls's contrast between POD and WSC is *intended* to be a comparison of the institutional embodiments of two different kinds of philosophical conceptions of justice. POD and WSC may have many of the same elements, but there remains an important difference in the way these rights and benefits are interpreted and determined by the "aims and principles" implicit in the different conceptions of justice underlying these political and economic systems. (*ibid.*; my emphasis).

I disagree. I take Rawls to be primarily concerned with the question, "When a regime works in accordance with its ideal

institutional description, *which of the five regimes satisfy the two principles of justice?*” (JF 137; my emphasis).¹ I think this is likely what Rawls’s critics, O’Neill, et al., have thought, too, which is why it is pertinent for them to suggest that the two principles might be realized by an ideal-regime type by indirection, as though by the operation of an invisible hand.

Of course, if despite its other attractions, a certain ideal regime-type *X* proves, upon reflection, to be less apt to realize aspect *A* of the two principles than ideal regime-type *Y*, we reach a fork in the road. Should we conclude that regime-type *Y* ought to be favored over type *X*; or should we adjust our conception of justice by de-emphasizing aspect *A*? This back-and-forth is in fact how Rawls indicates we are to proceed to reach wide reflective equilibrium. To do this systematically, I suggest, instead, that welfare-state capitalism be understood as informed by a conception of justice we could call *justice-without-fair-value*. Justice-without-fair-value is exactly like justice-as-fairness, but without the first-principle guarantee of the fair value of the political liberties. A principle of responsibility governs the worth of the political liberties, in precisely the same way it does the worth of the other first-principle liberties. This is not an illiberal conception of justice—in fact, it closely resembles the position once defended by Ronald Dworkin (1987; cf. Dworkin 1996). Thus, capitalism in its welfare-state version need not be portrayed as welfarist or consumerist.

Other “aims and principles” could equally well be imputed to welfare-state capitalism. If the difference principle indeed expresses “reciprocity at its deepest level” (LDJ 148), as Freeman indicates, then why not give it full scope? Despite the historical

¹ Freeman says that Rawls wrote the *Restatement* “in the early 1990s” (LDJ 149). In fact, as early as 1989 the *Restatement* was circulating in photocopy in substantially the same form as it would appear when published in 2001.

kinship between welfare-state capitalism and utilitarianism, I suspect that the tenacity of capitalism as an ideology owes as much or more to its apparent capability of realizing the difference principle in its general form.² In its general form, the difference principle treats all primary goods as fungible. A lesser (formal) political liberty, or a more constrained liberty of conscience, for example, might be acceptable to a rational and reasonable chooser in the original position if in return for a greater overall package of primary goods. Freeman says “reciprocity is not a ‘guiding aim’” (*LDJ* 158) of welfare-state capitalism. The difference principle in its general form expresses reciprocity, does it not, at the deepest (*too deep*) level: why could it not be the kind of reciprocity welfare-state capitalism has as its aim?

Thus, I worry that Freeman may dwell overmuch on the tendencies of welfare-state capitalism *qua* institutional realization of restricted utility. The important issue is what parties committed to the two principles of justice-as-fairness would do at the constitutional stage of the four-stage sequence, where they find out the territory, culture, and other general facts about their society. Would the parties elect to continue a welfare-state capitalist regime that was already established? Were they to find that their society was on the brink of industrialization, would they ignore the risk that welfare-state capitalism’s insouciance about fair-valued political equality could lead to a condition of neo-feudalism? (Freeman brilliantly exposes libertarianism’s and laissez-faire capitalism’s affinities to feudalism in chapter two.) Clearly, parties whose choice was informed by restricted utility or the difference principle in its general form would be *pro tanto* likelier to choose capitalism in some form. The more pertinent question is whether

² See Reiff 2012.

parties committed to justice-as-fairness would find capitalism acceptable in any form at the constitutional stage.

II

Capitalism, Socialism and Property-owning Democracy: Meade, Rawls and Freeman

In the revised edition of *A Theory of Justice*, Rawls expressed his regret at not having carefully distinguished property-owning democracy (mentioned five times in the first edition, by Freeman's count) and capitalism (never named). We, now, might wish Rawls had said still more. Freeman says, "capitalism is not the only economic system that relies upon markets and private property in the means of production. An alternative will be discussed later (namely, property-owning democracy)" (*LDJ* 20). I think it is a misunderstanding of Rawls to regard property-owning democracy as *relying upon* private ownership of the means of production. (As for markets, both liberal democratic socialism and property-owning democracy feature them.) Rawls's stated view is that property-owning democracy *permits* private ownership of the means of production but he does not regard such ownership as enjoying the same dignity as the other first-principle liberties pertaining to property, such as the right to bodily integrity and the right to acquire ownership of residential property (*JF* 177-78). By contrast, socialism does not allow private ownership of the means of production. It is tempting—but confusing—to read the socialist stricture as amounting to an equal, individual right to participate in the governance of one's workplace.

Rawls credited James Meade with the term "property-owning democracy." Foreseeing that returns to capital would outpace overall growth, Meade believed that "traditional forms of

redistribution through the welfare state” were not enough to avoid a reversion to de facto feudalism. O’Neill explains:

Meade’s view was that attacking fundamental inequalities of wealth had therefore to involve an additional double-barrelled strategy, consisting in the creation of a range of private and public institutions and policies, which he brought under the headings of (i) a property-owning democracy and (ii) a socialist state (O’Neill 2017, 363).

O’Neill proposes to call what falls under these two headings forms of “capital predistribution.” They, together with redistributive policies, were contemplated by Meade as available as policy tools at the disposal of a democratic polity. As O’Neill explains, property-owning democracy and “the Socialist State” are complementary halves of Meade’s predistribution strategy.

Rawls’s view is different. Rawls insists upon a treating property-owning democracy and democratic socialism as *alternatives* in a way that Meade did not. Although these regime types share a common set of policy options and aims, they crucially differ in their treatment of the means of production. As Freeman observes, “In defining socialism institutionally, in terms of public ownership, Rawls differs from others who associate socialism with economic egalitarianism (G. A. Cohen, John Roemer, et al.)” (*LDJ* 141). The socialism that Rawls wants us to think about has a more precise content, which is defined with reference to these *means of production*. Property-owning democracy strives legislatively to right-size the proportion of the means of production in private hands, and to break up private concentrations. Socialism keeps the means of production in the hands of the public, all of them, all of the time.

What are “the means of production”? In company with many others, Rawls used this term loosely, but not so loosely that it

would encompass every tool or resource put to productive use. The capital assets deployed in petty production would not count among the means of production. What he meant – or can best be understood to have meant – was major infrastructure of the kind that cannot practically be parcelled out to each and all as personal property, in the way that, for example, everyone might own a set of hand tools (cf. Edmundson 2020). A socialist stance toward the means of production falls right out of a determination to regard society itself as a cooperative venture. In an initial situation, we would be aware that our joint endeavor will facilitate discoveries and inventions that will transform our productive lives, but will be wasted if treated as a commons, and which – though needed by all – cannot not be usefully distributed to each and all. Hobbes anticipated this: in *Leviathan* 78, he wrote of “things which cannot be enjoyed in common, nor divided.” Surely, if we are ready to regard “the distribution of native endowments as a common asset” (*JF* 124), we will similarly regard the means of production –with this vital difference: our native endowments are distributed to each of us, as individuals. Unlike native endowments, and unlike other primary goods, the means of production, by their very nature, are not capable of being held by each as her exclusive, still-usable parcel.

Overlooking the distinctiveness of the means of production in this sense can lead to trivializing the difference between property-owning democracy and liberal democratic socialism as ideal regime-types. For example, O’Neill writes:

Given that Rawls describes liberal socialism as involving “a property system establishing a widespread and a more or less even distribution of the means of production and natural resources” one may speculate that there would be, in effect, little real difference (other than in the specification of *formal* property relations) between a liberal socialist

regime and some variant of [property-owning democracy] (O'Neill and Williamson 2014, 76; citing *LHPP* 323).

This speculation is misguided. The thing about the means of production (properly understood) is that their ownership *cannot* be “widespread and more or less even” in the same way that, for example, the ownership of hand tools or personal computers can. Rawls made little effort to clarify what he meant by “the means of production,” but it would be uncharitable to portray him as having nothing more consequential in mind than a difference “in the specification of formal property relations.”

III

Assuming Fair Value of Political Liberty under Capitalism...

As Freeman agrees, Rawls would rightly have rejected the suggestion that the occasional enactment of campaign regulation by a welfare-state capitalist regime would suffice to satisfy the demands of stability. Rawls wrote, seemingly in anguish:

Historically one of the main defects of constitutional government has been the failure to insure the fair value of political liberty. *The necessary corrective steps have not been taken, indeed, they never seem to have been seriously entertained.* Disparities in the distribution of property and wealth that far exceed what is compatible with political equality have generally been tolerated by the legal system. Public resources have not been devoted to maintaining the institutions required for the fair value of political liberty (*TJ* 198-199, emphasis added).

When he says “never seem to have been seriously maintained” he is not guilty of overlooking the prevalence of campaign regulations in constitutional democracies, circa 1971. He is talking about the failure to take seriously the changes needed in the very structure of the political economy (see Thomas 2012, 115-20).

It is true that welfare-state capitalism is not committed in principle to *opposing* the institutional measures Rawls itemized as means of insulating the political process from the influence of those with greater wealth. It is also true that one might combine a principled hostility to Rawls’s fair-value guarantee with a principled advocacy of these insulation devices. Lastly, it must be admitted that a welfare-state capitalist regime might enact legislation that installs a firewall of insulation between the political process and unequal accumulation of wealth. These three concessions, taken together, appear to support the idea that a welfare-state capitalist regime might realize the two principles of justice as fairness.

Rawls was emphatic that this would not suffice. The key flaw is the unreasonableness of supposing that fair value could be guaranteed to the satisfaction of a reasonable chooser merely by appeal to the possibility of an insulation strategy coming to pass. Freeman makes the curious concession that “O’Neill correctly says that these are complicated issues of political sociology that philosophers cannot answer” (*LDJ* 144), and then details what seem to be good and sufficient grounds for Rawls’s position (*LDJ* 144-46). Nonetheless, it is worth exploring a Rawlsian defense that emphasizes fair equality of opportunity rather than fair value. Following Freeman’s suggestion, “let’s assume that there are forms of welfare-state capitalism that can effectively incorporate many of the institutional measures Rawls associates with property-owning democracy” (*LDJ* 146). Fighting with one hand tied behind his back, as it were, how might Rawls answer the criticism that capitalism hasn’t been given a fair hearing?

Without relying on the fair value of political liberties (or its implications), Freeman constructs a distinctive defense of Rawlsian anti-capitalism, involving several steps. The first is to construe welfare-state capitalism as incorporating (restricted) utilitarian “public aims and principles of design” (*LDJ* 146). I have already criticized this approach: it does not take welfare-state capitalism seriously as a candidate realizer of justice-as-fairness. The second step is to transpose Rawls’s “second fundamental comparison” between justice-as-fairness and restricted utility, as competitor conceptions of justice, to the comparison of property-owning democracy (as a realizer of justice-as-fairness) with welfare-state capitalism (as a realizer of restricted utility).

In the second fundamental comparison, which was introduced in the *Restatement*, the two conceptions of justice are compared with respect to three factors: their reciprocity, their stability, and their promotion of self-respect. The comparison is intended as a defense of the difference principle in its secondary position in Rawls’s second principle of justice: accordingly, the comparison is between the two principles and a mixed conception that differs only in substituting a principle of average utility for the difference principle, in the subordinate position in the second principle.

The second step of Freeman’s argument against capitalism is executed in section four of chapter four. Property-owning democracy rates above welfare-state capitalism on each of three scores: reciprocity, stability, and promotion of self-respect. Except as already noted, I have no quarrel with the set-up or the execution: in fact, I think a similar strategy reveals the superiority of liberal-democratic socialism to property-owning democracy (Edmundson 2017).

IV

Closing a Gap in the Argument Against Capitalism

In the remainder of these comments I will focus on a third step in Freeman's Rawlsian critique of capitalism. This is the step that focuses on fair equality of opportunity. The concept of fair equality of opportunity is, Rawls says, "not altogether clear," which turns out to be fortunate, in Freeman's view, because a broadened interpretation of it "is needed to fill a gap in Rawls's arguments for property-owning democracy" (*LDJ* 159). What, precisely, is this gap? Freeman explains,

the problem is this: we might conjecture the feasibility of a capitalist welfare state like Liberal Equality that enacts measures to promote to some degree fair value of the political liberties and fair equality of opportunity but without constraining inequalities of wealth. Because of wealth inequalities and incentives for the more advantaged, this capitalist welfare state is able to supply the least advantaged with income supplements and other welfare benefits that exceed the index of primary goods achievable within a property-owning democracy that provides the least advantaged with less income but a share of real capital and greater economic powers (*ibid.*).

The gap is, in short, that parties at the constitutional stage are free to prefer a social system, like welfare-state capitalism, that promises them less power in the workplace in exchange for greater wealth and income. And what is to fill the gap?

Rawls says there is no basic liberty for individuals to exercise control over means of production. So, unlike the rights of political agency, economic powers necessary for economic agency cannot be guaranteed by Rawls's first principle. *The only alternative* is to see

economic agency as part of the fair equality of opportunity principle (*ibid.*; my emphasis).

So, Freeman proposes a “friendly amendment” to Rawls. The amendment imports an idea of “economic agency” (*LDJ* 159) into the fair equality of opportunity component of the second principle. Once enriched in this way, trade-offs between economic agency and income are disallowed, according to the lexical priority of fair equality of opportunity over the difference principle. Freeman calls this the “democratic interpretation of Rawls’s fair equality of opportunity principle” (*LDJ* 160).

Even if workers might receive greater income in WSC and many prefer it to the combined index of primary goods that includes economic powers and positions of responsibility they would have in a POD, still the priority of fair equality of opportunity over the difference principle requires that they not alienate their fair opportunities to exercise economic powers and responsibilities. Like the rights and powers of political agency, free and equal citizens do not have a right to alienate the powers and responsibilities of economic agency (*ibid.*).

The democratic interpretation of fair equality of opportunity fits nicely with Freeman’s understanding of property-owning democracy. On Freeman’s account, a property-owning democracy not only widely distributes productive capital, “at the beginning of each period, so to speak” (*JF* 139), it also assures that citizens have an ownership share in the firms for which they work, and have a say in the running of their workplaces.

POD provides for both worker-managed firms and greater democracy within capitalist firms, it addresses Marx's concern for democracy in the workplace and in shaping the general course of the economy (*LDJ* 139; citing *JF* 177-78).

What Rawls says in the passage cited is this:

in a well-designed property owning democracy... while a right to property in productive assets is permitted, that right is not a basic right but subject to the requirement that, in existing conditions, it is the most effective way to meet the principles of justice.... Mill's idea of worker-managed firms is fully compatible with property-owning democracy (*JF* 177-78).

So, Rawls is pointing to options open in a property-owning democracy, rather than to essentials. Rawls also acknowledges that history has not been kind to Mill's optimism that worker-owned firms would supplant capitalism.

Since this has not happened, nor does it show many signs of doing so, the question arises whether Mill was wrong about what people prefer, or whether worker-managed firms have not had a fair chance to establish themselves.... certainly these questions call for careful examination. The long-run prospects of a just constitutional regime may depend upon them (*JF* 178-79).

Freeman also ekes out Rawls's remarks in another direction. Freeman says that a property-owning democracy "provides workers a share of productive capital in firms, as well" as a say in management (*LDJ* 151). This could mean some sort of legally

mandated reallocation of capital shares *à la* the (abortive) Swedish Meidner Plan. One might call Freeman's a "syndicalist interpretation of property-owning democracy." Because it has rather scant textual support in Rawls, it too has to be seen as a "friendly amendment." Where Rawls speaks of such things, it is often in contexts involving what he in one passage calls "associational socialism" (CP 277), as contrasted to property-owning democracy.

The two amendments go together well. If fair equality of opportunity assures inalienable powers of economic agency, then a property-owning democracy – or a liberal democratic socialism – that features not only share ownership but codetermination and workplace democracy can realize it, while welfare-state capitalism cannot.

Observations

I will make three points: One, there is an alternative answer to "the problem" that does not involve restricting the permissible forms of business association. It is socialism. Two, restricting the forms of business association hinders the "externalization function" of a political conception of justice, as Chiara Cordelli has argued with regard to private non-profits to which public functions have been devolved. Three, demoralization of the least-advantaged members of society is significantly less likely in a society in which the means of production are publicly held.

One. The fact that Rawls does not include a right of social ownership of the means of production in the first principle does not mean that at the constitutional stage there is no such right. At the constitutional stage, society's level of economic development is revealed to the parties. They then will, or will not, be confronted with the reality that there are important, non-distributable assets

that are practically necessary for full participation as a productive member of society, conceived as a fair cooperative. Hobbes thought the sovereign should let first possession or lottery determine “the entire right,” but Hobbes’s was a pre-industrial world, and the private power he was anxious about was military and religiously motivated, not economic. Rawls’s parties would not allow the means of production to be privately held or to be subject to legislative privatization, especially not in exchange for hoped-for efficiencies. Why would they chance it?

Two. Rawls systematically distinguished the institutions of the basic structure from associations formed within that structure. One reason to do so, as Cordelli has pointed out, is to respect the first-principle liberties in conditions of reasonable pluralism. She identifies an “externalization function” to be performed by political institutions

one of the fundamental roles of liberal political institutions is to preserve a condition of value pluralism by externalizing responsibilities that would otherwise prevent individuals and their associations from forming and pursuing their diverse sets of values and purposes (Cordelli 2019, 119).

This is her way of characterizing the division of labor Rawls intended to free private persons and associations “secure in the knowledge that elsewhere in the social system the necessary corrections to preserve background justice are being made” (*PL* 269). Freeman is fully on board with this, as evident in chapter seven, where he defends the primacy of the basic structure by appealing to pluralism and the division of moral labor. Ironically, Freeman’s democratic interpretation of fair equality of opportunity might significantly impair this externalization function.

Productive enterprises within a market economy are not all of a piece. Co-determination at the level of the firm and profit-sharing cannot be imposed across all firms in an economy without significantly curtailing the rights of both entrepreneurs and those who would like to work for them.³ As for those firms that stand upon the commanding heights of the economy, there will be additional reasons for control and revenue to reside in the public rather than the firm itself.

Three. One factor motivating Freeman's amendments is Waheed Hussain's (2012) concern that political activity is too episodic and scarce to school citizens' sense of justice and to secure stability "for the right reasons." A well-ordered society must somehow cultivate a morality of principle in a populace many of whose members will be immersed in moralities of association. Hussain therefore advocates a "democratic corporatist" rather than a "liberal market" interpretation of property-owning democracy. Freeman's syndicalist interpretation reflects this concern back upon the interpretation of fair equality of opportunity. This is all in the Rawlsian spirit: Rawls having endorsed the idea that the two principles might be fine tuned in light of lessons learned in the effort to work out how they might be institutionally realized.

My worry is that exercises of workplace citizenship might be equally too episodic and scarce to serve the educative function that needs to be done. I share Cordelli's thought that what is needed to realize justice-as-fairness is a basic structure that educates citizens by fulfilling an *expressive* function:

³ Freedom of occupational choice does not of course entail freedom to be free of licensure requirements, and in non-ideal conditions, such as chronic shortages and emergencies, further restrictions – even conscription – may be justly imposed. See Stanczyk 2012.

Political institutions and arrangements must be designed so as to not only satisfy obligations of reciprocity through a just distribution of benefits and burdens, but also to visibly and publicly express this egalitarian idea of reciprocity to all citizens (Cordelli 2019, 122).

The reasons that drive Hussain's democratic corporatist, and Freeman's syndicalist, interpretations of property-owning democracy are, I think, a fortiori compelling reasons to favor public ownership of the means of production. A property-owning democracy aspires to express reciprocity by visibly and publicly placing productive capital at the disposal of all. A successful liberal democratic socialist society does this too, and one more thing. The means of production, which cannot be distributed to each and all as exclusive parcels, must be held as the joint property of all. Public institutions, such as the UK's National Health Service, perform an expressive function that secures an important social basis of self-respect. If there is a self-respect deficit in capitalist societies (as indeed evidence shows to be the case) then public ownership of the means of production shows how to mitigate it without conscripting business firms, wholesale, into service as schoolrooms in democracy.

In conclusion, I welcome the syndicalist interpretation of property-owning democracy for a somewhat other reason than that for which Freeman proposes it. I welcome it for its potential to contribute to an answer to a different critique of Rawls, which is that his alternatives to capitalism must, in practice, endow a managerial class with disproportionate influence, political and economic. Working this out is a project for another day, however.

References

Cordelli, Chiara. 2019. “Privatization without profit?,” In *Privatization: Nomos LX*, ed. Jack Knight and Melissa Schwartzberg: 113-44. New York: New York University Press.

Dworkin, Ronald. 1987. “What is equality? Part IV: Political equality.” *University of San Francisco Law Review* 22: 1-30.

_____. 1996. “The Curse of American Politics.” *The New York Review of Books* (October 17): 19-24.

Edmundson, William A. 2017. *John Rawls: Reticent Socialist*. Cambridge: Cambridge University Press.

_____. 2020. “What are ‘the means of production?’” *The Journal of Political Philosophy*. DOI:10.1111/jopp.12211 (early view Dec. 23, 2019).

Freeman, Samuel. 2018. *Liberalism and Distributive Justice*. Oxford: Oxford University Press [cited as *LDJ*].

Hussain, Waheed. 2012. “Nurturing the sense of justice: The Rawlsian argument for democratic corporatism.” In *Property Owning Democracy: Rawls and Beyond*, ed. Martin O’Neill and Thad Williamson. Oxford: Wiley-Blackwell, 180-200.

O’Neill, Martin. 2017. “Survey article: Philosophy and public policy after Piketty.” *The Journal of Political Philosophy* 25 (3): 343-75.

Rawls, John. 1996. *Political Liberalism*, paperback ed. New York: Columbia University Press [cited as *PL*].

_____. 1999a. *A Theory of Justice*, revised ed. Cambridge MA: Harvard University Press [cited as *TJ*].

_____. 1999b. *Collected Papers*. Edited by Samuel Freeman-Cambridge, MA: Harvard University Press [cited as *CP*].

_____. 2001. *Justice as Fairness: A Restatement*. Edited by Erin Kelly. Cambridge MA: Belknap/Harvard University Press. [cited as *JF*].

Reiff, Mark R. 2012. “The Difference Principle, rising inequality, and supply-side economics: How Rawls got hijacked by the Right,” *Revue de Philosophie Economique* 13: 119-73.

Stanczyk, Lucas. 2012. “Productive justice,” *Philosophy & Public Affairs* 40 (2): 144-64.

Thomas, Alan. 2012. “Liberal republicanism and the idea of an egalitarian ethos.” In *Property Owning Democracy: Rawls and Beyond*. Edited by Martin O’Neill and Thad Williamson. Oxford: Wiley-Blackwell, 101-28.