

The Limits of Equality, a Matter of Respect

Enrico Biale

Hoover Chair, UCL, Louvain-la-Neuve

One of the most basic and important goals of any egalitarian conception of justice is to recognize people as equals and to treat them accordingly. On Rawls's account this implies to guarantee equal basic freedoms and open careers to all justifying unequal distributions of goods if and only if they are necessary to advantage the worst off.

In the last few years this perspective has been deeply criticized by G.A. Cohen according to whom justice as fairness does not really guarantee equality among people justifying clearly unjust inequalities.

In this paper I would like to focus on Cohen's objections¹ to justice as fairness, arguing that they underlined some ambiguities in Rawlsian account of economic justice². Unlike many Rawlsians I would like to show that Cohen egalitarianism cannot be rebutted due to his demandingness or unfeasibility.

Nevertheless I will show that Cohen's approach, grounded on a conception of justice which underrates the value of publicity and public accountability, is not compatible with ground values of any egalitarian conception of justice like dignity and self-respect.

Once shown how much problematic this may be, I would like to sketch an alternative conception of egalitarian justice, grounded on a political approach to economic justice, which can satisfy egalitarian desiderata without underrating the value of publicity and public accountability.

The article proceeds as follows: in the first section I will try to sketch the objections raised by Cohen to "justice as fairness". In the second and third sections I will analyze and reject two possible critiques addressed to Cohen's egalitarianism. In the fourth section I will then try to raise some doubts on this account of justice and to sketch a possible alternative to it in the last section.

Justice is equality

¹G. A. Cohen, *Incentives, Inequality, and Community*, Tanner Lectures on Human Values, 1992; G.A. Cohen, *Where the Action Is: On the Site of Distributive Justice*, «Philosophy and Public Affairs», 26, pp. 3-30, 1997; G.A. Cohen, *Rescuing Justice and Equality*, Harvard, Harvard University Press, 2008.

² By economic justice I mean the set of institutions and policies which have economic implications like the structure of the market, the health system, wage differentials, basic income, hiring policies,

Which, if any, inequality is justifiable within an egalitarian society?

It is sure that one of the most problematic and arguable parts of “justice as fairness” concerns the answer to this fundamental question. According to Rawls³ in fact this issue is subject to the second principle of justice, composed by two principles in a lexical order of priority.

Fair equality of opportunity (FEO) holds that it is necessary to guarantee careers and jobs open to everyone with the same talents; once achieved this aim, which is strictly egalitarian, inequalities are justified, according to the Difference Principle (DP), if they are necessary to improve as much as possible the prospects of life of the least advantaged.

Such perspective seems to be structurally ambiguous for at least two reasons:

1. It assigns different weights to social and natural endowments;
2. FEO's strict egalitarianism is in tension with DP's maximin.

In this article I would like to focus on the latter looking at the objections raised in the last few years by G.A. Cohen, according to whom the incompatibility between FEO and DP shows the inconsistency of “justice as fairness” and it ought to be solved rejecting DP in favor of a more egalitarian principle of justice. In order to corroborate this point Cohen tries to show the ambiguities on which Rawls's justification of DP is grounded.

a) Since morally arbitrary characteristics does not have any value people ought to have the same amount of resources (*mac*).

b) If the least advantaged are better off under an unequal distribution of resources than under any possible egalitarian distribution, this inequality is just.

Cohen states that if one accepts a) it is quite difficult to hold b) if the inequalities are due to morally arbitrary elements like talent, for instance. If *mac* is rebutted there is not any reason to start with an equal distribution of resources (it may be possible to use as benchmark a maximization utility criterion). Rawls, in Cohen's view, founds DP on *mac* but DP is not compatible with *mac*.

Such problems will be solved if b) would be substituted by:

b bis) Since inequalities are unavoidable they ought to improve the conditions of the least advantaged.

In such a case in fact, it would be clear that DP is a second best principle (rules of regulation within Cohenian framework); *mac* is the principle of justice and DP is the best approximation possible to justice given the limits of our society and human nature.

To corroborate this point Cohen imagines a society where the most talented can require incentives if without them they are not able to perform actions which can enhance the wellbeing of the worst off. If their productivity magically improves and they can pursue these actions without

³ J. Rawls, *A Theory of Justice*, Harvard University Press, Harvard, 1971.

incentives, don't we judge this state of affair fairer, Cohen asks. If the answer is affirmative we have to admit that DP does not define what justice is, since it was satisfied in the first case too, but simply an approximation, maybe the best approximation possible, to this state of affair.

Once shown why DP cannot provide a good definition of justice, Cohen argues that egalitarian justice⁴ states that it is unfair if a person is worse off than another for something she cannot be held responsible.

This conception of justice is not constrained by any feasibility requirement and does not limit its scope to institutions only, rejecting two benchmarks of "justice as fairness": fact dependency and dualism. In the following analysis I would like to primarily focus on the latter assuming the former as an unproblematic characteristic⁵.

The main feature of a dualistic or institutional account of justice is to limit the scope of principles of justice to institutions letting free citizens, within the limits imposed by fair institutions, to pursue their plans of life. Cohen rejects such perspective arguing that principles of justice ought to be applied to institutions and choices made by people within such institutions since the latter have a deep impact on the fairness of a society. This approach sounds intuitively reasonable since it seems to be arbitrary to claim that if a person, even within the limits imposed by a fair background, is voluntarily disadvantaging someone else this is not unfair; we can obviously argue that to fix this unfairness is impossible but this does not mean that such an action is not unjust.

If then there are not reasons, apart from feasibility constraints, to limit principles of justice to institutions only, we have to agree with Cohen that a society is just not simply when a fair distributive pattern is achieved, but when this happens because fellow citizens endorse egalitarian principles and behave accordingly. Once accepted the unlimited scope of justice the only way to guarantee fairness is to regulate people's daily lives according to an ethos inspired to principles of justice. This does not mean to be completely altruistic but simply to take into account the interests of others, as it happens in a family or among friends. In such a way members of a just society do not exploit their bargaining powers or adopt strategic behaviors in order, for instance, to obtain differential wages. It is noteworthy that they act in this way just for their commitment to equality and not because they want something in exchange.

To clarify this point let imagine the following case: Marco and Daniele are friends, Marco has a car and he is stronger than Daniele. Daniele has to move into a new house and asks to Marco to help him to pack his stuff and bring them in the new flat. Marco accepts it without thinking at what

⁴ I will use this statement "egalitarian justice" to define what Cohen calls interchangeably equality, justice and fairness.

⁵ This implies, among other things, that I do not want nor can criticize Cohen's egalitarianism for its unfeasibility accepting that feasibility is not matter of justice but of politics.

Daniele can give him in exchange and even knowing that since he is more talented he will make a larger part of the job. This is not the way in which friends behave.

Cohen's account of justice is not radical simply because it is demanding or unfeasible but because it provides an account of society which is not compatible with market relation differentiating it not only from "justice as fairness" but even from mainstream egalitarianism which is more market friendly. Within a society of fellows who fully endorse egalitarian justice "do your bit" makes sense and it is probably the only imperative which can rule people's lives. This is what makes Cohen's account so arguable but even challenging and appealing since, as we expect from an egalitarian account of justice, it wants to defend the interests of the least advantaged and to suggest an alternative to system like market which does not look like so fair. It is noteworthy to underline that Cohen's egalitarian account tries to achieve this aim without forgetting the pivotal role of economic structure and distributive issues. Unlike relational accounts of equality Cohen is concerned with economic issues, the only matter of justice, suggesting nonetheless that justice requires that they are not left to market.

Some caveats and two objections

Once showed that one of the pivotal elements of Cohen's egalitarian account of justice is the egalitarian ethos and suggested that it seems to develop intuitions that we have on what equality means and requires, I would like to describe and analyze two possible objections that can be raised against it by egalitarians.

Before carrying on I would like to clearly state that I am not concerned with the critics to demandingness of Cohen's egalitarianism, to his metaethics approach and to his pluralistic account of values. I do not want to entail that these are not problematic issues or that I agree with Cohen on this theme but simply that they are out of the scope of the following analysis. A final remark: since Cohen addresses his proposal to egalitarians and I argued that his perspective is intuitively appealing for egalitarians I do not consider all the objections can be raised against it from perspective which are not committed to egalitarianism.

The two objections which I would be concerned with are:

1. The leveling down objection;
2. The publicity objection.

Cohen and leveling down

Once identified the tension between the egalitarian nature of FEO and the maximin underlying DP, and rejected the latter in favor of a strict egalitarian account of justice Cohen may be criticized arguing that he justifies leveling down.

In this section I would like to suggest that he has a two-steps reply to such critique; on the one hand he can show that his proposal does not necessarily entail leveling down and on the other he can argue that within given limits (a society of fellows who fully endorse egalitarian principles of justice) leveling down is neither unfair nor intrinsically bad, as it seems at a first glance.

First of all let us see the critique: strict egalitarianism prefers a state of affair in which everyone is equal but worse off than in an unequal distributive pattern where everyone is better off.

To exemplify a leveling down case I would like to imagine a very simple world in which we have two classes of people (talented and untalented). As starting point and benchmark we have A where two classes have the same amount of goods⁶ (50, 50). In order to see why strict egalitarianism justifies leveling down it is necessary to imagine two possible alternatives B (100, 70) where incentives are admitted and C (60, 60) where since incentives are not allowed talented people prefer not to work reducing the amount of goods available to the least advantaged. Strict egalitarianism would prefer C to B though everyone is worse off.

Cohen may reply that if the society is just, people would endorse an egalitarian ethos according to which it is not simply unfair to exploit one's morally arbitrary talent requiring incentives, but also to choose a job or a given level of productivity according to these morally unjustifiable interests. If incentives are unjust, the fact that they are allowed or not, should not make any difference for the talented.

In a society where people endorse the egalitarian ethos B and C are not the only alternatives to A; D (85, 85), where people behave like in B but are taxed like in C, would be still available and clearly fairer than B and C.

According to critics D violates most talented freedoms exploiting their talents and it is unachievable since some incentives are strictly necessary. Though I found these two points very challenging I would like to focus just on the latter since it allows to show an important feature of Cohen's account of justice.

Cohen indirectly admits that D is unachievable since some incentives are strictly necessary, that without them people cannot, are not able to, perform actions which improve the resources available to the least advantaged. To exemplify this case it is sufficient to imagine a very simple society in which some people are stronger than others and to work harder they need more food than people

⁶ For the following argument the currency of distributive justice is not relevant and I will use goods, welfare, resources interchangeably.

less productive. This implies an unequal distribution of goods, due to morally arbitrary reasons, which is justified because it is necessary to improve the bounces of goods available for the least advantaged.

Once shown that D does not concern the range of possibilities we can imagine that two options are available: E (70, 70) and F (90, 80), if strict egalitarianism prefers the former it justifies leveling down.

This is a tricky point which Cohen can solve making appeal to his metaethical framework and his value-pluralism, though I believe that there is room for a more desirable strategy which is grounded on the content of the egalitarian ethos. I will very briefly summarize both strategies.

To understand the first, let call it the official, reply it is necessary to remember that according to Cohen justice is justice whether it is achievable or not⁷. Once admitted this point it is clear that D is the just state of affairs because only in D justice is fully realized. Nevertheless since justice, due to our limits and other empirical constraints, is not achievable we may prefer F to E arguing that once fairness is not achievable is better to pursue a Pareto superior state of affairs.

Though this reply is fully consistent with Cohen's account of justice I think that it may be misinterpreted since it rejects leveling down objection for opposite reasons. On the one hand, Cohen seems to suggest that leveling down is unfair but it cannot affect his proposal which fully endorses maximin principle (D is maximally advantageous for the worst off). On the other hand, he argues that leveling down is not unfair and that maximin does not concern justice at all, but we can trade off it against other values (among which fairness) and choose the distributive pattern which maximizes the welfare of the worst off.

Though there is not a clear cut answer I think that many hints suggest that the latter is the most correct reading, especially if we want to argue that Cohen develops an account of society alternative to market one. If this is true we still ought to explain why leveling down is not intrinsically bad as it is usually suggested.

In order to understand this point it is necessary to look at one of the assumptions which underlines leveling down: the idea that, other things being equal, much is better.

Cohen holds instead that though this greedy perspective is natural, it is not necessarily good and it definitely should not be boosted by an egalitarian society. Within a just society people should not be lead by egoism and consider others as means to realize their ends, but they ought to realize themselves thorough mutual relation as members of a family or friends. To guarantee fairness it is moreover necessary a sense of closeness among the members of a society (the endorsement of the

⁷G.A. Cohen, *Rescuing Justice and Equality*, cit., p. 155

egalitarian ethos) and great inequalities, though maximally advantageous for the worst off, may undermine this constitutive element of a just society.

This does not clearly imply that we cannot legitimate inequalities if they are necessary to improve the prospects of life of the least advantaged but it explains why in a just society, that is a society where distribution is fair and people are fully committed to egalitarian principles, it is not necessarily to endorse such a perspective. Though strict egalitarianism justifies leveling down, it does not require this state of affairs and there may be good reasons to reject it. In the end a trade off among different values is necessary; Cohen does not want to suggest the outcome of this procedure simply arguing that to achieve the best solution possible, it is necessary to clearly define what justice means and requires.

To conclude let us imagine the following case: we can see a day of two different societies. In the former maximin is satisfied since people, following Wilkinson⁸ suggestion, behave as if incentives are accepted though they are not. Everyone fighting for the same good position try to cheat others using strategic behaviors and lies. They want to get as much as possible even if they know that at the end of the day everything would be equally distributed because what matters in this society is to get something not to own it. No one is worse off than others but everyone wants to be better off than anyone else.

In the second society maximin is not applied. People do their best to achieve their goals but they always try to have a look at others even if this is clearly inefficient. They do not care about incentives because they do not need them to do their bit, they simply do that because they are fellows. No one is worse off than others even though everyone is worse off than in the previous society.

Are we sure that the fairest society is the former?

The role of publicity

Once shown how Cohen may reject the leveling down objection enhancing our first intuitions according to which he is depicting an account of just society alternative to actual market economic system, it is necessary to consider another important critique that may be addressed to this proposal. This objection, primarily developed by A. Williams, is grounded on the idea according to which justice has to be seen to be done fulfilling the following requirements: «individuals are able to attain common knowledge of the rules? (i) general applicability, (ii) their particular requirements, and (iii) the extent to which individuals conform to those requirements»⁹.

⁸ T. M. Wilkinson, *Freedom, Efficiency, and Equality*, Palgrave, 2000.

⁹ A. Williams, *Incentives, Inequality and Publicity*, «Philosophy and Public Affairs», p. 233.

“Do your bit” clearly does not satisfy such requirements and, for this reason, it is constitutively ambiguous not being able to specify which are our duties towards one each other. These structural ambiguities are not only paradoxical for an author like Cohen who pretends to disambiguate “justice as fairness”, but it would imply the inability to check if people do what they owe to us and even to know in which way we ought to trade off these duties of justice with other duties that we can have (towards family, friends).

To reject this object it is necessary either to find a way in which “do your bit” may fulfill publicity requirements or to show that publicity does not concern justice but its implementation. Cohen takes this second way¹⁰ arguing that:

1. Ambiguities stressed are not structurally entailed by the non public nature of egalitarian ethos;
2. A public conception of justice cannot get rid of some clear inequalities;
3. Publicity can sometimes be incompatible with equality.

First of all it is necessary to admit that Williams’ requirements seems to be quite demanding and not so desirable, since they can be satisfied by few rules having counterintuitive consequences. To clarify this point it would be helpful to focus on point (iii) showing that it would not be fulfilled by a tax system justified by DP and that everyone consider fair since it is obvious that quite anyone would actually know how many people would conform to this policy. This does not seem a good reason to reject this policy or not to conform to it. Even if we try to soften the requirement reformulating it as follows:

it must be possible for there be a common knowledge of (iiia) the extent to which individuals conform to the requirements that are best judged to satisfy the given rules¹¹;

it seems reasonable to claim that informal rules like egalitarian ethos can more easily fulfill it than institutionalized policies. Citizens can have access to this sort of knowledge on their fellows’ behaviors more easily than on governmental actions. In order to judge an economic policy it is necessary to know macroeconomics theories and have access to a large amount of empirical data; to see if our boss is exploiting us it is sufficient to see his action on the workplace.

Once understood that publicity cannot require actual control, it may however be possible to argue that institutional rules are fully determinate unlike informal principles like “do your bit”. Though we can accept a range within which the rules are applied, we need to know what they require and to be able, at least in theory, to check if they are followed or not. Justice ought to be seen, even if it can be unseen.

¹⁰ G. A. Cohen, *Rescuing Justice, op. cit.*, chap. 8

¹¹ Ivi, p. 362

To rebut this feature, which seems quite reasonable at a first glance, let us imagine the following case: Luca, Andrea and Daniele are working in an office which is led by Fabio. These three people are equally skilled and they afford the work given them with the same effort and enthusiasm. Notwithstanding that Fabio, who secretly finds Daniele more funny, assigned to him the most important jobs clearly advantaging his career over Andrea and Luca's. Is this fair?

It seems to be difficult to answer affirmatively and it would be even more clear if we imagine that Andrea has been disadvantaged qua woman and Luca qua black. Even if no one can know Fabio's attitudes they are unfair because they do not fit with an account of justice we have in mind. Fairness has nothing to do with publicity but with justice alone; in order to judge people's actions we have to clearly define what justice is and then to specify an ethos which can rule their behaviors.

Given a good account of justice "do your bit" is the only warranty against racism, nepotism and other forms of clear injustices which cannot be publicly shown. Moreover it constrains people's actions and choices even though no one else is conforming to principles of justice, as it seems to be quite reasonable. It does not matter at all if I am the only fair person in the world, I have to do what justice requires to me.

Once seen that egalitarian ethos concerning justice and publicity does not seem to matter so much, it is possible to show that in a society where people endorse principles of justice and egalitarian ethos, publicity is not only useless but also counterintuitive.

Let us imagine the following case: LLN is a society where any inequality due to morally arbitrary causes are eliminated or reduced as much as possible. Every member of this society fully commits to principles of justice trying to do their best to act as justice requires and everyone knows it. When there is a problem people try to fix it, if someone cannot afford his bills others, within the limits imposed by their budget, try to help him.

Within such a context no formal rule is necessary since everyone is already following it; by introducing rules which require that Marco helps Maria three hours per day or Lucia takes out her old neighbor Antonio twice a week, something would be missed. People would not be fellows anymore. "Do your bit" respects and enhances people's spontaneous feelings and attitudes that anyone ought to have towards her fellow citizens. Publicity is not only useless if people endorse egalitarian ethos, but it also undermines such feelings; it is clear that within a society, as our actual world, in which we are not sure that people are fully committed to principles of justice, public rules are necessary to at least achieve the best approximation possible to a just state of affairs.

This is, however, a confirmation of Cohen's idea according to which publicity has nothing to do with the meaning of justice but simply with its implementation; it works once defined what justice is and accepted that people are not endorsing it. This does not imply that in an ideal society ethos an

egalitarian ethos would be more effective or that, even here and now, it would be better to find a way to implement this ethos in order to get real justice and not its imperfect picture.

A Brief summary

Once rejected leveling down and publicity objections and shown the role covered by the egalitarian ethos it seems to me necessary to consider which is the overall impact of this proposal on (against) a liberal egalitarian account of justice trying, at the same time, to clarify some possible misunderstandings.

First of all it is noteworthy to underline that Cohen's egalitarian ethos rejected two cornerstones of mainstream liberal egalitarianism (division of labor between institutions and individuals, and publicity requirements) suggesting that they do not concern justice and proposing an alternative account of equality which seems to be, at least intuitively, very appealing. This account underlies a way to see socio-economic relations among members of a just society which is clearly incompatible with market economy and seems to be fairer than this system. As I previously said this account of justice seems to be very appealing because it clearly defines the reasons according to which we do not have to accept inequalities in a just society focusing on socio-economic issues but without forgetting that they cannot be reduced to simple distribution of resources. It moreover, as it reasonable to expect from an egalitarian account of justice, tries to defend as much as possible the least advantaged and to define a society in which people do not simply have the same amount of resources but are fellows and behave accordingly.

Given the force of this proposal, which satisfies requirements it seems reasonable any egalitarian conception of justice ought to fulfill, and its radical critique to liberal egalitarianism, if anyone wants to rescue the latter has to find a way to rebut the former from an egalitarian perspective.

A possible way to reject this proposal would be to argue that it makes appeal to a perfectionist account of justice and this is not compatible with a pluralistic society like the one in which we are living. This reply would be, nevertheless, problematic for two reasons at least. On the one hand it is grounded on a matter of fact and, therefore according to Cohen's metaethical approach, it concerns rule of regulation and not justice. On the other Cohen's pluralism about values recognizes that people have different values on which they ground their lives simply suggesting that if they want to be committed to equality they have to respect the egalitarian ethos trading off it with their other values. Since I want to be skeptical about value pluralism I do not think that it is a good strategy to make appeal to it in order to criticize Cohen.

It seems then to me that if anyone wants to defend liberal egalitarian account of justice either

he finds a way to show that there are good egalitarian reasons to doubt on the role or the content of the egalitarian ethos or he has to reject it on non egalitarian basis, implicitly sacrificing equality to other values.

Since I think that if the only alternative is the latter it has been time to rebut liberal egalitarian account of justice, I would like to pursue the former.

Equality and Claims

Once defined the intuitive appeal and persuasiveness of Cohen's egalitarianism and added that I am not concerned with feasibility and demandingness constraints someone may wonder what is wrong with this account of equality. It satisfies our main intuitions on what equality means allowing to trade off this value against others and not reducing it to mere redistributions but focusing on economic issues.

In the present section I would like to raise some perplexities about this account of justice, without arguing that it ought to be rejected but simply suggesting that it has some burdens, even for egalitarians, which leave room for developing an alternative account of justice.

Let's imagine a society in which every morally arbitrary inequalities are eliminated or reduced as much as possible; members of this society fully endorse egalitarian principles of justice and make as much efforts as possible to do their bit in order to regulate their daily lives according to an egalitarian ethos and treating others as fellows. Within such a society the way people comply with equality is not transparent and public accountable since this does not concern justice and may undermine the sense of fellowship people owe one to each other. To check if people endorse equality they built a machine which can show if a person is doing his bit (red affirmative, green negative).

Imagine that someone is discriminating against women clearly violating fairness and in fact the machine's light is green; within this society women do not have any specific complaints about this unfairness. They are not in a special position since, like any other member of the society, they can highlight that a bunch of guys is violating fairness. They cannot claim that these people owe to them an excuse because they are undermining their value; they can simply show the green light underlining guys' unfittingness to equality. It is noteworthy that everyone can do the same and this society does not seem to recognize any special role to people who are not treated as equals.

Within this society people cannot know what that they owe one to each other and then they cannot complain if this does not happen. They simply live their lives looking at the green/red lights in order to see if fairness is guaranteed.

As suggested by Darwall in this kind of society there are a lot of «requirements on us that no one has a standing to require of us»¹². The activity of claiming something that is due to us, which according to Feinberg «enables us to “stand up like men”, to look others in the eye, and to feel some fundamental way the equal of anyone»¹³, implies «our accountability to each other as equals. We respect one another as equal persons and accord each other this second-personal authority when we hold ourselves mutually accountable for complying with demands we make, and have authority to make, of one another as equals and rational agents»¹⁴. This dimension concerns publicity, interpreted as reciprocal public accountability rather than checkability, and is grounded on equal respect due to people, a value which an egalitarian account of justice should not want to miss.

To corroborate this point let us imagine the following cases:

I am sick and I have to go to a doctor; I do not have any medical knowledge and I am not used to check on the web since I trust doctors more than wikipedia. I think in fact that they will do their best to take care of me. When the doctor starts to visit me he explains what he is doing and why; though I do not understand anything and we probably know that it is inefficient I do not think that it is a waste of time since if he would not have done it I will have been treated unfairly. Doctor would have not believed to owe an explanation to me or that I have the authority to pretend it and to complain if he did not satisfy this requirement.

The same happens when minister of finance explains the main economic measures the government is going to take; we do not understand anything and probably we do not have time to check if he is right or not, but if he did not comply with this requirement just stating that government is doing its bit we would have felt unfairly treated. He would believe that he does not owe any explanation to us and would not feel guilty if we demand it.

Someone may reply that the value of transparency underlined by these cases is due to non ideal world in which they are situated; if people were fully committed to equality do your bit would be enough.

To reject this reply I would like to present a personal case: my father is a general doctor; I clearly trust him as doctor and as person. I can say that I esteem him. When he visits me I do not pretend that he explains what he is doing and why, he is my father. Nonetheless I know that if I required him to explain what he is doing he would do that and I know it because in the past he recognized my second personal authority to make this claim. When he made promises and he did not respect them he explained me why because he was aware that I owe an explanation. If he would have said

¹² S. Darwall, *Respect and the Second-Person Standpoint*, «Proceedings and Addresses of American Philosophical Association», 78, p. 44.

¹³ J. Feinberg, *The nature and Value of Rights*, «Journal of Value Inquiry», p. 252

¹⁴ S. Darwall, *op. cit.*, p. 45

“I did my bit” I would not be so comfortable with his not explaining me what he is doing because I know that he does not recognize me the authority to make these claims.

Therefore the difference between fellows and non fellows does not concern transparency and public accountability but implicit or explicit requirements. We know that our fellows would recognize our authority to pretend them an explanation and this is why we usually do not demand them anything.

Inequalities justified, some sketches

Once underlined the value of transparency and respect it is necessary to further develop this idea explaining how it can concern distributive justice. I do not have time to fully satisfy this legitimate question but I would like to suggest some hints to argue that there is room to develop further such perspective.

First of all recognition respect, unlike suggested by main literature, concerns distributive justice since, roughly speaking, it requires that there is room for every member of a just society to pursue her interests and values. Respect is usually associated with a sort of impartiality among different values and interests; if a society is characterized by deep inequalities it does not seem to be impartial among people favoring someone over others. If members of a society act as perfect market maximizers being fully indifferent one to each other, there is room to legitimately complain about this behavior.

To corroborate this point let us imagine a society which has been always ruled by the same group characterized by a common feature (gender, colour, sex preferences). It is clear that this society is unfair because it does not recognize people who are not members of the leading group as equals. If this would imply the formal recognition of their right to be member of the leading group without changing the structure of the society, the disadvantaged still have room to complain since they have to lead their lives in a society which is not impartial toward their interests .

It is moreover important to underline the symbolic value of distributive justice; guaranteeing real freedom to members of a disadvantaged group, for instance, enhances the public recognition of the value of their claims. Recognizing them a right without making it effective may give the message that society is not taking seriously their claims simply trying to get rid of their legitimate complaints in the less burdensome way.

Once recognized the distributive dimension of public accountability it is noteworthy that this account of justice implies a shift from what people are entitled to how alternative distributive patterns are justified. This does not mean that distributions do not matter at all but that a further constraint is imposed to them. They do not simply have to fulfill a distributive criterion but also a

justificatory standard. This implies that public accountability cannot define what is justice simply excluding what cannot be required to people. It may be moreover compatible with more than a distributive criterion simply imposing the same constraints to them.

First of all public accountability rejects unlimited scope of justice which, added to justificatory constraints, would require full transparency justifying a moralistic perspective according to which people's interests and values are completely accountable to everyone. To corroborate this point it may be useful to consider Titelbaum's account of justice according to which all people's actions and choices ought to be submitted to an ethos inspired by the two Rawlsian principles of justice. Though less demanding than Cohen's egalitarianism Titelbaum is more moralistic than him because he pretends full transparency. For instance he argues that a doctor cannot be justified to require more money to buy a spider but the same doctor is justified to pretend the same amount of money to buy a bigger car for his family.

Therefore to guarantee full equality either you reject transparency and pretend that people do their bit or you accept transparency adopting a moralistic approach.

To avoid full transparency without undermining respect due to members of a just society it is necessary to identify the spheres where people are public accountable for what they do and to whom second person authority is recognized. In order to clarify this point let's imagine the following two cases:

John is well educated and believes that education is very important; this is why he decided to invest a lot in his children's education, reading them books when they were kids and improving their cultural attitudes as much as possible. His children have clearly more opportunities than others, it is not important to quantify them, is this unfair? Should John compensate society for what he is doing?

John has to vote for a public policy which raises up taxes for top salaries, reducing the amount of goods he can spend for his family, in order to enhance educational level of the least advantaged. Since his children would be negatively affected by this policy John votes against. Is this just?

This is a tricky issue but I think that looking at respect due to people it is possible to claim that John is entitled to help his children without being obliged to compensate anyone. Society cannot in fact judge his actions as father, no one has this authority apart from members of his family. If, for instance, he is helping his little son without doing the same with her daughter he is clearly making an injustice because someone, his daughter, to whom he recognizes second person authority to make claim against him can legitimately complaint about his action.

In the second case John is not acting as father but as citizen and this implies that he is recognizing every member of the society second person authority to complain if he disadvantaging them over his family. It is noteworthy that broader spheres have priority over more limited ones.

It is important to underline that this approach rejects Cohen's argument according to which an account of justice grounded on publicity would not be able to get rid of clearly unjust inequalities like racism or nepotism because they are hidden. Let imagine the following case: Maria and Manuela are applying for a job. John, a friend of Maria, has to select among them. If he chooses Maria just because she is a friend of him, John is making an injustice since Manuela has legitimate complaint about this choice. John's action is in fact public accountable because it concerns a sphere in which every job applicant has second person authority to be treated impartially.

Though sketchy and incomplete this approach can satisfy our intuitions on the role of transparency and publicity without forgetting distributive issues and guaranteeing as much as possible the least advantaged. I do not want to argue that it can reject Cohen's egalitarianism simply suggesting that it may represent a viable alternative; both has some burdens it stays to us to choose which is the most burdensome.