



The envy and the justice in the well-ordered society¹

A inveja e a justiça na sociedade bem-ordenada

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ABSTRACT

John Rawls, in developing his theory of justice as fairness, devoted efforts to demonstrating that his political conception of justice is intrinsically stable by creating the conditions, so that “excusable general envy” does not proliferate in a well-ordered, just and unequal society. That solution was contested by Jean-Pierre Dupuy, according to whom Rawls would have been naïve in believing that the solution of the “problem of justice” would also solve the “problem of envy”. This paper aims at investigating the relevance of such observations, considering whether or not the solution to the “problem of justice” is also an effective way of dealing with the “problem of envy”. The thesis to be defended is that, despite Rawls's efforts, the risks arising from envy are only partially avoided, since the envy that can destabilize the political conception of justice is not limited to “excusable general envy”.

Keywords: envy, social stability, inequality, John Rawls, Jean-Pierre Dupuy.

RESUMO

John Rawls, ao desenvolver sua teoria da justiça como equidade, dedicou esforços a demonstrar que a sua concepção política de justiça é intrinsecamente estável ao criar as condições para que a “inveja geral desculpável” não se prolifere na sociedade bem-ordenada, justa e desigual. Tal solução foi contestada por Jean-Pierre Dupuy, segundo o qual Rawls teria sido ingênuo ao acreditar que a solução do “problema da justiça” seria capaz de resolver também o “problema da inveja”. O presente trabalho visa investigar a pertinência de tais observações a partir da forma como a solução do “problema da justiça” é capaz, ou não, de lidar com o “problema da inveja”. A tese a ser defendida é a de que, apesar dos esforços de Rawls, os riscos advindos da inveja são apenas parcialmente evitados, uma vez que a inveja que pode desestabilizar a concepção política de justiça não se limita à “inveja geral desculpável”.

Palavras-chave: inveja, estabilidade social, desigualdade, John Rawls, Jean-Pierre Dupuy.

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Introduction

Envy arises fundamentally from the intersection of gazes in a modern society deeply divided by social and economic inequalities, but which defends the idea that human beings are free and equal by nature. It is in this context that the well-ordered society proposed by John Rawls in *A Theory of Justice* is inserted: it is undoubtedly a modern society that seeks to reconcile the demands of liberty and equality, but which sanctions just inequalities through the adoption of the “principle of difference”.

Rawls devoted his efforts to demonstrating that his political conception of justice is inherently stable by creating the conditions for envy not to proliferate in a well-ordered, just, and unequal society. In his account, the dangers of envy are observed in both parts of the argument in favor of the conception of justice as fairness, both in the original position, where its presence would hinder the process of rational choice, and in the well-ordered society, where envy can be a factor of social instability.

Despite the centrality of the “problem of envy”, the issue appears little in the secondary literature on Rawlsian thought, and when it does, it is generally treated as a minor element in his argument. I can think of two possible reasons for this. The first concerns the fact that the stability test, into which the argument about the “problem of envy” is inserted, has received little attention from commentators until Rawls takes it up again in *Political Liberalism*, where he argues that there is a serious flaw in Part III of *Theory*: there justice as fairness is treated as a “comprehensive doctrine”, and this would be incompatible with the “fact of reasonable pluralism” of the liberal democratic society for which his philosophy is intended, and would threaten its stability.² The second reason is that, despite the revisions, Rawls (2003, [JER, §55.1], p. 262-263) maintained all the main points of his argument on envy, warning his readers that the inclusion of new elements on moral psychology and the good of society would only be supplementary to what had already been presented in *Theory*. Thus, there was no need to return to the “problem of envy” in his later works.

² Freeman (2007) lists three possible reasons for the lack of impact of the argument in favor of congruence between the just and the good, which is also found in Part III of *Theory*: 1) the fact that *Theory* is a long book and congruence is only dealt with in §86; 2) the lack of clarity in the exposition of the last part, in which Rawls deals with various issues; and 3) the judgment of the argument as weak by some of the major commentators. I believe that these factors also affected the impact of the stability test on the “envy problem”. The issue of stability came to occupy a central place after the publication of *Liberalism*, whether explicitly or not, but in the context of the revised argument. Hill Jr. (1994), Klosko (1994), Hampton (1994), and Barry (1995) are some of the authors who deal with stability but not envy.

The continuing importance of the “problem of envy” can also be seen in *Justice as Fairness: A Restatement*, in which Rawls (2003, [JER, §25.5], p. 125) reaffirms what he said in *Theory* (1997, [JER, §80], p. 590) regarding the stability test: If it turns out that citizens who are born and raised in a well-ordered society develop the characteristics of “special psychologies”, including envy, then it will be necessary to reconsider the adoption of the principles of justice as fairness.

Although Rawls believes that he has succeeded in his argument in favor of the concept of justice as fairness, Jean-Pierre Dupuy (2020) disputes the solution to the “problem of envy”. For the Frenchman, Rawls has not succeeded in his project; on the contrary, he has made a fundamental philosophical error in believing that there is a solution to the “problem of justice” and that this solution is capable of solving the “problem of envy”. The main problem is that there is no solution to the problem of social justice in a modern society characterized by individualism and an aversion to externalities, let alone envy. Rawls' naivety was to believe the words of the envious who accuse social injustice and the randomness of nature as being the causes of both their misfortune and the prosperity of the more favored. For Dupuy (2001), the complaint of the envious in modern society is nothing more than a “stabilizing belief”, a way of escaping the suffering caused by competition. The Frenchman accuses Rawls of having ignored the lessons of Alexis de Tocqueville (2000), according to whom the cause of the problems of modern society lies in the “equality of conditions”, the consequences of which are: a) “hatred of the external”; and b) “the reflux of all values into the individual sphere” (Dupuy, 2020, p. 189-190).

The only way to solve the “problem of envy” once and for all is to return to a hierarchical society in which “nature” determines everyone's place in the social distribution. But no one is really willing to do that. Staying in modern society means knowing how to deal with envy and other socially destructive emotions. To do so, it is necessary to study: a) “how [their] effects can be minimized or postponed”; and b) how to channel them “into benign and even productive forms” etc. (Dupuy, 2020, p. 191). To believe that the “problem of envy” has been solved is to put ourselves in a dangerous situation, which is why Dupuy advocates a complete rejection of Rawls' proposal.

Based on Dupuy's critical observations, this paper aims to examine the relevance of such observations in terms of how the solution to the “problem of justice” may or may not deal with the “problem of envy”; more specifically, it examines how, based on the solution to the “problem of justice”, Rawls believes he solves the “problem of envy”. In order to achieve this general objective, it was necessary to understand the reasons that led to envy being considered a problem for the conception of justice as fairness and the treatment of envy in the two parts of the Rawlsian argument in favor of the conception of justice as fairness, with particular emphasis in the first part

on the argument that leads to the choice of just inequality and in the second part on the solutions to the three causes of “excusable general envy”.

Envy as a Problem for the Concept of Justice as Fairness

Rawls (1997, [I], §73), pp. 534-535) distinguishes between moral feeling and non-moral feeling. A moral feeling requires some kind of explanation that necessarily involves reference to a moral concept or moral principles, such as the concepts of goodness and justice. In the case of non-moral feelings, the explanation will be of a different kind. On the basis of this distinction, Rawls (1997, [I], §80), p. 593) warns that envy should not be confused with resentment, because “envy is not a moral feeling”, while “resentment is a moral feeling”.

Both envy and resentment start from the same observation: there is inequality, and those who have less feel envy or resentment toward those who have more. In the case of envy, it is enough to say that the realization of someone else's good fortune creates a “sense of hurt and loss” that leads the envious person to develop resentment and hostility toward the person who is better off than he or she is. In the case of resentment, in addition to the realization of inequality, the resentful person must resort to the moral principle of justice to justify his feelings, either by accusing the social institutions of injustice or by accusing those who have more of dishonesty. Thus, “those who express resentment must be prepared to show why certain institutions are unjust or how others have wronged them” (Rawls, 1997, [I], §80), p. 593).

Since a well-ordered society is one that adopts the principles of justice as regulators of its basic institutions, then there would be no reason to fear resentment, but how can we justify concern with envy that does not arise from injustice? I think there are two main reasons why Rawls had this kind of concern in developing a political conception of justice: a) the strong influence of the philosophies of Rousseau and Kant on his thinking; and b) the acceptance, choice, and sanctioning of social and economic inequality by justice as fairness, the main cause of the psychological and social origins of envy.

With regard to the first reason, Rawls (1997) declares himself to be heir to the contractualist tradition. The belief that the solution to the “problem of justice” is capable of solving the “problem of envy” is heir to Rousseau, as can be read in the *“Lectures on the History of Political Philosophy”* (2012) dedicated to the Genevan thinker. However, his definition of envy is clearly Kantian.

Rousseau (1999b), as a critic of culture and civilization, argued that history had led humanity to both individual perfection and the “decay of the species” because of a “fatal accident”. The emergence of “self-love” is one of these accidental causes. In short, self-love is the result of the consideration or public esteem that arises in the social environment of preference and distinction in the face of the observation of differences in natural talents. From distinction follows the loss of civil equality, which is accompanied by feelings of jealousy and envy, and the consequent destruction of sympathy and the “decay of the species”. No influence is ascribed here to the justice or injustice of social relations, but only to the observation of differences.

Rousseau's wager (1999a), which is also Rawls's, is that the justice of institutions is capable of restoring human nature degenerated by “self-love”. The difference between a degenerate society and a just, stable, and happy society is the constitution of legitimate power through a legitimate social compact. For Rawls, the social contract solution to social vices would only be viable because of two beliefs that follow from Rousseau's claim that human nature is good but corrupted by institutions:

- (a) Social institutions and the conditions of social life primarily influence the development and expression of certain human tendencies over time. When realized, some of these tendencies are good and some are bad.
- (b) There is at least one possible and reasonably viable system of legitimate political institutions that satisfies the principles of political law and meets the requirements of institutional stability and human happiness (Rawls, 2012, p. 224).

Further on, Rawls (2012, p. 225) adds: “The solution to our problem [of social vices] is a social world organized in such a way that it is consistent with our true nature and with the natural state of our *amour-propre*”. The basis of inclinations are the principles of human nature, but their expression depends on “social and historical conditions”. The challenge is to create the conditions that lead to good inclinations and this is exactly what would happen in a well-ordered society.

As for the definition of envy, Kant (2013) defines it as a propensity to feel pain or disgust at the well-being of others, which leads the envious person to wish to destroy the happiness of others, even though this may harm them and such happiness does not in any way diminish their own well-being. Therefore, envy is an anti-social emotion that secretly and veiledly shows hatred for mankind.

Kant believes that the tendency to envy is part of human nature. We are unable to judge our own well-being by its intrinsic value, so we must resort to comparison with the well-being of others. This comparison causes us grief when the well-being of others overshadows our own. The problem

arises only when the indirect bad intention (invidiousness) leads to the act itself (qualified envy). The result of qualified envy is “forgetfulness of duty to one's neighbor” as well as the destruction of “duty to oneself” (Kant, 2013, p. 273).

Rousseau and Kant see envy as a negative emotion that arises from interpersonal comparison, whether of goods, talents, wealth, or anything else that is unequally distributed, and that produces in the envious person (the one who has less) a feeling of pain or disgust toward the envied person (the one who has more). For both philosophers, interpersonal comparison is inevitable and involuntary, and they also identify the intersection of gazes as a necessary condition for the emergence of the feeling of envy, which is classified as one of the evils of humanity. Rawls (1997, [I], §80), p. 592) appropriates this idea as follows:

Then we may think of envy as the propensity to view the greater good of others with hostility, even when the fact that they are more fortunate than we are does not diminish our advantages. We envy people whose situation is superior to ours [...] and we are willing to deprive them of their greatest benefits, even if it means giving up something.

In this way, the manifestation of the feeling of envy presupposes a situation of inequality in which some have more than others, and this inequality can be compared. What makes envy a socially undesirable emotion is the fact that in most cases it leads to a worse situation for everyone and is therefore classified as one of the vices of misanthropy, in other words, one of the vices that demonstrate hatred of humanity.

The other reason why envy could threaten the stability of the concept of justice is that a well-ordered society is just and unequal. For Rawls (1997), inequality is not an inevitable evil, but rather a beneficial choice made by the parties in the original position. Accepting inequality, even if it is fair, can lead to envy. The bet is that the conception of justice as fairness creates the conditions that prevent the development of a particular kind of envy: “excusable general envy”.

General envy is directed at types of goods and opportunities, as opposed to private envy, which is tied to the possession of specific objects and positions. According to Rawls (1997), the less advantaged would feel a kind of general envy of the “greater wealth and opportunity” of the more advantaged, wishing to have for themselves advantages similar to those enjoyed by members of the upper classes, in other words, their degree of wealth and opportunity. It would therefore not be characterized by the rivalry or competition that typically occurs in the case of private envy. His problem, then, is “whether the principles of justice, and especially the principle of difference,

together with fair equality of opportunity, tend in practice to produce destructive excesses of general envy” (Rawls, 1997, [T], §80), p. 591).

Rawls calls “excusable envy” the kind of envy that arises when the degree of inequality allowed by institutions is so great that it shatters the self-esteem of the less advantaged, leaving them with no alternative but to feel envious of the more advantaged. This would be the only kind of envy that could be rationally felt, and thus the only one of interest to the political conception of justice. The social risk of “excusable general envy” is the generation of hostility from the less favored toward the more favored, and the latter would in turn feel feelings of jealousy, pettiness, and resentment in response to the hostility of the envious. The result would be a weakening of the cooperative system and, consequently, a threat to social stability.

The Two Parts of the Contractualist Argument

Rawls adopts a variant of the modern contractualist model to justify the choice of the principles of justice that make up his conception of justice. The argument for the two principles of justice is divided into two parts. In the first, the principles are “provisionally chosen”, disregarding the influence of “special psychologies”, including envy. The second part analyzes the stability of the conception of justice as fairness chosen in the first part, taking into account both “special psychologies” and the description of a well-ordered society.

The “problem of envy” is one of the reasons for this division. Rawls argues that the exclusion of envy in the first part simplifies reasoning when it comes to choosing principles of justice, especially in the case of “social and economic inequalities in which the role of envy and contempt cannot be ignored” (Rawls, 2003, [JER, §54.1], p. 257). However, the assumption that “envy does not exist” may seem unrealistic, since this emotion affects natural persons, hence its inclusion in the second part of the argument. However, even in the second part of the argument, the inclusion of special psychologies can still be challenging:

[...] there seems to be no way of knowing in a general way, except by considering at least the most general characteristics of the main institutions of the existing basic structure, how susceptible people are to such tendencies [of special psychologies] (Rawls, 2003, [JER, §54.1], p. 257-258).

To overcome the difficulty of accounting for particular psychologies, Rawls links people's attitudes to the kinds of institutions to which they are subject. His bet is that if the basic institutions are fair, there is no other reason for people not to act fairly. Therefore, the purpose of studying the effects

of special psychologies is rather to determine how institutions affect the behavior of citizens. Thus, in order to carry out the second part of the procedure, the first phase of choice must have been completed, so that only then can the parties assess “the likelihood that citizens growing up in this [institutional] background will allow themselves to be dominated by destabilizing special attitudes [such as envy]” (Rawls, 2003, [JER, §54.2], p. 258). The argument in favor of the principles of justice is only complete once it can be shown that citizens who are born and grow up in a well-ordered society develop a strong sense of justice, capable of opposing the tendencies of special psychology to act against justice (Rawls, 2003, [JER, §54.2], p. 258).

Choosing fair inequality

In the first part of the argument, Rawls (1997, [T], §25) describes the conditions for deriving the principles of justice. These conditions include limiting information by assuming the veil of ignorance and excluding envy and other “special psychologies” from rational calculation. Rawls thinks that envy would be irrational in that it leads people to prefer a worse situation for everyone, i.e., the envious don't mind getting less as long as the other gets even less. Since the parties would be rational in the original position, they shouldn't be guided by envy. The result of the consideration is the two principles of justice, according to which we have “inequalities sanctioned by the principle of difference” (Rawls, 1997, [T], §80), p. 591), with the condition that the least advantaged members of society should benefit as much as possible.

It is precisely the exclusion of envy in the first part of the argument that makes it possible to choose the situation of inequality of income and wealth on the basis of the contractualist procedure. In fact, the most rational choice in the original position would be absolute equality, given the condition of equality between the parties and the restriction of information imposed by the adoption of the veil of ignorance. Taking these characteristics into account, none of the parties would be willing to accept less than the others or expect any of them to accept such a condition, nor would they be able to guarantee greater benefits for those they represent since the contingent factors that determine them are ignored. The reasoning that leads to inequality must therefore be secondary reasoning.

The inequality of income and wealth is based on the argument that choosing absolute equality would not always put everyone in the best possible situation, especially considering that there would be an economic function that would justify inequalities as a way of stimulating and compensating for the investment in training and the greater responsibility required by leadership positions, which

would be important for increasing economic efficiency and, consequently, for increasing the amount of production to be distributed. Thus, even those who receive less, *i.e.*, the least favored, would receive more in the unequal and fair situation than in the initial hypothetical situation of absolute equality.

Rawls answers the question of what might prevent inequality from being beneficial to all as being the frustration arising from envy:

[...] the parties would disagree about the existence of these differences only if they were frustrated simply because they perceive or know that others are better off; but I suppose that they [the parties] decide [in the original position] as one who is not motivated by envy (Rawls, 1997, [T], §26), p. 163).

So by removing the feeling of envy from the rational choice calculation, fair inequality would end up being more likely to be chosen. I say “more likely” because the argument goes on. In addition to the economic advantage of inequality and the exclusion of envy, Rawls includes a third element: the veto power of the least favored. In his own words:

Since the parties assume an equal distribution of all primary social goods, those who benefit less have a veto, so to speak. This brings us to the principle of difference. Taking equality as the basis for comparison, *those who have gained the most must have done so in ways that are justifiable in the eyes of those who have gained the least* (Rawls, 1997, [T], §26), p. 163, emphasis added).

Therefore, starting from absolute equality, the reasoning that leads to the choice of inequality must be something that everyone agrees with, especially those in the least advantaged position. The choice of inequality would be compatible with rationality if one considers that, since it is not possible to identify a priori who will be the most and least favored, due to the veil of ignorance, everyone puts themselves in the place of the least favored. In this way, the least advantaged exercise their power of veto. Not all inequality is acceptable, but only that which is justifiable from the point of view of the least advantaged. According to Rawls, this is exactly what happens in the original position. The Principles of Justice end up reflecting this by including both absolute equality, in the first principle, and fair inequality, in the second principle.³

By admitting just inequality, Rawls can only deal with the possibility of envy in a well-ordered society. This is done in the second part of the argument, in particular, in §§80-81 of *Theory*.

³ This is the final version of the two principles of justice chosen in the original position: “(a) every person has the same irrevocable right to a fully adequate scheme of equal basic liberties compatible with the same scheme of liberties for all; and (b) social and economic inequalities must satisfy two conditions: first, they must be related to jobs and positions accessible to all under conditions of fair equality of opportunity; and second, they must benefit the least advantaged members of society as much as possible (the difference principle)” (Rawls, 2003, [JER], §13.1), p. 60).

The Well-ordered Society and the Conditions of Envy

Rawls (1997, [T], §81) identifies three conditions that can foster the development of “excusable general envy”: a) a psychological condition: in particular, low self-esteem and feelings of inferiority; b) a first social condition: the social structure and way of life that allow the psychological condition to be experienced in a painful and humiliating way in the face of inequality; and c) a second social condition: the lack of a constructive alternative for dealing with acceptable inequalities. All these factors have as their main cause the basic institutions of society, and for this reason their effect can be annulled or substantially diminished by adopting the conception of justice as fairness, since the basic institutions are the target of the conception of justice.

First Condition: Self-Esteem, Solidarity, and Desert

As a first condition, Rawls supposes that the main psychological root for the development of “excusable general envy” is a lack of self-confidence (low self-esteem), accompanied by a feeling of powerlessness (inferiority). Although this is a psychological cause, Rawls (1997, [T], §81, p. 596) suggests that the basic institutions of society are its “basic instigating cause” and not, as one might expect, natural inclinations and dispositions. In other words, Rawls assumes that the way society is structured can lead to a situation in which “people lack solid confidence in their own worth and in their ability to do anything worthwhile” (Rawls, 1997, [T], §81, p. 595), and this poses a problem by creating the perfect scenario for the spread of “excusable general envy”.

We might say, then, that Rawls regards the fact that a person has an inclination or propensity to envy as a necessary but not sufficient condition for making him envious. Basic institutions are an indispensable condition for these inclinations and propensities to manifest themselves or not, and the conception of justice as fairness, by promoting fair basic institutions, ends up promoting greater self-confidence in citizens and a lesser sense of powerlessness “with respect to their prospects” (Rawls, 1997, [T], §81, p. 595).

Rawls argues that the conception of justice as fairness would be more efficient in achieving these goals than other political principles because it is a contractualist conception of justice. Since the concept of justice in a well-ordered society is derived from a contractualist procedure, Rawls concludes that in the public forum of a well-ordered society all citizens would be treated as equal and sovereign, that is, as equal sources of political power. Adopting a contractualist conception would mean that all citizens would in principle have the same basic rights, which would be

recognized in the contractualist process. This equal treatment would strengthen the self-esteem of citizens, especially the less favored.

It should be noted that the primary good of the social bases of self-respect is undoubtedly the perfect antidote to the psychological cause of “excusable general envy”. If envy results from a loss of self-confidence or a feeling of powerlessness, self-respect is precisely confidence in one's ability to carry out one's life plan. Self-respect implies a desire to be recognized as “normal and fully cooperative members of society” (Rawls, 2011, [LP, II, §7.1], p. 97). Moreover, the primary good of the social bases of self-respect presupposes the equal distribution of liberties and the attribution of equal social status through equal treatment in the public sphere and the attribution of moral desert to the possession of a sense of justice, which by definition is equal for all, but not the unequal distribution of wealth, as is commonly the case. In this way, Rawls seeks to break down the public distinctions that give rise to jealousy and envy.

Another legacy of contractualism is the development of moral capacity, a sense of justice, and with it the bond of civility that unites the citizens of a well-ordered society. Rawls makes clear that a sense of justice is fundamental to stability because it provides a force against any inclination toward injustice, and also because it produces the bonds of civility that create a sense of belonging and contribute to citizens' self-esteem.

Another important aspect is that, in a well-ordered society, those who have more income and wealth are not considered to have some intrinsic value that is superior to those who receive less. This discrepancy in income would be due to a legitimate expectation founded on publicly recognized rules: “Having done various things, encouraged by existing organizations, these people and groups [participating in just organizations] now have certain rights, and the just distribution of shares honors these claims” (Rawls, 1997, [I], §48], p. 343). Thus, what justifies the difference in income is legitimate expectation, not moral desert. If there were no desert in having more, there would be no disadvantage in having less. This would prevent the feeling of inferiority.

It is worth noting that for Rawls (1997, [I], §17], p. 115) natural endowments cannot be seen as the source of moral desert, but rather as “facts of nature” that are randomly distributed and have no moral value. Since there is no desert in greater abilities, and since the “difference principle” is considered a just principle, the benefits of greater natural endowments should be used to improve the quality of life for everyone, not just for those who have benefited from luck. In other words, natural endowments are a social good, not an individual good. Rawls (1997, [I], §48], p. 344) argues that the higher pay of the better off is not due to their natural endowments, but is a way of

“rewarding the costs of specialization and stimulating learning efforts, as well as directing ability where it best serves the common interest”.

In addition to everyone being treated equally in the public forum, having a bond of civility arising from a sense of justice, and having their rewards defined by legitimate expectations, Rawls adds that the conception of justice as fairness would be incompatible with the principles of perfection and utility. While the former seeks to ensure equal rights and opportunities for all, the latter seeks to maximize some capacities that are socially regarded as assets at the expense of others. This would affect the self-esteem of those who have not been fortunate enough to possess such abilities, leading them to experience a sense of inferiority. Thus, an analysis of the first condition for “excusable general envy” would reject the principle of perfection and utility.

The conclusion Rawls reaches in analyzing the first condition of envy is that inequalities, whether absolute or relative, would be more easily accepted in a well-ordered society. In such a society, the basic institutions would guarantee that the less favored would not lack self-esteem or feel inferior, and therefore would have no reason to be afflicted by “excusable general envy”.

The problem is that Rawls fails to note that distinction is an involuntary process, and even if public esteem is tied to an equally distributed characteristic, such as liberty or a sense of justice, it ends up being a fragile process. Even if public treatment is equal, this does not mean that there is no comparison between people on the basis of their different characteristics, or that there is no distinction on the basis of criteria other than those established by the primary good of the social bases of self-respect, such as the differential possession of income and wealth.

Moreover, Rawls does not observe that there is a comparison between those who consider themselves equal or who want to be equal, even in the face of their differences. Dupuy (2020), drawing on Tocqueville, points out that the greater the equality, the more equality is demanded. This is also the position of Ben-Ze'ev (2013, p. 543): “It is not a feeling of general inferiority that makes us envious, but the feeling of inferiority in relation to people who are affectively close to us”. Rawls goes in the opposite direction, allowing only extreme inequality as a cause of envy relevant to the political conception of justice.

As for the sense of justice, it's hard to deny that the “desire to act justly” arises as an effect of reciprocity in a just society; but envy, not being the result of injustice, can easily persist even when socially denied. The most appropriate question to ask at this point in the argument is: do you stop wishing the other person good luck or comparing yourself to them because the social system is

just? Rawls's solution is to regard such comparisons as politically insignificant, and they cannot be the subject of public demand because they are not based on the violation of any of the primary goods on the list of the weak theory of the good, the only criterion Rawls accepts for interpersonal comparisons.⁴

In the end, Rawls (2003, [JER, §21.4], p. 108) cannot escape the influence of arbitrary factors, because the most advantaged are the most talented, even if they don't deserve it. Faced with the inevitable, the alternative was to regard natural inequalities as politically irrelevant, since all citizens have the moral, intellectual, and physical capacities at the minimum level necessary to be fully cooperative members of society throughout their lives, and the variations that raise or lower these capacities are dealt with “by social practices” (Rawls, 2011, [LP, V, §3. 5], p. 217), one of which is “fair equality of opportunity”, which would equalize naturally unequal capacities and guarantee the fair outcome of competition. However, that solution encounters another difficulty: justice guarantees “fair equality of opportunity”, but not equal results. For Dupuy (2020), Rawls does not solve the “problem of envy” because his solution not only excludes the possibility of the less favored blaming social injustice for their failure, but also makes it clear to everyone that the place they occupy in social distribution is due to their “degenerate nature”, or their bad luck throughout life. For Dupuy, this would be the cause of a great deal of suffering that would make a well-ordered society unbearable (*inivable*⁵).⁶

Second Condition: Degree of Inequality, Social Structure and Lifestyle

If in the first condition the focus was on the “psychological conditions” of envy, in the second condition Rawls (1997, [I], §81) analyzes the “social conditions” that can reinforce the “psychological conditions” according to which the less advantaged experience their social position in the face of discrepancies in the distribution of income and wealth. The basic idea is that the constant visibility of these discrepancies, caused by certain social structures and lifestyles in society, means that the less favored are constantly reminded of their social condition, creating a painful and humiliating experience that can lead the less favored to become dissatisfied with their own lifestyles

⁴ According to Rawls (2003, [JER, §17.2], p. 82-83), the identification of the least favored is given from a list of primary goods, since only the primary goods of the powers and prerogatives of authority and the primary good of income and wealth are the only ones that would be distributed unequally, therefore “the least favored are those who belong to the income class with the lowest expectations” (Rawls, 2003, [JER, §17.3], p. 83).

⁵ *Inivable*, from the French, in a direct translation would be “inivable”, a term that doesn't exist in Portuguese, in the sense of somewhere you can't live.

⁶ For more details on Dupuy's argument, see Santana (2021).

and with themselves. Rawls's defense is that in a well-ordered society, both social structures and lifestyles are constituted in such a way that such experiences have no place. Therefore, the less favored would have no reason to feel humiliated by their social position.

With regard to social structure, Rawls (1997, [T], §81), p. 596-597) deals with the social impacts of absolute and relative inequalities acceptable in a well-ordered society. If we remember that for the philosopher the source of the feeling of envy is the disgust caused by the observation of the social inequality between citizens, and that the greater this inequality, the greater the feeling of disgust, it is worth asking: What level of inequality would be compatible with justice?

In a society that is publicly regarded as just, social and economic inequalities may be permitted, provided that this permission is limited to inequalities that make life as good as possible for everyone, especially the least favored. However, Rawls (2003, [JER, §19.2], p. 96n) acknowledges that there is no constraint in the model on the degree of inequality that a society can adopt. This lack of criteria for judging the degree of inequality can create a difference that leads to an undesirable consequence: a just society, but one with an inequality that is perceived as unjust, especially by the less favored, and is therefore uncomfortable and “makes us think” (Rawls, 2003, §19.2, p. 96n). This discomfort is the same that potentially leads to “excusable general envy”, which gives rise to a painful and humiliating experience. Ultimately, one can only hope that, after the two principles of justice have been applied according to the lexical order, the basic institutions of society will limit observable inequality to a level that does not cause such discomfort.

For Rawls (2003, [JER, § 13.1], p. 60), the application of the principles of justice should follow a lexical order, so that the application of the “difference principle” would come after the guarantee of equal freedom for all and “fair equality of opportunity”. The latter would play a decisive role in limiting inequalities by guaranteeing a wide range of specialized training and, consequently, increasing the chances of occupying the best jobs. Moreover, the higher expectations of the more favored would be conditioned on “ways necessary to improve the situation of the less favored”, and such higher expectations “presumably cover the costs of training or meet organizational needs, and thus contribute to the general good” (Rawls, 1997, [T], §26], p. 170). The increase in the expectations of the better off would be limited by criteria other than those expressed in the “difference principle”. Thus, if Rawls is right, the social structure of the well-ordered society would allow inequality, but would not allow it to be large enough to be troublesome.

With respect to lifestyle, Rawls (1997, [T], §81], p. 597) argues that in a well-ordered society this style would not encourage situations in which inequalities would be felt in a painful and humiliating

way, because of two assumptions: 1) in a society made up of a plurality of associations – in the sense of belonging to groups – greater inequalities would not be so visible, and comparisons would be made between those who are not so far apart in terms of income and wealth; and 2) since it is assumed that natural duties of justice are observed in such a society, the more favored would have no reason to flaunt them.

Rawls (1997, [T], §81), p. 597) argues that in a well-ordered society, inequalities would not generate envy because there would be “ignorance of differences in income and circumstances”, since such a society would consist of various associations divided into numerous groups, so that the differences between the members of the groups would not be so noticeable. For him, belonging to associations can be understood as belonging to groups: family (as a small association), school, neighborhood, professional association, religious associations, among others. The idea is that inequality is only felt in a painful and humiliating way when the less favored are constantly reminded of their condition. The social division into groups would make people live more with others of the same income and wealth level. According to Rawls (1997, [T], §81), p. 597): “we tend to compare our circumstances with those of people who belong to our group or to some other similar group, or who occupy positions that we consider appropriate to our aspirations”. In addition to the fact that lifestyle makes interpersonal comparison difficult, Rawls supposes that when the citizens of the well-ordered society are in the public environment, that is, an environment frequented by citizens from other social groups, the fact that everyone is treated equally would mean that no one would feel humiliated because of their social situation.

The final element related to lifestyle is that in a well-ordered society, the more favored would not feel the need to show off in order to belittle the less favored because there is no generalized envy in a well-ordered society. Rawls (1997, [T], §81), p. 597) believes that the attitude of ostentation would arise from the opposite of envy, that is, from the feelings of jealousy, stinginess, and resentment that would arise as a form of defense against the hostility of the envious. Therefore, if there were no general feeling of envy, there would be no opposite.

In addition, the better off would have no reason to promote situations that produce feelings of humiliation in the less well off, since there would be a relationship of obligation on their part to the scheme of cooperation. Rawls (1997, [T], §19), p. 123) presents two principles for individuals: a) the “natural duty of justice”, according to which “everyone has a natural duty to do his part in the existing system”; and b) the “principle of equity”, which obliges those who are more favored to promote social welfare from their privileged positions. For Rawls (1997, [T], §19), p. 124), there would be “another sense of *noblesse oblige*: namely, that the more privileged are likely to have

obligations that bind them more strongly to a just scheme”. This bond would prevent them from boasting without reason.

Since Rawls assumes that envy is limited to the “excusable general envy” that results from extreme inequality, and since he recognizes that there is no limit to the degree of inequality that justice will allow as fairness, his concern in the second condition of envy was to deal with the intersection of gazes. Much of the argument rests on the hope that: a) inequality will not be extreme because of the lexical order in which the principles of justice are applied; b) people will live in more homogeneous environments; and c) the better off will not feel the need to show off. Such hopes would be inadequate if we consider that in a society that preaches the equality of all, envy arises even in the face of small inequalities.

Third Condition: Constructive Alternatives to the Hostility of Envy

The third condition that would lead to envy would be that the less favored would believe that there are no “constructive alternatives to the better circumstances of the more advantaged” (Rawls, 1997, [T], §81, p. 595), so that the feelings of inferiority and anxiety generated by inequality could only be alleviated by imposing a loss on the more favored, even if this resulted in a worse situation for everyone.

Unlike the previous factors, Rawls (1997, [T], §81, p. 597) provides no justification for his belief that “a well-organized society, like any other, offers constructive alternatives to hostile outbursts of envy”. What might these “constructive alternatives” be? Rawls doesn't bother to specify what they might be, and he also notes that the possibility of constructing such alternatives would not be exclusive to a well-ordered society, nor would it have any advantage over any other. Thus, it would seem that the “constructive alternatives” would not be associated with a constructivist doctrine such as the theory of justice as fairness.

Final considerations

Interpersonal comparison is undoubtedly the catalyst for generalized envy, whether it is justifiable or not. As we have seen, comparisons arise involuntarily, without relying on or realizing a voluntary attitude. If envy arises fundamentally from the meeting of eyes, and in justice as fairness, because of its contractual origin, people must look at each other and be committed to each other, how can envy be avoided and the meeting of eyes be maintained in a well-ordered society?

Rawls suggested that the transition from just inequality to “excusable general envy” could be avoided: a) if the basic institutions of society were just; b) if the people born and raised in the well-ordered society developed a strong sense of justice; c) if public esteem were linked to the same social status of equal citizenship for all, according to the primary good of the social bases of self-respect; d) if each person's place in the distribution of social benefits and burdens were the result of legitimate expectations and not arbitrary factors or the attribution of moral desert in the strict sense; e) if just inequality were not extreme; and f) if social life were more homogeneous. In this way, Rawls argues, the conditions for the development of “excusable general envy” would not exist, and the grievances of the envious against just inequalities would be appeased.

My conclusion is that Rawls' solution to the “problem of envy”, which involves solving the “problem of justice”, is only adequate if we accept that only “excusable general envy” is politically relevant. However, like Dupuy, I believe that this delimitation is inadequate because it ignores the fact that the nature of envy is fundamentally the intersection of gazes, and that this feeling can result in political demands for more equality in a society marked by difference, but which preaches political equality.

I also agree with Dupuy that Rawls, in his effort to deal with the “problem of envy”, had difficulty dealing with “chance”. This is evident in the way Rawls treats differences in natural talents in a society that guarantees “fair equality of opportunity” without guaranteeing equal outcomes. The issue is neither the desert of individual values nor injustice, but natural arbitrariness. Rawls tries to exclude externalities, but the “failure” of the less favored is due solely to their inferior natural condition or their bad luck in life.

Unlike the French author, I believe that the adoption of equal citizenship status for all, linked to the primary good of the social bases of self-respect, and the development of a strong sense of justice, linked to moral psychology, are the main elements presented by Rawls to solve the “problem of envy”, distinguished from “excusable general envy”, which fails in the face of other forms of envy.

In the end, “excusable general envy” is only one facet of envy, and Rawls's solution is only partially successful, since the philosopher considers it sufficient for the purposes of the political conception of justice. But not to recognize the facet of envy that arises from comparison, even under conditions of political equality and justice, is to be left in the vulnerable position of doing nothing about the discomfort that persists in the face of inequality.

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