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Fraternal Society in Rawls' Property-Owning Democracy[†]

Abstract: This paper discusses what type of sociological context is appropriate for Rawls' 'property-owning democracy'. Following certain suggestions offered by Rawls and in the work of Joshua Cohen, it explores, in particular, the kind of fraternity and social interaction suitable for citizens in Rawlsian society and the role of the state in engineering these bonds. Utilising a normative framework based on Rawls' discussion of a property-owning democracy and various data sets, the paper argues that bonds of social trust, active participation in trade unions and enrolment in public schools, and the use of state policy to organise a mixture of public, cooperative, and private economic institutions would be suitable for a Rawlsian society to adopt because it appears that these structures are favourably connected to the ends of Rawlsian justice.

“A well-ordered society [...] is not [...] a private society.” (Rawls 2005, 202)

1. Introduction

Rawls' notion of a property-owning democracy (POD) has been the subject of much attention in recent literature (cf. Freeman 2007; O'Neill 2008; 2009; Hsieh 2009; Hussain 2009; Williamson 2009; O'Neill/Williamson 2012 (eds.)). The outline of a POD is offered by Rawls to detail more precisely what type of society would realise his principles of justice. It can, therefore, be of use in, at least, two ways. On the one hand, it can be used to help clarify and refine our understanding of Rawls' principles, by providing an explicit demonstration of what he thinks these principles imply. On the other hand, it can be used as a medium for helping us consider what kinds of social institutions and public policies are suitable for a Rawlsian society.

This paper will focus on the latter of these issues. The questions I wish to explore concern what a POD, and Rawlsian justice generally, recommend in

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terms of, what we may call, ‘moral sociology’. I am interested in asking: what kinds of bonds should individuals in Rawlsian society form with one another? How should they interact and what sentiments should they hold towards their peers? What civil relations and which civic structures does a POD endorse? In short: what social order is ordered by Rawlsian social justice?

Questions of moral sociology in Rawlsian society have been explored in literature previously. Most notably, the issue of individual attitudes and actions was the subject of much of G. A. Cohen’s engagement with Rawlsian thought (cf. Cohen 1997; 2000). In this literature, Cohen argues that Rawlsian justice, truly applied, requires an ‘egalitarian ethos’. He suggests that individuals in Rawlsian society should uphold the principles of justice in their daily choices. They should not, for example, require inequality-creating financial incentives to elicit their productive contributions.

The arguments I shall offer here follow a broadly similar trajectory, although they adopt a somewhat different focus. It is interesting that recent discussions of Rawls’ POD have placed renewed attention on a number of ideas typically associated with certain threads of traditional left-wing politics. Aside from the usual connection made between Rawls and egalitarian distribution, it has been suggested that the values of a POD lead us to a commitment to worker-managed firms and more general democratic control of the economy, for example (cf. Hsieh 2009; Hussain 2009). In essence, the arguments of this paper are that moral sociology is another area in which left-wing politics and the idea of a POD should overlap. Typically, left-wing politics has stressed a particular type of sociology. It has emphasised the idea of fraternity and it has been concerned to build forums for social interaction, such as the trade union hall and the Folkets Park. It has also traditionally advocated a significant role for the state in engineering these bonds. Rawls, I argue, should endorse similar ideas. The rationale for this support is straightforward: these institutions are favourably linked with the realisation of Rawlsian principles of justice. Because a sense of fraternity, a shared public life, and an involved state sector correlate with the attainment of various egalitarian goals expressed in Rawls’ conception of a POD, the former should be endorsed given our interest in the latter. Rawlsian justice should commend and approve a ‘fraternal society’.

My arguments connect with ideas suggested by Rawls and with the work of Joshua Cohen. As I will detail below, Rawls seems to endorse a moral sociology not dissimilar to the conception defended here. He approves of the idea that citizens should feel some sense of affinity towards one another and the suggestion that they should interact in certain shared spaces. Cohen contends that a solidaristic ethos and a strong trade union movement may be recommendable on Rawlsian grounds and suggests that the state should build institutions to encourage such phenomena if they prove to be so defensible (Cohen 2002, 378–9).

My arguments crystalize some of these thoughts and attempt to defend them more rigorously in the context of the POD debate. I contend, specifically, that a particular form of fraternity—defined, for reasons I detail below, as a sense of social trust—and involvement in certain social environments—such as trade

unions and comprehensive schools—should be deemed valuable because they show strong correlation with the realisation of two principled ends suggested by Rawls' conception of a POD. I add that there also seems reason to endorse some state involvement in engineering these bonds.

These claims will be defended primarily with original empirical research. They will be set within a normative framework. But it is by showing the correlation between Rawlsian goals and these aspects of moral sociology that the latter are defended. In this respect, the paper should not be considered an exercise in 'pure theory'. If it is to be labelled, it should be deemed inter-disciplinary. Such an approach is fitting for a Rawlsian perspective, and is, indeed, suggested by Rawls. Rawls asserts that designing a just basic structure for a society should move through four stages (Rawls 1999a, 171–6). The principles of justice are chosen at the first stage. The next stage—a 'constitutional convention'—explores how the basic rights and liberties of citizens should be upheld by the constitution and the political decision-making processes. The third stage—the legislative stage—considers how to realise the demands of distributive justice through general laws, social institutions, and public policies. The final stage of the sequence concerns the application of rules by judges, administrators, and citizens. At the different stages of this sequence, Rawls suggests, we determine different aspects of our society's framework equipped with different information depending on what has already been decided and what questions we are attempting to answer. There are various differences between the stages. What is crucial for my purposes is that at the legislative stage our choices should be guided by a combination of moral principles and a "range of general economic and social facts" relevant to the issue (Rawls 1999a, 175). For reasons I will outline below, it is at the legislative stage that the questions posed here should be addressed. As such, it is appropriate that empirical claims comprise part of the argument. At any rate, it is at the legislative stage of the Rawlsian sequence that I will explore the questions and I will, therefore, do so under the conditions specified for this stage. My claim, then, is that a society with bonds of fraternity, an interactive public life, and an involved state would be selected by parties making decisions at the legislative stage of the Rawlsian sequence because the former correlate favourably with the realisation of Rawlsian justice.

The paper proceeds as follows. In the first section, I introduce the central Rawlsian ideas used in the paper and explore the framework through which they will be developed. In the second section, I use this background to comment on the value of fraternity in Rawlsian society and I parlay this argument into a position on the place of a shared public life and an involved state sector. Finally, I respond to some objections before concluding.

2. Rawlsian Justice

Before beginning my main arguments, it will be helpful to detail certain points that will form a framework for the paper. The first regards the moral concerns

that form the basis of the argument. Formally, Rawls states his two principles of justice as follows:

- “(a) Each person has the same inalienable claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all; and
 (b) Social and economic inequalities are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they are to be to the greatest benefit of the least-advantaged members of society (the difference principle).” (Rawls 2003, 42–3)

In this paper, I will concentrate on principle (b). In particular, I will focus on two aspects of this principle to which Rawls draws attention in his discussions of a POD. In these discussions, he regularly contrasts a POD with the idea of “welfare-state capitalism” (WSC). In drawing this contrast, he emphasises a number of differences which relate to the aims of the second principle. Two of these are as follows.

First, Rawls stresses the more strictly egalitarian nature of a POD. Although, he accepts, the provisions of WSC could be quite generous, the aim in such societies, ultimately, is to “guarantee a decent social minimum covering the basic needs” (Rawls 2003, 138). This aim, Rawls thinks, is inadequate. He favours a society in which the aim of distribution is “not simply to assist those who lose out through accident or misfortune” (Rawls 2003, 139). Rawls’ POD, rather, puts “*all citizens* in a position to manage their own affairs on a footing of a *suitable degree of social and economic equality*” (Rawls 2003, 139, emphasis added). Rawls’ difference principle does allow there to be inequalities, of course. But the outline of a POD emphasises that these must be kept within appropriate boundaries. We might say that a distinctive feature of a POD is that income equality is the presumption, a standard from which we should deviate only with good cause.

A second difference Rawls emphasises concerns the issue of equal opportunities. Rawls writes that, unlike WSC, a POD is designed to ensure “the widespread ownership of productive assets *and human capital (that is, education and training)*” (Rawls 2003, 139, emphasis added). He is concerned about these issues, at least in part, because educational attainment is so crucial in determining opportunities to obtain any ‘office’ or ‘position’. It is necessary to ensure some parity in the former in order to secure parity in the latter. He argues that a society which fails to limit inequality in these areas, such as WSC, is deficient since it lacks the “policies necessary to achieve [equality of opportunity]” (Rawls 1999a, 138). In other words, it seems that a second distinctive feature of a POD is that it harbours the institutions necessary genuinely to realise equal opportunities.

Of course, there are many other features of a POD that might be deemed distinctive. But it seems reasonable to deduce that the above concerns are amongst its key features. Accordingly, I suppose that a POD endorses two

principled ends: a presumption in favour of income equality and the aim of establishing genuinely equal opportunities.

Thus, it is these goals that set the normative basis for my arguments. What remains to complete the framework for the paper is an outline of the procedure I will employ for using these goals to justify certain social structures. This procedure is best demonstrated, I think, with an example.

2.1 Rawls and the Welfare State

It is interesting that Rawls offers some rather negative comments on welfare-state society. As noted above, Rawls criticises it on the grounds that it aims merely to “guarantee a decent social minimum covering the basic needs” primarily by “mopping up the flood” *ex post* (Rawls 2003, 138). He is also distinctly concerned that it would not ensure political and economic equality and could even produce an underclass, excluded from proper participation in society (Rawls 2003, 39–140). Of course, it would be unfair to understand Rawls' comments here as objections to actual welfare-state institutions. The taxonomy of regimes he offers in this discussion is intended to outline ‘ideal-types’ with assumed implicit aims, and it is the implicit aims of the ideal-type “welfare-state capitalism” that Rawls means to condemn, not any particular set of institutional structures. However, it is important that we remember to separate these issues, because (certain) welfare-state *institutions* clearly should be deemed valuable according to Rawlsian principles. This point can be observed by considering the issue from the perspective of the Rawlsian sequence outlined in the introduction to this paper.

It was noted that Rawls suggests exploring how to determine the basic structure of a society in a four stage sequence. The principles of justice, which we have now discussed, are determined first. This is followed by a ‘constitutional convention’, a ‘legislative stage’, and, finally, a discussion of the duties of various actors. Rawls suggests that the constitutional convention should primarily address the first principle of justice, whilst the second principle should be explored at the legislative stage (Rawls 1999a, 174–5). Since the two concerns identified as guiding this paper are elements of the second principle, they should, therefore, be discussed at the legislative stage, under the conditions imposed for this stage of the sequence. As noted above, this means we need to combine consideration of the principles with relevant economic and social facts.

To undertake such an analysis, it is useful to ‘convert’ the goals into ideas more widely used in empirical research. I posit that there are two useful conversions to identify. The first goal identified above concerned income equality. Income equality can be tracked with a widely known measure: the Gini Coefficient. This coefficient is an indicator of income distribution in a society, which ranges from 0 (complete equality) to 1 (complete inequality). It was noted above that although Rawls accepts inequalities that improve the position of the least advantaged, his principles speak in favour of income equality as the default position, with departures in need of justification. Accordingly, it would seem reasonable to assume that Rawlsian justice has a *prima facie* presumption in

favour of more egalitarian distributions. The burden of proof, we might say, is on the shoulders of those who wish to defend inequalities. Thus, absent a strong case to the contrary, Rawlsian justice should value societies more to the extent that they exhibit a Gini Coefficient nearer 0 and less to the extent that they exhibit a Gini Coefficient nearer 1.

For the second aspect of Rawlsian justice identified above—equal opportunities—probably the most plausible measure is the idea of social mobility. The latter measures the extent to which individuals can achieve certain levels of income and position with respect to the level of employment of their parents. Accordingly, it provides a good indicator of whether a generation of individuals faces similar opportunities or whether they are constrained by their situation. Social mobility is measured most commonly by the, inelegantly-named, “inter-generational earnings elasticity” (IGEE) of a country, where values range from 0 (high social mobility) to 1 (low social mobility). Again, notwithstanding Rawls’ prioritarian commitments, it is reasonable to assume that his principles of justice would endorse countries with low IGEE more than those with a high IGEE.

These conversions place Rawlsian ideas in metrics that cohere with existing measures of institutional achievements. With such measurements available to our deliberations, we can observe why Rawls should not object to (certain) welfare-state institutions. Observe *figure 1*.

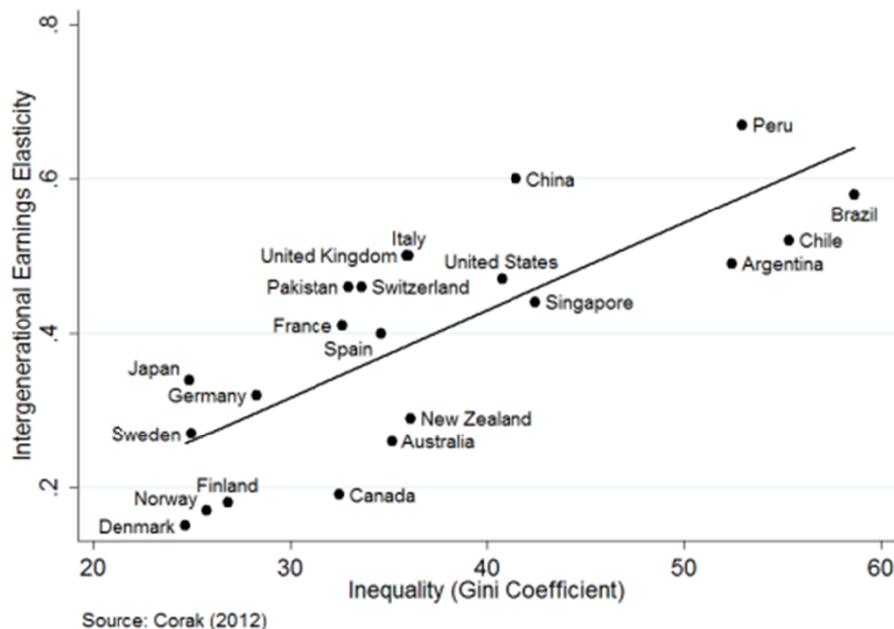


Figure 1: The Great Gatsby Curve

What this graph demonstrates, strictly, is that social mobility and income equality will, typically, operate in tandem. What is crucial for the purposes here, though, is that the preferable levels on both accounts—high social mobility and low income inequality—are present in countries that have certain welfare-state institutions. It has been suggested that the welfare-states of Europe and North America fall into three types. These are summarised in *table 1* (Ebbinghaus/Manow 2001, 9):

<i>Regime type</i>	Liberal	Conservative	Social Democratic
<i>Examples</i>	UK, US	Germany	Sweden
<i>Characteristics:</i>			
Decommodification	Low	Medium	High
Social rights	Needs-based	Employment-related	Universal
Welfare Provision	Mixed services	Transfer payment	Public services
Benefits	Flat benefits	Contribution-related	Redistributive

Table 1: Three Worlds of Welfare Capitalism

Using the figure and table above we can connect different kinds welfare-state regime with the extent of the realisation of the principled ends deemed of import above. What we can observe in *figure 1* is that Sweden, Denmark, Norway, and Finland show higher levels of social mobility and lower levels of income inequality than the United Kingdom and United States. What we can observe in *table 1* is that the former group of countries have a 'social democratic' welfare-state model, whereas the latter have a 'liberal' welfare-state model. The difference, broadly, is that the former deliver their benefits in a more universalised fashion, while the latter tend to employ social policies which target particular groups, such as the working class or migrants (Smeeding 2005, 980). Combining this information, we can deduce that countries with social democratic welfare-states perform better in terms of the aims of Rawlsian justice than countries with liberal welfare-states.

Now, we must be careful not to infer too much from these data. It is also true that countries without social democratic welfare-state structures do less to redistribute wealth to the less-advantaged in general. It is quite possible that highly progressive taxation could be combined with decentralised means of redistributing wealth to produce similar Gini Coefficient and IGEE ratings. Since we do not know how such societies would function, we cannot infer that Rawlsian society should *necessarily* endorse (certain) welfare-state institutions. However, it is possible to draw some conclusions. Imagining ourselves within the third stage of the Rawlsian sequence, we can take note of the fact that societies with social democratic welfare-state institutions have a good record of achieving Rawlsian goals. We can, from this basis, infer that, although other structures may be acceptable, a social democratic welfare-state is a reasonable policy for a society concerned with Rawlsian justice to adopt. It is, in the absence of strong evidence pointing in a different direction, a plausible selection.

What I hope this section shows, at any rate, is an appropriate method for translating Rawlsian principles into public policy aims from within the Rawlsian four-stage sequence. At the legislative stage, with our guiding principled aims established, we can make use of empirical information on which institutions uphold these principles in order to derive ideas about which of these structures seem reasonably appropriate for Rawlsian justice. With this framework established, we can turn to our central subject.

3. Moral Sociology in Rawlsian Society

An interesting entry point for my arguments is to note that Rawls acknowledged and discussed some aspects of the questions I posed in the introduction to this paper. Indeed, it is perhaps underappreciated how much consideration Rawls gave to questions of moral sociology and psychology in his works. Two examples are worth mentioning.

First, Rawls was keen to stress that citizens within his society should share some sense of emotive commitment to one another. This is most evident in his discussion of a “social union of social unions”. On this subject, Rawls endorses the idea of a “community of humankind the members of which enjoy one another’s excellences and individuality elicited by free institutions, and they recognize the good of each as an element in the complete activity the whole scheme” (Rawls 1999a, 459). Second, Rawls included an important place for citizen interaction. This commitment appears most prominently in his discussion of moral learning, the process by which we learn to understand and act from principles of justice (Rawls 1999a, 405–19). We begin our moral learning in the realm of the family and complete it within the domain of the *polis*. Between these two steps, Rawls argues that we should be involved in various forms of “association” with our peers, such as “the association of the school and the neighbourhood, and also such short-term forms of cooperation [. . .] as games and play with peers” (Rawls 1999a, 409).

The specifics of my arguments shall be somewhat different to Rawls’ comments, but I, too, will be concerned with the emotive bonds and social interaction of citizens in Rawlsian society. My arguments follow comments on these issues by Joshua Cohen. As noted above, Cohen suggests that a “solidaristic and inclusive ethos” may be beneficial for realising Rawlsian justice, as might certain labour market institutions, such as trade union involvement (Cohen 2002, 378–9). If these links are correct, Rawlsian society should value the existence of these emotive bonds and this type of social interaction, Cohen argues. He also contends that these phenomena might be supported and sustained by adopting certain social structures and that, if so, justice recommends that we adopt these structures (Cohen 2002, 375–80).

Cohen’s arguments on these subjects are largely suggestive. He refrains from investigating whether the links he asserts are sound and his conclusions, thus, remain conditional. My contention here is that the proposed links are, indeed, sound and that, the conclusions he conjectures do, therefore, hold. These claims

are supported by considering the issue of moral sociology within the framework outlined above.

3.1 Fraternity and Distributive Justice

I shall begin by discussing the idea of fraternity. In order to explore the place of this idea in Rawlsian society, it is useful, again, to convert it into terms for which operationable measurement can be conducted. For the purposes of discussion I will define fraternity as a matter of social trust. A society is fraternal to the extent that its members have confidence and faith in one another to act justly and reliability.¹ The claim I wish to make in this section is that Rawlsians should endorse societies that exhibit a higher level of fraternity.

The basis for this claim is empirical research which demonstrates the connection between social trust and the two principled aims identified as important in Rawlsian society. To consider the issue, recall the Rawlsian sequence. It was suggested that the two guiding moral ends of this paper—some form of income equality and equal opportunities—are concerns which target Rawls' second principle. As such, considering what social institutions they recommend requires investigating the empirical evidence on which institutions are conducive to their realisation. The empirical evidence, I submit, supports the idea that bonds of fraternity are closely linked with the realisation of income equality and equal opportunities.

Although this relationship has been explored in various studies (cf. Knack/Keefer 1997; Rodrik 1997; Rose 1998; Putnam 2000), probably the most systematic study to date was conducted by Stephen Knack (Knack 2002). Knack explores the relationship between 'social capital' (operationalized using the 'trust' indicator in the World Values Survey data) and one of the variables I identified as important to Rawlsian justice above: the Gini Coefficient (Knack 2002). Knack's analysis uses data between 1970 and 1992 for 47 countries with differing levels of income inequality. His findings support the conclusion that trust is associated with lower income inequality. The results show, he writes, "that social capital [...] is progressive" (Knack 2002, 70–1).

¹ Perhaps this definition is not a conventional definition of fraternity. This point has been raised in various forums in which this paper has been presented. To respond to the worry here, I make two points. First, although the definition offered perhaps does not offer a complete understanding of what 'fraternity' often implies, it certainly covers some aspects of the term. Perhaps it should also include some notion of common concern or some sense of care for the actions and wellbeing of others (perhaps similar to the understanding Rawls suggests above). But it does not seem unreasonable to posit that the idea also suggests a sense of confidence and faith in others. In this respect, my definition seems, at worst, partly incomplete, not inappropriate. Second, it must be noted that there is no widely accepted understanding of the idea of fraternity, nor any substantive body of research that attempts to investigate the term more precisely and explore its dimensions and existence in societies. There is a clear gap in research here that warrants address. But the absence of this research presently is of significance here. Since we are attempting to explore what economic and social facts can add to our analysis in the legislative stage of the Rawlsian sequence, we must operate with what is available. These two points, together, suffice, I hope, to dispel, at least, any major objections to my definition.

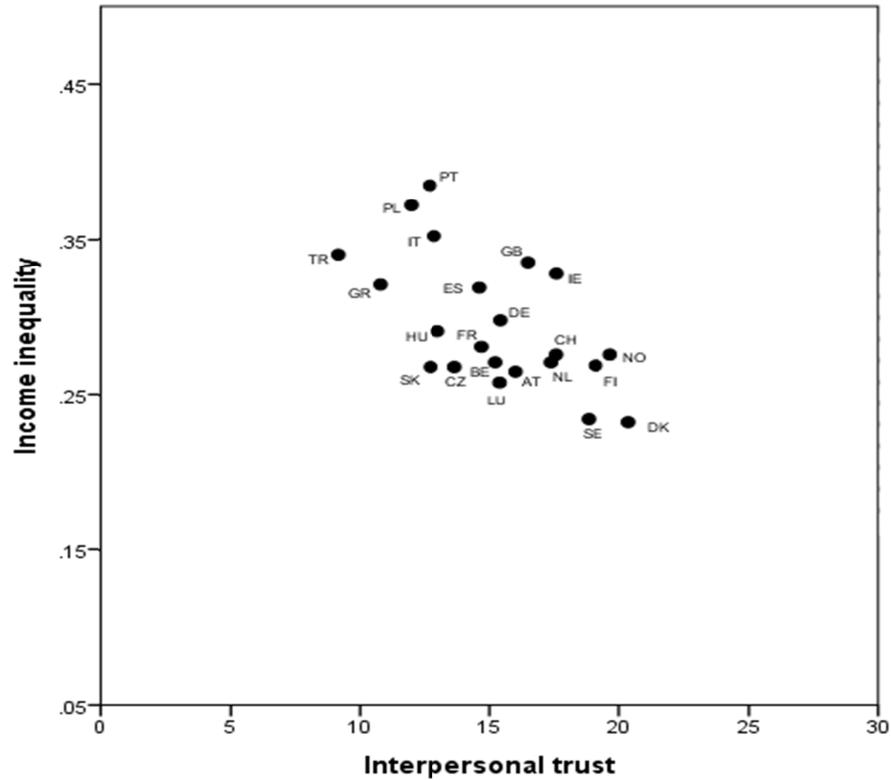


Figure 2: Social Trust and the Gini Coefficient

This conclusion is reinforced when one includes analysis of three additional World Value Survey waves (1994–1996; 1999–2004; 2005–2006). Focusing on OECD countries in these periods, it can be observed that the Gini Coefficient rises when the level of trust decreases.² An even stronger and more significant correlation is found when one focuses on the more recent time period and takes a narrower European focus. Trust is measured in the European Social Survey dataset, 2002–2006.³ As detailed in the *appendix*, this dataset includes three questions on trust and allows for building a ‘trust scale’, ranging from 0 (no trust) to 30 (complete trust). This can be correlated with the Gini Coefficient using OECD statistics, available online for the years 2000–2005 (OECD 2009).⁴ The correlation is strong

² For details, see *appendix, table 3*.

³ Using the ESS, Utartu argues (2008) it is possible to address the problem of differences between countries with different development levels.

⁴ The Gini Coefficient is measured as disposable income, based on equivalised household disposable income, after taxes and transfers. Dataset with Gini Coefficient pre-tax are available. However, the former measure—which concerns the actual resource holdings individuals have at their disposal—is more appropriate for our analysis.

and negative (Pearson $-.613$) and significant (Sig. 2-tailed $-.002$; N. 22). This means that the two considered factors (trust and income inequality) vary in a related way: when trust decreases, income inequality rises. The data is captured in *figure 2*.

Figure 2 shows that it is mostly in Nordic European countries (DK, SE, FI, NO) where the level of trust is higher. It is also these countries that have lower inequality. In contrast, Turkey (TR), Poland (PL), and Portugal (PT) have lower levels of trust and higher income inequality. In short, the results confirm what is suggested above: "inequality [...] declines in higher-trust societies" (Knack 2002, 70).⁵

Of course, we must remember the limitations of this data. The link between these factors is not a necessary truth and perhaps other sociologies also show correlation with lower levels of income inequality and higher social mobility. But, again, these limitations do not prevent us reaching some conclusions. We can consider that parties in the legislative stage of the Rawlsian sequence have reason to endorse a society with high levels of fraternity. Observing the available evidence, they can deduce that Rawlsian principles are better realised in societies with higher levels of social trust. Based on this evidence, they have reason to believe that a fraternal society should be deemed valuable from the perspective of Rawlsian justice. Although other sociologies may also be accepted, they can conclude that a fraternal society is a plausible selection.

3.2 Fraternity and Public Life

With some defence of fraternal society established, I turn to the issue of public life. The argument I will proffer on this subject is similar to that given above. The central thread I wish to emphasise is that a society which values fraternal sentiment should also value certain forms of social interaction amongst its citizens. The basic rationale and the argument are similar to what has been argued above. As such, brief examples should suffice to demonstrate my point.

The first example I will offer refers to one of the subjects raised by Cohen: trade unions. It is possible to analyse the role of trade unions in a number of ways. But for the purposes here, one set of data is particularly useful. To wit, evidence suggests that high trade union membership shows considerable correlation with fraternity. Again, data is drawn from the World Value Survey, using the trust variable (a156) and the number of individuals who belong to trade unions (variable a067), available for the years 2004–2008. The correlation between these variables is both strong (Pearson $-.867$) and significant at the 0.01 level (Sig. 2-tailed $.000$; N. 13). What it shows is that societies with high levels of union membership are societies in which fraternal sentiment is strong.

⁵ It is worth adding that, although the relationship has not been explicitly investigated, this conclusion also shows that societies with higher levels of trust will also have greater social mobility. Since societies with higher levels of trust have lower income inequality and, as shown by the Great Gatsby Curve (above 168), societies with lower income inequality also have better social mobility, we can infer that there will be a positive relationship between higher levels of trust and better social mobility.

A similar point can be made concerning the role of a robust public education system. Over two centuries ago, Mary Wollstonecraft advocated a national education system of government-operated ‘day-schools’ (Wollstonecraft 1992[1792], 279–306). Although she advanced various arguments for this policy, Wollstonecraft was particularly worried about relations or divisions surrounding superiority or subordination could become ingrained in early childhood. She thought that placing all children together in comprehensive education could address this worry. She wrote: “When all are ‘educated after the same model’, we can move beyond relationships that ‘will never deserve the name of fellowship’.” (Wollstonecraft 1992[1792], 289)⁶ Wollstonecraft’s case, I submit, is as valid today with respect to society as a whole as it was with respect to the sexual division of her day. Again, the basis for this claim is the empirical evidence, considering the case of European states. Taking the trust indicator from the World Value Survey between 2004 and 2008 (country mean) and combining it with the Eurostat data on enrolment in public schools as a percentage of total enrolment in public and private schools (see Appendix 1, table 2), we find that societies with a proportionally higher number of people enrolled in public education exhibit higher trust.⁷ There is a strong and negative correlation (Pearson -0.768) that is significant at the 0.05 level (Sig. 2-tailed 0.26, N. 8). We also find that investment in public education shows a positive correlation with the social trust scale, as created from the European Social Survey dataset, (Pearson 0.617) that has significance at the 0.01 level (Sig. 2-tailed -.004; N. 20).⁸ This data points precisely in the direction suggested above: that a society with a developed comprehensive system of education, with decent state investment, that manages to draw higher proportions of students, will be a society in which there are higher levels of social trust.

Now, one conclusion that it might be possible to draw from these data is that trade unions and a comprehensive education system are recommendable institutions for a POD. A broader conclusion to draw might be a general endorsement of some sites of social interaction amongst citizens in Rawlsian society. Both conclusions seem plausible to me. Of course, other institutions could have been mentioned.⁹ We must also continue to be aware of the limitations of the above arguments. Whatever the available empirical information, it remains the case that the links mentioned, *qua* empirical claims, cannot be necessary truths. Yet, it must also be acknowledged that in the legislative stage of the Rawlsian sequence, the empirical data are of import. At this stage, we attempt to derive conclusions about appropriate institutions and policies by combining our prin-

⁶ It is well-known that Wollstonecraft’s advocacies included some distinctions—for example, that children after the age of nine should be separated according to class, in a certain manner of speaking—but we can forgive these, now objectionable, distinctions as a product of the era. Given the overall thrust of her arguments, it is surely the case that Wollstonecraft would not have included them if she had lived in more progressive times.

⁷ Turkey and Poland are excluded from the correlation as significant outliers. Data from the Netherlands is not available for the considered period.

⁸ Data for investment in public education are not available for Turkey and Luxemburg.

⁹ There is some evidence, for example, that a state-orchestrated public transport system is conducive to building social trust (cf. Narayan 1999, 40).

ciplined aims with available economic and social evidence of relevance. And the available data gives reason to believe that a society with high trade union membership and a comprehensive education system will have higher levels of social trust and, by transitivity, higher levels of income equality and more equal opportunities. This basis should suffice for them to believe that these institutions are worthy of endorsement. We are able to conclude that a society with good social interaction amongst its citizens should be deemed valuable in terms of Rawlsian justice.

3.3 The Mixed Economy

Incidentally, we also have reached one further conclusion. Liam Murphy and Thomas Nagel distinguish between two different questions we may ask about the state's role in providing public benefits (Murphy/Nagel 2002, 76). One question regards the extensiveness of a state's taxation and redistribution. Another question regards whether the state redistributes wealth in the form of private or public resources, whether it provides individuals with, say, extra income to spend or free museum entry. We might say that there are two spectrums. One spectrum ranges from minimal to maximal redistribution. One ranges from centralised to decentralised delivery of the benefits. Here, perhaps we might distinguish, broadly, between 'a mixed economy', within which the state engineers a mix of public, cooperative, and private spaces and enterprises, and 'private economy', within which it is primarily through individual choice that institutions and associations are formed.

It is perhaps obvious that Rawlsian justice would tend towards the more maximal end of the first spectrum. It may also be thought that he would be inclined towards the decentralised end of the delivery spectrum. His theory is, after all, concerned, in the first instance, with the share of resources to which *individuals* are entitled and is crucially committed to the idea that individuals should be free to use these resources in pursuit of views of the good upon which they settle of their own accord. This image is perhaps supported by Rawls' comments on public goods. He restricts his comments on this issue largely to outlining the idea of a public good and the related problems of assurance and free-riding, whilst advocating the use of state policy to operationalize some common public goods, such as national defence (Rawls 1999a, 235–9). Meanwhile, his discussion of the institutions required for a POD, or justice as fairness in general, remains focused primarily on the institutions required to make the market function effectively and to ensure wealth is distributed correctly (cf. Rawls 1999a, 242–51; 2003, 158–62).

However, if the arguments here are correct, it would seem that there are good reasons for favouring certain areas of state delivery. This point is demonstrated by the comments on state investment in education. But these comments also link with wider research which suggests that in "societies [...] with good governance and high levels of bridging social capital, there is complementarity between state and society" in providing the necessary institutions, structures, and forums (Woolcock/Narayan 2000, 235). This research conjoined with the

link between trust and demands of Rawlsian justice shows, I think, that if we wish to realise a POD, it is reasonable to utilise public sector involvement to help form the moral sociology defended above. In short, if the arguments here are correct, they suggest that parties in the third stage of the Rawlsian sequence have reason to believe that a mixed economy model is a plausible institution to adopt.

3.4 Fraternal Society

I began this paper quoting Rawls' thought that "a well-ordered society [...] is not [...] a private society" (Rawls 2005, 202). This thought could be interpreted in many ways. But if my arguments are correct, I believe it is plausibly interpreted as a commitment to the idea that a just society is not a private society in three respects. It should not be private insofar as its citizens should not avoid sharing positive sentiments with others in their society. It should not be private insofar as individuals should not separate themselves from forums of interaction with fellow citizens. It should also not be private insofar as it should endorse public means of delivering benefits, rather than an individualised, decentralised system. In sum, it should be a society with a sense of fraternity, an emphasis on some areas of public life, and an involved state sector.

4. Objections

This paper has been engaged primarily in setting forth a positive argument about the dynamics and institutions of a POD. Until this point, I have not considered any possible objections to my view. There is not space here to address all the possible objections that it might encounter. In this respect, the argument must remain a *pro tanto* case, rather than a *tout court* position. However, in what space does remain, it seems worth discussing a few potential doubts to help refine and clarify the argument and observe some of its implications.

4.1 Neutrality

The first issue that should be addressed concerns one of the major themes of Rawls' liberalism: the idea of neutrality between comprehensive views of the good. How exactly to understand this idea is a complex issue. But it is evident that some sense of it is deeply embedded within the Rawlsian project. One of Rawls' most fundamental concerns is providing individuals with the possibility "to have, to revise, and rationally to pursue a conception of the good" (Rawls 2003, 19). This power leads to a strict adherence to the value of freedom of conscience on the grounds that this liberty is crucial for forming and pursuing one's own notion of a valuable life (cf. Rawls 2005, 310–5).

It might be thought that the arguments I have promulgated are in tension with this idea. As noted above, it would seem intuitive to think that neutrality asks for a default position of providing public benefits in a decentralised fashion.

This, arguably, would leave most space for individuals to pledge their resources to the lives they deem best. Quite obviously, there is also some tension between the mixed economy model, used to encourage certain activities and choices, and the basic idea of neutrality. Dworkin outlines the following liberal concern:

“[A]ny right to freedom of choice that gave special protection to religious people or religious practices would be regarded [...] as discrimination in their favour because it would leave other people open to constraints on their freedom in the exercise of choices that, for them, reflect values of the same ethical character and function as the religious values of religious people.” (Dworkin 2006, 61)

It may be thought, similarly, that whatever the merits of my proposals, they are objectionable because they give preference to certain activities and lifestyles. They may be thought, thereby, to violate the commitment to neutrality so fundamental to liberalism and Rawlsian justice.

My response to this concern is as follows. Although liberal neutrality requires governments to refrain from justifying their policies with reference to a particular view of the good, it does not require that they refrain from promoting ways of life conducive to a stable, functioning, and just society. Rawls made this point quite clear in relation to the state's involvement in the regulation of family life. He writes, “appeals to monogamy as such, or against same-sex marriages [...] would reflect religious or comprehensive moral doctrines” and, as such, “that interest would appear improperly specified” (Rawls 1999b, 147). But there may be “political values”, “for example, if monogamy were necessary for the equality of women”, which would legitimate a state regulating and supporting particular forms of family life (Rawls 1999b, 147). The same line of reasoning can be used to defend my claims. It would be objectionable if I had defended the conception of social life posited above on perfectionist grounds. Indeed, Rawls explicitly refutes certain notions of community for precisely this reason (Rawls 2005, 41–3). But I did not appeal to such an argument. Rather, the terms on which I have defended the notion of fraternal society clearly use “political values”. In particular, they are grounded directly on the pursuit of fundamental concerns of justice. If these ideas are conducive to justice in the manner I have suggested, their justification is compatible with liberal neutrality in the same way that subsidising monogamy for the sake of gender equality is compatible with it.

4.2 Facts and Alternatives

A second issue that seems to warrant address is the employment of empirical information within my argument. Two concerns are as follows. First, it might be highlighted that all my arguments show is that parties in the third stage of the Rawlsian sequence have *sufficient* reason to value the form of fraternal society I defended above. They do not have any reason to believe that other sociologies and institutional structures would not be equally acceptable. In this respect, for all I have argued, perhaps they have as much reason to adopt alternatives.

Second, it might be possible to push this objection further by arguing that even if my data demonstrate that only the fraternal society I defended could be shown to be valuable in the manner I suggested above, it remains the case that the defence is premised on evidence that is only *presently* true. In his criticisms of Rawls, G. A. Cohen argues we must be particularly careful with our use of ‘facts’ in defending moral propositions (cf. Cohen 1991). In particular, when we use evidence to structure or support our arguments, we must be careful not to think that such information is beyond moral reproach. Perhaps the ‘facts’ are morally objectionable and ought to be changed. For example, inequality-generating incentives may seem defensible if we simply accept that people will not be optimally productive unless they are paid more than others. But if people should not need such incentives to be optimally productive, far from offering them these incentives, surely we should condemn their attitudes. The same might be said of the defence of a fraternal society that I have offered. Much of my argument was based on ‘facts’. It was based on evidence about the relationship between certain types of behaviour and dispositions and the realisation of Rawlsian principles of justice. But, it may be argued, the evidence all regards the behaviour and dispositions of people taken as they presently live within the social structures presently housing them and we have no reason to accept such realities as given. Perhaps individuals should be fraternal without being encouraged to interact in trade unions and comprehensive schools. Perhaps they should be more committed to the realisation of Rawlsian principles without being fraternal. The problem with my position, in short, is that it too readily accepts, and, indeed, panders to, existing realities, realities that, possibly, should not be realities.

One reply that might be available here would consider the precise role and function of theorising about justice. It could be argued that considering how we should proceed requires that, to some extent, we “take men as they are” (Rousseau 1992[1762], 41). But given the space constraints here, I think the following reply must suffice. I have been careful to stress throughout that my arguments did not suggest any necessary, unique truth to my claims. At no point have I suggested that the fraternal society I defended was the only way in which justice may be realised. In this respect, I must accept the above objections to some extent. However, I have also been keen to stress, and I reiterate here, that the arguments I have offered do show societal structures in which the aims of justice are, to some extent, attained. Such demonstration should not be underestimated. For it to be dismissed it is not enough to highlight that alternative paths and alternative dispositions *may* also help secure justice. It needs to be shown, first, that such alternatives could, indeed, achieve these ends and, second, that they are preferable to the avenues I have proposed. Without an argument on both accounts, it remains the case that my comments do give reason to adopt a fraternal society. Perhaps these comments will make my conclusions seem rather qualified and conditional. But it strikes me that a qualified, conditional defence is not particularly problematic. It is probably what we should expect when we attempt judgements on matters of policy, where purely theoretical arguments are unavailable, and it is, at any rate, preferable to conjecture. Thus, to the

extent that my arguments give some reason to adopt a fraternal society, I contend that substantiated facts and alternatives are required to challenge them, not theoretical worries. The case is innocent until proven guilty.

4.3 Problems with *ethoi*

A third set of objections that warrant consideration concern the sense in which my arguments discuss the idea of an '*ethos*'. Since the commentaries of G. A. Cohen, a reasonable literature has developed surrounding whether *ethoi* of various kinds are compatible with Rawlsian justice. Concerns have been raised about whether the latter can coherently and justifiably engage with issues such as the emotive and social bonds between citizens. Given the focus of my arguments, it seems important to confront such concerns. There are two broad objections to Cohen's proposed *ethos* which are prominent in literature. It seems reasonable to proceed by considering whether either of these objections refutes my arguments.

The first objection may be called 'the basic structure' objection. In essence, this objection posits that *ethoi* are incompatible with Rawlsian justice because the latter is concerned with only the institutional structure of a society. Julius, for example, argues that "to conclude that a society is just or unjust, I don't have to know what everyone in the society is doing" (Julius 2003, 321). "It's enough", he continues, "that I know how the society's institutions are arranged" (Julius 2003, 321).

One way in which this objection can be formulated is to claim that it is only the coercive framework of society that is subject to regulation by principles of justice. It is only, for example, the constitution and laws of a society that should be addressed in such terms.

Now, for what it is worth, I believe that my arguments do not contravene the basic thought encapsulated in this form of the objection. As Joshua Cohen highlights, the distinction between institutional structures and *ethoi* is not easily construed as a dichotomy, since "institutions make a large difference to *ethos*" (Cohen 2002, 376). One set of institutions may engender an *ethos* that results in justice being realised to lesser extent than another set of institutions. Accordingly, it does not make sense to separate consideration of the two completely. Even if it is only the coercive framework of a society that should concern us, we cannot ignore the question of which *ethoi* obtain as a result of our choices because such outputs will be relevant to determining which coercive framework best realises justice. If this reading is correct, the arguments I have offered here do not seem to violate the coercive institution focus in any objectionable sense. I have considered issues of individual sentiment and interaction, to be sure. But these comments were linked to considering what form of institutional framework should be deemed appropriate for realising Rawlsian justice. In this respect, my arguments can be read as proposing a particular set of institutions in virtue of the links to particular *ethoi*. In this guise, they are compatible with an emphasis on the coercive framework.

Nevertheless, I am not sure that this form of the basic structure objection needs addressing in this fashion because it is not clear that it is an entirely

plausible objection. As G. A. Cohen highlights, there are some matters that warrant regulating by standards of justice that are not aspects of the coercive framework of society. Sexist attitudes are clearly subject to judgements of justice, both because they are objectionable in their own right and because they have consequences of relevance for justice. Thus, if the basic structure objection means to limit the domain of justice to coercive institutions, the proper response seems to be: so much the worse for the basic structure objection (cf. Cohen 1997).

Whilst this response may dismiss the first formulation of the objection, it leads us directly to a second formulation, which we may call ‘the publicity objection’ (cf. Williams 1998). The publicity objection accepts that the domain of justice should extend beyond the coercive framework of a society, but contends that its purview must remain focused on a limited domain of some kind. Williams argues that justice should regulate only the ‘public system of rules’. It does not pertain to all activity of relevance to justice, but to only structures which specify rules determining which actions are permissible and impermissible, which will incur penalties, and so forth and which can satisfy three publicity conditions. It must be the case, Williams argues, that “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 with those requirements” (Williams 1998, 233). Williams notes that these parameters do not imply that no *ethoi* can be the subject of justice. It is possible for a social convention to address the problem of sexist attitudes. On such matters, Williams writes, “requirements can be stated quite clearly” (Williams 1998, 243). Thus, they can meet the demands set by the publicity condition and deemed subject to the demands of justice. However, some *ethoi*, he argues, are too epistemically demanding to meet these demands. It is not possible, for example, to measure and monitor whether one has made career choices that will best assist the least-advantaged. Such epistemically demanding *ethoi*, at least, cannot be admitted to the purview of justice.

Cohen argues that Williams’ formulation of the basic structure objection is no more compelling than the coercive framework formulation. He asserts that it is not at all clear that certain unjust attitudes can be made the subject of publically verifiable rules and that, if not, Williams’ position is subject to precisely the same objections (Cohen 2008, 344–72). I will not adopt a stance on this matter, however, since I think that nothing I have proposed here violates Williams’ demands anyway. The level of social trust in a society, participation in trade unions, and involvement in comprehensive education are all subject to quantifiable measurements which can be collated in datasets. Indeed, it is precisely such information I used to defend my position. Accordingly, I see no difficulty in specifying, at least, rough measures of what a society should aim to achieve in these respects and observing conformity with these aims. At any rate, to the extent that Williams believes that evidence on attitudes and behaviour between sexes in the home can be the subject of common knowledge, I fail to see how the measures I have provided here would not also suffice.

These comments, I hope, at least deflect the doubts about focusing on attitudes and social interaction raised by the basic structure objection. But there remains a second challenge to Cohen's ethos that should be mentioned briefly here. This challenge concerns whether endorsing and adopting a particular sociology would violate the protection of the basic liberties of citizens. As noted above, the concerns identified as of import in this paper are connected to Rawls' second principle of justice. This principle is not only secondary in a numerical sense in Rawls' schema. It is also deemed morally secondary, and, indeed, lexicographically so. Rawls stipulates that nothing connected to it can be deemed to trump the first principle of justice, which specifies the scheme of liberties individuals should hold. Thus, it is possible to object to the idea of certain *ethoi*, and, any institutional or policy proposal connected to the second principle, if it can be deemed to violate this first principle.

My response to this concern is, straightforwardly, that the proposals I have defended do not violate the protection of any basic liberties. The legal rights of liberty of conscience, political participation, freedom from arbitrary arrest, and freedom of association and movement, for example, are unaffected by my proposals. It is possible that my arguments would lead to the conclusion that the freedom to offer contracts prohibiting the right to join a trade union or the freedom to send one's children to private school should be circumscribed. I have not asserted so much, so it is not clear that worries over such freedoms apply to my arguments. But even if I were to make such a case, I do not think the Rawlsian demand for liberty would run against my position. Unrestrained freedom of contract and purchase are not Rawls' definition of basic liberties (cf. Rawls 1999a, 53).

What remains possible, I think, is that my proposals might be thought to affect liberty insofar as they involve *shaping* option sets in a certain fashion. One issue that may cause concern is that shaping option sets gives greater substantive freedom to those who value the activities towards which their option sets are shaped. Worries of this kind were addressed in the section before last. There may also be a concern for the procedure through which option sets are shaped. It may be thought that it is an important dynamic of freedom that option sets are shaped according to individual choice in a certain sense. However, this concern is not so much about whether the options sets themselves constrain liberty. Rather, it leads us to a somewhat distinct objection concerning how the institutional dimensions of a society are formed. It seems preferable, therefore, to separate this concern from the idea that my proposals interfere with liberty *per se*, and confront the issue more directly.

4.4 Individuality

The final objection I wish to consider concerns another Rawlsian idea, arguably at the heart of his POD. This is the idea that the social and economic structures of a society should be the products, primarily, of individual activity. This idea figures crucially in Ronald Dworkin's liberalism. Dworkin argues that liberalism must "insist [...] that the economic culture be shaped by a vector of individual

decisions reflecting individual values and wishes” (Dworkin 2006, 77). Dworkin’s rationale is that individuals should take responsibility for the direction of their own lives and having an equal input into their social surroundings. Dworkin continues:

“A community can respect [the requirement of personal responsibility] only if it leaves its citizens very largely free to make their own decisions about work, leisure, investment, and consumption [. . .] The principle of personal responsibility requires a mainly free-market economic organization so that people one by one, rather than their governments, fix the main structural elements of the economic culture in which they live [. . .] Only in that way can people exercise their responsibility to identify and realize value in their own lives.” (Dworkin 2006, 106–7)

These comments are drawn from a thinker with various differences to Rawls. However, the central thrust of this passage might be thought a concern Rawls would endorse. As noted above, one of Rawls’ central aims in a POD is the aim of putting “all citizens in a position to *manage their own affairs*” (Rawls 2003, 139, emphasis added). It might be thought, then, that Rawls would follow Dworkin in arguing against the mixed economy model that I have advocated. Perhaps, he should also hold a commitment to the decentralised provision of resources, as conceived in the idea of a ‘private economy’ I posited above, which would situate individuals to have an equal impact on the social structures and economy of a society, but leaves it in their control to do so.

My response to this objection is as follows. Whatever the value personal responsibility and individual economic impact, they must be viewed as only single goals of import. They must be set aside other goals, such as equal opportunity, and, in some cases, these other goals may require some limitations on them. It must also be recognised that the goal identified above is not simply personal responsibility, but *equal* personal responsibility. Achieving this latter end, too, may require that personal responsibility is limited in some areas. Preventing people from assaulting others limits the domain in which individuals can pursue their own values, but it is deemed acceptable for securing some equality in freedom. Indeed, taxation is similar. What I have argued above suggests that we should also accept some other limitations on personal responsibility and individual economic impact for the sake of securing more equal chances for *all* individuals to have the resources and opportunities to pursue their own lives. Perhaps other mechanisms can be found that would secure these ends whilst leaving it within the hands of individuals to have their own impacts on the economic framework of a society. But, to reiterate the main theme of this paper, parties in the legislative stage of the Rawlsian sequence have at least some reason to believe that these limitations will be valuable for realising the aims of Rawlsian justice and should be accepted for that reason. They have some reason to believe, in short, that “A well-ordered society [. . .] is not [. . .] a private society” (Rawls 2005, 202).

5. Coda

Typically, Rawls has been seen as the modern harbinger of liberty and equality. In this respect, *A Theory of Justice* could be thought to support only two-thirds of the French revolutionary banners. My arguments here have been, in essence, that fractionalising Rawls in this manner is misguided. Indeed, given the importance of fraternity, public life, and the state sector in Rawlsian justice, it would be entirely appropriate to deem its commitments in full harmony with the demand for liberté, égalité, and fraternité.

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Appendix: Data source, measurement, and variable operationalisation

The analysis used four main dataset: World Value Survey dataset, European Social Survey dataset, OECD statistics dataset, and Eurostat dataset.

Trust indicator

- Source: World Value Survey dataset: waves 1994–1996; 1999–2004; 2005–2006. In the WVS dataset, trust is measured by a standard question: “Generally speaking, would you say that most people can be trusted (1) or that you need to be very careful in dealing with people (2)?” (variable a156).
- Source: European Social Survey dataset, 2002–2006. The ESS dataset includes trust-related questions: “Most people can be trusted (10) or you can’t be too careful (0)” (variable ppltrst); “Most people try to take advantage of you (0), or try to be fair (10)” (variable pplfair); “Most of the time people helpful (10) or mostly looking out for themselves (0)” (variable pplhlp). Combining these measures, a new variable is generated, which measures overall interpersonal trust (ppltrst + pplfair + pplhlp) to obtain a scale from 0 (no trust) to 30 (complete trust). The “trust scale” ranges from 0 (no interpersonal trust) to 30 (complete interpersonal trust) (with SPSS).

Gini Coefficient

- Source: OECD statistics dataset, years 2000–2005 (OECD 2009).

Belonging to trade unions

- Source: World Value Survey dataset: waves 1994–1996; 1999–2004; 2005–2006. In the WVS dataset, trust is measured as “Belong to labour union” (variable a067), ranging from 0 (not mentioned) to 1 (belong).

Enrollment in public schools

- Source: Eurostat, Students by Primary, lower and upper secondary education (levels 1–3), type of institution (private or public) and study intensity (full-time) (<http://epp.eurostat.ec.europa.eu/portal/page/portal/education/data/database>).

Expenditure on public education

- Source: OECD statistics dataset, (OECD 2009). Expenditure on educational institutions as a percentage of GDP, by source of fund and level of education (2005). From public and private sources of funds. Data on per capita education spending is calculated using total annual spending on primary and secondary education and numbers of students enrolled at the same level.

Countries	WVS	ESS	OECD	Eurostat
Australia	X		X	
Austria		X	X	X
Belgium		X	X	X
Canada	X		X	
Czech Republic		X	X	X
Denmark		X	X	X
Finland	X	X	X	X
France	X	X	X	X
Germany	X	X	X	X
Greece		X	X	X
Hungary		X	X	X
Iceland			X	X
Ireland		X	X	X
Italy		X	X	X
Japan			X	
Korea	X		X	
Luxembourg		X	X ^a	X
Mexico	X		X	
Netherlands	X	X	X	
New Zealand	X		X	
Norway	X	X	X	X
Poland	X	X	X	X
Portugal		X	X	X
Slovak Republic		X	X	X
Spain	X	X	X	X
Sweden	X	X	X	X
continued			X	
Switzerland	X	X	X	X
Turkey	X	X	X ^a	X
United Kingdom	X	X	X	X
United States	X		X	

Note: ^a data not available for expenditure on public education

Table 2: Countries in WVS (1994–2006), ESS (2002–2006), OECD (2005) and Eurostat (2004–2006) datasets

		Gini Coefficient
Trust (WVS)	Pearson Correlation	.407 [*]
	Sig. (2-tailed)	.032
	N	28
Trust (ESS)	Pearson Correlation	-.613 ^{**}
	Sig. (2-tailed)	.002
	N	22

Note: ^{**} Correlation is significant at 0.01 level (2-tailed); ^{*} Correlation is significant at 0.05 level (2-tailed).

Table 3: Relation between trust and Gini coefficient