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Placing Interpersonal Interactions at the
Center of Justice Theory

By

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There are two major sources of frustration in justice theory, as it has developed in the Rawlsian tradition, that are worth discussing. The first concerns its focus on institutions. While it would be a misrepresentation of John Rawls's work to suggest that he does not take individuals into consideration when discussing justice, it may seem odd that institutions occupy such a central role in his theory. After all, we may think of institutions as having a certain impersonal character, as being distanced from the individuals who, perhaps most notably in the Aristotelian tradition, are the main subjects about whom claims of justice are made. The second frustration concerns an apparent disconnect between Rawls's theory and practice. If we consider political philosophy to be a form of practical reasoning, we may be inclined to think that we should develop our theories of justice with the aim of guiding or informing our real-world actions and policies. This second frustration has often been expressed by theorists who take aim at Rawls's decision to begin his theory of justice by developing an account of 'ideal theory', an account Mills has criticized as "deeply antithetical to the proper goal of theoretical ethics", that of "[guiding] our actions and [making] ourselves better people and the world a better place" (Mills, 170).

I will not argue against the use of ideal theory, which I believe does have an important role to play in our understanding of justice (Laurence, 77). I do worry, however, for reasons unrelated to the problems imputed to ideal theory, that our accounts of justice are not entirely appropriate for the task of 'guiding our actions'. In this paper, I will propose that we adopt and develop a certain approach to justice theory that, while still employing much of the Rawlsian language that is helpful to engage with questions of justice, may address both our frustrations

about the institution-centered nature of Rawlsian theory, and, potentially, about the connection between theory and practice.

The approach I propose involves challenging a central claim in Rawlsian theory, one that is “routinely cited as one of [Rawls’s] most fundamental and enduring contributions to political philosophy” (Abizadeh, 322). This is the claim that the “primary subject of justice” is the “basic structure of society” (Rawls, *A Theory of Justice*, 3). By the basic structure, Rawls means “the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation” (7). These major institutions are “the political constitution and the principal economic and social arrangements”, which include “the legal protection of freedom of thought and liberty of conscience, competitive markets, private property, in the means of production, and the monogamous family” (7).

I will argue that we have good reasons to develop a theory that, instead of taking institutions as central, revolves around what I consider to be a better candidate for the ‘primary subject of justice’: interpersonal interactions. I hold that granting primacy to this subject would not only focus our attention on a subject that is, in ways I will elaborate on, more fundamental, but would also help us overcome certain limitations in justice theory that prevent it from guiding our actions, thereby strengthening the connection between theory and practice. I will focus on Rawls’s work in my exposition and critique of this institutional approach to justice theory, simply because of how foundational it is to the tradition. I believe my critique should, however, apply to the broader Rawlsian tradition, which could potentially benefit from the change in focus for which I advocate.

I should note, to conclude these introductory remarks, that I will engage with concepts that are not very clearly defined and with arguments that seem not to be fully developed in Rawls's work. I will do two things to address these problems of clarity. First, whenever a key concept is not explicitly defined, I will provide a definition we can work with based on how Rawls uses the concept. Second, if it seems important that I engage with an argument that is underdeveloped, I will discuss different reasonable ways in which gaps in the argument may be filled, and will consider these different reconstructions of the argument as I respond to it. These problems of clarity may have played a role in obscuring the central theoretical problems to which my paper responds, and it is crucial that we address them in order to provide a reasonable critique of the Rawlsian framework.

I- The meaning of the 'primary subject'

Before presenting my exposition and critique of Rawls's arguments for the primacy of the basic structure, it seems appropriate to address the following basic question: what exactly does Rawls mean when he refers to the basic structure as the primary subject of justice? Explaining what this means for Rawls should not only help make the questions I will address throughout this paper intelligible, but also allows me to define a few additional key concepts that will be important in my discussion. We may interpret Rawls's claim that the basic structure is the primary subject of justice in two ways, which I will call the 'relative' and 'absolute' interpretations of this claim. Although it seems unhelpful that Rawls uses the same language to express these two interpretations' respective meanings, they are not necessarily in tension with

each other: both may coexist in our account of justice theory, but it is important to understand how they differ from each other.

To understand either interpretation, we must first remember that Rawls acknowledges the existence of multiple different subjects of justice. He, first, defines the broader “concept of justice” as “a proper balance between competing claims” (Rawls, *A Theory of Justice*, 10), and says that it “applies whenever there is an allotment of something rationally regarded as advantageous or disadvantageous” (8). While Rawls is mainly concerned with the justice of institutions in his work, there are many other things, he explains, that can be considered to be either just or unjust: among these are “actions of many kinds”, people’s “attitudes and dispositions”, and “persons themselves” (7). It seems that, in addition to these different subjects, there are what I will call different ‘areas’ of justice. Rawls’s work focuses specifically on the area of “social justice” (7). While other areas are not listed as clearly as Rawls’s different subjects are, I take the justice of “the law of nations” and the justice of “individuals” (110) to also belong to this same category of areas.

The basic idea behind the ‘relative’ interpretation is that we should choose the particular subject of justice that will be our *primary* subject depending on the specific area we are interested in. Since the area Rawls discusses in *A Theory of Justice* “is that of social justice”, he tells us that “For us the primary subject of justice is the basic structure of society” (7). There appears to be, in Rawls’s view, a certain affinity between the area of social justice and the subject of the basic structure. The principles of justice Rawls goes on to develop, he says, “are the principles of social justice: they provide a way of assigning rights and duties in the basic institutions of society and they define the appropriate distribution of the benefits and burdens

of social cooperation” (4). Furthermore, social justice provides us with “a standard whereby the distributive aspects of the basic structure of society are to be assessed” (9). Even though Rawls does not seem to provide an explicit definition of social justice, what he says about this area suggests that institutions are central to it. What it means, then, for the basic structure to be the primary subject in this first ‘relative’ interpretation is that it is the primary subject of *social* justice specifically, though not necessarily of other areas of justice.

I call the second interpretation ‘absolute’ because, unlike the ‘relative’ interpretation, it appears to take the basic structure to be the primary subject, not of the specific area of social justice, but of justice simpliciter. This interpretation is expressed in three different arguments that Rawls makes for the basic structure’s primacy. I will discuss them in more detail in Section II of this paper, but will say a few words here about each to introduce them. The first is the argument of ‘order’, which suggests that the basic structure has a certain primacy over other subjects because we either (a) must first understand justice as it concerns the basic structure before we can understand the other subjects, or (b) would benefit in our investigation from understanding the basic structure first, as starting with this subject, though not strictly necessary, facilitates our understanding of the other subjects. An early version of this argument of ‘order’ may be found in Rawls’s “Justice as Fairness”. Here, Rawls justifies his decision to “confine [his] discussion to the sense of justice as applied to practices” by arguing that, once we understand the sense of justice that pertains to practices, of which institutions and the specific institutions of the basic structure are a subset, “the other senses should go quite easily” (Rawls, “Justice as Fairness”, 48). In making this first argument, he does not simply claim that the basic structure is the most appropriate subject for the area of social justice and practices specifically,

but argues that it should be considered to take some form of priority over the other ‘senses’ of justice, which presumably pertain to different areas, as well.

Regarding the second and third arguments, it might not be as immediately clear for them as it is for the argument of ‘order’ that they belong to the ‘absolute’ interpretation. Rawls does, when discussing both of these arguments, claim that they justify taking the basic structure to be the “primary subject of justice” (Rawls, “The Basic Structure as Subject”, 159) without adding the ‘social’ qualifier to let us know that he means *social* justice specifically. Both because he does not explicitly specify that it is *social* justice he is discussing when making these arguments, and because he claims that the basic structure compares favorably to other subjects of justice (which, presumably, are subjects of different areas of justice) in making both arguments, I consider them both to fall under the absolute interpretation. The first of these is the argument of ‘importance’, according to which the (ambiguously defined) importance of the basic structure as a subject should prompt us to consider it to be the primary subject of justice simpliciter. The second is the ‘division of labor primacy’ argument¹, which justifies this structure’s primacy for reasons that involve limitations in our knowledge. In sum, then, we have two interpretations of the meaning of the claim that the basic structure is the primary subject of justice, the ‘relative’ and the ‘absolute’. Furthermore, within the ‘absolute’ interpretation we

¹ Liam Murphy refers to an argument in Rawls’s work as the “division of labor” argument (Murphy, 257). Through this argument, which I will explain in greater detail in the next section of my thesis, Rawls advocates for a system in which there is “an institutional division of labor between the basic structure and rules applying directly to individuals” (Rawls, “The Basic Structure as Subject”, 164). This is different from what I call the ‘division of labor *primacy*’ argument, which is Rawls’s argument that it follows from the desirability of his division of labor that the basic structure of society should be the primary subject of justice. I use Murphy’s term because it is related to the argument in Rawls I will discuss, but it is important to note that these are actually two different (though connected) arguments.

have three arguments that Rawls makes for the basic structure's primary: the argument of 'order' the 'importance' argument, and the 'division of labor primacy' argument.

As previously stated, the two interpretations are not necessarily in tension with each other: it is one thing to claim that the basic structure is the most appropriate subject to be the primary subject of *social* justice specifically, and another to argue that the basic structure should take priority in the greater field of justice theory over other subjects that presumably pertain to areas of justice outside of social justice. We could argue that the basic structure should not be conceived of as the primary subject of justice simpliciter, while holding that it is the most appropriate subject for the purposes of discussing social justice specifically; alternatively, we could argue that there are other subjects more appropriate to the study of social justice, in a way that leaves open the possibility that the basic structure could still have some sort of priority over other subjects in a more general account of justice. At least, there are no a priori reasons not to take the two interpretations to be independent of each other.

I will focus on the 'absolute' interpretation in this paper, for two main reasons. The first is that we can expect the choice of an absolute subject to have more wide-reaching consequences for justice theory than the choice of a relative subject, simply because the absolute could shape our discussions of justice outside the field of social justice. The second reason is that the argument I will propose in the critical section of this paper concerns what I believe a better absolute subject of justice would be. It seems more appropriate, given my argument, to discuss the absolute interpretation of Rawls's claim (that the basic structure is the primary subject of justice) to which my argument responds. So, for clarity, when I speak of the 'primary subject of justice' from now on, I will be referring to the meaning of the absolute

interpretation. If I wish to revisit the relative interpretation, I will use the term ‘primary subject of *social* justice’ to refer to it.

Having explained what it means for a subject of justice to have ‘primary’ status, I will discuss what I consider to be the ‘basic consequence’ of choosing one subject over another as our primary subject. To explain this consequence, I will start by presenting a clearer picture of the different elements involved in my discussion. I have discussed: (a) ‘areas’ of justice, topics within justice theory that we may investigate — social justice is an example of an area, and ‘justice simpliciter’ may also be thought of as a more general area that we could discuss; (b) ‘subjects’ of justice, which include the basic structure, individuals’ actions, and their dispositions; and (c) principles of justice. It might not be immediately obvious how these three relate to each other. Although an obvious first step in our discussion of justice could be to specify which particular area we will be addressing, it might not be quite as obvious, once we have chosen an area, how subjects and principles relate to each other. We may, for example, imagine that subjects provide some form of guidance in the development of principles for our particular area of interest, pointing us in the direction of the things we should regulate through our principles. The way subjects and principles *actually* interact in Rawls’s work, however, is as follows: choosing a subject does not serve to simply direct us to an object our principles should design or evaluate—the subject we choose is, *itself*, the object to be regulated and evaluated. This is what I call the basic consequence of choosing one subject over another: our choice of subject determines what it is that our principles of justice will be formulated to design or evaluate. When discussing the area of social justice, as well as justice simpliciter, Rawls’s decision to choose the basic structure as his primary subject means that it is this basic structure

itself that will be regulated by the principles of justice he formulates. Presumably, if we were to discuss a different area of justice, that of individuals, for example, our choice of primary subject here (we may, perhaps, choose the attitudes of individuals) would be the thing our principles of justice for this area regulate. When we talk about the 'area' of justice simpliciter, then, the basic consequence of choosing one subject over another here would be, as in any other area, that our principles will regulate that specific subject that we have chosen.

What follows is the main expository section of my thesis, in which I will present the three arguments Rawls makes to justify adopting the basic structure as the primary subject of justice. I will also present critical remarks on the 'importance' argument—my critique of the other two arguments, those of 'order' and of the 'division of labor primacy', will be addressed later, when I make my case for interpersonal interactions as a more appropriate primary subject. I should say that none of Rawls's three arguments is as fully developed as we may have wanted them to be. Still, a better understanding of the reasons Rawls provides for the primacy of the basic structure should allow me to respond to his institution-centered view, and to make my own argument for interpersonal interactions.

II- The case for the basic structure

a. The argument of order

To start with Rawls's argument of 'order', this argument, originally made in "Justice as Fairness", is presented in two different sections of *A Theory of Justice*. We first see it when Rawls responds to the possible objection that his institution-focused theory is in tension with "tradition" (10). This objection draws our attention to the "sense" of justice discussed in Aristotle's work, which involves "refraining from [...] gaining some advantage for oneself by seizing what belongs to another [...] or by denying a person that which is due to him" (Rawls, *A Theory of Justice*, 10). Given that this account of justice focuses on people and on their actions, the objection to Rawls's institutional theory is that it deviates from this individual-level focus. Rawls's response is that Aristotle's view actually presupposes an account of justice for social institutions. It assumes "an account of what properly belongs to a person and what is due to him" (10), and the entitlements captured in such an account, he says, are "very often derived from social institutions and the legitimate expectations to which they give rise" (10). This means that Aristotle must also have a conception of social justice if we can make sense of his account of the justice of actions and persons. Rawls closes this section by claiming that the account or "definition" of justice he adopts applies to "the most important case, the justice of the basic structure" (11). While he does not explicitly connect the argument that one account of justice presupposes another to the claim that the most important case of justice is that which pertains to the basic structure, I believe it should be uncontroversial to read this claim as a conclusion that follows from the argument. Rawls seems to be arguing, then, that because the

entitlements that pertain to the subjects of justice of individuals and their actions are (often) derived from social institutions, the basic structure that is comprised of these institutions should be taken to be our primary subject.

I refer to this as the argument of ‘order’ because of how Rawls discusses it in a later section of *A Theory of Justice*, in which he addresses the topic of developing principles for individuals. Here, he makes the same claim that several of the principles that would govern people and their actions presuppose principles for institutions: obligations, he says, “presuppose principles for social forms”, while “some natural duties”, most notably “the duty to support just institutions”, also presuppose such principles (110). Interestingly, though, Rawls does not use the same language of ‘derivation’ in this section, which had suggested in his discussion of Aristotle that it is *necessary* to first develop an account of justice for institutions before we can develop (at least a significant part) of the account of the justice of people and their actions. In fact, after presenting a tree diagram containing all the different “kinds of principles” (108) we must develop, including principles for institutions and for individuals, Rawls clarifies that the diagram is not meant to suggest that “the principles associated with the concepts lower down in the tree are deducted from the higher ones” (108-110). He argues here that the fact that one set of principles presupposes another does not mean that we should ‘derive’ or ‘deduce’ one from the other, but that it is “simpler to adopt all principles for individuals after those of the basic structure” (110). This resonates with Rawls’s earlier claim from “Justice as Fairness” that “once we have a sound theory for this case”, that is, for the basic structure, “the remaining problems of justice will prove more tractable in light of it” (Rawls, “Justice as Fairness”, 8). Regardless of whether following this order is necessary or simply

helpful in our investigation of justice, Rawls would claim, in either case, that we have good reasons to follow it. That this order is important evinces, Rawls argues, “the social nature of the virtue of justice, its intimate connection with social practices” (Rawls, *A Theory of Justice*, 110). It is not just the case that the ‘first virtue’ of institutions is justice: justice itself has a certain social nature, making the basic structure, comprised of our major social institutions, an appropriate starting point for our theory, and hence an appropriate primary subject of justice.

b. The ‘importance’ argument

The second argument Rawls makes in favor of the basic structure’s primacy is what I call the ‘importance’ argument, of which there are two versions. Each has to do with a different understanding of the concept of the ‘basic structure of society’; they are, however, similar enough in how they justify the primacy of the basic structure that they may be considered to be the same general argument. The two different understandings of the basic structure relevant here are discussed by Arash Abizadeh in his “Cooperation, Pervasive Impact, and Coercion”. While it is clear that this structure, as explained in my introduction, is made up by a collection of ‘major social institutions’, Abizadeh argues that there is some ambiguity regarding which institutions, exactly, are part of it. There are “at least three distinct ways”, he says, “in which institutions constituting society’s basic structure can be defined, each with some textual support in Rawls” (Abizadeh, 319). Each way of defining these institutions leads to a different theory “concerning the proper subject of justice” (320). I am interested in two of the three

resulting theories, those Abizadeh calls the “cooperation theory” and the “pervasive impact theory” of the basic structure (320). While the former puts forward the idea that the institutions that constitute the basic structure are those that “determine and regulate the fundamental terms of social cooperation”, the latter takes this structure to be defined by the institutions that have a “profound and pervasive impact upon people’s life chances” (319).

While each theory would likely lead us to identify a different set of institutions, Rawls justifies in similar ways the adoption of these two accounts of the basic structure. His justifications are not really presented in the form of explicitly stated arguments, but can be read, in both cases, as either following what I will call an implicit underlying ‘norm of investigation’ or as responding to a certain practical concern. Regarding the pervasive impact theory, Rawls explains in “Distributive Justice” that people “born into [a] social system at different positions [...] have varying life-prospects determined, in part, by the system of political liberties and personal rights, and by the economic and social opportunities which are made available to these positions” (Rawls, “Distributive Justice”, 134). He expands on this claim in “The Basic Structure as Subject”, where he adds that even people’s “desires and aspirations in the future” can be shaped to a significant extent by a set of major social institutions under which they live (Rawls, “The Basic Structure as Subject”, 160). That the basic structure, capable of having such ‘profound’ and ‘pervasive’ impacts on people’s lives, “includes inequalities between certain starting places”, should, Rawls claims, “[prompt] us to take this structure as the primary subject” (160).

This is all Rawls says by way of justification for the pervasive impact version of the argument. We may wonder, when Rawls says that we are ‘prompted’ to adopt the institutions

that have a pervasive impact on people's life chances, whether the reasons he believes 'prompt' us to do this are investigative (i.e. they relate to how best to investigate or study a topic) or practical. It is not entirely clear which one of these types of reasons Rawls had in mind, but they appear to provide two plausible explanations of his underdeveloped argument. If the reasons Rawls has in mind are investigative, he could be read as following a certain 'norm of investigation', according to which, when studying a particular topic, if we identify an object that is particularly impactful or otherwise important within this topic, this object should be placed at the center of our project. Alternatively, if these reasons are practical, we would take Rawls to be arguing that, if we plan to formulate principles of justice, the subject around which we formulate our principles should be that which has the most significant impact on justice and injustice. Presumably, such a practical approach would be meant to ensure that the principles we develop first are those that have the most significant impact in promoting justice.

We see both possible interpretations of this same 'importance' argument in the cooperation theory of the basic structure as well. Rawls argues that one of the "lines of reasoning [that] point to the basic structure as the primary subject" starts from the "initially attractive idea that society should develop over time in accordance with free agreements fairly arrived at and fully honored" (159). Formulating principles for the basic structure enables us to "secure just background conditions against which the actions of individuals and associations take place" (160), allowing for the creation of what Rawls refers to elsewhere as a stable "scheme of social cooperation" (Rawls, *A Theory of Justice*, 6), and making it possible for people to reach the fair agreements in accordance with which society should develop.

Note that this argument comes from Rawls's suggestion that the idea of society developing in this way is 'attractive', an idea whose value Rawls does not justify further, even as he makes it the basis of this entire line of reasoning. This appears to be another case of an idea or a purported fact that, due to its importance, 'prompts' us to adopt it as central to our discussion of social justice, according to Rawls. This may, again, be framed in either investigative or practical terms. The establishment of a scheme of social cooperation may be seen as an objective important enough for us to make it, following the above-mentioned norm of investigation, the center of our investigation; alternatively, securing just background conditions may be seen as, practically, the best way to promote justice, making it reasonable for us to start by developing principles to regulate the major institutions that 'determine and regulate the fundamental terms of social cooperation'. Regardless of what Rawls means, exactly, when he says that we are 'prompted', or led by an 'initially attractive idea', to focus on the basic structure, I take him to be suggesting that a theory of justice should take as its primary subject whichever subject appears to be particularly important, either in its theoretical centrality or its impact. This 'importance' argument, again, is present both in his pervasive impact and cooperation accounts of the basic structure.

To provide some critical remarks on this argument, I do not find it to be particularly strong, even after expanding it through my two interpretations. The argument does provide a couple of reasons to choose the basic structure as our primary subject of justice. I do, however, have two observations to make. The first is that, while both versions of the argument highlight the importance of the basic structure, the fact that it is important cannot be enough to make it the primary subject of justice. To say that it is primary suggests that, if it is the *importance* of

subjects we are concerned with here, the primary subject must not only be important, but must be the *most* important of the subjects we could consider. Rawls's presentation of this argument in his work is not accompanied by the necessary comparative discussion to make it clear that the basic structure should be taken to have a certain primacy over other subjects, but simply stresses the 'profound impact' of this subject and how 'attractive' the idea of developing a fair scheme of social cooperation is. While Rawls does compare the basic structure to other subjects at different points in his work, there appears to be no such comparison of subjects in terms of, for example, the 'profoundness and pervasiveness' of their impact. To be fair to Rawls, his account of the basic structure does illustrate just how significant this structure's impact is on people's lives, in a way that makes his claim that it is the most important subject seem credible. Still, without this comparative analysis, the argument is incomplete.

The second observation I will make is that, even if Rawls had shown that it is best to place the basic structure at the center of our theory for either investigative or practical reasons, these reasons do not involve the types of strong considerations that would normally lead us to develop a theory one way or another. Under the investigative interpretation, granting the basic structure this central position could make it more present in our minds, keeping within our focus a subject that we will frequently be returning to and engaging with as we develop our theory. This would seem to be a reason of convenience: while it may facilitate our work, the investigative version of the argument gives us no reasons to think we would not eventually have been able to develop the same theory if we had chosen a different subject. Similarly in the case of the practical interpretation, we may be especially concerned with addressing issues that are particularly impactful and important in realizing our concept of justice, but we may still be

able to address those issues at a later stage in our work, even if we do not start out with them. Regardless of the interpretation, the argument (as I have tried to develop it) seems not to suggest that we *need* the basic structure as our primary subject in order to develop our theory, only that it would be more convenient or that it would help us address a subject we are particularly interested in first.

These reasons of convenience and interest are not insignificant. If we had no other reasons to grant primacy to a particular subject, these could be enough to make us choose one subject over another. However, if we find, for example, that there are consequences to our choice of primary subject that affect the actual content of our theory, these content-related considerations would surely weigh much heavier in our evaluation of different subjects than considerations that do not change the content of the theory. Had Rawls presented a compelling comparative analysis of different subjects in his development of this argument, and if it turned out not to be the case that our choice of primary subject could affect the content of our theory, there may be some force to the importance argument. As I will argue at a later point in this paper, however, choosing one primary subject over another could, in fact, affect the content of our theories, meaning that the importance argument is not particularly strong.

c. The division of labor primacy argument

The third argument Rawls makes for the primacy of the basic structure is the ‘division of labor primacy’ argument. In “The Basic Structure as Subject”, Rawls discusses two different

ways we could go about securing justice. One, which he quickly rejects, involves imposing “rules [...] on economic agents that can prevent [certain] undesirable consequences” (160). Working under Abizadeh’s cooperation theory of the basic structure, the undesirable consequences Rawls refers to are changes in our institutions that could make it so that “the conditions for free and fair agreements no longer hold” (Rawls, “The Basic Structure as Subject”, 160). If individuals make agreements among themselves, even if these are “ostensibly fair”, Rawls believes that, over time, they can alter the institutions under which we live in such a way that “the conditions necessary for background justice [are] undermined” (160). We may consider imposing the above-mentioned rules on economic agents to prevent these changes in society’s background justice from occurring. These rules would, presumably, be directly informed by considerations of justice, and would constrain the choices people are able to make. Rawls, however, believes that there are no such feasible rules, given that the consequences of people’s actions “are often so far in the future, or so indirect, that the attempt to forestall them by restrictive rules that apply to individuals would be an excessive if not impossible burden” (160).

Rawls proposes that we take a different approach instead, one in which we first formulate principles for the basic structure “and try to see how this system itself should make the corrections necessary to preserve background justice” (160). In this second approach, rules for individuals still play a certain role: these rules, primarily the “legal rules that [govern] contractual relations” (Murphy, 257), provide a framework within which individuals may advance their own ends through “particular transactions” (Rawls, “The Basic Structure as Subject”, 164). Under this ‘hybrid’ model that includes both rules for individuals and principles for the basic structure, however, these rules are not directly informed by justice. Whenever we

find that the effects of our apparently fair transactions make our institutions unjust, it is the basic structure that makes whatever corrections are necessary “to preserve background justice” (164). Rules for individuals, we may imagine, could also change under the hybrid view to better accord with considerations of justice, but only as an indirect result of the changes in the basic structure. By contrast, the view that only involves developing rules for individuals would give these rules a more central role, as the rules themselves would be developed specifically for the aim of securing (background) justice. In Rawls’s view, the hybrid model wins out over the approach of only developing rules for individuals because of limitations in our knowledge, which prevent us from knowing how particular individuals’ actions (specifically transactions here) will ‘alter our institutions’ and, as a result, make them unjust.

There are two comments I should make about how I am reading “The Basic Structure as Subject”. The first is that we may get the sense that there is a certain tension in the paper between the argument Rawls makes and what he says his argument shows. If we were to read Rawls’s argument without reading what he says to frame it, we may take it to simply be a reasonable argument in favor of the hybrid system he defends, highlighting the importance of having both principles for the basic structure and rules for individuals. Rawls is very explicit at the start of the paper, however, that his paper’s main aim is, not to argue for this model, but to explain “why the basic structure is to be taken as the primary subject” (Rawls, “The Basic Structure as Subject”, 159). He also introduces the specific section of the text in which he discusses the division of labor primacy argument by saying that it explains one of the “lines of reasoning [that] point to the basic structure as the primary subject of justice” (159). Again, it is easy to find in this paper a reasonable defense of Rawls’s hybrid system, but if we want to find

the argument Rawls says he will provide, in support of the claim that the basic structure is the primary subject of justice, we may have to do some additional work to fill in the gap between his argument and this claim. One way to fill in this gap might simply be to read Rawls as saying that, since the principles for the basic structure are more closely connected to and directly informed by justice than rules for individuals are, at least under his hybrid model, they play a more fundamental role in our account of justice, making them an appropriate primary subject. This would be what I have referred to as Rawls's division of labor primacy argument.

This leads me to my second observation: while it is clear that the basic structure does play a primary role within the hybrid model, the argument that the basic structure should be the primary subject of justice seems to be compelling only if we have strong reasons for adopting this model. Rawls does, as stated above, argue that it would be "an excessive if not impossible burden" to secure justice by focusing (maybe not even exclusively, but primarily) on developing "restrictive rules that apply to individuals", given that the effects of peoples actions and transactions "are often [...] far in the future, or [...] indirect" (160). The division of labor primacy argument rests on this claim concerning the impracticality of making rules² for individuals primary. The concerns expressed by this claim are reasonable, as it would seem difficult to focus on rules for individuals if this would involve tracking the 'obscure' and 'indirect' effects of people's actions into the future. As alluded to in my discussion of the

² To make a brief parenthetical point here about rules and principles, although Rawls uses these terms to discuss different things (i.e. he uses the term 'rules' when discussing individuals and 'principles' when discussing the basic structure), I take the terms themselves to refer to the same kind of thing. It is reasonable to say this, I believe, because Rawls considers a model based solely on rules for individuals to be comparable to a model that revolves primarily around principles – his decision to use one term instead of the other may only reflect how the apparent generality or wider application of principles differs from the apparent specificity of rules.

argument of 'order', however, I will argue that our choice of primary subject may affect the content of the theory we develop. If this is the case, we may have to weigh Rawls's (reasonable) concerns of feasibility against my concerns regarding the theory's content to reach a decision as to what the most appropriate primary subject would be. This I will proceed to in the following section of this paper.

III- The case for interpersonal interactions

I have now discussed Rawls's three main arguments in defense of the basic structure's primacy: there is the (not particularly compelling) argument of importance, which claims that the ambiguously defined importance of the basic structure should 'prompt' us to make it our primary subject; the argument of order tells us that the basic structure is an appropriate primary subject because it is presupposed by other areas of justice, most notably, that of individuals; finally, the division of labor primacy argument would have us grant primacy to this structure because it claims that it is not feasible to develop principles or rules for individuals that are *directly* informed by justice, given the limitations in our knowledge.

I will now make the case that we have reasons to consider interpersonal interactions, rather than the basic structure, to be the primary subject of justice. I have chosen interpersonal interactions, rather than actions, dispositions, or other possible subjects for the area of the justice of individuals, because this subject seems particularly relevant to both Rawls's concept of justice as 'a proper balance between competing claims' and to Aristotle's definition of justice

as involving ‘what is due to someone’. In the context of our discussion of justice, we are concerned with a person’s dispositions, but only with a specific subset of them that define how they are disposed to interact with others. The question of what actions a person should perform is also, of course, relevant to justice, but the only principles related to actions that interest us here is the subset of principles that relates to how people should act towards others. When we think about justice, interpersonal interactions, I hold, are the most appropriate subject to focus on in our efforts to formulate principles for individuals—any other individual-level subject is relevant to justice only insofar as it involves these interactions. I will argue that this subject for the area of individuals is, also, more appropriate than the basic structure as the primary subject of justice simpliciter. It is these interactions that give rise to claims of justice, and it is through them that one may either fulfill or fail to fulfill one’s duties³.

a. Reversing Rawls’s order

I will introduce my first argument, in favor of interpersonal interactions as the primary subject of justice, as a response to Rawls’s argument of order. I will be addressing the very basic question of why we have claims of justice, which relates to Rawls’s discussion of how one

³ I should acknowledge that, since the subjects I am considering as candidates to be the primary subject of justice are those that belong to the areas of justice Rawls identifies in his work, my comparative discussion of these different subjects may leave out certain areas Rawls does not discuss. Perhaps most notably, my focus on ‘interpersonal’ interactions may leave out claims of justice that concern nonhuman animals, whom we may not identify as persons. It is beyond the scope of this paper to discuss how personhood should be expanded to nonhuman animals. The two arguments I will make in favor of adopting interpersonal interactions, however, may provide a framework on which an account of justice with such an expanded account of personhood may be developed.

account of justice ‘presupposes’ another. As previously explained, Rawls argues that many of our claims of justice exist because social institutions, by defining our roles and positions within them, create a series of entitlements for different individuals, which in turn give rise to “legitimate expectations” (Rawls, *A Theory of Justice*, 311) that these entitlements be respected. It may be true that a number of different types of “requirement[s]” and “permission[s]” (109) presuppose institutions that define what it means for an individual to, for example, have what Rawls understands to be an obligation (110). By Rawls’s own apparent acknowledgement (109), however, these requirements seem to only constitute a subset of the requirements and permissions individuals may have. He only says that people’s claims are “often” (10) derived from institutions, but not that they are always derived from them—we could imagine that even in situations in which there are no just institutions that can recognize requirements between people as ‘obligations’ (or even in a scenario in which there are no institutions, like those that constitute a basic structure, to start with), it may still be intelligible for a person to say that something “belongs” to them or that something “is due” (10) to them from someone else. People’s claims of justice, then, do not always require institutions. If there is something that all such claims do, in fact, involve or presuppose, I argue that this would be interpersonal interactions.

Of course, not all claims of justice involve what we may understand to be a *direct* interaction between individuals, however this quality of being ‘direct’ may be defined. If we think of a society in which an individual has a claim to a certain government-provided tax-funded benefit, for instance, we may say that this individual has a legitimate claim on wealthier members of society, demanding that these individuals pay what they owe in taxes. If a certain

group of should-be taxpayers engage in tax evasion, failing to fulfill their duties, and the individual is unable to receive the benefit she is entitled to as a result, we could understand specific individuals within this group of tax evaders to be in some sense ‘wronging’ the individual through their actions. This ‘wronging’ can occur between two different individuals or groups of individuals, even when they are not in direct contact with each other or have a meaningful relation, suggesting that there is a certain interaction between the two that is indirect. While institutions are presupposed by a subset of the claims of justice that pertain to individuals, it would appear that *all* claims made by individuals presuppose the existence (or reasonable expectation) of an interpersonal interaction.

We may want to stop at this point to clarify two things: what we mean by ‘presupposing’ when we say that one account of justice presupposes another, and what ‘objects’ of presupposition we are considering. Regarding the meaning of presupposing, I had previously discussed two possible meanings, both of which Rawls invoked at different points in his work. The first has to do with ‘deriving’: in Rawls’s example of obligations, it seemed like requirements can only be considered obligations if they are derived from an institution that may generate this specific type of requirement. If no such institutions exist, the conditions for individuals to have obligations would not exist either. The second meaning of presupposing had to do with the, perhaps weaker, claim that understanding one thing only facilitates understanding another. Rawls claims elsewhere in his work that, if we start by formulating principles for the basic structure, it should then be easier to formulate principles for other areas of justice. The meaning of ‘presupposing’ that interests me in my discussion is the first, that which involves derivation. It seems appropriate, as I compare two different approaches to

developing an account of justice, to focus on the meaning of presupposing that has to do with what is necessary, as we should imagine that this meaning involves weightier considerations than those that have to do with what is helpful, and may give us stronger reasons to choose one approach or another. If we find that it is helpful to start with interpersonal interactions, this would give us *a* reason to start our inquiry into justice by developing principles for this subject; we would have found much stronger reasons to start with this subject, however, if we found that starting with this subject is *necessary*. What I will mean by ‘presupposing’, then, is that understanding one element in our discussion requires that we understand another.

As for my second question, the objects of presupposition we may consider are of two kinds. First, there are the things we have defined as possible subjects of justice, including institutions, interpersonal interactions, and the dispositions of persons. Second, there are the *accounts* of justice that pertain to these different subjects. The argument I have just made, about how all claims of justice presuppose interpersonal interactions, involves an object of the first kind: claims of justice all presuppose the existence of actual interactions. I have not said, however, that all claims of justice can only be understood if we have an *account of the justice* of these interactions, at least not until now. I have also argued that the existence of institutions (as opposed to an *account of the justice* of institutions) is not necessary for many of these claims. I am, of course, trying to make arguments about justice in this paper, which prompts me to discuss how claims of justice require, not only the existence, but also an account of the justice of interpersonal interactions. The reason I have started with the argument about existence is to show how the necessity of institutions is limited even in this first, more basic discussion: if many claims of justice do not require even the existence of institutions, the

stronger claim that they require an account of the justice of institutions would be a nonstarter.

To summarize, we see that, while individuals' claims of justice do not necessarily require institutions (let alone an account of the justice of institutions), an account of the justice of institutions does require at least the existence or possibility of interpersonal interactions. I will now argue that an account of the justice of institutions also requires an account of the justice of individuals.

Rawls, unfortunately, does not develop "any systematic discussion of the principles for individuals" in his work (108). I say this is unfortunate because an individual-level account of justice that involves these principles could, one would imagine, allow us to see how its content relates to the content of an account of the justice of institutions. What I will do here will be to sketch out a very basic outline. This outline will lay out what I believe would be the constitutive elements of an account of justice for individuals, and will very briefly explain how they would relate to each other. I will try to show that this same structure underlies both institutions and accounts of their justice, and will argue that it is hard to see how the latter in particular could be understood without the elements of this underlying outline.

There are two main elements we must have for an individual, in the area of justice for persons, to make a claim of justice. The first is some kind of object to which an individual is entitled. To reuse the language in which Rawls describes Aristotle's view, this would be an object that 'belongs' to an individual, or something that 'is due' to them. The second is another individual, specifically one with whom the first has interacted or, perhaps, with whom they can be expected to interact, either directly or indirectly. It may be incredibly difficult, given how I have defined indirect interactions, to find individuals with whom he have no sort of interaction

at all. If we do find them, we may still have duties to those individuals of some sort (of beneficence, for example)—those duties would not be duties of justice, however. The concept of justice, even as Rawls defines it in terms of ‘a proper balance between competing claims’, seems unintelligible without some sort of real or expected interaction, between at least two individuals, that would raise questions about competing claims to objects to which they are entitled.

Having identified these two elements present in an individual-level claim of justice, we may have a basic sense of what we could expect an account of the justice of individuals to do. If the subject most appropriate for the specific area of individuals is, as I have argued, interpersonal interactions, an account for this area might provide principles that tell us how people ought to interact with each other. Such an account would provide guidance for how to interact with others in a way that respects their entitlements, and for how to provide individuals with that to which they are entitled. This second type of guidance that concerns the provision of objects of entitlement would also include guidance for what to do when one has failed to respect someone else’s entitlements, which might involve either simply giving the object back or providing whatever the compensation due to the individual might be. While this is, of course, only an outline of an account of the justice of individuals, and even though what I have said about claims of justice might be incredibly obvious, this outline should prove useful for understanding how the areas of justice of individuals and institutions relate to each other.

To illustrate this relation, let us consider the following: the process of setting up an institution establishes new interactions between individuals. As Rawls defines them, institutions “[define] offices and positions with their rights and duties, powers and immunities, and the

like” (55). The arrangement of ‘offices and positions’ determines, when an office grants its occupant some kind of authority over or a duty to another, how the individuals that occupy them relate to each other. Even if we take two different offices or positions that are disconnected from each other in that they do not directly involve rights or duties to each other’s occupants, the institution would still define how an individual occupying one of these positions stands in relation to the other’s occupant. If we find the claim that this ‘standing in relation to another’ itself constitutes an indirect interaction unconvincing, we could probably imagine some way in which a causal chain of effects links the actions of any individual to others within the rules of the institution—if we find chains of effects that are completely disconnected, we would be right to wonder whether we are actually observing the same institution or whether we actually have two different institutions.

Having argued that real or expected interactions, one of the two elements constitutive of an account of justice for individuals, are necessary for institutions, what remains to be shown is that the other element, individuals’ objects of entitlement, are also part of an account of institutions. Let us examine Rawls’s second principle of justice. In its final formulation, the principle states that “Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity” (302). While there are aspects of Rawls’s thought that make me hesitate to endorse this principle, we may still be able to express it in the individual-centered terms I outlined. The specific aspect of Rawls’s view that I may disagree with here would be the object of entitlement around which this principle revolves: this object seems not to be some kind of

basic good (although 'primary' goods do, of course, play a role in Rawls's theory), but an institutional arrangement. In other words, what individuals are entitled to according to this principle is a certain set of institutions, each a system of rules defining "offices and positions with their rights and duties, powers and immunities" (55). Notice that this still, however, is an individual's object of entitlement. Again, because it makes little sense to say that the terminal point of an individual's claims is an institution, we could understand this principle as making a claim on other individuals who have some influence in designing our institutional arrangements. The basic elements of the outline for the justice of individuals appear to underlie this principle for institutions: it may, ultimately, be expressed in terms of individuals who interact with each other (if one may affect the design of our institutions, real or expected indirect interactions with others would certainly be present) and who express a claim on an object, in this case a particular institutional arrangement, that is due to them.

I have only discussed Rawls's second principle of justice, but it would seem hard to imagine that an institutional principle of justice could be understood without reference to the underlying structure of the outline for individual-level justice I have sketched out. If there were no objects to which individuals are entitled in an account of institutional justice, it would be unclear what would give principles of justice their force (why would we care about formulating principles of justice at all if there were no such objects?). If there were no interpersonal interactions present to explain how the objects of entitlement are owed to other individuals, it would be unclear what the terminal point of people's duties would be. Given these underlying elements, I hold that an account of the justice of individuals does underlie an account of the

justice of institutions. This reverses the order Rawls argued for: it appears to be an account of the justice of individuals that is presupposed by accounts of the justice of institutions.

While it does seem reasonable that the justice of institutions presupposes the justice of individuals in this way, there is still one additional step to make before we can say that we have made a strong case in favor of the primacy of interpersonal interactions. This would be to address the questions of feasibility raised by Rawls's division of labor primacy argument: even if one account of justice is derived from another, if it is unfeasible to develop a theory around the more fundamental subject, we may still have reasons to grant primacy to the other instead. I will now proceed to address this concern of feasibility by presenting my second argument in favor of the primacy of interpersonal interactions.

b. Gaps in the realization of justice

To preface my second argument⁴, I will discuss what I believe is a misunderstanding of Rawls's view that seems to be present in the literature. This misunderstanding can be found in G. A. Cohen's "Where the Action Is: On the Site of Distributive Justice". Crucial to Cohen's argument is the distinction between two 'domains'⁵ in Rawls's view, which map onto the two parts of Rawls's hybrid model: the domain of the basic structure, which is governed by principles of justice, and the domain of the choices people make within institutions, which is

⁴ This second argument supports a conclusion I first reached in my undergraduate senior thesis (Mendoza, 76).

⁵ Cohen does not use this term in his paper, but I believe using it here is helpful in explaining his argument.

governed by rules. As Cohen points out, the difference principle, one of the principles Rawls develops for the basic structure, is “a principle that applies only to social institutions [...] and, therefore, not one that applies to the choices [...] that people make *within* such institutions” (Cohen, “Where the Action Is”, 5). This would seem to be the case for whatever principles of justice we develop for the basic structure, again, following the hybrid model. Individuals in the rule-governed domain of choices may act as “self-seeking high fliers” (5), doing what they can to “maximize their own gains” (9) within the restrictions of the rules of the market economy. They, crucially, are not required in Rawls’s theory to be guided by the difference principle, or by any other principle of the basic structure, when acting in this domain. If the combined effects of these individuals’ transactions affect institutions in such a way that they eventually become unjust, the necessary corrections to the basic structure can be made so that our major institutions are once again in accordance with the principles of justice. This might, presumably, entail certain corrections in the rules of the domain of people’s choices.

Cohen takes issue with Rawls’s view because of a certain tension he believes is present in the theory. According to the ‘pervasive impact’ definition of the basic structure, the institutions that are part of this structure are those that have a profound and pervasive impact on people’s lives. This suggests that it is not only our coercive ‘formal’ institutions, such as “the legal protection of freedom of thought [...], competitive markets, [and] private property” (Rawls, *A Theory of Justice*, 7), that are part of this structure: our ‘informal’ institutions, such as the family, given how important they are in determining our life chances, should be part of this structure as well. When we consider patterns of behavior such as “the regular practice of favoring sons over daughters in the matter of providing higher education” (Cohen, “Where the

Action Is", 21), it should not be surprising that Rawls does explicitly list "the monogamous family" (Rawls, *A Theory of Justice*, 7) among institutions that comprise the basic structure. The tension Cohen discusses comes from his observation that these informal institutions differ from the formal in the following way: in an institution like the family, "the usages which constitute informal structure [...] are bound up with customary actions of people" (Cohen, "Where the Action Is", 20). Because these two are so closely connected in an institution whose structure is defined by people's actions, the principles of justice that would apply to the institution would also inevitably "apply to day-to-day choices within it" (20). If Rawls wants to define the basic structure the way he does⁶, then it cannot be the case that, as he says, the principles of justice apply directly to the choices of individuals.

Let us assume, for now, that Cohen is correct in saying that people's choices are bound up with the structure of informal institutions. It is not clear to me that this would be problematic for Rawls's theory. Perhaps it would be a problem for Rawls if he believed that it is itself valuable that people's choices are not governed by justice. It is not because of any such belief, however, that Rawls makes his division of labor argument. He only argues that we should treat the two domains of his hybrid model as separate due to certain feasibility-related concerns, since, as previously explained, it would seem to be an 'impossible burden' to try to prevent injustice by imposing 'restrictive' rules on individuals. Presumably, if this issue were not a concern, and if it were easier to focus on developing rules for individuals, Rawls would have

⁶ This argument should also work if we consider what Abizadeh calls the 'cooperation theory' interpretation of the basic structure—although I will not develop this argument here, surely it could be argued that the way the institution of the family is designed can affect society's ability to develop 'in accordance with free agreements fairly arrived at and fully honored'.

no problem (as far as the considerations of the division of labor primacy argument are concerned) with having the principles of social justice apply directly to individuals, as Cohen says they would in the family. That the principles for the informal structure of the family would also apply to the day-to-day choices people make within this institution should not be problematic—if anything, it obviates the need, at least when discussing informal structures that really are bound up with people’s choices, to employ Rawls’s more complicated two-layered hybrid model.

I bring up this ‘misunderstanding’ of Rawls’s view to highlight the fact that the only relatively well-developed argument Rawls makes in “The Basic Structure as Subject” to reject the approach that centers on rules or principles for individuals concerns questions of feasibility. That Rawls offers no additional arguments here opens the question of whether such an alternative approach, if it were feasible, would be a better option than the hybrid model. On the face of it, it seems that we have good reasons to adopt it. Rawls explains that the role of the basic structure involves making ‘corrections’; presumably, if we could work everything out at the level of rules for individuals, no such corrections would be necessary. This would not necessarily preclude the possibility that the basic structure could still play a role in our accounts of justice, but there would be no need to grant it such a central role.

We may still hesitate to adopt an individual-centered approach of this type for two reasons. The first relates to a concern Cohen brings up in *Rescuing Justice and Equality*. Even if it were the case that we had all the knowledge we could possibly want, we may have reasons not to develop rules to correct every single instance we could find. In his discussion of racism, Cohen first claims that “Racist attitudes contradict fair equality of opportunity”, meaning that

they qualify as obvious cases of injustice. He says that there is no way that legislation can “(thank heaven) penetrate to people’s attitudes” in order to eliminate any racist thought we may have, and adds that even “if it could, it would still be true that it shouldn’t, on grounds of freedom” (Cohen, *Rescuing Justice and Equality*, 355). I mentioned above that Rawls does not appear to argue that it is in itself valuable that people’s choices are free from direct regulation by the principles of justice. However, Cohen’s concerns regarding freedom may still give us reasons to resist such regulation, if we find it to be unjustifiably intrusive.

I will grant that this is a legitimate concern, but do not believe this gives us a compelling argument against regulating people’s choices. Recall that such regulation is intended to prevent people’s actions from having both immediate and future effects that are detrimental, including undermining just institutions. We would imagine that many of these detrimental effects would involve depriving people of “primary goods”, “things that every rational man is presumed to want” and that “normally have a use whatever a person’s rational plan of life” (Rawls, *A Theory of Justice*, 62). If we consider these primary goods to include different types of freedom, then this would enter our calculus as one of the many goods we seek to protect through rules. Cohen would, then, not have to worry that our rules would be so intrusive that they would penetrate into our minds and undermine even our freedom of thought, as this freedom would have been taken into account in the process of formulating our rules. If it is not accounted for, then they would not be accomplishing the task of preventing undesirable consequences.

The second reason we may still hesitate to adopt the individual-centered model is that, even if such a model does not pose a threat to our basic freedoms, it still appears to be the case that limitations in our knowledge would make the task of identifying the future effects of

people's actions very difficult. These limitations are a legitimate concern, but I will argue that this concern must be weighed against a series of problems that are present in a system, like a hybrid system, that requires the use of 'corrections'. These problems, as I will explain, concern what I refer to as 'gaps' in the realization of justice.

It may be helpful to compare two different scenarios: in scenario A, we find a society that, due to knowledge-related limitations, employs a hybrid model; scenario B is one that has, somehow, overcome the limitations of scenario A, and gives the formulation of rules that apply directly to individuals a primary role. Do we have reasons to think that one society would do a better job of securing justice than the other? My intuitive response is that B would certainly be better. There are two considerations that may justify this intuition. The first involves the temporality of corrections. If the society we find in scenario A does not know how the effects of people's actions in the present will affect institutions at a future time, making it possible to restrict these actions, surely it would not know what corrections to the basic structure would be necessary *in the present* to counteract the detrimental effects of people's actions either. Corrections would come at a certain time in the future, possibly once institutions have already changed and become more unjust. During this temporal gap, between a person's actions and the manifestation of these actions' effects on institutions, individuals may come to live under institutions unjust enough to warrant corrections. If this has any form of detrimental effect on people's life chances, preventing them access to primary goods, having such a gap would clearly be undesirable. If the society we find in scenario B has the knowledge to better understand how a person's actions will have a future detrimental effect on institutions (or, we could also say, an institutionally-mediated indirect effect on another person) it would seem that more immediate

measures could be taken in response. If society B does have a temporal gap, then, we would imagine that it would not be as wide as the gap in A.

There may be a different kind of gap that could also affect justice in society A. The effects of people's actions are not only too "far in the future": they are also "indirect" in a way that makes the approach of focusing on rules for individuals seem even less feasible. We may worry that, even if members of the society we find in A were able to identify the institutions of their basic structure that have, over time, become unjust, limitations in their knowledge may still create problems in finding the best way to remedy the identified injustices. I explained in a previous section that individuals may be thought of as wronging someone else through their indirect institutionally-mediated interactions. Even if we are able to correct our institutions, such that individuals under them have access to all the primary goods they need, understanding the indirect interaction that led to the corrected injustice still seems important in addressing several questions that come up in discussions of justice.

One such question may be, in cases of injustice that require some form of compensation, who should be responsible for providing it? The answer to this question may be a specific individual, and answering this question may require knowledge of how specific individuals have wronged each other through indirect interactions. If our ability to track these interactions really is limited, this should be a reason for concern, as we would be unable to see the connection between the specific individual to whom something is due and the specific individual who should provide the object of entitlement in question. Even if an individual in society A has secured access to all primary goods, we may find that only a subset of all her entitlements have been recognized, and individuals may not be held accountable for wronging

others if the effects of their actions are hard to track. This should be especially concerning if we consider the ways in which individuals may take advantage of the 'obscuring' effects of this approach to justice and deprive others of what they are entitled to in the knowledge that the indirect effects of their actions may not be tracked. It appears that society A would suffer from two gaps that would not be present, or at least not as present, in society B: a temporal gap, and a gap between what corrections provide and people's actual entitlements.

What we have at this point in my discussion is two important considerations in our choice between Rawls's hybrid model and the rules-for-individuals-centered approach. On one hand, there is the consideration of the gaps that we get when we adopt the hybrid model, which may result in unnecessary, unresolved, or improperly addressed injustices. On the other hand, there is the problem of feasibility. The question now is how to respond to these considerations. I, again, will not dismiss the problem of feasibility, as it is reasonable to think that the effects of our actions are 'indirect', 'obscure' and often far in the future, making them hard to track. We may think, however, that Rawls is making too strong a claim when he says that identifying these effects is an "impossible burden" (160). It might be practically impossible to identify all the different effects, direct and indirect, that every relevant action performed by every member of society has. However, if developing greater knowledge of these effects could begin to close the two gaps I have discussed, thereby leading to a greater realization of justice, we may think that we have a certain imperative to increase this knowledge.

It would be beyond the scope of this paper to develop the concept of this imperative in greater detail, explaining what kind of duties follow from it and who should be responsible for fulfilling them. The question of whether interpersonal interactions would be a more

appropriate subject of justice may be answered differently depending on how severe the problem of knowledge is in different situations. I hold, however, that a situation in which it is feasible to adopt interpersonal interactions as our primary subject of justice is preferable to one in which it is not, and that, when we do have significant limitations in our knowledge, we still have reasons to work towards overcoming these limitations and making interpersonal interactions a viable primary subject. If the force of the division of labor primacy argument lies in the claim that we need to focus on the justice of institutions because such a focus serves as our only viable proxy for addressing the claims of individuals, it seems desirable to achieve the conditions under which such a proxy would be unnecessary, and justice could directly provide rules or principles at the level of individuals instead.

I mentioned in my introduction that the theory I have argued for, one that has interpersonal interactions as its primary subject, may help address our frustration regarding the purportedly limited connection to practice of Rawlsian theory. My response to the division of labor primacy argument may do this by addressing the two gaps I have discussed. First, a theory that takes interpersonal interactions as its focus may bring to light the problems involved in leaving important steps in the realization of justice to be addressed through future corrections in the basic structure. Addressing 'temporal gaps', it would stress the urgency with which we should tend to problems of justice in the present, rather than at a later point in time by which unjust institutions have already developed. Second, we may think, although this might not be a thought shared by all political theorists, that a theory of justice should aspire to connect to practice specifically by providing us with, if not prescriptions for action, real-world guidance with a certain degree of specificity that can tell us what to do in different situations in which we may

find ourselves. If we do hold this view, then addressing the second gap, that of duties and entitlements, would seem especially important. We would want to ensure that we are properly identifying individuals who have wronged others, both directly and indirectly, that we know the nature of their wrongdoing, what entitlements were undermined, and what duties people have to fulfill in the present for past injustice to be remedied. If taking interpersonal interactions as our primary subject allows a theory to more strongly stress the urgency of present injustices and to inform the development of prescriptions or other forms of guidance for action, then we have good reasons to consider both developing such a theory and addressing any significant limitations in our knowledge that may limit the feasibility of such a theory.

IV- Conclusion

This paper has examined the three arguments Rawls provides in favor of the basic structure's status as the primary subject of justice simpliciter: the argument of order, the importance argument, and the division of labor primacy argument. I have argued that the importance argument is not particularly compelling, as it gives us reasons to see the basic structure as important, but does not engage in a comparative analysis to argue that it is *more* important than the subjects over which it presumably has primacy. The other two arguments appear to have some limitations as well. Rawls's argument of order suggests that at least some cases of principles for individuals presuppose the existence or the concept of institutions, but even in these cases, the principles for individuals do not seem to presuppose an account of the

justice of institutions. As for the division of labor primacy argument, it appears not to acknowledge what I call the temporal gaps and gaps of duties and entitlements that may come as a result of Rawls's hybrid model.

The reasoning behind these last two arguments, however, has provided me with the grounds on which to make my own arguments for the primacy of interpersonal interactions. If we consider the primary subject of justice to be the subject whose principles must be defined before we define the principles for other subjects, we may argue, along the lines of the argument of order, that it is the principles for institutions that presuppose principles for individuals, and that it is the latter set of principles that should be developed first. I have argued that the basic elements underlying an account of individual-level justice also underlie an account of the justice of institutions, suggesting that this order is reasonable. If there are reasons of feasibility that prevent us from developing a theory that focuses on this more fundamental subject, these reasons should not be dismissed; I have argued, however, that we have a certain imperative to overcome the limitations in our knowledge if overcoming such limitations would allow us to better realize justice. If my arguments are at all compelling, the next step in our investigation might be to develop an account of this imperative.

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