

SPECIAL ISSUE ARTICLE

Addressing the rise of inequalities: How relevant is Rawls's critique of welfare state capitalism?

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1 | INTRODUCTION

Recent studies by economists such as Piketty (2013, 2019) and Atkinson (2015) have contested the well-established view that post-war redistribution policies have been successful in the long term at slowing down the rise of structural inequalities. In reality, the claim goes, they have dealt mostly with reducing inequalities of income through redistribution and have left inequalities of wealth and capital ownership uncontrolled. These, according to their studies, have now risen in the developed world and reached levels more typical of 19th Century Europe.

To make matters worse, perceptions of and attitudes towards fighting inequalities as unjust that Rawls saw as based on a wide consensus of citizens' "considered judgments" (Rawls, 1999, p. 17), have changed, leading to them being accepted as the justified and even necessary price to pay for economic growth and as a reward for merit. Economic arguments based on the need for incentives for raising productivity and the "trickle-down effect" have become widely accepted as if the price of economic efficiency should be disconnected from the demands of equity. Meritocracy has provided ethical arguments too. As John Roemer says, "today the most important problem for the social sciences of inequality is understanding how electorates have come to *acquiesce* to policies which increase inequality... and to try revealing the logic of the

I would like to thank the editors of the Special Issue on Rawls for inviting me to develop ideas that I first presented in a previous paper published in French in 2016, "L'état-providence face aux inégalités et la démocratie de propriétaires: une comparaison entre Meade, Rawls, Ackerman et Piketty," *Tocqueville Review*, 2/(2016), as well as in another paper in English in 2018: « Self-development and Social Justice ». I hope to be able to develop these ideas in a future book on property-owning democracy and its philosophical justifications.

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micro mechanisms that lead to this acquiescence... to challenge the view that interfering with the incentives the market provides necessarily reduces economic welfare” (Roemer, 2011, p. 301).

Such recent developments, as some critics have argued (Forrester, 2019, pp. 278–279), suggest that Rawls’s *A Theory of Justice*, published in 1971, before the watershed of neoliberal welfare policies, should be considered as a product of its time and as still thinking about justice within the context of the post-war market economy of rising demand and economic growth, supported by state interventions. But post-1980s, another ideology has been dominant. “Small government” and limited state intervention are the new norms, even on the Left with the Third Way in Britain, and redistribution is being reconsidered¹ as often too costly and conducing to the rise of a work-shy population, even if the 2020–2022 COVID-19 pandemic has considerably watered down these criticisms.

However, I would argue that it is a mistake to understand Rawls’s view of the welfare state as belonging to the past and that he was much more critical of its redistributive policies than was first thought as many commentators have shown (Krouse & McPherson, 1988; O’Neill, 2021; O’Neill & Williamson, 2012; O’Neill & Williamson, 2014; Schefczyk, 2013). In *Justice as Fairness, A Restatement* (2001) as well as in the Preface to the revised edition of *A Theory of Justice* (1999), he claims that welfare state capitalism (WSC) has largely failed in the fight against unjust inequalities and of their structural roots and he states his ambitions for a “new” welfare state and a “property-owning democracy” (POD) in the following terms:

The idea is not simply to assist those who lose out through accident or misfortune (although this must be done), but instead to put all citizens in a position to manage their own affairs and to take part in social cooperation on a footing of mutual respect under appropriate equal conditions (1999, p. xv).

In this article, I examine Rawls’s “political” critique of WSC and of its inability to fight structural injustices together with his proposal for POD as a realistic prospect and a credible alternative to WSC. Section 2 describes the rise of inequalities of wealth and power as a source of structural injustices, and Rawls’s insight as to why WSC is unable to fight them. Section 3 presents Rawls’s alternative proposal of POD with its two ambitions, to protect, but also to emancipate citizens and guarantee their full rights. Section 4 asks whether POD can fully articulate these two aims and answer Sen’s criticism (Sen, 1999) that this is still a “resourcist” solution that fails to fully emancipate citizens. Section 5 tentatively suggests that the justification for POD must rest on a new paradigm that redefines the nature of the Self in developmental terms (Audard, 2019), both capable and vulnerable over time (Nussbaum, 2006). The fight against inequalities of wealth through POD can then be justified as it aims at increasing agency and social mobility for all, not simply consumption and utility maximization, and, most importantly, as a basis for democratic citizenship and the full value of political liberties (Thomas, 2017b; White, 2015; White, 2016).

2 | THE RISE OF THE “NEW INEQUALITY” AND RAWLS’S “POLITICAL” CRITIQUE OF WSC

This section provides a brief overview of the new historical conditions faced by welfare state capitalism and of Rawls’s political critique of its failures.

2.1 | The rise of inequalities of wealth (Piketty, 2013)

Recent studies of inequalities have shown that if *income* inequalities have risen since the 80s in most developed economies, it is the rise of *wealth* inequalities which is most worrying for the future of social democracies, traditionally associated with rising prospects for the middle classes and social mobility. Instead, a capture of political power by the wealthy 1%, a quasi “oligarchisation”² of society, is taking place due to extraordinary differences in capital ownership. In his book, *Capital in the 21st Century*, Thomas Piketty describes the history of this process and how inequalities of both income and wealth have evolved over more than two centuries in Europe and the United States. They have now reached levels not seen since the 19th Century. Even if very high incomes are justified in a meritocratic democracy, they lead to extreme wealth accumulation and to forms of both financial and political oligarchies that have captured the political agenda. “There is,” says Piketty, “a near-perfect correlation between decreasing levels of wealth taxes and the growth of the wealth of the 1%. The political process has been captured by the 1% and has prohibited any significant review of income and inheritance taxation rates” (Piketty, 2013, p. 823).

Thomas (2017b) describes this “new normal” as leading to a structural fall in the level of demand that contradicts the Keynesian view of demand-led economic growth. Insufficient demand due to income and wealth deficits leads to excessive debt and higher levels of taxation for the middle classes. If consumption inequality is still not as extensive as income and wealth inequality, it is because access to essential goods such as healthcare, housing and education remains dependent on high levels of debt, leading to the comparatively worse off being burdened by unforgiven debts. This “new normal” explains the end of the kind of sustained prosperity and social cohesion that the West had experienced in the post-war years until the 80s. In other words, wealth inequalities have made democratic societies more polarized and the burden of the welfare state more and more unsustainable. The unequal transmission of wealth and capital and the growing *political* power of social, cultural, and economic elites that ensues are then responsible for the weakening of democratic institutions, even in long-established democracies. Fighting unfair inequalities is a most urgent aim to strengthen increasingly fragile democracies. As former US Supreme Court Justice Louis Brandeis said, “We may have democracy, or we may have wealth concentrated in the hands of a few, but we can’t have both.”

2.2 | In what sense is Rawls’s critique of WSC “political”?

It is remarkable that a similar verdict was advanced by Rawls in *Justice as Fairness* as well as in the Preface for the revised edition of *A Theory of Justice*. It was also briefly present in the original version of *TJ* but was too easily missed or overlooked by readers (Rawls, 1971, p. 274). Some commentators note that, in fact, Rawls was explicitly thinking about the role of wealth inequalities, capital ownership and POD as early as in 1951 or 1952 (Forrester, 2019, pp. 16–18; Kloppenberg, 2022, pp. 41–44).³

What is striking in Rawls’s critique of WSC is his insight that the political consequences of inequalities of wealth and what he calls “background justice” (Rawls, 1999, pp. 73–78), that is, inequality of power and participation in democratic politics, have not been included in its program of redistribution. Its aims have been mostly to remedy economic hardships, poverty, and loss of income, not the inequal distribution of wealth which has been allowed to develop. As a consequence, WSC “permits very large inequalities in the ownership of real property (productive assets and natural resources) so that the control of the economy and much of political life

rests in few hands” (Rawls, 2001, p. 138). Keynesian policies have helped capitalism to survive crises and fight poverty in the post-war years, but without addressing the *structural* causes of poverty and inequalities. Reducing-poverty measures such as income transfers and increased benefits have not done enough to limit inequalities and have aggravated *dependency*. “The redistribution of income... given the lack of background justice and inequalities in income and wealth may develop a discouraged and depressed underclass many of whose members are chronically dependent on welfare” (Rawls, 2001, p. 140). There is a general agreement that working-class and even lower middle-class incomes have stagnated since the 1980s and social mobility has come to a standstill because redistribution has not eradicated the causes of inequalities. Poverty was the main target for Keynesian policies as it was an obstacle to a type of economic growth and prosperity fuelled by consumption and demand, leaving inequalities as necessary in a market economy or even justified in a meritocracy. Given Rawls’s rejection of utilitarianism’s view of welfare, even in the form of a “restricted utility principle” (Rawls, 2001, §38)—the dominant post-war ideology— as well as of meritocracy, his criticism of the welfare state should not come as a surprise. Anticipating on Piketty’s inquiry, Rawls claims that the transmission of capital and wealth is one of the structural causes of unjust inequalities and of what he calls “background injustice.” This is the reason why he advocates a social policy that would aim at widely dispersing capital ownership and make it possible to apply his principles of justice to the basic structure of society and to fully democratize it: a “property-owning-democracy” (POD thereafter, Rawls, 2001, pp. 139–140 and pp. 158–162).

Rawls’s harsh conclusion is that WSC is incompatible with his two principles of justice because it allows “large and inheritable inequities of wealth incompatible with the fair value of the *political* liberties (introduced in §36), as well as large disparities of income that violate the difference principle” (Rawls, 1999, p. xv, my emphasis). Income-based inequalities can be remedied with benefits and income transfers. But these transfers are either insufficient or ineffective to fully secure fair equality of opportunities (the second principle of justice) as inheritance taxes and legislation fail to correct unequal starting points. They do not try to impact the basic structure of society, to “mitigate the arbitrariness of natural contingency and social fortune” (Rawls, 1999, p. 82), only to remedy individual circumstances and accidents of fortune. In other words, Rawls claims, benefits and income-transfers may momentarily increase demand and purchasing-power and reduce poverty, but they do not succeed in reducing structural and lasting inequalities of wealth.

2.3 | WSC and the fair value of political liberties

I would like now to stress that Rawls’s first criticism of WSC is *political* as it concerns its impact on the distribution of *political power*. WSC tends to overlook the dangers of concentration of capital for the *fair value of political liberties*, Rawls’s part of the first principle of justice as fairness (Rawls, 2001, p. 51). The illusion of WSC stems from its misunderstanding of the connection between political institutions and economic policies (Audard, 2007, p. 103). In contrast, a point not always clarified enough by Rawls himself, the theory of justice as fairness requires that its principles work as a single normative program that aims at reducing unfair inequalities and addressing both their political and economic roots. The measures needed to implement equal basic liberties, in particular political liberties and their worth, are only effective if they are supported by poverty-fighting redistributive policies. This is the striking point made by Rawls in his conception of justice. Equally, the measures supporting equality of opportunity

and the difference principle, the second principle of justice as fairness, encourage political inclusion and equal citizenship: the two domains of the basic social structure are therefore inherently connected. “Both principles express political values” (Rawls, 2001, p. 48). Because of Rawls’s emphasis on the *political* sources of inequality, one could label his view as *quasi-republican* in the sense argued for by Philip Pettit (Pettit, 1997), according to which “real” freedom demands political “non-domination,” not simply free choices and noninterference. “As far as this *domination* is experienced as a bad thing, as making many peoples’ lives less good than they might otherwise be, we are again concerned with the effects of economic and social inequality” (Rawls, 2001, p. 131, my emphasis). WSC, being foremost concerned with increasing incomes and fighting poverty, does not address the fact that disadvantaged people are not only poor, but also politically dependent “on large concentrations of private economic and social power” (Rawls, 2001, p. 150). Protecting “the fair value of political liberties” (Rawls, 2001, pp. 148–150) creates a synergy between fighting for citizens’ equal political influence and power, on the one hand, and reining in free-market processes and sustaining a more equal distribution of productive assets, on the other. Recognizing this synergy is an aim that “justice as fairness shares with civic *republicanism*” (Rawls, 2001, p. 150, my emphasis). Democratic governments, then, if they want to protect the worth of equal political rights need to put an end to state capture by private corporate interests and wealthy shareholders who can skew public policy and decision making in their own favor.⁴

2.4 | Rawls’s critique of welfare dependency

A second criticism of WSC pressed by Rawls concerns the issue of *stability* and the threats to it created by the *dependency* of a rising and resentful underclass. This second “quasi-republican” argument insists that the stability of democratic institutions is threatened by the lasting exclusion of too many citizens, and even their alienation, from democratic politics because of their material insecurity and their prolonged dependency. This need for inclusion is ignored by WSC which is based on “the concept of a social minimum that is sufficient to cover the needs essential for a decent life” (Rawls, 2001, p. 129), but is certainly too low for what is needed for citizens to become fully integrated in the polity, to be able not only to exercise their rights, but also to support them and to see their value, “to affirm the principles of justice in our thought and conduct over a complete life” (Rawls, 2001, p. 128). The social minimum as measured by basic needs and the principle of restricted utility is unable to sustain a lasting and real commitment to the institutions of a just or quasi-just society and, instead, contributes to creating “a discouraged and depressed underclass, many of whose members are chronically dependent on welfare” (Rawls, 2001, p. 140). Even if WSC can regularly raise income levels, it still creates resentment “in asking the less advantaged to accept over the whole of their lives fewer economic and social advantages (measured in terms of utility)” (Rawls, 2001, p. 127), which leads to estrangement from and even rejection of democratic institutions that obviously do not work for them. This makes the “strains of commitment” (Rawls, 2001, pp. 128–130) excessive: less advantaged citizens will either reject society’s demands of justice and its relevant obligations or grow distant from political society. Either way this will threaten democracy’s stability. This is the second political argument against WSC based on Rawls’s concern for the dignity and duties of citizenship and, again, for the importance of the political liberties that WSC does not take sufficiently into account, being bound up with an individualistic utilitarian ideology. Focusing on economic growth and consumption, and on the social minimum necessary to sustain it, WSC views justice

and the distribution of wealth and opportunities as guided quasi-exclusively by capitalism's interests—this being a “capitalist” welfare state.

2.5 | A critique of purely remedial policies

Rawls's next criticism, then, is that the efficient allocation of resources at one point in time, given the needs, desires, and preferences of particular individuals, fails to address the damage to democratic institutions created by lasting inequalities of wealth. What is missing in welfare policies is an understanding of structural inequalities *over time* and of the value of *predistribution* that aims at preventing *ex ante* poverty and exclusion (O'Neill, 2020). Because they “take men's propensities and inclinations as *given*, whatever they are, and then, see the best way to fulfil them” (Rawls, 1999, p. 27, my emphasis), they tend to ignore the fact that wealth as well as poverty are both created over time as *social products*. This criticism of capitalism shapes Rawls's view of inequalities. A just welfare state should answer the rise of inequalities *during a complete human existence* and address life-prospects, not solely immediate consumption and purchasing power. Its ambition should be the lasting participation of the less advantaged in democratic institutions as well as their allegiance to their leading principles. The aim is not only to eradicate poverty, but to provide life-long solutions to the exclusion and disaffection of the less advantaged in so far as democratic institutions and political participation are concerned. *The horizon is civic integration, not solely economic growth, and utility maximization.* “While a social minimum covering only those essential needs may suit the requirements of a capitalist welfare state, it is not sufficient for what I call a property-owning democracy in which the principles of justice as fairness are realized” (Rawls, 2001, p. 130).

2.6 | WSC and justice in the workplace

A last criticism of WSC is that the fight against inequalities should also address inequalities within the various modes of *production* of wealth, not solely the unequal *consumption* of goods and purchasing power, which is the usual standard for measuring well-being and the effectiveness of WSC. Consumption isolates people, makes them compete for “positional” goods, for instance, and creates infinite demands, resentment and dissatisfaction whereas production needs cooperation as it is a collective effort. A just welfare state, then, should be concerned not only with the level of consumption of goods, but also with economic justice in the workplace, with the production of goods as a social and collective endeavor and as a source of self-respect. This would also be a political and *quasi-republican* argument based on the dignity and *self-respect* of active and productive citizens involved in their workplace (O'Neill, 2008, pp. 36–37; Schefczyk, 2013, pp. 8–10). Self-respect, says Rawls, is probably the most important primary good with which a society can provide its members. “Without it nothing may seem worth doing” (Rawls, 1999, p. 386). But it also needs recognition by others through collective endeavors and “finding our person and deeds appreciated and confirmed by others” (Rawls, 1999, p. 386), according to Rawls's Aristotelian principle: “We need one another as partners in ways of life that are engaged in for their own sake, and the success and enjoyments of others are necessary for and complementary to our own good” (Rawls, 1999, p. 458). Such a “quasi-republican” view of justice in the workplace should help re-shape the nature of firms and inspire their democratization (Ferrerias, 2017).

Because WSC is aiming at a social minimum and at general or average well-being defined in terms of income levels, consumption, and the satisfaction of basic needs, it is in the end unable to improve social relations and to support *justice as fairness* and *equal citizenship*. It cannot transform the basic structure of society so that “citizens are equal at the highest level and in the most fundamental aspects” (Rawls, 2001, p. 132).

3 | POD AS RAWLS'S PROPOSED ALTERNATIVE TO WSC

Now, the question is whether POD is really the radical answer to the rise of unjust and extreme inequalities of wealth and political power that Rawls suggests.

3.1 | POD: The idea of capital ownership dispersal and its origins

There is now a very rich literature on the sort of economic regime POD could be, comparing it to, among others, liberal socialism (O'Neill, 2021), social democracy (Von Platz, 2020), republicanism (Thomas, 2017b; White, 2016, O'Neill & White, 2019), and free market fairness (Tomasi, 2012). Many commentators (among them Forrester, 2019; Jackson, 2014; O'Neill, 2021) have also enriched Rawls's project with a study of its predecessors, from Thomas Paine (1792) to the Cambridge economist James Meade (1964). Even if Rawls himself claimed to be close to Meade, there are important differences between the two that have been widely examined elsewhere (Kloppenber, 2022; O'Neill, 2021) and one should add, as I mentioned earlier, that Rawls was thinking about his own idea of a “property-owning democracy” as early as 1951 or 1952, before reading Meade. Here my aim is to uncover the values that underscore Rawls's vision and POD's distinctive core elements. These are (O'Neill, 2021, p. 3):

- a. the wide dispersal of ownership of productive capital.
- b. the prevention of intergenerational transmission of unequal advantages.
- c. safeguards against the corruption of democratic politics and the oligarchization of society.

The ambition is to combine an efficient market economy with social justice or, following Meade, “efficiency in the use of resources with equity in the distribution of income” (Meade, 1964, p. 75). This needs a two-pronged intervention. First, access to human and non-human capital should be widely dispersed through predistribution and, second, this initial “stake holding in society” (Ackerman, 1999) should be financed by progressive taxation of wealth and wealth transfers in a way that durably democratizes access to property and equalizes wealth distribution, reducing dangerous concentrations of power.

3.2 | What kind of property regime?

First, what kind of *property regime* should be advocated?

Changing existing capitalistic property regimes would seem to be the first step as “actual societies which have private ownership of the means of production are afflicted with grave injustices” (Rawls, 1999, p. 242). But such a regime needs to be compatible with a *free-market*

economy that, for Rawls, is essential both for economic efficiency and for the protection of individual freedom (Rawls, 1999 §42). Simply moving from individual to collective ownership of the means of production is not necessarily the best solution as exemplified by the failures of a “command economy” (Rawls, 2001, p. 138). Rawls opposes socialist regimes (Rawls, 1999, §42–43 and 1993, pp. 7–8 note 7; O’Neill, 2021, p. 38) that restrict market economy and the distributive function of prices that are necessary to “gain the advantages of efficiency and protect the important liberty of free choice of occupation” (Rawls, 1999, p. 242). It is however clear that, while rejecting socialism and some forms of collective ownership of productive capital, Rawls opposes capitalism, the disparities in private capital ownership and in investment in human capital between the laboring classes and a capitalist class, that are at the root of social inequalities (Rawls, 2001, pp. 136–137; Krouse & McPherson, 1988, p. 83).

The answer, then, is not the suppression of private property or its replacement with state or collective property, but its *dispersal* and democratization: a “property-owning democracy.” Rawls suggests a new direction towards a flexible property regime as “there is no essential tie between free markets and private ownership of the means of production” (Rawls, 1999, p. 239). In allowing for both private property and social property of productive assets, Rawls here is close to Keynes who rejected the rigid Marxist contrast between private and public/collective/state ownership of the means of production. Things are much more complicated and “arguments in social philosophy should not premise a highly unified conception of property” (Cohen, 1989, p. 49). Meade, for instance, recommended “to equalize the distribution of ownership of private property and to increase the net amount of property which was in social ownership” (Meade, 1964, p. 75). Martin O’Neill too stresses that “a theory of justice should not mandate a particular model of ownership of the means of production (O’Neill, 2008, p. 38). Wider access to private property is not limited to, for instance, buying one’s own home, the Right to Buy, which was the Conservative programme of Thatcherite Britain in the 80s. It could lead to an increase in workers’ ownership of productive capital, thanks to forms of participation in their companies’ assets and even management and co-gestion.⁵ Following that inspiration, Rawls sketches an alternative to capitalism and to exclusively privately owned means of production that seats along the lines of “Mill’s idea of worker-managed firms as fully compatible with property-owning democracy” (Rawls, 2001, p. 179). The hope, then, is that “a capitalist economy would gradually disappear and be peacefully replaced by worker-managed firms within a competitive economy” (Rawls, 2001, p. 178).

An *extended* version of what Rawls had in mind (White, 2016, p. 106) could be Ackerman’s “stakeholder society” that is also inspired by Meade (Ackerman & Alstott, 1999, p. 25) where each young person receives an initial grant of \$80,000 (1999 value) that they can then invest in a variety of ventures, from higher education and skills development to the purchase of a property or of shares in their company’s capital. Piketty suggests a similar scheme of universal capital grants (Piketty, 2019, ch. xvii). In that way, citizens would combine incomes from a variety of sources that would provide lasting security, way beyond income transfers, such as returns from their privately owned productive resources combined with income from their own work, returns from universal capital grant schemes, such as Ackerman’s, but also, for Meade, from social dividend payments from public investment funds. Meade called this a “mixed model” where income would be raised from different sources and would allow greater security and protection for all. The question then becomes how to finance such a dispersion of capital ownership through taxation.

3.3 | What kind of taxation?

The second and more developed part of Rawls's proposal concerns *taxation* (O'Neill & Orr, 2018) which he examines at some length in section 43 of *A Theory of Justice*. The aim of taxation should be to “encourage a wide and far more equal dispersion of real property and productive assets” (Rawls, 2001, p. 161). First, progressive taxation of wealth is not meant solely to raise the state's funds as in WSC, but, primarily, “to prevent accumulations of wealth that are judged inimical to background justice” (Rawls, 2001, p. 161). These very high rates of progressive taxation of wealth (over 70% for the richest 1%) have existed in the past in the US in the years 1919–1922 and again in 1937–1939 and were justified at the time by a strong American egalitarian ethos that condemned excessive wealth inequality (Piketty, 2013, p. 816). For Rawls, such high rates should help “moderate tendencies that lead, over time, to greater inequalities... and require continual growth over generations” (Rawls, 2001, p. 159). Rawls considers the role of taxation under the control of the Difference Principle as having a moderating influence on economic growth and advocates, like Mill, but also a great number of environmentalists, “the idea of society in a just stationary state” (Rawls, 2001, p. 159). Second, progressive taxation of transfers and high rates of inheritance taxes will lead to more resources for the welfare state and to limits on the biggest estates. Piketty (2019, ch. xvii) estimates that 5% of GDP could be raised from a progressive wealth tax and an inheritance tax that could finance the dissemination of capital ownership throughout the whole of society. Finally, progressive income taxation should be avoided and “a proportional expenditure tax adopted instead... to allow for an appropriate social minimum... and for the Difference Principle to be roughly satisfied by raising and lowering this minimum and adjusting the constant marginal rate of taxation” (Rawls, 2001, p. 161).

4 | CRITIQUE OF POD AS A FREE-STANDING OPTION AND AN ALTERNATIVE TO THE WELFARE STATE

4.1 | Is POD unrealistic?

However, such a project may seem quite unrealistic, given contemporary political culture and public opinions. The obstacles are not only *financial*. Even if rich countries could afford it with relatively modest long-term commitments equivalent to 5% of GDP in Europe (Piketty, 2019) or 3.5% of GDP in the US (Williamson, 2014, p. 239), finding a new political consensus on a universal access to property and wealth redistribution seems inconceivable, some kind of “politics fiction” for dreamers.

This is, of course, a harsh judgment that overlooks the fact that rich capitalist countries have in the past agreed to very high rates of progressive income and wealth taxes to pay for a generous welfare state. The egalitarian ethos is still alive as many studies have shown (Forsé & Parodi, 2020; Williamson, 2014, pp. 290–291) and I would like to stress that the answer to the feasibility of POD is *political* and *ideological*, not purely technical. We should then not too quickly conclude that Rawls is a figure of the past. The rise of inequalities and the attacks on the welfare state, the prevalence of the neoliberal ideology, of the I-mentality (Putnam, 2020) do not preclude present aspirations to justice made possible by a new world of new technologies, new forms of work and of socialization. But I agree that Rawls's proposal is a very abstract and incomplete ideal that needs a lot of refinements and complexifications (O'Neill, 2021).

4.2 | Can POD replace the welfare state?

However, I would like to answer a different but central criticism of Rawls, that he tends to see POD as an alternative to the welfare state and a *free-standing option*, not, as Meade did, as a *complement* to a just welfare state and its relevant policies. The difficulty noted by many commentators is that Rawls tends to exaggerate the contrasts between economic regimes that he describes as “ideal types” (Max Weber) whereas the reality is messy and “pure” economic systems do not exist. Instead, we must deal with “mixed regimes” (Meade, 1964) and recognize that “Rawls’s architectonic error leaves out the most interesting territory in between these polar points”: POD and socialism, for instance (O’Neill, 2021, p. 15). One puzzling aspect of Rawls’s critique of WSC is that he seems, on the one hand, to ignore, or at best to minimize, the importance of the various wider roles and functions that welfare states have played in contemporary societies while, on the other hand, recognizing that there should be a residual role for traditional forms of redistribution and income transfers. Rawls seems to have an extremely narrow view of the welfare state as providing mostly social assistance or “welfare” to a minority of the population, that is, a safety net of noncontributory, selective income-support and means-tested programs. However, we should underline the fact that the modern welfare state covers a much wider range of activities, to the value of 30%–40% at least of GDP, depending on countries, including tax-paid social insurance for the whole population, such as the NHS in the UK, the provision of a range of publicly funded social services, such as education, healthcare, childcare, public transport, legal aid, etc. operating outside the market and providing as of right, a range of social work and personal social services for families, children, the elderly etc., as well as economic governance. One could even add the “hidden” welfare state of several additional welfare benefits channeled through the tax system (Garland, 2016).

4.3 | What aims for the new welfare state: Emancipation or protection?

Still, the main difficulty remains that Rawls simply juxtaposes the two aims he prescribes for a just welfare state, *protection* and *emancipation*, without explaining how to combine them. How to remedy accidents, sufferings and vulnerabilities *ex post* through benefits and income transfers and, at the same time, to encourage equality of opportunity, of development, autonomy, and flourishing *ex ante* through access to productive capital ownership? Meade in contrast is clear that POD should “supplement rather than replace the existing Welfare-State policies” (Meade, 1964, p. 75). I will not pursue here an analysis of Meade’s views which has been done elsewhere (O’Neill, 2021) but will address this main concern in a different way, through Sen’s and Nussbaum’s criticisms of Rawls (Nussbaum, 2006; Sen, 2009).

For Sen, Rawls remains a “resourcist” in the sense that he understands justice and well-being in terms of available resources and of access to “primary social goods,” whatever one’s real starting point in life is. He does not pay enough attention to the wide inequalities that remain even when resources are available. As Martha Nussbaum has shown in the cases of handicaps and women’s inequalities, Rawls does not fully integrate all the parameters necessary to measure inequalities. “The failure to deal with the needs of citizens with impairments and disabilities is a serious flaw in modern theories that conceive of basic political principles as the result of a contract for mutual advantage” (Nussbaum, 2006, p. 98). Such a “resourcist” point of view that prioritizes access to resources over existing human capacities to use them effectively,

leads to seeing the needs of “those who lose out through accident or misfortune” as a mere addition to the most important preoccupation of social justice: “to put all citizens in a position to manage their own affairs” (Rawls, 1999, p. xv). In other words, Rawls tends to ignore vulnerabilities and to provide us with a view of social justice aimed at “normal” people. Therefore, it is no accident that he cannot develop a full-blown vision of the various roles of the just welfare state. Sen, in contrast, suggests that we should “concentrate on the individual’s real opportunities to pursue her objectives (as Rawls explicitly recommends) ... and on the *conversion* of primary goods into the person’s ability to promote her ends” (Sen, 1999, p. 74). Sen is certainly right to point out that Rawls’s understanding of *primary goods* as including liberties and rights as well as self-respect as “goods” like income and wealth, is misleading. They are *means* for realizing one’s own objectives and potential, not inert possessions or commodities. Rawls then seems to miss the *agency* dimension of inequality, which Sen and Nussbaum focus on. People, they stress, are unequally equipped to take advantage of available resources and a just society should remedy these disparities by providing them *ex ante* with conversion means through investment in human capital, education, skills, health, etc. This is a much more satisfactory way to combine the remedial aspect of the welfare state with its emancipatory ambitions.

4.4 | Creating citizens, not consumers

I suggest that Rawls’s focus on emancipation rather than protection is rooted in his *political* ideal of a just society as a society of equal and free citizens, their political empowerment, participation, and cooperation being its main objectives. Therefore, if he distances himself from the ideology of assistance and charity towards the less well-off or handicapped people, it is because such attitudes have no place in a society of equals. “The least advantaged are not, if all goes well, the unfortunate and unlucky objects of our charity and compassion, much less our pity, but those to whom *reciprocity* is owed as a matter of political justice” (Rawls, 2001, p. 139, my emphasis). His rejection of WSC was based on a rejection of capitalism not only as an economic system, but also as a social and political system that, because of the unequal accumulation of capital, tends to give extreme *political* power to the few.

Thus, in the new “emancipating” welfare state that he envisages, *ex post* income transfers become limited as “the more predistribution one has, the less redistribution one needs” (Fleurbaey, 2018, p. 7). Social policies should be specified by their contribution not solely to a “decent” life, but to the flourishing lives of self-respecting citizens, POD allowing for maximal financial independence and security as means to “a life worth living” (Sen himself talks of a “meaningful life”), that is, a life where “people are in charge of their own affairs,” not simply a “decent” life as for utilitarians and WSC. This is how Rawls schematically integrates protection and emancipation in his ideal welfare state.

However, to fully answer Sen’s criticism, I would add that the justification for POD should insist that “a life worth living” is also a life full of risks and vulnerabilities. This necessitates a fuller temporal space or horizon for the *development* of one’s potential and moral powers, including both capabilities and vulnerabilities during a whole life. POD, then, must rest on a new paradigm that redefines the nature of the Self in developmental terms (Audard, 2011, 2018) and of social intervention in diachronic terms. It is only within such a long-term framework that POD can be seen as a means for agency and innovation, for social mobility and development despite life’s accidents, not simply for consumption and utility maximization, and as a

basis for democratic citizenship and the full value of equal political liberties (Thomas, 2017b; White, 2015; White, 2016). I shall now sketch such a new paradigm.⁶

5 | VULNERABILITIES AND CAPABILITIES: A NEW MORAL PARADIGM FOR THE WELFARE STATE

In this concluding section, I would like to tentatively show how POD and capital ownership are justified within a new moral paradigm. I will take as my lead what Rawls himself says, that we need here new “fundamental intuitive ideas of person and society” (Rawls, 2001, p. 132) to fully understand the concept of POD and its relationship to a just welfare state, where the principles of justice might get realized. One such intuitive idea is that inequalities have damaging consequences for the development of a whole life, a consideration which is ignored, as I have shown, by WSC, its social interventions and corrective or remedial measures. In contrast, because justice as fairness focuses on inequalities in citizens’ life-prospects over a complete life, POD as a “pre-distributive” scheme should be able to cast light on and fight better the sources of inequalities.

5.1 | The difference principle and the just welfare state

Considering the temporality of social intervention leads, for instance, to understanding the Difference Principle in temporal terms, giving it a radical edge in making clear that it deals with *whole life-prospects* and expectations, not solely with the material situation of the least advantaged at one point in time, compared to that of the well-offs (Van Parijs, 2003, p. 232).⁷ Capabilities and vulnerabilities are intrinsically connected over time due to the very nature of what a human life is, sometimes active, sometimes diminished and needy. As it considers the temporality and the complete development of a human existence, the just welfare state should be concerned with both life-prospects and risks, with *ex ante* prevention and *ex post* remedies. But this is also the reason why Rawls’s favored alternative to the WSC is a property-owning democracy that will work towards the dissemination of capital ownership and its effects during a complete human existence, progressively reducing the need for *ex post* remedies. Its ambitions are to answer life-prospects, not solely immediate consumption, to work towards the empowerment and the lasting participation of the less advantaged in the democratic institutions as well as their allegiance to their leading principles.

5.2 | Plans of life and the aims of a just welfare state

Now this emphasis of POD on temporality has deeper origins. It can be traced to the idea of a *plan of life* and a conception of rationality that is developed in *A Theory of Justice*, but fully exploited in *Political Liberalism* with the distinction between the Rational and the Reasonable (Rawls, 1993, pp. 48–54). Rawls’s analysis of rationality refers to plans of life, not, as in utilitarianism, to simply present needs and instant satisfaction. “A person’s good is determined by what is for him the most rational *long-term plan of life* given reasonably favourable circumstances” (Rawls, 1999, p. 79, my emphasis) and “a person may be regarded as a human life lived according to a plan,” not simply as a thing (Rawls, 1999, p. 358).

Three ideas are of note here. To be rational is, first, to be able to plan and to schedule activities and resources for the long term, envisaging the consequences good or bad, of so doing. This is made possible by access to capital ownership. A temporal horizon is a necessary condition for rationality, hence the need for stability and access to the security of private property. Instead of treating, as I mentioned earlier, “men’s propensities and inclinations as *given*, whatever they are, and then seek the best way to fulfil them” (Rawls, 1999, p. 27), social intervention should treat them as properly human and rational and integrate the possibility of accidents in the context of a complete human life. This is the reason why welfarist measures tend to remedy misfortunes, not to prevent them, one of Rawls’s main criticisms of WSC. Second, to be rational is to be capable of using the means necessary to promote one’s ends, and thus to project oneself in the future within a temporal horizon. “Rational individuals, whatever else they want, desire certain things as prerequisites for carrying out their plans of life” (Rawls, 1999, p. 348). Taking interests as given without any consideration for the temporal framework of the *ends* pursued is also a mistake in that second sense. Third, a capacity to choose and rank satisfactions against one’s plan of life is necessary for rationality. To ignore this is another mistake, leading to the familiar dilemmas of interpersonal comparisons of welfare. In contrast, Rawls shows that defining the good in developmental terms or plans of life allows interpersonal comparisons not of states of mind or instantaneous satisfaction—which is impossible—but of the *means* to promote satisfaction and a “life worth living.” What are compared are not subjective states of mind or satisfactions, but “things which it is assumed they all normally need to carry out their plans” (Rawls, 1999, p. 81). A conception of the rational person as having a sense of what one’s whole life implies as a developing being, with a temporal horizon, capable of choosing, planning, and adapting resources for one’s own ends and including consideration for potential vulnerabilities, is implied here, which is very close to Sen’s own conception of capabilities.

5.3 | The Aristotelian principle

From the idea of rationality as long-term planning, Rawls now moves on to the idea of a developing self, striving to implement their plans and getting pleasure from their realization. As he puts it, according to the Aristotelian principle, “human beings enjoy the exercise of their realized capacities (their innate or trained abilities)” (Rawls, 1999, p. 364) and “we are led to expect even greater satisfaction once we acquire a greater repertoire of skills” (Rawls, 1999, p. 375). The more complex activities give even more pleasure over time, and a companion principle states the *social interdependency* of rational plans of life as others confirm and take pleasure in what we do. Our nature as self-developing beings and the type of satisfaction we gain from that development are dependent on others’ validation and reciprocity and on fair and just social conditions.

My conclusion, at this stage, is that the shift to a *long-term* conception of our ends combined with the Aristotelian principle yields a better understanding of the connection Rawls assumes between emancipation and protection through access to capital ownership, not simply to a social minimum as with WSC. Such a new paradigm could then inspire the values and policies of a new “just” welfare state.

6 | CONCLUSION: TOWARDS A NEW WELFARE STATE

A conception of the self as a developing being and of this process as a *social* process through time and cooperation with others, opens the way for a different view of the just welfare state,

one that is active *ex ante* against inherited inequalities and empowering and even “emancipating” individuals during their whole life, not simply remedying accidents and hardships *ex post* (Fleurbaey, 2018, p. 166). It is clear, then, that Rawls goes beyond the social democratic model of the past thanks to his emphasis on *ex ante* injustices and inherited inequality of wealth, political power, and status, as the main sources of structural injustices. He can then envisage a beyond of capitalism, a dissemination of power and a future for citizens as stakeholders in their society (Ackerman, 1999), capable of making decisions for themselves, and secure enough to take risks, a new form of economic democracy. The fight against inequalities of wealth through POD aims at increasing agency and social mobility for all, not simply consumption and utility maximization. Social justice itself should, then, be understood differently in view of this reinterpretation of “the self as a progressive and developing being” (Mill, 1859, ch. 3). In particular, the demand for freedom and responsibility for one’s own ends should come to the forefront of social justice, avoiding as much as possible the “undue reliance on assistance.” Only a concerted effort of predistribution of the ownership of wealth and capital can overcome structural inequalities and give reality to the principle of *equal opportunities* for all.

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CONFLICT OF INTEREST STATEMENT

No conflict of interests noted.

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ENDNOTES

- ¹ See, for instance, the reasoning behind the new monthly Universal Credit payments in the UK as justified by costs-benefits concerns for the taxpayer, not concerns for the working poor and their weekly, not monthly pay checks. See also the recent scandals in the Netherlands, where benefits are generous and income inequality is among the lowest in the EU. But benefits are subject to complicated rules meant to exclude the “undeserving” and work-shy poors. These can run amok. Over the past decade, systems meant to snoop out abuse of childcare benefits wrongly labeled more than 20,000 parents as fraudsters and drove many into penury. On January 15th 2019, Mark Rutte, the prime minister, and his cabinet resigned over the scandal. It may herald a modest shift to the left in Dutch social policy. Another scandal involved the Dutch government’s System Risk Indication (“SyRI”) which has exclusively been used to detect welfare fraud and other irregularities in poor neighborhoods in four Dutch cities and affects the right to social security and to privacy of the poorest members of Dutch society (“Profiling the Poor in the Dutch Welfare State”, Christiaan van Veen, NYU School of Law, November 1, 2019).
- ² A more refined definition of oligarchy can be found in (Amory, Gethin, Clara Martinez-Toledano, and Thomas Piketty, 2021). *Political Cleavages and Social Inequalities. A Study of Fifty Democracies, 1948–2020*, Harvard University Press, 2021. “To the oligarchy of wealth and the business elite, a *cultural oligarchy*, or an intellectual elite, should be added. If the right represents the asset rich and the left the education rich, then we can expect policies that benefit the working class to be of limited salience. The best one can hope for is improved social mobility, through more education spending, not lower inequality through income and wealth redistribution. The rise of a multiple-elite system contributes to keeping redistributive policies off the policy agenda. More education, to put it simply, generates new types of inequalities that might be more permanent because easier to justify. According to this line of work, this group of voters appears more circumspect when it comes to social

- consumption policies, which denotes the traditional passive income transfer-policies that increase the income of the working class". (Charlotte Cavaillé, « Why Social Democratic Parties no longer expropriate the Rich? », *Books and Ideas*, 20 October 2021. ISSN: 2105–3030. URL: <https://booksandideas.net/Why-Social-Democratic-Parties-no-longer-expropriate-the-Rich.html>).
- ³ James Kloppenberg in his study of Rawls's legacies notes that "The idea of property-owning democracy, which emerged in the 1920s thanks to the conservative Scottish politician Noel Skelton, has been deployed ever since by champions of the unregulated free market and also by democratic socialists. During the 1950s and early 1960s, when Rawls was piecing together his theory of justice as fairness, the idea was being reformulated for the British Left by the economist James Meade. In TJ Rawls cited Meade briefly (TJ, 273n, 274n, 277n). In *Justice as Fairness*, evidently due to Krause and McPherson's landmark article, the idea became central. Not merely redistribution through taxation and social insurance programs, but "predistribution," to be achieved by providing equal access to education and training, far more equal compensation of workers, and serious taxes on inheritance, emerged as indispensable features of justice as fairness" (Kloppenber, 2022).
- ⁴ See, for instance, the 2018 OXFAM report "Captured Democracy: Government of the few" that examines in detail the way fragile Latin American democracies are threatened by inequalities and the capture of the state by the rich. ISBN 978-1-78,748-354-5 DOI [10.21201/2018.3521](https://doi.org/10.21201/2018.3521).
- ⁵ See I. Ferreras, *Firms as Political Entities*, Cambridge University Press, 2017, for a wide-ranging study of democracy in the workplace and new trends in governance and workers representation. O'Neill (2021) argues that economic democracy and the dispersal of economic power within firms are not necessarily dependent on one form of ownership or another and are seen by Rawls as an extension or a consequence of POD.
- ⁶ I would like to thank the anonymous reviewer of JSP who pointed out to me the necessity for a stronger argument in favor of POD, based on a developmental view of the self, and for a clarification of the kind of just welfare state that should be complemented by POD. I have tried here to answer these criticisms in suggesting a way to combine the two dimensions of an ideal welfare state and of POD: protection and emancipation.
- ⁷ This point has been clarified by Philippe Van Parijs: "The sort of distributive scheme favoured by the difference principle is a guaranteed minimum income if it is understood, as it should not be, in terms of achieved scores. It becomes an employment subsidy scheme if it is understood as it should be, in terms of expectations" (Van Parijs, 2003, p. 232).

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