

Justice for Janitors: Unskilled Essential Work in a Well-Ordered Society

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Author's Note: Justice for Janitors is a workers' rights organization operating in the US and Canada. You can read about their mission and work at: <https://www.justiceforjanitors.org/>.

Table of Contents

Introduction.....	1
Chapter I. Opportunity for Meaningful Work	4
I.I. Rawls' Definition of Meaningful Work	4
I.II. (Opportunity for Meaningful Work)... And Self-Respect	6
I.III. (Opportunity for Meaningful Work)... Actually There or Just a Hope?	10
Chapter II. Unskilled Essential Work.....	12
II.I. Categories of Work.....	12
II.II. Lisa, Marge, and the Problem for Ideal Theory.....	14
Chapter III. On the Impossibility of Sharing Work	18
III.I OMW for All through Sharing Labor?	18
III.II. Sharing Work via State Mandate.....	20
III.II.I. Free Choice of Occupation	20
III.II.II. The Clash with Free Choice of Occupation.....	21
III.III. Sharing Work via Egalitarian Inspiration	24
III.III.I. Cohen's Egalitarian Ethos	24
III.III.II. The Clash with the Institutional Division of Labor	27
III.IV. Sharing Work: Taking Stock	29
Chapter IV. 'Sell-Out' as a Way Out?	31
IV.I. Incentives in Rawls: Geared Toward Skilled Essential Work.....	31
IV.II. Incentives for Janitors in a Well-Ordered Society	33
Conclusion	38
References	40
Acknowledgements	43

Introduction

The primary aim of John Rawls' theory of justice is to describe the regulating principles and workings of the major social and political institutions of a liberal society whose citizens stand as free and equal. Since the initial publication of *A Theory of Justice* in 1971, Rawls' work has received much attention, being the subject of countless discussions in political theory. In this thesis, I engage with one specific claim Rawls makes about meaningful work and its place in a just society. Namely, my focus will be on his assertion that in a well-ordered society all can be offered the opportunity for meaningful work (OMW, for short) (1999a, 463–464). I will argue that, in the presence of what I call unskilled essential work, this assertion fails to obtain.

For Rawls, work is meaningful in the absence of servile dependency and monotony and routine, which “are deadening to human thought and sensibility” and in the presence of “a variety of tasks so that the different elements of [one’s] nature find a suitable expression” (1999a, 463–464). I characterize unskilled essential work as work that is crucial for the smooth functioning of society, yet can be done with little or no prior training or education. As such, this kind of work is often defined by monotony and routine and lacks the variety and person-engaging tasks that Rawls is talking about above. So, under Rawls' definition of meaningful work, unskilled essential work lacks meaning. Given the fact that unskilled essential work needs to be done by someone for society to function smoothly, its existence puts into question Rawls' claim that all can be offered the opportunity for meaningful work in a well-ordered society. A way to make unskilled essential work meaningful is by sharing it among everyone in society. Through sharing labor, the people who would normally spend all their productive time doing only unskilled essential work would have the space to engage in more varied, person-engaging tasks. However, sharing labor is untenable within Rawls' framework. I elaborate more on this shortly, but the reason is that it clashes with his principle of free choice of occupation and with the institutional division of labor he sets between the basic structure of society and its members. This leads me to conclude that Rawls' assertion that all can be offered the opportunity for meaningful work in a well-ordered society fails to obtain in the presence of unskilled essential work.

This conclusion becomes problematic for Rawls' theory once we consider the relationship he draws between OMW and the social bases of self-respect. For Rawls, the opportunity for meaningful work is a social condition for securing self-respect. Where to have self-respect is to believe that one's “conception of the good [...] is worth carrying out” (1999a, 440). He refers to the social bases of self-respect as “perhaps the most important” primary good (386). The reason behind this is that when we do not find worth in our life plans, we cannot enjoy our pursuits and instead develop an attitude of apathy toward our own lives (ibid.). And, for reasons that will be discussed in more detail in Chapter I, Rawls holds that the absence of an opportunity for meaningful work specifically is detrimental to people's self-respect.

Considering the importance meaningful work has for self-respect and given that Rawls' assertion that all members of a well-ordered society can be offered the opportunity for such work fails to obtain, the final step I take in the thesis is to consider whether there is a way to recognize the importance of the opportunity for meaningful work in the face of unskilled essential work. I will argue that doing so is possible by offering incentive payments for unskilled essential work. Making this actionable within Rawls' framework requires a more inclusive interpretation of the use of incentives under the difference principle—one which recognizes the social contribution of unskilled essential work and the costs imposed on the individual worker. I will argue that such an interpretation is tenable within Rawls' framework.

The key takeaway is that, while it fails to offer OMW to all in a well-ordered society, Rawls' theory is nonetheless able to serve justice to janitors. This is done by recognizing the worth of the social contribution made by those who engage in unskilled essential work and compensating them accordingly for it. The contribution of my thesis is twofold. I add to a debate on whether Rawls' well-ordered society can in fact offer the opportunity for meaningful work to all its members. This question has been contested in the literature with some offering arguments that it can and others that it cannot.¹ What is more, I focus on the question of unskilled essential work—the socially necessary, yet oftentimes dull and repetitive work which ensures the smooth functioning of society. While issues pertaining to it have been raised in the philosophical literature, the discussions are set at the non-ideal level.² That is, they concern real-world, unjust societies. Questions surrounding unskilled essential work have not received much attention at the level of ideal theory (Celentano 2019, 134–135).³ My thesis, by focusing on the question of unskilled essential work specifically within Rawls' theory of a well-ordered society helps to fill this gap. The thesis is structured as follows:

In Chapter I, I introduce Rawls' notion of meaningful work by drawing on statements he makes in his different works. There I also discuss the importance OMW has in his theory through its relationship with the social bases of self-respect.

In Chapter II, I introduce the way I categorize work, making a distinction between skilled and unskilled essential work. I further spell out the challenge unskilled essential work poses for Rawls' assertion that all members of a well-ordered society can be offered the opportunity for meaningful work.

In Chapter III, I introduce sharing labor as a way to make unskilled essential work meaningful and discuss in-depth whether such a proposal fits within Rawls' framework. I entertain two avenues through which this could happen—state mandate and an egalitarian ethos and argue that both are inaccessible for Rawls. The first clashes with freedom of occupational choice and the

¹ For arguments in support of Rawls' assertion, see Arnold (2011) and Freeman (2007). For arguments questioning Rawls' assertion see Hasan (2015), Doppelt (1891), and Young (1990; 2006).

² See, for example, Walzer (1983), Young (1990), Gomberg (2007; 2016), Timmerman (2018), Schmode (2020), and Kandiyali (2023).

³ What I mean by ideal theory is a conception of what a perfectly just society would look like and how it would function in terms of regulating principles. See Robeyns (2008, 343).

second with the institutional division of labor he sets between the basic structure of society and its members. I argue for the clash with free choice of occupation by drawing a parallel between the mandate to share work and a measure which is seen as violating free choice of occupation under Rawls' framework. On the institutional division of labor: according to Rawls, ensuring a state where background justice obtains is something that only the institutions of the basic structure, and not individual actors, are capable of doing (1999a, 268). And given that on a mass scale the coordination of labor within an entire economy falls within the purview of larger-scale institutions, sharing labor is not something that can be successfully coordinated through an egalitarian ethos. This leads me to conclude that, in the presence of unskilled essential work, Rawls' assertion that a well-ordered society can offer the opportunity for meaningful work to all its members fails to obtain.

Lastly, in Chapter IV I consider an alternative path for recognizing the importance of the opportunity for meaningful work in the presence of unskilled essential work. That is through paying an incentivized wage to those doing it. While such a measure seems to be inaccessible for Rawls due to the way he sets up the use of incentives under the difference principle, I argue that it is nonetheless possible to accommodate. This is done by recognizing the social contribution of unskilled essential work for the well-being of the whole of society and the costs it imposes on those doing it by having them forego meaning in their work.

I close with a summary of the discussion.

Chapter I. Opportunity for Meaningful Work

I.I. Rawls' Definition of Meaningful Work

John Rawls views a well-ordered society as a “fair system of social cooperation between citizens regarded as free and equal” (2001, 39). In his later work, he discusses social cooperation among citizens as something realized through work and it is further held that all people engage in work throughout their lives.⁴ He says that “social cooperation, we assume, is always productive, and without cooperation there would be nothing produced and so nothing to distribute” (2001, 61; see also *ibid.*, 50). The idea that we cooperate through work and the assumption that everyone works seem to underlie his theory. One recurring motif relevant to this is the opportunity for meaningful work (OMW, for short).

Rawls holds that, in a well-ordered society, all can be offered the opportunity for meaningful work (1999a, 463–464). And throughout his writing, as I will discuss shortly, he touches upon meaningful work and its importance. However, his view on what meaningful work *is* is minimal, in the sense that, apart from one paragraph in Section 79 of *A Theory of Justice* (1999a), he does not really provide a definition of it. He notes that the concept requires a definition but sets it aside as something that “is not a problem of justice” (258). Despite the lack of an explicit definition, one can infer what Rawls considers meaningful work to be from the following passage in *A Theory of Justice* (1999a):

A well-ordered society does not do away with the division of labor in the most general sense. To be sure, the worst aspects of this division can be surmounted: no one need be servilely dependent on others and *made to choose between monotonous and routine occupations which are deadening to human thought and sensibility. Each can be offered a variety of tasks so that the different elements of his nature find a suitable expression. But even when work is meaningful for all, we cannot overcome, nor should we wish to, our dependence on others. [...] The division of labor is overcome not by each becoming complete in himself, but by willing and meaningful work within a just social union of social unions in which all can freely participate as they so incline.* (463–464; emphasis added)

This paragraph tells us two things. Firstly, it suggests that for Rawls work is meaningful when one negative and one positive condition are met. The negative condition is the absence of servile dependency and monotony and routine, which ‘are deadening to human thought and sensibility’. The positive condition is the presence of ‘a variety of tasks so that the different elements of [one’s]

⁴ What about those who are simply not able to work, due to a certain kind of disability? In building up his ideal society Rawls assumes that all citizens are fully cooperating members over their whole lives and are not affected by disabilities which would prevent them from doing so (Brighouse 2001, 538). The idea behind this is to work out a theory for the “fundamental” and, in a way, simplest case, to be then extended to other cases (546).

nature find a suitable expression'.⁵ To avoid confusion and for clarity's sake, I want to stress that when I talk about meaningful work throughout this thesis, this is the definition I have in mind. For brevity, I will use 'meaningful work' as a synonym for 'meaningful work *as defined by Rawls*'. Going into the literature on what constitutes meaningful work is beyond the scope of this thesis and is not necessary for the current discussion. Because my argument engages strictly with Rawls, I think it makes sense to focus on his understanding of meaningful work instead of importing outside interpretations. What is more, albeit minimal, Rawls' definition is not problematic as it falls in line with standard accounts of meaningful work, according to which it "must be complex and varied, and give the worker considerable decision-making power" (Moriarty 2009, 449). Rawls' two conditions fit within this.

Returning to the paragraph cited above. The second thing it tells us (apart from how Rawls conceives of meaningful work) is that he thinks a well-ordered society can offer the opportunity for meaningful work to all its members. He says that a well-ordered society can overcome the worst aspects of the division of labor and can offer its members work that comes with variety and the opportunity for self-expression. This for Rawls seems to be what meaningful work is. Therefore, for him, a well-ordered society can offer the opportunity for meaningful work to all its members. So even though he does not see the precise contents of meaningful work as a problem of justice, he does hold that it as a by-product of justice. That is, he takes the opportunity for meaningful work to be an element of a well-ordered society.

The idea that a well-ordered society will bring improvements to the labor process is not a one-off for Rawls. In *Justice as Fairness: A Restatement* (2001), he claims that a regime of property-owning democracy⁶ should "overcome the narrowing and demeaning features of the division [of labor]" (177).⁷ He also seems to take OMW as a precondition for his reciprocity-based requirement to work. As already mentioned, in his theory there is the assumption that everyone in a well-ordered society works. This is accompanied by a reciprocity-based expectation that, if people are to have a claim over the social minimum, then they must work (Widerquist 2013, 80–81). However, for Rawls this expectation holds if "society [makes] sure that *opportunities for fruitful work* are generally available" (2001, 179; emphasis added). Here I take that he uses 'fruitful' as a synonym to 'meaningful'. Although this interpretation could be contested, my reasoning is as follows. I see two possible readings of 'fruitful': It could mean fruitful *for the individual*, in which case it can be taken as synonymous with meaningful for the individual. Or it could mean for fruitful *for society at large*. On this latter reading, work need not be meaningful for the individual so long as it results in a contribution to society. If we take the latter interpretation, however, there would be a clash with Rawls' statement that people cannot be "forced to engage in work that is highly productive in terms of material goods" (2001, 64). Freedom of occupational choice (which I

⁵ This interpretation of how Rawls conceives of meaningful work is shared by Caleb Althorpe and Nien-hê Hsieh. See Althorpe (2023, 26) and Hsieh (2012, 153).

⁶ The socioeconomic system he argues is most in line with justice as fairness. See Rawls (2001, IV. Institutions).

⁷ From the definition of meaningful work above, this is one side of how he conceives of it.

discuss in more detail in Chapter III) protects people from being forced into certain kinds of work just because this would benefit society at large. Given his stance on this, I do not think that he means fruitful for *society at large*, but rather fruitful for the *individual*. In which case fruitful can be taken as synonymous to meaningful.

Further, Rawls seems to stress that OMW is not only something that could and should be offered to the members of a well-ordered society, but is also something they strive for:

It is a mistake to believe that a just and good society must wait upon a high material standard of life. *What [people] want is meaningful work in free association with others*, these associations regulating their relations to one another within a framework of just basic institutions. (1999a, 257–258; emphasis added)

This is taken from a discussion on the savings rate needed to ensure intergenerational justice. For Rawls, a society does not need to reach a level of great wealth in order to save for subsequent generations. The aim of saving is to ensure a material standard sufficient for the establishment of just institutions and the provision of basic liberties to all. Beyond that point, no special importance is placed on wealth.⁸ Instead, what he argues people in a well-ordered society care about is ‘meaningful work in free association with others’. Again, highlighting the importance of OMW. What is more, in a passage that appears in both *Political Liberalism* (1993) and in *The Law of Peoples* (1999b) he argues that one of the requirements for a stable constitutional regime, which the principles of justice secure, is to have society as an employer of last resort. This matters because “the lack of a sense of long-term security and of the opportunity for meaningful work and occupation is destructive not only of citizens’ self-respect, but of their sense that they are members of society and not simply caught in it” (lix; 50).

So, Rawls seems to affirm the importance of OWM through the following channels—it is something that not only would a well-ordered society offer to all its members, but also something that people in a well-ordered society would want, whose absence would be detrimental to their self-respect (which I address shortly) and would alienate them from society.

I.II. (Opportunity for Meaningful Work)... And Self-Respect

With the above in mind, the following question arises. Rawls sets up his theory as a non-perfectionist endeavor, which does not rest on (and instead rejects) its members affirming and adopting a shared conception of the human good (1982, 160–161). Instead, what unites a society within his framework is citizens’ agreement on what social arrangements are just for people,

⁸ He goes as far as saying that, past a certain threshold, it is “a meaningless distraction at best if not a temptation to indulgence and emptiness” (1999a, 258).

viewed as free and equal citizens, able to pursue opposing and different conceptions of the good.⁹ Why, then, does he place this emphasis on the importance of OMW? And does this not presuppose a particular conception of the good? Specifically, one in which meaningful work is what makes a life go well.

Regarding the first question. I follow Jeffrey Moriarty (2009) who argues that Rawls' appeal to the opportunity for meaningful work has to do with his belief that, through its connection with the Aristotelian principle, it is a social basis of self-respect (449).¹⁰ That is, Moriarty argues that for Rawls OMW is a social condition for securing self-respect. I now unpack this.

For Rawls to have self-respect is to believe that one's "conception of the good [...] is worth carrying out" (1999a, 440). He refers to it as "perhaps the most important" primary good, stating that "without it nothing may seem worth doing" (386). The reason behind this is that when we do not find worth in our life plans, we cannot enjoy our pursuits and instead develop an attitude of apathy toward our own lives (386). Self-respect consists of a person's sense of their own value and their conviction that their plan of life is worth carrying out (which is also described as having a sense of self-worth), together with the confidence that (to the extent that it is in their power) they could fulfill said plan (386). One's sense of self-worth, in turn, hinges on two conditions: that one's plan of life satisfies the Aristotelian principle and that "[one's] person and deeds are appreciated and confirmed by others who are likewise esteemed and their association enjoyed" (386).

Pertinent to the current discussion is the first condition—having a rational life plan that meets the Aristotelian principle. This is a principle of psychological motivation, according to which "human beings enjoy the exercise of their trained capacities (their innate or trained abilities), and this enjoyment increases the more the capacity is realized, or the greater its complexity" (374).¹¹ What this means is that people will, in general or for the most part, prefer activities that "depend on a larger repertoire of realized capacities and are more complex" (377). Rawls illustrates this by saying that if we imagine activities as lying along a chain of complexity, people prefer to engage in ones that are higher up the chain (*ibid.*). For example, if a person can play the piano, they would enjoy playing symphonies more than they would enjoy playing children's songs. Hence, part of

⁹ The only constraint here is that the principles of justice limit the conceptions of the good it would be admissible to pursue in a just society. See Rawls (1983). For example, if my conception of the good involves infringing upon other people's basic liberties, pursuing it would not be admissible in a well-ordered society. The reason being that the first principle of justice mandates equal basic liberties for all.

¹⁰ Rawls defines the social bases of self-respect as "those aspects of basic institutions that are normally essential if citizens are to have a lively sense of their own worth as moral persons" (Rawls 1999c, 366). The reason why he considers the social bases of self-respect and not the attitude of self-respect itself is that an attitude cannot be a primary good, because it cannot meet the workability test—see Arnold (2012, 97). That is, it cannot be given an objective measure that is comparable across individuals. However, Rawls sees attitudes as grounded in objective features of the world, or 'social bases', which do pass the workability test.

¹¹ For Rawls, the Aristotelian principle holds as a "natural fact" (1999a, 376) and although he acknowledges that it could be overridden he maintains that it is something that is "relatively strong and not easily counterbalanced" (377).

what secures a person's self-respect is them getting to engage in and enjoy the exercise of their trained capacities. Without this, according to Rawls, life will lose part of its appeal (386).

As suggested by Moriarty (2009), meaningless work,¹² which he sees as work that “requires little intelligence and few skills”, does not satisfy the Aristotelian principle (450). He concludes that, because of this, meaningless work cannot support one's self-respect. After all, if a condition for self-respect is a life plan which promotes the exercise of one's abilities along a higher degree of complexity, then engaging in a task that is inherently simple, monotonous, and routine will not promote the Aristotelian principle. In that sense, meaningless work cannot be a driver of self-respect, grounding the case for the importance of OMW within Rawls's framework.

Importantly, however, Rawls does not state that work is *the* way through which all members of society will meet the Aristotelian principle in their own lives, nor is it the only avenue for doing so. The application of the Aristotelian principle is relative with respect to the individual and their circumstances and native endowments (387). In addition, Rawls states that:

It normally suffices that for each person there is *some association* (one or more) to which he belongs and within which the activities that are rational for him are publicly affirmed by others [...] What is necessary [is for each] *at least one community of shared interests* to which he belongs and where he finds his endeavors confirmed by others. (1999a, 387-388; emphasis added)

For some, the Aristotelian principle can be met through their work. For others, work might be of no significance, striving instead for being active and appreciated members of their local chess association. If work is just *a* way through which people can meet the Aristotelian principle, stressing on the importance of OMW for self-respect seems unwarranted. And yet, Rawls does single it out, stating that lacking the opportunity for meaningful work is “destructive” of people's self-respect (1993, lix; 1999b 50). So, on the one hand Rawls tells us that the Aristotelian principle can be pursued through different associations and activities, not necessarily including and going beyond work. It can be met through other associations and leisurely activities as well. Yet, on the other hand, he says that the absence of OMW specifically is detrimental to self-respect, implying that it bears distinctive significance to it.

Moriarty (2009) gives a possible explanation of why Rawls places this stress on meaningful work specifically, as opposed to activities one finds meaningful whatever these may be. He notes that work differs from leisurely pursuits in two important ways (452–453). First, unlike leisurely pursuits, which we freely choose (and could also live without if we wanted to), work is something that most of us (due to material need) must engage in for a large fraction of our adult lives. Secondly, again unlike leisurely activities, which people tend to pursue because they find them interesting and engaging, work is oftentimes (and for many people) structured in such a way that

¹² In his discussion of meaningful/-less work, Moriarty (2009) also sticks to how Rawls conceives of it. See Moriarty (2009, 448–449).

it is comprised exclusively or mostly of monotony and routine. This is why, for Moriarty, Rawls places an emphasis on the importance of OMW. It is a stable, unchosen, often dreaded fixture in the lives of many.

Such an interpretation of the importance of OMW does not impose a specific conception of the good life. This addresses the second question I posed earlier (whether Rawls' stress on OMW does not presuppose a particular conception of the good, thereby clashing with his stated non-perfectionism). If Rawls were to say that all meaningless work should be banned or that all people should engage in meaningful work for their life to go well, then he would be imposing a specific conception of the good on the members of a well-ordered society. Instead, what his stress on OMW does is to make it possible, if people wished to do so, to meet the Aristotelian principle through work.

However, while Moriarty presents a strong case for why OMW has an important place in Rawls' work, his argument ultimately relies on empirical facts about the world. That is, on the central place labor has in our lives, due to the economic organization of our societies, and on the oftentimes harsh nature work has for many (Moriarty 2009, 453). This means that the scope of his argument can be seen as being limited to non-ideal conditions and as potentially having no bearing at the level of ideal theory (Althorpe 2022,4). The reason being that the conditions Moriarty's argument relies on might themselves be questioned from the standpoint of justice and therefore not hold in a well-ordered society (ibid.). To address this fallback, I turn to an alternative justification by Caleb Althorpe (2022) for the importance of OMW that is consistent with an ideal setup.¹³ I use this insight to further strengthen Moriarty's case for OMW, giving it firm grounds specifically within the context of ideal theory.

Althorpe argues that what grounds the importance of OMW and separates it from leisurely activities is that work can be regarded as an act of social contribution toward one's fellow members of society (7). He points out that for Rawls one's self-respect is rooted in their self-confidence as a fully cooperating member of society (10–12). This makes being able to contribute to others in ways expressive of reciprocity a precondition to having self-respect. Which, in turn, makes the absence of such an opportunity a threat to people's self-respect. The reason why, according to Althorpe, contributions expressive of reciprocity occur by engaging in meaningful work specifically is that there is an overlap between the conception of meaningful work and the nature of social contributions expressive of reciprocity as involving the use of one's skills and talents.

What grounds the importance of meaningful work in Althorpe's view then, is the idea of society as a system of social cooperation between free and equal citizens, which relies on the existence of social interdependencies among its members (14). This holds at the level of ideal theory as well. Even if people's reliance on work as a means of subsistence and the need to spend

¹³ Althorpe's conception of meaningful work is more demanding than those of Rawls and Moriarty. For Althorpe (2022), work is meaningful when it meets two desiderata: it is person-engaging (that is, it requires agency, initiative, and skill on behalf of the worker) and it offers workers the opportunity for democratic involvement in the workplace. Rawls' and Moriarty's use of meaningful work only cover the first part of Althorpe's definition.

a substantial amount of one's waking hours at work are removed (say, through a universal basic income which provides people with financial independence and through technological advancements allowing people to work less), the special place of work by virtue of it being a way to contribute to society would still hold (8–9).

To summarize, we have that for Rawls the opportunity for meaningful work is seen as something that a well-ordered society would offer to all its members, as something that they would reasonably strive for, and as something that matters to them securing self-respect. Where meaningful work is seen as work that is: absent of servile dependency and monotony and routine, which 'are deadening to human thought and sensibility'; and that includes 'a variety of tasks so that the different elements of [one's] nature find a suitable expression'. The opportunity for meaningful work matters within Rawls' framework because its absence is seen as detrimental to a person's self-respect. The reason being that, within a conception of society as a system of social cooperation between free and equal citizens, the ability to contribute to others in ways expressive of reciprocity is seen as a precondition to having self-respect. Which is what grounds the importance of OMW in Rawls' theory.

I.III. (Opportunity for Meaningful Work)... Actually There or Just a Hope?

Despite Rawls' claim that all members of a well-ordered society would have the opportunity for meaningful work, as Rafeeq Hasan (2015) points out, the two principles of justice do not "directly enjoin a well-ordered society to institute laws that protect its citizens from unfulfilling jobs" (478).¹⁴ That is, the principles of justice have no direct, explicit implications regarding a provision for meaningful work. What Rawls' statements on meaningful work express is not the *how* of this would be made possible, but rather the hope that such a protection would result as a consequence of just institutions (*ibid.*).

The literature is divided on whether such a hope is warranted. Hasan (2015) himself is doubtful that Rawls' assertion actually obtains within a well-ordered society, arguing that Rawls cannot adequately ground a right to meaningful work. The reason being that, due to Rawls' individualistic conception of freedom, the degree of state intervention required to secure a right to meaningful work might be a threat to freedom and therefore an untenable move within his theory. According to Gerald Doppelt (1981), Rawls' stress on equality of opportunity and maximizing the condition of the worst-off fails to address the issues which arise from the division of labor in capitalist societies. Meaning that his assertions on the importance of meaningful work in a well-ordered society fail to find a substantive place in his theory (276). Iris Young (1990; 2006) also criticizes Rawls along similar lines. In a discussion of the scope of the basic structure, she notes that Rawls' provision for fair equality of opportunity only solves the issue of "what people do what sort of work" (215; 92). For her, this locates justice and the division of labor at a superficial level, taking

¹⁴ The principles of justice do, however, have implications for how work should be regulated within a well-ordered society. This is touched upon in Chapters III and IV.

as a given the definition of occupations themselves (that is, the content of work and how labor is divided in a society), where injustice might also lie.

There are also those who, taking on Rawls' project and offering extensions of his framework, argue that OMW can in fact be secured in a well-ordered society. Samuel Arnold (2011) argues that "the difference principle, properly understood, ranges over the division of labor and forbids excessively inegalitarian distributions of complex work and positions of authority and responsibility" (95). He does this by arguing that the difference principle should range over a (Rawlsian) interpretation he offers of the social bases of the primary good of powers and prerogatives of offices and positions of authority and responsibility. He then uses this to ground the right for complex work. Samuel Freeman (2007) offers an interpretation of Rawls, according to which "the possession of continual opportunities to exercise economic powers and responsibilities in one's work [should be] among the conditions of fair equality of opportunity" (135–136). According to him, this requirement of fair equality of opportunity means that citizens should be able to undertake a degree of initiative and responsibility in their work (Freeman 2013, 32). Given the above definition from Rawls on what meaningful work is, both these proposals would entail a stronger, more solid place of OMW in Rawls' theoretical apparatus.

In my thesis, I contribute to the discussion on the place of OMW in Rawls' theory. I do so by considering a practical dilemma, which brings into question Rawls' OMW assertion. Specifically, I point to the problem unskilled essential work poses for Rawls' assertion that in a well-ordered society all can be offered the opportunity for meaningful work. I will argue that, in the presence of unskilled essential work, Rawls' assertion that a well-ordered can offer OMW to all of its members fails. The point I advance holds irrespective of which side of the above-outlined debate one takes to be correct. Even if we were to accept that Rawls' theory does ground a right to meaningful work, my argument is that, in the presence of unskilled essential work, a well-ordered society fails to offer such an opportunity to all of its members.

With this aim in mind, in the next chapter I explain how I categorize work, introducing a distinction between skilled and unskilled essential work. There I also I spell out the tension between OMW and unskilled essential work.

Chapter II. Unskilled Essential Work

II.I. Categories of Work

I categorize work along two dimensions, crudely put as ‘essentialness’ and ‘skillfulness’. This is visualized in *Figure 1* below.

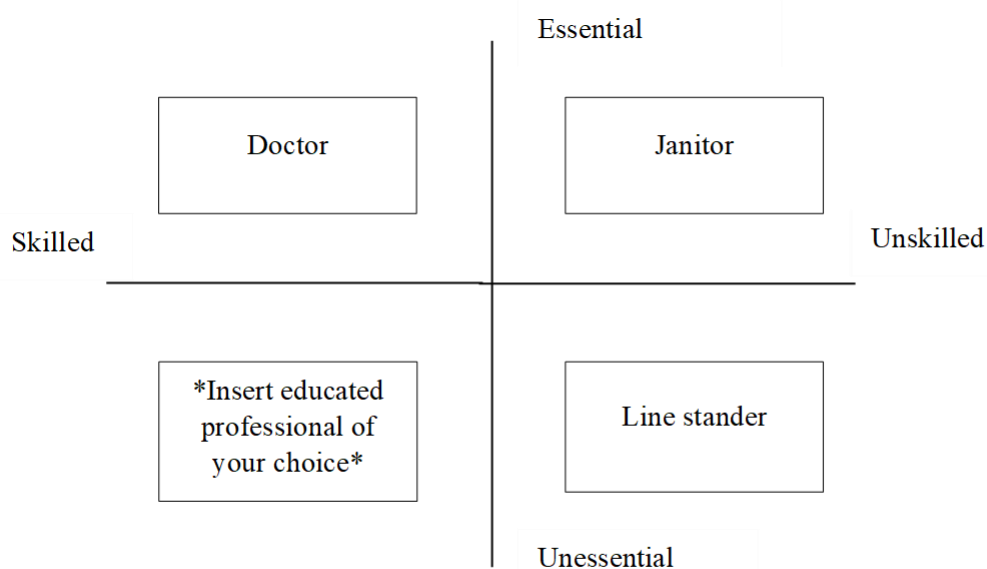


Figure 1: Four Categories of Work

I draw the full two-by-two matrix for the sake of completeness. However, in this thesis I focus only on the two upper quadrants, as they are the ones relevant for the current discussion. That is—I consider essential work only. And the problem I see for Rawls comes from unskilled essential work.

For work to be essential, the service or good in question is of crucial importance to the community and its absence is a cause for serious concern. As defined by the International Labor Organization: “essential services in the strict sense of the term [are] services whose interruption could endanger the life, personal safety or health of the whole or part of the population” (ILO, para 541). I distinguish between two types of essential work, which can be seen as lying at two ends of a spectrum—skilled and unskilled essential work.¹⁵ This categorization of work as skilled or unskilled is meant to reflect the detailed, hierarchical division of labor most contemporary societies

¹⁵ This is a black-and-white way to look at things. I define jobs as either essential or unessential *tout court*. And the same for whether a job requires skill to be performed. I recognize that a more realistic and comprehensive approach would acknowledge that, for many jobs there are degrees to which they are essential or require skill. However, for the purposes of this discussion and for the point I am trying to drive home, I think the picture painted in *Figure 1* suffices. The reason being that the two occupations I will discuss—a doctor and a janitor, both are clearly essential and can be seen as lying at opposite ends of a skilled/unskilled spectrum.

have (Young 1990, 215–217).¹⁶ What I use as a running example for each is a doctor and a janitor, respectively.

The label ‘skilled’, as I use it here, means that a given occupation requires specific and substantive education and training to be performed. Simply put, it cannot just be done by anyone. Take the case of being a doctor. Only those who have gone to medical school and completed their residency training can do so. Which makes sense. Things such as diagnosing illnesses and performing surgery are not something any human can simply do. So being a doctor is a type of skilled, essential work.¹⁷

At the other end of the spectrum lies unskilled essential work. The label ‘unskilled’ means that its performance does not require any specific education or training. That is, it can be done by anyone. Being a janitor is an example of unskilled essential work. With a small amount of training or guidance, even if we assume that one starts from a position of complete ignorance when it comes to cleaning, anyone could perform this work.¹⁸ Some might agree with the unskilled part but question my ‘essential’ label for this type of work. I ask those skeptical of the essentialness of such work to imagine hospitals where the beds, toilets, and operation rooms do not get cleaned for a day. Not only will the doctors not be able to perform their essential work, but a public health crisis is likely to ensue.¹⁹

Insightful discussions on the issues surrounding unskilled essential work (albeit not with this label) are made by Michael Walzer (1983), Iris Young (1990), Paul Gomberg (2007; 2016), Cristian Timmerman (2018), Frauke Schmode (2020), and Jan Kandiyali (2023). A common feature of all of these is that they are grounded in the real world. For example, Gomberg’s (2007) proposal for sharing routine work to bring about what he calls contributive justice is situated in the context of the United States. He argues that a historical legacy of segregation and an ongoing divide along the lines of race has a significant impact on the opportunities many US citizens have in life. But many of the issues pertaining to unskilled essential work would arguably not arise at the level of ideal theory, which is what the current paper focuses on. For example, in a well-ordered society the problem of unequal opportunities brought about by a segregated educational system would not arise, because society is regulated by fair equality of opportunity, where ample educational opportunities are provided for all members of society (Rawls 2001, 176). Hence, we can see this and other issues that unskilled essential workers face in our world—such as below-subsistence pay, highly exploitative working conditions, and low social esteem as problems that

¹⁶ What is meant by a detailed, hierarchical division of labor is the idea that job structures are “divided between prestige positions for which certification is difficult and costly to acquire, and a vast array of low-skill, low-wage, low-mobility positions that carry little autonomy and creativity” (Young 1990, 215).

¹⁷ Essential because society relies on the provision of healthcare services for its smooth functioning.

¹⁸ With the exception of people with certain kinds of health conditions which might prevent them from being able to do so.

¹⁹ The ‘essentialness’ of unskilled essential work is also highlighted in this year’s World Employment and Social Outlook report by the International Labour Organization, which focuses on the value of essential work. See Berg et al. (2023, xvii). The terminology they use to refer to what I call ‘unskilled essential work’ is ‘key work’.

would not arise at the level of a just society. What is the point, then, of discussing unskilled essential work at the level of ideal theory?

II.II. Lisa, Marge, and the Problem for Ideal Theory

The reason why I hold that unskilled essential work is a relevant point of discussion at the level of ideal theory as well is because it puts into question Rawls' assertion that, in a well-ordered society, all can be offered the opportunity for meaningful work. I explain this by way of example, which will stay with us throughout the text.

Imagine a well-ordered society whose basic structure is regulated by the two principles of justice and the regulating conception of justice is affirmed by all of society's members. There are two people and two full-time jobs. We have Marge—a representative of the most advantaged class who is a doctor and Lisa—a representative of the least advantaged who is a janitor.²⁰

Whether one is a member of the most or least advantaged group in society is determined by one's life-prospects, measured in terms of one's expectations of primary goods (indexed in income and wealth) over a lifetime (Rawls 2001, 59). The primary goods are "things citizens need as free and equal persons living a complete life" (58). Rawls lists five such things: the basic rights and liberties, freedom of movement and free choice of occupation in the context of diverse opportunities, powers and prerogatives of offices, income and wealth, and the social bases of self-respect (58–59). Even though not all primary goods take monetary form, they are indexed in terms of income and wealth. In a given society, the people with the highest life prospects are the most advantaged, and those with the lowest life prospects are the least advantaged (59–60). What affects one's life prospects are what Rawls calls life's contingencies, and the way "the basic structure, by setting up inequalities, uses those contingencies to meet certain social purposes" (55). Life's contingencies are the circumstances in people's lives which are beyond their control. For Rawls, those include native endowments, family and social environment, and good/bad luck. Justice as fairness is concerned with the inequalities in people's life prospects which arise from said contingencies (56).²¹

Returning to the set-up of the example: in line with justice as fairness, Lisa's index of primary goods in the form of the wage she receives is 100 euros per day, which is also the level of the social minimum.²² Marge's index of primary goods, in the form of the wage she receives, is 150

²⁰ I purposefully set them up as 'representatives' of the respective classes of people. The reason being that Rawls sets up his work explicitly in terms of the different groups of people (with respect to income and wealth), and not specific individuals within a society. See Rawls (2001, 71)

²¹ Interestingly, in his initial conception of the least advantaged in the first edition of *A Theory of Justice*, published in 1971, Rawls refers to them as those with the current lowest life prospects, with no reference to the circumstances which brought this about. The idea of the least advantaged as the class with the lowest prospects *through no fault of their own*, that is, because of life's contingencies only appears in his later work. See Weatherford (1983).

²² For Rawls, in a well-ordered society the social minimum is set at a level sufficient for the least advantaged to be "in a position to manage their own affairs on a footing of a suitable degree of social and economic equality" (2001, 139). It is synonymous to the lifetime expectations (of primary goods) of the least-advantaged members of society. See Mandle and Reidy (2014, 786).

euros. For simplicity, I assume that the only source of income (and wealth) for Lisa and Marge is their respective wage. The 50-euro difference between the two is justified on grounds that being a doctor requires education and training and is a position of responsibility, together with the fact that the provision of healthcare is something that benefits everyone in society.²³

Under Rawls' conception of meaningful work, Marge's work is meaningful and Lisa's is not. As discussed above, the work of a janitor entails solely or mostly tasks that are monotonous and routine. Consider the top three tasks of a janitor, taken from the US Department of Labor's Occupational Information Network: service, clean, or supply restrooms; clean building floors; and gather and empty trash (O*Net OnLine, n.d.). Given that the only work that is available for her to do is not meaningful, Lisa lacks the opportunity for meaningful work.

This point requires explanation, as it is not immediately clear why it should be the case. Just because Lisa does not work as a doctor does not mean that she was denied the opportunity to compete for this position. A well-ordered society offers fair equality of opportunity to all its members.²⁴ This ensures that people who are similarly motivated and endowed are given similar life chances, irrespective of their "initial place in the social system" (Rawls 1999a, 63). In a well-ordered society both Lisa and Marge have the opportunity to compete on an equal footing for the doctor's position. That is, provided they have the needed motivation and endowments, they would both be offered the opportunity to attain the necessary education and train their talents and would not face barriers in applying for the position.

To make the claim that Lisa, nevertheless, is not offered the opportunity for meaningful work, I need to discuss what exactly Rawls could mean when he says that all can be offered such an opportunity. I think there are two potential readings of this. It could be read as the opportunity to *compete* for meaningful work, or as the opportunity to *actually engage* in meaningful work. The former requires only that fair equality of opportunity obtains. Under such a reading of Rawls' OMW assertion, it is not necessary that the job Lisa ends up doing is meaningful. What suffices is that she has a fair chance to compete for the meaningful jobs that are out there. However, I want to argue that Rawls' OMW assertion should be read in the latter, more demanding sense—as the opportunity to *actually engage* in meaningful work (should one wish to do so). Such a reading also takes into account the outcome of what Lisa ends up doing—she would have the opportunity for meaningful work only if she is able to actually engage in meaningful work. It is under this reading that my example puts into question Rawls' OMW assertion.

The reason why I think this is the more accurate reading of Rawls' assertion is because of the way he discusses OMW and the importance he places on it. As covered in Chapter I, in discussing the division of labor in a well-ordered society he says that "no one need be [...] made to choose between monotonous and routine occupations" and that "each can be offered a variety of tasks so

²³ See Rawls (2001, 64). I will discuss the justification and use of incentive payments in Rawls in depth in Chapter IV.

²⁴ Fair equality of opportunity is the first part of the second principle of justice. (The difference principle being the second part.) See Rawls (2001, 42).

that the different elements of his nature find a suitable expression” (1999a, 464). For no one to be made to choose between ‘deadening’ monotony and routine, all people should be able to actually perform work that is not characterized by it. Take for example a society where only a few positions are not monotonous and routine. In such a context, even granting the opportunity to compete for all positions on an equal footing, most people will, in effect, be made to choose between monotonous and routine occupations. Additionally, Rawls claims that “what people want is meaningful work in free association with others” (1999a, 257–258). A plausible reading of this desire is wanting to be able to engage in meaningful work. Reading it as just the desire to compete for meaningful work would mean that people should be content with a situation where only one job is meaningful and the rest are drudgerous, so long as everyone can compete for the meaningful one on an equal footing.

Taking OMW as the opportunity to *actually engage* in meaningful work, it should be clear that in the Lisa/Marge example, OMW does not hold for all. There are two people and two jobs, one meaningful and one not. One person takes the former and one the latter. So, for one of them, even though the opportunity to compete for meaningful work exists as a freedom, an outcome where they actually perform meaningful work will not obtain. Given that the only work that is available for her to do is not meaningful, Lisa is not offered the opportunity for meaningful work. Because of this, my example puts into question Rawls’ assertion that all can be offered OMW in a well-ordered society.

Some might dismiss this example as being too stylized to have any transferable, relevant implications for any society, even an ideal, well-ordered one. That is, for any society that has more than two people and more than two jobs. After all, societies are comprised of a large number of people who compete for a variety of different occupations, many of which surely offer the opportunity to engage in meaningful work. So, a black-and-white example with two people and two jobs, one that is meaningful and one that is not, could not have any relevant implications. I disagree with this criticism. The example I use illustrates a point that holds for large-scale societies with job markets more ample than the one I consider. The implications of the example extend beyond its simplified set-up, because it is meant to track the detailed, hierarchical division of labor that most contemporary societies have (Young 1990, 215–217) and the division of labor Rawls presupposes in his theory between “highly trained and less skilled” work (Gomberg 2010, 13). For the claim that any society can offer the opportunity for meaningful work to all to hold, we cannot have a situation where the work that is necessary for its smooth functioning (and therefore has to be done by someone) completely lacks meaning.

This brings me back to the point that unskilled essential work poses a challenge for Rawls. He claims that in a well-ordered society all can be offered the opportunity for meaningful work. A well-ordered society, like any society, requires the performance of unskilled essential work, as it is vital for its smooth functioning. Unskilled essential work, however, is meaningless under Rawls’ definition of meaning. Presupposing a detailed division of labor, the only work that will actually be available to some of its members will be unskilled essential work. If we read OMW as the

opportunity to actually engage in meaningful work, some will lack the opportunity for meaningful work. Meaning that Rawls' assertion that in a well-ordered society all can be offered the opportunity for meaningful work does not obtain.

This is an issue for Rawls' framework because of the relationship between OMW and the social bases of self-respect. For Rawls, lacking self-respect leads to an attitude of apathy toward one's own life (1999a, 386). Which is why the social bases of self-respect are especially significant among the primary goods. Where OMW comes in is that the absence of an opportunity for meaningful work is labeled as detrimental to people's self-respect (1993, lix; 1999b 50). This is why the challenge unskilled essential work poses for Rawls' OMW assertion needs to be addressed. I undertake this task in the remainder of the thesis. In the next chapter I introduce a proposal to make unskilled essential work meaningful by sharing it and argue that doing so is not possible within Rawls' framework. Lastly, in Chapter IV, I consider a compromise solution—paying an incentivized wage for unskilled essential work. Such a measure does not make unskilled essential work meaningful, but it serves to recognize the importance of the opportunity for meaningful work within Rawls' framework.

Before moving forward, one might ask: *What if unskilled essential work is just automated so that no one has to do it?* Even if we assume that unskilled essential work could be fully automated, seemingly doing away with the need to ask whether a well-ordered (or any) society can serve justice to janitors, this is not likely to happen in the near or moderate-distance future (see Gourevitch (2022)). This is why I take its existence as a given. What is more, even if we assume that automation could rid us of what we now call unskilled essential work, in doing so it would create new monotonous and routine tasks that need to be performed by someone (ibid.). Specifically, if we were to take the tasks of maintaining the machines that would perform unskilled essential work, then this maintenance would become a new type of routine, essential work. So, the query I explore could be seen as applying also in a context where what we now consider unskilled essential work has been taken over by machines, giving rise to new positions that need to be filled in by people for society to run smoothly. This gives the coming pages a *raison d'etre* even in a context where automation reigns supreme.

Chapter III. On the Impossibility of Sharing Work

The existence of unskilled essential work challenges Rawls' assertion that in a well-ordered society all can be offered the opportunity for meaningful work. The reason being that the way in which Rawls defines meaningful work excludes unskilled essential work. Yet, unskilled essential work cannot be done away with—because it is vital for society's smooth functioning. This makes it a valid challenge to Rawls' assertion. Which needs to be addressed due to the significance the opportunity for meaningful work holds for people's self-respect in a well-ordered society. The solution I consider in this chapter is making unskilled essential work meaningful by sharing it among everyone in society.

In Section III.I, I substantiate this proposal. Then, in III.II and III.III, I explore two avenues for doing so. The first—through state mandate and the second—through the morally inspired motivation of the citizens of a well-ordered society. I will argue that both are untenable for Rawls. Sharing by state mandate clashes with freedom of occupational choice and sharing via egalitarian inspiration is untenable due to Rawls' institutional division of labor between the basic structure of society and its citizens. This leads me to conclude that Rawls' assertion that in a well-ordered society all can be offered the opportunity for meaningful work fails to obtain in the presence of unskilled essential work. This conclusion is what prompts the subsequent discussion in Chapter IV. There, due to the importance meaningful work has for self-respect and given that Rawls' assertion that all members of a well-ordered society can be offered the opportunity for such work fails to obtain, I consider whether there is a way to recognize the importance of OMW in the face of unskilled essential work. I will argue that doing so is possible through the use of incentive payments for unskilled essential work. A measure I will defend as being consistent with Rawls' theory.

III.I OMW for All through Sharing Labor?

To see why I advance sharing unskilled essential work as a way to offer OMW to all and what doing so might entail, I return to how Rawls discusses meaningful work: "each can be offered a variety of tasks so that the different elements of his nature find a suitable expression" (1999a, 463). So, restructuring Lisa's work to make room for some more variety is a way to bring meaning to it. This could be done by reducing the time she spends janitorial, giving her the chance to engage in other, more complex and varied tasks. Which would bring her work closer to what Rawls calls meaningful work. However, as mentioned above, the janitor position is full-time. For society to function smoothly a full working day of janitorial needs to be done, five days a week, year-round. Meaning that the time Lisa spends away from janitorial must be taken up by someone else. We have two people in our society, so a reduction in the time Lisa spends janitorial would mean shifting that work to Marge and giving some of Marge's tasks to Lisa. This also gives an avenue for adding variety to Lisa's work and solves the problem filling up the time Marge spends away

from being a doctor. This is why the proposal I consider for making unskilled essential work meaningful is by sharing it among everyone in a society.

This can be questioned on two grounds—competence and efficiency. Giving Lisa doctor’s tasks might seem undesirable, since she lacks the required expertise. Such an objection, however, can be surmounted. Consider Paul Gomberg’s (2007) discussion of how a hospital where labor is shared might work:

The spirit of sharing routine and complex labor is expressed by the idea that everyone, including doctors, cleans up; no one need spend a full work week doing housekeeping. Doctors clean toilets. Doctors and nurses change bed linens. Similarly, no one need spend a full work week in the laundry room or peeling vegetables in the kitchen. Dieticians peel vegetables. Highly trained people share this labor. [...] If we share routine labor, those now confined to routine tasks will have the opportunity to acquire qualifications and master new knowledge according to their interests. One may learn respiratory therapy, another inoculations, another diet and health, another neurophysiology, another how to diagnose pulmonary pathologies, and another surgical techniques. In order to contribute an ability, one must show that one has mastered it. But “positions” could be broken down into specific abilities that have been mastered and hence could be contributed. Most important, each person who previously did only routine labor would have the opportunity to acquire new abilities. (76–77)

I think Gomberg’s vision is sound in the sense that one could imagine a set-up like this being implementable. Sharing work need not entail that janitors with zero relevant training are the ones running operation rooms. Rather, it could take the form of breaking down specialized occupations into different parts and giving people the opportunity to master them.

But even if we accept that Lisa can be trained to take on some of Marge’s work, this can be opposed on grounds that it is an inefficient way to distribute labor. Re-training Lisa can be costly and time-consuming. And asking Marge to spend even a small amount of time janitoring could be seen as a waste of her expertise as a doctor, amounting to productivity losses. I think such an objection would not be an issue within Rawls’ framework, considering his own stance on economic efficiency. Even though he recognizes the importance of an efficient organization of productive resources (1999a, 58), efficiency is not king for Rawls. That is, he considers ensuring background justice as being lexically prior to efficiency, stating that “justice is prior to efficiency and requires some changes that are not efficient in this sense” (69). Thus, the consideration that efficiency might be compromised (or might not perfectly obtain) is not especially relevant. What matters is whether such a proposal is consistent with Rawls’ framework. I will argue that, even if we take sharing the janitor’s work between Lisa and Marge to be an implementable solution, it is not something tenable within Rawls’ framework. In the next two sections, I entertain two avenues through which sharing work could happen—state mandate and egalitarian inspiration and argue that both are not tenable for Rawls. The first clashes with freedom of occupational choice and the second clashes with the

institutional division of labor he sets between the basic structure of society and its members. This leads me to conclude that, in the presence of unskilled essential work, Rawls' assertion that a well-ordered society can offer the opportunity for meaningful work to all its members fails to obtain.

III.II. Sharing Work via State Mandate

III.II.I. Free Choice of Occupation

Free choice of occupation “against a background of diverse opportunities” appears second on Rawls' list of primary goods (Rawls 2001, 58). It requires that people are not forced into particular jobs, be it by the state or by other coercive structures (Cohen 2008, 184). Freedom of occupational choice, thus, constitutes the right to accept or decline employment offers.

On its implications, Rawls says that “the priority of liberty means that we cannot be forced to engage in work that is highly productive in terms of material goods. What kind of work people do, and how hard they do it, is up to them to decide in light of the various incentives society offers” (2001, 64). So, under Rawls' framework the state cannot coerce people into doing work that generates a high social product just because it would be beneficial for society at large. For example, imagine that I am a very talented engineer. If I put my engineering skills to work, I can create useful inventions which make everyone better off. However, I would rather devote myself to a career in bird watching. Doing so would bring me immense joy and fulfillment but would be of no benefit to anyone else. Freedom of occupational choice prevents the state from forcing me to take on the engineering job instead of bird watching. The one acceptable mechanism for guiding me into the engineering job is by way of monetary incentives (Rawls 2001, 64). If I deem the wage offered attractive enough, I am free to take on the engineer's position. However, no matter how high the wage is, the state cannot coerce me, at any rate, to become an engineer just because me doing so would benefit society at large.

In the quote above, Rawls clearly regards free choice of occupation as something regulated by the first principle of justice—the liberty principle. Although there are some ambiguities regarding the place of free choice of occupation in Rawls' framework,²⁵ Samuel Freeman (2018) cites Rawls as confirming in conversation that it is indeed part of the basic liberties (179n24). Because of this, I take free choice of occupation to be regulated by the liberty principle, meaning it is part of the basic liberties that should be equally guaranteed to all citizens and which hold lexical priority over the difference principle (Rawls 2001, 42). As such, its equal holding by all members of society cannot be sacrificed or held in lesser amounts for anyone, even if this would

²⁵ Cohen (2008) offers reasons to doubt that free choice of occupation is part of the basic liberties and therefore should be seen as being regulated by the liberty principle (196–197). He points out that Rawls does not include free choice of occupation in ‘canonical statements of the liberty principle’. And that although there are parts of *A Theory of Justice* where he lists it as relevant, Rawls does not associate it explicitly with the liberty principle. What is more, there are parts of the text where he seems to associate it with both the liberty principle and the principle of fair equality of opportunity. The way Cohen proceeds with this ambiguity in Rawls is to take free choice of occupation as a standalone liberty. That is, as a freedom that, although not part of the basic liberties, should nonetheless be protected from coercive interference.

improve the lot of society's worst-off.²⁶ The upshot here is that people's freedom of occupational choice cannot be infringed upon by state interference. And the relevant question now is whether a state-imposed mandate to share unskilled essential work is a violation of people's free choice of occupation. If that is the case, such an intervention is not a viable move within Rawls' framework. In the next section, I argue that it is indeed such a violation. I argue for this by drawing a parallel between the mandate to share work and a measure which is seen as violating free choice of occupation under Rawls' framework.

III.II.II. The Clash with Free Choice of Occupation

As introduced above, freedom of occupational choice constitutes the right to accept or decline employment offers. The proposal to share unskilled essential work would alter the contents of jobs but would leave individuals' freedom to accept or decline them intact. Thus, it appears that the proposal to share unskilled essential work does not go against people's free choice of occupation. Rawls himself does not have an explicit stance on whether a state-imposed mandate to share work with the goal of securing the opportunity for meaningful work for all is acceptable within his framework. It simply does not enter his discussion. In the literature, John Tomasi argues that the right to free choice of occupation includes the right to decide the exact contents of one's work (2012, 77). Under this view, a state-imposed mandate to share unskilled essential work would amount to a violation of free choice of occupation. However, here I dismiss Tomasi's point as his definition of this right is not internal to Rawls's theory.

Instead, I will argue that a job-sharing mandate violates free choice of occupation by drawing a parallel between it and a measure that is seen as violating freedom of occupational choice within Rawls' framework. Under Rawls, free choice of occupation is violated when one is expected to perform work deemed desirable in principle, but on dispreferred terms. If this is seen as a violation of free choice of occupation, then the case I am considering, which involves expecting people to perform work whose very contents they might not want to perform should also count as such.

Even though it is meant to protect *any* person from being forced by the state into doing *any* kind of work, the way Rawls sets up his discussion gives free choice of occupation a specific focus. He says that "we cannot be forced to engage in work that is *highly productive* in terms of material goods" (2001, 64; emphasis added). The main concern in talking about freedom of choice of occupation seems to be the prevention of what Gerald Cohen (2008) refers to as the 'slavery of the talented'²⁷ in society's pursuit of improving the situation of the worst off (201). Where to enslave the talented means to require them to take the job which makes optimal use of their talents to benefit society, irrespective of their own preferences. Tying this to Lisa and Marge: Marge is able

²⁶ One exception Rawls makes when it comes to the lexical priority of the basic liberties is military conscription, saying that a reduction in the basic liberties "is permissible only if it is demanded for the defense of liberty itself" (1999a, 334). It is further described as something citizens agree to as a fair way of "sharing the burdens of national defense" (ibid.).

²⁷ A term coined by Ronald Dworkin (1981).

and willing to work as a doctor for the wage of 150 euros. Imagine further that she is also able to (and well off) being a doctor at 125 euros, but at this rate she would rather be a gardener. Freedom of occupational choice allows Marge to choose to be a gardener at 125 euros if that is what she prefers, and it also allows her to ask for a higher wage for her less-preferred (yet still good) option of being a doctor.²⁸ To enslave the talented would be to require Marge to work as a doctor at a wage of 125 euros, irrespective of her preferences, just because this would be the socially-optimal use of her talents.

Putting this in the context of my categorization of work from Chapter II, the enslavement of the talented concerns skilled essential work. The proposal to share unskilled essential work differs from this. What I am suggesting is not to assign Marge to a specific occupation, because this is where her talents would be most beneficial for society. Instead, sharing unskilled essential work amounts to having everyone in society perform part of the essential work that anyone is able to do, so that the opportunity for meaningful work can be offered to all. As such, sharing unskilled essential work does not entail an enslavement of the talented *because of* their talents.

Despite this difference, I think that from the vantage point of Rawls' liberalism, Marge's freedom of occupational choice would still be compromised were the state to restructure her work to include some hours of janitorial work. As just noted, the state requiring Marge to be a doctor for 125 euros when she would only do so for 150 would be an unacceptable form of state interference under Rawls' framework. Crucially, this includes the case where she is able to do this work and would fare well doing it for a wage of 125 euros but would simply prefer not to. Hence, what is an affront to Marge's freedom of occupational choice is requiring her to do work that she would in principle be willing to do, but just not on the *terms* she would prefer. In contrast, sharing the janitor's work entails requiring a person to do work that they might not want to do at all. It involves changing the *nature* of the work one performs, irrespective of whether they want to perform the added tasks or not. This parallel between what is seen as an affront in Rawls to free choice of occupation and what sharing labor amounts to is what leads me to conclude that requiring people to share unskilled essential work would not be a tenable measure within Rawls' framework. If requiring someone to do a specific type of work they would otherwise be open to doing, but on terms they disprefer constitutes a violation of free choice of occupation, then requiring someone to do a type of work they might not want to do at all should also be seen as a violation of their free choice of occupation.

This line of reasoning can immediately be countered with the following objection: many, if not most jobs include tasks that a person might not want to do and would not be part of their ideal description of a chosen occupation. A popstar might detest giving interviews and prefer to just go on tour, but be contractually obliged to do the former as well. An academic might want to only work on their research, and not spend time doing administrative work. And a doctor might want

²⁸ This extension of the Lisa/Marge example is adapted from Cohen's doctor-gardener example in *Rescuing Justice and Equality*. See Cohen (2008, 184–186).

to only perform surgeries and not have to monitor recovering patients. Save for a few lucky exceptions, most of us do not get to enjoy a working life doing *solely* what our hearts desire. Why, then, should the addition of some janitor's tasks be an infringement of the doctor's free choice of occupation?

Such an objection, I think, overlooks one crucial difference between finding parts of one's work tedious and undesirable and a universal work-sharing mandate. This difference has to do with the source of the task imposition. In the case of a popstar having to give interviews she might not want to give, this is something imposed by her employer. In contrast, the mandate to share unskilled essential work considered here is imposed on workers by the state. The reason why this distinction matters is that under Rawls' framework, the latter amounts to the state going beyond its justified sphere interference.

Rawls distinguishes between three levels of justice: local, domestic, and global (2001, 11–12). These different levels can be seen as expanding outward, starting at local justice, with different principles applying at each level. At the level of global justice, we have matters related to international law, or the relations between different states. At the domestic level, we have the basic structure of society. It is here that Rawls' principles of justice are meant to be applied. And at the local level we have different associations within the basic structure. Among these, relevant to the present discussion, Rawls lists firms. Hence, the employment relations that individuals and firms enter fall within the local level. This is why I think that a mandate to share unskilled essential work would take the state beyond its sphere of justifiable interference. That is, beyond the domestic and into the local.

This point warrants further explanation. Rawls' principles of justice do have implications for contract law and for the conduct of individuals and firms.²⁹ For example, the state is justified in interfering with the conduct of firms, that is at the local level, to prevent discriminatory hiring practices that hinder fair equality of opportunity (Freeman 2018, 177–178). It also imposes constraints on the types of contracts people can enter. For example, even though people are given the freedom to accept employment offers if they wish to do so, I could not sell myself into slavery, as the basic liberties are inalienable (64). Along the same lines, the state could be seen as justified in imposing certain constraints on the contents of employment contracts, with the purpose of safeguarding people's basic liberties. For example, it could forbid employers from including a ban on unionizing in labor contracts, as doing so constrains people's freedom of association.³⁰ However, despite these justifiable interferences, the principles of justice do not “determine uniquely the suitable principles of local justice” (Rawls 2001, 12).

What grounds my claim that a mandate to share unskilled essential work takes the state beyond its justified sphere of interference is that the types of state interference that Rawls warrants as acceptable at the level of local justice have to do with safeguarding people's basic liberties and

²⁹ For a detailed discussion of the place of private law in the basic structure of a well-ordered society, see Freeman (2018).

³⁰ Where freedom of association is part of the basic liberties. See Rawls (1999a, 53).

standing as equal citizens. A state-imposed mandate to add unskilled essential work to labor contracts cannot be justified on such grounds. The reason being that it does not serve to protect people from violations of their basic liberties and standing equal as citizens. Instead, it is meant to secure the opportunity for meaningful work for everyone in society. Which, while having an important place in Rawls' theory, as discussed in Chapter I, does not carry the lexical priority conferred to the basic liberties.

With this, I hope to have shown that a state-imposed work sharing mandate differs in a relevant respect from not finding all parts of one's job enjoyable. Which brings me back to my argument that the state implementing a policy of sharing the janitor's work so that OMW can be offered to all is not a tenable option for Rawls. The reason being that such a measure clashes with freedom of occupational choice. The case for this was made by drawing a parallel between sharing labor and a measure which is seen as violating free choice of occupation under Rawls' framework.

For Rawls, however, freedom of occupational choice is *legal* freedom (see Cohen (2008, 197)). Meaning that one could consider an avenue for sharing work other than the coercive apparatus of the state. This is the focus of Section III.III. Specifically, I consider what Gerald Cohen (2008) calls an 'egalitarian ethos' as a means of sharing unskilled essential work. I will argue that it, too, is untenable for Rawls. The reason being the institutional division of labor between the basic structure of society and its members. According to Rawls, ensuring a state where background justice obtains is something that only the institutions of the basic structure, and not individual actors, are capable of doing (1999a, 268). And given that on a mass scale the coordination of labor within an entire economy falls within the purview of larger-scale institutions, sharing labor is not something that can be successfully coordinated through egalitarian inspiration.

III.III. Sharing Work via Egalitarian Inspiration

III.III.I. Cohen's Egalitarian Ethos

In *Rescuing Justice and Equality*, Gerald Cohen (2008) questions Rawls' justification of inequality-generating incentive payments to the talented. What such payments amount to is going from a state of initial background equality D1 to an unequal state D2, which is Pareto optimal (183).³¹ For Cohen, in a truly just society, one in which people affirm the principles of justice, if D2 is possible, then a state D3 is also possible, where equality is restored at a level higher than that of D1. What this means is that the overall level of wealth in D3 is equal to that in D2. The difference between the two being that in D3 wealth is distributed equally among everyone in society. *Table 1* helps to visualize this:³²

³¹ Meaning that everyone in society is made better off in D2.

³² This table is adapted from Casal (2013, 5). I have modified it to fit the Lisa/Marge example.

		<i>Lisa</i>	<i>Marge</i>
<i>Occupational freedom and economic equality</i>	(D1)	80	80
<i>Occupational freedom and economic efficiency</i>	(D2)	100	150
<i>Economic efficiency and economic equality</i>	(D3)	125	125

Table 1: Alternative Distributions of Wealth

An objection to Cohen’s claim is that even if it is possible to attain D3, giving us both equality and Pareto optimality, this would necessarily come at the expense of the freedom of occupational choice of society’s talented members (198, 205). Imagine we expect the talented to choose a socially useful profession at a wage of 125 euros, when they would rather do it for 150 euros, opting instead for an occupation that is not useful to society but which they really enjoy for 125 euros. For them to perform the socially useful occupation at 125 euros amounts to forced labor and goes against their freedom of occupational choice. Cohen’s reply is that, when driven by “morally inspired motivation” the talented are making a free choice to benefit society by performing the socially useful occupation at wage 125 euros (198). He calls this motivation the egalitarian ethos, arguing that people in a well-ordered society should be driven by the motivation to choose the socially optimal occupation at an unenhanced wage, with the end goal of equality in mind. This is Cohen’s ‘ethical solution’ to the charge that freedom of occupational choice is compromised when people choose to perform the socially useful occupation for 125 euros instead of 150 euros.

Under Cohen’s view, doctors in a truly egalitarian society would willingly and freely take their socially useful occupations without the expectation of higher pay, because they truly believe in equality. The implication for janitors is that, in a truly egalitarian society they would enjoy more material equality (and therefore higher standards of living). That is, they would be at D3 instead of at D2. What Cohen tells us is that janitors will *have* more. The present query, however, focuses not on what janitors have, but on what they get to *do*. Because of this, I will now consider whether Cohen’s egalitarian ethos, which is used to argue for a higher material standard for the worse-off in society, can also be used to make the case for sharing unskilled essential work.

Cohen’s argument is that society’s talented, driven by an egalitarian ethos, would go into the occupations where their talents are most useful to society, without expecting an unenhanced wage. Such a stance might actually present a case against sharing the janitors’ work. If a person’s socially-beneficial talent is to be a doctor, then under Cohen’s framework they should work full-time as a doctor because this way they can contribute the most to society. Spending time janitorial work might be seen as a waste of their talent, therefore rendering such a measure undesirable. What is more, Cohen’s case for egalitarian inspiration rests on the following two constraints—the ‘standard

case' and the 'personal prerogative'. He presents the possibility of egalitarian inspiration as one in which the work of the doctor is not a burden for the person doing it (103). On the contrary, the assumption is that being a doctor is not, all things considered, especially burdensome for the talented person. It is work that they would choose to do, find rewarding, and be better off than the worse-off members of society even though they might not love it as much as, for example, gardening. This is what Cohen calls the 'standard case'. Sharing the janitor's work could be seen as falling outside the standard case, if taken to involve work that a talented person might find burdensome.³³ Therefore, it is questionable whether an egalitarian ethos which would lead a person to freely choose to be a doctor (for an unenhanced wage) would also lead them to freely share the janitor's work. This doubt is strengthened by Cohen's legitimate personal prerogative³⁴ which prevents a "full self-sacrificing restraint" (10) on behalf of the talented in favor of the worst off. A refusal to share the janitor's work because one is for some reason averse to performing such labor, could be seen as lying within the bounds of a personal prerogative. These considerations give reason to doubt that the egalitarian ethos, as formulated by Cohen, could incorporate a desire to share society's unskilled essential work.

A way out can be found in a slight modification of the ethos proposed by Paula Casal (2013). In response to what she considers fallbacks of Cohen's ethos, Casal proposes a revised version. The way Cohen's ethos works is that people make willing sacrifices in their occupations (whether it be what they work, or how much they expect to be paid) for the sake of bringing about a higher material standard for society's worse-off.³⁵ Casal argues that because Cohen's ethos requires trading off occupational autonomy for material comfort, it can be seen as undesirable past a certain threshold of material prosperity for all members of society (13–15). This is due to the importance of occupational autonomy for a "life of flourishing and self-fulfillment" (13). Because of this, she suggests that Cohen's ethos should be modified to secure occupational autonomy for all. Such an ethos would ask people to sacrifice things in their occupation not so that the worse-off can consume more but so that they can enjoy the goods associated with occupational autonomy as well (15).

I do not think that Casal's criticism of Cohen is justified. She overlooks Cohen's stance against putting a disproportionate burden on society's talented: "the point is not to get as much as possible out of talented people, but to get out of them the amount of product or service (which is greater than normal) that comes with ordinary amounts of effort and sacrifice" (Cohen 2008, 208). He is not suggesting that society's talented should forgo self-fulfillment in their work for the sake of the well-being of the least advantaged. Instead, his point is that, driven by egalitarian inspiration,

³³ Interestingly, Cohen entertains the possibility of the jobs which are 'less satisfying' to come with higher pay than those of society's talented, skilled professionals who derive more enjoyment from their work. But he leaves this as an open question. See Cohen (2008, 103). Chapter IV of this thesis focuses on the possibility of higher pay for unskilled essential work within Rawls' framework. However, I do not advance the point of janitors receiving equal or higher pay relative to that of doctors. What I will argue for is only pay higher than the social minimum.

³⁴ This is a concept he takes from Samuel Scheffler (1994).

³⁵ With the caveat that they do so within the bounds of the 'standard case' and 'personal prerogative'.

society's talented will not expect to be much better off than their fellow citizens, just because they have a talent they can put to socially useful work.

Although I question the adequacy of Casal's criticism, I think that her modified ethos would not be rejected by Cohen. He himself stresses the importance of quality of work experience (2008, chap. 2.5, 2.6). He is also critical of Rawls for leaving quality of work experience out of his primary goods metric (202). What is more, Casal's suggested revision of the ethos to explicitly consider everyone's occupational autonomy could also accommodate sharing the janitor's work as part of the egalitarian ethos. Even if Marge does not necessarily desire to do janitor's work, driven by the revised egalitarian ethos, she recognizes the injustice of Lisa having to do this during her whole productive life, and she freely wants to share the janitor's work in the knowledge that such a set-up brings Lisa's work closer to being meaningful. Hence, Casal's revised egalitarian ethos is capable of accommodating the desire to share unskilled essential work.

The relevant question now is whether this is an accessible solution within Rawls' framework. That is, in a society regulated by justice as fairness, can the opportunity for meaningful work for society's members be secured by the morally-inspired actions of its citizens? In the next subsection, I will argue that the answer is *no*. The reason being Rawls' institutional division of labor between the basic structure of society and its citizens.

III.III.II. The Clash with the Institutional Division of Labor

For Rawls, the basic structure of society is the primary subject of justice. That is, his project focuses on "the way in which the major social institutions distribute fundamental rights and duties and determine the division of advantages from social cooperation" (1999a, 6). He further specifies that the principles of justice which regulate these institutions are distinct from the principles which regulate individual conduct (47). Because of this, he has been charged with a 'moral division of labor' between the state and its citizens.³⁶ Such a division is problematic as it amounts to a neglect of individual conduct and sanctions unlimited self-seeking behavior (Cohen 2006). If we follow this critique and concede that Rawls' framework takes no consideration of individual conduct, the possibility of society's members sharing unskilled essential work, driven by an egalitarian ethos, is ruled out. However, the moral division of labor critique has been contested (see Samuel Scheffler (2006) and Alan Thomas (2011)). Pace Scheffler (2006), the fact that Rawls' principles of justice are meant to regulate institutions and not to directly guide individual conduct is not intended to place individuals "beyond the reach of justice" (109). While Rawls does not address in detail how individual choices should be guided by the principles of justice, according to Scheffler, such an omission does not lead to Cohen's conclusion that Rawls endorses unrestrained selfish behavior or that he aims to shield individuals from the demands of justice (113). The basic structure does have implications for individual conduct, as it influences people's desires and aspirations and is

³⁶ The concept of a 'moral division of labor' originated in Nagel (1995) and was subsequently used by Murphy (1998) and Cohen (2006) in their respective critiques of Rawls. See Thomas (2011, 1118).

meant to regulate individual conduct so that it is in line with and preserves background justice. Both Scheffler (2006) and Thomas (2011), in their interpretations of Rawls, express the idea that, given the influence of the basic structure on individual conduct, the citizens of a well-ordered society would in fact be driven by an egalitarian ethos in their conduct (117; 1134). Thomas goes as far as saying that Rawls takes individuals' decisions related to work as falling within the scope of justice (1132).

I will not take a stance on the moral division of labor critique. Irrespective of which side one considers to be a more accurate reading of Rawls, the implications for the question I pose are the same. As mentioned, if Rawls' theory of justice has no bearing on individual conduct, then the possibility of society's members sharing unskilled essential work, driven by an egalitarian ethos, is ruled out. However, even if we take an egalitarian ethos as an element of Rawls' theory, a well-ordered society securing OMW for all via the individual desire of its separate members to share unskilled essential work remains out of reach. The reason being that Rawls' focus on the basic structure as the primary subject of justice is in part attributed to the need for an 'institutional division of labor' between the principles regulating the basic structure and the rules that guide individual conduct (Scheffler 2006, 105–107). What this means is that Rawls' focus on the basic structure as the primary subject of justice is partly explained by the fact that he sees the task of securing and preserving just background conditions (which ensure the justice of different agreements and transactions within a society) as something that individuals, on their own, are not capable of. As Scheffler points out, according to Rawls, there are no rules of individual conduct, capable of preserving background justice, which meet the conditions he sets out of not being excessively complex or requiring too much information to be applied correctly. This is why, for Rawls, ensuring a state where background justice obtains is something that only the institutions of the basic structure, and not individual actors, are capable of doing. The institutional division of labor entails that:

The basic structure includes 'those operations that continually adjust and compensate for the inevitable tendencies away from background fairness, for example, such operations as income and inheritance taxation designed to even out the ownership of property' (Rawls [1999a], 268). The rules applying to individuals and associations include such things as 'rules relating to fraud and duress', which 'satisfy the requirements of simplicity and practicality' (ibid.). (Scheffler 2006, 106)

With the institutional division of labor in mind, I think that a desire to share labor, stemming from individuals alone, is not something that can bring about, on a mass, societal scale the opportunity for meaningful work for everyone in society. The coordination of labor within an entire economy is seen as falling within the purview of larger-scale institutions. Not as something that individuals are able to coordinate driven by moral inspiration. Rawls states that that "the structure of the economy (for example, as a system of competitive markets with private property in the means of

production) [belongs] to the basic structure” (2010, 10). So, the hope that OMW for all can be brought about through the morally inspired motivation of the citizens of a well-ordered society is simply beyond the bounds of Rawls’ project.

This conclusion can be questioned along the following lines. Institutions are not a *deus ex machina* device, appearing from above to secure a stable and just society. They are set up and run by the individuals who make up a society (or by their representatives). If the members of a well-ordered society are driven by an ethos of justice that includes the desire to bring about an opportunity for meaningful work for all, but are not capable of doing so via their individual actions, couldn’t they set their up institutions in such a way that sharing unskilled essential work becomes part of how a society organizes labor? The issue with this move is that it brings us back to Section III.II and the problem for sharing labor presented there. Namely, that under Rawls’ framework a state-imposed mandate to share work is seen as an infringement of people’s freedom of occupational choice. As mentioned earlier in this section, Rawls himself does not go into a discussion of what exactly the principles of justice would imply for people’s motivation. In contrast, freedom of occupational choice appears as a salient feature of his framework. There is nothing to step on in Rawls to make the case that free choice of occupation could be overridden by a personal desire to share work, held universally by everyone in society. Doing so would be too gross of a speculation.

III.IV. Sharing Work: Taking Stock

With the above in mind, the conclusion of this chapter is that sharing unskilled essential work is not a tenable move within Rawls’ framework. It is important to highlight a caveat here. I have argued that such a measure is not tenable by ruling out the two main routes I see for doing so—state mandate and egalitarian inspiration. This leaves open the possibility that there are other potential routes for sharing work which could be consistent with Rawls’ framework. The same caveat applies to the proposal for sharing unskilled essential work itself, which I consider as the way to make unskilled essential work meaningful. Even though the possibility of sharing work was ruled out in this chapter, there might be other avenues for making unskilled essential work meaningful. However, in the case of both caveats, while I recognize the possibility of there being other routes (for sharing labor and for making unskilled essential work meaningful), the reason why leave these unaddressed is that I lack epistemic access to what these options might be. That is, I cannot think of ways in which sharing work could happen other than through state mandate or an egalitarian ethos, and I cannot think of a way to make unskilled essential work meaningful, specifically with regards to Rawls’ understanding of meaningful work, other than through sharing unskilled essential work among everyone.

Going back to the setup of my argument. I argued that sharing work through state mandate is inaccessible within Rawls’ framework due to his principle of freedom of occupational choice. It prevents the state from interfering with people’s labor decisions, with the only acceptable means of state intervention being though monetary incentives to attract people into the occupations where

they are needed. If changing the terms of a given occupation (by expecting people to perform it at a non-incentivized wage) is taken to be an infringement of free choice of occupation, then changing the nature of the work people do (by mandating that they should perform unskilled essential work) should also constitute a form of unacceptable state interference. I then argued that sharing work is not tenable through egalitarian inspiration either due to the institutional division of labor Rawls puts in place between the institutions of the basic structure and its members. According to it, ensuring a state where background justice obtains is something that only the institutions of the basic structure, and not individual actors are capable of doing. And given that on a mass scale the coordination of labor within an entire economy falls within the purview of larger-scale institutions, sharing labor is not something that can be successfully coordinated through egalitarian inspiration.

The constraints in Rawls' framework when it comes to sharing labor are what lead me to conclude that in the presence of unskilled essential work, Rawls' assertion that all members of a well-ordered society can be offered the opportunity for meaningful work fails. In reaching this conclusion, I rely on the assumption that sharing labor is the only way to make unskilled essential work meaningful. Given the way Rawls defines meaningful work, and given the nature of unskilled essential work, as described above, I really see no other way unskilled essential work could be made meaningful. This is why my discussion is limited to the sharing labor proposal.

What this leaves us with is that OMW cannot be offered to all in a well-ordered society. At least not in the presence of unskilled essential work. And this can be seen as a problem for Rawls, given the importance OMW has for the social bases of self-respect. For Rawls, the opportunity for meaningful work is a social condition for securing self-respect; where to have self-respect is to believe that one's conception of the good is worth pursuing and carrying out. He refers to the social bases of self-respect as "perhaps the most important" primary good (386). The reason being that when we do not find worth in our life plans, we cannot enjoy our pursuits and instead develop an attitude of apathy toward our own lives (*ibid.*). And he further stresses that the absence of an opportunity for meaningful work specifically is detrimental to self-respect.

Given that Rawls' assertion fails to obtain in the face of unskilled essential work, the final step I take in the thesis is to consider whether there is a way to recognize the importance of the opportunity for meaningful work in the face of unskilled essential work. I will argue that doing so is possible by offering incentive payments for unskilled essential work. However, making this actionable within Rawls' framework requires a more inclusive interpretation of the use of incentives under the difference principle—one which recognizes the social contribution of unskilled essential work and the costs imposed on the individual worker. I defend such an interpretation as possible to accommodate within Rawls' theory. The key takeaway is that, while it fails to offer OMW to all in a well-ordered society, Rawls' theory is nonetheless able to serve justice to janitors. This is done by recognizing the worth of the social contribution made by those who engage in unskilled essential work and compensating them accordingly for it.

Chapter IV. ‘Sell-Out’ as a Way Out?

Given that Rawls’ OMW assertion fails in the presence of unskilled essential work and taking seriously the importance of OMW in Rawls’ theory, I consider an alternative way to serve justice to janitors in a well-ordered society: an incentivized income for the performance of unskilled essential work. It is a second-best solution, as paying janitors more does not make their work meaningful under Rawls’ conception of meaningful work. The merit of the proposal is that higher pay could be seen as compensation for foregoing meaning in one’s work. One could object to this by pointing out that I am effectively trading in meaning for money—two goods which can be regarded as incommensurable. I do recognize that this is what the current proposal amounts to. Hence, the sell-out title of the chapter. However, I reiterate that this is a second-best solution, which I entertain because of the barriers in Rawls’ framework to sharing unskilled essential work and effectively offering OMW to all.

What is more, such a trade-off (between meaning and money) could be substantiated within Rawls. A higher wage amounts to an increase in a person’s index of primary goods. This implies an increase in their worth of liberties (Rawls 1993, 326; 1999a, 179). That is, the extent to which they are able to advance their ends. Given that the least advantaged are generally those doing unskilled essential work³⁷ and those whose holdings of primary goods are set at the level of the social minimum³⁸ and are lowest among society’s working members,³⁹ this compromise leads to an improvement in their life prospects. Thus, even though paying more for unskilled essential work does not make this work meaningful under Rawls, it could serve to reflect the importance of OMW for Rawls by making life better for those doing it.

The issue here, however, is that even if incentivized pay is accepted as a second-best solution to making unskilled essential work meaningful, there is a barrier to doing so within Rawls’ framework. Rawls gears the use of incentive payments as compensation for skilled essential work. For the sell-out proposal to work, an explicit extension of incentives for unskilled essential work is required. Below I will argue that there are valid grounds for doing so and that such an expansion is consistent with Rawls’ framework. Section IV.I makes the case that Rawls gears the use of incentives under the difference principle toward skilled essential work. Then, in Section IV.II, I make the case for an expansion of this to accommodate incentives for unskilled essential work in a well-ordered society.

IV.I. Incentives in Rawls: Geared Toward Skilled Essential Work

As discussed, in a well-ordered society people are free to choose what kind of work they do against a background of fair equality of opportunity (Rawls 2001, 42). Freedom of occupational choice entails that no one can be forced to do work that generates a high social product just because it

³⁷ See Freeman (2013): “For purposes of the difference principle, Rawls conceives of the least advantaged as [...] the lowest paid and least skilled workers” (22–23).

³⁸ Meaning that they have the fewest means to achieve their ends in society.

³⁹ The ones lower are ‘Malibu surfers’, who do not engage in society’s system of social cooperation. See Rawls (2001, Section 53).

would be beneficial for society at large (64). Instead, an acceptable way to encourage people to develop their talents and put them to socially useful work is found in the difference principle. It states that people can be provided with monetary incentives as compensation for developing their talents, contributing to society, and undertaking the burdens which come with positions of responsibility (42–43). With the caveat that doing so is acceptable only if this leads to an improvement in the lot of everyone in society, specifically its least-advantaged members. Departures from a situation of initial background equality⁴⁰ are justified if the resulting productive gains lead to an improvement in everyone's life situation. Special emphasis is made that this should make the worse-off as well-off as possible compared to any "alternative (practicable) scheme consistent with all the requirements of the two principles of justice" (71).

On what kinds of work warrant incentive payments and which groups in society perform this work, Rawls says the following:

The greater returns to the more advantaged serve, among other things, to cover the costs of training and education, to mark positions of responsibility and encourage persons to fill them, and to act as incentives. (Rawls 2001, 63; emphasis added)

Additionally:

The better endowed (who have a more fortunate place in the distribution of native endowments they do not morally deserve) are encouraged to acquire still further benefits [...] on condition that they train their native endowments and use them in ways that contribute to the good of the less endowed (whose less fortunate place in the distribution they also do not morally deserve). (76–77; emphasis added)

It appears that, for Rawls, the kinds of work that warrant incentive payments are ones that require skill, training, and education and entail undertaking responsibility. As such, the use of incentives is geared towards society's most advantaged who, due to their more fortunate position in the distribution of life's contingencies, can engage in work that requires training and education, entails taking on responsibility, and improves the lot of everyone in society (Gomberg 2010, 10). The least advantaged, in turn, are seen as benefiting from the productive contribution of their most advantaged counterparts. A similar idea appears in *A Theory of Justice* (1999a, 65–68). There, Rawls discusses how offering greater economic returns to 'entrepreneurs' acts as an incentive for them to 'do things which raise the prospects of the laboring class'. He further adds that the absence of such incentives could lead to a worse situation for the worse-off because 'the talented may withdraw their labor in response'.

⁴⁰ In terms of people's expectations of primary goods over the course of a complete life, indexed in terms of income and wealth.

It is important to note that incentives are not intended as a reward for people's more fortunate place in the distribution of life's contingencies. Doing so would entail rewarding people for circumstances that they had no influence on, and would therefore be morally arbitrary (Rawls 1999a, 274). Instead, the intention is to compensate people for the education and training they undergo to be qualified for certain positions, and for undertaking the responsibility which certain occupations come with. In the case of Lisa and Marge, the higher wage of the doctor is seen as just, because performing skilled essential work requires education and training and is a position of responsibility. And, crucially, it makes everyone better off (because having healthcare services improves the lot of everyone, including that of the least advantaged).

What I propose here, however, is offering compensatory incentive payments to janitors. That is, for unskilled essential work. As discussed in Chapter II, this is work that could be done by anyone by virtue of it requiring (little or no) training or specialized education to be performed. It also does not entail responsibility in the way that, for example, a doctor's work does. Given the way Rawls justifies the use of incentive payments, Lisa's work, *prima facie*, does not warrant incentive payments. I will now argue that, contrary to initial appearances, Lisa's work should also be recognized as warranting incentive payments under Rawls' framework.

IV.II. Incentives for Janitors in a Well-Ordered Society

As discussed, Rawls deems departures from initial background equality in the form of monetary incentives as just because attracting the most advantaged to socially useful positions improves the situation of the whole of society, including that of its least advantaged members. The least advantaged accept this because "the all-purpose means available to [them] to achieve their ends would be even less were social and economic inequalities, as measured by the index of primary goods, different from what they are [in a well-ordered society]" (Rawls 1993, 326). Thanks to the contributions of the most advantaged, they are as well off as they could be. So even though they are the ones whose holdings of primary goods put them at the level of the social minimum, they accept this arrangement as just. What I want to argue here is that unskilled essential work—performed by society's least advantaged, also warrants incentive payments. Given the justification of incentives in Rawls I described, what could support such a move?

By putting their talents to socially useful work the most advantaged are indeed improving the lot of everyone in society. However, I think that this paints an incomplete picture of social cooperation. Rawls seems to single out work that requires education and training and that generates a high social product as being more valuable to society. Tying this to my categories of work from Chapter II, a valuable social contribution within Rawls is brought about by skilled essential work. This misses the importance and added value of unskilled essential work. Justifying incentive payments because of the importance of the social contributions of the most advantaged and the reliance of the least advantaged on said social contributions obscures the fact that the contributions of the former rely on and are made possible thanks to the contributions of the latter.

It is true that by acquiring an education, training their abilities, and then undertaking socially useful work, the most advantaged are making the whole of society better off. Yet, a crucial reason why they can fully devote themselves to doing so is that the work necessary for the smooth functioning of society, in the form of unskilled essential work, is taken care of by society's least advantaged. The following simple example should drive my point home: a doctor would not be able to perform their socially necessary work if the hospital they worked in was not properly sanitized. Thus, the work of those performing unskilled essential work can also be seen as leading to an improvement of the lot of the whole of society (their own group included). The reason being that they are the ones who make possible the work of the most advantaged to begin with. Rawls' emphasis on the importance of skilled essential work obscures this and means that, within his framework, it is not explicitly recognized as socially useful even though it is.

However, even if the social contribution of unskilled essential work is recognized in such a way, it does not come with the costs of training, education, and responsibility which is what incentive payments are meant to compensate for. While this observation is correct, unskilled essential work is associated with another type of cost. That of foregoing meaning in one's work. So long as the opportunity for meaningful work is taken to be something important for Rawls' framework, which I defended in Chapter I, and given the barriers his framework has against making work meaningful for all through labor sharing, as discussed in Chapter III, recognizing the lack of meaning in one's work as a cost imposed could be taken as valid grounds for compensatory payments.

So even though Rawls does not explicitly recognize unskilled essential work in his set-up of the difference principle, a justification for incentive payments for it can be made, parallel to that for skilled essential work. It goes as follows: in the case of skilled essential work there is a rationale for compensation because this work improves the lot of everyone in society (including the least advantaged); the incentive is meant to compensate people for attaining an education, training their talent, and undertaking responsibility. In the case of unskilled essential work, we also have a rationale for compensation because this work improves the lot of everyone in society (including the least advantaged); the incentive is meant to compensate people for foregoing meaning in their work.

I think that such a move could be seen as consistent with Rawls' framework. Even though throughout his writing he gears the use of incentives toward work that requires skill/talent/education to be performed, the following passage from *A Theory of Justice* (1999a) leaves room for a broader reading of the kinds of work that warrant incentive payments:

The function of unequal distributive shares is to cover the costs of training and education, *to attract individuals to places and associations where they are most needed from a social point of view*, and so on. [...] Variations in wages and income and the perquisites of position are simply to influence these choices so that the end result accords with efficiency and justice. (277; emphasis added)

The above paragraph is the one place where Rawls (to my knowledge) is more neutral in setting up the use of incentive payments. That is, there is no equating of socially useful work exclusively with the contributions of the most advantaged. The justification of incentives as being used to ‘attract individuals to places and associations where they are most needed from a social point of view’ allows for a broader interpretation of incentives. Such an interpretation sets up incentives as: warranted for costs imposed on the individual; used to attract people to socially useful occupations; and deemed just so long as they lead to an improvement in the lot of everyone in society, the worse-off included. If we understand cost imposed and social contribution in ways that include the costs (to the individual) and benefits (to society) of unskilled essential work, then Rawls’ theory could accommodate incentive payments for unskilled essential work. Further support for incentives for unskilled essential work can be found in Section 47 of *A Theory of Justice* where Rawls, in considering the workings of a perfectly competitive economy within a just basic structure says that “the relative attractiveness of different jobs will be equal, all things considered” (1999a, 265). This statement could be interpreted as work that is seen as less desirable being better paid (Gomberg 2010, 23).

Here one might ask whether, by suggesting that both the most advantaged and least advantaged should receive an incentivized income, I am not arguing for material equality between the two groups. If that were the case, my proposal could be seen as clashing with Rawls, who rejects equality in holdings of primary goods as “irrational since it does not permit society to meet certain essential requirements of social organization and to take advantage of considerations of efficiency” (1999a, 329). However, material equality is not what I am arguing for.

An incentive amounts to a higher *relative* wage. In Rawls’ framework, starting from initial background equality the incentive offered to a doctor results in a higher wage relative to that of the janitor. The janitor’s wage, as already mentioned, is set at the level of the social minimum. While I do argue that janitors should receive incentives as well, I am not claiming that the doctor and the janitor should receive the *same* incentives. The only implication my argument has in relative terms is that a janitor ought to receive a wage higher than the social minimum. Which does not mean that they should receive the same wage as a doctor.

A further question that arises is whether my proposal does not simply shift the social minimum, leaving janitors at a new social minimum. After all, the social minimum is synonymous with the lifetime expectations (of primary goods) of the least advantaged members of society (Mandle and Reidy 2014, 786). If incentives are warranted for unskilled essential work and those doing unskilled essential work are the least advantaged, yet equality between doctors and janitors is not what I am arguing for, then it seems that the least advantaged remain the ones with the lowest expectations of primary goods in society. That is, they are still the ones at the level of the social minimum. Which puts into question whether my proposal for incentives for janitors achieves anything. This point, however, misses the following. Two parts of my categorization of work, introduced in Chapter II, were not discussed in this thesis: skilled and unskilled *unessential* work.

If we take that some of society's least advantaged perform unskilled *unessential* work,⁴¹ then they will be the ones who remain at the social minimum.⁴² That is, under the arrangement I propose, if the social minimum is set at x , those doing unskilled unessential work (for example, line standers) would receive wage x , janitors would receive $x+1$, and doctors would receive $x+2$.

Some examples of unskilled unessential work, such as the professional line stander, could also be seen as being meaningless under Rawls' definition of meaningful work. Albeit a potentially relevant point of discussion, the question of whether line standers, alongside janitors, undermine Rawls' OMW assertion is something that goes beyond the scope of this thesis. As mentioned in Chapter I, my explicit focus here is on essential work only. This is why I leave matters related to unessential work unaddressed in this piece.

An additional, more threatening objection to my incentives argument is that, instead of serving justice to janitors, the proposal for an incentivized income for unskilled essential work potentially entrenches an existing injustice. Such a critique mirrors arguments made against recognizing housework as paid labor by splitting a working husband's paycheck with his stay-at-home wife. Doing so can be seen as legitimizing and entrenching a sexist division of labor within the household (Hirschmann 2016). Along similar lines, paying janitors an incentivized wage for their 'meaningless', yet essential work potentially entrenches what is an unjust division of labor. One in which some take on and can fully dedicate themselves to 'meaningful' work, made possible by those performing 'meaningless' jobs. I think this is a valid concern—both in the context of the division of household labor and in the division of unskilled essential work on a larger-scale societal level. And I agree with the objection that a higher income does nothing to address the underlying division which might be deemed unjust. As suggested by Ghaeus (2018), the “gendered division of labor can be dismantled without undue costs” only if household labor is shared between men and women (23). I think the same holds in the case of unskilled essential work—OMW can be offered to all only if unskilled essential work is shared. However, I have argued that, as it stands, Rawls' theory cannot accommodate such a measure. What it can do is offer incentivized pay to those doing unskilled essential work. While this might be negatively framed as further legitimizing what is an unjust status quo, it could also be framed in the positive light of explicitly recognizing the valuable and crucial social contribution that unskilled essential work makes to the smooth functioning of society and of increasing the life prospects of the least advantaged workers who perform unskilled essential work.

With this, I conclude the final chapter of my thesis. What I argued for in it is an explicit expansion of what warrants compensatory incentive payments in Rawls. Specifically, to include unskilled essential work. This was defended on grounds of the social contribution of unskilled essential work, together with the cost it can be seen as imposing on individual workers. So long as

⁴¹ As mentioned, society's least advantaged are generally taken to be society's least skilled workers. See Freeman (2013, 22–23).

⁴² The reason being that, unlike essential work, unessential work does not carry the benefit of making everyone in society better off.

the opportunity for meaningful work is taken to be something important for Rawls' framework, which I defended in Chapter I, and given the barriers his framework has against sharing this work to make it meaningful, as argued in Chapter III, recognizing the cost of not having meaningful work could be seen as a second-best solution and recognized as valid grounds for compensatory payments.

Conclusion

In this thesis, I have argued that Rawls' assertion that in a well-ordered society all can be offered the opportunity for meaningful work (OMW, for short) fails to obtain in the presence of unskilled essential work. This conclusion has problematic implications for Rawls, due to the relationship between OMW and the social bases of self-respect. For Rawls, the opportunity for meaningful work is a social condition for securing self-respect and its absence is detrimental to self-respect. He labels the social bases of self-respect as the most important primary good due to the significance self-respect bears on one's confidence in one's life plans being worth carrying out. Due to the importance meaningful work has for self-respect and given that Rawls' assertion that all members of a well-ordered society can be offered the opportunity for such work fails to obtain, I considered whether there is a way to recognize the importance of OMW in the face of unskilled essential work. I argued that doing so is possible by offering incentive payments for unskilled essential work. Making this actionable within Rawls' framework requires a more inclusive interpretation of the use of incentives under the difference principle—one which recognizes the social contribution of unskilled essential work and the costs imposed on the individual worker. I argued that Rawls' theory can accommodate such an interpretation.

The key takeaway of the thesis is that, while it fails to offer OMW to all in the presence of unskilled essential work, Rawls' theory is nonetheless able to serve justice to janitors. This is done by recognizing the worth of the social contribution made by those who engage in unskilled essential work, together with the costs this work imposes on individual workers and compensating them accordingly for it. In reaching this conclusion, I took the following steps:

In Chapter I, I introduced Rawls' notion of meaningful work by drawing on statements on the matter he makes in his different works. There I also discussed the importance OMW has in his theory through its relationship with the social bases of self-respect.

In Chapter II, I introduced the way I categorize work, making a distinction between skilled and unskilled essential work. I further spelled out the challenge unskilled essential work poses for Rawls' assertion that all members of a well-ordered society can be offered the opportunity for meaningful work.

In Chapter III, I introduced sharing labor as a way to make unskilled essential work meaningful and discussed in-depth whether such a proposal fits within Rawls' framework. I entertained two avenues through which this could happen—state mandate and egalitarian inspiration and argue that both are inaccessible for Rawls. The first clashed with freedom of occupational choice and the second with the institutional division of labor he sets between the basic structure of society and its members. This led me to conclude that, in the presence of unskilled essential work, Rawls' assertion that a well-ordered society can offer the opportunity for meaningful work to all its members fails to obtain.

Lastly, in Chapter IV I considered an alternative path for recognizing the importance of the opportunity for meaningful work in the presence of unskilled essential work—through paying an

incentivized wage to those doing it. While such a measure seemed to be inaccessible for Rawls due to the way he sets up the use of incentives under the difference principle, I argued that it is nonetheless possible to accommodate. Specifically, by recognizing the social contribution of unskilled essential work for the well-being of the whole of society and the costs it imposes on those doing it by having them forego meaning in their work.

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