

RAWLS AGAINST RAWLS: ON THE POLITICAL VALUE OF SOCIAL ASSOCIATION

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This study focuses on the paradigmatic category of social association to question the general treatment of freedom of association in theories of justice. Social associations are organised, voluntary, and secondary associations that do not have any particular economic or political function and are not related to any external authority. This category is deployed to re-examine the relationship between freedom of association and the two moral powers. I support the argument that freedom of social association is not only an institutional condition for conscience, as stated by Rawls, but also has an evident direct connection with both moral powers. In particular, I show that it enables individuals to lead a life that they collectively affirm to be reasonable and valuable and develop a sense of value and confidence in their own abilities. This is the fundamental associative interest we have in self-respect, which has been rendered philosophically invisible in political liberalism by the category of non-political association. I show that social associations and the right to establish such an association have a special importance for self-respect, and especially, for its social bases and I argue that institutions should provide citizens opportunities for the personal circumstances of self-respect in ensuring the social conditions necessary to establish social associations.

Keywords: freedom of association; political liberalism; non-political associations; social association; self-respect.

Este estudo centra-se na categoria paradigmática da associação social de modo a indagar o tratamento dado, regra geral, à liberdade de associação no âmbito das teorias da justiça. As associações sociais são associações organizadas, voluntárias e secundárias que não têm qualquer função económica ou política específica e que não estão vinculadas a qualquer autoridade externa. Esta categoria é aqui explorada de modo a re-examinar a relação entre a liberdade de associação e os dois poderes morais. Sustenta-se o argumento segundo o qual a liberdade para a constituição de associações sociais é não apenas uma condição institucional para a consciência, tal como assumido por Rawls, mas que também tem uma conexão directa e evidente com os dois poderes morais. Mais especificamente, demonstra-se

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que ela permite que as pessoas vivam uma vida que eles consideram, colectivamente, como sendo razoável e valiosa e que desenvolvam uma consciência do seu valor e uma confiança nas suas próprias capacidades. Este é o interesse associativo fundamental que nós temos pelo respeito próprio, que se tornou invisível no seio do liberalismo político em virtude da categoria das associações não-políticas. Demonstra-se aqui que as associações sociais e o direito a constituir uma associação deste tipo têm uma importância especial para o respeito próprio, e mais em particular, para as bases sociais do mesmo e argumenta-se que as instituições deveriam conceder aos cidadãos as oportunidades para a emergência das circunstâncias pessoais que suportam o respeito próprio ao assegurar as condições sociais necessárias ao estabelecimento das associações sociais.

Palavras-chave: liberdade de associação; liberalismo político; associações não-políticas; associação social; respeito próprio.

Introduction

This study focuses on the associative interest we have in self-respect. This interest, I argue, has been overlooked by the main philosophical justifications of freedom of association and rendered philosophically invisible by the category of non-political association, which generously includes the national community, family, trade unions, economic and social associations, and religious associations. This forgotten associative interest is the relational interest citizens have in developing a “secure conviction of one’s own worth” (Schemmel, 2019, p. 628) in voluntarily pursuing rational activities.²

In this paper, I aim at showing that what I will call social associations and the right to establish such an association have a special importance for self-respect, and especially, for its social bases. Taking Martina’s case as a paradigmatic example of a social association, I illustrate the theoretical and practical significance of this associative interest in self-respect. Martina has just moved into a flat in a recently-built residential area on the outskirts of a major urban centre. She has little kids and is interested in organising a neighbourhood association around her building complex, which is relatively far from the school and the main social, commercial, and leisure activities. Martina does not defend any particular claim regarding administrative or public affairs, but has always been committed to the development of a form of communal life—something that her residential area is currently lacking. The only future plan she has in mind is to

² My conception of self-respect recognises the importance of the pleasures of being with other people. It is inspired by the Aristotelian principle and its companion effect, which asserts that mutual appreciation comes in doing things with others, “the extent to which others confirm and take pleasure in what we do” (Rawls, 2005a, p. 440). Self-respect, however, has a moral depth that conviviality does not share. It refers to a person’s sense of his own value and confidence in his ability (Rawls, 2005a, p. 440) and is essential to the moral growth of citizens.

organise a party with her neighbours. Martina's association will have no message to express, no economic or political function, and, with the notable exception of relational goods produced by members' interactions, no capacity to significantly influence the distribution of primary goods.³ Nevertheless, these interactions may hold a definite importance for Martina. Within the association, Martina can meet people with the same desires, same needs, and perhaps the same vision. She can carry out a plan that she could not carry out alone because of the lack of resources and intrinsic collective dimension of her project. Within the association, Martina can develop activities that are recognised as rational by her and the other members, which will reassure her of the value of her conception of the good life. Within the association, Martina can find moral and emotional support in her pursuit, which will give her confidence to pursue it, though her family, friends, or colleagues might not share it.

Without any doubt, no liberal theory worth the name would ensure to Martina a right to actually form her association. There are many social and legal conditions distinct from freedom of association that can influence individuals' ability to advance their associative ends, a strict equalisation of all of them would be at odds with the idea that some inequalities may be justified. However, I contend that Martina has a right to try to organise it, and I argue that the mere possibility to try establishing such an association enable her to have the confidence that her conception of the good is as worthy as that of others and that it can be pursued and achieved under any circumstance and, importantly, that she will be able at any time to revise her conception of the good, leave her association, and join or form new ones. Even if Martina does not effectively seize the opportunity to form her association, or if her association is unlikely to succeed, she will benefit from institutions that provide her opportunities for the personal circumstances of self-respect, mutual appraisal and the confidence of her worth.

³ Primary goods are goods "generally necessary for the development and exercise of (at least one of) the two moral powers"; and "valuable across a variety of conceptions of the good, without their value being grounded in any such a conception" (Cordelli, 2015, p. 94). Primary goods are subdivided in two categories: natural primary goods (basic mental and bodily abilities as intelligence and imagination) and social primary goods (social goods as liberties, income and wealth, and the social bases of self-respect).

Political liberalism, through its commitment to justificatory neutrality and the attention it pays to self-respect and its social bases⁴, should be a privileged philosophical perspective to reflect, justify, and protect Martina's associative interest. Nevertheless, in *A Theory of Justice*, freedom of association is not included as a basic liberty in the first principle of justice.⁵ Rawls (2005b) only introduces this new basic liberty in *Political Liberalism* as "an institutional condition for conscience", itself having an "evident relationship with the first moral power to form, revise, and rationally pursue one's conception of the good" (Rawls, 2005b, p. 33). Martina's association is not bound by any deep-seated belief of its members (Laborde, 2017, p. 174); it does not allow its members to "effectively pursue a valued conception of the good" (White, 1998) that is central to "their identity and integrity" (Laborde, 2017, p. 174). Her freedom cannot be qualified as an institutional condition for conscience and would not be included in the basic freedom of association. This is because, in political liberalism, Martina's associative interest in self-respect is lost between the all-encompassing category of non-political association (Rawls, 2005a, 2005b) and the status of the basic liberty of freedom of association, justified as an institutional condition for freedom of conscience, which de facto excludes most of these non-political associations.

To recognise the value of Martina's association and, more generally, of the various interests at stake in different philosophical justifications of freedom of association, we need to disaggregate the category of non-political association into several sub-categories (Brownlee & Jenkins, 2019; Girard, 2016). To highlight and understand Martina's relational interest in self-respect, this study focuses on the category of social association as a paradigmatic illustration of the associative interest we have in self-respect. It defines social association as a formally-organised association with purpose and rules, based on non-intimate personal connections that we may quit at no excessive cost, and that neither has any particular economic or political function nor any claim to authority. Local sports clubs, self-help groups, and artistic and

⁴ The social bases of self-respect are the features of institutions that are necessary to enable people to have the confidence they need to exercise their two moral powers.

⁵ In *A Theory of Justice*, Rawls (2005a) identifies as one of the basic liberties freedom of assembly, which many thinkers treated as synonymous with freedom of association (until it was fully appreciated that not all associations engage in public assembly).

scientific associations are all examples of this basic type of association. I use this neglected category to show how associations serve a distinctive interest in self-respect that political liberalism overlooks.

By combining the developments in democratic theory on the specification of different types of association (Warren, 2001) with classical works on political justice (Rawls, 2005a, 2005b) and freedom of association (Brownlee & Jenkins, 2019; Cordelli, 2015; Laborde, 2017; White 1997, 1998), I intend to show that a plausible understanding of the relationship between the primary good of self-respect and association is implicit in a political conception of the person and, sometimes, explicit in Rawls' view of political justice (Rawls, 2005a, 2005b ; Cordelli, 2015). Individuals find in associations mutual support for particular conceptions of the good life and resources to develop a form of self-confidence necessary to pursue their plans. This relation is hidden by the all-encompassing category of non-political association and the endless debate on the place of the family (Edenberg, 2018; Okin 2008), church (Laborde, 2017; Leiter, 2014), and firms (Von Platz, 2014; Tomasi, 2013) within political justice. Hence, the category of social association helps provide an adequate philosophical account of what a secondary association is and why it is valuable based on self-respect, without supposing that it always has an intimate, collective, esoteric, or democratic complex function constitutive of its value.

Section I explores the meaning of the category of non-political association in political liberalism and the ambiguities it raises. I define the category of social association and I insist on it as a critical case for our forgotten associative interests. Section II interprets social association as having a political value and deploys this paradigmatic category to stress the importance of freedom of association within a classical Rawlsian perspective. I claim that freedom of association is necessary to the development, maintenance, and exercise of the Rawlsian moral powers – capacity for a conception of the good and the capacity for a sense of justice – via contributing to persons' sense of self-respect. Finally, Section III examines the special relationship between the right to establish social associations and the social bases of self-respect.

1. From Non-Political Association to Social Association

From a Rawlsian perspective, social associations are part of the generic category of non-political association, including families, national communities, and economic and religious associations (Rawls, 2005a, 2005b). This set of very different associations is consistent in that they all lie outside the direct scope of the principles of justice and can, therefore, adopt rules according to their particular objectives (Rawls, 2005a, 2005b). All non-political associations may adopt internal principles that are specific to their *raison d'être* and objectives. However, these spheres of freedom are defined by the principles of justice, which may apply indirectly to them (Baehr, 1996; Lloyd, 1995; Rawls, 2005b). Only political associations are excluded from this Rawlsian concept of non-political association, as they are components of the basic political freedoms that are subjected to the exceptional requirement of fair value.⁶ All other associations are defined in opposition to the basic structure of society and principles of justice as a black mirror of political justice.

The problem, however, is that such a general category is untenable. These various associations are voluntary to different degrees, with different aims, functions, and dominant modes of relation. They do not have the same relationship with the two moral powers, and cannot be regulated by the same unique principle. The tension is particularly manifested in the opposition between this all-encompassing category and the justification of freedom of association as a basic liberty, strictly conceived as an institutional condition for freedom of conscience. There is an apparent gap between Rawls' inclusive concept of association and the basic status of freedom of association. While the category of non-political association includes, among others, national communities and economic associations, Political Liberalism provides us with a limited justification of freedom of association as an institutional condition for conscience that excludes most of these non-political associations. This theoretical leap is abrupt and, more importantly, remains ambiguous regarding which kinds of non-political association can fall under this categorisation. The only certainty is that non-political associations in general, and economic

⁶ Despite the few variations in Rawls' specifications of the proviso, it is possible to define it as a 'fair opportunity to take part in and to influence the political process'. (Rawls, 2005a, p. 225).

associations in particular, cannot qualify as institutional conditions for conscience; otherwise, the principles of justice would lose all substance and the whole body of justice as fairness would be put in question. The few theorists who have taken an interest in the status of freedom of association in justice as fairness have been challenged by this theoretical leap and the resulting duality, leading some of them to question the basic status of freedom of association due to the lack of a single regulative principle for different associations (De Marneffe, 1998). Others, however, have referred to a ‘complex’ sort of freedom at the intersection between personal and economic liberties, part of which are subject to the first principle of justice and the rest to the second (Kordana & Tabachnick, 2008).

Based on the ambiguities Rawls leaves regarding the precise scope of freedom of association and the perimeter of the basic structure of society,⁷ many authors have attempted to extend the scope of the principles of justice to private law (Blanc and Al-Amoudi, 2013) to include specific forms of associations in the basic structure of society. They have attempted to show, with varying degrees of success, that the following categories ought to be included: families (McClain, 2004; Okin, 1994, 2008), non-profit associations (Fischer, 1997), organisations (Herzog, 2018), businesses (McMahon, 1994; O’Neill, 2008), large corporations (Norman, 2015), unions (White, 1998), and workplaces (Landemore & Ferreras, 2016). Fundamentally, from a Rawlsian perspective (and yet beyond Rawls’ words), these different associations have different relations to the two moral powers and, thus, must be treated accordingly regarding the principles of political justice. In this respect, some are basic liberties while others are not. Nevertheless, comments and discussions on the non-political freedom of association have always focused on the limit cases of the concept, mainly on family and economic relations. The main approach is to identify a borderline case—for example, a sexist family (Edenberg, 2018; Okin 1994), a union that pursues a conception of the good life (White, 1998), a non-profit association with deliberative functions (Fischer, 1997)—and examine its impact on justice as fairness. My approach—complementary and opposite to this—tries to identify a neglected category of association, namely social association. Unlike a family, trade

⁷ The basic structure of society can be defined as the location of justice—the main institutions that distribute the benefits and burdens of social life. It includes the political constitution, legal system, economy, family, etc.

union, or an association with political or economic functions, there is no doubt that social associations—as I define them—are not part of the basic structure of society and, therefore, not directly subject to the principles of justice. As voluntary, secondary associations without the function of mediation with the state or market, they capture the very heart of Rawls' idea of non-political associations; they must, therefore, be free to organise themselves voluntarily according to their own objectives and interests, independently from the principles of justice. Social associations are certainly not the only associations to be included in the basic freedom of association. Some economic associations or families may prove to be associations that ought to be subject to the first or second principle of justice, while other examples in the same categories may not. It is not my purpose to discuss all these complex cases to establish a coherent conception of this freedom. Nevertheless, social associations have the merit, by their very definition and nature, of being unquestionably excluded from the basic structure of society and direct application of the principles of justice. Yet, as Rawls often reiterated, this does not mean that their members' individual rights are not protected by those same principles (Rawls, 2005b). Thus, the rights of the members of social associations are indisputably, and reciprocally, part of the basic freedom of association, subject to the first principle of justice. Here come the individual rights of the associations' members, thought in terms of liberties and primary goods—that is, in terms of liberal social justice.

Henceforth, I will refer exclusively to this idea of freedom of social association while assessing the role of freedom of association with respect to political liberalism and the two moral powers. However, the idea of social association does not play any justificatory function at the heart of Rawls' theory: in the original position, the parties do not need the idea of social association to adopt freedom of association as a basic liberty. My theoretical expedient allows me to see more clearly the individual rights at the heart of the associative relation included in the basic freedom of association—a relation which is devoid of any ambiguity about the association's voluntary nature, any implication in terms of economic and political opportunities, and any complication that arguably gets in the way of a liberal paradigm on freedom of association. For a universal principle of non-political association and the discussion on its case limits, I highlight the core of the value of associative relations. In this sense, the value of

freedom of social association is the value of freedom of association itself, yet without the complications any particular example generates. Beyond the debates on the voluntary or involuntary nature of the family, beyond the right to exclude by expressive associations, and beyond the redistributive functions of trade unions, the associative relation has something significant and yet poorly considered. The main loss in this messy discussion on different types of association is the simple value that associations have for individuals' self-respect and ability to pursue their conception of a good life.

In the continuity of Tocqueville's pioneering work (De Tocqueville, 2010), there is an abundant and growing literature on the political dimension of associational life. Many studies have shown that associations contribute to the strengthening of the capacity of resistance to the government (Diamond, 1999; Ignatieff, 1995), have important formative effects on individuals' virtues and civic skills (Putnam, et al., 1994; Warren, 2001; Verba et al., 1955), contribute to increasing the quality and equality of the representation of the interests (Berry, 1999; Hirst, 2013; Ignatieff, 1995), and provide important inputs to public deliberation (Cohen & Arato, 1994; Fung, 2003; Habermas, 1991). Most of these authors insist that some types of association are better suited than others to advance specific democratic contributions and that they are "not all mutually consonant with one another" (Warren, 2001, p. 206). The optimal configuration relates to the equilibrium between different contributions of different types of association, and depends on the specific political context and the democratic ideal adopted (Fung, 2003). Attempts to systematise different kinds of association are fine-grained in this rich literature on the democratic functions of association. Warren's works are exemplary in this regard, and introduced distinctions between the nature (voluntary and non-voluntary), institutionalisation (structured and non-structured), degree (primary, secondary, tertiary), and functions (social, economic, political) of different kinds of associations (Warren, 2001). Such research did not find any parallel effort in the literature on social justice, as all main works presuppose the existence of a general category of non-political association and show themselves as poorly informed on the latest advancements in the theories of democracy. Thus, I will rely on the conceptualisations from the theories of democracy to focus on the value of social associations for liberal political justice. These associations do not play any tangible role for democracy or distribution and, therefore, are of

little concern to the theorists of democracy. However, this is no reason to undermine their importance with respect to political liberalism. The main idea of this study is that social associations have a fundamental value for political justice independent of such collective functions.

Social associations are primarily voluntary and organised. They are organised because they are based on common rules and goals shared by their members and voluntary because they are based on free membership, as stated by the fact that their members have the possibility to leave without any coercive constraint (Laborde, 2017). The requirement for a formal structure, whether legally recognised or not, is the basis for a rational organisation that makes it possible to pursue such common goals. Whether Martina's association aims "at practicing a sport, solving a problem of the neighbourhood, defending an economic interest or campaigning for the environmental protection, the groups are established around a specific and common objective" (Warren, 2001). Achieving these diverse collective purposes requires rules and minimal decision-making systems (Cole, 1920). We can distinguish associations from other similar notions as they are the result of an explicit decision (Young, 1992). Associations are, thus, distinguished from social groups, such as racial, ethnic, class, or gender groups, which—although socially produced—are not the result of distinctive interests and explicit decisions (Mitnick, 2018; Young, 1992).

Social associations are also secondary as they are based on non-intimate personal connections (Everingham, 2018). Associations which are voluntarily organised around a specific objective and regulated by organisational rules would be nothing without the people who constitute them. These individuals are connected by interactions and attachments that vary strongly from one association to another. If Martina is a passive member of the national association of Greenpeace, she will not develop the same relationship with other members than if, for instance, she participates actively in her local neighbourhood association. The literature identifies three kinds of association based on the degree of relationship between members (Cohen & Rogers, 1992; Gutmann, 1998; Warren, 2001). Primary associations constitute "intimate associations" that are created with the intimacy between relatives or friends, take place among family members, friends, and acquaintances, and "can exist for their own sake, and they

are distinguished by their interactions, persistence and comprehensiveness” (Brownlee, 2015, p. 269).⁸ They are not always voluntary, and it can be costly to leave them. In contrast, secondary associations are not pervasive and comprehensive, but are based on personal connections and repeated interactions that create close social attachments among members (Everingham, 2018; Putnam, 2001; Putnam et al., 1994; Warren 2001). Tertiary associations offer neither comprehensive and pervasive affiliations, nor regular personal connections, but only symbolic forms of identification (Everingham, 2018). They require the "bare minimum to be part of the group”, which means that members can identify with the group without active participation (Everingham, 2018, p. 293). Therefore, social associations are neither based on intimate and comprehensive relationships which are not easy to leave nor on distant and depersonalised membership (Warren, 2001; Putnam et al., 1994). They are, thus, distinct from both the family and public (Dewey & Rogers, 2012).

Finally, social associations are social. There are many secondary voluntary associations formally organised around specific objectives and based on regular personal connections: local parties, neighbourhood associations, sections of unions, sports clubs, small non-governmental organisations, and parishes. The category of social association specifically includes those secondary associations that do not have a mediating function with the state or market, as opposed to political and trade union associations. This does not mean that social associations have no political or economic dimensions at all, and Martina's association may well develop a "solidarity fund", whose aim is to provide financial aid to those who need it the most, it may well recommend voting for a candidate in a local election, it remains a social association as far as it does not take part in the regulation of the market or the state and that power and money are not central to its cohesion. I understand the mediating function through Parsons’ idea of operative organisations, having distinct modes of operation, but being active in various institutional fields.⁹

⁸ Other distinguishing features of intimate associations are derived from such characteristics, ‘smallness, selectivity, and seclusion’ (Brownlee, 2015, p. 270)

⁹ According to Parsons, three types of operative organisation characterise the process of differentiation in modern societies, each with distinctive modes of operation and normative criteria: bureaucracy, market and associational relation (Parsons, 1971). These three general means of organising societies refer to three different media (power, money, and influence) and institutional domains (state, economy, and civil society). In Parsons’ account, each institutional domain has its own dominant mode of organisation, but an institution can have several modes (Warren, 2001).

Associational relations are part of the relational mode of association but can also occur within the bureaucratic state and market (Warren, 2001). Resultantly, associations exist not only in the institutional field of civil society where they are dominant, but also in the market and state. Here the generic idea of non-political associations makes sense. Political parties, for instance, are voluntary associations based on associative relationships, which aim to use power to influence the bureaucratic state. Thus, I understand mediation as the fact, for an associational relation, to take up residence within an institution that is not itself an association. In this sense, social associations are voluntarily-organised secondary associations that rely purely on the influence of norms for their cohesion and exist only in the institutional field of civil society. They do not play any function of coordination with the economic and political sphere and rely on norms that emerge from the members' interactions (e.g. trust) and/or from their common adhesion to a normative order. Social associations neither claim any form of primacy (Walzer, 1967) nor any authority alternative to the state (Muniz-Fraticelli, 2016). In this sense, they are also distinct from most religious associations—another type of association that relies only on the influence of norms, but in which associative obligations may conflict with the obligations to obey the state (Walzer, 1967). Examples of associations claiming primacy are organised religions, sects, unions, and revolutionary organisations (Delmas, 2015).

I will now re-examine the relationship between freedom of association and the two moral powers deploying the category of social association. This will allow questioning the associative interest in self-respect, without neglecting the possibility of coexistent associative interests within and beyond political liberalism.

2. The Political Value of Social Association

For Rawls, freedom of association has an indirect connection (through conscience) to the first moral power (and not with the second). This is a valid yet weak foundation for a basic liberty, which was omitted in *A Theory of Justice*. In this section, I will challenge those claims, arguing that freedom of social association has i) a direct connection with ii) both moral powers.

I apply the Test of Moral Powers to freedom of social association in examining the status of a basic liberty through its contribution to the two moral powers and their corresponding fundamental interests (Rawls, 2005a; Brennan, 2019). I organise my argument following Rawls’ classical argumentative strategy. For both moral powers, I treat the contribution of freedom of social association in the restricted framework of the original position and in a well-ordered society.¹⁰

MORAL POWERS / LEVEL OF ABSTRACTION	Original Position Strict restrictions on the rational	Well-ordered Society When citizens are moved by reasons of justice
<p>First Moral Power (capacity for the good)</p> <p>The capacity to pursue and revise one’s own view of the good life</p>	<p>Institutional condition for the freedom of conscience</p> <p>?</p>	<p>?</p>
<p>Second Moral Power (capacity for justice)</p> <p>Sense of justice, and the capacity to abide by fair terms of cooperation</p>	<p>?</p>	<p>?</p>

Figure 1. The Test of the Two Moral Powers

¹⁰ Rawls thought of the choice of the principle of justice within a system of representation that set conditions for reasonableness and rationality. The question of adequate development and full exercise of the two moral powers arises in the original position, where the parties have to choose the list of basic liberties with important constraints on the rational and reasonable. In a well-ordered society all citizens accept the same conception of justice, its institutions actually conform to it, and both of these facts are publicly known (Rawls, 2005a).

2.1. The Capacity for the Good

The contribution of freedom of social association to the capacity for the good is uncontested in Rawls' writings. Freedom of conscience and freedom of social association "are to secure the full and informed and effective application of citizen's powers of deliberative reason to their forming, revising, and rationally pursuing a conception of the good over a complete life" (Rawls, 2005b, p. 335). This is because freedom of social association is considered as an institutional condition for freedom of conscience (Rawls, 2005b). Thus understood, the "liberty to associate with other like-minded citizens" is justified within the basic liberties as a condition "required to give effect to liberty of conscience" (Rawls, 2005b, p. 335). Such a characterisation implies that the value of freedom of social association is derived exclusively from freedom of conscience, and that its scope depends on the specification of conscience that prevails. Significant liberal authors have argued in this respect for a restricted understanding of conscience when applied to freedom of association, supporting that the relation between freedom of association and conception of the good should not be exaggerated (White, 1998) and should be narrowly related to the members' identity and integrity (Laborde, 2017).

Nevertheless, Rawls highlights at least two contributions of social associations in *A Theory of Justice* that exceed the instrumental interpretation of freedom of association as a condition for freedom of conscience. First, social associations serve as means to pursue non-political values with like-minded people. *A Theory of Justice* extensively mentions associations as engaged in the pursuit of excellence in art, culture, and science. They lack any direct relation with the right to freedom of conscience. They are likely to be part of some rational plans of life, but are not touched by the great questions about the meaning of life and not central to their members' identity and integrity (Laborde, 2017). However, artistic, cultural, or scientific associations are the foremost examples—from a Rawlsian perspective—of places to strive for excellence that are not constrained in their internal organisation by the principles of justice (Rawls, 2005a). In the case of art and culture, Rawls insists that perfectionism is not a political principle; this is why citizens must pursue the values of excellence and human perfection through the principle of free association (Rawls, 2005a). I take Rawls' examples of social associations in the pursuit of

excellence because he abundantly uses them; however, such reasoning is obviously valid for any conception of the good understood as a rational life plan. Underlying the priority of rights, in contrast to classical moral doctrines, Rawls insists that the parties are moral persons with an equal right to choose their mode of life and, therefore, their delegates likely would not acknowledge a final aim (Rawls, 2005a). In *Goodness as Rationality*, he explains that the conception of the good life includes “the things that are commonly thought of as human goods” if they turn out “to be the ends and activities that have a major place in rational life plan” (Rawls, 2005a, p. 432). Rawls takes the example of someone whose only pleasure is to count blades of grass:

Thus imagine someone whose only pleasure is to count blades of grass in various geometrically shaped areas such as park squares and well-trimmed lawns. He is otherwise intelligent and actually possesses unusual skills, since he manages to survive by solving difficult mathematical problems for a fee. The definition of the good forces us to admit that the good for this man is indeed counting blades of grass, or more accurately, his good is determined by a plan that gives an especially prominent place to this activity (Rawls, 2005a, p. 432).

Is counting blades of grass an act of conscience? Is it central to the participants’ identity and integrity? Is it part of a comprehensive doctrine? Obviously not; Rawls’ conception of the good as rationality extends far beyond. Why then is freedom of association only viewed as an institutional condition for conscience? Many rational life plans are not related to conscience but require the institutional condition to associate with fellow citizens. What would happen, for instance, if counting blades of grass required a complex organisational strategy, implying at least one person on each side of the geometrically-shaped areas? Does it mean that this rational life plan would be less worthy than the individual one? It is hard to understand why the protection of collective conceptions of the good life would be worthy if and only if related to conscience. Political liberalism draws heavily on comprehensive doctrines and, since more recently, on cultural conceptions of the good life; but, everyday goods also give value or meaning to one’s life and can constitute valuable conceptions of the good (Martin, 2017; de Vries, 2020). Owing to Rawls’ conception of goodness as rationality, there must be a substantial freedom of social association that extends beyond his institutional condition for conscience (Rawls, 2005a).

Second, Rawls insists on the contribution of social associations to self-respect. In *Goodness as Rationality*, he explains why self-respect is “perhaps the most important primary good” (Rawls, 2005a, p. 440). He contends that self-respect has two fundamental aspects: one’s sense of one’s own value and the confidence in one’s ability (Rawls 2005a; Wall, 2006). Following Rawls, we can assume that social associations contribute to both these aspects. Associations provide a place for the individual “within which the activities that are rational for him are publicly affirmed by others” and where he can develop associative ties that “reduce the likelihood of failure and to provide support against the sense of self-doubt when mishaps occur” (Rawls, 2005a, pp. 441–442). Rawls explains the social circumstances of self-respect (Stark, 2012) with the fact that human activities follow the Aristotelian principle of specialisation, and the corresponding effect influences “the extent to which others confirm and take pleasure in what we do” (Rawls, 2005a, p. 440). Social associations foster members’ sense of their own value, but also its validation by others “who are likewise esteemed” and enhance confidence in their own abilities (Rawls, 2005a, p. 440). In Cordelli’s words, “membership within an association may generate the self-confidence that comes with having our projects recognized by others who share a similar conception of the good” (Cordelli, 2015, p. 86).

Thus, excellence and self-respect are two grounds—independent of the institutional role that freedom of social association plays concerning freedom of conscience—to value social associations in virtue of their capacity to form, pursue, and revise one’s conception of the good life. Freedom of social association contributes to the pursuit of various non-political goods, as it does for excellence. In doing so, individuals develop a sense of their own value confirmed by others, which is necessary for the pursuit of any rational life plan. Resultantly, freedom of social association contributes directly to the capacity for the good from the point of view of the original position, under strict restrictions on the rational, and not as an institutional condition for conscience alone.

Additionally, and accordingly, at the level of a well-ordered society, Rawls conceives social associations as a source of the definite good—a concrete and effective means to pursue non-political aims, fitting individuals’ particular aspirations and talents. As a rational agent

capable of ordering ends, social associations are an essential means to pursue a particular conception of the good. They may “simplify decision by offering definite ideals and forms of life” (Rawls, 2005a, p. 212) which, for some, “have been developed and tested by innumerable individuals, sometimes for generations” (Rawls, 2005a, p. 212). In a well-ordered society, social associations seeking excellence and advancing the arts, sciences, and culture have no claim to social resources, which must “be won as a fair return for services rendered, or from such voluntary contributions as citizens wish to make” (Rawls, 2005a, pp. 328–329). Finally, regarding self-respect, there are a variety of forms of association in a well-ordered society that can fit the aspirations and talents of individuals and citizens to find “at least a particular community where a sense of their own value can flourish” (Rawls, 2005a, pp. 441–442).

2.2. The Capacity for a Sense of Justice

Social associations also contribute to the stability of a well-ordered society regarding the acquisition and maintenance of a sense of justice (Edenberg, 2018). While the acquisition of a sense of justice - the acquisition of the willingness to respect fair terms of cooperation - is explained by Rawls by the morality of association, the maintenance of a sense of justice - the possibility of maintaining one’s allegiance to the principles of justice under condition of deep pluralism - is explained by Rawls by the idea of an overlapping consensus between comprehensive but reasonable doctrines.¹¹ Social associations play a key role regarding the first issue, and a possible but rather minor role regarding the second.

First, in *A Theory of Justice*, the effective sense of justice takes form through the moralities of the authority, association, and principles, which reflect the stages of morality that allow individuals to develop their sensibility to rules, others, mutual trust, and sense of generalised reciprocity (Rawls, 2005a). These stages of moral development foster political virtues necessary to abide by fair terms of co-operation and arouse natural feelings to conform. They explain how

¹¹ Rawls refers to the idea of an "overlapping consensus" to describe how different comprehensive doctrines (as systems of religion, political ideology, or morality) with different conceptions of the good and of what counts as a life worth living can however agree on particular principles of justice that underwrite basic social institutions (Rawls, 2005b).

citizens acquire a sense of justice. Here, Rawls clearly suggests—for the only time in his writings—that the virtues of co-operation are developed in varying degrees according to the different types of association at stake. He underlines that there are more or less complex forms of morality of association according "to the context of the aims and purpose of the association to which the role or position in question belongs" and affirms that the morality of association "covers a wide range of cases depending on the association in question" (Rawls, 2005a, p. 471). He, however, only states that these variations are "presumably explained" by the type of association, and never takes into account the different relations between different associations and the sense of justice.

The morality of association, like other stages of moral development, is a matter of degree. While the simplest forms are closely tied to the morality of authority and familial structure, the more complex ones are very close to the morality of principles. Rawls contends that the first step consists in learning that others have different tasks to fulfil depending on their place in the cooperative scheme. Second, the individual develops the intention to "live up to his duties and obligations" and a "feeling of reciprocity" arises between individuals (Rawls, 2005a, p. 470). Finally, Rawls highlights that, in the last stage of the morality of association, the conduct of others in doing their part is taken to be "at the advantage of each" and the attachment to "our fellow associate" widens to the "social arrangement generally" (Rawls, 2005a, p. 470). Even if we single out the family—a part of the morality of authority—there is little doubt that different types of association are located at different positions in the continuum of the morality of association. At the first stage, associations do not need to be voluntary to allow the individual to learn how to see things from others' perspective and "that others have different things to do depending upon their place in the cooperative scheme" (Rawls, 2005a, p. 468). There is no doubt that involuntary associations, or even a patriarchal family, can fulfil this first step (Rawls, 2005a). By contrast, in the last stage of the morality of association, all members "benefit and know that they benefit from its activities, the conduct of others in doing their part is taken to be at the advantage of each" (Rawls, 2005a, p. 471). This refers to what the literature on social

capital calls the norm of generalised reciprocity (Putnam, 2001, pp. 20–21).¹² Here, involuntary associations, such as the parent-child relationship are no longer the benchmark. This stage of morality requires a further step in the development of a feeling of mutual reciprocity, namely those norms and ethical empathy that are only possible in voluntary associations (Warren, 2001). The rise of a feeling of generalised reciprocity also requires the development of a form of social trust that individuals can neither practice in associations based on specific reciprocity (e.g. friendship) nor in associations based on distant memberships (e.g. contribution to a NGO). Now, I have defined social associations as voluntary organised associations based on secondary connections and associative ties, relying predominantly on the influence of norms between members. They have the potential to contribute to a sense of generalised reciprocity in a way in which other voluntary associations, such as interest groups, commercial associations, or intimate associations, cannot (Wall, 2006) because they are based on freely agreed mutual obligations and use persuasion to bring about desired outcomes. They constitute as such formal structures of voluntary cooperation relying neither on reward/punishment (power, money), nor on affective ties, but on social norms (Warren, 2001). By contrast, non-social associations, such as Unions, religious associations, or political parties tend to be organised around institutional structures of authority and the distribution of economic, spiritual or political opportunities. Resultantly, the co-operative virtues, which characterise the morality of association, are not equally developed in all types of association. More complex forms of the morality of association, where generalised reciprocity can arise, are—by definition—best served by associations that are fully voluntary and predominantly social.

Second, there are two additional contributions of associations to the maintenance of a well-ordered society. If these contributions are not specific to social associations, they deserve to be noted as a general contribution of associations to political justice. First, to maintain social justice stably, "excusable general envy" should not arise (Rawls, 2005a, p. 537) and the variability of men's prospects, as allowed by the principles of justice, should not be too visible. Rawls thought that a plurality of associations would contribute to this by reducing the visibility of those

¹² As the ultimate degree of norms arising from networks, generalised reciprocity implies that "I'll do this for you without expecting anything specific back from you, in the confident expectation that someone else will do something for me down the road" (Putnam, 2001, pp. 20–21).

prospects, thus lowering envy among them (Rawls, 2005a). This led him to speak of associations as "non-comparing groups" (Rawls, 2005a, p. 537). Second, the deep theoretical turn Rawls proposed in *Political Liberalism* has had some impact on views of what social associations can do for the maintenance of political justice in a well-ordered society. Discussions and justifications that take place within social associations are not part of public reason, which applies to associations alone when they engage in political advocacy in public forum (Rawls, 2005b). Nonetheless, providing that incompatible yet reasonable comprehensive doctrines may coexist over time in a stable and just society of free and equal citizens, associations that provide a definite conception of the good from generation to generation allow individuals to acquire their own conception of the good via their comprehensive doctrine; in a just and stable society, they are places in which consensus is rooted (Rawls, 2005b, p. 432). Rawls (2005b, pp. 389–390) wrote,

The doctrines that different associations hold and propagate – as examples, think of religious associations of all kinds – play a basic social role in making public justification possible. This is how citizens may acquire their comprehensive doctrines. (...) The consensus of these doctrines is importantly rooted in the character of various associations and this is a basic fact about the political sociology of a democratic regime - crucial in providing a deep and enduring basis for social unity.

This argument is obviously not specific to social associations, and apparently not valid for all of them, but only to those that offer a determinate conception of the good across generations. From this perspective, organised religions with a reasonable comprehensive doctrine are certainly more important to make public justification possible than social associations.

From the original position, one implication of Rawls' theoretical frame is that the parties cannot invoke an effective sense of justice as part of a person's determinate conception of the good (Rawls, 2005a). The question of adequate development and full exercise of the two moral powers arises in the original position, where the parties have to choose the list of basic liberties with important constraints on the rational and reasonable. The sense of justice that can only make sense through the necessity of a just and stable scheme of co-operation to pursue a conception of the good and the fundamental importance of the two moral powers for self-respect (Rawls,

2005a). As explains Rawls, “citizens are moved by reasons of justice as such, but the parties as rational autonomous representatives are not” (Rawls, 2005b, p. 316).

However, the sense of justice can make sense, in the original position, through the necessity of a just and stable scheme of co-operation by allowing the pursuing of a definite but unknown conception of the good. And according to Rawls, without self-respect, “nothing may seem worth doing or if some things have value for us, we lack the will to strive for them. All desire and activity become empty and vain, and we sink into apathy and cynicism” (Rawls, 2005a, p. 31). A lack of self-respect not only affects our capacity for one’s conception of the good, but also undermines our capacity for a sense of justice, the “self-regarding part” of self-respect (Schemmel, 2018, p. 635). Thus, for Rawls, at the highest level of abstraction, freedom of association is essential to our sense of self-respect which, in turn, is crucial to hold the capacity for a conception of the good and the capacity for a sense of justice. I will explore further this relation in Section III.

2.3. The Test of The Two Moral Powers

Rawls contends that freedom of social association is a basic liberty in virtue of being an institutional condition for freedom of conscience, holding a special but indirect relation with the capacity to pursue and revise our conception of the good life. This statement, however, is not coherent with the whole theoretical structure of justice as fairness; and in Rawls’ writings, the definition of one’s conception of the good exceeds conscience and includes “ends and activities that have a major place in rational life plan” (Rawls, 2005b, p. 432). This statement, moreover, overlooks the fundamental relation between social associations and self-respect, a necessary condition for persons’ development and application of the two moral powers. It is also not coherent with various passages where Rawls directly or indirectly points to associations in the explanation of how citizens acquire and are moved by reasons of justice.

The following table summarises the role and contribution of social associations to a political conception of justice.

MORAL POWERS/LEVEL OF ABSTRACTION	Original Position Strict restrictions on the rational	Well-ordered Society When citizens are moved by reasons of justice
<p>First Moral Power (capacity for the good)</p> <p>The capacity to pursue and revise one’s own view of the good life</p>	<p><u>Institutional condition for the freedom of conscience</u></p> <p>Pursuit of excellence and other non-political goods</p> <p>Development of self-respect, sense of one’s own value, self-confidence</p>	<p>Providing definite conceptions of the good</p> <p>Sustaining the exchange branch and various networks for excellence</p>
<p>Second Moral Power (capacity for justice)</p> <p>Sense of justice, and the capacity to abide by fair terms of cooperation</p>	<p>The capacity to act upon shared principles (advancing a determinate conception of the good; self-respect)</p>	<p>Seeing from others’ perspective, developing specific reciprocity and generalised reciprocity</p> <p>Creating non-comparing groups and reducing the visibility of men’s prospect</p> <p>Rooting the overlapping consensus within comprehensive doctrines</p>

Figure 2. The Contributions of Social Associations to Political Justice

Some of the contributions of social associations to the two moral powers are relevant and accessible to the parties in the original position, while others are not. This is not the case of morality of association. The effective development of a sense of justice through the process of learning, co-operation, and reciprocity within associations depends on psychological and empirical assumptions and is, thus, uncertain and inaccessible in the original position. The contribution of social associations to an effective sense of justice depends on the definite conceptions of the good life that citizens effectively hold, type of association in which citizens effectively participate (or not), specific position that they occupy, and actual contexts in which

they are set (Fung, 2003; Rosenblum, 1998). Some social associations certainly foster bonds of trust and feeling of reciprocity between their members. However, it is possible that many others, in particular contexts, foster a sense of exclusion towards non-members and their related sense of marginalisation (Leonard, 2004; Pillai et al., 2017). From this perspective, among the many contributions of freedom of social association to social justice that I have identified, self-respect is incontestably the most important and most relevant.

3. Social Association and the Social Bases of Self-Respect

The fact that freedom of association has an evident connection with self-respect is widely acknowledged (Cordelli, 2015; Eyal, 2005). Nonetheless, if Rawls makes clear that to retain self-respect individuals need at least one or more associations, he never called to reasons grounded in self-respect for the narrow purpose of justifying the status of freedom of association. On the one hand, the (contested) basic statute of basic liberty, as explicitly justified in Rawls' terms, is only incontestably valid for associations that are specified as institutional conditions for freedom of conscience and thus includes a very small part of many types of associations and rights that fall under the category of non-political associations. On the other hand, the connection between freedom of association and self-respect is never put in relation with the various ways in which different associations may generate or retain self-respect. This is the normative cost of adopting an all-encompassing category of non-political associations while defining freedom of conscience narrowly as the foundation for the basic status of the freedom of association. This is the reason why some authors have questioned the basic status of the freedom of non-political association (De Marneffe, 1998; Kordana & Tabachnick, 2008), while others have followed a narrow justification for the freedom of association as an institutional condition for conscience (Laborde, 2017; White, 1998).

More importantly for my argument, Rawls establishes no link between the associative interest in self-respect and the fundamental issue of the social bases of self-respect, the features of institutions that are necessary to enable people to have the confidence they need to exercise

their two moral powers. In fact, Rawls and political liberals are committed to the idea that equal liberties and the fair value of political liberties are particularly important for the social bases of self-respect (Krishnamurthy, 2012, 2013; Queralt & González-Ricoy, 2021). Thus, while political liberals treat non-political associations as a unified category and emphasise its special relationship with self-respect, they focus on equal citizenship and political liberties as the locus of the social bases of self-respect (Schemmel, 2019). As a result, the relationship between self-respect and (various types of) non-political associations is not appreciated by political liberalism for its normative implications for the social bases of self-respect (Cordelli, 2015; Schemmel, 2011, 2019). The criticisms expressed so far about the exclusive relationship between the social bases of self-respect and equal citizenship have focused on the protective function of particular type of associations (e.g. self-help associations) for self-respect (Schemmel, 2019) as regards potential threats to self-respect, as subordination, marginalisation and exclusion (Anderson & Honneth, 2005). By contrast, my argument points to the non-statutory features of the social bases of self-respect, which are required to enable people to have the confidence that “their conception of the good is worth pursuing and achievable by themselves” (Freeman, 1996, p. 12), and emphasises the importance of having the opportunity to develop mutual appraisal in social associations. It puts forward the liberty to form social associations as generating the circumstances in which individuals see their achievements, deeds, endeavours, and conceptions appraised and supports it as a feature of the institutions required by the social bases of self-respect to afford citizens the confidence that their conception of the good is worthy and that they can pursue and achieve it by their own.

All types of associations, whether intimate or distant or for a social or economic purpose, may generate self-respect as a secure conviction of one’s own worth. Nevertheless, non-political associations are based on very different types of standards, relationships, and memberships, and have different relations with self-respect and its social bases. Not all non-political associations are based on regular interpersonal relationships that can generate mutual appraisal (e.g. membership in a distant NGO). Not all non-political associations can be left at a reasonable cost (e.g. quitting a job or severing filial bonds). Not all non-political associations rely on pure associational relationships and undemanding standards based on the influence of norms (e.g. for-

profit corporations). Not all non-political associations are formal enough and organised to see their social conditions of exercise supported by liberal institutions (e.g. friendship). Not all non-political associations are disconnected enough from market opportunities and political positions to see their creation being supported by public authorities (e.g. unions, political parties). Yet, as a paradigmatic category, I defined social associations as based on organised, voluntary, and interpersonal relationships and relying exclusively on the influence of norms for their cohesion.

Regarding self-respect, the category of social association refers to associations that are voluntary, in that their individual members can leave at no excessive cost. This voluntary feature of social associations ensures that the standards employed within particular associations are adequate and suit the members' needs and that the members fully accept these standards (McKinnon, 2000). Martina may live in a family or have a job that may be harmful to her sense of worth without any meaningful alternative to exit. However, she may be less likely in her free time to voluntarily and freely participate in a social association that may have such negative effects on her sense of her worth. Second, social associations, as secondary associations, are also defined as being based on regular interpersonal relationships that serve as the very precondition for any substantial mutual appraisal among individuals. Martina can be a passive member of Greenpeace without being personally involved in interpersonal relationships and this distant membership can certainly contribute to her normative identity (and sense of status), but is less likely to generate mutual appraisal between Martina and other members. Third, because they are based on purely associative relations whose means solely rely on communication, social interactions, and member compliance with a normative order for their cohesion, voluntary associations are well-placed to foster trust and reciprocity. Moreover, associates in social associations may adopt various standards based on achievements and deeds and on mere endeavours, ideals, and beliefs that are mutually recognised as valuable, which constitute alternatives to more competitive standards based on power or money, as in electoral wins or profits (Shiffrin, 2005). The range of possible criteria and standards is incontestably far wider for a social association than for a corporation seeking profits and adopting highly selective standards based on competitive market qualities.

Regarding the social bases of standard self-respect, the category of social association occupies a special place because it is harmless for the distribution of socioeconomic and political opportunities to non-members and because it depends on legal and social conditions on which institutions may effectively intervene. First, social associations rely purely on the influence of norms for their cohesion and the only primary good affected by social associations is self-respect itself, which is a good that is not reduced for some by the use of others (Cordelli, 2015). In contrast, assuring Martina an effective and roughly equal opportunity to access a job or an elected position would have an influence on the distribution of social primary goods, such as income and wealth or political influence, and would not go without consequences on the liberties and rights of others. Second, social associations depend on specific legal and social conditions into which institutions may intervene. They are formally organised through formal rules and memberships in a manner that makes them dependent on legal and institutional arrangements, and are based on intermediate relationships that operate at the “common collective action” (Warren, 2001, p. 57). They rely on structural and background conditions that make such collective action possible. While many associative and non-associative activities can increase the self-worth of individuals, such as having a high-status job or owning fancy clothes, I contend that the social conditions for social associations alone can be equalised as a feature of institutions that provides citizens opportunities for mutual appraisal and the confidence of their worth. Resultantly, a right to establish social associations would ensure that all citizens have at least one place where they can enjoy at least a community of interest where they can pursue their conception of the good and develop a sense of self-worth.

As a result, I claim that social associations – because they can be left at a reasonable cost, are based on voluntary and regular interpersonal interactions, are harmless to the rights of others, and depend on legal and social conditions – have a relational configuration that allows them to generate mutual appraisal in such a way that it allows public institutions to take them as a central (but not unique) focus of the social bases of self-respect. Together with the public status of equal citizenship, the right to establish social associations express the social bases of self-respect that are essential for the adequate development of the moral capacities of citizens.

3. Conclusion

My argument highlights the value of a simple and basic form of association, previously drowned in a maze of complex economic, political, religious, and family functions. The value that emerges from this reassessment—self-respect—and the ability to develop and effectively exercise a conception of the good life—whether individual or collective, substantial or futile—are essential to political liberalism. The idea that developing and sharing this conception with others confers a sense for its worth, thus strengthening its pursuit, is a constitutive idea of justice as fairness that continues to be under-appreciated.

I hope to have shown that freedom of association holds a complex relationship with the political conception of justice and relates to the two fundamental cases presented by Rawls. It contributes to the capacity of citizens to pursue collective conceptions of the good with like-minded people and to develop a sense of justice and a willingness to respect fair terms of cooperation. In associations, citizens develop a sense of self-worth and find a place where they see the activities that are rational for them being respected and publicly affirmed by others. In this light, I argued that the certainty of enjoying the social conditions to seek such mutual appraisal serves as social bases of self-respect. In ensuring a substantial right to establish social associations, institutions would express with an additional force the idea that each reasonable conception of the good is as worthy as any other and that all citizens have the actual ability to pursue, revise and achieve their conception of the good themselves.

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