

ESTABLISHING A POLITICAL CLAIM TO LEISURE

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Thesis submitted in partial fulfilment of the requirements for the degree of
DPhil in Politics in the Department of Politics and International Relations at
the University of Oxford

APRIL 2024
99803 WORDS

ABSTRACT

From operating public parks to hosting sporting events, liberal states frequently legislate on leisure. Despite this, liberal political theorists rarely consider what leisure is, why it is important, or when state initiatives dedicated towards leisure are justified. Insofar as they do, they generally think about leisure in terms of free time, providing only a limited resource for answering many of the important questions surrounding leisure. This thesis defends a claim to a more demanding notion of leisure – the condition of performing activities chosen as ends in themselves.

The thesis establishes the claim to leisure over three parts. In the first part, it develops this more demanding notion of leisure by drawing upon the thought of Aristotle and Marx. It argues that placing this notion at the centre of a normative inquiry into a claim to leisure – ahead of free time – allows the theorist to uncover the reasons that leisure might be important and when state policies dedicated towards leisure might be justified. In the second part, it establishes that citizens of the liberal state have a claim to leisure as a matter of justice through the capability for leisure. This involves endorsing a liberal theory that accommodates capabilities, which I call Nussbaumian liberalism, ahead of more popular forms of liberalism that tend to suit arguments made for free time. In the final part, it asks how this capability ought to be satisfied. The answer depends upon the circumstances, but in all scenarios, leisure requires giving people free time *and* other things, and in current liberal societies, it requires the state to supply a range of leisure goods far beyond what political theorists (including free time advocates) have previously argued for. In the process, the thesis provides much-needed normative guidance for judging and directing the leisure policies of liberal states.

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ACKNOWLEDGEMENTS

Writing this thesis has been both a challenge and a delight. Many helped me to surmount the challenge and contributed to making it a delight. I am grateful to all of them.

I should begin by acknowledging David Axelsen, Matteo Bonotti, Pete Dorey, Graeme Garrard, Graeme's Freud impressions and *Simpsons* references, and Michael Otsuka. Without their influence earlier in my studies, I doubt I would have ever taken a DPhil on.

For comments on individual or multiple chapters of the thesis, I am indebted to Shai Agmon, Rufaida Al Hashmi, Geertje Bol, Shuk Ying Chan, Rob Cheah, Becky Clarke, Jamie Draper, Gideon Elford, Jasper Friedrich, Johann Go, Zack Grant, Luca Hemmerich, Theo Hickfang, Przemysław Karpisz, Des King, Max Klinger, Elsa Kugelberg, Orlando Lazar, Ruairi Maguire, David Miller, Johnny Neaverson, Dai Oba, Temi Ogunye, Zeynep Pamuk, Tom Parr, Charlie Richards, Zofia Stemplowska, Collis Tahzib, Tony Taylor, Stuart White, and Jo Wolff. Several draft chapters were presented at seminars in Oxford, with further drafts presented at conferences in Braga and St Andrews – thanks to all of those who attended.

Throughout the thesis, many of my friends provided a great deal of support and bought me quite a lot of drinks. They include John de Bhal, Sam “The Mop” Boulton, Anthony Castagnetti, Hannah Davies, Harry Dear, Issy Duffield, Sam Fares, Victoria Gierok, Alice Lane, Amita Mistry, Toby Roemer, Jack Scott, Amy Shepherd, Roland Tusz, Al Walker, the inimitable Ryan Walker, and Adam Wedgwood. Of course, my family's unwavering support predates theirs and anybody else's. I feel immensely fortunate to have a family which is encouraging, reliable, and takes an interest in what I do. I appreciate all they have done for me.

Lastly, I am especially grateful to my supervisors, Cécile Laborde and Paul Billingham. Cécile agreed to supervise my project, recognising its potential long before I did. She has always encouraged me to be bold, and I have been greatly influenced by her approach of thinking big and understanding how the many rich and disparate ideas in our field fit together. Paul joined after the first year and – unintentionally, I should emphasise – seemed to bear the brunt of the first drafts. I have valued his patience and generosity with his time, and been challenged by his attention to detail and philosophical rigour. The thesis has benefitted immeasurably from their input. Hopefully, it's a leisurely read!

INTRODUCTION

On the 10th July 2016, having spent the previous three months in solitary confinement falsely accused of espionage by the Iranian state, Nazanin Zaghari-Ratcliffe was given a television to watch. She turned on to see one of her sporting idols, the tennis player Andy Murray, about to win his second Wimbledon title. She was overwhelmed:

They had no idea what they had given me because I was always a big fan of [Andy Murray's] [...] I can't tell you how joyful it was, so I even thought that I'm going to find a way, find a friend of mine who can get me the tickets next year for the final.¹

A couple of months later, Zaghari-Ratcliffe's family were allowed to send books to her, including Anthony Trollope's *Dr Thorne* and Leo Tolstoy's *War and Peace*. She was emotional again:

When the guard opened the door and handed over the books to me, I felt liberated; I could read books, they could take me to another world, and that could transform my life.²

There were no instrumental benefits to Zaghari-Ratcliffe of reading and watching the tennis. They didn't make her healthier or fitter; they didn't make her richer; they didn't bring her any closer to getting out of prison. But in an environment she 'was incapable of making [her] own', they 'salvaged' her, allowing her 'to escape' 'without physically moving'.³ Sport and literature were valuable for their own sake, bringing pleasure, relief, and hope without changing anything about the world around her. In what ended up being six years of

¹ Quoted in William McLennan, 'Nazanin Zaghari-Ratcliffe: Watching Andy Murray from prison was joyful', *BBC News* (28 December 2022) <https://www.bbc.co.uk/news/uk-64074678>.

² Nazanin Zaghari-Ratcliffe, "Escape to another world": Nazanin Zaghari-Ratcliffe on reading in prison', *The Guardian* (27 November 2023) <https://www.theguardian.com/books/2023/nov/27/nazanin-zaghari-ratcliffe-on-reading-in-prison-iran-booker-prize>.

³ Ibid.

incarceration, Zaghari-Ratcliffe's enjoyment of them was as close as she ever got to being *at leisure*: the condition of performing activities chosen as ends in themselves.⁴

Stories like Zaghari-Ratcliffe's of people finding solace in leisure during immense hardship are not unusual. The Imperial War Museum in London has curated a record of Brits enthusiastically recollecting dancing, singing, and going to the cinema during the First World War;⁵ oppressed and discriminated peoples have long turned to art as an outlet of expression. But leisure is not just something that is valuable in hardship. Except for a very small number of ascetics, virtually everybody enjoys being at leisure. People play sports, engage in arts and culture, and cultivate long-term hobbies. For many, leisure is a fundamental pillar of their lives: they are highly invested in their leisure activities, they take time off work and travel long distances to be "at leisure", they participate with family and friends in leisure, and cultivate new relationships too.

Governments seem to recognise this by legislating and investing significant state resources towards enabling people to be at leisure. Most governments try to give people free time by securing statutory holiday leave for workers and issuing working-time directives to cap how long people can spend at work in a week.⁶ They also provide various goods that citizens use during that free time. Governments invest heavily in arts and culture through the nurturing of talent, funding of industry, and operating of arts spaces; they accommodate sports in society by hosting events, providing facilities, and allocating money to community programmes; and they supply a wide range of public goods including public parks, national parks, beaches, footpaths, and other recreational facilities. This often costs the taxpayer a lot of money. According to one estimate, the five Olympic Games held between 2007 and 2016 cost an average of at least \$12 billion per event.⁷ In 2020, the UK Government announced a £1.6 billion Covid-19 bailout package for the country's arts sector; by 2025, the National

⁴ Close because, as we shall see, leisure activities must be chosen in a way Zaghari-Ratcliffe was unable to.

⁵ 'Voices of the First World War: Wartime Leisure and Entertainment', *Imperial War Museum* (date not given)

<https://www.iwm.org.uk/history/voices-of-the-first-world-war-wartime-leisure-and-entertainment>.

⁶ European Commission, 'Working Conditions – Working Time Directive' (2003); UK Government, 'Maximum Weekly Working Hours' (1998).

⁷ Bent Flyvbjerg, Alexander Budzier, and Daniel Lunn, 'Regression to the Tail: Why the Olympics Blow Up', *Environment and Planning* 53, no. 2 (2021): 233–69.

Endowment for the Arts in the United States will have an annual budget of \$210 million.⁸ The economic case for these policies is not always in their favour. For example, there is ‘little evidence’ that hosting an Olympic Games is economically worthwhile in terms of revenue, jobs creation and boosting economic output.⁹ But even when the economic credentials are more promising, state representatives frequently reference the non-monetary value of these kinds of policies. During the pandemic, UK Prime Minister Boris Johnson lauded the idea of allowing cultural and sporting events to be broadcast from behind closed doors to provide a ‘much-needed boost to national morale’.¹⁰ After announcing the UK’s bailout package for the arts, the (then) Chancellor Rishi Sunak referred to the sector as ‘the lifeblood of British culture’, whilst a Presidential Executive Order from 2022 signed by Joe Biden described the arts as ‘the soul of America’.¹¹ Although such justifications do not always appeal to the importance and value of “leisure” *per se*, these policies facilitate it, and it is difficult to believe that the value of leisure is not an implicit motivation in the minds of policymakers some of the time. As signatories to the United Nations Declaration of Human Rights, all major liberal democracies recognise the ‘right to rest and leisure’.¹²

Whilst most liberal governments recognise the value of leisure, modern liberal philosophy rarely does. Liberals do not pay much attention to leisure’s long and rich philosophical history, nor to arguments from contemporary Marxist scholars for an overhaul

⁸ Oliver Dowden, and Rishi Sunak, ‘£1.57 billion investment to protect Britain’s world-class cultural, arts and heritage institutions’, *GOV.UK* (5 July 2020) <https://www.gov.uk/government/news/157-billion-investment-to-protect-britains-world-class-cultural-arts-and-heritage-institutions>; National Endowment for the Arts, ‘Statement by the National Endowment for the Arts on the President’s Fiscal Year 2025 Budget’ (11 March 2024) <https://www.arts.gov/news/press-releases/2024/statement-national-endowment-arts-presidents-fiscal-year-2025-budget#:~:text=At%20the%20NEA%2C%20the%20Budget,Town%2C%20and%20key%20Leadership%20Initiatives>.

⁹ James McBride, and Melissa Manno, ‘The Economics of Hosting the Olympic Games’, *Council on Foreign Relations* (14 December 2021) <https://www.cfr.org/backgrounder/economics-hosting-olympic-games>. See also Flyvbjerg, Budzier, and Lunn, ‘Why the Olympics Blow Up’; Andrew S. Zimbalist, *Circus Maximus: The Economic Gamble Behind Hosting the Olympics and the World Cup* (Washington D.C.: Brookings Institution Press, 2015).

¹⁰ Boris Johnson, ‘Covid-19: Strategy, House of Commons Debate’, *Hansard*, Volume 676 (11 May 2020)

¹¹ Dowden and Sunak, ‘£1.57 billion investment...’; Joseph Biden, ‘Executive Order on Promoting the Arts, the Humanities, and Museum and Library Services’, *The White House* (30 September 2022) <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/09/30/executive-order-on-promoting-the-arts-the-humanities-and-museum-and-library-services/>.

¹² United Nations, ‘Universal Declaration of Human Rights’ (1948) Article 24.

of modern societies' preoccupation with labour.¹³ In recent years, there has been a buoyant rejuvenation of interest among liberal philosophers of what “good” or “just” work involves.¹⁴ Yet, despite leisure's relationship with work as its natural opposite, these thinkers have barely thought about what good or just leisure might be like. Indeed, leisure is sometimes treated as a paradigmatic example of something that is not particularly important from the standpoint of liberal justice.¹⁵

There are some notable exceptions – a group of analytical philosophers who have openly and enthusiastically considered whether people have an entitlement to free time. The flagbearer for this group is Julie Rose, whose argument will be described in more detail shortly, but other advocates include Rutger Claassen, Robert Goodin, Malte Jauch, Michael Walzer, and in briefer remarks, the most influential contemporary liberal philosopher, John Rawls.¹⁶ They argue that, for one reason or another, the amount of free time people have – time away from the wage-labour market, usually in addition to time away from fulfilling other basic needs – is important and should be accounted for in a proper conception of justice. Their work (which except for Rawls's and Walzer's is very recent) marks an important advancement in liberal philosophy's treatment of leisure.

¹³ André Gorz, *Farewell to the Working Class* (London: Pluto Press, 1982); *Paths to Paradise: On the Liberation from Work* (London: Pluto Press, 1985); Nichole Marie Shippen, *Decolonizing Time: Work, Leisure, and Freedom* (New York: Palgrave Macmillan, 2014).

¹⁴ For a random sample, see Keith Breen and Jean-Philippe Deranty (eds.), *The Politics and Ethics of Contemporary Work: Whither Work?* (Abingdon: Routledge, 2022); Raymond Geuss, *A Philosopher Looks at Work* (Cambridge: Cambridge University Press, 2021); Anca Gheaus and Lisa Herzog, 'The Goods of Work (Other Than Money!)', *Journal of Social Philosophy* 41, no. 1 (2016): 70–89; Nien-hê Hsieh, 'Justice at Work: Arguing for Property-Owning Democracy', *Journal of Social Philosophy* 40, no. 3 (2009): 397–411; Russell Muirhead, *Just Work* (Cambridge, Mass.: Harvard University Press, 2004); Beate Roessler, 'Meaningful Work: Arguments from Autonomy', *Journal of Political Philosophy* 20, no. 1 (2012): 71–93; Ruth Yeoman et al. (eds.), *The Oxford Handbook of Meaningful Work* (Oxford: Oxford University Press, 2019).

¹⁵ Alan Patten, *Equal Recognition: The Moral Foundations of Minority Rights* (Princeton, NJ: Princeton University Press, 2014), 136. Robert Simpson and Christopher Wellman (amongst others) in personal interactions.

¹⁶ Rutger Claassen, 'Temporal Autonomy in a Laboring Society', *Inquiry* 55, no. 3 (2012): 543–62; Robert E. Goodin, 'Temporal Justice', *Journal of Social Policy* 39, no. 1 (2010): 1–16; Robert E. Goodin et al., *Discretionary Time: A New Measure of Freedom* (Cambridge: Cambridge University Press, 2008); Malte Jauch, 'Free Time Across the Life Course', *Political Studies* 71, no. 1 (2023): 89–105; John Rawls, *Justice as Fairness: A Restatement*, Edited by Erin Kelly (Cambridge, Mass.: Belknap Press, 2001), 179 (henceforth *JF*); Michael Walzer, *Spheres of Justice* (Oxford: Martin Robertson, 1983), chap. 7.

Nevertheless, if these arguments for free time are treated as arguments *for* leisure, then they present a deficient account of what “justice in leisure” looks like. They do not usually tell us what it is that is valuable about leisure *qua* an end in itself. Free time is generally thought to have instrumental value because it enables people to do all sorts of things at their own discretion. This instrumental value cannot explain why it is that people often commit themselves to leisure activities so deeply or find solace from them during times of hardship. Neither do they offer normative guidance for assessing the breadth of existing or potential state initiatives pertaining to leisure. Free time arguments provide some guidance on state legislation regarding work hours and for social justice causes like ensuring heterosexual couples properly divide household and care work. However, arguing someone has an entitlement to free time does not tell us much about whether the wider bundle of state policies – investment in sports, support for arts and culture, supply of public goods – is normatively justified, nor what these state policies should aim to do or whom they should aim to accommodate. This is particularly problematic because, while inequalities in free time which are unfavourable towards the disadvantaged have eroded over the previous fifty years or so, troubling inequalities in access to leisure activities and facilities between different economic and social groups remain deeply embedded.¹⁷

This thesis addresses these shortcomings. Its central aim is to *establish a political claim to leisure*, with leisure understood as *the condition people are in when performing activities chosen as ends in themselves*. Its central argument is that: 1) political questions relating to leisure must employ a more sophisticated account of leisure than just seeing it as free time; 2) this form of leisure is fundamentally important to people in a way that makes it a matter of justice; 3) states and fellow citizens can only properly fulfil their duties of justice once each citizen is able to be at leisure, which requires free time *and* other facilities and conditions to perform activities chosen as ends in themselves. By making this argument, the thesis supplies a resource for understanding why leisure – as an end in itself – is valuable and what ought to be the goals of

¹⁷ For free time inequality references, see Chapter 8, f4. See also Mark Aguiar and Erik Hurst, *The Increase in Leisure Inequality 1965-2005* (Washington D.C.: AEI Press, 2009). Inequalities in access to leisure activities will be discussed in Part 3. For some evidence, see Kenneth Roberts, ‘Leisure Inequalities, Class Divisions and Social Exclusion in Present-Day Britain’, *Cultural Trends* 13, no. 2 (2004): 57–71; Diego Bogado Tomasiello and Mariana Giannotti, ‘Unfolding Time, Race and Class Inequalities to Access Leisure’, *Environment and Planning. B. Urban Analytics and City Science* 50, no. 4 (2023): 927–41; Andrea Wendt et al., ‘Socioeconomic and Gender Inequalities in Leisure-Time Physical Activity and Access to Public Policies in Brazil From 2013 to 2019’, *Journal of Physical Activity and Health* 18, no. 2 (2021): 1503–10.

state policies dedicated towards supplying leisure. Simultaneously, it ventures into new liberal terrain, outlining a fundamental entitlement that others overlook. Modern liberal philosophy has failed to understand the importance of leisure – this thesis seeks to change that.

I – Chapter outline

The thesis is divided into three parts that broadly trace the three steps of its central argument. Part 1 seeks to develop and defend the adoption of *positive leisure* for the thesis's normative inquiry. Positive leisure is an alternative conceptualisation of leisure to free time. Despite positive leisure's esteemed philosophical ancestry, it has been hidden from view in liberal philosophy as free time has come to dominate contemporary understandings of leisure. Chapter 1 uses what is described as an *archaeological method* to excavate this conceptualisation of leisure from the work of Aristotle and Marx. The chapter then explains why the positive conceptualisation seems to have been buried in favour of the "free time" understanding of leisure.

Chapter 2 turns to arguing that a modernised version of positive leisure should be used for an inquiry into a "political claim" to leisure ahead of the free time view. After explaining the intricacies of positive leisure, it is argued that adopting it ahead of the free time view allows such an inquiry to hone in on why leisure is valuable for its own sake, and to properly be sensitive to why people may have *distinctive* interests in *both* leisure and free time, as well as what those respective interests might need to be accommodated. It lists three things – free time, leisure facilities, and leisure conditions – that people need to be at leisure.

With the conceptual work done, the thesis then turns to the normative argument. Part 2 seeks to establish an abstract claim to leisure. This is not an easy task: many liberals have evaded discussing a claim to positive leisure because it would require them to revise some of their fundamental commitments. The part begins by arguing that some of these fundamental commitments should indeed be revised. Chapter 3 claims that "resourcist" liberal theories associated with the likes of Rawls, Ronald Dworkin, and many free time advocates, misrepresent the relationship between "the right" and "the good". They mistakenly attempt to theorise about justice without an account of human flourishing, and in doing so, fail to ensure citizens have all the things they need to live a flourishing life. The chapter argues in favour of the adoption of an alternative model of liberalism called *Nussbaumian liberalism*. This is an adapted interpretation of the liberal philosophy and capabilities approach of Martha

Nussbaum which embeds a conception of Aristotelian-Marxian human flourishing into its foundational account of justice.

The argument against the dominant resourcist school of liberal theory is continued in Chapter 4, when the most compelling objection to Nussbaumian liberalism, the argument from political liberalism, is confronted. Political liberals, including many resourcists like Rawls, think that a state cannot be legitimate if it explicitly favours some conceptions of the good or ways of life over others. Nussbaumian liberalism looks vulnerable to this charge. The chapter rescues it from this worry by arguing that political liberal concerns ought to be understood as a matter of justice rather than legitimacy. These concerns have a broadly Kantian thrust, meaning Nussbaumian liberalism calls for a balancing of Aristotelian-Marxian concerns around human flourishing (Aristotelian-Marxian dignity) and Kantian commitments to respecting people's moral agency to decide for themselves what a good life looks like (Kantian dignity).

In Chapter 5, it is argued that Nussbaumian liberalism's conception of Aristotelian-Marxian human flourishing, which understands citizens as entitled to ten fundamental "capabilities", ought to include the capability for leisure. It finds four values in leisure, which together make the ability to be at leisure crucial to properly recognising a person's capacity to flourish, and thereby, render access to it a fundamental matter of justice.

In Part 2, the claim to leisure is still theorised at a relatively abstract level. This changes in Part 3 when it is asked how the capability for leisure ought to be satisfied. Chapter 6 considers what distributive principle ought to apply to the claim to leisure. It is argued that each citizen has a "sufficientarian" claim to the things needed for leisure. However, what this sufficientarian claim "comprises" of varies depending upon the circumstances. Under ideal settings (more on that in a moment), the capability for leisure requires judging whether people have enough non-relationally, and can theoretically allow for wide inequalities in access to leisure. Under non-ideal circumstances like those in the real world, sufficientarian leisure is comprised by a sub-principle of broad equality. Inequalities in leisure can affect a person's share of cultural capital, subsequently undermining their exercise of other Nussbaumian capabilities like affiliation and control over one's environment. Broad equality requires that these "meaningful" inequalities are eradicated.

With the distributive principle established, Chapter 7 turns to asking how the capability for leisure ought to be implemented by states under ideal circumstances. At this

point, arguments for free time return. For various reasons, free time advocates might hope that allocating free time will accommodate any claim to a more demanding conception of leisure without explicitly recognising such a claim. It is shown that the strategy they would adopt comes close to accommodating the capability for positive leisure, but ultimately falls short, because without referencing a claim to leisure, the right package of resources for its fulfilment is not guaranteed. The chapter builds upon the skeleton of their strategy, finding that the package of things needed for leisure can be secured once a capability for leisure is explicitly endorsed.

Chapter 8 considers how the capability for leisure ought to be fulfilled in circumstances more closely resembling those people find themselves in today, bearing in mind that the distribution of leisure opportunities must be more equal. Ultimately, it endorses a “universal basic services” approach, which calls for the state to extensively supply leisure public goods in addition to regulating and working with the market to ensure all citizens have broadly equal leisure opportunities. It also argues that this is a more urgent project when it comes to leisure justice than fighting for citizens to have more free time. In the process, the chapter provides much-needed normative guidance for policymakers who, at present, tend to legislate to make leisure activities available in an ad-hoc and haphazard way.

II – A word on methodology

Each part of the thesis has its own introduction which describes the methodological concerns particular to that part. Still, it will be helpful to flag some aspects of the approach at the outset. Although the thesis engages in some historical work early on, its aim is to make practical prescriptions for modern western liberal democracies, so it is primarily a project in contemporary political theory oriented towards that aim. Following Rawls, it begins with a normative understanding of these western liberal democracies as ‘fair system[s] of cooperation’ between ‘free and equal persons’.¹⁸

Analytical theories of justice like Rawls’s tend to idealise to a greater or lesser degree by embedding certain assumptions into their moral inquiry that resemble real-world circumstances more or less closely. The rationale for idealising (or not) is that it allows the theorist to isolate and concentrate upon the factors most relevant for constructing normative principles. Most of the thesis avoids idealising in this way. Whilst Part 1 thinks about the

¹⁸ John Rawls, *A Theory of Justice*, Revised Edition (Cambridge, Mass.: Belknap Press, 1999), xv. Henceforth *TJ*. See also *JF*, 5-8.

appropriate understanding of leisure for a normative inquiry, its work is mainly conceptual, meaning it does not need to specify or assume a level of idealness – it floats unproblematically between a more theoretical and more applied discussion of the notion of leisure. The normative discussion in Part 2 aims to consider justice in an abstract form which approximates the outer limits of what justice entails. Although there will be some reference to ideal theory at points, it is assumed that the broad aim of considering what citizens have a minimal justice claim to can be achieved by theorising abstractly *before* specifying a level of idealisation. The question of how the idealness of circumstances affects citizens' claims then comes into play at the point of *implementation*, when those abstract theories are concretised.¹⁹ In the thesis, this is the job of Part 3, so the distinction between ideal and non-ideal theory is postponed until then.

There remain, however, certain basic conditions that are consistent throughout. Like Rawls, it is assumed that principles of justice must be found that can be applied to a diverse group of citizens who have different conceptions of the good and reasonably disagree about those conceptions of the good.²⁰ And it is assumed that there is some scarcity of resources and territory which leads to competing claims for those resources and territory. Rawls calls these the 'circumstances of justice'.²¹ For him, the circumstances of justice are not so bountiful that competing claims are superfluous, but not so harsh that society inevitably collapses. Whilst unclear with Rawls, it is assumed here that there is *always enough* resources and territory to be shared in a way that is minimally just. Western liberal democracies are now so wealthy and developed that it is reasonable to assume that there is enough to go around for everyone to live a minimally decent life. Competing claims result from the fact that *a)* many people will want to acquire more resources than are required to live a *minimally* decent life, and *b)* at the same time, resources are not so abundant that everyone will live a minimally decent life even if they hold a tiny proportion of the resources. There is enough to go round, but there is not so much going round that it does not matter how resources are distributed.

Western liberal democracies partly owe this wealth to immense advancements in technology over the previous two hundred years. Relatedly, given this is a thesis about leisure – the opposite of work – the thesis might be expected to consider what a claim to leisure

¹⁹ For this kind of approach, see Michael Phillips, 'Reflections on the Transition from Ideal to Non-Ideal Theory', *Noûs* 19, no. 4 (1985): 564.

²⁰ Rawls, *JF*, 33-34.

²¹ Rawls, *TJ*, 109ff.

ought to look like in a post-work society, in which technology is used to accommodate all or most human needs and there is little need for people to work. After all, predictions of the post-work society are commonplace presently.²² In fact, I assume that people will always have to do at least some work, and that like now, some (potentially a growing amount²³) of this work will be unpleasant and much of it will be work people would probably not opt to do in their free time if it wasn't remunerated. There is good reason to think that this is the right assumption.²⁴ Previous predictions about the end of work have never come to fruition, probably because automation tends to shift labour to different points in the production process and new technology creates new industries. That is not to say that some of the normative recommendations of this thesis that come later could not be applied to a post-work society, but simply to declare that I am sceptical that there will be an opportunity to do so in the foreseeable future, so there is little point in tailoring those normative recommendations to that context.

Finally, the thesis employs the familiar approach of 'wide reflective equilibrium' popularised by Rawls.²⁵ This involves moving back and forth between a series of principles – which are a universal and general set of rules – and considered judgements – moral intuitions held with some conviction – until the principles and considered judgements cohere. If a principle and considered judgement clash, then sometimes it will be appropriate to modify the principle. On other occasions, when less sure of the judgement, the judgement may be

²² Caleb Althorpe and Elizabeth Finneron-Burns, 'Productive Justice in the "Post-Work Future"', *Journal of Applied Philosophy*, online first (2024) <https://onlinelibrary.wiley.com/doi/full/10.1111/japp.12711>; Cynthia Estlund, 'What Should We Do After Work? Automation and Employment Law', *Yale Law Journal* 128, no. 2 (2018): 254–326; Carl Benedikt Frey and Michael A. Osborne, 'The Future of Employment: How Susceptible Are Jobs to Computerisation?', *Technological Forecasting and Social Change* 114 (2017): 254–80; Helen Hester and Will Stronge, *Post-Work: What It Is, Why It Matters and How We Get There* (Bloomsbury, forthcoming); Daniel Susskind, *A World Without Work* (Milton Keynes: Allen Lane, 2020).

²³ See Erik Brynjolfsson, Tom Mitchell, and Daniel Rock, 'What Can Machines Learn, and What Does It Mean for Occupations and the Economy?', *AEA Papers and Proceedings* 108, no. 5 (2018): 43–47; Geuss, *A Philosopher Looks at Work*, 137–38; Sharon K. Parker and Gudela Grote, 'Automation, Algorithms, and Beyond: Why Work Design Matters More Than Ever in a Digital World', *Applied Psychology* 71, no. 4 (2022): 1171–1204.

²⁴ The reasons offered here, and others, are excellently articulated by Tom Parr, *Empowering Workers in an Age of Automation* (under contract with Oxford University Press).

²⁵ Rawls, *JF*, 29–32. See also Carl Knight, 'Reflective Equilibrium', in Adrian Blau (ed.) *Methods in Analytical Political Theory* (New York: Cambridge University Press, 2017), 46–64; John Rawls, 'The Independence of Moral Theory', *Proceedings and Addresses of the American Philosophical Association* 48 (1974): 7–10.

revised in favour of the principle which seems otherwise sound enough. It pays to recognise that reflective equilibrium doesn't establish (nor could it) *how considered* a judgement needs to be to hold on to it, or what the threshold is for sacrificing a judgement in favour of a principle. At times, this thesis will attribute more weight to moral intuitions and be more willing to call for the revision of a principle than someone like Rawls would be, but that does not mean that it does not employ reflective equilibrium.

III – The free time view

Rawls's wide reflective equilibrium involves comparing a theory with the most plausible alternative as a proxy for all others.²⁶ In this spirit, the thesis argues for the claim to positive leisure over a claim to free time *qua* leisure, and it argues for the theory of justice the claim to positive leisure fits into, Nussbaumian liberalism, by comparing it with "resourcist" conceptions of justice like Rawls's. The free time view considered here and resourcism are linked, as the argument for free time is primarily tailored to a wider resourcist conception of justice.

It will be helpful to explain the free time view that is the interlocutor throughout the thesis. To lay the foundations for doing so, the wider resourcist conception of justice it complements should be depicted briefly, although it will be explained in much more detail in Chapter 3. In that chapter, it is shown that resourcists prioritise "the right" over "the good": they attempt to establish a just distribution of entitlements without considering what people need to live flourishing lives. This commitment interacts with three features of resourcism: that resourcists tend to begin by theorising in the ideal world; that they mainly theorise about a society's major social institutions; and most importantly for now, that they focus upon the distribution of *resources*, which are all-purpose means people can use for many different things. This contrasts with Nussbaumian liberalism's focus on capabilities, which diverges away from resources to think about justice in terms of "what people are able to be and do". The argument for free time interacts with the resourcist conception of liberalism because it concentrates upon distributing the resource of free time.

The case for free time considered throughout is the one advanced by Julie Rose in her book *Free Time* and in several succeeding papers. Rose's argument is taken as the alternative because it is the most eloquent and exhaustive argument for free time I am aware of. For our

²⁶ Rawls, *JF*, 31.

purposes, I do not think that there are substantial differences between her view and the view of most other free time advocates, but where there is disagreement, Rose's position is the assumed one of the free time view.²⁷

Like this thesis, Rose situates herself in a broadly liberal framework. She begins with a commitment to two assumptions: anti-perfectionism and anti-paternalism.²⁸ The former stipulates that the state should try to remain impartial between the differing conceptions of the good that people disagree about by offering neutral justifications for its policies, rather than appealing to some particular idea of the good life.²⁹ The latter stipulates that the state may not justify policies on the basis that its own judgement about how a person should live their life is 'superior' to that person's.³⁰ Rose does consider whether an argument for a more demanding conception of leisure that is not simply free time could be justified, but she says this would require rolling out leisure as a 'specific good'.³¹ For Rose, specific goods are likely to breach the requirements of anti-perfectionism or anti-paternalism. On this basis, she sets out to consider how an entitlement to leisure *qua* free time can be established by 'reconceptualizing' leisure 'as the resource of free time'.³²

Rose's central contention is that all citizens, as a matter of distributive justice, are entitled to a 'fair share of free time', that is, time away from fulfilling life's basic needs.³³ Basic needs include bodily needs such as sleeping and eating; household needs like cooking and cleaning; and financial needs, which are mainly working in the wage-labour market and things

²⁷ That is not to say there are *no* differences, just that these differences shouldn't influence the normative arguments of the thesis for the most part. Other free time advocates will be referenced on occasion.

²⁸ Julie L. Rose, *Free Time* (Princeton, NJ: Princeton University Press, 2016). Henceforth *FT*.

²⁹ In addition to neutral justifications, following Alan Patten, Rose also says that the liberal state should *treat* conceptions of the good neutrally, so that if one conception of the good benefits from the state (even with neutral justification) then the state must compensate other conceptions of the good in turn. The thesis disregards this element of Rose's theory. To my mind, there are no serious consequences to this – that is, there is nothing that significantly changes about Rose's argument *for free time* if the commitment to neutrality of treatment is abandoned. Nevertheless, in some instances outside of free time debates, neutrality of justification and neutrality of treatment will conflict, so I am hesitant about adopting both of them together. If required to choose one, it makes sense to choose neutrality of justification, as this is more familiar and popular (and to my mind, more compelling). See Patten, *Equal Recognition*, chap. 4; Rose, *FT*, 29-30.

³⁰ Rose, *FT*, 28.

³¹ *Ibid.*, 33-38.

³² *Ibid.*, 37.

³³ *Ibid.*, 1.

like financial paperwork.³⁴ Fulfilling life's basic needs applies both to an individual and her dependants, so time spent tending to the bodily, household or financial needs of children and elderly relatives (among others) is also included. Free time is the time outside of the time one requires to perform these basic needs.

Rose persuasively illustrates that political theorists and economists have been wrong to presume that people can simply substitute material resources for more free time.³⁵ She then utilises what she calls the 'effective freedoms' principle to argue for the resource of free time to be treated as a distinct and necessary component of distributive justice.³⁶ The effective freedoms principle requires that a person has the necessary resources to actually *exercise* a freedom; without those resources, any supposed entitlement to a freedom is only formally established and is not properly fulfilled. Justice then entitles people to a share of free time because it is necessary for *a*) exercising the basic liberties (basic rights), such as freedom of association and political rights like voting and running for office; and *b*) pursuing and revising conceptions of the good, whether they be personal projects, relationships, religious practice, recreational activities, or even more work beyond what a person needs to live.³⁷ On this basis, an entitlement to free time ought to be assumed by or integrated into a wider theory of liberal justice.³⁸

Notwithstanding the many rich smaller arguments peppered throughout the work of Rose and others, there are, I believe, two contributions the argument for free time should be seen as making. The first is that people need certain things to properly exercise their fundamental interests, and free time – as an all-purpose means, or however one wishes to classify it – is one of those things. Liberal theories may disagree about the content or extent of citizens' fundamental interests, but whatever they are, they will demand free time. Therefore, liberals must stop overlooking free time or assuming that it can be substituted for income and wealth, and they should start thinking more carefully about how their views may require awarding citizens with more free time. Rose flags this contribution when she says that the effective freedoms principle which grounds the claim to free time is compatible with a wide range of liberal theories including Rawls's, Dworkin's, Philippe van Parijs's real

³⁴ Ibid., 58.

³⁵ Ibid., 74-85.

³⁶ Ibid., 69ff.

³⁷ Ibid., 43-45, 71, 73-74.

³⁸ Ibid., 85, 130.

libertarianism, Cécile Fabre's theory of social rights, and Elizabeth Anderson's defence of democratic (or relational) equality.³⁹

The second contribution is one more particular to the resourcist school of liberal theory associated with the likes of Rawls and Dworkin.⁴⁰ Arguments for free time are about the distribution of a *resource*, so they are particularly suited to being integrated into liberal theories that understand justice through the lens of resources. Even beyond her explicit reconceptualisation of leisure as a resource, there are good reasons to interpret Rose as primarily engaging with and working within this school of theories. Rose sets up her view as anti-paternalistic and anti-perfectionist in a way that is tantamount to prioritising the right over the good (as we shall see in Chapter 3); when setting out those desiderata, she describes her 'liberal egalitarian' commitments with reference to Dworkin's theory of equality;⁴¹ and in later work, she makes a more overtly Rawlsian argument in favour of forgoing growth for more free time (amongst other things).⁴² This school of theories make the distribution of resources their central focus: resources are not *only* all-purpose means, they are the currency of justice. Once this is recognised, arguments for free time then emphasise that, despite their focus on resources, many of the behemoths of contemporary liberal theory have overlooked or spent too little time thinking about free time as a distinct and non-substitutable component of justice. In addition to contemplating how citizens have a claim to a share of resources like income and wealth, resourcists must consider how citizens have an entitlement to a share of free time and how this entitlement might interact with claims to other resources.

I recognise the power of the first contribution and have few qualms with it. Indeed, in due course, the thesis helps to vindicate its argument by showing that free time is one thing that is necessary for being at positive leisure. In my view though, understanding this as the only contribution to political theory of free time arguments like Rose's would be to

³⁹ Rose, *FT*, 71; Julie L. Rose, 'Justice and the Resource of Time: A Reply to Goodin, Terlazzo, von Platz, Stanczyk, and Lim', *Law, Ethics and Philosophy* 5 (2017): 113–14; 'Rationing with Time: Time-Cost Ordeals' Burdens and Distributive Effects', *Economics and Philosophy* 37, no. 1 (2021): 56 n7.

⁴⁰ Philippe van Parijs may also be included in this group, though his theory isn't discussed in the thesis. Hence, resourcism includes a wide range of liberal theories and is not necessarily limited to Rawlsian or Dworkinian liberal theory in particular, although these theories will be our primary focus.

⁴¹ Rose, *FT*, 24–25.

⁴² Julie L. Rose, 'Beyond the Perpetual Pursuit of Economic Growth', in Danielle S. Allen et al. (eds.) *A Political Economy of Justice* (Chicago, Il.: Chicago University Press, 2022), 140–64.

simultaneously downplay their importance and leave crucial elements of their argument unchallenged.

Free time contributions should not only be seen to be arguing that liberal philosophy ought to be more sensitive to how free time may be important when it comes to people being able to do certain things. Their intervention is a more foundational one about the justice claims citizens can make: the claim to their fair share of free time. It is for this reason that Rose 'aim[s] to provide normative guidance and principled grounds to address [a] lack of free time in policy and practice.'⁴³ Through this understanding, existing liberal views are not only criticised for failing to recognise that free time is important, they are criticised for *ignoring* free time when citizens are entitled to it as a matter of justice. In this respect, a sensitivity to free time may also urge theorists to revise their assessments about how well-off (or not) a person is in a particular situation owing to their share of free time.⁴⁴ Given free time is a resource, this particularly goes for resourcists.

However, the decision to view justice through the lens of resources, and to particularly focus upon leisure as the resource of free time, should not be treated as a value-neutral one.⁴⁵ It comes with certain costs. Rose says that her rejection of leisure as a specific good is only 'presumptive': 'absent some special intervening justification, the state ought to address the distribution of resources rather than specific goods.'⁴⁶ In this regard, she does not seek to dismiss the potential value of leisure as a specific good or the possibility of somebody defending it. Nevertheless, she still diverts the liberal focus away from leisure as a specific good. In the process, she both presents establishing a claim to free time as the organic way any liberal claim to leisure might be satisfied, and portrays consideration of the wider policies beyond free time that might be justified in the name of leisure as outside of the purview of liberal justice.

More broadly, the focus on justice through the lens of resources is not uncontroversial. It excludes liberals wedded to a capabilities theory, who find focusing upon resources reductive. In fact, Rose draws a line between her preferred form of liberalism and capabilities

⁴³ Rose, *FT*, 14.

⁴⁴ See Richard A. Musgrave, 'Maximin, Uncertainty, and the Leisure Trade-Off', *The Quarterly Journal of Economics* 88, no. 4 (1974): 629ff.

⁴⁵ Rose is not the only one to describe free time as a resource: Goodin et al. and Jauch use the same language. Goodin et al., *Discretionary Time*; Jauch, 'Free Time Across the Life Course'.

⁴⁶ Rose, *FT*, 38.

theories when she contrasts the resource of free time with the specific good of the capability for play defended by Nussbaum.⁴⁷ This commitment to resources is also in tension with Anderson's theory of democratic equality. Anderson is a capabilities theorist too, and she portrays a focus on resources as unhelpful and (sometimes) distasteful.⁴⁸ Other relational egalitarians Anderson has influenced are much more concerned about how members of a society interact and are able to participate in institutions, rather than the distribution of resources.⁴⁹ Though they can recognise resources are important to these things, they do not start their theoretical inquiries by looking at resources, and they may even worry that a preoccupation with resources will direct us away from justice.⁵⁰ The focus of free time views on resources emanates from a general fidelity to a principle of anti-perfectionism,⁵¹ but it is worth pointing out that there is a vibrant school of "liberal perfectionists" who are not married to such a commitment.⁵² All of this means that the decision to frame an argument for leisure as an argument for the resource of free time should not be assumed to be universally applicable or without controversy amongst liberals; it rests on assumptions and has certain consequences that many liberals will wish to reject.

Therefore, it is this more specifically resourcist element of the argument for free time that will be compared with the argument for positive leisure throughout the thesis. This enables us to delve deeper into the disagreements between the arguments for positive leisure and the arguments for free time, examining the normative assumptions that underpin the respective arguments and their potential implications. At the same time, it does not dispute the first contribution of free time advocates like Rose – that free time is necessary for justice. Hence, while the thesis will spend most of its time looking at where I disagree with free time

⁴⁷ Ibid., 33.

⁴⁸ See Elizabeth Anderson, 'What Is the Point of Equality?', *Ethics* 109, no. 2 (1999): 287–337; 'Justifying the Capabilities Approach to Justice', in Harry Brighouse and Ingrid Robeyns (eds.) *Measuring Justice: Primary Goods and Capabilities* (Cambridge/New York: Cambridge University Press, 2010), 81–100.

⁴⁹ See Gideon Elford, 'Survey Article: Relational Equality and Distribution', *Journal of Political Philosophy* 25, no. 4 (2017): e80–99; Christian Schemmel, 'Distributive and Relational Equality', *Politics, Philosophy and Economics* 11, no. 2 (2012): 123–48.

⁵⁰ Samuel Scheffler, 'The Practice of Equality', in Carina Fourie, Fabian Schuppert and Ivo Wallimann-Helmer (eds.), *Social Equality: On What It Means to Be Equals* (New York: Oxford University Press, 2014), 20–44.

⁵¹ See Claassen, 'Temporal Autonomy in a Laboring Society'.

⁵² E.g. Joseph Chan, 'Legitimacy, Unanimity, and Perfectionism', *Philosophy and Public Affairs* 29, no. 1 (2000): 5–42; Franz Mang, 'Liberal Neutrality and Moderate Perfectionism', *Res Publica* 19, no. 4 (2013): 297–315; George Sher, *Beyond Neutrality* (Cambridge: Cambridge University Press, 1997).

proponents, that should not deflect from the fact that there are also many things I agree with them about.

PART 1

INTRODUCTION TO PART 1

To ask what claim to leisure citizens of the liberal state have, we need to be clear about what “leisure” is. This is not straightforward. Leisure is an ‘essentially contested’ concept: different people may have different things in mind when they think about leisure and there is no unanimous agreement about what it is.¹ Nevertheless, clarifying a conceptualisation of leisure is vital to the project. Further, the conceptualisation chosen for discussion will have normative implications: if interested by a claim to leisure, then what it takes to honour that claim will naturally depend upon the idea of leisure employed.

This first part clarifies which conceptualisation of leisure the thesis is committed to and why. Two conceptualisations of leisure are identified. The first is the most common in everyday discourse and liberal philosophy – the free time view. This view characterises leisure as time away from work and activities fulfilling one’s basic needs. The alternative is what I call positive leisure; it describes the condition people are in when performing activities chosen as ends in themselves. This positive conceptualisation is unfamiliar to modern liberal discourse, though it retains a rich theoretical history. Chapter 1 traces this rich theoretical history and shows why the positive conceptualisation seems to have been superseded by the free time view, before Chapter 2 defends reviving the positive conceptualisation for a normative inquiry into a claim to leisure.

The methodological approach taken in this part mirrors Philip Pettit’s conceptual analysis and defence of “republican liberty”.² Republican freedom is a response to the negative/positive liberty dichotomy drawn by Isaiah Berlin and the dominance of the concept of negative liberty. Pettit proposes a third idea which sees one’s liberty in terms of whether they are free of relationships of domination. In his first monograph on republicanism, Pettit’s

¹ See Walter B. Gallie, ‘Essentially Contested Concepts’, *Proceedings of the Aristotelian Society* 56 (1956): 167–98.

² Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Oxford University Press, 1997).

opening chapter excavates the republican conceptualisation through a historical analysis of several eminent (and many less well-known) thinkers, illustrating that each of their musings about liberty have an emphasis on the importance of “non-domination” in common. He then traces how the work of several influential philosophers promoted the negative view, leaving the republican idea hidden away. The second chapter borrows the feature of non-domination and inserts it into a contemporary ideal of republican liberty which Pettit then defends, thereby reviving a theory of republican freedom fit for modern purposes. Similarly, Chapter 1 of this thesis excavates the positive conceptualisation of leisure through a historical analysis of Aristotle’s and Marx’s thoughts on leisure. Both theories of leisure are shown to exhibit three features that distinguish it from free time. The historical and social factors that seem to have propelled the free time view to ascendancy amongst liberal philosophers are then described. In Chapter 2, a modern conceptualisation of positive leisure is developed out of the features found in Aristotle’s and Marx’s analyses, then its adoption for a normative inquiry is defended.

Pettit’s work on republican freedom is heavily indebted to Quentin Skinner’s work on ‘neo-roman’ liberty, in which Skinner traces the history of the ideal of liberty and how it has changed.³ Skinner is thought of as the doyen of the “Cambridge School” approach to intellectual history, which insists that thinkers and ideas must be situated within the context of their own time, and that historical thinkers’ ideas cannot be applied to today or assumed to be answering universal or timeless questions.⁴ The strategy Part 1 takes is significantly different from Skinner’s because it does not aim to present a full history of the ideal of leisure or how it has changed, it does not insist that texts must be situated firmly within their context to understand them, and – when looking at Marx – some creativity of interpretation is employed. Further, whilst Skinner conducts a historical analysis of the linguistic use of a concept,⁵ following Pettit, we are interested in the ideal of leisure itself.

Nevertheless, the approach can be seen as informed by Skinner’s in three connected ways. Firstly, whilst Pettit mainly traces *what* concepts of liberty were used by philosophers at different times, Chapter 1 attempts to explain *why* different conceptualisations of leisure were

³ Quentin Skinner, *Liberty Before Liberalism* (Cambridge: Cambridge University Press, 1998).

⁴ See Quentin Skinner, ‘Meaning and Understanding in the History of Ideas’, *History and Theory* 8, no. 1 (1969): 3–53.

⁵ Quentin Skinner, *Vision of Politics, Volume 1: Regarding Method* (Cambridge: Cambridge University Press, 2002), 176.

favoured in different eras. Learning from Skinner's emphasis on the importance of context, the context of the societies in which the texts analysed were and are written is used to tell a broader story about the ideas of leisure that have come to prominence amongst different philosophical schools. Secondly, like Skinner (and unlike Pettit⁶), I share a conviction that concepts are normative – their prominence or popularity depends upon the values of the environment they are situated in.⁷ The hiding of the positive leisure view can be explained by considering the dominant values of liberal societies and philosophers over the previous century or so. Thirdly, in his later work, Skinner has tempered his earlier claims that historical thinkers' ideas cannot be transposed to today, presenting himself as an historical 'archaeologist' who seeks to excavate obsolete ideas and bring them to the forefront of philosophical inquiry.⁸ This can 'liberate us from the grip of any one hegemonal account of [society's] values and how they should be interpreted and understood.'⁹ In a similar vein, Part 1's excavation of the positive conceptualisation alerts us to an alternative ideal which opens up new possibilities and questions for attitudes towards leisure. Ultimately, this "archaeological" approach – borrowing elements from the work of Pettit and Skinner – revives the positive conceptualisation of leisure for liberals and makes it the subject of this thesis's project of establishing a claim to.

⁶ Pettit, *Republicanism*, 97; Philip Pettit, 'On "Republicanism": Reply to Carter, Christman and Dagger', *The Good Society* 9, no. 3 (2000): 57.

⁷ Skinner, *Regarding Method*: 182. See also Quentin Skinner, 'A Third Concept of Liberty', in F. M. L. Thompson (ed.) *Proceedings of the British Academy*, Volume 117 (Oxford: Oxford University Press, 2003), 266.

⁸ Skinner, *Liberty Before Liberalism*, 112. Skinner sometimes uses 'genealogy' in the place of 'archaeology', though some have complained that this makes his method susceptible to confusion with Nietzsche's rather different genealogical approach. See Melissa Lane, 'Doing Our Own Thinking for Ourselves: On Quentin Skinner's Genealogical Turn', *Journal of the History of Ideas* 73, no. 1 (2012): 71–82; Quentin Skinner, 'On the Liberty of the Ancients and the Moderns: A Reply to My Critics', *Journal of the History of Ideas* 73, no. 1 (2012): 128–29.

⁹ Skinner, *Regarding Method*: 6. See also Gary Browning, *A History of Modern Political Thought: The Question of Interpretation* (Oxford: Oxford University Press, 2016), chap. 4; Robert Lamb, 'Recent Developments in the Thought of Quentin Skinner and the Ambitions of Contextualism', *Journal of the Philosophy of History* 3, no. 3 (2009): 246–65; Quentin Skinner, 'A Genealogy of the Modern State', *Proceedings of the British Academy* 162 (2008): 325–70.

CHAPTER 1

TWO CONCEPTUALISATIONS OF LEISURE

In his now seminal *The Theory of the Leisure Class*, Thorstein Veblen maps the livelihoods of the upper classes across culture and time.¹ There is, according to Veblen, a remarkable similarity in how the dominant classes of many different hierarchical societies distinguish themselves from ordinary people. From Brahmin India and feudal Japan to twentieth-century Western Europe, the most fortunate in society mark out their higher status through how they work and how much they work. Their work, or lack of it, differentiates them from the rest. Veblen calls this group the ‘leisure class’, chiefly because of the livelihoods of the dominant class at his time of writing in the late nineteenth-century United States.² The occupational feature that marks the American rich out is that they *don’t* work; they abstain from menial labour and productive work to exhibit their wealth. Veblen is keen to stress, however, that the leisure class do not spend their time in ‘indolence or quiescence’ – leisure is carefully cultivated. Ultimately, it is the ‘non-productive consumption of time’. The pecuniary class are marked out by the absence of productive work: they are averse to allocating their time to ‘objects which are of *no intrinsic use*’, enjoying ‘immaterial’ goods like art, scholarship, games, and sports instead.³

Lurking beneath Veblen’s characterisation of the leisure class are two ideas about what leisure is. The first is that leisure is a segment of time free from work or compulsion – what might be thought of as *free time*. Unlike the *working* class, the leisure class don’t labour in any productive sense and are not compelled to, living extravagantly off their wealth and enjoying vast portions of free time. The second idea is that leisure is about *performing ends rather than means*. Leisure doesn’t simply refer to the temporal space when people are not doing something like work. Rather, it refers to something people *are* doing: performing activities which are ends in themselves. The leisure class dedicate the time when others work to objects which are of ‘*intrinsic use*’.

¹ Thorstein Veblen, *The Theory of the Leisure Class* (Champaign, Ill.: Project Gutenberg, 1997).

² See John Patrick Diggins, *Thorstein Veblen: Theorist of the Leisure Class* (Princeton, NJ: Princeton University Press, 1999), chaps. 1 and 2.

³ Veblen, *The Theory of the Leisure Class*, 20. My emphasis.

There are important differences between these two conceptualisations. To take to the task of establishing a claim to leisure, we must therefore choose which conceptualisation to adopt. As the primary definition offered by the Oxford English Dictionary and the one commonly used in everyday language, the free time view will be more familiar.⁴ This conceptualisation of leisure also tends to be the one employed by most liberal philosophers. Despite a rich philosophical history, the second idea of leisure is less recognisable among liberal circles. Yet, it is this second notion of leisure that this thesis embraces and argues citizens of the liberal state have a claim to. To lay the foundations for doing so, this chapter traces its intellectual ancestry and gives an account of why its use seems to have waned as the free time view has grown to dominate liberal understandings of leisure.

It begins by setting out how the free time conceptualisation is favoured by much of the canon of modern liberal thought (I). It then seeks to revive the alternative conceptualisation of leisure, which will be referred to as “positive leisure”. Using the archaeological methodology set out in the Introduction to this part, the positive conceptualisation of leisure is excavated from the work of Aristotle and Marx; three properties are identified which differentiate it from a simple free time conceptualisation (II). Introducing several other thinkers and continuing with the archaeological approach, the chapter considers how the aims and contexts of those advocating for positive leisure led them towards a very different idea of leisure to the free time view (III). Returning to the aims and context of the free time advocates, it is then shown why the free time view seems to dominate contemporary understandings of leisure amongst liberal philosophers (IV). Ultimately, the archaeological excavation of positive leisure undertaken in this chapter enlightens us to an alternative understanding of leisure, which will have important normative implications as the thesis progresses.

I – Leisure as free time

The free time view does not require too much explanation. Free *time* is temporal, meaning it is a segment of a person’s time; and it is time that is *free*, meaning it is the time one can use at their own discretion, liberated from obligations, duties, and necessity. It is easiest to describe free time as time outside of work and activities dedicated to fulfilling one’s basic needs.

⁴ ‘Time when one is not working or occupied’. Angus Stevenson (ed.) *Oxford Dictionary of English*. Third Edition (Oxford: Oxford University Press, 2010).

Originally, leisure as free time was thought of narrowly as time outside of the wage-labour market. It is this understanding that was employed in what Gary Cross calls the ‘Quest for Leisure’ by parts of the ‘eight-hour’ labour movement across the west early in the twentieth century.⁵ The free time view was then amended to properly account for the vast amount of work performed, mostly by women, outside of the wage-labour market.⁶ Leisure, thus, became the time outside of both paid work, and homemaking and caregiving duties. Most contemporary economists and philosophers now think that our characterisation of leisure should be sensitive to basic biological needs like sleeping and eating too.⁷ So, leisure as free time can be interpreted as the time outside of that dedicated to fulfilling life’s basic needs, including wage-labour, caring duties, and biological needs.⁸ These developments in the free time understanding capture a sense that leisure is *time* in which one is unburdened, and thereby, *free*.

The free time view is referred to in places historically. It seems to be what Thomas Hobbes had in mind when he writes: ‘Great persons that have their minds fixed on great designs, have not leasure enough to laugh’⁹, and what John Locke thought of in his *An Essay Concerning Recreation*... as he celebrates free time for allowing people to recover and rejuvenate themselves for work.¹⁰ Nevertheless, in the philosophical realm, the free time view particularly rose to prominence through liberals in the second half of the twentieth century.

⁵ Gary S. Cross, ‘The Quest for Leisure: Reassessing the Eight-Hour Day in France’, *Journal of Social History* 18, no. 2 (1984): 195–216.

⁶ For instance, see Nancy Fraser, ‘After the Family Wage: Gender Equity and the Welfare State’, *Political Theory* 22, no. 4 (1994): 591–618.

⁷ Daniel S. Hamermesh, *Spending Time: The Most Valuable Resource* (New York: Oxford University Press, 2018); John P. Robinson and Geoffrey Godbey, *Time for Life: The Surprising Ways Americans Use Their Time* (University Park, PA.: Pennsylvania State University Press, 1997), chap. 8.

⁸ Economists calculate free time according to how much time a person has outside of these activities; philosophers usually calculate it according to how much time a person has outside of how long it is reasonable to expect them to spend in these activities. For the standard economists’ depiction, see Gary S. Becker, ‘A Theory of the Allocation of Time’, *Economic Journal* 75, no. 299 (1965): 493–517. For the philosophers’ depiction, see Goodin et al., *Discretionary Time*; Rose, *FT*. The difference does not matter too much from a conceptual perspective. The philosophical view will be discussed more at Chapter 7, IV.1.

⁹ Hobbes referenced in Zoe Gibbons, ‘Abused and Abusive Words: Hobbes on Laughter and Leisure’, *ELH* 83, no. 3 (2016): 683.

¹⁰ John Locke, ‘An Essay Concerning Recreation, in Answer to D. G.’s Desire, 1677’, in Peter King (ed.) *The Life of John Locke*, Volume II (London: Henry Colburn and Richard Bentley, 1830), 165–69.

Much of this liberal school has been influenced by Rawls's *A Theory of Justice*.¹¹ That work was criticised by R. A. Musgrave for overlooking how a person may be more or less well-off in terms of the amount of leisure they have.¹² In his reply, Rawls suggested that leisure ought to be added to the index, alongside goods like income and wealth, for ascertaining who is the worst-off and what resources people are entitled to. Those who want to 'surf all day off Malibu' should not have their 'leisure time' subsidised by others.¹³ Both Musgrave and Rawls use leisure to depict time outside of work. Published twelve years later, Walzer's *Spheres of Justice* attempted to carve out a space for leisure as a distinct component of justice.¹⁴ Although Walzer considers an understanding of leisure beyond 'vacant time' or 'work simply',¹⁵ he ultimately ends his discussion most interested by leisure as time outside of work: 'However work is organized, however leisurely it is – and these are crucial questions – men and women still need leisure in the more narrow and conventional sense of a "cessation from work."' ¹⁶ More recently, in the most exhaustive and rigorous discussion of an entitlement to leisure in modern liberal philosophy, Rose chooses to 'reconceptualize leisure as a resource—the resource of free time', with free time understood as the time outside of that needed for fulfilling one's basic needs.¹⁷

In fairness to Rose, she is well aware of alternative interpretations of leisure, and therefore, insists on referring to her subject of interest as 'free time' rather than leisure. Nevertheless, by "reconceptualising" leisure as free time, and by choosing to use the argument for free time as a proxy for an argument for leisure, she remains aligned with a broader trend in much liberal philosophy that focuses upon leisure in terms of free time. This trend has hidden the positive conceptualisation of leisure from the view of liberal philosophers.

¹¹ Rawls, *TJ*.

¹² Musgrave, 'Maximin, Uncertainty, and the Leisure Trade-Off', 629ff.

¹³ John Rawls, 'The Priority of Right and Ideas of the Good', *Philosophy and Public Affairs* 17, no. 4 (1988): 257ff; *JF*, 179.

¹⁴ Walzer, *Spheres of Justice*, chap 7.

¹⁵ *Ibid.*, 195.

¹⁶ *Ibid.*, 187.

¹⁷ Rose, *FT*, 37.

II – The roots of positive leisure

The idea of positive leisure can be brought back into view by examining its rich philosophical history. It is most prominent in the work of Aristotle and Marx. Using the archaeological approach, Aristotle's and Marx's understandings of leisure can be seen to share three properties: *i)* that leisure concerns *ends in themselves*; *ii)* that leisure is the “*state-condition*” one is in when performing ends in themselves; and *iii)* that leisure is *not simply free time*.

II.1 – Aristotle on leisure

Although not always, Aristotelian leisure is often interpreted as referring to free time.¹⁸ This interpretation is understandable, but ultimately mistaken.¹⁹ Aristotle's ideal of leisure does not simply refer to free time, but rather, the condition people are in when they perform ends in themselves. This becomes apparent by exploring his discussion of leisure in the *Nicomachean Ethics* and *The Politics*, where each of the three properties just mentioned can be found.²⁰

In the *Nicomachean Ethics*, Aristotle's main objective is to find the ‘chief good’. He quickly concludes that this chief good is *eudaimonia*, as people choose all other goods in order to deliver (or ‘for the sake of’) *eudaimonia* (*EN*: 1097b4-7).²¹ Leisure shares a close relationship with this chief good of *eudaimonia* for Aristotle, as ‘*eudaimonia* is thought to depend on leisure’ (*EN*: 1177b4-5). So, *eudaimonia* as the final end is constituted by leisure. The reason for this is that leisure – like *eudaimonia* – is essentially an end in itself. Daily life aims towards leisure: ‘leisure is better than occupation, and is its end’ (*P*: 1337b34) and ‘The whole of life is further

¹⁸ For example, Oded Balaban, ‘Praxis and Poesis in Aristotle's Practical Philosophy’, *The Journal of Value Inquiry* 24, no. 3 (1990): 185–98; John L. Hemingway, ‘Leisure and Civility: Reflections on a Greek Ideal’, *Leisure Sciences* 10, no. 3 (1988): 179–91; Friedrich Solmsen, ‘Leisure and Play in Aristotle's Ideal State’, *Rheinisches Museum Für Philologie* 107, no. 3 (1964): 193–220; Elizabeth Telfer, ‘Leisure’, *Royal Institute of Philosophy Supplement* 22 (1987): 151–64.

¹⁹ For why it is understandable, see f26.

²⁰ Aristotle, *Nicomachean Ethics*, in ‘The Works of Aristotle Translated into English’ Translated by W. D. Ross, revised by J. O. Urmson (London: Oxford University Press, 1975). Citations are *EN*. Aristotle, *The Politics*, Edited by Stephen Everson (Cambridge: Cambridge University Press, 1988). Citations are *P*.

²¹ *Eudaimonia* is usually translated as “happiness”, although Aristotle's ideal of happiness does not map neatly onto our use of the term today, and happiness may not be a particularly good translation. To avoid controversy and confusion, I refer to *eudaimonia* rather than happiness, and where necessary, I have replaced the word happiness with *eudaimonia* when quoting directly from the translated text.

divided into two parts, business and leisure, war and peace [...] there must be war for the sake of peace, business for the sake of leisure' (*P*: 1333a30-35). *Eudaimonia* is only ever desired for its own sake, and so it is found in leisure because leisure is itself never done for anything other than its own sake.

This is the first essential property of leisure for Aristotle: that it is for its own sake, or is *an end in itself*. Consider the activities Aristotle has in mind when he talks about leisure. Firstly, he associates leisure with philosophic contemplation. Philosophic contemplation is leisurely while other goods like political contemplation are not, because the former is only done for its own sake (*EN*: 1177a15-25). Secondly, he considers the possibility that one may be at leisure when participating in certain artistic activities, particularly music: 'There remains, then, the use of music for intellectual enjoyment' (*P*: 1338a21-22; 1338a40-1338b5). Pierre Destrée has interpreted this to be indicative that Aristotle thought all artistic activities could be leisure activities.²² Whether these artistic activities are leisurely though, depends on the motivation. People can use music for different things including education and amusement, both of which are, in Aristotle's view, for the sake of something else – it is only when music is used for intellectual enjoyment that it becomes leisure (*P*: 1339b11-20). The fact that music's place as leisure depends on its use demonstrates that leisure is not prescribed as certain specific activities. Rather, what determines leisure is that it is an end in itself. Aristotle remains adamant that many activities cannot be leisure, but this is precisely because – unlike leisure activities – it would be impossible to perform those activities for their own sake.

But how exactly is leisure related to these activities of philosophic contemplation and the arts? At this point, it is helpful to note that *eudaimonia* is also a kind of activity for Aristotle; an ongoing activity that is constantly realising its own ends (*energeia*) (*EN*: 1098b30-1099a6; *P*: 1325a31-32). People do not have *eudaimonia* at specific points. Instead, it is protracted throughout a long period of time (*EN*: 1098a17-19). This means that the activities of philosophic contemplation and the arts lead to the protracted activity of *eudaimonia*. But this also means that leisure cannot be an activity for Aristotle. Contemplation and *eudaimonia* are both activities, and the latter is found in the former. If leisure is the activity one is doing when they have *eudaimonia*, then it simply *is eudaimonia*. But this cannot be right as, recall, Aristotle says that *eudaimonia* 'depend[s]' on leisure – they are not identical. Likewise, if leisure is then

²² Pierre Destrée, 'Education, Leisure, and Politics', in Marguerite Deslauriers and Pierre Destrée (eds.), *The Cambridge Companion to Aristotle's Politics* (Cambridge: Cambridge University Press, 2013), 316 n15.

seen as the activity that gives *eudaimonia*, then leisure is identical to contemplation or intellectual artistic activity.

Leisure is not an activity, but a condition. Specifically, leisure refers to the condition that people are in when they are performing activities which are ends in themselves. To understand this better we need to distinguish between two types of condition. Firstly, a condition can refer to circumstances like a precondition. For instance, if I lend my car to someone, I may lend it on the condition that they return it by a certain date or time. A condition of this kind effectively works as a requirement – it is necessary for the end. It is necessary that the individual agrees to my condition of returning my car by the set time in order to borrow it. Call this a requirement-condition. Secondly, a condition can refer to a state or type of existence that something is in. One may say “that car is in a good condition” or “the car’s condition has deteriorated”. A condition referred to in this way is to describe something or say something about it. Call this a state-condition. Aristotle uses leisure to refer to both types of condition.²³ But while scholars often seem to focus on the first type,²⁴ it is the second that is critical to understanding what he means by leisure.

Leisure as a requirement-condition refers to a condition one needs to pursue activities which are for their own sake. Here, leisure is free time: it is time away from other things such as maintaining one’s health and conducting business. Leisure is both a means and an end; it is an end because people aim to complete their business to have leisure, and a means as the leisure allows them to pursue activities for their own sake. Aristotle uses leisure in this way when he asks ‘what ought we to do when at leisure?’ (*P*: 1337b35; see also *EN*: 1176b16-17; *P*: 1329a1-2).

Leisure as a state-condition refers to the state a person is in when they are performing activities that are ends in themselves – one must actually do these activities in order to be “at leisure”. Aristotle even refers to the two types of leisure in the same sentence a couple of times:

But leisure of itself gives pleasure and [...] enjoyment of life, which are experienced, not by the busy man, but by those who have leisure. (*P*: 1338a1-5)

²³ As Destrée notes, he uses the term *scholê* (leisure time) and *diagôgê* (leisure life) practically interchangeably. *Ibid.*, 314 n12.

²⁴ See f18.

Since the end of individuals and of states is the same; it is therefore evident that there ought to exist in both of them the excellences of leisure; for peace, as has been often repeated, is the end of war, and leisure of toil. But leisure and cultivation may be promoted not only by those excellences which are practised in leisure, but also by some of those which are useful to business. For many necessities of life have to be supplied before we can have leisure.
(*P*: 1334a10-20)

The first quote is particularly illuminating. Leisure (as a state-condition) is only experienced by ‘those who have leisure’ as free time (the requirement-condition). The second quote reinforces this difference. Leisure itself (the state-condition) is partly promoted by the excellences practised in leisure (the requirement-condition) because the excellences that one uses during their leisure (free) time allow someone to enter into the state-condition of being at leisure.²⁵ This explains Aristotle’s analogising of war and peace with business and leisure. When speaking of peace, we speak of it both in terms of time (ie. peacetime – time outside of war) and as a state (when two warring countries sign an amnesty to be “at peace”). There are instrumental benefits to peacetime as a means (as a requirement-condition): it allows countries to rebuild and focus on internal matters. But there is also value to being “at peace” as an end (a state-condition); there is something that is valuable about peace for its own sake, beyond its usefulness. Similarly, while leisure as free time has value as a means with which to perform activities for their own sake, leisure as a state-condition is the performing of those activities, and is valuable for its own sake.²⁶ To be clear, leisure as a requirement-condition is an important prerequisite for leisure as a state-condition, one cannot perform ends in themselves if they are occupied by performing means such as working. But it is *leisure as a state-condition* that is most important, and this is leisure’s second property for Aristotle.

The fact that leisure is the state-condition one is in when they perform activities which are ends in themselves also leads us to a third property that is essential to Aristotle’s account of leisure – it is not simply free time. While Aristotle sometimes conflates leisure with free

²⁵ See Andrea Nightingale, ‘Aristotle on the “Liberal” and “Illiberal” Arts’, *Proceedings of The Boston Area Colloquium in Ancient Philosophy* 12 (1996): 32.

²⁶ Aristotle uses these two types of leisure so interchangeably because people are expected to use their leisure as a requirement-condition in order to be at leisure as a state-condition. ‘If it is disgraceful in men not to be able to use the goods of life, it is peculiarly disgraceful not to be able to use them in time of leisure’ (*P*: 1334a35-38). Aristotle didn’t envisage people in their right-mind misusing the significant time on their hands for the wrong kinds of activities.

time, and he sees free time as a prerequisite to leisure, his primary ideal of leisure is distinct from free time. This can be seen by the following:

Eudaimonia, therefore, does not lie in amusement; it would, indeed, be strange if the end were amusement, and one were to take trouble to and suffer hardship all one's life in order to amuse oneself. For, in a word, everything that we choose we choose for the sake of something else – except *eudaimonia*, which is an end. Now to exert oneself and work for the sake of amusement seems silly and utterly childish. But to amuse oneself in order that one may exert oneself, as Anacharsis puts it, seems right; for amusement is a sort of relaxation, and we need relaxation because we cannot work continuously. Relaxation, then, is not an end; for it is taken for the sake of activity. (*EN*: 1176b27-36)

Aristotle is clear that *eudaimonia* is not to be found in amusement then, and he says a similar thing about 'play' (*P*: 1337b35-36). This is because these activities are not ends in themselves – it would be 'silly' for life to aim towards amusement – rather, amusement and play serve the purpose of rejuvenating and preparing people for work. However, amusement and play are things that people do outside of work – *during free time*. Aristotle is prepared to admit that people *could* use their free time (or their leisure as a requirement-condition) for playing, although this would be a waste of it (*P*: 1337b35-36). This must mean that leisure does not refer to *all* activities that are performed during free time. It only refers to the activities in free time that are ends in themselves.

There are then, three essential properties to Aristotle's account of leisure. First, it refers to activities which are ends in themselves. Second, it is the state-condition people are in when they perform activities which are ends in themselves. Third, because it refers to ends in themselves, it is not simply free time. Outside of this, there are details that give substance to Aristotle's account of leisure, such as the specific set of activities Aristotle associates with leisure, but what is constitutive of leisure is the three properties identified. The same properties can be found in Marx's work.

II.2 – Marx on leisure

Although Marx rarely uses the term 'leisure',²⁷ if we read his work from the middle of his life (around the 1850s and 1860s) through an Aristotelian lens, we can construct a theory of Marxian leisure out of his 'realm of freedom' which shares the same three properties as Aristotelian leisure.²⁸ Aristotle is a friendly ally for reading Marx as 'Marx's whole *Weltanschauung* is suffused with Aristotelian ways of thinking.'²⁹

Just as Aristotle is driven by discovering the 'chief good' or final end of *eudaimonia*, Marx is driven by a desire to create the conditions so that humans can achieve the final end of self-realisation, in which they realise their species-being. According to Marx, human nature as a species-being is constituted by the nature of, and control over, labour:

It is, therefore, in his fashioning of the world of objects that man actually begins to affirm himself as a species-being. This production is his working, practical species-life. Through it nature appears as his work and his actuality.³⁰

For Marx, the great cruelty of capitalist society is that capitalism and its forms of labour mutate the human as a species-being and effectively turn him into an animal.

Man's species-being includes both nature, on which man's labour operates, and man's spiritual faculties. Where man's labour is estranged, this complex species-being is reduced to a mere means to his existence as an abstract

²⁷ The notion of leisure attributed to Marx here would still be 'labour', but it is labour in a very different sense. Henceforth, the word 'labour' is used (as Marx does) to refer to any activity that somebody expends their productive capacities on. The word 'work' is avoided where possible, with labour divided between what is necessary for the sustainment of the person and what is not necessary for their sustainment.

²⁸ Marx's distinction between the realm of necessity and the realm of freedom marks a shift from his earlier work which is only briefly acknowledged here. For a deeper analysis, see Jan Kandiyali, 'Freedom and Necessity in Marx's Account of Communism', *British Journal for the History of Philosophy* 22, no. 1 (2014): 104–23.

²⁹ Jonathan Pike, *From Aristotle to Marx: Aristotelianism in Marxist Social Ontology* (Aldershot: Ashgate, 1999), 30.

³⁰ Karl Marx, 'From the Paris Notebooks', in Joseph O'Malley (ed.) *Early Political Writings* (Cambridge: Cambridge University Press, 1994), 76.

individual. It estranges from man his own body, as well as external nature and his spiritual being, his human nature.³¹

In capitalist society, man is unable to realise himself as his labour becomes an instrument with which to preserve himself; *it is a means rather than an end*. Only by turning labour into an end in itself can man realise himself as essentially human.

Like Aristotle then, the goal for Marx is to facilitate the final end, this time of self-realisation, in which human activity is an end in itself rather than a means. In his earlier work, Marx seemed to think that this could be achieved by transforming necessary labour – the labour needed to sustain the person – as a means into an end in itself as well, so that necessary labour worked concurrently both to sustain the individual's biological needs (i.e. as an animal) and to realise his species-being (as a human).³² But later, Marx adopted a more pessimistic tone about the prospect of self-realisation in necessary labour:

In fact, the realm of freedom actually begins only where labour which is determined by necessity and mundane considerations ceases; thus in the very nature of things it lies beyond the sphere of actual material production. Just as the savage must wrestle with Nature to satisfy his wants, to maintain and reproduce life, so must civilised man, and he must do so in all social formations and under all possible modes of production. With his development this realm of physical necessity expands as a result of his wants; but, at the same time, the forces of production which satisfy these wants also increase. Freedom in this field can only consist in socialised man, the associated producers, rationally regulating their interchange with Nature, bringing it under their common control, instead of being ruled by it as by the blind forces of Nature; and achieving this with the least expenditure of energy and under conditions most favourable to, and worthy of, their human nature. But it nonetheless still remains a realm of necessity. Beyond it begins that development of human energy which is an end in

³¹ Ibid., 75-76.

³² See Marx, *Paris Notebooks*, 95-6; Karl Marx and Friedrich Engels, *The German Ideology* (New York: Prometheus Books, 1998), 53.

itself, the true realm of freedom, which, however, can blossom forth only with this realm of necessity as its basis.³³

Marx very explicitly differentiates between an area of necessary labour (the realm of necessity) and an area of non-necessary labour/activity (the realm of freedom). The realm of freedom is where human energy is 'an end in itself'. The necessary labour meanwhile, is a means to that end. It is in the realm of freedom that we can interpret Marx's vision of leisure – one that is very similar to Aristotle's.

The realm of freedom refers to *ends in themselves*. It is this that sets it apart from the realm of necessity and necessary labour, which is merely a means. Just as leisure – because it was constitutive of *eudaimonia* – was constitutive of the final end for Aristotle, leisure as the realm of freedom is constitutive of the final end of self-realisation for Marx. Straight away then, the Aristotelian and Marxian conceptualisations of leisure share the property that they both refer to ends in themselves.

At first glance, this appears to be where the parallels between Aristotle's and Marx's theories of leisure end, as Marx attributes a good deal of attention to the notion of free time, particularly in the *Grundrisse*. As the worker labours for surplus-time – time beyond that which they are paid for, when the profits go to the capitalist instead – Marx suggests that the capitalist 'usurps' the worker's free time.³⁴ At the same time, Marx bemoans the use of labour time as a value, writing that a 'truly wealthy nation' will measure its wealth in terms of the amount of free time people have.³⁵ Thus, Marx clearly believes that a society with less necessary labour and more free time is a better one. It would seem that while the realm of freedom refers to ends in themselves, contra Aristotle, all free time activities qualify as ends in themselves.

Not so fast – there is an alternative interpretation that is more plausible and emphasises the similarities in Marx's and Aristotle's theories of leisure. On this reading, leisure

³³ Karl Marx, *Capital. Volume III*, Edited by Friedrich Engels (London: Electric Book Company, 2001), 1098.

³⁴ Karl Marx, *Grundrisse*, Translated by Martin Nicolaus (London: Penguin Classics, 1993), 634. Marx uses 'free time' and 'disposable time' interchangeably, I have replaced disposable time for free time in the quotations to avoid confusion.

³⁵ Marx, *Grundrisse*, 706, see also Karl Marx, *Theories of Surplus Value. Part III*, Translated by Emile Burns, Jack Cohen, and Renate Simpson. (Moscow: Progress Publishers, 1971), 257.

is *not* simply free time. Marx repeatedly describes free time as ‘time *for* free development’³⁶ and as time for ‘artistic [and] scientific etc. development’ of people.³⁷ Elsewhere, Marx says that free time can be used for surplus labour,³⁸ and he locates ‘rest time’ as a subset of free time.³⁹ As with Aristotelian amusement and play, both surplus labour and rest are things that one may dedicate their free time to which are not leisure. Surplus labour is merely ‘a *means* to satisfy needs outside itself’ and rest time recuperates one for further necessary labour.⁴⁰ This cut between free time and leisure becomes particularly apparent when he says that free time is ‘partly for the enjoyment of the product [of labour], partly for free activity which – unlike labour – is not dominated by the pressure of an extraneous purpose’,⁴¹ and when he describes free time as ‘idle time *and* time for higher activity’.⁴² For Marx, idle time is ‘not-productive’ and can be juxtaposed with the free time dedicated to ‘the production of science, art etc.’, each of which can be enjoyed as ends in themselves.⁴³ In both Aristotle and Marx then, a second shared property of leisure can be found: because leisure is an end in itself, it is *not simply free time*.

Once this is recognised, Marx’s endorsement of free time can be explained by its role as a requirement-condition to the state-condition of being at leisure. Just after the passage quoted earlier from *Capital III*, Marx describes the ‘shortening of the working-day’ as a ‘prerequisite’ for the realm of freedom.⁴⁴ Elsewhere, Marx writes that ‘literary and artistic productions [...] owe their existence to leisure’.⁴⁵ Literary and artistic goods, which are ends in themselves, are made possible by leisure time as a requirement-condition. This shows that leisure is not simply the *time* dedicated to ends in themselves. But leisure is distinguishable from the specific activities which Marx considers to be ends in themselves too. Activities like science and art are all ends in themselves because they are not for an ‘extraneous purpose’. What ties these different activities together is the *state-condition* people are in when they

³⁶ Marx, *Grundrisse*, 634. My emphasis. See also: Marx, *Grundrisse*, 708, 711; *Theories of Surplus Value*, 256

³⁷ Marx, *Grundrisse*, 706. Also 401 n.

³⁸ *Ibid.*, 641.

³⁹ Karl Marx, *Capital. Volume I*, Edited by Friedrich Engels (London: Lawrence and Wishart, 1996), 270.

⁴⁰ Marx, ‘From the Paris Notebooks’, 73. Original emphasis.

⁴¹ Marx, *Theories of Surplus Value*, 257

⁴² Marx, *Grundrisse*, 712. My emphasis.

⁴³ *Ibid.*, 401 n.

⁴⁴ Marx, *Capital III*, 1098-9

⁴⁵ Marx, *Theories of Surplus Value*, 261.

perform them. Leisure is neither a temporal space nor a particular activity, rather, it is a *realm* of human activity. When reading Marx through an Aristotelian lens, this realm reveals itself to be a state-condition.

Through an analysis of Aristotle and Marx then, a conceptualisation of leisure that is different to the free time conceptualisation can be uncovered. It has three properties: *i)* it refers to *ends in themselves*; *ii)* it is the “*state-condition*” one is in when performing ends in themselves; and *iii)* it is *not simply free time*. The third property naturally highlights the difference with the free time conceptualisation, but the first and second properties differ too because it is possible for people to perform means (like play, in Aristotle’s case) in their free time, and because free time is temporal rather than a state-condition.

III – Positive leisure in context

Why is it then, that the free time view of leisure has come to dominate liberal philosophy ahead of the idea of leisure found in Aristotle and Marx? To answer, it must be understood how the context and aims of Aristotle’s and Marx’s works on leisure shape the conceptualisations they adopt. There are two background features to these works that are influential. Importantly, these background influences can be spotted in several other theories of leisure that look closer to the positive conceptualisation than the free time view.

The first feature is the aim of the works. Aristotle is ultimately dedicated to discovering the final end – *eudaimonia*. In more contemporary language, this final end can be interpreted as being about human flourishing: Aristotle is interested by what is required for a human to flourish. Marx is committed to the same question. Rather than *eudaimonia*, he describes the final end as self-realisation, but it equally concerns the question of what a flourishing life is.

The second background feature is that both Aristotle and Marx discuss leisure whilst actively writing in or imagining (respectively) a society with far less work than in western liberal democracies today. Understandings of leisure and attitudes towards it in Ancient Athens are unrecognisable to us now. The Ancient Greek word for leisure, *scholê*, is the standard form, while the word for work, *ascholê*, translates as “not leisure” – work was “not leisure”, as opposed to vice versa. While Aristotle talks about performing business for the end of leisure, most of this business was, in fact, to be performed by women and slaves, whilst a group of privileged men enjoyed the leisure. Aristotle writes in the context of a society which places far less emphasis on the importance of work, and in which there is very little work for

a select group of Athenian male citizens who are his primary interest. In contemporary language, Aristotle discusses leisure in something like a “post-work” context.

The *Grundrisse* and *Capital* saw Marx abandon his earlier commitment to finding self-realisation in necessary labour. Marx is explicit in the above passage that ‘the realm of freedom actually begins *only* where labour which is determined by necessity and mundane considerations *ceases*’.⁴⁶ Some necessary labour will have to be performed in any society, but because that necessary labour will always be burdensome to an extent, it must be reduced as much as possible. Ergo, Marx advocates the ‘general reduction of necessary labour of society to a minimum’,⁴⁷ and stipulates that society should seek to achieve fulfilment of people’s needs ‘with the least expenditure of energy’.⁴⁸ As Herbert Marcuse notes, Marx’s theory of technological development assumes the ‘stage would be reached when material production (including the necessary services) becomes automated to the extent that all vital needs can be satisfied while necessary labor time is reduced to marginal time’.⁴⁹ Marx may not have thought that necessary labour would cease, but his advocacy of leisure emerges as he imagines a society with far less work – and far less preoccupation with work – than either at the time of writing or today. In other words, a post-work society.

These two background features – mapping a theory of human flourishing and a vision of a post-work society – play a part in other discussions of leisure that bear similarities with Aristotle’s and Marx’s. While he believes leisure is ultimately to be found in religious celebration, Josef Pieper’s account of leisure is heavily influenced by Aristotle’s and has much in common with the positive conceptualisation.⁵⁰ Leisure for Pieper is a ‘mental and spiritual attitude’, a little like a state-condition; and it is not simply rest, because rest is a means to refresh oneself for work whilst leisure is an end in itself.⁵¹ Like Aristotle and Marx, Pieper is committed to a final end and sees leisure as embedded in that final end, although unlike Marx, Pieper believes the final end is the transcendence of the purely human so that a ‘divine principle dwells with’ the person.⁵² In this respect, Pieper is animated by what humans need to flourish, although there is something divinely inhuman about his ideal of flourishing. In

⁴⁶ Marx, *Capital III*, 1098. My emphasis.

⁴⁷ Marx, *Grundrisse*, 706.

⁴⁸ Marx, *Capital III*, 1098.

⁴⁹ Herbert Marcuse, *One-Dimensional Man* (Abingdon: Routledge, 2002), 18.

⁵⁰ Josef Pieper, *Leisure: The Basis of Culture* (San Francisco: Ignatius Press, 2009).

⁵¹ *Ibid.*, 46, 49, 72.

⁵² *Ibid.*, 51.

addition, Pieper encourages society to shun work. He says that one can only ‘gain a clear notion of leisure [...] by setting aside the prejudice – our prejudice – that comes from overvaluing the sphere of work’, and he argues that proper leisure is not a ‘prolongation or continuation’ of work, but ‘cuts right across it vertically’.⁵³ Pieper too, is led to the positive conceptualisation of leisure by focusing on the final end of flourishing and something akin to a post-work society.

These background features shape the views of a series of English intellectuals who also have a more complex understanding of leisure than it being simply free time. As he imagines a society with labour reduced to a minimum and shared fairly across the classes, William Godwin advocates the newfound time to be dedicated to ‘intellectual cultivation’, highly reminiscent of Aristotle’s philosophic contemplation as an end in itself.⁵⁴ In their forecasts for how people will flourish in societies with substantially less work, H. M. Vernon, John Maynard Keynes, and Bertrand Russell all discuss ideas of leisure that would be familiar to Aristotle and Marx. Vernon says that whilst it is appropriate for people to dedicate some free time to ‘pure recreations, involving no effort’, the aim of free time should be to immerse oneself in activities that are challenging and require one to cultivate skills to perform.⁵⁵ Keynes predicts that society will deride those who use their newfound free time for ‘purposiveness’, i.e. for activities which are a means.⁵⁶ Similarly, Russell criticises those who worry about people using their free time for ends in themselves: ‘The modern man thinks that everything ought to be done for the sake of something else, and never for its own sake’.⁵⁷ A first reading might lead one to believe these thinkers see leisure as free time, even if they have more grandiose ideas about how it would ideally be spent. In my view though, they are better read as following Aristotle by understanding leisure as a requirement-condition *and* something more demanding – with a preference for the latter. Russell worries how many people at his time of writing dedicate their free time to ‘passive’ activities; he hopes that ‘if they had more

⁵³ Ibid., 20, 49.

⁵⁴ William Godwin, *The Enquirer* (Edinburgh/London: John Anderson and Simpkin and Marshall, 1823), 156. See also his ‘Essay IX: Of Leisure’, in *Thoughts on Man: His Nature, Productions, and Discoveries: Interspersed with Some Particulars Respecting the Author* (London: Effingham Wilson, 1831), 164–80.

⁵⁵ H. M. Vernon, *The Shorter Working Week* (London: George Routledge and Sons, 1934), chap. 8, quote at 176.

⁵⁶ John Maynard Keynes, ‘Economic Possibilities for Our Grandchildren’, in *Essays in Persuasion* (New York: Palgrave Macmillan, 2010), 329.

⁵⁷ Bertrand Russell, ‘In Praise of Idleness’, in *In Praise of Idleness and Other Essays* (London: George Allen and Unwin, 1935), 24.

leisure, they would again enjoy pleasures in which they took an active part' and advocates education to teach people how to make the most of their free time.⁵⁸ Unlike Walzer, this group are unwilling to stop at leisure as a 'cessation from work'. Leisure as free time not only potentially lacks value, but is *incomplete*. In this respect, when contemplating flourishing in a post-work society, the English intellectuals can be seen as understanding leisure in a deeper sense than free time *simpliciter*.

More recently, after treating leisure as free time for long periods of her book, Kathi Weeks says that free time in her vision of a post-work society (where work hours are reduced to thirty per week) is 'not only about more time for leisure as the term is traditionally conceived'. She makes a distinction between 'rest and leisure', and advocates time dedicated towards personal fulfilment.⁵⁹ In *Decolonizing Time*, Nichole Marie Shippen considers a society in which people will have greater control over their time (by working less) and explicitly contrasts this with 'free time' – time outside of work under present conditions in which people are too preoccupied by work to be autonomous.⁶⁰ Unlike contemporary liberal philosophers, Weeks and Shippen are openly more radical and this critical thinking leads them to bolder considerations of a post-work society.

Not all of these other thinkers' understandings of leisure exhibit all three of the properties of the positive conceptualisation, but they do illustrate a different and more demanding idea of leisure that shares more in common with the Aristotelian and Marxian account than the free time view. They also share the two features that shape Aristotle's and Marx's accounts of leisure. Ideas of leisure that come closer to the positive conceptualisation are characterised by the question of what it means to live a flourishing life, and discussion of a society with far less work than ours today (a "post-work" society). The lack of these background features in the mind of modern liberals gleans why positive leisure seems to have evaporated from much liberal discourse.

IV – The ascent of free time

Even prior to the modern day, attitudes towards work shaped the conceptualisation of leisure philosophers gravitated towards. In Hobbes and Locke's time, the wealthy were still highly dependent on the manual labour of the agricultural masses for production, and the idea

⁵⁸ *Ibid.*, 26.

⁵⁹ Kathi Weeks, *The Problem with Work* (Durham, NC.: Duke University Press, 2011), 169–70.

⁶⁰ Shippen, *Decolonizing Time*, quote at 18.

of paying workers lower wages to incentivise them to work more was growing in popularity.⁶¹ Far from becoming a post-work society, the seventeenth century was a society where work was increasing, and this shaped Hobbes' and Locke's prescriptions. Locke's philosophy famously places an important emphasis on labour, positioning laboured appropriation of natural resources at the centre of his theory of private property.⁶²

A society preoccupied by work has particularly come to shape the ideas and aims of the group of modern liberal philosophers who assume the free time view. The contemporary societies of Rawls and those after him have been characterised by a societal "work ethic". This work ethic derives from the protestant ethic described by Max Weber.⁶³ Confused by how capitalism managed to incentivise people to work to stimulate perpetual growth, even though work had traditionally been motivated by necessity, Weber argued that people continued to work more than they needed to live because work became a 'calling'.⁶⁴ Work was a duty that one had to uphold and offered the possibility of spiritual fulfilment. On the other hand, those who "wasted time" in non-working activities like socialising and idleness were guilty of the 'deadliest of sins' and 'worthy of absolute moral condemnation'.⁶⁵ Whether Weber was right or not about a protestant work ethic at the time,⁶⁶ the notion of work both as a place of fulfilment, and as a duty to others, is familiar to us today. This work ethic is coercively enforced by governments that systematically legislate weak social security to increase the costs of not working.⁶⁷ More penetratingly though, the work ethic instils itself in the social norms and attitudes of society, conditioning people to feel compelled to work. Work promises personal fulfilment either directly, through the ideal of a rewarding 'career',⁶⁸ or indirectly, by giving people the money to consume ever more goods which they find gratifying and elevate their

⁶¹ Steven Hindle, 'Work, Reward and Labour Discipline in Late Seventeenth-Century England', in Steve Hindle, Alexandra Shepard and John Walter (eds.) *Remaking English Society* (Woodbridge: Boydell, 2013), 255. See also John Hatcher, 'Labour, Leisure and Economic Thought before the Nineteenth Century', *Past and Present* 160, no. 1 (1998): 64–115.

⁶² John Locke, *Second Treatise of Government*, Edited by Richard H. Cox (Wheeling, IL: Harlan Davidson, 1982), chap. V.

⁶³ Max Weber, *The Protestant Ethic and the Spirit of Capitalism*, Translated by Talcott Parsons (London: Routledge Classics, 2001).

⁶⁴ *Ibid.*, 19, 26, 106–8.

⁶⁵ *Ibid.*, 104.

⁶⁶ It is interesting that Weber's first publication of *The Protestant Ethic* in 1905 was just six years after Veblen's *The Theory of the Leisure Class*.

⁶⁷ Weeks, *The Problem with Work*, 74.

⁶⁸ *Ibid.*, 69–75.

status.⁶⁹ And work offers the opportunity for people to fulfil their societal duties to others and to gain a certain recognition from doing so,⁷⁰ whilst those who don't are shunned by others and suffer 'psychological sanction[s]' like guilt.⁷¹ Modern empirical evidence shows that most citizens continue to value work as a duty to others and a realm of potential fulfilment.⁷² The contemporary liberals assuming the free time view don't explicitly endorse this societal work ethic, but it still shapes the background conditions they are writing in. Its prevalence in both institutions and the attitudes of their environment may limit the societies they are prepared or even able to conceive, influencing the aims of their work in turn. If the work ethic elevates the centrality of work in a society, it may make imagining a post-work society seem challenging and detached.

The Rawls of *Theory* is clear about the presence and importance of work, claiming that persons desire 'meaningful work' above a life with higher material standards, and including it in his theory of the good.⁷³ Whilst Rawls became more apprehensive about endorsing such theories of the good in his later work, he continued to defend 'freedom of occupation' as a basic liberty,⁷⁴ and explicitly stipulated that "Malibu surfers" couldn't be subsidised by others to spend all day on the beach.⁷⁵ Walzer meanwhile, derides the Marxian idea of technological progression leading to a post-work society as an 'old dream'.⁷⁶ On the contrary, he thinks 'a great deal of hard work is required in the human services, where automation was never in prospect'.⁷⁷ In her case for free time, Rose also seems to assume a society with a great deal of work to be done. She begins by presenting evidence that some

⁶⁹ Daniel Bell, *The Cultural Contradictions of Capitalism* (New York: Basic Books, 1996), 54–80. See also Herbert Marcuse, 'The Realm of Freedom and the Realm of Necessity: A Reconsideration', *Praxis* 5, no. 1 (1969): 23; Juliet B Schor, *Overworked American: The Unexpected Decline of Leisure* (New York: Basic Books, 1992), chap. 5.

⁷⁰ Muirhead, *Just Work*, chap. 5.

⁷¹ Quote from Weber, *Protestant Ethic*, 121. See also Harvey S. Goldman, 'Weber's Ascetic Practices of the Self', in Hartmut Lehmann and Guenther Roth (eds.) *Weber's Protestant Ethic: Origins, Evidence, Contexts* (Cambridge: Cambridge University Press, 1993), 161–77.

⁷² Liana Giorgi and Catherine Marsh, 'The Protestant Work Ethic as a Cultural Phenomenon', *European Journal of Social Psychology* 20, no. 6 (1990): 499–517; André van Hoorn and Robbert Maseland, 'Does a Protestant Work Ethic Exist? Evidence from the Well-Being Effect of Unemployment', *Journal of Economic Behavior and Organization* 91 (2013): 1–12.

⁷³ Rawls, *TJ*, 257, 373.

⁷⁴ Rawls, *JF*, 58, 169.

⁷⁵ Rawls, 'The Priority of Right and Ideas of the Good', 257 n7.

⁷⁶ Walzer, *Spheres of Justice*, 167.

⁷⁷ *Ibid.*

Americans work long hours,⁷⁸ before advocating for *one* day of common free time on a Sunday and suggesting that free time may be partly honoured through flexible working hours (rather than no working).⁷⁹ In later publications, Rose has come to consider whether and when societies may forgo growth for improvements in living standards in other ways.⁸⁰ At this point, she gestures towards societies in which people may have more free time, although she is unclear about how much work people in these post-growth societies would be required to do.⁸¹

In this respect then, each of the liberals who assume a free time conceptualisation of leisure can be seen as prescribing principles firmly aimed at societies in which work continues to occupy much of people's daily lives, and where widespread attitudes see work as both a duty and sphere of potential fulfilment. In his history of the American labour movement's pursuit of shorter working hours, Benjamin Kline Hunnicutt notes how trade unionists' acceptance of the centrality of work early in the twentieth century – either reluctantly or enthusiastically as a realm of fulfilment – led them to abandon notions of leisure as an end in itself and to think about leisure in terms of free time.⁸² Perhaps the aforementioned liberals do something similar. Speculatively, there may be two reasons why. One, insofar as leisure is deemed to be important in these societies, it may gain greater value, as Locke said, as a realm of rest and recuperation for work. If leisure is good insofar as it revitalises one for work, then it makes sense to classify it as “non-work”. Two, the idea of leisure as a realm of fulfilment – as an end in itself – runs counter to the narrative of a society that elevates the value of work and castigates those who don't work enough. The liberals in question need not endorse this narrative (Rose certainly doesn't); they may simply be unwilling to overtly challenge it.

Part of the reason for this unwillingness may be because they tend to be reluctant to identify any realm of fulfilment or explicitly endorse an account of human flourishing.⁸³ This leads to the second divergence from the aims of Aristotle's and Marx's theories of leisure. Those theories sought a conception of human flourishing. In contrast, Rawls and Rose orient

⁷⁸ Rose, *FT*, 8ff.

⁷⁹ *Ibid.*, 106ff, 113, 126, 137.

⁸⁰ Julie L. Rose, 'Beyond the Perpetual Pursuit of Economic Growth'; 'On the Value of Economic Growth', *Politics, Philosophy and Economics* 19, no. 2 (2020): 128–53.

⁸¹ Rose, 'Beyond the Perpetual Pursuit of Economic Growth', 155; 'On the Value of Economic Growth', 137.

⁸² Benjamin Kline Hunnicutt, *Work Without End: Abandoning Shorter Hours for the Right to Work* (Philadelphia, PA.: Temple University Press, 1988), 30.

⁸³ This becomes clearer in Part 2.

their philosophy around evading the question of what amounts to a flourishing life altogether. Throughout his philosophy, Rawls argues for the priority of the right over the good, meaning that his conception of justice is developed without reference to a particular account of human flourishing.⁸⁴ In his *Political Liberalism*, Rawls goes further by arguing that the western liberal state must avoid stipulating what a good or flourishing life is like to retain its legitimacy.⁸⁵ Rose situates herself in this school. In her view, any liberal theory must see the state honour a principle of ‘anti-perfectionism’. Rose’s decision to ‘reconceptualize’ leisure as a ‘resource of free time’ is a direct consequence of this commitment.⁸⁶ For Rose, resources are ‘all-purpose means’ which can be exchanged for anything;⁸⁷ so, reclassifying leisure as the resource of free time allows it to be distributed to any person for any purpose they may wish, rather than characterising it in a way that might associate it with a certain conception of a flourishing life. As Rose notes, endorsing something like the positive conceptualisation would require abandoning this commitment.⁸⁸

Hence, the two background features of Aristotle’s and Marx’s discussions of leisure that seemed to lead them towards the positive view are not so obviously present in contemporary liberal philosophical discourse. The notion of a post-work society seems both unrealistic and (possibly) undesirable when a societal work ethic is so ingrained, and a theory that seeks out what it means for persons to flourish is antithetical to the commitment of Rawls and Rose to avoid stipulating what a flourishing life looks like. The dominance of the free time view amongst liberal philosophers can be seen as a consequence of these background features. Liberal philosophers allow these features to direct their discussions of leisure, and subsequently adopt a free time conceptualisation ahead of the positive view.

V - Conclusion

This chapter has excavated the positive conceptualisation of leisure. Found in Aristotle and Marx, it understands leisure to have three properties: *i)* it concerns *ends in themselves*; *ii)* it is the “*state-condition*” one is in when performing ends in themselves; and *iii)* it is *not simply free time*. These properties paint quite a different picture of leisure to the free time view, which

⁸⁴ Rawls, *TJ*, 28, 347f.

⁸⁵ John Rawls, *Political Liberalism*, Expanded edition (New York: Columbia University Press, 2005). Henceforth *PL*.

⁸⁶ Rose, *FT*, 37.

⁸⁷ *Ibid.*, 27.

⁸⁸ *Ibid.*, 36.

understands leisure as time away from fulfilling one's basic needs. One of the merits of the archaeological approach used to identify the positive conceptualisation is that it can challenge hegemonic ideas or concepts, and make us aware of new possibilities hidden from view. In this case, modern preoccupations with work and liberal anxieties about specifying human flourishing have hidden the positive conceptualisation of leisure away from liberal political theory. Excavating the positive conceptualisation illuminates that there may be another way of understanding leisure and another way of examining what a claim to leisure looks like. Now we are aware that there could be another way, the archaeological approach is continued in the next chapter by showing this other way is not just different, but better. The positive conceptualisation is adapted to become fit for contemporary purposes, then shown to be a more fruitful understanding of leisure for a normative inquiry.

CHAPTER 2

FREE TIME ISN'T WORKING

For Andrea Veltman, showing proper respect for working people means ensuring they have ample leisure.¹ But unlike most other liberal philosophers, Veltman doesn't think of leisure as free time. Instead, she develops an account of leisure originating from the Greek notion of *scholê*, calling for every person to have the opportunity to engage in intellectually trying activities. Leisure in this sense entails 'reading and discussing complex ideas', 'solving problems', 'making crafts', 'painting' and other activities that 'draw on knowledge and skills' of different sorts.² Respecting working people requires giving them the resources and societal conditions that make such activities possible.

There are two things to be gained from Veltman's argument that working people should have proper access to this more demanding notion of leisure – one encouraging, one cautionary. Encouragingly, Veltman shows that there is a place for a more demanding idea of leisure than the free time view in existing liberal societies. Like Aristotle and Marx, Veltman is dedicated to giving citizens what they need to flourish. Unlike Aristotle and Marx, she is not thinking about post-work societies; she says that 'flourishing occurs in leisure *and* in meaningful work'.³ Thus, there is nothing to prevent an argument for positive leisure in present day liberal democracies in which people spend a lot of time working. As for the more cautionary lesson: in spite of her insistence that her view is sensitive to the needs and wants of the working class, Veltman's argument for leisure feels rather elitist. She seems to prescribe 'a university education for the population as a whole' as a prerequisite to human flourishing,⁴ and is unimpressed by the idea of people being at leisure by 'watching television' because it is 'not intellectually demanding'.⁵ The intellectualist thrust of Veltman's argument is borrowed from Aristotle, but she fails to adequately amend his work to make it appropriate for modern-

¹ Andrea Veltman, 'Leisure and Respect for Working People', in Keith Breen and Jean-Philippe Deranty (eds.) *The Politics and Ethics of Contemporary Work: Whither Work?* (Abingdon: Routledge, 2022), 59–71.

² *Ibid.*, 66.

³ *Ibid.*, 69. My emphasis. See also Veltman's *Meaningful Work* (New York: Oxford University Press, 2016).

⁴ Veltman, 'Leisure and Respect for Working People', 66.

⁵ *Ibid.*, 69.

day attitudes that are less aristocratic.⁶ Any contemporary defence of an ideal of leisure derived from Aristotle should not simply transpose his argument to modern societies, but adapt it to ensure it properly fits our values and moral convictions.

Taking these two lessons on board, this chapter continues the archaeological approach by defending the adoption of the positive conceptualisation for a normative inquiry into citizens' claims to leisure. It uses the three properties identified in the previous chapter to offer an account of positive leisure fit for modern purposes, thereby firmly establishing a conceptualisation of leisure different from the free time view. And it claims that this positive view is a better conceptualisation for the exploration of a "claim to leisure", because understanding leisure in this way allows us to be sensitive to the distinctive values of leisure *and* free time, and what the respective ideas demand. The chapter is therefore both explanatory – in describing the positive conceptualisation of leisure in its modern form – and argumentative – in claiming that positive leisure is a more appropriate subject for a normative inquiry.

It begins by setting out positive leisure as it will be defended throughout the rest of the thesis (I). As this involves discussing each of the three features of positive leisure, it includes a subsection about how positive leisure is not simply free time (I.3). Aiding the conceptual description further, the chapter then distinguishes between positive leisure and work (II). Next, it argues in favour of adopting the positive conceptualisation of leisure over the free time view (III). Finally, it describes the things needed for a person to be "at leisure" in the positive sense, which include, but are not limited to, free time (IV).

I – Positive leisure

Utilising the three properties of leisure found in Aristotle's and Marx's theories, a modern positive conceptualisation which understands leisure as *the condition people are in when performing activities chosen as ends in themselves* can be developed. More specifically, leisure is: *i) found when people perform activities chosen primarily as ends in themselves; ii) the state-condition people are in when performing these activities; and iii) not simply free time.*

⁶ She does, to be fair, oppose Aristotle's view that leisure is not for women (and naturally, condemns his endorsement of slavery). *Ibid.*, 67.

I.1 – Activities chosen primarily as ends in themselves

Positive leisure refers to activities that are chosen primarily as ends in themselves. This abstract property intentionally allows for many different activities to be leisure. Given that leisure tastes and preferences vary across people and cultures, unlike Aristotle and Marx, I do not wish to pinpoint any particular activities to be associated with leisure (at least, at this stage). However, to make sense of this abstract property, its various components must be explained separately. Some patience is required here.

An activity that is an end in itself is done for its own sake, and is contrasted with a means which is done to bring about some other activity or state of affairs. Means and ends are distinguished here by the *reason* (or motivation) a person has for performing a particular activity.⁷ Something done as a means is done for the reason of altering an external state of affairs; it tries to change something about the world beyond the person's mind or their internal state. Examples of means include political activism or charity, which aim to make the world more just or aid people in need; wage-labour, which aims to earn money; exercise, if it aims to make the person fitter; and sleeping, resting, and eating and drinking, all of which are necessary to sustaining one's health. Each of these activities mark a change to the world, the person, or their surroundings which are external to their subjective state or how they feel. By contrast, activities which are ends in themselves – or done for their own sake – are done to derive internal goods. Activities that make a person happy, give them pleasure, or satisfy them are typical examples – each of these emotions are internal goods. As this endeavours to be an ecumenical account of leisure which captures the many different leisure practices and activities people perform, the internal goods permitted are not limited too much. Plausibly, people may be at leisure whilst performing activities that trigger other internal goods like sadness or anger (watching a tragic play may be an example).

Ends in themselves that immediately come to mind are those which instantly deliver an internal good. For example, one may gain instant pleasure from listening to music or attending a live concert. However, people can also participate in leisure activities that *bring*

⁷ T. M. Scanlon, *Moral Dimensions* (Cambridge, Mass.: Harvard University Press, 2008), 93. Means and ends are often characterised in terms of “value” – whether somebody values something instrumentally or for its own sake. I prefer the terminology of reasons, but the difference doesn't really matter for what is to come. However, it's important to note that I do not refer to ends as “intrinsically valuable”, as a means can also have intrinsic value. See Christine M. Korsgaard, ‘Two Distinctions in Goodness’, *The Philosophical Review* 92, no. 2 (1983): 169–95.

about an end. This merits closer discussion. Firstly, people can participate in activities *which* bring about an end. Such activities aim towards some final end, but the reason for doing them is found in the process of getting there. A beloved artist paints, which brings about a painting, but the joy and reason for her painting is not simply the end result, otherwise she would just buy the painting instead. Activities which bring about an end are clearly leisure activities by our definition, as the reason for performing the activity was not primarily to bring about the end, but for the internal values extracted from the process of the activity.

Secondly, people can participate in activities *to* bring about an end. Imagine one decides to run a marathon, and the reason is the internal value they will extract from completing the marathon. Can it be said that somebody is still at leisure when they are training to run a marathon? In this case, it seems that finally running the marathon is the end, and that the preparation (the training) is a means. These kinds of preparatory activities can be leisure activities too if the preparation is *constitutive* of the end goal. When the individual sets out to run the marathon, they are aware that they will need to train for the marathon. The final end of running the marathon is therefore, inseparable from the preparation. This inseparability is common in activities which have particular goals or challenges, like running a marathon or learning new things. Indeed, the activity and the motivation for doing it would be starkly different if the preparation weren't involved. For instance, the motivations for running a marathon (which few people can do and requires training) are likely to be very different to the motivations for walking round the block (which most people can do on a whim). The challenge or the costs of the preparation are constitutive of the internal good that motivates the activity. These activities differ from standard means to bring about a leisure activity as an end, such as working overtime to pay for football tickets. The football is the end but the working overtime is clearly a means. The person would still buy the football tickets and extract the same internal goods from it if they could afford to without working overtime, as the internal value of the football is not constituted by the working overtime.

Two worries about characterising leisure activities in terms of motivations present themselves at this point, both of which can be aided with the help of Alasdair MacIntyre's discussion of describing human behaviour.⁸ MacIntyre shows that analysing a person's primary reason for acting can help to make sense of what they are doing. One worry people

⁸ Alasdair MacIntyre, *After Virtue: A Study in Moral Theory*, Third Edition (London: Bloomsbury, 2013), chaps. 14 and 15.

may have about the characterisation presented so far, is that a person can have multiple reasons for doing a particular activity – some internal, some external. One may play football both for enjoyment and to stay healthy. For this reason, a leisure activity must be *primarily* chosen as an end in itself – it must be the case that the main reason for acting in that way is to derive the internal goods from the activity. Of course, people’s motivations are often complex, but MacIntyre is right that one’s primary reason for acting remains informative. If the person has a different primary motivation, they may act differently.⁹ Although a person may partly play football to keep fit, it may be the case that if they did not derive the internal enjoyment from football, it would make no difference to them whether they play football, run, or swim to stay fit.¹⁰ Another worry people may have is that an activity can be leisure for one person, and the same activity not leisure for another; or an activity may be leisure for a person at one point in time, but not in another. In fact, this makes perfect sense once it is recognised that an agent’s motivations are crucial to understanding what they are doing. Take the activity of riding a bike: whether, when, and how one chooses to ride a bike will depend on their reasons for doing so. If they ride a bike for leisure, then they will probably ride it in a circuit (or at least, to no place in particular), they will ride it for as long as they enjoy it or find it pleasurable or satisfying (or whatever the internal motivation is), and they may not ride it if it is raining because that will undermine their pursuit of the internal goods. By contrast, if they ride a bike to get to work, they will ride that bike *to* work, for as long as it takes them to get to work, and irrespective of the weather. Riding a bike can be an end in itself in one instance, and a means in another.

Activities are simply things that people do for a contained time period: frying an egg, cleaning a bathroom, riding a bike, playing the violin, smoking a cigarette, and going for a run are all activities. As this list shows, some activities may take longer than others. Importantly though, an activity captures a single thing one does. This means that a longer period of human action cannot be characterised as an activity; for example, going on holiday for a week would not be an activity, because it would involve many different activities during the holiday (from making breakfast to playing on the beach). I rely on some intuitive cooperation from the reader here, but one implication is important: changes to one’s life that are motivated by internal goods are not leisure. Imagine a person suffers from deep sadness, and therefore,

⁹ Ibid., 183.

¹⁰ I may at least do the activity differently. On this point, see Bernard Suits, *The Grasshopper: Games, Life and Utopia* (Edinburgh: Scottish Academic Press, 1978), 24.

chooses to move house to live somewhere more comfortable. Although they are motivated by changing their state of mind, the moving of house and the benefits they derive from it occur over an extended period of time, so it does not seem appropriate to describe it as an “activity”.

Leisure activities are *chosen*, meaning that the subject at leisure freely selects the activities they will participate in during leisure. This partly follows from leisure activities’ status as ends in themselves. If somebody is forced into an activity, they are presumably performing a means of appeasing their coercer rather than doing the activity for its own sake. Leisure sociologists often point out that people’s preferences will be heavily shaped by their surroundings and upbringing, questioning how freely people choose any leisure activities.¹¹ Requiring that leisure activities are chosen does not, however, need people to be completely devoid of any influences; it requires people to be able to exercise some autonomy over their choices, for which they need freedom from coercion and an adequate range of options.¹²

Leisure activities needn’t be “active” – watching television can be a leisure activity if it is an end in itself – but the choosing of them must be. When people choose a leisure activity, they actively orient themselves towards that activity as an end in itself. It is something that a person consciously and reflectively decides they want to do for its own sake. Whilst people can participate in passive leisure activities, they cannot choose those leisure activities passively. There is an important difference between the sitcom-lover who watches television to actively pursue the pleasure they get from cult comedies, and the person who comes home from an exhausting day at work and “sticks the television on” without reflection to unwind. Characterising leisure activities in these terms captures that there is a distinction between the things people do during their free time which are rewarding for their own sake, and the things which are not (more on this in I.3). Unlike Veltman’s characterisation though, it resists mapping out this distinction in an elitist way that sees some activities as inherently more valuable than others. The motivation for performing the activity remains key.

This reinforces that any activity can be leisure theoretically, if it is done for its own sake. Whilst Aristotle and Marx both stipulated particular activities they deemed to be ends in themselves, contemporary positive leisure does not (although I have offered some

¹¹ John Clarke and Chas Critcher, *The Devil Makes Work* (Chicago: University of Illinois Press, 1985), 118; Chris Rojek, *The Labour of Leisure* (London: Sage, 2010), 84–86.

¹² Ben Colburn, *Autonomy and Liberalism* (London/New York: Routledge, 2010), 27–29; Joseph Raz, *The Morality of Freedom* (Oxford: Clarendon Press, 1986), 373–77. See also Joffre Dumazedier, *Sociology of Leisure* (Amsterdam: Elsevier, 1974), 72–73.

illustrations). The notion of ends in themselves intuitively captures many activities associated with leisure. For example, it is common to think that art and sport are valuable if/because they are enjoyed for their own sake.¹³ However, the positive conceptualisation of leisure is not restricted to these activities. Later in the thesis, it is observed that there are “typical” leisure activities and that identifying these can be helpful for policymaking purposes. But in terms of the *conceptualisation* of leisure, any activity can be “leisurely” insofar as it is possible that somebody may do anything for the internal goods they derive from it.

Characterising leisure as an end in itself in these terms helps to put some substance into the abstract notion of ends in themselves found in Aristotle and Marx. Once more, leisure activities as ends in themselves are the things that people do over a contained time period, which are chosen actively with the primary reason of deriving internal goods from them. Now for the two other properties of positive leisure.

I.2 – State-condition

Leisure is the state-condition that people are in when they perform activities chosen as ends in themselves. What ties a highly diverse range of activities chosen as ends in themselves together is that, when performing them, people are in the state-condition of being at leisure. This allows us to identify the thing that people have in common when they participate in seemingly different activities: they are “at leisure”. It also lays the platform for finding a shared value in all leisure – by its nature as an end in itself – irrespective of what the activity is.¹⁴

I.3 – It is not free time *simpliciter*

Identifying leisure as a state-condition points to one difference between positive leisure and free time. It immediately differentiates positive leisure from free time as a *temporal resource*. Recall that free time is an “all-purpose means” which can be exchanged for anything. It does not make sense to think of positive leisure as something that can be exchanged, as it simply describes a state that a person is in when they are doing something.

¹³ On art, see Malcolm Budd, *Values of Art: Pictures, Poetry and Music* (London: Allen Lane/Penguin, 1995); Roger Scruton, *The Aesthetics of Music* (Oxford: Clarendon Press, 1997), chap. 12. On sport, see Leon Culbertson, ‘Does Sport Have Intrinsic Value?’, *Sport, Ethics and Philosophy* 2, no. 3 (2008): especially 316.

¹⁴ See Chapter 5.

Another difference is that free time does not only pertain to when people perform activities chosen as ends in themselves. The free time view presented in Chapter 1 depicted leisure as time away from work, but on some accounts, like Rose's, if a person chooses to work more than required to fulfil their basic needs, then they are working during their free time.¹⁵ If a person spends longer in the office or more time cleaning their house than needed, then the excess time spent in those activities is their free time. Even if it makes sense to think of extra work like this as performed during one's free time, it does not make sense to think of it as positive leisure, because the motivations will still often be to bring about an external state of affairs (such as to earn more money or make the house cleaner).¹⁶

There are other activities that people may perform in their free time that are not leisurely because they are not ends in themselves. Rest is one such activity. Beyond time spent sleeping, people often wish to have rest to recuperate and rejuvenate themselves for more work. However, this rest (at least, the amount of rest people often take) is not strictly necessary, and so should not be categorised as a basic need outside of one's free time.

People tend to rest because they are tired, which highlights another set of activities that people may do during their free time which are not leisure. Often, when tired, fed-up, unwell, or otherwise unstimulated, people will passively select activities during their free time. These are not leisurely because they are not chosen actively. Theodor Adorno captures this in his typically polemical style:

Time and time again, when questioned or interviewed, one is asked about one's hobbies. [...] I have no hobby. Not that I am the kind of workaholic, who is incapable of doing anything with his time but applying himself industriously to the required task. But, as far as my activities beyond the bounds of my recognised profession are concerned, I take them all, without exception, very seriously. So much so, that I should be horrified by the very idea that they had anything to do with hobbies – preoccupations with which I had become mindlessly infatuated merely in order to kill the time – had I

¹⁵ Rose, *FT*, 42-43, 64-65. See also Robert E. Goodin et al., 'The Time Pressure Illusion: Discretionary Time vs. Free Time', *Social Indicators Research* 73, no. 1 (2005): 43–70.

¹⁶ These activities may be leisure if done for their own sake. This is returned to in the next section.

not become hardened by experience to such examples of this now widespread, barbarous mentality.¹⁷

Adorno's qualm is with how capitalist labour and consumerism subverts people's autonomy and leads them towards activities that are not truly "serious". But even for those of us who object to the obnoxious elitism of his statement, his distinction between different kinds of free time activities is illuminating. Activities that are pastimes are different to leisure activities in the sense that the person does not orient themselves towards them or seek the internal goods out of them in the same way. Doing a crossword, scrolling through social media, or watching television at the end of a long day might be classed as pastimes in this sense.¹⁸ I disagree with Adorno's castigation of hobbies – many people take their hobbies highly seriously and find them greatly rewarding¹⁹ – but I share his inclination to distinguish between leisure activities and mere pastimes. It is not clear whether these pastimes are an extension of rest or sit in a hinterland between rest as a means and leisure as an end in itself. As they are not actively chosen though, they join the other activities mentioned as "not leisure", even though performed during free time.

The three features of positive leisure found in Aristotle and Marx are transposable to a contemporary account of leisure as *the condition people are in when performing activities chosen as ends in themselves*. Retaining the three features of Aristotle's and Marx's conceptions of leisure enables consideration of a new set of normative questions and policy opportunities that the hegemony of the free time view previously concealed. This point is developed in Section III, but before that, it will be useful to take a brief detour to set out the link between positive leisure and work.

¹⁷ Theodor W. Adorno, 'Free Time', in J. M. Bernstein (ed.) *The Culture Industry: Selected Essays on Mass Culture* (London/New York: Routledge, 2001), 188–89.

¹⁸ Once more, on the account presented here, these *can* be leisure, but they won't be if the person does not actively choose them. For evidence that television and social media are often not actively chosen, see Liese Exelmans and Jan Van den Bulck, 'Self-Control Depletion and Sleep Duration: The Mediating Role of Television Viewing', *Psychology and Health* 33, no. 10 (2018): 1251–68; Alan B. Krueger, 'Are We Having More Fun Yet? Categorizing and Evaluating Changes in Time Allocation', *Brookings Papers on Economic Activity* 2 (2007): 193–215.

¹⁹ See Robert A Stebbins, *The Serious Leisure Perspective: A Synthesis* (Cham: Palgrave Macmillan, 2020).

II – Difference with work

Leisure and work have an intimate relationship.²⁰ Considering the connection between the two should add clarity and plausibility to the positive conceptualisation. Defining “work” can be difficult though. There are usually two popular ways of characterising it. The first defines work according to necessity: people work in the wage-labour market and in the home because they need to maintain a decent standard of living.²¹ But whilst it’s certainly true that many people do work out of necessity, some people work far harder and longer than they would ever need to. Elon Musk can afford to never work another day in his life, yet he continues to. The second defines work as productive: work creates, makes, or contributes something.²² Aside from the fact that much productive labour performed by women has not been considered work for most of history, the issue with this characterisation is that plenty of work in the modern economy does not seem particularly productive.²³

What ties the ideas of necessity and productivity together is that work is a *means*: it is generally done to bring about another external state of affairs. The person who works for necessity works because they wish to bring about enough money or satisfactory living conditions; the person who produces something for work does so as a means, like the professional carpenter who creates her goods to sell. Understanding work as a means spans wider though. Work which is done to improve one’s living standards or spending power is still a means even if it is not needed; the person who works in non-productive activity to earn a wage or gain the approval of their employer still performs a means even though they don’t produce anything. Not all activities performed as a means are work – sleeping and rest are means but they are not work – but all work is performed as a means. It is this quality that distinguishes it from leisure, as leisure is performed as an end in itself.

As mentioned earlier, some free time views allow that people can work in their free time. According to such views, virtually all of the time that Musk works is in his free time.

²⁰ See Don Slater, ‘Work/Leisure’, in Chris Jenks (ed.) *Core Sociological Dichotomies* (London: Sage, 1998), 391–404.

²¹ E.g. Todd S. Mei, ‘Work and the Meaning of Being’, in Ruth Yeoman et al. (eds.) *The Oxford Handbook of Meaningful Work* (Oxford: Oxford University Press, 2019), 94; Sean Sayers, *Marxism and Human Nature* (London: Routledge, 1998), 68.

²² E.g. Herbert Applebaum, *The Concept of Work* (Albany, NY.: State University of New York Press, 1992), 549; Sean Sayers, ‘The Need to Work: A Perspective from Philosophy’, in R. E. Pahl (ed.) *On Work: Historical, Comparative and Theoretical Approaches* (Oxford: Basil Blackwell, 1988), 726.

²³ See David Graeber, *Bullshit Jobs: A Theory* (London: Allen Lane, 2018).

Given that these versions of the free time view are shaped by justice concerns, it makes sense to place dispensable work as in a person's free time to avoid the counterintuitive implication that wealthy people like Musk who choose to work are time poor.²⁴ The positive leisure view though, still does not categorise most of these working activities during one's free time – overtime and additional household labour – as leisure, because they are performed as a means – to earn more money, or maintain a particularly clean home perhaps.

This does leave open the possibility that a small amount of activity in the household or wage-labour market *is* leisurely. For example, one who loves gardening may spend far more time in the garden than is required, and they are motivated to do so by the internal goods they extract. This is consistent with everything that has been said so far though: the gardening is performed in one's free time for its own sake. As the positive leisure conceptualisation accommodates the diversity of activities people perform for their own sake, it allows for some people's leisure to look a lot like work. It is for the same reason that some people may be "at leisure" in the wage-labour market. Some people are very fortunate to spend their time being paid for something they would do anyway for its own sake. Artists and athletes come to mind here. Not all of the time they spend "labouring" will be leisurely, as any job requires a person to do some things they would rather not, and in the wage-labour market, the motivation for those things becomes a means. Nevertheless, it is reasonable to think that some people do primarily participate in the job market to extract internal values like satisfaction, pleasure, or achievement.

This, however, will not have serious normative implications, as the examples of this kind of work seem to be relatively rare. Most people do not work in the wage-labour market as an end in itself. Annual surveys by the analytics firm Gallup show that only a fifth of global employees consistently feel engaged – i.e. "involved and enthusiastic" – by their jobs.²⁵ Between 2020 and 2022, 90% of British employees reported feeling 'not engaged' or 'actively disengaged'. Lots of jobs are boring, toilsome or depressing; people tend to like Fridays and don't like Mondays; many would like to reduce their working hours, including up to three out of five Americans according to some estimates.²⁶ All this points towards an unsurprising

²⁴ See Rose, *FT*, 42-43.

²⁵ 'Employee Engagement', *Gallup* (2023) <https://www.gallup.com/394373/indicator-employee-engagement.aspx#:~:text=In%202022%2C%20the%20percentage%20of,Workplace%20Award%2C%20was%2072%25>.

²⁶ Jerry A. Jacobs and Kathleen Gerson, *The Time Divide: Work, Family, and Gender Inequality* (Cambridge, Mass.: Harvard University Press, 2004), 64; Jeremy Reynolds and Lydia Aletraris, 'Mostly

conclusion: most people's primary motivation for having a job is to earn money, rather than perform ends in themselves.²⁷ Even when money is not the primary motivation, other means such as learning new skills, contributing to a community, and feeling useful often are.²⁸ As argued in the Introduction, I think that estimates that this will change are mistakenly sanguine. In Marx's phrase, there will always be a 'realm of necessity' made up of jobs that people would prefer not to do, so it is unlikely that the proportion of people finding leisure in the wage-labour market will dramatically increase.

III – Embracing positive leisure

When considering citizens' claims to leisure, why should the modern positive conceptualisation described in this chapter be preferred to the free time view? There are two reasons: one) free time is not valuable for its own sake, so establishing a claim to free time risks establishing a claim to something of little or no value; two) free time retains instrumental value aside from its merits as a requirement-condition for positive leisure, meaning that distinguishing between positive leisure and free time can help to hone in on these distinctive values and get clear about what they mean for justice.

III.1 – Free time is not valuable for its own sake

Free time does not have value for its own sake. Therefore, establishing a claim to it at the *expense* of positive leisure, which does have value for its own sake, risks establishing a claim to something which is of little worth in isolation.

Consider the case of *Marienthal*, an Austrian village turned on its head after the closure of the primary employer, a flax mill, in 1930. Before its closure, the mill employed many of the village's men. After its closure, there were few other job opportunities in the area, so many of the men had no work and three quarters of the village's families depended upon unemployment benefits paid by the state. There was widespread poverty and hunger in the

Mismatched With a Chance of Settling: Tracking Work Hour Mismatches in the United States', *Work and Occupations* 37, no. 4 (2010): 476–511.

²⁷ Ignacio Falgueras-Sorauren, 'Non-Monetary Incentives: Do People Work Only for Money?', *Business Ethics Quarterly* 10, no. 4 (2000): 925–44; Barry Schwartz, 'Why We Work', in David Larry Blustein and Lisa Y. Flores (eds.) *Rethinking Work: Essays on Building a Better Workplace* (New York: Routledge, 2023), 31.

²⁸ Brian Dumaine, 'Why Do We Work?', *Fortune* 130 (1994): 197-204; Stephanie Kelton, *The Deficit Myth: Modern Monetary Theory and the Birth of the People's Economy* (New York: Public Affairs, 2020), 3, 327 n37.

village. Many of the village's community activities ceased and public goods fell into disrepair. The village's popular dancing club no longer operated; the festivals it held in the summer, which were the envy of the surrounding villages, were no longer hosted; the public park became untidy and overgrown. Participation in the remaining community goods, like the theatre and the library, declined and lacked the same verve. The unemployed men of Marienthal had very little to do all day: they drank more, chain-smoked, and were inexplicably late picking their children up from school. Scholars documenting the village at the time observed that: 'Now [Marienthal's residents] are no longer under any pressure, they undertake nothing new and drift gradually out of an ordered existence into one that is undisciplined and empty'.²⁹

By any definition, Marienthal's residents had bags of free time, yet none of that time was valuable for its own sake.³⁰ The case shows that there is nothing necessarily good about a person having free time. This matters because it follows that there is nothing necessarily good about establishing that citizens have a claim to free time. Establishing a claim to free time may simply give people something of little or no value. So, to start a normative inquiry into a claim to leisure by focusing on free time would be to direct it towards something with no value for its own sake. This is the wrong place to begin. Placing the resource of free time at the centre of a normative inquiry fetishises it and distorts why resources are important. It treats a resource – *qua* an all-purpose means – as an end in itself. Instead, the starting subjects of normative inquiries should be reserved for things that do have value for their own sake.³¹ The values of positive leisure will be detailed in Chapter 5, but for now, it suffices to note that, by definition, leisure has value for its own sake. Therefore, making it an end of a normative inquiry is appropriate.

²⁹ Marie Jahoda, Paul F. Lazarsfeld, and Hans Zeisel, *Marienthal: The Sociography of an Unemployed Community* (London: Transaction Publishers, 2002), quote at 66.

³⁰ This is not meant to suggest that there is always a normative problem if people's free time is not valuable for its own sake (although in Marienthal, there almost certainly was a normative problem). That will depend upon background conditions and the reasons a person's free time lacks value. It is merely meant to illustrate the difference between free time and time/activities which is/are valuable as ends.

³¹ See Martha C. Nussbaum, 'Nature, Function, and Capability: Aristotle on Political Distribution', in Robert H. Grimm (ed.) *Oxford Studies in Ancient Philosophy: Supplementary Volume 1988* (Oxford: Clarendon Press, 1988), 151.

III.2 – Overlooking the distinctive values of free time and leisure

That is not to say that there is *no* value or case to be made for giving people free time. On the contrary, free time has important instrumental value, and there are good reasons for citizens to have an entitlement to it. The claim in the previous subsection was that positive leisure – which has value for its own sake – should not be substituted as the centrepiece of an inquiry into a claim to leisure for free time – which does not have value for its own sake. However, a second reason to employ the positive conceptualisation in this inquiry is to make it possible to appropriately capture the *distinctive* values of *both* leisure and free time, and the normative implications recognising those values might have.

One reason that free time is valuable is that it is *one* of the resources needed to be at leisure (more on that in the next section). It is useful for all sorts of other things though. It gives people the time to practise their religious or spiritual commitments; to participate as democratic citizens by cultivating political knowledge, campaigning, and standing for government; and it can be valuable for improving the wellbeing of workers and boosting productivity.³² Each of these other things that free time makes possible are different to the value of performing activities chosen as ends in themselves. There may even be instances when the values of these things conflict, forcing a choice between them. It may be possible that free time only boosts productivity to a particular point, and then further increases in free time are detrimental to productivity, yet further increases to free time may better accommodate people's capacities to be at leisure. Getting clear about the distinctive values of free time and leisure can help for making judgements on these trade-offs. More generally, it can help us to focus on the instrumental value of free time beyond allowing people to be at leisure, and it can allow us to hone in on the value of leisure beyond the instrumental value of free time.

As the previous subsection implied, even this instrumental value depends upon free time actually making a particular end possible. Free time cannot do this in isolation; it must be paired with other resources and conditions to achieve a particular goal. This means that why free time is valued will have implications for how it is delivered and what other resources and conditions it is supplied with. One upshot is that distinctive resources, conditions, or

³² John H. Pencavel, *Diminishing Returns at Work: The Consequences of Long Working Hours* (New York: Oxford University Press, 2018); Suzanne Schweikert, 'An Hour a Day (Could Keep the Doctor Away)', in John de Graaf (ed.) *Take Back Your Time* (San Francisco: Berrett-Koehler, 2003), 78–83.

fragments of time may be needed for free time that wouldn't simply be needed for leisure. Imagine, following Désirée Lim, that we are convinced by a claim to free time on the basis that giving citizens more allows them to participate in activities – like trade union organisation – that improve their conditions in the workplace.³³ The amount of time that is required in these sorts of activities to improve a person's labouring conditions could well be different to the amount of free time they require for any claim to leisure to be satisfied. Now imagine that free time is primarily seen as valuable for allowing people to participate in leisure activities because free time and leisure are merged. In this instance, the amount of free time people have is enough for them to participate in leisure activities, but because there has been a neglect of the value of free time for allowing people to renegotiate their labour conditions, the free time for them to participate in the latter is not secured. People must now choose between leisure activities and labour activism, or they may simply not have time for one or the other – they certainly won't have time for both. But free time could be valuable for making leisure activities available *and* improving one's labour conditions. This goes to show that recognising the distinctive value of free time is essential to ensuring people have enough. Merging free time and leisure obfuscates this. Whilst the focus here has been on the *quantity* of time, this extends to the nature of the free time (such as whether it is shared), and the other resources and conditions people need to capitalise on all of the goods, including leisure, that free time helps to make possible.

The same goes for the reverse. Establishing a claim to positive leisure enables the location of what things, *in addition to free time*, are needed to satisfy a claim to positive leisure. This is important for two reasons. To begin with, being at positive leisure will demand more than just free time, as it is not free time *simpliciter*. If leisure is treated as free time, then one may be beguiled into thinking that all of the things people need to access the distinctive values of positive leisure have been delivered by giving them free time. Furthermore, thinking about the other things needed to be at leisure provides better theoretical tools for analysing current government policies oriented towards leisure. The Introduction described several examples of government policies that could be interpreted as promoting leisure, but which did not directly promote free time. For instance, governments often spend money on large sporting events like the Olympics, despite little evidence the effects on the economy are positive. A focus on free time as a temporal resource does not present the intellectual utensils to establish

³³ Désirée Lim, 'Domination and the (Instrumental) Case for Free Time', *Law, Ethics and Philosophy* 5 (2017): 74–90.

whether this kind of policy is legitimate or just. By being sensitive to the things that people need to be at leisure, *beyond* free time, these problems can be handled. The next section maps these things out. Before that though, one concern should be confronted.

III.3 – Is positive leisure too abstract?

Rose and Goodin both insist that justice must be measurable.³⁴ In Rose's case, this is described as the 'publicity criterion'.³⁵ The basic thought is that for a theory of justice to be sufficiently attractive, we need to be able to verify that the circumstances of our current society emulate that conception of justice more or less closely. If we can't, then citizens and those responsible cannot see whether justice has been done. The appeal of a theory of justice is both that it allows us to compare our current world with what it prescribes, and take steps towards making that world more just. To do either, some public way of scrutinising the present is needed.

In a tone that indicates she agrees that leisure is an essentially contested concept, Rose writes: 'there is no single "true" conception of leisure or free time; which conception is appropriate depends on its context and purpose'.³⁶ In her view, one advantage to the free time conceptualisation is that it is publicly verifiable how much free time people have. By contrast, given that positive leisure is a state-condition, one may worry that assessing whether one is "in the state-condition of being at leisure" will be rather tricky. It may be particularly difficult to compare whether some people have more leisure than others. If that's the case, then one may grant the advantages to the positive leisure view advanced thus far, but argue that it is not publicly verifiable enough to warrant being the focus of a normative inquiry in *political* philosophy. Further, one may then wonder whether free time is a useful proxy and gets us "close enough" to ensure that people capitalise on the goods of positive leisure, even if it is not identical.³⁷

There are two replies that can be made to this worry; twinned together, they should offer a sufficient rebuttal. First, it is fair to say that publicity matters, but publicity isn't *all* that matters. Publicity is one desirable feature of a theory of justice, but it is naturally not the only one, and full publicity shouldn't be a dealbreaker. For example, Rawls's difference principle,

³⁴ Robert E. Goodin, 'Freeing Up Time', *Law, Ethics and Philosophy* 5 (2017): 40–42; Rose, *FT*, 47-57; 'Justice and the Resource of Time', 106-9.

³⁵ Rose, *FT*, 47-48.

³⁶ *Ibid.*, 40.

³⁷ Thanks to Collis Tahzib for offering this argument.

in which primary goods are distributed according to what will be to the greatest benefit of the least well-off, may seem more or less attractive depending on how easy it will be to assess whether a policy made the least well-off better or not. However, the appeal of the difference principle is unlikely to completely hinge on this. If it turns out that it is not very publicly verifiable, but there are many other arguments in its favour, one may still feel inclined to accept it. Therefore, publicity is probably better seen as a scalar desideratum.³⁸ At one end of the scale will be theories of justice that are easily and readily publicly available; at the other end of the scale will be those which are virtually impossible to assess. In between, there will be theories of justice which are not completely publicly verifiable, but for which we may be satisfied that we can approximate whether conditions adhere to their prescriptions enough.

This leads to a second point. Although it may not be possible to publicly assess whether someone is at leisure, it may be more reasonably possible to assess whether they have the things they need to be at leisure. If a particular bundle of things is required for one to be in the state-condition of being at leisure, then looking at those things can be informative, as opposed to trying to discover whether people are in the state-condition itself. This should retain *enough* of the publicity criterion that there is no need to throw the positive leisure conceptualisation away. With that in mind, it will be apt to turn to what these things are.

IV – The things needed for positive leisure

Expounding the things people need to be at positive leisure is not strictly necessary for describing or defending the positive conceptualisation. Nevertheless, it will further demarcate the positive view from the free time view. More importantly, it will lay the foundations for the forthcoming normative discussion by explicitly setting out the kinds of things people require if they have a claim to leisure. These are the things people need to enter the state-condition of performing activities chosen as ends in themselves. For ease, they'll sometimes be referred to as the things people need to perform leisure activities (as leisure activities are already assumed to be chosen as ends in themselves and to put the person in the condition of being at leisure). As the claim to leisure is yet to be established, the aim here is only to trace what people need to be at leisure in the abstract, meaning that discussion of how much of these things people need will be deferred until Part 3 of the thesis. Nevertheless,

³⁸ Rose seems to see the publicity requirement as more complex than simply a binary. She attributes two features to publicity – 'verifiability' and 'reliability' – and argues against Goodin et al.'s metric for assessing how much free time people have on the basis that it adheres to the verifiability condition but fails the reliability one. Hence, she appears to think that a theory can be more or less "public". *FT*, 56.

even at this point, it will be noted that these things should make the performance of an adequate range of leisure activities possible.

IV.1 – Free time

Although people do not need the amounts of free time prescribed by Aristotle and Marx, people still need some free time to be at leisure. Of course, they need *enough* free time to be at leisure. As seen in III.2, this means that people have the free time both to be at leisure, and to use for the other things free time is important for, like resting and exercising their democratic rights. In short, people need free time *for leisure* (as opposed to free time for rest, political participation etc.). It was mentioned that some people are able to find leisure in their housework or in the wage-labour market. Given this group of people will be relatively small and unusual, that it will remain atypical for people to find leisure in such activities, and that this section aims to help lay the normative foundations for later, it is assumed that all citizens will need some free time to be at leisure. This evades any adverse implications that leisure should be promoted in the wage-labour market when many of the jobs that are actually on offer will still be unpleasant and necessary.

IV.2 – Leisure facilities

To be at leisure, people require certain facilities. Consider a diverse set of activities people do for leisure: playing the violin, playing football, reading a book, beekeeping, building Lego, watching musical theatre, hiking, and going to the beach. It is impossible to do any of these things with free time alone. Free time doesn't make playing the violin possible if one doesn't have a violin, nor playing football possible if somebody doesn't have the space to play. To be at leisure, one requires the non-time-related goods that make these activities practicable.

Throughout, these goods will be referred to as “leisure facilities”, with the term facilities used more inclusively than in common parlance.³⁹ These facilities loosely fall into two categories, although the boundaries between them will be blurred and the categorisation won't have implications for the normative argument later in the thesis. The first is leisure infrastructure. This generally refers to the spaces that people perform leisure activities in, such

³⁹ I prefer “facilities” to leisure “goods” because: *a*) goods could also refer to free time and public goods (the former won't be leisure facilities whereas the latter could be); and *b*) goods could also refer to the internal goods a person derives from a leisure activity. If the reader prefers, they may take “leisure facilities” to be shorthand for “leisure facilities and services”.

as a football pitch or a national park with footpaths, however, it can also extend to the infrastructure needed to access those things, like roads or public transport.⁴⁰ The second is leisure equipment and services. Some leisure activities require equipment like musical instruments or beekeeping outfits; some require a service like the showing of a sporting event or the performance of theatre; some require both. These leisure facilities enable people to use their free time to dedicate to leisure activities, providing they also have the leisure conditions.

IV.3 – Leisure conditions

People need certain conditions to be at leisure. Social norms and practices can create obstacles to people accessing leisure activities; a problem that more commonly affects marginalised groups. To briefly present an example that will be revisited at several junctures in the thesis: women in the UK often find it difficult to play or watch football because the masculinity of the environment and wider cultural practices make football unfamiliar or unwelcoming to them. Sometimes, these social norms manifest themselves in a way that the individual experiences externally, making their participation in a leisure activity costly enough that they are deterred from doing so (or gaining the internal goods they hoped for). For example, women wishing to play football may anticipate or be subjected to condemnation or ridicule from men which makes the football no longer seem worth it. At other times, these norms may embed themselves into a person's psyche so that they perceive themselves as unable to participate in a leisure activity. The individual may 'lack a sense of moral entitlement' to participate in an activity, or may feel as if they do not know how to in a way that puts them off trying.⁴¹ A young girl hoping to play football may believe that she doesn't belong in that environment and therefore, never take the sport up. These internal and external experiences are likely to intertwine – ridicule from others will affect an individual's own mindset – so it is best to treat these obstacles together. To be at leisure, people need an environment that is free of these obstacles – they need the right (social) conditions to be at leisure.

⁴⁰ Jonathan Gershuny, *Changing Times: Work and Leisure in Postindustrial Society* (Oxford: Oxford University Press, 2000), 246–47.

⁴¹ Quote from Rosa Terlazzo, 'Entitlement and Free Time', *Law Ethics and Philosophy* 5 (2017): 92. Terlazzo is referring to free time but the principle applies equally well to leisure. See also Martha Nussbaum's reflections on girls playing in *Women and Human Development* (Cambridge: Cambridge University Press, 2000), 90. Henceforth *WHD*.

IV.4 – An adequate range

To be at leisure, people need a share of these things that grants access to a sufficient and diverse range of leisure activities (or opportunities) – an “*adequate range*” in short. There are two reasons for this. Initially, ensuring people can choose from a sufficiently wide and varied array of leisure opportunities safeguards their capacity to choose activities as ends in themselves *autonomously*. Autonomy scholars are usually vague about how many options a person must have to choose from.⁴² At minimum, it can be said that a person having one or two options is unlikely to be enough. The bare skeleton of a “sufficient and diverse range of activities” to choose from retains some intuitive appeal; more meat may then be added to the bones by other parties beyond the theory. (For instance, policy-makers may make a more concrete judgement about what amounts to an adequate range for assessing if people are able to be at leisure.)

A further reason for an adequate range is that whilst some leisure activities may become more rewarding as one participates in them, some leisure activities are likely to become less rewarding.⁴³ To make sure that people are able to access the internal goods from a leisure activity, they must have access to some variety so that the leisure activities retain their novelty, or so that they can switch if they no longer derive the intended internal goods from them. An adequate range of opportunities therefore gives people what they need to be at leisure over a prolonged period of time (rather than one particular moment).

Pulled together, these requirements of free time *for* leisure, access to leisure facilities, and suitable leisure conditions, in a way that makes an adequate range of leisure opportunities available, show that the positive leisure view is more demanding than the free time view. A wider set of things is required for people to be at leisure than just free time.

V – Conclusion

This chapter continued the archaeological methodology’s uncovering of positive leisure that began in Chapter 1. Utilising the three properties of positive leisure found in Aristotle and Marx, it described the positive leisure conceptualisation in its modern form,

⁴² See f12.

⁴³ Tibor Scitovsky, *The Joyless Economy: The Psychology of Human Satisfaction*, Revised ed. (New York/Oxford: Oxford University Press, 1992), 232–35.

clarified its differences with the free time view and the idea of work, and argued in favour of adopting the positive leisure view ahead of the free time view for a normative inquiry into a claim to leisure. Establishing a claim to *positive* leisure ensures an entitlement to something with value for its own sake, and allows consideration of the distinctive values of positive leisure and free time, further enabling us to focus on the different things these views demand. For somebody to be “at positive leisure”, they require access to an adequate range of leisure activities, through leisure facilities and conditions in addition to free time. Henceforth, unless stated otherwise, when the term “leisure” is used, it means “positive leisure” as it has been described in this chapter.

More generally, this opening part of the thesis has shed light on an alternative conceptualisation of leisure. Our normative inquiry can move beyond asking what a claim to leisure looks like in terms of free time. The rest of the thesis will defend the claim to positive leisure, setting out the normative implications and some policy proposals that result. This begins in the next part of the thesis by defending the adoption of what is called “Nussbaumian liberalism”.

PART 2

INTRODUCTION TO PART 2

Part 1 argued in favour of adopting the positive conceptualisation of leisure – the condition people are in when they perform activities chosen as ends in themselves – for a normative inquiry. One of the advantages of the archaeological approach used to excavate the positive notion of leisure is that it encourages us to think differently about the status quo and revise our assumptions about what might be right, good, or desirable in the world. The rest of the thesis will indeed prompt us to think differently and revise our existing assumptions. Few have thought about what normative claim citizens of the liberal state have to leisure, and those who have think such a normative claim engenders ensuring all have access to free time. The rest of the thesis will argue that people have a claim to positive leisure, and that the upshot is that this claim must be accommodated by ensuring access to a different and richer array of things than just free time. Part 2 establishes the first of those two novel conclusions: that members of a liberal state have a claim to positive leisure. Access to leisure should be seen as a fundamental matter of justice – it is an injustice if any members of a liberal society do *not* have access to leisure.

The case for an entitlement to leisure *qua* free time can be seen as fitting into “resourcist” conceptions of liberalism. This family of approaches interpret justice according to whether citizens have basic rights (basic liberties henceforth) protected and a fair share of all-purpose resources. This gleans that there are two potential approaches to arguing for a claim to positive leisure. The first would be to show that an entitlement to positive leisure can be established that is compatible with the commitments of resourcism. The second is to show that a resourcist conception of justice ought to be rejected and to argue in favour of a conception of justice that *can* accommodate positive leisure.

The second approach is opted for here, both because a resourcist case for positive leisure does not look like a promising avenue to pursue, and more importantly, because I do believe that there is a more attractive conception of liberalism. I call this conception *Nussbaumian liberalism*. It is named so as it is heavily informed by the capabilities theory of

Martha Nussbaum. Capabilities approaches like Nussbaum's shift from considering justice in terms of what resources and basic liberties people have, to whether people have an exercisable ability to be and do certain things that are of fundamental interest to them. Nussbaum's is a particularly attractive form of the capabilities approach for our inquiry because it is more philosophically grounded than many other forms of the capabilities approach, engaging carefully with its historical antecedents and how it relates to questions pertaining to the social contract, the nature of equality, and state neutrality.¹ I consider Nussbaumian liberalism to be a particular *version* of Nussbaum's capabilities approach. Unless stated otherwise, Nussbaumian liberalism shares the commitments of Nussbaum's own theory. However, it chooses to elevate the importance of some elements and play down others, to interpret aspects of her theory that are unclear in a particular way, and to make some substantive changes. More explicitly, Nussbaumian liberalism centralises the Aristotelian and Marxian elements of Nussbaum's thought, thereby continuing the influence of the pair that informed the positive conceptualisation of leisure; simultaneously places an important emphasis on the Kantian elements of Nussbaum's theory by offering a particular interpretation of her answer to a challenge from political liberalism; and includes the capability for leisure in the list of ten capabilities that Nussbaum thinks all people are entitled to. Meanwhile, it plays down the global nature of Nussbaum's capabilities list and her discussion of whether animals have particular capabilities. Hence, whilst Nussbaumian liberalism is highly aligned with Nussbaum's thought, it is better seen as an outline of what *I* find most attractive about her conception of justice, rather than as a completely loyal depiction of what Nussbaum herself thinks.

Chapters 3 and 4 make the case for adopting Nussbaumian liberalism ahead of a resourcist approach to justice. Chapter 3 argues Nussbaumian liberalism gives a better account of the relationship between justice and human flourishing – the right and the good – and tracks the practical implications of this. Chapter 4 then defends Nussbaumian liberalism from criticism by so-called “political liberals”. These chapters are simultaneously exegetical – describing the key elements of Nussbaumian liberalism – and argumentative – showing it should be preferred to the resourcist view. As a capabilities approach, Nussbaumian liberalism creates the space for arguing for a claim to positive leisure from the purview of justice because it is focused on what people have a fundamental interest in being and doing. However, it must

¹ See Ingrid Robeyns, ‘Selecting Capabilities for Quality of Life Measurement’, *Social Indicators Research* 74, no. 1 (2005): 192ff.

still be proven that positive leisure *actually is* a fundamental interest. This is the role of Chapter 5, which establishes that all citizens ought to have a capability for leisure, thereby rendering the claim to leisure a matter of justice. The inclusion of the capability for leisure is itself a distinctive feature of Nussbaumian liberalism amended from Nussbaum's original thought.

Throughout this part, the method of reflective equilibrium described in the Introduction is continued. The conception of liberalism favoured here, Nussbaumian liberalism, is compared with the resourcist conception that has dominated much liberal philosophy over the previous fifty years or so. Hence, Nussbaumian liberalism is pitted against the most compelling and popular liberal alternative.

CHAPTER 3

“IT BETTER BE GOOD!” ADOPTING NUSSBAUMIAN LIBERALISM

One of John Rawls’s many major contributions to contemporary philosophy has been his foregrounding of justice. He writes: ‘Justice is the first virtue of social institutions, [...] laws and institutions no matter how efficient and well-arranged must be reformed or abolished if they are unjust.’¹ Most liberals now share this view. Justice is contemporary philosophy’s primary lens for deciding what is good and uncovering what is bad about our political, social, and economic institutions.²

Despite this consensus on the importance of the place of justice, liberals have a rather harder time agreeing upon exactly what justice is. In this chapter, I shall explore a fundamental disagreement between two families of liberal views. The first family, resourcism, stipulates that justice requires that we distribute all-purpose means like income and wealth according to a particular formula. Rawls’s justice as fairness belongs to this family of views, as does Dworkin’s theory of equality, and the most powerful interpretation of the argument made for free time by Rose. The second family, Nussbaumian liberalism, understands justice according to whether citizens are able to be and do a series of things that track their fundamental interests.

At the heart of resourcism is a theoretical separation between “the right”, what a morally required distribution of entitlements and resources looks like, and “the good”, what it means to live a flourishing or worthwhile life. This chapter will scrutinise this separation and show it to be untenable, revealing a fundamental flaw with resourcism. It makes no sense to think about what a just distribution of basic liberties and resources looks like without thinking about what the recipients of those goods need to live and flourish. This theoretical error has practical implications: because they are insensitive to the particular goods people need to live and flourish, resourcists fail to guarantee people have the things they need to live flourishing

¹ Rawls, *TJ*, 3.

² For a complaint about this, see Chandran Kukathas, ‘Justicitis’, in Manuel Knoll, Stephen Snyder and Nurdane Şimşek (eds.) *New Perspectives on Distributive Justice: Deep Disagreements, Pluralism, and the Problem of Consensus* (Berlin/Boston: De Gruyter, 2019), 187–203.

lives. Nussbaumian liberalism embeds a fuller account of what people need to flourish into its conception of justice. As a result, it offers both a more attractive theoretical account of the relationship between the right and the good, and it properly allocates the goods that people need to flourish as a matter of justice under all circumstances. For this reason, Nussbaumian liberalism is the conception of justice endorsed throughout the thesis.

The chapter begins by describing resourcism, including the relationship between the right and the good and several features that interact with that relationship to make a conception a resourcist one (I). Afterwards, it criticises the relationship between the right and the good offered by resourcism and charts the practical consequences of its mistaken depiction of the pair (II). Nussbaumian liberalism is introduced as the solution. Its core features are described and it is explained how Nussbaumian liberalism embeds an Aristotelian-Marxian account of human flourishing into its conception of justice. By doing so, Nussbaumian liberalism shows itself to be immune to the critique levelled at resourcism (III).

Three related clarifications before the argument gets underway. Firstly, the critique of resourcism is an external critique. It is not meant to identify some internal inconsistency that undermines resourcism by its own standards. Hence, it is possible for the resourcist to simply reject the argument advanced here on the grounds that resourcism does not fail on its own terms. Nevertheless, the chapter hopes to be successful in claiming that maintaining a commitment to resourcism comes at a high cost in light of this critique.

Secondly, the argument advanced is mostly a “negativist” one, appealing to intuitions about the importance of human flourishing in a conception of justice without directly defending a particular conception of flourishing. Some will feel rather sceptical of this approach, perhaps thinking it is difficult to judge the normative credentials of the argument without knowing what the alternative is.³ This is reminiscent of a qualm often raised about critical theory: that it does a rather better job of saying what it is against than what it is for.⁴ Two quick replies can be offered. Initially, I do not find outright scepticism of negativism particularly compelling. Sometimes, a moral theory really can be shown to appear unattractive merely by appeal to intuitions. It is hoped that the argument here is one of those instances. Furthermore, whilst the claims made in the chapter are mainly negativist, the chapter goes on

³ Tony Taylor raised this concern with me.

⁴ For a pithy depiction of this view, see Samuel Bagg, ‘Between Critical and Normative Theory: Predictive Political Theory as a Deweyan Realism’, *Political Research Quarterly* 69, no. 2 (2016): 234.

to defend a Nussbaumian conception of human flourishing, and the thesis later argues for a claim to leisure on the grounds that people need leisure to live flourishing lives. So, the chapter may be understood as making a negativist argument in a thesis that *does* advocate a broader, more positive depiction of a conception of human flourishing. On the same note, several examples and arguments will be presented in an initial form here then reiterated and elaborated upon at later points in the thesis.

Thirdly, resourcism has been the subject of intense debate in contemporary political philosophy, and reams of work have been dedicated to comparing it with the capabilities approach. It would be overly-presumptuous to think that this chapter will settle this debate or convince staunch resourcists to switch their allegiances. More modestly, the chapter seeks to show it is reasonable and justified to prefer the conception of Nussbaumian liberalism used by this thesis. Nonetheless, it does so by diverging from more conventional objections and offering a critique of resourcism that is advanced infrequently (if at all) by liberals. In the process, it hopes to make an original contribution to the rich and longstanding debate between resourcists and capabilities theorists.

I – Resourcism: an overview

Resourcists usually begin with a conception of a liberal society similar to the one set out in this thesis: a fair system of cooperation between free and equal persons.⁵ They then seek to uncover principles of justice fit for such a society.⁶ Resourcist conceptions of justice are defined by three features: *a)* justice is about the distribution of *all-purpose resources* according to a particular formula; *b)* justice pertains to the *major social institutions* in a society; *c)* their conceptions of justice are formulated under *ideal conditions*. These three features interact with the prioritisation of the right over the good.

Rawls's justice as fairness is the most well-rehearsed version of a resourcist conception of justice. Rawls asks us to imagine that parties in an 'original position' will choose principles of justice on behalf of citizens from behind a 'veil of ignorance', in which they are deprived of information that might be used to leverage bargaining power over others in the selection of those principles (information about their race, gender, natural talents, religion, conception of

⁵ Rawls, *JF*, 5; Rose, *FT*, 23-24.

⁶ In this chapter, "justice" will be used to depict "distributive justice". In the next chapter, that will become more complicated, as another strand to Nussbaumian justice, in addition to the distributive strand, will be introduced. The distinction between distributive justice and this wider notion is flagged in Chapter 4, V.

the good, and so on).⁷ Rawls asks parties to assume that citizens have ‘higher-order interests’ in accommodating two moral powers – the capacity for developing a sense of justice and the capacity for developing a conception of the good – and pursuing a determinate conception of the good, although the veil deprives them of knowledge of what this conception of the good is.⁸ On this basis, he identifies five kinds of ‘primary goods’ which are things all free and equal citizens with the higher-order interests are assumed to need or want.⁹ He then prescribes the distribution of these goods through three lexically ordered principles of justice that would be selected for citizens by parties in the original position:

- (i) Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.

Social and economic inequalities are to be arranged so that they are:

- (ii) attached to offices and positions open to all under conditions of fair equality of opportunity.
- (iii) to the greatest benefit of the least advantaged.¹⁰

Dworkin’s resourcism (partly) aims to correct certain shortcomings in Rawls’s theory, but it shares many of the same features and commitments. Dworkin understands a just state of affairs as being one in which resources are distributed equally.¹¹ Initially, Dworkin has a very broad conception of resources, which includes impersonal resources – one’s income and wealth, and anything they could use their income and wealth for – and personal resources – one’s natural talents and assets.¹² However, to simplify things, Dworkin argues that we should attempt to equalise inequalities in other areas primarily by compensating people with income and wealth.¹³ This compensation is justified through an elaborate insurance scheme, in which Dworkin prescribes redistributing resources to victims of misfortune beyond their control (such as those with fewer talents) according to what a rational, hypothetical person would be

⁷ Rawls, *TJ*, chap. 3.

⁸ Rawls, *PL*, 74, 106.

⁹ Rawls, *JF*, 58.

¹⁰ Rawls, *TJ*, 266. Rawls says these are two principles, but there are effectively three.

¹¹ Ronald Dworkin, *Sovereign Virtue: The Theory and Practice of Equality* (Cambridge, Mass.: Harvard University Press, 2000).

¹² *Ibid.*, 322ff.

¹³ Michael Otsuka, ‘Luck, Insurance, and Equality’, *Ethics* 113, no. 1 (2002): 46; Jonathan Wolff, ‘Method in Philosophy and Public Policy’, in Annabelle Lever and Andrei Poama (ed.) *The Routledge Handbook of Ethics and Public Policy* (London: Routledge, 2018), 16.

willing to purchase insurance to safeguard themselves against.¹⁴ Beyond redistributing and securing protection against this misfortune, Dworkin assumes that people will choose to use their bundle of resources differently according to their preferences and the kind of lives they want to live.

The features of Rawls's and Dworkin's theories render them resourcist. Initially, they focus on the distribution of resources that can be used as a means for a wide range of goods – all-purpose means. Consider (iii) in Rawls's theory – the difference (or maximin) principle. Rawls primarily seems to have income and wealth in mind (though not exclusively).¹⁵ Income and wealth are all-purpose means which can be exchanged for many other goods. Similarly, Dworkin tries to boil the distribution of all sorts of talents and goods down to the resources of income and wealth. Rose uses Dworkin's theory as an example of her own preference for resourcism,¹⁶ and reconceptualises leisure as a resource of free time on the basis that free time can be used for any purpose and distributed according to a particular formula.¹⁷ These all-purpose means can be contrasted with what Rose calls 'specific goods', which are oriented towards a particular purpose and are much less versatile.¹⁸ Something like food or food vouchers might be a specific good because they directly aim at nourishing people. Resourcists favour the versatility of all-purpose resources as they give people the freedom to use their resources as they wish, which can include, but are not limited to, accessing one particular specific good.¹⁹

The second feature is that resourcists understand the 'site' of justice (to coin a phrase²⁰) as being the *major social institutions* (what Rawls calls the basic structure²¹). These include the judiciary, government, and other coercive levers of the state, and exclude private interactions between people and other institutions like religious groups and universities.²² This

¹⁴ Dworkin, *Sovereign Virtue*, chap. 2, particularly 73-83.

¹⁵ Rawls also includes free time in this principle, though his comments on this are brief. *JF*, 179.

¹⁶ Rose, *FT*, 24-25.

¹⁷ Rose, *FT*, chap. 3.

¹⁸ Rose, *FT*, 26-27.

¹⁹ Rose, *FT*, 23ff.

²⁰ G. A. Cohen, *If You're an Egalitarian, How Come You're so Rich?* (Cambridge, Mass.: Harvard University Press, 2000), chap. 9.

²¹ Rawls, *PL*, Lecture VII.

²² Rawls, *PL*, 258; *JF*, 10. Rawls is often criticised for being unclear about the place of the family in the basic structure. He says it is included 'in some form' though to what extent he allows for the family to be regulated and coerced according to justice is less transparent. See *JF*, 10. See also f72 and John

means that it only makes sense to think about justice in these major social institutions and to prescribe principles for organising and distributing entitlements to these institutions.

The third feature is that resourcists start their normative inquiries in an idealised setting. What exactly counts as such a setting varies, but generally, resourcists assume that citizens and representatives of major social institutions will fully comply with justice, and that there will be no legacy of injustice or oppression in a society.²³ The relationship between this idealised theorisation and prescriptions for the real world is not always clear, but because resourcists prescribe principles of justice under ideal circumstances first, then work towards the non-ideal (which is meant to be representative of the real world), the result is that any prescriptions that they do make for the real world are less determinate. Rawls concedes that ‘departures from the ideal [are] left importantly to intuition.’²⁴ Dworkin describes how his theorisation in the ideal can justify social welfare pay-outs, public healthcare provision, and affirmative action in education under real-world circumstances, but he does so primarily by speculating, and in the case of his discussion about affirmative action, without direct reference to his theory of equality.²⁵

Underpinning these three features is resourcism’s deeper commitment to the priority of the right over the good. Rawls writes: ‘[I]n justice as fairness the concept of right is prior to that of the good.’²⁶ There is some disagreement about exactly what Rawls means here. My understanding broadly follows that of Samuel Freeman and Miriam Ronzoni, in addition to Michael Sandel’s later reinterpretation.²⁷ Sandel explains: ‘the right is prior to the good in that the principles of justice that specify our rights do not depend for their justification on any

Rawls, ‘The Idea of Public Reason Revisited’, in *Political Liberalism*, Expanded edition (New York: Columbia University Press, 2005), 466–74. Henceforth ‘IPRR’.

²³ For Rawls on ideal theory, see *TJ*, 8, 215; *JF*, 13. For Rose, see brief remarks about a lack of flexibility for employees remaining in ‘otherwise just background conditions’ and her concluding claim ‘that in the just society all citizens would have their share of free time’. *FT*, 79, 145. For Rawls and Dworkin, see Laura Valentini, ‘On the Apparent Paradox of Ideal Theory’, *Journal of Political Philosophy* 17, no. 3 (2009): 332–55.

²⁴ Rawls, *TJ*, 216.

²⁵ Dworkin, *Sovereign Virtue*, 172–80, Part II.

²⁶ Rawls, *TJ*, 28, 347.

²⁷ Samuel Freeman, ‘Utilitarianism, Deontology, and the Priority of Right’, *Philosophy and Public Affairs* 23, no. 4 (1994): 313–49; Miriam Ronzoni, ‘Teleology, Deontology, and the Priority of the Right: On Some Unappreciated Distinctions’, *Ethical Theory and Moral Practice* 13, no. 4 (2010): 453–72. Freeman and Ronzoni’s disagreements are not important here.

particular conception of the good life'.²⁸ The right and the good are distinct and defined separately, with principles of right defined 'independently' of the good (mostly – more on this in a moment).²⁹ The right then comes prior to the good because the right circumscribes conceptions of the good that a conception of justice should accommodate or account for; if a conception of the good is in tension with the right, then the latter trumps the former.³⁰ All this means that Rawls develops a conception of justice – what the “right” distribution of goods, resources, and entitlements is – without directly considering what a person needs to flourish – to live a “good” life.

Dworkin has a similar view. His is different from Rawls's in two ways. First, he is more outspoken about what the good life looks like. His 'challenge model' understands people to flourish if they show skill and achieve things within the constraints of what their particular circumstances allow, whilst authentically endorsing the meaningfulness of their life.³¹ Second, he thinks that a life that is incompatible with justice or in breach of what justice demands *cannot* be good, as opposed to Rawls who only says it should be disregarded.³² Nonetheless, for our purposes, these differences are relatively marginal in comparison to the similarities. It remains the case that Dworkin believes that a person can only live a good life inside the 'parameters' of what justice permits: justice is one of the circumstances that frame what a good life looks like.³³ Although less detailed on the topic, Rose commits to a principle of 'non-perfectionism', indicating that she believes principles of justice can be constructed without appealing to a particular ideal of human flourishing.³⁴

Rawls, particularly, does not have a completely latent notion of what the good is. In earlier work, he commits himself to a 'thin theory of the good', which assumes that citizens will want to increase their number of all-purpose means.³⁵ Later, he rephrases this as citizens having the higher-order interests of developing and maintaining a sense of justice and

²⁸ Michael J. Sandel, *Liberalism and the Limits of Justice*, Second Ed. (Cambridge: Cambridge University Press, 1998), 185.

²⁹ Rawls, *TJ*, 395.

³⁰ Freeman, 'Utilitarianism, Deontology, and the Priority of Right'; Ronzoni, 'Teleology, Deontology, and the Priority of the Right'.

³¹ See Dworkin, *Justice for Hedgehogs* (Cambridge, Mass.: Belknap Press, 2011), 209–14; *Sovereign Virtue*, 253–76.

³² Dworkin, *Sovereign Virtue*, 263–267.

³³ *Ibid.*

³⁴ Rose, *FT*, 29. See also 'Beyond the Perpetual Pursuit of Economic Growth', 141, 155, 156.

³⁵ Rawls, *TJ*, 347–50; Ronzoni, 'Teleology, Deontology, and the Priority of the Right', 467.

conception of the good, and an interest in pursuing whatever their conception of the good turns out to be.³⁶ This remains a minimalist conception of human interest which aims to avoid organising a conception of justice around an account of human flourishing.³⁷ Once the thin conception of the good is established, ‘justice as fairness has the ambition of remaining neutral with respect to other, thicker, theories of the good.’³⁸ In this regard, the right remains prior to the good.

II – Getting the right wrong

Capabilities theorists have levelled several criticisms at resourcism which pertain to its three features (most commonly, its focus on the distribution of all-purpose means). Amongst other things, they claim that resourcism is insensitive to the varying needs of people which depend upon biological and environmental factors,³⁹ that it disregards disabled people,⁴⁰ that it exaggerates the significance of resources,⁴¹ and that it does not confront how people may adapt their preferences to unjust circumstances.⁴² I am sympathetic to some of these objections more than others, but want to sidestep considering them to advance an alternative critique: resourcism gets the relationship between the right and the good wrong. This has implications for the three features of resourcism, but is a more fundamental challenge, going to the very heart of the approach.

³⁶ Rawls, *JF*, 175; *PL*, 74, 106. See Samuel Freeman, ‘Political Liberalism and the Possibility of a Just Democratic Constitution’, *Chicago-Kent Law Review* 69, no. 3 (1994): 622–46. I return to this point in the next chapter.

³⁷ See Paul Billingham, ‘Perfecting Justice and Legitimacy?’, Working paper.

³⁸ Ronzoni, ‘Teleology, Deontology, and the Priority of the Right’, 467.

³⁹ Ilse Oosterlaken, ‘Resources or Capabilities?’, in Enrica Chiappero-Martinetti, Siddiqur Osmani and Mozaffar Qizilbash (eds.) *The Cambridge Handbook of the Capability Approach* (Cambridge: Cambridge University Press, 2021), 130; Ingrid Robeyns, ‘The Capability Approach: A Theoretical Survey’, *Journal of Human Development* 6, no. 1 (2005): 99; Amartya Sen, *Inequality Reexamined* (Oxford: Clarendon Press, 1995), 33; *The Idea of Justice* (Cambridge, Mass.: Belknap Press, 2009), 255–56.

⁴⁰ Anderson, ‘Justifying the Capabilities Approach to Justice’; Martha C. Nussbaum, *Frontiers of Justice: Disability, Nationality, Species Membership* (Cambridge, Mass.: Belknap Press, 2006), chap. 3. Henceforth *FoJ*.

⁴¹ Roland Pierik and Ingrid Robeyns, ‘Resources versus Capabilities: Social Endowments in Egalitarian Theory’, *Political Studies* 55, no. 1 (2007): 135; Amartya Sen, ‘Equality of What?’, in *Choice, Welfare and Measurement* (Oxford: Basil Blackwell, 1982), 366.

⁴² See Martha C. Nussbaum, *Sex and Social Justice* (New York: Oxford University Press, 1999), 152 (henceforth *SSJ*); *WHD*, 111-14, 135-44; Amartya Sen, ‘Gender and Cooperative Conflict’, in Irene Tinker (ed.) *Persistent Inequalities* (New York/Oxford: Oxford University Press, 1990), 123–49; Miriam Teschl and Flavio Comim, ‘Adaptive Preferences and Capabilities’, *Review of Social Economy* 63, no. 2 (2005): 229–47.

II.1 – The theoretical relationship between the right and the good

To begin, consider Marx's theory of alienation. For Marx, exploitation refers to when the capitalist seizes some of the monetary value of the worker's labour. Alienation regards the person's estrangement from control over their work, and the meaning and non-fungible goods of their labour (such as a sense of fulfilment or achievement, and a sense of satisfaction from contributing to others' needs).⁴³ As David Leopold notes, the alienated labourer is overworked, condemned to mundane and homogenous tasks, 'machine-like', and stupefied.⁴⁴ They are a 'mentally and physically dehumanised being' sentenced to 'idiocy and cretinism'.⁴⁵ For this reason, Roger Hancock claims that Marx sees alienation as a form of injustice: 'A just society is a society which seeks to enable each of its members to realize his potentialities'.⁴⁶ For Hancock's Marx, the notion of flourishing is inherently bound with the question of justice; those who live a "bad" life, or one in which they cannot flourish, can claim to be the victims of an injustice.

Irrespective of whether Hancock's exegesis of Marx is accurate,⁴⁷ his portrayal of the relationship between the right and the good is compelling. The question of whether the person enjoys the political, economic, and social institutions to flourish is inherently tied to the question of what a just arrangement for those institutions looks like. Justice and flourishing – the right and the good – cannot be disentangled because we should not see a society in which some are unable to flourish or in which they are forced to live "bad" lives as a just one. If we think otherwise, then in the Marx case, we presumably must accept that the alienated labourer is not *necessarily* the victim of an injustice, despite being condemned to overwork, mundanity, and mental and physical dehumanisation. Yet, the resourcist does exactly that. When contemplating Marx's worker, whether they are exploited would be a direct concern of justice for them as it pertains to whether a person receives their fair share of all-purpose resources.

⁴³ For Marx on alienation, see Marx, 'From the Paris Notebooks'; for Marx on exploitation, see Marx, *Capital I*; Lawrence Crocker, 'Marx's Concept of Exploitation', *Social Theory and Practice* 2, no. 2 (1972): 201–15.

⁴⁴ David Leopold, *The Young Karl Marx: German Philosophy, Modern Politics, and Human Flourishing* (Cambridge: Cambridge University Press, 2007), 232.

⁴⁵ Leopold, *The Young Karl Marx*, 232. Original quotes at Karl Marx, *Economic and Philosophic Manuscripts of 1844* (London: Lawrence and Wishart, 1959), 85, 71.

⁴⁶ Roger Hancock, 'Marx's Theory of Justice', *Social Theory and Practice* 1, no. 3 (1971): 70, see also 65.

⁴⁷ Some don't think Marx had a theory of justice, for example Allen Buchanan, 'Exploitation, Alienation, and Injustice', *Canadian Journal of Philosophy* 9, no. 1 (1979): 121–39.

However, whether a person is alienated would not be. By attempting to theorise about what a just arrangement for political institutions looks like before asking what a person needs to flourish, the resourcist opens up the theoretical space to allow for political, economic and social arrangements to be just whilst some are forced to live bad or non-flourishing lives. Justice should not concede this.

The argument here is a theoretical one about the *nature* of justice. Momentarily, we will see that it has practical implications, but for now, it merely concerns what justice is. Inherently, the right and the good cannot be separated as the resourcist hopes. The question of what a just distribution of goods and entitlements looks like cannot be pursued without asking what a person needs to live a flourishing life. Doubtless, this argument will sound strange to many and is likely to arouse some scepticism. My suspicion though, is that those who accept this separateness either do not fully appreciate the implications, or implicitly assume a more intertwined relationship between the pair than they realise. The inimitable Kurt Vonnegut should help demonstrate.

In his *Player Piano*, Vonnegut depicts a futuristic United States which is a highly automated society with an excellent material standard of living.⁴⁸ To maintain this society, there are those who work in high-status jobs – the professional class – designing and operating machines, and those in lower status jobs in the ‘Reeks and Wrecks’, performing routine domestic jobs or serving in the national defence force, and working much fewer hours. One’s place in the job hierarchy is decided solely by their results in exams which test their natural ability and work ethic, and the children of the professional class are far from guaranteed their own place in that class. Vonnegut says little about democratic rights, but freedom of association, movement and conscience are secure and freedom of expression is only clamped down upon when protests turn violent. The level of automation means that the society is highly prosperous and those at the bottom, the Reeks and Wrecks, enjoy a higher material standard of living than any imaginable alternative.⁴⁹ Despite this, members of the Reeks and Wrecks are deeply unhappy. They feel like they have little stake in their society and they find their work meaningless, they are bored and linger aimlessly, and they resort to passing their days drinking heavily and gambling.⁵⁰ They yearn for a time when they carried out more

⁴⁸ Kurt Vonnegut, *Player Piano* (Dublin: Vintage Classics, 2022).

⁴⁹ There is gender inequality in Vonnegut’s America, but there need not be.

⁵⁰ In this respect, they are a bit like the citizens of Marienthal described in the last chapter, but with less poverty and slightly more work.

intense and trying work, and jump at the opportunity to mend broken old vehicles. Their dissatisfaction manifests in anger at the authorities, attempted crime which is quickly punished by the state, and eventually, an organised shot at revolution.

By Rawlsian standards, Vonnegut's society looks more desirable than most, including ours. The basic liberties are granted, there is excellent fair equality of opportunity, and the difference principle is essentially fulfilled. As Rawls's principles of justice reflect citizens' higher-order interests, the Reeks and Wrecks' capacities for a sense of justice and a conception of the good, and their ability to pursue a determinate conception of the good, seem well-accommodated. And yet, Vonnegut's novel is distinctly dystopian; a far cry from Rawls's "realistic utopia".⁵¹ The Reeks and Wrecks are trapped in a system that sentences them to purposeless, unappreciated, and unfulfilling lives, and which drives them to attempt a coup. They are confined to a life in which they do not, and seemingly cannot, flourish. This is not simply problematic or worrying in some unspecified sense. The society looks unjust – it is arranged in a way that systematically deprives some people of the opportunity to flourish.

The resourcist may appeal to two elements of Rawls's conception of justice to explain why Vonnegut's society looks unjust without explicitly appealing to the idea of human flourishing. When investigated further though, it seems that both of these replies implicitly assume a much more intertwined relationship between the right and the good than the resourcist purports to endorse.

The first appeals to the notion of self-respect. For Rawls, self-respect pertains to a person's sense of the value of their own life and their life plans, and their confidence in carrying out those plans.⁵² Rawls describes the social bases of self-respect as 'among the most essential primary goods',⁵³ hence, any just Rawlsian society will be organised so that people have sufficient self-respect to pursue their conceptions of the good. Insofar as the Reeks and Wrecks view their lives as meaningless, it would appear unjust. The problem here, though, is that Rawls says that self-respect will be accommodated by his three principles of justice – the principles of justice create the social bases of self-respect.⁵⁴ Vonnegut's society therefore *does* supply people with the social bases of self-respect (minus free occupational choice, which I

⁵¹ Rawls, *JF*, 4, 13.

⁵² Rawls, *TJ*, 386.

⁵³ Rawls, *PL*, 319. For a detailed explanation of Rawls on self-respect, see Matthew Kramer, *Liberalism with Excellence* (Oxford: Oxford University Press, 2017), chap. 7.

⁵⁴ See Rawls, *JF*, 318; *TJ*, 155-156; Anderson, 'Justifying the Capabilities Approach to Justice', 90.

come back to in a moment). Now, one might think that other bases of self-respect could be added into the calculus, like public recognition for one's contribution to society. Perhaps, but not obviously on Rawlsian grounds. Such an amendment assumes that the reason members of the Reeks and Wrecks feel so sorry for themselves and lack belief in their own lives is the prestige of their positions. If only other people valued their contribution more, then the little automated work they do would make their lives respectable. This neglects that the Reeks and Wrecks *themselves* do not find any value in their lives and their work. Their lack of self-respect *derives* from, rather than causes, their inability to flourish. For the Rawlsian to expand the social bases of self-respect to accommodate the Reeks and Wrecks' lack of flourishing, this must be because they implicitly assume that the capacity to flourish is itself a social base of self-respect.

The second reply points out that Rawls emphasises the importance of freedom of occupational choice at a number of junctures, categorising free choice of occupation as a basic civil liberty alongside freedom of conscience and association.⁵⁵ Given the Reeks and Wrecks (and everyone else) are allocated their jobs according to their abilities, they are deprived of free choice of occupation in contravention of what justice demands. Rawls does not do a great deal to defend listing occupational choice as a basic liberty, and it is not immediately obvious why it should be included. Plenty – particularly of a socialist persuasion – have wondered whether people with particular skills may be required to work in roles that suit their productivity to promote the prospects of others.⁵⁶ The protection of free occupational choice does not incontrovertibly follow from the higher-order interests Rawls assumes citizens will have in the original position. For one thing, it will depend upon *how much* work people must do in a society. If they are required to do little, then work will make up a small part of their lives and is unlikely to influence their two moral powers or itself make up a central conception of the good for a person. Vonnegut's society is indeed one where the Reeks and Wrecks work little. Even if people are forced to work longer hours though, that work will not obviously stifle their capacities for forming a conception of justice or the good, or pursuing a determinate conception of the good outside of their work. If the socialists are right that allocating job roles can enhance a society's prosperity, a lack of free occupational choice may even enhance the conditions for the two moral powers to be satisfied. It does seem that

⁵⁵ Rawls, *JF*, 169. See also *JF*, 64, 78; *TJ*, 272.

⁵⁶ Edward Bellamy, *Looking Backward 2000-1887* (Oxford: Oxford University Press, 2020); Cohen, *If You're an Egalitarian...*, chap. 8.

‘Occupational choice is special’, but as Paula Casal says, this is because ‘Finding [work that] fits us may make all the difference between a life of flourishing and self-fulfilment or one of failure and frustration.’⁵⁷ The best way of cashing out why freedom of occupational choice is appealing is because it seems that a life in which one is consigned to a particular kind of work will be one in which it is difficult to flourish.

The Vonnegut case reinforces that the right and the good cannot be separated in the way the resourcist thinks.⁵⁸ Of course, one could deny that Vonnegut’s society is unjust. This is theoretically consistent but morally dubious territory. Given the fact that some are sentenced to lives that leave them grossly unhappy and dissatisfied with their society, a theory of justice that is prepared to permit this kind of political arrangement is far from appealing. In reflective equilibrium’s language, this requires revising a considered judgement most will have a strong conviction in. Once one accepts that there is an injustice though, the only way to explain this is by recognising that this injustice occurs because society is arranged in a way that some people are unable to flourish. Values like the social bases of self-respect and freedom of occupational choice, that purport to be separable from human flourishing, only gain moral traction in the Vonnegut case once their relationship with the person’s capacity to flourish is properly appreciated. Hence, those who doubt the connection between the right and the good argued for here either believe that strikingly unjust societies like Vonnegut’s are not unjust, or themselves implicitly assume some sort of account of human flourishing in their conceptions of justice. The first is a bitter pill to swallow. The second concedes the point of this section: that the right and the good are theoretically intertwined.

There are a couple of retorts the resourcist could offer to deny the broader theoretical critique. They may wish to suggest that it has understated the mutual dependence of the right/justice and the good/flourishing in resourcism. Section I described that Rawls adopts a thin theory of the good; partly for this reason, he calls the right and the good ‘complementary.’⁵⁹ Similarly, Dworkin tells us ‘that liberal equality does not preclude or

⁵⁷ Paul Casal, ‘Mill, Rawls and Cohen on Incentives and Occupational Freedom’, *Utilitas* 19, no. 4 (2017): 382.

⁵⁸ I have focused on Rawls’s replies here. Dworkin would handle the Vonnegut case differently, but not necessarily better. He would probably argue that the Reeks and Wrecks should be compensated for their lesser talent, but it seems as if they are compensated anyway, to a degree, because they enjoy the best standard of living possible and a wealth of free time. I do not imagine that Dworkin would respond much differently to the Rawlsian on any of the fundamental pillars of the critique here.

⁵⁹ Rawls, *PL*, 173.

threaten or ignore the goodness of the lives people live, but rather flows from and into an attractive conception of what a good life is'.⁶⁰ It is true then, that the right and the good are not *fully* separate. But the important question is whether the good informs justice in a meaningful sense, so that a state of affairs that disallows people from flourishing cannot be just. This does not seem to be the case for either.

The notion of the good Rawls employs is not *thick* or precise enough. Rawls claims that justice constrains what conceptions of the good are to be accommodated. Elsewhere, he is clear that primary goods are not about human flourishing. The conception of citizens – assumed by parties in the original position – as beings with two moral powers and a higher-order interest in pursuing an unknown determinate conception of the good is meant to *avoid the need* for a conception of human flourishing, rather than supply it. The primary goods those parties select 'are clearly not anyone's idea of the basic values of human life and must not be so understood, however essential their possession'.⁶¹ In fact, primary goods pertain to what is good for citizens '*when questions of justice arise*' – it is only once a question of justice has already emerged that the right begins to be sensitive to the good in any way.⁶² Hence, Rawls's resourcism retains the conviction that we can theorise about what citizens are entitled to and what justice commands without asking what constitutes a flourishing life for them.

The same goes for Dworkin. Dworkin stipulates that a good life must be compatible with a preconceived conception of justice. It is for this reason he says that justice 'flows from and into' a conception of the good life. This is deceptive though, as the relationship between the pair is more unidirectional than the quote would have us believe. Justice flows into the good life because we cannot determine what a good life for a person is until we know what just circumstances look like – justice sets the 'parameters' of a good life.⁶³ On the other hand, the conception of justice itself is not informed by a prior conception of flourishing at all. People 'cannot know [...] what their critical interests are until they know [...] what distribution of resources among them is just'.⁶⁴ The question about what is good emerges once the

⁶⁰ Dworkin, *Sovereign Virtue*, 242.

⁶¹ Rawls, *PL*, 188.

⁶² *Ibid.* My emphasis.

⁶³ Dworkin calls justice a 'soft parameter', conceding that beneficiaries of injustice can sometimes live good or even better lives, but this does not change the fact that justice does not depend on a notion of the good. *Sovereign Virtue*, 266-267.

⁶⁴ *Ibid.*, 278.

question of what justice is has been established.⁶⁵ So, while the circumstances of justice frame what a good life looks like, the “circumstances” of a flourishing life do not frame what makes a just society. Justice does not flow from the good life at all in his view.

The final retort sees the resourcist argue that any plausible conception of justice will accommodate any account of flourishing *by chance*. Given the intuitive appeal of a person living a flourishing life, any conception of justice that does not enable a person to flourish is likely to be vetoed by reflective equilibrium. This means that the resourcist ends up with a conception of justice that theorises about the right and the good separately, but which still accommodates any plausible conception of human flourishing incidentally (or, at least, ostensibly incidentally). The right is not intertwined with the good on this kind of theory, but the good does result from the right. The Marx case could demonstrate this nicely. The resourcist will suggest that any society in which some people are forced into alienating work simply could not be just. However, that is not *because* they can’t flourish. Rather, their inability to flourish is the *result* of unjust circumstances that lead to, but are not informed by, their lack of flourishing. Perhaps, for example, some people’s work is alienating because a maldistribution of resources means they lack the material goods to avoid accepting alienating work, or they are short of bargaining power to renegotiate their terms of employment. On this basis, even if the critique advanced in this section is right, there are few practical implications.

Notice, however, that this retort still treats the question of whether the person is able to flourish as *downstream* of the initial question about what justice requires. In this regard, it reinforces the argument made in this section, which is that resourcists make a *theoretical* error about the nature of justice and whether it is intertwined with what people need to live flourishing lives. Furthermore, the retort is mistaken. If one theorises about the right prior to the good, then the two will inevitably come apart under certain circumstances, depriving people of what they need to live flourishing lives. Allow me to explain.

II.2 – The practical implications of separating the right and the good

Given that the resourcist constructs a theory of justice that does not integrate human flourishing, there is no assurance that citizens have all the things they need to flourish (and thereby, the goods they have a claim to as a matter of justice once it is understood that justice must encompass flourishing). Initially, this is a problem for the distribution of all-purpose

⁶⁵ Quite literally, in a later chapter of Dworkin’s *Sovereign Virtue*, after justice in resources has already been described.

resources. Perhaps it will be the case that a resourcist theory of justice *happens* to give people the resources they need to flourish, but that is not *guaranteed*.⁶⁶ This argument will be expatiated in Chapter 7; the reader will have to hold tight for it until then. For now, I turn to the constraints and means to human flourishing that do not pertain to all-purpose resources. By focusing their theories of justice on the distribution of all-purpose resources by society's major social institutions under ideal conditions, and by treating the right as prior to the good, resourcists fail to theorise about the things people need to flourish in various circumstances other than all-purpose resources and outside of the basic structure. This critique will first be explained with reference to non-resource-based barriers that prevent people *from* flourishing, then with reference to non-resource-based means *to* flourishing.

The complaint that resourcist conceptions are insensitive to injustices aside from the distribution of all-purpose resources is not new. Critics claim that individuals' capacities to act, make use of opportunities, and enjoy proper respect from their fellow citizens are stifled by prevalent social norms and attitudes which are embedded in daily practices and aggregate amongst groups of people.⁶⁷ These social norms and attitudes are highly effective influencers of people's behaviour, the way people interact with those around them, and the social institutions those people are members of and affected by.⁶⁸ For example, women face greater barriers to entering, remaining in, and rising through the job market than men, and are often expected to bear the brunt of caregiving labour at the expense of their careers.⁶⁹ Attitudes of women themselves, their families, and laws which assume women will be primary caregivers, all hamper women's career progress.⁷⁰ These obstacles are thought to be beyond the theorisation of the resourcist because they do not directly pertain to the distribution of all-purpose means and because they often occur outside of (what resourcists classify as) society's major social institutions.⁷¹ If a heterosexual woman takes more maternity leave than her

⁶⁶ Billingham, 'Perfecting Justice and Legitimacy?'

⁶⁷ Anderson, 'What Is the Point of Equality?'; 'Justifying the Capabilities Approach to Justice', 89; Iris Marion Young, *Justice and the Politics of Difference* (Princeton and Oxford: Princeton University Press, 2011), chaps 1-2; 'Taking the Basic Structure Seriously', *Perspectives on Politics* 4, no. 1 (2006): 91–97.

⁶⁸ See Elizabeth Anderson, 'Beyond Homo Economicus: New Developments in Theories of Social Norms', *Philosophy and Public Affairs* 29, no. 2 (2000): 170–200; Emily McTernan, 'How to Make Citizens Behave: Social Psychology, Liberal Virtues, and Social Norms', *Journal of Political Philosophy* 22, no. 1 (2014): 84–104.

⁶⁹ Susan Moller Okin, *Justice, Gender, and the Family* (New York: Basic Books, 1989), chaps 1-2.

⁷⁰ For a nice illustration, see Gina Schouten, *Liberalism, Neutrality and the Gendered Division of Labor* (Oxford: Oxford University Press, 2019), 70–75.

⁷¹ Cohen, *If You're an Egalitarian...*, chap. 9; Young, 'Taking the Basic Structure Seriously'.

partner because employers offer longer leave for new mothers than fathers, this is not obviously the result of a failure of a government tax and spend system to distribute income and wealth; expectations about who will do the housework or look after the children are formed in private associations like the family.⁷² By theorising about justice in terms of all-purpose resources, it is thought that resourcists miss injustices like these which seem to be determined by unjust *societal conditions*.

Resourcists tend to reply that, actually, they are able to comprehend injustices caused by malign social conditions because they usually have consequences for people's basic liberties and their share of all-purpose means. Whilst it is true that certain injustices might fall outside of the scope of whether people's formal basic liberties have been fulfilled and whether they enjoy a fair distribution of resources directly, it may still be the case that the exercise of those basic liberties and their share of resources are stifled *indirectly*. The gendered division of labour may derive from informal social conditions, but it *results* in injustices by resourcist standards. Women's caregiving responsibilities make the exercise of their political rights more difficult and undermine equality of opportunity for their reaching positions of prestige.⁷³ Arrangements that lead women to work less leave them dependent on their partners and diminish their lifetime earnings.⁷⁴ This is the case irrespective of the injustices being caused by social conditions outside of major social institutions.

So far so good for the resourcist then. However, once a conception of flourishing is introduced into our notion of justice, the picture looks different. There are certain obstacles to a flourishing life which cannot be cashed out in terms of basic liberties and all-purpose means. The resourcist is unable to detect these obstacles.

⁷² This is a somewhat crude depiction, because resourcists like Rawls tend to include the family under the purview of justice *to a degree* (see f22). Particularly after his move to political liberalism (which I discuss in the next chapter), feminists tend to be rather sceptical that Rawls sees principles of justice applying to the family in a coherent sense and to a sufficient extent, see Ruth Abbey, 'Back toward a Comprehensive Liberalism? Justice as Fairness, Gender, and Families', *Political Theory* 35, no. 1 (2007): 11–15; Susan Moller Okin, 'Political Liberalism, Justice, and Gender', *Ethics* 105, no. 1 (1994): 25–28; Kimberly A. Yuracko, 'Toward Feminist Perfectionism: A Radical Critique of Rawlsian Liberalism', *UCLA Women's Law Journal* 6, no. 1 (1995): 5–6.

⁷³ Okin, *Justice, Gender, and the Family*, 103–4.

⁷⁴ Anca Gheaus, 'Political Liberalism and the Dismantling of the Gendered Division of Labor', in David Sobel and Steven Wall (eds.) *Oxford Studies in Political Philosophy*, Volume 9 (Oxford: Oxford University Press, 2023), 159–60.

To illustrate, consider an example that will be returned to later in the thesis. In the UK (and many other countries), participation rates in football are lower for women and girls than for men and boys. These participation rates are not simply a reflection of preferences among equal background conditions, but a hangover from a ban on women playing football in England for half a century until 1971.⁷⁵ Partly emanating from this ban, football has a reputation as a masculine environment more welcoming to men than women.⁷⁶ This creates various barriers to participation for school-age girls, as they are likely to be shamed or judged for playing, they may not be encouraged to play by their families to the same extent as if they were boys, or there may be fewer sporting opportunities provided to (or tailored to the needs of) girls by clubs.⁷⁷ These barriers extend to adult women too.⁷⁸

To model a conception of justice that properly captures human flourishing, assume that the opportunity to participate in a sport of one's choosing is necessary for a person to flourish. The fact that women and girls face certain norms and gendered social conditions that stifle their participation in a sport can be seen as an injustice. It is unjust that women face obstacles to participating in football that are primarily a product of their gender. The resourcist, though, is unable to account for this. They understand justice as separate from what a person needs to flourish, yet it is difficult to see how the wrongfulness of women's limited access to football can be cashed out in any other way. For one thing, the obstacles to women's participation are mainly outside of the major social institutions. Families do not encourage girls to play football; girls face ridicule or condemnation from their peers among everyday interactions. More importantly, perhaps, the barriers to women's participation in

⁷⁵ Karen Carney, 'Raising the Bar – Reframing the Opportunity in Women's Football', *Department for Culture, Media and Sport* (17 July 2023) <https://www.gov.uk/government/publications/raising-the-bar-reframing-the-opportunity-in-womens-football/raising-the-bar-reframing-the-opportunity-in-womens-football#generating-an-environment-that-maximises-investment-opportunities>.

⁷⁶ Jo Welford and Tess Kay, 'Negotiating Barriers to Entering and Participating in Football', in Jonathan Magee et al. (eds.) *Women, Football, and Europe: Histories, Equity, and Experiences* (Oxford: Meyer and Meyer Sport, 2007), 152–53.

⁷⁷ Sheryl Clark and Carrie Paechter, "'Why Can't Girls Play Football?' Gender Dynamics and the Playground', *Sport, Education and Society* 12, no. 3 (2007): 261–76; Louise Stirling and John Schulz, 'Women's Football: Still in the Hands of Men', *Sport Management International Journal* 7, no. 2 (2011): 53–78; Women in Sport, 'Sport, Stereotypes and Stolen Dreams', *Sport England* (March 2023), 4-5, https://womeninsport.org/wp-content/uploads/2023/03/SportStereotypes-and-Stolen-Dreams_exec-Summary.pdf

⁷⁸ Torsten Schlesinger and Yvonne Weigelt-Schlesinger, "'Poor Thing" or "Wow, She Knows How to Do It" – Gender Stereotypes as Barriers to Women's Qualification in the Education of Soccer Coaches', *Soccer and Society* 13, no. 1 (2012): 56–72.

football do not pertain to their basic liberties or equality of opportunity, nor to their share of all-purpose means. Unlike the gendered division of labour, inequality in access to football for women is neither caused by *nor* results in a failure to uphold basic liberties and/or a maldistribution of resources. The example illustrates that resourcists cannot detect how social conditions and norms, *qua* non-resource-based barriers, may cause injustices by preventing people *from* flourishing.

Naturally, the resourcist will not offer a prescription to address those barriers either. Resourcists favour the distribution of all-purpose means; they ‘instinctively want to provide [the subjects of in/justice] with more cash income’.⁷⁹ They are averse to distributing “specific goods” and generally evade more tailored policies that focus on enabling people to do particular things. But in the case of non-resource-based barriers, this attitude will be of little help. There are numerous approaches the state could take to address exclusionary gendered norms in football.⁸⁰ It could promote women’s football’s publicity; it could encourage participation of girls in football through the education system by altering the curriculum; and it could invest in women’s teams to make more money available to clubs for bolstering accessibility. None of these involve or would be aided by altering the distribution of all-purpose means. Providing women with more money will do little to change social attitudes which impede them from participating in football. In general, focusing on basic liberties and all-purpose resources will fail to address barriers to flourishing caused by social norms and conditions that occur regardless of whether basic liberties have been fulfilled or how resources have been distributed.

To be fair, resourcists allow for some flexibility about the policies they prescribe. Ophelia Vedder has suggested that a maldistribution of primary goods caused by the gendered division of labour could warrant a policy that ensures fathers take equal time off work.⁸¹ Rose employs her effective freedoms principle to argue that ‘social conditions’, public infrastructure and ‘opportunities in the built and natural environment’ may be warranted for people to be able to make use of their basic liberties and their all-purpose resources.⁸² Hence,

⁷⁹ James Tobin, ‘On Limiting the Domain of Inequality’, *The Journal of Law and Economics* 13, no. 2 (1970): 264; Rose, *FT*, 24.

⁸⁰ These are discussed in more detail in Chapter 8.

⁸¹ Ophelia Vedder, ‘Eliminating the Gendered Division of Labor: The Argument from Primary Goods’, *European Journal of Political Theory*, online first (2023) <https://journals.sagepub.com/doi/10.1177/14748851231200147>.

⁸² Rose, ‘Justice and the Resource of Time’, 111. See also Terlazzo, ‘Entitlement and Free Time’.

resourcism does not outright dismiss the provision of specific goods or policies that are more tailored towards enabling a person to do a particular (set of) thing(s).⁸³ However, these policies and interventions are only invoked in relation to all-purpose means. They can be used either to respond to a maldistribution of resources, or in the case of Rose's effective freedoms principle, to properly enable people to exercise their basic liberties or actually use their all-purpose means. Therefore, although resourcism can be a flexible tool for tackling *resource-based* injustice, it will not call for these sorts of policies to directly enable a person to flourish. How could it? For the resourcist, such interventions would only be warranted if they advance justice, but the resourcist doesn't interpret the person's capacity to flourish as a concern of justice.

This criticism of the resourcist extends beyond solutions to non-resource-based barriers to flourishing. Sometimes, even if the ultimate cause of a person's inability to flourish is a maldistribution of resources, it will be more efficient, effective and/or feasible to provide a person with the things they need to flourish directly than by attempting to reallocate all-purpose means to them. Imagine a society in which large numbers of people are unable to live flourishing lives. There are two potential policy solutions: one which redistributes income and wealth, the other which supplies public goods that directly provide people with the things they need to flourish. The resourcist will almost always opt for the former, because they 'instinctively want to provide [people] with more cash income'. Yet, it may be that the provision of public goods will be a more effective and feasible way of enabling people to flourish. For instance, it might be that redistributing all-purpose resources in the way that is required will be a very long or difficult process. Resourcists are open-minded to some flexibility in policy-making regarding the distribution of all-purpose means, but because they do not understand human flourishing to be a matter of justice, they won't entertain the possibility of utilising non-resource-based strategies with the direct aim of enabling people to flourish. They therefore rule out calling for the supply of public goods or more tailored policymaking, even if it may be a more effective or feasible way of enabling people to flourish in the face of an inadequate resource distribution.

We can see then, that resourcism's prioritisation of the right over the good is not merely a theoretical fault. It has implications both for detecting and prescribing solutions to injustice. These problems could emerge in any circumstances, but seem to be particularly

⁸³ See Rawls, *JF*, 173.

troublesome under non-ideal ones like those in the real world. Resourcists begin by developing principles of justice under idealised conditions which, among other things, assume an absence of historical injustice. Many of the obstacles that people face to human flourishing have their roots in these kinds of injustices: women's lower participation rates in football are the outcome of longstanding unjust gender norms. Likewise, many non-resource-based solutions to enabling people to flourish will become more appealing in conditions that look less just: redistributing resources may not be the best way to enable people to flourish in circumstances where resources are unequally distributed owing to longstanding class cleavages. It is unclear how the resourcist can make sense of these actualities.

III – Nussbaumian liberalism

By artificially and erroneously separating the right and the good, resourcism develops a flawed conception of justice that risks depriving people of the goods and social conditions they need to flourish. Nussbaumian liberalism can be understood as a corrective to this shortcoming. The relationship between the right and the good, and the key features of Nussbaumian liberalism, ensure that all citizens have a justice claim to the things they need to live a flourishing life.

III.1 – Nussbaumian liberalism explained

Nussbaumian liberalism belongs to the “capabilities” school of theories of justice. Martha Nussbaum's capabilities approach shifts the focus of justice away from the all-purpose means people have, and towards what it is that people are ‘able to do and to be’.⁸⁴ For example, when considering a person's sustenance, we do not establish justice by simply distributing fungible resources to them with the presumption that these resources can be exchanged for food; rather, we ask whether the person is actually able to eat and to be nourished. Nussbaum identifies ten capabilities that she believes all citizens are entitled to as a matter of justice.⁸⁵ While some of these capabilities overlap with Rawls's primary goods, the list is much more

⁸⁴ Nussbaum, *WHD*, 5.

⁸⁵ These capabilities are: life; bodily health; bodily integrity; senses, imagination, and thought; emotions; practical reason; affiliation (including the ability to live with others and the social bases of self-respect); affiliation with other species; play; and control over one's political and material environment. The latest list I am aware of is Martha C. Nussbaum, *The Cosmopolitan Tradition* (Cambridge, Mass.: Belknap Press, 2019), 241–43.

expansive, designed to capture the things – resources or otherwise – that humans need to live and flourish.

Capabilities focus on a person's *ability* to do different things. They are different to functionings, which refer to the actual performance of those capabilities. It is the capability to do something rather than the functioning which is necessary for justice, and sustaining one's entitlement not to function in a certain way respects their freedom and rebuts charges of paternalism.⁸⁶ The concentration on capabilities over all-purpose resources marks a difference with resourcism's first key feature. A useful way to think of the difference is that, whilst resourcists concentrate on the distribution of all-purpose *means*, capabilities pertain to a series of things people must be able to be and do *qua ends*.

There is divergence from resourcism's other key features too. For Nussbaum, justice need not be limited to major social institutions – what matters is whether people are able to be and do certain things, and insofar as they are not, there is considered to be an injustice irrespective of what the major social institutions are doing. Nussbaumian liberalism is not limited to the ideal either. On the one hand, Nussbaum considers how to roll out her capabilities in the real world and sees them serving as a response to serious and urgent poverty in parts of the global south.⁸⁷ On the other, she contemplates the relationship between the capabilities approach and foundational philosophical questions – like the nature of the social contract – that often require some form of abstraction and idealisation.⁸⁸ Nussbaumian liberalism therefore understands Nussbaum's philosophy as theorising about justice at a higher level of abstraction initially. This abstract theorisation sets out what basic or "minimal justice" looks like, and is compatible with all circumstances. Nussbaumian liberalism then applies that basic conception of justice to ideal and non-ideal circumstances later, adapting its prescriptions to be sensitive to those contexts. Under non-ideal circumstances, its aims are likely to be more modest, attempting to put "minimal justice" into practice with concrete proposals; under ideal circumstances, it will be more ambitious, building upon the conception of basic justice to present "fully just" arrangements.

Crucially, Nussbaum has a very different attitude to the relationship between the right and the good: '[T]he capabilities approach does not separate the right and the good in the

⁸⁶ Martha C. Nussbaum, 'Who Is the Happy Warrior? Philosophy, Happiness Research, and Public Policy', *International Review of Economics* 59, no. 4 (2012): 355. See also Chapter 4, IV.3, including f60.

⁸⁷ Nussbaum, *SSJ, WHD*.

⁸⁸ Nussbaum, *FoJ*, chap. 1.

Kantian way but, rather, operates with a richer and moralized account of the good.⁸⁹ Human flourishing is a matter of justice and questions about how we ought to organise institutions and what people are entitled to depend upon what a good life looks like.⁹⁰ Although Nussbaum is (relatively) clear about this, how she embeds an idea of human flourishing into her conception of justice is somewhat under-theorised and this aspect of her theory is often overlooked. The interpretation that follows, and the decision to emphasise its importance, is one distinguishing feature of the Nussbaumian liberalism version of her theory.

Nussbaum grounds her theory of justice in terms of ‘human dignity’ – dignity makes something a matter of justice. Her notion of dignity diverges from a Kantian conception which views the capacity for moral reason as the grounds for one’s dignity.⁹¹ Rather, Nussbaum uses Aristotle’s notion of species having particular needs specific to them, Marx’s idea of humans as being social creatures that are dependent on one another, and both thinkers’ understandings of humans as capable of flourishing. From this conception of the person, she develops an account of dignity as something that ‘belongs to all, inherently and inalienably’ by virtue of their need and dependence on one another, and their ‘innate’ capacities to flourish.⁹² She then suggests that the ten capabilities are what people are entitled to in order to live a life ‘worthy’ of that dignity.⁹³ What she means by “worthy” is returned to in a moment. For now, we can register that dignity requires the capabilities, and that dignity itself derives from the person’s ability to flourish.

At the same time, dignity is inextricably bound to the notion of respect for Nussbaum: ‘rather than thinking of the two concepts as totally independent, so that we would first offer an independent account of dignity and then argue that dignity deserves respect (as independently defined), [she] believe[s] that we should think of the two notions as closely

⁸⁹ Nussbaum, *FoJ*, 162-3.

⁹⁰ The language of flourishing is present throughout Nussbaum’s work. For some examples, see Martha C. Nussbaum, *Creating Capabilities* (Cambridge, Mass.: Belknap Press, 2011), 22, 33 (henceforth *CC*); *FoJ*, 182-4; *SSJ*, 29, 40, 44-46; *WHD*, 31, 69.

⁹¹ Rutger Claassen, ‘Human Dignity in the Capability Approach’, in Marcus Düwell et al. (eds.) *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives* (Cambridge: Cambridge University Press, 2014), 242–44.

⁹² Martha C. Nussbaum, *Anger and Forgiveness* (Oxford: Oxford University Press, 2016), 27; *FoJ*, 159–60.

⁹³ Nussbaum, *FoJ*, 45, 70, 78, 82; *CC*, 31, 32, 73.

related, forming a concept-family to be jointly elucidated.⁹⁴ Examining this relationship gleans why characterising the capabilities in terms of what is worthy of a life of dignity makes them a matter of justice. Nussbaum seems to be clear that respect is something people morally owe to one-another.⁹⁵ She argues that respecting a person entails recognising a person's individuality and not treating them as a mere means.⁹⁶ In this regard then, respecting persons can be seen as a moral right people possess. Dignity then *politicises* this moral right into a legal claim. Nussbaum's theory of justice is heavily influenced by the human rights literature. Showing this influence, dignity for Nussbaum seems to play a similar role as it does in domestic and international charters like the United Nations Declaration of Human Rights, which begins by recognising the 'inherent dignity' of the person. As Jürgen Habermas explains:

[H]uman dignity forms the "portal" through which the egalitarian and universalistic substance of morality is imported into law. The idea of human dignity is the conceptual hinge that connects the morality of equal respect for everyone with positive law and democratic lawmaking in such a way that their interplay could give rise to a political order founded upon human rights.⁹⁷

Dignity turns a moral claim that individuals can make of others, into a political claim that citizens can make of the state and political institutions. Citizens have an entitlement to be treated in a certain way by political institutions. If they are treated that way, then they get what they are owed; if they are not treated that way, then the political institutions fall short of giving the person their due. Because dignity makes these claims political and because these claims pertain to whether the person gets what they are owed, dignity thereby transforms a moral claim into a matter of *justice*.

⁹⁴ Martha C. Nussbaum, 'Human Dignity and Political Entitlements', in Leslie A. Meltzer (ed.) *Human Dignity and Bioethics: Essays Commissioned by the President's Council on Bioethics* (Washington D.C.: President's Council on Bioethics, 2008), 354.

⁹⁵ See also Stephen L. Darwall, 'Two Kinds of Respect', *Ethics* 88, no. 1 (1977): 36–49.

⁹⁶ Nussbaum, *Anger and Forgiveness*, 192; *FoJ*, 70. Nussbaum argues this idea of respecting one as ends is not strictly Kantian, and can be found in Cicero and Seneca too. *FoJ*, 37; 'Human Dignity and Political Entitlements', 354.

⁹⁷ Jürgen Habermas, 'The Concept of Human Dignity and the Realistic Utopia of Human Rights', *Metaphilosophy* 41, no. 4 (2010): 469.

Political institutions uphold justice by ensuring the person gets what they have a political claim to. In other words, by treating them as “worthy” of their dignity. But bearing in mind that dignity transforms moral claims into political ones, what does it mean for a state to honour those claims and treat the citizen as worthy of their dignity? There are two ways it may do so. The first involves embedding a moral right into law as a *negative* legal claim. That is, the state uses its coercive authority to ensure that nobody interferes with the person in a certain way that might breach their moral right.⁹⁸ For example, if persons have a moral right not to have their life terminated against their will, then treating them as worthy of their dignity politicises that right so that the state may use its coercive force to ensure that individuals do not kill others. It is then an injustice if the state fails to enforce laws that adequately protect people from being murdered or which do not punish those who commit murder. The second way of treating a person as worthy of their dignity embeds a negative moral right into a *positive* entitlement, making political institutions responsible for actively supporting people to do certain things. The moral right not to have one’s life terminated becomes the state’s responsibility to help the person stay alive if it can. As well as it being an injustice if the state fails to prevent people from killing, it is an injustice if the state does not create the conditions and institutions that support a person’s life, such as by ensuring each person has adequate healthcare and a standard of living minimally sufficient to maintain their health.

Nussbaumian capabilities uses the second way. People have a moral right to be treated as needy and dependent beings capable of flourishing, and so people have a moral duty not to exploit that need or stifle that capacity to flourish. In politicising that entitlement, dignity gives each person the unconditional claim to the conditions, resources, and environment they need to flourish. Justice requires that the state recognises that claim by treating a person as worthy of their dignity. So, when Nussbaum says that securing a person with the ten capabilities is required to treat them as worthy of their Aristotelian-Marxian dignity, she sees the ten capabilities as appropriately reflecting what citizens have a political claim to, as a matter of justice, by virtue of their status as needy and dependent beings who are capable of flourishing. In the process, Nussbaum develops a deeper and more precise conception of human flourishing than resourcists – the ten capabilities are much thicker than Rawls’s higher-

⁹⁸ Although negative and positive is used here in the same sense as “negative” and “positive” are used in the language of legal or political rights, I do not wish to cast capabilities as rights and do not consider the language of rights to be helpful. For some of the reasons why, see Martha C. Nussbaum, ‘Capabilities and Human Rights’, *Fordham Law Review* 66, no. 2 (1997): 273–300.

order interests – and argues that citizens have a claim to the goods needed to flourish in this sense from the purview of justice. Nussbaumian liberalism thereby bridges the right and the good: ‘government has the job of making people able to pursue a dignified and minimally *flourishing* life’.⁹⁹

III.2 – A corrective to resourcism

Immediately, it should be clear that Nussbaumian liberalism does not fall victim to the foundational charge levelled at resourcism. By embedding a conception of flourishing into justice, it properly accounts for the interdependent relationship between the pair. In the process, it is not forced to accept that circumstances that prevent people from flourishing can be just. Nussbaumian liberalism offers a more plausible account of the relationship between the right and the good. Circumstances are only just if people are able to flourish.

By embedding a conception of human flourishing into its core justice commitments, Nussbaumian liberalism is immune to the practical problems highlighted with the resourcist approach too. The capabilities approach is an outcome-based theory of justice: the capabilities *qua* ends are outcomes aimed for when making public policy.¹⁰⁰ This shift urges direct consideration of what people need to flourish. It is asked whether somebody can perform a particular capability – if not, an injustice is detected.¹⁰¹ Initially, this guarantees that people have the all-purpose resources they need to flourish. Simultaneously, it ensures Nussbaumian liberalism is sensitive to injustices that occur outside of the maldistribution of resources. Irrespective of what the obstacles to performing a capability are (whether they pertain to resources or social conditions), and where they arise (the major social institutions or more broadly), they are classified as impediments to justice. Theoretically, Nussbaumian liberals then have several strings to their bow for addressing an injustice. They can distribute more all-purpose resources to the person, or look at trying to influence the behaviour of individuals and the wider social norms of the society they are situated in, or think about rolling out specific goods or more tailored policies, or most likely, some combination of the three.

By theorising at a level of abstraction, Nussbaumian liberalism recognises that the appropriate solution to an injustice will depend upon particular circumstances (something

⁹⁹ Nussbaum, *CC*, 32-33. My emphasis.

¹⁰⁰ Nussbaum, *FoJ*, 81-82.

¹⁰¹ Although the capabilities approach can be more or less sensitive to personal responsibility, which is not discussed here.

that will become clear in Chapters 7 and 8). In some circumstances, like more idealised settings or when markets are functioning well, distributing all-purpose resources may be the best instrument for realising a particular capability. Under other circumstances, such as a society where discrimination is rife or where there are large inequalities in income and wealth, it may be better to tackle social norms or to try to supply goods through state provision. Hence, Nussbaumian liberalism allows for a great deal of versatility in realising justice.

Theoretically, capabilities approaches are compatible with permitting normative recommendations for changing behaviour and social norms that extend well beyond society's major social institutions. One may then worry that they are too demanding for individual actors, require excessive and unfeasible intervention in people's lives, or are simply impossible to implement.¹⁰² Nussbaumian liberalism is alert to such a worry. Whilst it detects injustices that occur outside of society's major social institutions, Nussbaumian liberalism still charges the major social institutions with correcting injustices. The state remains the 'primary institution' of 'social justice and injustice'.¹⁰³ Major social institutions tackle conditions and norms outside of those major social institutions. Hence, Nussbaumian liberalism does not necessarily concentrate on establishing interpersonal duties people have to one another or micromanaging individuals' interactions, but it does see it as reasonable to try to affect individuals' behaviour through institutions. If it is discovered that women tend to have less access to playing football because of social stigma and norms that tend to exclude them, this is classified as an injustice deriving from large scale norms and practices aggregating amongst people. Still, rather than simply claim that individuals act wrongfully if they exclude women or (perhaps unknowingly) create obstacles to their participation, it tries to change norms and attitudes from the top, making use of the power and presence of institutions by, for example, promoting visibility of women in football, investing in the women's game at grassroots, and showing women's football games on the national broadcaster. It is recognised (with Rawls¹⁰⁴) that the state has a significant influence on everyday interactions and attitudes, and unrivalled power and resources at its disposal for influencing justice. At the same time, it evades an account of justice that is overly-intrusive or too demanding for individuals.

¹⁰² For discussion, see Liam Murphy, 'Institutions and the Demands of Justice', *Philosophy and Public Affairs* 27, no. 4 (1998): 257–64; Rawls, *PL*, 283.

¹⁰³ David Miller, *Principles of Social Justice* (Cambridge, Mass./London: Harvard University Press, 1999), 11.

¹⁰⁴ Rawls, *JF*, 55.

In sum, Nussbaumian liberalism provides a conception of justice that properly integrates human flourishing into that conception, and promises political principles which practically require political institutions to accommodate people's capacities to flourish. In the process, it addresses the shortcomings of the resourcist view.

IV – Conclusion

Many, including disciples of the free time case for leisure, see some sort of resourcist conception as their preferred theory of justice. Such a conception centres around devising a just formula for distributing all-purpose means. It does so by theorising under ideal circumstances and focusing on a society's major social institutions. This chapter has argued that resourcist theories are fundamentally deficient because they see the right as existing prior to the good, when any theory of justice ought to integrate a conception of flourishing into its account. This is a theoretical flaw with practical implications, as it means resourcist theories fail to ensure people have the resources and non-resource-based conditions they need to flourish (and thereby, have a claim to from a conception of justice). Such an argument is rarely pressed by liberals, who are remarkably willing to accept the separation of the right and the good. In a recent divergence from this consensus, Collis Tahzib has argued that a Rawlsian-style methodology employing a modified original position can be used to establish a theory of justice that integrates human flourishing.¹⁰⁵ Even there, though, Tahzib does little to motivate the negativist argument that resourcists err or make a fundamental mistake by theorising about justice without appealing to a conception of flourishing. The external critique of resourcism advanced here can therefore be seen as a fresh and compelling liberal objection to the dominant conception of justice in the school.

Such an objection urges us to scout for alternatives. Nussbaumian liberalism is one such alternative, and the conception of liberalism that will be adopted by the thesis henceforth. Integrating an Aristotelian-Marxian conception of human flourishing into its notion of justice, Nussbaumian liberalism corrects for the theoretical and practical shortcomings of the resourcist's priority of the right over the good. By focusing on capabilities, Nussbaumian liberalism also opens up the theoretical space for incorporating positive leisure into its theory of justice. If it can be shown that positive leisure is central to living a flourishing life, then the capability to be "at leisure" should be a matter of justice. That case is turned to

¹⁰⁵ Collis Tahzib, *A Perfectionist Theory of Justice* (Oxford: Oxford University Press, 2022).

in Chapter 5, but first, Nussbaumian liberalism must respond to a fundamental challenge from resourcists of a broadly Rawlsian persuasion: the challenge from political liberalism.

CHAPTER 4

NUSSBAUMIAN LIBERALISM AND POLITICAL LIBERALISM

Despite Rawls's foregrounding of justice in *Theory*, there is an alternative commitment that appears to be more deeply rooted in liberalism's intellectual history: the acceptance of diversity.¹ Rawls himself recognises this. Finding the roots of liberalism in the burgeoning religious diversity and resulting tensions of the sixteenth, seventeenth, and eighteenth centuries, Rawls later reformulated his philosophy to present an ideal of liberalism properly responsive to the enduring pluralism of liberal democracies.² That reformulation can be understood as one of the central contributions to a wave of political thought which emerged around the 1980s known as "political liberalism".

In the last chapter, Nussbaumian liberalism was defended as a better form of liberalism than resourcism because it develops a more attractive conception of justice which is more sensitive to the intertwined relationship between the right and the good. Political liberals, however, argue that liberalism must also take the question of legitimacy into account. For them, Nussbaum's conception of justice cannot be the most attractive liberal conception because it lacks the credentials of liberal legitimacy altogether. The essential problem political liberals have with Nussbaum's philosophy can be summarised as follows. Nussbaum seeks to embed a theory of the good into a theory of justice, so that when a person does not have the capabilities required to live a good life, this is characterised as an injustice. Political liberals, though, believe that it is illegitimate for the state to stipulate what a good life is or explicitly aim to promote the living of such a life. If it is illegitimate, then the capabilities approach does not seem a very promising or action-guiding normative account of liberalism. At that point, there is good reason to abandon it, potentially in favour of a resourcist account. The

¹ John Locke, 'A Letter Concerning Toleration', in *Locke on Toleration*. Edited by Richard Vernon. (Cambridge: Cambridge University Press, 2010), 3–46; John Stuart Mill, 'On Liberty', in David Wootton (ed.) *Modern Political Thought: Readings from Machiavelli to Nietzsche* (Indianapolis, IN: Hackett Publishing, 1996), 605–72.

² John Rawls, 'Introduction to the Paperback Edition', in *Political Liberalism*, Expanded Edition (New York: Columbia University Press, 2005), xxii–xxv.

resourcism of Rawls and Rose is compatible with political liberal requirements; even if they offer a deficient account of justice, at least they offer a legitimate one.³

This chapter is dedicated to considering this criticism. On the upside, Nussbaum herself endorses Rawlsian political liberalism and has sought to set out how her capabilities theory is compatible with it. On the downside, by most accounts, Nussbaum's turn to political liberalism has not been particularly successful. Therefore, much of this chapter is dedicated to offering a particular interpretation of Nussbaum's philosophy which is more resilient to the political liberal objections made towards it. This interpretation is another distinctive element of Nussbaumian liberalism. In a sentence, it is argued that whilst other interpretations of political liberalism frame whether a theory of justice is open to consideration, Nussbaumian liberalism sees political liberalism as stipulating one value or strand of justice that must be carefully balanced with another, more distributive, strand of justice – the capabilities. As the debate about political liberalism stretches beyond criticisms of Nussbaum, the chapter has a second aim of showing how Nussbaumian liberalism offers a more attractive account of the role that political liberalism ought to play in a theory of liberalism itself.

The chapter begins by describing political liberalism in as broad terms as possible (I). It then turns to how Nussbaum believes her capabilities approach is a political liberal one (II), before revealing an inherent tension which shows that belief to be mistaken, at least if a conventional understanding of political liberalism is adopted (III). Nussbaumian liberalism's solution to this problem is then offered by showing how political liberalism can be interpreted as playing a different role in Nussbaum's work to the work of other political liberals (IV). Finally, it is claimed that this solution offers a more appealing understanding of the place of political liberalism in a liberal theory of justice (V).

Those familiar with the topic may worry that talking about political liberalism and Nussbaumian liberalism together is pointless, because political liberalism assumes that the right and the good can be separated in a way that the Nussbaumian liberal rejects. However, this does not negate the worth of considering the pair's relationship. For one thing, political

³ Rose does not explicitly argue for political liberalism. She often gives the impression she is working within that domain (e.g. *FT*, 28-30; 'Beyond the Perpetual Pursuit of Economic Growth'), but even if she is not wedded to political liberalism, she is careful to characterise her argument for free time as one that could be adopted by a political liberal. In this regard, it is still reasonable to consider how the political liberal's objection to Nussbaumian liberalism would speak in favour of resourcist views *including* Rose's if it holds. Dworkin is not a political liberal. Therefore, if the resourcist criticism carries here, it would direct us towards political liberal versions of resourcism rather than his.

liberalism is a matter of legitimacy. If a theory of justice that sees the right and the good as intertwined is thought to be illegitimate, then one may reasonably be tempted to hold onto a less than perfect theory of justice separating the right and the good which is, at least, legitimate. So, the appeal of political liberalism does not completely evaporate even after accepting the previous chapter's argument that the (otherwise) best conception of justice will pair the right and the good. For another thing, even though it is true that understanding the right and the good as interdependent seems to challenge certain assumptions that political liberals take for granted, it remains possible to recognise that there are appealing elements to political liberalism worth trying to capture. A liberal conception that rejects the separation of the right and the good will still be stronger if a convincing story about how it interacts with political liberal considerations can be told.

I – A brief introduction to political liberalism

Political liberalism has a plethora of advocates, and their arguments differ in various and important ways.⁴ To avoid getting tied up in many arguments that are beyond the scope of what it is possible for this chapter to cover, I shall discuss political liberalism at as general level as possible, identifying the recurring features of (nearly) all political liberal theories.⁵ Crudely, political liberals can be characterised as insisting that when devising a constitution and legislating on certain matters, a state's laws ought to be justifiable or acceptable to its citizens.

Political liberals assume that democratic societies contain a diverse range of people with differing value judgements and conceptions of the good who come to divergent, irreconcilable, and often conflicting conclusions about what a good life may look like. This is thought to be an enduring feature of the liberal state. These “reasonable disagreements” are considered to pose a problem for the liberal state in terms of justifying laws to the diverse

⁴ Arguments for political liberalism include those by Gerald Gaus, *The Order of Public Reason* (Cambridge: Cambridge University Press, 2010); Charles Larmore, *Patterns of Moral Complexity* (Cambridge: Cambridge University Press, 1987), chap. 3; ‘Political Liberalism’, *Political Theory* 18, no. 3 (1990): 339–60; Andrew Lister, *Public Reason and Political Community* (London/New York: Bloomsbury Academic, 2013); Blain Neufeld, ‘Reciprocity and Liberal Legitimacy: Critical Comment on May’, *Journal of Ethics and Social Philosophy* 4, no. 2 (2010): 1–7; Jonathan Quong, *Liberalism Without Perfection* (Oxford: Oxford University Press, 2011) (henceforth *LWP*); Rawls, *PL*; Schouten, *Liberalism, Neutrality...*; Lori Watson and Christie Hartley, *Equal Citizenship and Public Reason: A Feminist Political Liberalism* (New York: Oxford University Press, 2018).

⁵ “Nearly” because I focus on consensus liberalism – more on that in a moment.

citizenry. With this pluralism in mind, political liberals then insist that the actions of the state – laws, constitutions, declarations – ought to follow certain methods or rules to be justified or acceptable to its citizens. Generally, political liberals prefer one or the other of two methods for justifying a constitution or law to its citizens.⁶ Firstly, laws may be acceptable insofar as all citizens agree that the law itself is acceptable, irrespective of whether they have shared reasons for doing so. This is generally referred to as “convergence liberalism”.⁷ Though the later analysis of this chapter (in Section V) could also be applied to convergence liberalism, the chapter will primarily discuss political liberalism in terms of the alternative method, not least because this is the preferred method of both Rawls and Nussbaum. Both speak about political liberalism in terms of “consensus”. Consensus liberals argue that the reasons offered in favour of laws or constitutions ought to be shared and thereby, acceptable.⁸ Such a view assumes that citizens disagree about matters outside of justice – such as religious questions, human nature, and what a good life looks like – at a very foundational level which make these disagreements irresolvable.⁹ Therefore, a set of “political” assumptions about citizens are established that can be used by the state to offer reasons that all of those who ascribe to the assumptions can share. Appealing to such “public” reasons is supposed to justify the law to citizens because even if they disagree with the law itself, they can at least accept the reasons behind it in a way that they wouldn’t have been able to accept a law grounded in any deeper assumptions they don’t identify with in any way.¹⁰

The upshot of restricting the kind of reasons that might be offered in favour of a law is that political liberalism also limits the *extent* of laws. Assuming the separateness of the right and the good, political liberals believe the state may only legislate on matters of justice, and it should not seek to promote a particular conception of the good or flourishing life because there is likely to be permanent and foundational disagreement over what constitutes a good

⁶ Kevin Vallier, ‘Consensus and Convergence in Public Reason’, *Public Affairs Quarterly* 25, no. 4 (2011): 261–79.

⁷ For advocates, see Gaus, *The Order of Public Reason*; Kevin Vallier, *Liberal Politics and Public Faith* (New York: Routledge, 2014). For an explanation, see Paul Billingham, ‘Convergence Liberalism and the Problem of Disagreement Concerning Public Justification’, *Canadian Journal of Philosophy* 47, no. 4 (2017): 543–45.

⁸ See practically all those in f4 except Gaus.

⁹ See Rawls, *PL*, 56-7; *JF*, 35-36.

¹⁰ See Quong, *LWP*, chap. 7.

life.¹¹ Sometimes it is characterised (including by Nussbaum) as stipulating that the state may only rule on matters that pertain to *citizens*, who have coercible duties towards one another. These two requirements in political liberalism are labelled by Nussbaum as being the conditions of ‘thin’ (that authority must be publicly justified) and ‘narrow’ (that it should refer to matters of justice which concern citizens and do not include their conceptions of the good).¹²

Beyond this, there are plenty of nuances in different arguments for political liberalism, such as whether the regulations of political liberalism apply to all laws or only at a constitutional level, how exactly the citizenry whom principles must be justified to ought to be characterised, what types of reasons pass the test of being acceptable to all, and what the rationale behind political liberalism is.¹³ Although I want to circumvent these questions as much as possible, it will be useful to note that the latter question will be relevant to the forthcoming discussion, which is highlighted in due course.

One final integral feature of political liberal theories is that, in practically all of them, the constraints are deemed to be matters of legitimacy. It is illegitimate for the state to act outside of political liberal constraints and therefore, the state simply cannot do it.¹⁴ Political liberalism frames the outer limits of what theories of justice are available. For this reason, theories of justice that entail a controversial theory of the good are thought to be “off the table” for political liberals. While political liberalism restricts which theories of justice are legitimate, it does not usually determine one specific theory of justice, which tends to be left to be decided through democratic deliberation which adheres to its principles.¹⁵

There are then, three key elements of political liberalism listed that are relevant to this chapter:

¹¹ The state may still promote a conception of the good when it is justified on public grounds and aims towards promoting justice. See Schouten, *Liberalism, Neutrality...*, 183–84.

¹² Martha C. Nussbaum, ‘Philosophy and Economics in the Capabilities Approach: An Essential Dialogue’, *Journal of Human Development and Capabilities* 16, no. 1 (2015): 9.

¹³ For a nice summary of these questions and how they relate, see Paul Billingham and Anthony Taylor, ‘A Framework for Analyzing Public Reason Theories’, *European Journal of Political Theory* 21, no. 4 (2022): 671–91.

¹⁴ See David Estlund, ‘The Survival of Egalitarian Justice in John Rawls’s Political Liberalism’, *Journal of Political Philosophy* 4, no. 1 (1996): 68–78; Fabian Wendt, ‘Rescuing Public Justification from Public Reason Liberalism’, in David Sobel, Peter Vallentyne and Steven Wall (eds.) *Oxford Studies in Political Philosophy*, Volume 5 (Oxford: Oxford University Press, 2019), 41ff.

¹⁵ Rawls, ‘IPRR’, 450.

1. Political liberalism assumes enduring disagreement between citizens in the liberal state about matters pertaining to metaphysical questions or value judgements about the good.
2. In reply, political liberals stipulate that the state's actions or a theory of justice must be "thin" (appeal to shared "public" reasons) and "narrow" (pertaining to citizens' duties of justice).
3. The conditions in 2 frame the legitimate actions of the state, so that the state's authority or a theory of justice cannot be legitimate if it contravenes those conditions.

The legitimacy constraint reveals why the political liberal objection to Nussbaum's philosophy is so worth considering. Steven Wall differentiates between a correctness-based justification and a public justification.¹⁶ The former refers to a justification deemed to be correct irrespective of whether people accept it. The latter refers to a justification that people can accept after reasoning well. Public justifications needn't be correct and may even reject a correctness-based justification if people could not come to recognise its correctness after reasoning well. On the political liberal account, public justifications provide legitimacy. Hence, a political liberal resourcist like Rawls could begrudgingly concede the argument made in the last chapter, that the correct account of justice embeds a theory of flourishing, and still want to reject that conception of justice on the grounds that it lacks legitimacy. At that point, the resourcist conception would regain its appeal. It may not be a fully correct depiction of what justice is, but at least resourcism can be accepted by a diverse range of people in a way that Nussbaumian liberalism cannot.

II – Nussbaum's (ostensible) political liberalism

Of course, that assumes that Nussbaumian liberalism lacks a public justification of the political liberal kind, but not so fast. Nussbaum herself is committed to the idea of political liberalism. She affirms this in her essay entitled 'Perfectionist Liberalism and Political Liberalism',¹⁷ about which she says 'it seems difficult to interpret any of my work without'.¹⁸

¹⁶ Steven Wall, 'Is Public Justification Self-Defeating?', *American Philosophical Quarterly* 39, no. 4 (2002): 386.

¹⁷ Martha C. Nussbaum, 'Perfectionist Liberalism and Political Liberalism', *Philosophy and Public Affairs* 39, no. 1 (2011): 3–45. Henceforth 'PLPL'.

¹⁸ Nussbaum, 'Philosophy and Economics in the Capabilities Approach', 10. See also Martha C. Nussbaum, 'Introduction: Capabilities, Challenges, and the Omnipresence of Political Liberalism', in

Yet, within this framework, Nussbaum has continued to defend the central thrust of her approach that all persons are entitled to the ten capabilities as necessary to treating them as worthy of their capacity to flourish, thereby seemingly making assumptions about what constitutes a good life that few other political liberals would be prepared to entertain. In this section, I trace how Nussbaum *thinks* that her capabilities theory is compatible with political liberalism. In the next section, I show why she's mistaken.

Nussbaum mainly grounds her political liberalism in the rationale of respect for persons. It is worth stressing immediately that the account of respect she uses appears to be different to the account of respect for species as needy and dependent beings capable of flourishing that was seen to ground the entitlement to the capabilities as a matter of justice in the last chapter. Like that ideal, this account of respect is 'closely linked to the idea of dignity', so that dignity is the politicising mechanism for treating people with respect.¹⁹ This time though, it is Kantian. Retreating to "public" reasons for justification and refraining from legislating on the good wherever possible honours the dignity of individuals by respecting their agency to form, and live according to, their own convictions. This is Kantian as what entails "thin" and "narrow" political principles is respect for every other person as a moral agent.²⁰

Nussbaum suggests that when the state promotes a particular comprehensive doctrine or justifies political principles with reference to deeply controversial metaphysical claims, it partakes in 'expressive subordination'.²¹ She thinks that the state has a particularly powerful expressive function that citizens don't have, which 'changes the message' of political principles.²² By basing principles on controversial foundations, it denigrates the lives of those who don't share those assumptions and expresses that those persons are not worthy of coming to their own conclusions about what the right view is or what a good life looks like.

Flavio Comim and Martha C. Nussbaum (eds.) *Capabilities, Gender, Equality: Towards Fundamental Entitlements* (Cambridge: Cambridge University Press, 2014), 5–15.

¹⁹ Nussbaum, 'PLPL', 18.

²⁰ Nussbaum cites the influence of Charles Larmore here, whose political liberalism is explicitly Kantian. See his *Patterns of Moral Complexity*, 53, 62; *The Morals of Modernity* (Cambridge: Cambridge University Press, 1996), 136.

²¹ Nussbaum, 'PLPL', 35.

²² Nussbaum, 'PLPL', 20. For this reason, it's unclear whether Nussbaum is a "public reason" theorist (that she thinks citizens also have certain moral duties to offer shared reasons in public discourse). The place of public reason in her view is not considered here.

On this basis, enacting political principles that are not “thin” and “narrow” fails to honour citizens’ moral agency.²³

How does Nussbaum seek to transpose this political liberal dignity into her capabilities approach then? She attempts to mimic the trajectory of Rawls’s theory of justice by dividing the justification of her capabilities approach into two parts: firstly, setting it out in a ‘freestanding’ way, then showing that it can become the object of an ‘overlapping consensus’.²⁴ Rawls says the case for a conception of justice must initially be ‘freestanding’ by evading appealing to any comprehensive doctrines or deeper value judgements likely to be widely controversial.²⁵ To establish a freestanding conception of justice, Nussbaum sets the capabilities approach out in a way that is narrow and thin.²⁶ It is narrow because the capabilities only refer to what persons are entitled to as citizens. Deriving from her account of Aristotelian-Marxian dignity, the capabilities are *political* entitlements to a flourishing life that *citizens* have.²⁷ It is thin because both dignity and the capabilities are presented as not resting on any controversial metaphysical assumptions. As a political concept, dignity is supposed to be freestanding, and Nussbaum stipulates that her account is not connected to any particular metaphysical idea of dignity, such as Kant’s or a Stoical one.²⁸ The capabilities themselves are also thought to be ‘freestanding’;²⁹ Nussbaum makes intuitive arguments for each that do not refer to any foundational metaphysical assumptions, instead appealing to political observations and the audience’s intuitive reasoning in a way that is supposed to be ‘Socratic in character’.³⁰ By establishing both a freestanding account of the content of justice – the capabilities – and the motivation behind it – dignity – Nussbaum believes she is adhering to the principles of political liberalism.

²³ Nussbaum’s discussions of political liberalism contain no mention of paternalism, but it is reasonable to think that her commitment to respect people’s agency to form and live according to their own commitments is consistent with, and probably requires, the state to avoid paternalistic principles too. Later, a balancing formula will be presented which integrates concerns about paternalism into its second consideration (IV.3).

²⁴ See Rawls, *PL*, Lectures I and IV, particularly 10-11.

²⁵ Rawls, *PL*, 12.

²⁶ Nussbaum, ‘Philosophy and Economics in the Capabilities Approach’, 9. For a similar idea in Rawls, see *PL*, 223.

²⁷ Nussbaum, *FoJ*, 163.

²⁸ Nussbaum, ‘Human Dignity and Political Entitlements’, 361.

²⁹ Nussbaum, *FoJ*, 163.

³⁰ Martha C. Nussbaum, ‘On Hearing Women’s Voices: A Reply to Susan Okin’, *Philosophy and Public Affairs* 32, no. 2 (2004): 197.

Like Rawls, there is then a second stage to Nussbaum's political liberalism. Rawls insists that a politically liberal theory of justice must be capable of becoming the object of an 'overlapping consensus' – a diverse range of reasonable citizens come to find a way of seeing a theory of justice as compatible with their own respective comprehensive doctrines and deeper beliefs.³¹ The overlapping consensus marks a transition from thinking about how a law or theory of justice might be justified to citizens, to how they may come to endorse it. A law or theory of justice gaining an overlapping consensus proves that a freestanding conception of justice is compatible with the many divergent beliefs of citizens in a pluralist society. For Nussbaum, it is important that both the conception of human dignity and the capabilities themselves can be the object of an overlapping consensus. In her view, one way of ascertaining whether they can be is by referring to actual existing comprehensive doctrines. She demonstrates that the idea of living a life worthy of dignity could be endorsed by a wide range of comprehensive doctrines by citing reference to dignity in the constitutions of countries as diverse as China, India, South Africa and Turkey.³² Partly with reference to her fieldwork in non-western countries,³³ she then insists that her capabilities could also become the object of an overlapping consensus, though they may not be the object of one at the moment.³⁴ For this reason, the capabilities have certain qualities. They are generally defined abstractly, so that they may be interpreted by those with differing value judgements in different ways; the list of capabilities is open-ended, so that it can be revised if it materialises that a capability cannot become the object of an overlapping consensus; and Nussbaum stresses the importance of capabilities over functionings, meaning that even those who do not believe it is necessary to *perform* a capability to live a flourishing life, may still be able to agree that the mere *ability* to perform one is a matter of justice.³⁵

By emulating the two-step procedure of Rawls's justice as fairness, Nussbaum believes that her theory of justice can secure the acceptance of persons from a diverse range of comprehensive doctrines, and thus adheres to honouring each of those citizens' dignity in tune with her commitment to political liberalism. If we accept the standard structure of

³¹ John Rawls, 'Reply to Habermas', in *Political Liberalism*, Expanded edition (New York: Columbia University Press, 2005), 385–95.

³² Nussbaum, *FoJ*, 303-304.

³³ See Nussbaum, 'On Hearing Women's Voices'; *WHD*. In support of her capabilities, Nussbaum also references a multi-country study of people's 'demands': Deepa Narayan and Patti Petesch (eds.) *Voices of the Poor From Many Lands* (New York: Oxford University Press, 2002).

³⁴ Nussbaum, *FoJ*, 304.

³⁵ See Nussbaum, *FoJ*, 79, 182-6, 297-8.

political liberalism – that it frames the bounds of what a state may do *legitimately* – Nussbaum fails. Allow me to set out why.

III – Nussbaum’s two kinds of dignity

The political liberalism of Nussbaum’s approach has been criticised on a number of grounds. Many of these objections surround the idea that her specific list of capabilities could not become the object of an overlapping consensus,³⁶ though there are others.³⁷ Rather than retrace old ground, I now look at the structure of Nussbaum’s theory of justice, and the relationship between her capabilities approach and her political liberalism, which enlightens us as to why (at least some of) these objections hold and why Nussbaum’s capabilities theory cannot be *conventionally* politically liberal. To do so requires investigating the inherent tension between the two kinds of dignity that play significant roles in her political liberalism and capabilities respectively.

Nussbaum’s account of political liberalism depends heavily on the idea of Kantian respect and Kantian dignity. Kantian respect means people are entitled to be treated as moral agents capable of devising their own life plans and aligning their wills with rightful action. Recall from the last chapter that Aristotelian-Marxian dignity *politicised* people’s entitlement to be treated with Aristotelian-Marxian respect. Similarly, Kantian dignity transforms Kantian respect into a political entitlement that requires the state to adhere to political liberal principles of justification.³⁸ It is debatable how “comprehensive” this idea of Kantian dignity is. Nussbaum herself says that it is a ‘political, not a comprehensive, value’.³⁹ This seems

³⁶ Rutger Claassen, ‘Capability Paternalism’, *Economics and Philosophy* 30, no. 1 (2014): 57–73; Séverine Deneulin, ‘Perfectionism, Paternalism and Liberalism in Sen and Nussbaum’s Capability Approach’, *Review of Political Economy* 14, no. 4 (2002): 497–518; Keith Dowding, ‘Can Capabilities Reconcile Freedom and Equality?’, *The Journal of Political Philosophy* 14, no. 3 (2006): 328–29; Eric Nelson, ‘From Primary Goods to Capabilities: Distributive Justice and the Problem of Neutrality’, *Political Theory* 36, no. 1 (2008): 93–122.

³⁷ E.g. Brooke A. Ackerly, *Political Theory and Feminist Social Criticism* (Cambridge: Cambridge University Press, 2000), 102–5; Clare Chambers, ‘Are Breast Implants Better than Female Genital Mutilation? Autonomy, Gender Equality and Nussbaum’s Political Liberalism’, *Critical Review of International Social and Political Philosophy* 7, no. 3 (2004): 1–33; Jay Drydyk, ‘Reasonable Pluralism, Capabilities, and Human Rights’, *Journal of Human Development and Capabilities* 12, no. 1 (2011): 54–55; Vasil Gluchman, ‘Human Dignity as the Essence of Nussbaum’s Ethics of Human Development’, *Philosophia* 47, no. 4 (2019): 1133; Nivedita Menon, ‘Universalism without Foundations?’, *Economy and Society* 31, no. 1 (2002): 152–69.

³⁸ There is not obviously a difference between recognising people’s Kantian dignity negatively and positively as was traced in the previous chapter with Aristotelian-Marxian dignity.

³⁹ Nussbaum, ‘PLPL’, 18.

dubious, but does not matter for the forthcoming discussion, because either a more or less metaphysically grounded commitment to honouring people's moral agency remains at odds with Aristotelian-Marxian dignity, which *is* more comprehensive.

Aristotelian-Marxian dignity is equally critical to Nussbaum's philosophy, as set out in the previous chapter. Treating people as worthy of this form of dignity requires recognising them as needy and dependent beings capable of flourishing, and giving them the capabilities necessary to live a flourishing life *as a matter of justice*. Immediately though, this conflicts with the notion of Kantian dignity, which stipulates that in the face of disagreement about what a flourishing life is, the state should avoid appealing to or promoting a conception of flourishing. Citizens are required to endorse an Aristotelian-Marxian ethics with a particular conception of the person and the good life, yet they may subscribe to alternative ideas of what makes a person or what the good life is. In sum, to justify supplying the capabilities, the state must honour persons' Aristotelian-Marxian dignity, but that fails to honour citizens' moral agency to decide for themselves what constitutes human nature and flourishing. To adhere to political liberalism, the state must recognise citizens' moral agency by honouring their Kantian dignity, yet that is insufficient to honour their status as needy and dependent beings capable of flourishing.

Nussbaum would probably reply that any theory of justice has to make some basic metaphysical assumptions about human nature and the good, and there is nothing unusual about hers. As we saw in the last chapter, even political liberals like Rawls present a thin conception of the person to give a basic account of human interests and make normative claims about what citizens are entitled to accordingly. Nussbaum could argue that her conception of Aristotelian-Marxian dignity functions similarly to Rawls's, as a minimalist account of human interests reflecting their status as needy and dependent beings capable of flourishing.

The problem with this response is that it contradicts fundamental elements of Nussbaum's theory of justice. Nussbaum's account of persons as needy and dependent beings capable of flourishing is much thicker than Rawls's thin conception of the person, because it ultimately *entails* the list of ten capabilities. She says: "The basic idea [...] is that human beings have a worth that is indeed inalienable, because of their capacities for *various forms of activity and striving*."⁴⁰ These various forms are captured by the capabilities. That is why 'Dignity is not

⁴⁰ Nussbaum, 'Human Dignity and Political Entitlements', 357. My emphasis.

defined prior to and independently of the capabilities, but in a way intertwined with them and their definition'.⁴¹ It does not seem to even make sense to Nussbaum to think about needy and dependent beings capable of flourishing in abstraction from the capabilities, because the capabilities are necessarily entailed by this assumption. Even if it *could* be made sense of, the upshot would seem to be an abandonment of the ten capabilities and the relinquishing of what is distinctive about her whole theory of justice. From a Nussbaumian liberalism perspective, such a solution would also require backtracking on the argument from the previous chapter, as Aristotelian-Marxian dignity would then trade with a much emptier account of human flourishing that would do little to inform a conception of justice.

Alternatively, Nussbaum could abandon the Aristotelian-Marxian influence and instead emphasise the notion of Kantian dignity, but suggest that Kantian dignity could still justify her ten capabilities. This would mean that the philosophical grounding for her political liberalism would be the same grounding as the rationale for her capabilities, and therefore, there would be no inherent tension between the two forms of dignity. Nussbaum certainly does not say this – she explicitly describes her capabilities as 'Aristotelian, *not* Kantian'⁴² – and she is right not to. Kantian dignity focuses primarily on one's moral agency and the importance to the individual of acting upon reason and aligning their will with their actions; it says comparatively little about what a flourishing life is.⁴³ This argument is more closely considered in Section V, but for now, it should suffice to observe that it is unclear how treating someone as a moral agent who has an interest in aligning their will with action entitles them to capabilities that Nussbaum defends like engaging with other species and playing. In short, honouring people's Kantian dignity won't justify awarding them with Nussbaum's ten capabilities. To gain a fuller conception of a flourishing life, Nussbaum must draw out a distinct form of dignity that is Aristotelian-Marxian.

This reveals an inherent tension in Nussbaum's work between adhering to two kinds of dignity which rely on two fundamentally divergent assumptions about what treating people as worthy of that dignity entails. This more general structural critique captures why some believe that her capabilities could not become the object of an overlapping consensus: the

⁴¹ Nussbaum, *FoJ*, 162.

⁴² Nussbaum, *FoJ*, 159. My emphasis.

⁴³ Kant certainly says less than Aristotle and Marx about what a flourishing life is in the *political* sense. His political philosophy contains virtually no reference to a flourishing life whatsoever. See his *Doctrine of Right* in Immanuel Kant, *The Metaphysics of Morals*, Revised edition, Translated by Mary Gregor (Cambridge: Cambridge University Press, 2017).

capabilities that derive from an Aristotelian-Marxian conception of human flourishing are at odds with the need for public justification which derives from Kantian dignity. More generally, it shows why there is such scepticism about how the Nussbaumian capabilities approach can possibly be a politically liberal one.

IV – Resolving the tension between Nussbaumian capabilities and political liberalism

In this section, a new suggestion for how Nussbaum can respond to this dilemma is presented. Everything that is said here is compatible with Nussbaum's own musings, though only she can speak to whether she would be willing to accept it. Regardless, this amendment is adopted in the thesis henceforth and therefore, can be seen as another distinguishing feature of Nussbaumian liberalism. The proposed solution entails *balancing* the two kinds of dignity as a trade-off, aiming to find a plausible middle ground between the two divergent accounts of respect in Nussbaum's work.

IV.1 – A road not taken

One solution that seems immediately available is simply to abandon the Nussbaumian commitment either to the capabilities or political liberalism by committing to one kind of dignity or the other. This would be a mistake – both kinds of dignity can play an important role in a conception of justice.

To treat a person as worthy of their dignity, it is surely right that we must recognise their capacity to come to their own conclusions about value judgements, and to align their own wills with their actions and the state authority enacted over them. To fail to do so infantilises them or (as Nussbaum suggests) expressively treats them as second-class citizens whom it is not unreasonable to thrust political principles upon.⁴⁴ This is hardly the behaviour of a democratic state that recognises those citizens' dignity. But this cannot be *all* there is to respecting a person. This point is returned to in Section V, but to briefly anticipate the argument, it is doubtful that honouring a citizen's *Kantian* dignity necessarily entitles them to sufficient resources for shelter or sustenance (for example). It is unclear, for instance, why someone who is homeless is unable to adjudicate and act as a moral agent. Yet, permitting homelessness hardly seems to treat a person as worthy of their dignified status. Arguments inspired by Kant's *political* philosophy often cite the value of a moral agent's capacity to act

⁴⁴ Nussbaum, 'PLPL', 35.

independently, free of the domination of others.⁴⁵ Such arguments may warrant some basic goods like housing and sustenance, but because independence is a *relational* notion in Kant's thought, even they would not definitely yield other goods a person may need for a dignified life if their lack of fulfilment does not leave one vulnerable to the domination of others. Poor transport infrastructure that limited a person's capacity to move wouldn't be warranted because the agent's freedom of movement wouldn't be constrained by another person;⁴⁶ freedom from discrimination in employment law wouldn't be needed if there was a social minimum otherwise secured because the person could not be dominated by an employer who refuses to hire them. An account of dignity inspired by Aristotle and Marx that sees citizens as capable of flourishing is intuitively compelling, yet it is not obvious that treating a person as worthy of their Kantian dignity requires capturing this capacity to flourish.

Inversely, while honouring citizens' dignity requires giving them the necessary conditions to flourish as it recognises the individuality of the person and their equal status as one entitled to live a flourishing life, these conditions lack something if they are imposed upon the person without due attention to that person's will. If one's agency is repetitively undermined and questioned, and their deepest value commitments recurrently expressed as less worthwhile, then they do not seem to be treated as dignified, even if they have the environment that they otherwise require to flourish. This illustrates why, despite Nussbaumian liberalism interpreting the relationship between justice and flourishing differently to other political liberals, the inquiry into what political liberalism has to say about Nussbaumian liberalism remains merited. Political liberalism captures an important element of dignity to be accommodated. To capitalise on the full appeal of grounding a theory of justice in dignity, *both* Aristotelian-Marxian and Kantian forms are necessary, but only sufficient when twinned with the other.

⁴⁵ Arthur Ripstein, *Force and Freedom* (Cambridge, Mass./London: Harvard University Press, 2009), chap. 9; Allen Rosen, *Kant's Theory of Justice* (Ithaca, NY: Cornell University Press, 1993), chap. 5; Anna Stilz, *Liberal Loyalty* (Princeton, NJ: Princeton University Press, 2009), 43. Political liberal arguments tend not to reference Kant's political philosophy and one may think the Kantianism they appeal to is not obviously advocated in Kant's political philosophy. See Japa Pallikkathayil, 'Neither Perfectionism nor Political Liberalism', *Philosophy and Public Affairs* 44, no. 3 (2016): 171–96.

⁴⁶ See Zofia Stemplowska, 'Citizens with Benefits', *Aristotelian Society Supplementary Volume* 96, no. 1 (2022): 41–58.

IV.2 – The road taken

An alternative solution must be sought. That solution begins by acquiescing that treating people in a way that is fully worthy of both kinds of dignity is impossible, and instead attempting to trade-off and balance the two kinds of dignity, aiming to retain as much of both elements as possible.

To start with, note that in Nussbaumian liberalism, dignity politicises a moral claim a person has into a political claim they can make of the state: it pertains to what a person is entitled to from their political institutions. Ergo, dignity transforms matters of respect into matters of justice. This means, however, that attributing Kantian dignity and adhering to the conditions of political liberalism is a matter of *justice rather than legitimacy*. Immediately, the place of political liberalism in Nussbaumian liberalism is distinguished from virtually all other political liberal theories I am aware of. Recall from the bottom of Section I, the stipulation that:

3. The conditions in 2 [political principles must be narrow and thin] frame the legitimate actions of the state, so that the state's authority or a theory of justice cannot be legitimate if it contravenes those conditions.

Political liberalism usually constrains what the liberal state is permitted to do and the type of justice it may endorse. A conception of justice must first be politically liberal, then it must be just. Nussbaumian liberalism sees political liberalism itself as an aspect of justice – the aspect of attributing Kantian respect, and therefore, treating one as worthy of Kantian dignity.⁴⁷ When the other element of justice is introduced though (Aristotelian-Marxian dignity), political liberalism no longer plays the role of framing the boundaries of what theory of justice is minimally acceptable. Rather, it is one element of justice – or one value – that must be balanced against another element of justice. Whilst it cannot be totally neglected, it cannot also completely constrain the theory of justice.

For this reason, Nussbaumian liberalism can be seen as *trading-off* the appealing elements of both kinds of justice, moving back and forth and attempting to find a balance that properly honours both Aristotelian-Marxian and Kantian dignity. Whilst political institutions and laws may be minimally legitimate if they find a balance that sufficiently satisfies both

⁴⁷ It's telling that in 'PLPL', Nussbaum barely mentions legitimacy and never explicitly commits to legitimacy as a driving aspect of her political liberalism.

forms of dignity,⁴⁸ Nussbaumian liberalism aims to find an optimum that best honours Aristotelian-Marxian and Kantian dignity.

IV.3 – Balancing Nussbaumian capabilities and political liberalism

How does this trading-off procedure unfold? Balancing and trading-off values is not uncommon in political philosophy. Advocates for this sort of strategy are usually content leaving the procedure for balancing unspecified or open to intuitions, often on the basis that how different normative commitments are weighted will depend upon facts which vary depending on the circumstances.⁴⁹ However, doubters express concern that this can make balancing overly subjectivist or dependent on intuitions in a way that is likely to lead to inconsistent or normatively unsubstantiated outcomes.⁵⁰ Succinctly laying out a more systematic balancing procedure here should help to arrest their concerns.

Legal theorist Robert Alexy has attempted to respond to similar worries about the intuitionism of balancing in constitutional law by setting out a systematic approach for courts to trade-off principles in judgments.⁵¹ Crudely, Alexy says that in cases where legal actors must choose between two principles, neither of which can be fully satisfied, they should make a judgment by asking to what extent one principle won't be fulfilled, and balancing that against the importance or degree of fulfilment of the other principle in tension with it.⁵² To do so, he sets out three categories for the degree of lack of fulfilment: light, moderate, and severe.⁵³ Jurists and commentators are then able to compare how much favouring one principle leads

⁴⁸ The view that justice and legitimacy may converge (to an extent) can be found in Rawls's earlier work and Zofia Stemplowska and Adam Swift's argument that liberal states may balance democratic procedures with justice-based concerns. Unfortunately, there is not space here to defend the view further; hopefully, it is plausible enough. Rawls, *TJ*, 98-99; Zofia Stemplowska and Adam Swift, 'Dethroning Democratic Legitimacy', in David Sobel, Peter Vallentyne and Steven Wall (eds.) *Oxford Studies in Political Philosophy*, Volume 4 (Oxford: Oxford University Press, 2018) 3-27.

⁴⁹ Elizabeth Anderson, *Value in Ethics and Economics* (Cambridge, Mass./London: Harvard University Press, 1993), 47ff; George Crowder, 'Value Pluralism, Diversity and Liberalism', *Ethical Theory and Moral Practice* 18, no. 3 (2015): 550-52; W. D. Ross, *The Right and the Good*, New edition (Oxford: Clarendon Press, 2002), 41; Stemplowska and Swift, 'Dethroning Democratic Legitimacy'.

⁵⁰ For worries about the intuitionism or "irrationality" of balancing, see Henry S. Richardson, 'Specifying Norms as a Way to Resolve Concrete Ethical Problems', *Philosophy and Public Affairs* 19, no. 4 (1990): 287-89. Several people have raised this concern with me.

⁵¹ Particularly see his Robert Alexy, *A Theory of Constitutional Rights* (Oxford: Oxford University Press, 2002); 'On Balancing and Subsumption. A Structural Comparison', *Ratio Juris* 16, no. 4 (2003): 433-49.

⁵² Alexy, *A Theory of Constitutional Rights*, 102.

⁵³ Alexy, 'On Balancing and Subsumption', 437, 440.

to compromising on a commitment to the other principle, and when there are different options, which options will require the least compromise on both principles.

Alexy's procedure can inspire an approach to balancing Aristotelian-Marxian and Kantian dignity. A potential compromise on either flourishing or political liberalism can be placed into one of four categories (rather than three): no compromise, light compromise, moderate compromise, and severe compromise. Entirely favouring a person's capacity to flourish – i.e. no compromise on flourishing – is likely to require a moderate to severe compromise on political liberalism, and vice versa. Therefore, Nussbaumian liberalism moves back and forth between the two commitments to find a balance that sits around a light to moderate compromise for both.

Compromising on the flourishing side simply requires asking: to what extent do citizens live a flourishing life? No compromise will see everybody *living* a flourishing life. If citizens are *able* to flourish, this might be a light compromise, as some may still reject or squander the opportunity to flourish. A moderate lack of flourishing will make citizens' capacities to flourish insecure or unguaranteed. It may be that they are able to flourish, but this capacity is contingent upon certain arrangements or social facts that are not assured. A severe compromise will be when society is organised in a way that inevitably will lead some people to be unable to flourish.

More complicatedly, compromises on Kantian dignity should take three factors into consideration.⁵⁴ First, the kind of justifications offered. At one end, a political liberal justification will amount to no compromise on Kantian dignity. At the other end, justifications grounded in controversial comprehensive doctrines that few accept will pull towards a severe compromise. Between those two may be justifications that are not fully neutral, but may have more or fewer freestanding elements and may be more or less likely to be the object of consensus.⁵⁵ The second factor will be how coercive any policies oriented towards promoting a conception of the good are. The more the state actively prevents a person from living their

⁵⁴ These factors are somewhat similar to a disaggregation of categories advocated by Cécile Laborde for analysing the place of religion in governance. Laborde's account usefully hones in on how there are different elements of honouring people's Kantian dignity that will affect our assessments in different ways and in different circumstances. However, there are some more nuanced changes to the content of the categories, as Laborde's categories do not perfectly fit the discussion of Nussbaum's political liberalism or the description of political liberalism advanced in this chapter. Cécile Laborde, *Liberalism's Religion* (Cambridge, Mass.: Harvard University Press, 2017), chaps. 3–4.

⁵⁵ For an example, see Tahzib, *A Perfectionist Theory of Justice*, 133-34, 205.

life by their own convictions, the more severe the compromise is likely to be. Usefully, this factor can simultaneously track the degree of paternalism of a particular proposal.⁵⁶ When the state does not use its coercive power to force a person to do something, this will not be paternalistic in the way that it would be if the state did use its coercive force; likewise, if the state coerces a person to do many things, this will be more paternalistic than using its coercive force in one particular instance.⁵⁷ Finally, the social salience of the conception of the good will be taken into consideration. It will be more alarming and more likely to be interpreted as an affront to dignity if the state tries to promote a conception of the good which is associated with conflict or historical oppression, than if it promotes a conception of the good which isn't. Ultimately, the extent of the compromise on Kantian dignity will take each of these factors into account when different options are available, and will weight this compromise against any compromise on human flourishing.

Alexy's principle is mainly (though not exclusively) intended to apply to concrete principles – cases in the real world – because it is only by knowing the details of the context that the full consequences for a particular principle can be ascertained.⁵⁸ Given Nussbaumian liberalism is a philosophical idea that hopes to hold theoretical credibility, it originally and provisionally conducts balancing in the abstract. The balancing procedure is then reintroduced when asking what justice looks like in particular circumstances to be sensitive to the intricacies of that context (as we shall see in Chapters 7 and 8).

To conclude this section, then, it is worth canvassing how Nussbaumian liberalism balances Aristotelian-Marxian dignity with Kantian dignity in the abstract. It begins with the Aristotelian-Marxian account of dignity that entails the ten capabilities. This immediately secures some commitment to human flourishing at the expense of Kantian dignity. All citizens are entitled to the capabilities they need to live a flourishing life by Aristotelian-Marxian standards.

In the abstract, the Aristotelian-Marxian account of flourishing is not a severe compromise on Kantian dignity. Appealing to the philosophy of Aristotle and Marx will be less controversial than grounding flourishing in a particular religious doctrine or metaphysical assumptions connected to contentious religious questions about things like the 'soul' or

⁵⁶ f23.

⁵⁷ On the coerciveness of policies, including the relationship between political liberal and paternalistic considerations, see Laborde, *Liberalism's Religion*, 143ff, 203–4.

⁵⁸ Alexy, *A Theory of Constitutional Rights*, 50–52; 'On Balancing and Subsumption', 440.

‘revelation’.⁵⁹ Although reference to Aristotle and Marx may still arouse some controversy and anxieties about social salience (particularly in Eastern Europe), the conception of the person it refers to – as needy and dependent beings capable of flourishing – is relatively vague until the capabilities give it more meaning. The capabilities themselves are justified using intuitive and empirical arguments that more closely resemble freestanding arguments and avoid socially salient value judgements or issues. They are also vaguely framed, so that they may be tailored to a particular context, increasing the chances of each capability resonating with the attitudes of people in a context and subsequently gaining an overlapping consensus. In this regard, the appeal to human flourishing is presented in a way that only marks a light to moderate compromise to Kantian dignity in the abstract. The light compromise is consolidated by advocating for non-coercive capabilities rather than coercive functionings, but through some compromise on Aristotelian-Marxian dignity.⁶⁰

Finally, reverting back, Nussbaumian liberalism follows Nussbaum in only requiring that capabilities need to be able to *become* the object of an overlapping consensus, and not that they necessarily are at present.⁶¹ This ensures that the account of flourishing as a matter of justice isn’t *too* constrained by existing preferences, which may themselves be influenced by unjust present circumstances.⁶² The ability to flourish is thereby guaranteed, rather than contingent upon attitudes at a particular time. The result is that Nussbaumian liberalism, in the abstract, strikes only a light compromise on both flourishing and political liberalism, optimally balancing Aristotelian-Marxian and Kantian dignity.

As the balancing procedure is meant to be fully applied in concrete settings, there may still be further compromises to Kantian or Aristotelian-Marxian dignity further down the line, depending on the facts about a particular case. This offers an explanation to Paul Formosa and Catriona Mackenzie, who argue that in particularly tricky cases like the equality of women outside the public sphere, and education of children in isolationist sects, Nussbaum sways between her Aristotelian roots and her political liberalism.⁶³ Nussbaumian liberalism gives us

⁵⁹ Nussbaum, *FoJ*, 163.

⁶⁰ The noncoercive element is why the Nussbaumian liberal understands capabilities not to be paternalistic.

⁶¹ Nussbaum, *Anger and Forgiveness*, 174; Nussbaum, *FoJ*, 304, 391-2. Rawls also only requires that his theory of justice can *become* the object of an overlapping consensus. See Rawls, *JF*, 33, 183, 195f.

⁶² See the citations on adaptive preferences in Chapter 3, f42.

⁶³ Paul Formosa and Catriona Mackenzie, ‘Nussbaum, Kant, and the Capabilities Approach to Dignity’, *Ethical Theory and Moral Practice* 17, no. 5 (2014): 875–92.

an initial formula for balancing. If it seems to favour flourishing (Aristotelian-Marxian dignity) over political liberalism (Kantian dignity) in some cases, and vice versa in others, this will be due to concrete facts about the case that lead to weighting the interests and compromises differently in different circumstances.

Nussbaumian liberalism's balancing does not purport to be *completely* systematic, and some may worry that, when it comes to categorising the extent of a particular compromise, the process still seems overly-intuitionist or subjectivist. There are two things that can be said in reply. First, introducing four categories and some guidelines about what considerations ought to be taken into account and what amounts to a light, moderate or severe compromise still yields a *more* systematic approach than depending on pure intuition. Second, the procedure itself is a balance of Aristotelian and Kantian approaches. The effort to systematise the process retains a more Kantian thrust – at least the Kantian thrust adopted by Rawls and those he has influenced – because it is more transparent and rationally conceived. At the same time, the contextual element and the remaining dependence on judgement is much more Aristotelian. Aristotle himself says that, when choosing between two values that are conflicting or in tension, 'the decision rests with perception'.⁶⁴ Nussbaumian liberalism may therefore be more comfortable with leaving some of the balancing process open to intuition than some of its critics may be.

V – Favouring Nussbaumian political liberalism

Nussbaumian liberalism ultimately seeks to balance the appeal of political liberalism with the appeal of promoting a conception of justice that properly accounts for human flourishing. As far as I am aware, nobody has previously proposed the idea of balancing political liberal justice with "distributive justice" (Aristotelian-Marxian dignity in Nussbaumian liberal terms). David Enoch comes closest, but his remarks are relatively brief and he seems satisfied that one value may be abandoned completely in favour of another if the case for that value is powerful enough.⁶⁵ This is rejected by Nussbaumian liberalism as any optimum balance will always honour both forms of dignity to an extent. Nevertheless, Nussbaumian liberalism can be seen as part of a growing trend of theories that have sought to temper the

⁶⁴ *EN*: 1109b23; see also *EN*: 1126b4.

⁶⁵ David Enoch, 'Against Public Reason', in David Sobel, Peter Vallentyne and Steven Wall (eds.) *Oxford Studies in Political Philosophy*, Volume 1 (Oxford: Oxford University Press, 2015), 138–40.

claims of political liberalism while retaining its core appeal.⁶⁶ Such views are uneasy about the restrictiveness of political liberalism's legitimacy constraint. Nussbaumian liberalism's balancing procedure does not just offer a satisfactory rebuttal to its (conventional) political liberal challengers; it offers a more convincing account of the place of political liberalism in a theory of justice.

The legitimacy constraint of traditional political liberal views frames what theories of justice are available, making some permissible and excluding others by judging whether they can be publicly justified. Returning to Wall's distinction between a correctness-based justification and a public justification, the most correct theory of distributive justice, and therefore, surely the most compelling theory by its own standards, need not be publicly justifiable. The argument against resourcism from the last chapter showed this: traditional political liberal views depend upon a separation of the right and the good and a prioritisation of the former, but such a separation cannot be the best theory of distributive justice. As a result, requiring that a theory of distributive justice *must* be publicly justifiable risks redirecting attention away from a perfectly just account that is not. The implications could be that we are forced to settle for a second (or more worryingly third, fourth, or fifth) best account. If this is so, it makes more sense to compromise a little on political liberalism, than a lot on distributive justice.

Consensus political liberals are likely to reply that the moral foundations that lead us towards political liberalism also lead towards a *sufficiently* just view in distributive terms.⁶⁷ They would think that the previous paragraph overstates the trade-off between political liberalism and distributive justice. On this basis, resourcist political liberals like Rawls might wish to maintain that resourcism is a preferable conception of justice because it retains political liberal legitimacy and offers a theory of distributive justice that is "just enough". There are two possible shapes this reply could assume. Allow me to take some time to consider these in turn.

⁶⁶ R. J. Leland, 'Civic Friendship, Public Reason', *Philosophy and Public Affairs* 47, no. 1 (2019): 89–92; Wendt, 'Rescuing Public Justification...'

⁶⁷ Convergence political liberals generally will be less concerned about distributive justice. As Kevin Vallier writes: 'in many cases the best or truest principles of justice will not be publicly justified'. Kevin Vallier, 'On Jonathan Quong's Sectarian Political Liberalism', *Criminal Law and Philosophy* 11, no. 1 (2017): 187. See also Elsa Kugelberg and Henrick D. Kugelberg, 'Public Justification, Gender, and the Family', *European Journal of Political Theory* 23, no. 1 (2024): 4–22.

The first reply asserts that without a sufficient level of justice, citizens would be deprived of the conditions that demand political liberalism in the first place. Political liberalism is grounded upon the ideal that citizens are entitled to, and must be able to, accept the reasons behind the authority exercised over them by the state. The rationale behind this relies on some very basic assumptions about those citizens and their motivations. However, without adequately just conditions, those assumptions no longer hold. This is broadly Rawls's view. Rawls argues that persons are rendered free and equal and entitled to public justifications of authority by their status as citizens. Citizens are regarded as such if they hold two moral powers – the capacity for a sense of justice, and the capacity to form and revise a conception of the good.⁶⁸ However, for citizens to form these moral powers, they require an adequate level of distributive justice that awards them basic political and civil rights – like freedom of movement, association, speech, and conscience – and a minimal subsistence level of all-purpose goods.⁶⁹ For Rawls, there is a range of theories of justice (including his own justice as fairness) that are thought to be acceptable to political liberalism, partly on this basis.⁷⁰

A recent argument for a feminist political liberalism advanced by Lori Watson and Christie Hartley assumes a similar structure.⁷¹ Like Nussbaum, Watson and Hartley ground political liberalism in citizens' entitlement as moral agents to develop moral outlooks, adjudicate claims, put forward their own moral views, and ultimately, align their wills with action.⁷² They posit that relationships of domination, inequality, and lack of status prevent people from participating in the public deliberation process and cultivating the identities and self-respect to develop a sense of justice and the skills to analyse moral claims.⁷³ On this basis, people are entitled to relationships free of domination – which includes interventions oriented towards gender justice like the abolition of the gendered division of labour – to be recognised as moral agents.⁷⁴

On both views, political liberalism is thought to secure a sufficiently minimal amount of distributive justice because the traits that citizens have which entitle them to public

⁶⁸ Rawls, *JF*, 18–24.

⁶⁹ Rawls, *PL*, Lecture VIII; *JF*, 169.

⁷⁰ Rawls, 'IPRR', 450–51.

⁷¹ Watson and Hartley, *Equal Citizenship and Public Reason*.

⁷² *Ibid.*, 47–48.

⁷³ *Ibid.*, 68, 145–50. See also Lori Watson, 'Constituting Politics: Power, Reciprocity, and Identity', *Hypatia* 22, no. 4 (2007): 96–112.

⁷⁴ Watson and Hartley, *Equal Citizenship and Public Reason*, 150–59, chap. 8.

justifications, are themselves dependent upon a sufficiently just state of affairs in distributive terms. Neither view proclaims to secure the most just theory, but both views are thought to require theories that are sufficiently just to assuage concerns that political liberalism and distributive justice may significantly diverge. The problem with responses like this is that regardless of exactly how a citizen is interpreted, they exaggerate the external conditions a person needs to entitle them to publicly justified authority.

Beginning with Rawls: the two moral powers – as I understand them – are predominantly *mental* faculties. They concern the person’s ability to have a ‘sense’ of justice, and to ‘form and revise’ a conception of the good; not to act justly or according to their conception of the good. Granted, this is not a popular interpretation. Rawls’s moral powers are often thought to include the ability to actually *pursue* a conception of the good.⁷⁵ This is understandable: Rawls discusses the ‘full exercise’ of the two moral powers on several occasions, which has likely led to confusion.⁷⁶ Full exercise does not mean *acting* justly and *pursuing* a conception of the good, but rather, exercising one’s capacities for a ‘sense’ of justice and ‘form[ing] and revis[ing]’ one’s conception of the good *qua* mental faculties.⁷⁷ Recall from the previous chapter, Rawls says that parties in the original position assume citizens have higher-order interests in ‘developing and exercising’ their moral powers, and a *separate* higher-order interest in pursuing ‘a determinate conception of the good’ that they ‘do not know the content of’.⁷⁸ Elsewhere, the primary goods are labelled as ‘generally necessary to enable citizens adequately to develop and fully exercise their two moral powers, *and* to pursue their determinate conceptions of the good’.⁷⁹ If the moral powers already encompassed the capacity to actually pursue *any* conception of the good, then there would be no reason for Rawls to explicitly and separately say that parties in the original position should assume that citizens have an interest in pursuing *a determinate* conception of the good; nor to partly justify primary goods by referring to this interest. From the perspective of the original position, a determinate conception of the good that is unknown could be any conception of the good, so the pair are identical. To be worth identifying *two* higher-order interests then, the difference

⁷⁵ E.g. Jeppe von Platz, ‘Are Economic Liberties Basic Rights?’, *Politics, Philosophy and Economics* 13, no. 1 (2014): 26–27.

⁷⁶ Rawls, *JF*, 45, 104, 114.

⁷⁷ Rawls, *PL*, 74. See also Samuel Arnold, ‘Putting Liberty in Its Place: Rawlsian Liberalism without the Liberalism’, *European Journal of Philosophy* 26, no. 1 (2018): 218–21.

⁷⁸ Rawls, *PL*, 74.

⁷⁹ Rawls, *JF*, 57. My emphasis.

between them must pertain to whether they are mental faculties or they involve actually pursuing something.⁸⁰ The moral powers are the mental prerequisites for the actual pursuit of one's determinate conception of the good.⁸¹

Once this is understood, it is not obvious that grounding political liberalism in the two moral powers requires a particularly just state of affairs (even if Rawls thinks it does⁸²). The simple ability to *mentally form* a sense of justice and a conception of the good surely requires some basic goods, like freedom of conscience and a minimal education, but it is unclear that it requires anything like a reasonable amount of justice. It is doubtful one would require access to the natural world or other species to develop the moral powers, and it seems equally doubtful that a person deprived of the capacity for sexual satisfaction could complain that they are not treated as a citizen according to the standard of possessing the moral powers. More worryingly, perhaps, it is unclear why healthcare would be necessary for one to maintain a sense of justice or their conception of the good, and we may be able to say the same for shelter and basic nourishment.⁸³ At the extreme level, it is even somewhat debatable whether persons would require all basic political rights. Many civil rights campaigners in the US had a strong sense of justice and religion whilst deprived of fundamental basic rights. Indeed, their senses of justice and religion were probably strengthened by their plight.

A similar reply could be proffered to Watson and Hartley. They cite the work of Miranda Fricker to show that *in practice*, relationships of inequality and domination often prevent people from gaining sufficient credibility to contribute to public discourse,⁸⁴ and use this to argue that people in relationships of subordination and injustice will be deprived of the

⁸⁰ Rawls does say that the first moral power requires the ability to 'act from' a public conception of justice, but I take this to mean that the person can act with reasons oriented towards the public conception of justice. Likewise, he says that the second moral power requires the ability to 'rationally pursue' a conception of the good, which I understand as the ability to devise a plan for how to pursue one's conception of the good, rather than actively pursue it. For quotes, see *PL*, 19; for the *separate* higher-order interest in pursuing a determinate conception of the good, see John Rawls, 'Kantian Constructivism in Moral Theory', *The Journal of Philosophy* 77, no. 9 (1980): 525.

⁸¹ Rawls, *PL*, 310-318.

⁸² *Ibid.*, 315-324.

⁸³ Citing John Tomasi, Kevin Vallier has argued that the prioritisation of the basic liberty to own property – which would likely yield a highly unequal distribution of income and wealth – is compatible with Rawlsian political liberalism. John Tomasi, *Free Market Fairness* (Princeton, NJ: Princeton University Press, 2012); Kevin Vallier, 'Political Liberalism and the Radical Consequences of Justice Pluralism', *Journal of Social Philosophy* 50, no. 2 (2019): 215.

⁸⁴ Miranda Fricker, *Epistemic Injustice* (Oxford: Oxford University Press, 2007).

conditions necessary to advance and act according to reasons as moral agents. But it is unclear why just conditions are required either for a person to develop the faculties to act according to reason, or to advance their reasons in the realm of public discourse. On the first point, it is not necessarily true that citizens without healthcare or shelter (for example) will not be able to adjudicate political principles or decide what a just world looks like. On the second point, as Paul Billingham notes, it is doubtful that women necessarily require the equal ability to enter the labour market to be regarded as equal citizens with contributions to make by others.⁸⁵

The first reply then, that citizens require certain minimally just conditions to even qualify for political liberalism, ultimately falls short. What about the second? This reply argues that what grounds political liberalism *entails* distributive justice. That is, the reasons for advocating for political liberalism – which tend to be recognising citizens’ status as free and equal persons – also deliver principles that are sufficiently just on distributive terms that there is no need to look beyond political liberalism for a satisfactory conception of justice. This seems to be Jonathan Quong’s view.⁸⁶ Quong claims that free and equal persons are entitled to be provided with political principles they can reasonably accept by the liberal state and their fellow citizens. Citizens would not be able to reasonably accept principles of justice that are not thin and narrow, *nor* would they be able to accept principles of justice that denied them their basic liberties or a sufficiently just distribution of income and wealth.⁸⁷

It seems to be the view of Gina Schouten too. For Schouten, each citizen’s interest in securing the two moral powers involves a negative *and* a positive component.⁸⁸ The negative component constrains the legitimate use of political power, and citizens will not permit any political power exercised over them which is not justified in a way they find acceptable (political liberalism). The positive component entails giving citizens the resources and conditions they need to properly and fully develop the two moral powers (distributive justice).⁸⁹ In Schouten’s view, those positive conditions require the space for one to fully develop their ‘comprehensive autonomy’, which ‘involves actually critically reflecting on and

⁸⁵ Paul Billingham, ‘Reasonable Disagreement About, and Within, Watson and Hartley’s Political Liberalism’, *Journal of Applied Philosophy* 37, no. 5 (2020): 840–41.

⁸⁶ Rawls also hints towards structuring political liberalism this way in his ‘IPRR’, 447.

⁸⁷ Quong, *LWP*, 133, 137, 148.

⁸⁸ Schouten, *Liberalism, Neutrality...*

⁸⁹ *Ibid.*, 133.

evaluating our ends and the values we espouse'.⁹⁰ Amongst other conditions, the development of comprehensive autonomy requires the abolition of a gendered division of labour, partly so adult women now have comprehensive autonomy, and partly because comprehensive autonomy requires children to have role models who practice non-gender-stereotypical roles.⁹¹

The Quong/Schouten reply is also unsatisfactory. Beginning with Quong, whether treating persons as free and equal prohibits injustices is a more open question than it may at first seem. This is because many theories of justice can claim to respect the freedom and equality of persons. Take a libertarian approach to distributing income and wealth like Robert Nozick's,⁹² which would surely permit morally abhorrent inequalities including some not having access to healthcare, shelter, or sustenance. One might still claim that this theory respects the freedom and equality of persons given that it treats each person equally and as having (formal) rights over themselves. Quong would probably insist that recognising citizens' freedom and equality also demands fairness, as he sees society as a 'fair system of social cooperation'.⁹³ But in Quong's theory, a citizen's entitlement to 'fairness' *derives* from their status as a free and equal person,⁹⁴ and their status as a free and equal person still only requires giving them *reasons* that are justifiable to them. Some objectionable policies – like failing to recognise freedom of conscience or the equal right to vote – will be impossible to justify according to the status of citizens as free and equal. But as the Nozickian theory shows, other unjust legislation, like egregious maldistributions of income and wealth (for instance), will be justifiable with reasons appealing to each citizen's status as free and equal. Quong simply assumes that unjust policies cannot be justified to citizens, yet in fact, it is possible to appeal to core liberal values with unjust policies.

The obvious reply available to Quong at this point is to suggest that the notion of citizens as free and equal itself derives from the interpretation of citizens as having two moral powers. Therefore, treating persons as free and equal requires giving them the resources for the two moral powers, which then would prohibit unjust distributive theories like Nozick's. Yet, it has already been shown that there is no reason why this is the case. This also rebuts

⁹⁰ Ibid., 182.

⁹¹ Ibid., 182-90, 199-206.

⁹² Robert Nozick, *Anarchy, State, and Utopia* (Malden, Ma.: Blackwell, 1974).

⁹³ For instance, see Quong, *LWP*, 182-183.

⁹⁴ Jonathan Quong, 'On the Idea of Public Reason', in Jon Mandle and David A. Reidy (eds.) *A Companion to Rawls* (Hoboken, NJ.: Blackwell, 2014), 275.

Schouten's argument. Schouten is right that the second moral power requires the ability to critically reflect and evaluate on a person's own ends (which she calls comprehensive autonomy). But the intellectual ability to critically reflect and evaluate on a person's own ends does not necessarily require a just state of affairs or abolition of the gendered division of labour. As Schouten is prepared to concede, many eminent women – past and present – have emancipated themselves of oppressive upbringings to live independent and impressive lives, and many more have surely dreamt of it.⁹⁵ She herself notes that polling shows that the majority of the public would like to see the abolition of a gendered division of labour.⁹⁶ By Schouten's own admission though, the public formed these preferences amongst the background circumstances of a gendered division of labour; if abolishing it was necessary for people to imagine living otherwise, most wouldn't be able to conceive of such a state of affairs, let alone believe they would prefer it.

What all of this shows is that there is a clear divergence between political liberalism and distributive justice. There is nothing in the structure of existing political liberal theories that removes the chance of a constitution or law that is highly dissatisfying from the standpoint of distributive justice. But while political liberalism potentially permits significant injustice from a distributive perspective, it potentially disbars more appealing conceptions of distributive justice that do not adhere to its requirements. With all of this in mind, there is good reason to doubt the existing shape of political liberal theories. Not only is it the case that political liberalism doesn't have to radically constrain the principles of justice we can promote, but it is the case that it is *better if it doesn't*.

Enter Nussbaumian liberalism. Balancing political liberalism off against distributive justice allows recognition for political liberalism's value without proscribing highly convincing principles of distributive justice that are not *fully* publicly justifiable. Hence, Nussbaumian liberalism stations political liberalism in a much more attractive position in its theory than conventional political liberal views like Rawlsian resourcism.

Up until now, this has mainly been discussed in terms of Nussbaumian respect and dignity. The balancing procedure is particularly attractive in capturing the full values of respect and dignity – both their Aristotelian-Marxian and Kantian elements. However, balancing may better maintain other values that are cited as reasons for political liberalism

⁹⁵ Schouten, *Liberalism, Neutrality...*, 187.

⁹⁶ Schouten, *Liberalism, Neutrality...*, 216–22.

too. Some of these are worth mentioning briefly. The argument from civic friendship advocates political liberalism on the basis that it realises a valuable form of political community; the argument from reciprocity sees political liberalism offering the framework for a mutually cooperative and accommodating relationship between citizens.⁹⁷ In addition to treating each citizen appropriately as a moral agent, the values of either a political community or reciprocity surely demand that a society's citizens work together to ensure all receive their fair share of the community's goods. An alternative argument for political liberalism is Rawls's one from 'stability'. Rawls believes that publicly justifiable principles are required to guarantee that citizens will continue to support and adhere to a just arrangement irrespective of how the make-up of the society changes.⁹⁸ Again, however, stability must also require that people receive a just distribution of resources and goods in addition to respecting their moral agency. Such a distribution helps people feel as if the society works for them and incentivises them to honour their duties of justice.⁹⁹ The balancing approach illuminates that, as with attributing respect, these other values require paying due attention to how different elements which realise them may sometimes be in competition. It may be that very attractive theories of distributive justice like Nussbaum's can achieve more for the values of civic friendship, reciprocity or stability in distributive terms than they lose in political liberal terms. Conventional views of political liberalism rule out this kind of thinking regardless of the reasons behind them. So, it is not just in a *purely* Nussbaumian argument that balancing commitments to political liberalism and distributive justice seems appealing.

One worry about the balancing approach is that it requires relinquishing some of the features that made political liberalism attractive in the first place. Nussbaum herself advocates political liberalism on the grounds that a perfectionist state 'denigrates' people and treats some as 'second-class' citizens.¹⁰⁰ If Nussbaumian liberalism is prepared to balance its commitments to political liberalism with distributive justice, does it not entertain the possibility of setting out a normative theory which denigrates some or treats them as second-class? For theories based upon values other than respect and dignity, is there a risk of defenestrating what is appealing about political liberalism in the first place?

⁹⁷ Lister, *Public Reason and Political Community*; Neufeld, 'Reciprocity and Liberal Legitimacy'.

⁹⁸ For example, see Rawls, *JF*, Part V.

⁹⁹ See Samuel Scheffler, 'The Rawlsian Diagnosis of Donald Trump', *Boston Review* (12 February 2019) <https://www.bostonreview.net/articles/samuel-scheffler-rawlsian-diagnosis-donald-trump/>; Tommie Shelby, *Dark Ghettos* (Cambridge, Mass.: Belknap Press, 2016), chap. 7.

¹⁰⁰ Nussbaum, 'PLPL', 28, 35.

Regarding Nussbaum's argument specifically, it might initially be suggested that the point of Nussbaumian liberalism's balancing model is that it encourages any divergence from Kantian dignity to be softer than "denigrating" citizens. Severe compromises on Kantian dignity may indeed denigrate; Nussbaumian liberalism's light compromise does not. A more important reply that applies to all political liberal theories though, highlights that this objection ultimately unveils one of the strengths of the balancing view, rather than a weakness. By seeing political liberalism and distributive justice as two distinct and important components of justice, the balancing approach identifies an inherent tension which standard political liberal conceptions hide from view. It is a regrettable symptom of liberal societies that the most just way of distributing conditions, resources, and privileges conflicts with the most just way of treating individuals as moral agents. Traditional political liberal views do not even recognise this tension, which is a serious shortcoming that requires resolving. The balancing approach identifies this tension and seeks to resolve it with nuance and consideration. The Nussbaumian balancing strategy not only supplies more morally attractive answers to questions around trading-off political liberalism and distributive justice, but it offers a better insight into what the nature of that trade-off is. This is a serious intervention, it shines light on a fundamental fault with existing political liberal theories, showing that they must rethink the role political liberalism plays.

VI – Conclusion

In the last chapter, Nussbaumian liberalism was argued for over resourcist approaches to distributive justice. In this chapter, the most powerful objection to Nussbaumian liberalism was canvassed: the objection from political liberalism. Had that objection held, it would have given us good reason to look again at resourcist views of a politically liberal nature.¹⁰¹ Political liberal concerns are serious for Nussbaum's capabilities theory. Nussbaumian liberalism interprets the relationship between the capabilities approach and political liberalism as one of balancing two components of justice: Aristotelian-Marxian and Kantian dignity. In doing so, it not only offers a satisfactory response to its political liberal sceptics, but a new structure to political liberalism preferable to existing accounts.

This new structure illustrates that resourcist theories of justice may sometimes give up on a more just theory in the name of legitimacy. The free time view is one such resourcist approach. The free time view gives up on supplying positive leisure. To convince that this is a

¹⁰¹ This would not include Dworkin's, see f3.

compromise on justice, we must show that a claim to positive leisure is itself fundamental to justice. This is the task of the next chapter, where the case for a capability for (positive) leisure is established.

CHAPTER 5

THE CAPABILITY FOR LEISURE

Martha Nussbaum is a runner. She runs a lot, and when she runs, she ‘enter[s] a world of the imagination, a dreamlike invisible world’ which takes her ‘beneath the surface of habit’.¹ Running isn’t simply a pastime for Nussbaum; it is much more important than that. She runs almost daily, reflects on her running, and even writes philosophical essays about it. Running – as an end in itself – is part of what it means for Nussbaum to live a flourishing life. Her relationship with running captures how important leisure can be to a person’s flourishing, even if, for other people, their idea of flourishing isn’t exactly trudging along the side of the road for miles on end.

Leisure is so important to flourishing that giving people access to it is necessary to treating them as worthy of their capacity to flourish. That is the argument of this chapter. Awarding people with the ability to be at leisure is required to honour their Aristotelian-Marxian dignity, thereby making it a matter of justice. The previous two chapters laid the foundation for this argument by showing Nussbaumian liberalism to be the preferable conception of justice. Fortunately, Nussbaumian liberalism is a conception of justice that positive leisure can be inserted into as a capability. This chapter shows that it is not only the case that the capability for leisure can be inserted into the Nussbaumian conception of justice, but that it must be.

In the last chapter, it was described how Nussbaum’s approach to arguing for her capabilities unfolds over two stages. She firstly makes a freestanding argument for each capability. Then, she shows how followers of many of the existing comprehensive doctrines in any society can come to endorse the capability, converging on an overlapping consensus. In this chapter, that two-stage process is emulated to justify a capability for leisure. The capability for leisure is introduced and shown to mimic the shape of Nussbaum’s other capabilities, which helps it to be sensitive to Kantian dignity considerations (I). The chapter then makes the freestanding argument for why a capability for leisure is necessary to treating

¹ Martha C. Nussbaum, “‘Where the Dark Feelings Hold Sway’ Running to Music’, in Michael W. Austin (ed.) *Running and Philosophy: A Marathon for the Mind* (Malden, Ma.: Blackwell, 2007), 184.

a person in a way that is worthy of their Aristotelian-Marxian dignity, identifying four qualities to leisure, each of which show leisure's profound influence on a person's flourishing (II). It follows this by canvassing a range of cultural attitudes and comprehensive doctrines – in more detail than Nussbaum seems to with any of her capabilities – to prove that there is no reason to think that a capability for leisure couldn't become the object of an overlapping consensus (III). By following this process, a forceful case which takes the honouring of Aristotelian-Marxian and Kantian dignity into account is made for recognising a capability for leisure. Nussbaum's oversight of this capability for leisure is, in my view, a glaring one, and the inclusion of it in the list of ten marks the most defining *substantive* feature of Nussbaumian liberalism. To defend this position, the chapter wraps up by describing why the theoretical commitments of a Nussbaumian philosophy must lead to the recognition of a claim to leisure (IV).

I – The capability for leisure

This chapter argues for the capability for:

LEISURE. Being able to perform activities chosen as ends in themselves; which requires an adequate range of activities to be able to choose from.

Characterised in this way, the capability secures people's capacity to enter the state-condition of performing activities chosen as ends in themselves and therefore, ultimately, to be "at leisure". Following what was said in Chapter 2, the capability requires an adequate range of leisure activities to be made available, so that each person has a selection of activities wide enough that they can choose autonomously, and so that they can extract the internal goods they desire by participating in a variety of activities if they wish.²

The capability for leisure has several qualities that emulate Nussbaum's other capabilities. These qualities help to justify it, and to lay the foundations for duly honouring Kantian dignity, both in the abstract and when applied to different circumstances.

First, it is a *political* entitlement, meaning that it is something citizens can demand of their fellow citizens, and that it is an entitlement the state is responsible for overseeing. This follows from what is to come, as the capability for leisure will be shown to be a matter of justice, but it bears mentioning at the start.

² Chapter 2, IV.4.

Second, it is a capability rather than a functioning. Citizens should be given the environment to be able to perform activities chosen as ends in themselves, which includes an adequate range of options to choose from, but they must not be forced to be at leisure (given that activities must be chosen, it is probably impossible to force someone to be at leisure anyway). This marks a much lighter compromise on Kantian dignity than if leisure was included as a functioning. One upshot is that a person can be expected to recognise the capability to be at leisure on the basis that treating citizens as worthy of their Aristotelian-Marxian dignity requires it, even if that person herself has little interest in being at leisure.

Third, leisure here refers to positive leisure: the condition people are in when performing activities chosen as ends in themselves. This means that leisure is defined abstractly, and is open to a wide range of interpretations. The capability to be at leisure, then, can be interpreted in different ways across different cultures where different leisure activities may be popular. Concurrently, this increases the likelihood of individuals recognising the capability for leisure as something they can endorse (thereby aiding the pursuit of an overlapping consensus).

With that provisional characterisation out of the way, let us turn to the freestanding argument for seeing a capability to be at leisure as a core matter of justice.

II – The freestanding argument for a capability for leisure

Because leisure is defined ecumenically, there is little promise in appealing to the personal internal goods (like pleasure or satisfaction) that particular individuals derive from leisure to advance a general argument for a capability to leisure as a matter of justice. Different people derive different internal goods from their preferred leisure activities,³ so referring to any particular internal values will not capture widespread intuitions. In lieu, a *shared* value of being in the condition of performing activities chosen as ends in themselves must be found. Hence, it is asked, what is it about the condition of performing activities chosen as ends in themselves *in general* that is central to treating a person as worthy of their capacity to flourish? This will present a universal value of leisure, rather than a subject-dependent one.

Rather than identify one value of leisure, it is argued that leisure has several values. It is possible that independently, each value is sufficient to prove that a capability to be at leisure is necessary for treating a person as worthy of their Aristotelian-Marxian dignity. In aggregate,

³ See Chapter 2, I.1.

though, these values offer a powerful case in favour of a capability to be at leisure which is much harder to reject. The arguments advanced are that: 1) leisure is a realm of freedom; 2) it is a sphere in which people represent, and live in accordance with, their identities; 3) it contributes to maintaining good mental health; and 4) it is a realm in which people can develop critical and mental faculties and a sense of justice. Throughout, the insight of philosophers, sociologists of leisure, and empirical research is cited in support. Unless stated otherwise, I think all of these sources have interpretations of leisure sufficiently adjacent to the positive conceptualisation.

The reference to sociologists and empirical research helps the argument to be more freestanding. Instead of referring to controversial metaphysical assumptions or other reasons likely to be the subject of reasonable disagreement, empirical evidence is combined with intuitive and observational arguments which are “Socratic in character”.⁴ The four values themselves are meant to have a broad appeal that all citizens could reasonably accept. It is probably oversanguine to think that all citizens will recognise the arguments for, and attraction of, all four values here, so it may be questioned how well the argument honours Kantian dignity. Three very brief replies should arrest this concern. Firstly, it is far from obvious that the values appealed to here, which defend the capability for leisure as necessary to treating a person as worthy of Aristotelian-Marxian dignity, are all that different to some of the values appealed to by someone like Rawls in reference to a person’s higher-order interests. For instance, it does not seem that the assumption that citizens will desire the social bases of self-respect is any less controversial than that citizens should value goods that are central to their personal identity. Secondly, the intuitive and empirical nature of the arguments made means that the “freestanding” justification for leisure, even if it fails to be completely political liberal, sits on the lighter side of any compromise to Kantian dignity. Thirdly, and following this point, the next stage of the process (in Section III), which shows that the capability for leisure can become the object of an overlapping consensus, should further demonstrate that the capability for leisure is sensitive to the weight of Kantian dignity.

⁴ Chapter 4, f30.

II.1 – Leisure as freedom

‘*The jazz man is expressing freedom in every note he plays*’ – Bud Freeman⁵

Understood as the condition of performing activities chosen as ends in themselves, leisure is an important realm of freedom. This realm is a particular kind of freedom, in which the individual is uniquely unconstrained to pursue their own ends, acting by their own will and for themselves, free from the duress or control of others. Of course, the relationship between leisure and freedom in Marx’s work was seen in Chapter 1, but Marx is not the only one to draw such a link. Godwin claims that: ‘At no period of human life are our reveries so free and untrammelled’ as in leisure, celebrating the period when people are ‘unshackled and autocratical’ and the ‘mind is free as air’.⁶ Jean-Paul Sartre describes play – one form of leisure⁷ – as the point at which one behaves according to rules they have freely chosen for themselves, rather than rules formulated by social and economic conditions around them.⁸ The leisure sociologist Joffre Dumazedier disagrees with Sartre insofar as he believes that people’s choices will always be contained by their social relations, norms, and their environment. Still, he describes leisure as freedom ‘from a certain number and from certain kinds of obligations’ which are ‘institutional’, like participation in the wage-labour market, family relationships, and socio-political organisations.⁹ Sociologist Nels Anderson and psychologist John Neulinger also stress the value of the freedom people enjoy whilst at leisure.¹⁰

Leisure marks a particular realm of freedom because individuals are not stifled or restrained by means. When individuals willingly choose an activity as an end in itself, they do so for their own reasons and as the authors of their own lives. Even if Dumazedier is right that one’s decisions will always be affected by their environment to a degree, there is a feeling that these actions are the person’s own in a distinctive way – that the person wills them in a way that she does not will actions imparted on her by others or required of her by her external environment.¹¹ Imagine the alternative of a person without leisure. That person is never

⁵ Quoted in Studs Terkel, *Working* (New York: Avon Books, 1974), 597.

⁶ Godwin, ‘Essay IX: Of Leisure’, 171–72.

⁷ More on this in Section IV.

⁸ Jean-Paul Sartre, *Being and Nothingness*, Translated by Sarah Richmond (New York: Routledge, 2018), 753.

⁹ Dumazedier, *Sociology of Leisure*, 73–74.

¹⁰ Nels Anderson, *Work and Leisure* (London: Routledge and Kegan Paul, 1961), 34; John Neulinger, *To Leisure: An Introduction* (Boston: Allyn and Bacon, 1981), 208ff.

¹¹ See Barry R. Schlenker, *The Self and Social Life* (New York/London: McGraw-Hill, 1985), 89.

completely liberated from the will of others or the demands of their external environment. Of course, one may authentically and wilfully choose to do something on another's behalf or for the world around them, but even then, they will be constrained by the demands of those external actors or conditions. Leisure is the state-condition a person finds herself in when she truly acts by and for herself. In the process, it marks a distinctive realm of freedom.

It is distinctive as a different form of freedom to free time. Time 'at one's discretion, [dedicated] to one's chosen ends' also seems to capture an ideal of freedom.¹² Free time, though, includes participating in a variety of means such as working overtime and resting.¹³ Such activities are not free in the sense described here. One does not perform activities which are solely their own and free from the pressures of the outside world when they follow their boss's instructions to earn more money, or when they recuperate for more work. To be sure, there seems to remain a value to this kind of freedom; for example, the simple value to choose what one does with their time.¹⁴ However, this value is surely of a different kind to the value of performing activities that are willed by and for the person herself. Plausibly, this difference tracks the contrast between negative and positive freedom mapped by Isaiah Berlin, in which the former characterises freedom according to the external constraints on an individual, while the latter refers to the source of control over a person's life or actions.¹⁵ But whether one subscribes to that contrast or not, they can still recognise that the appeal of freedom in leisure – as the condition of performing activities chosen as ends in themselves – is distinct from the freedom to choose how to spend one's time.¹⁶ Freedom in leisure is not simply about discretion, it is about liberating oneself from the will of others and authoring one's own actions.¹⁷

¹² Rose, *FT*, 39.

¹³ Chapter 2, I.3.

¹⁴ For the value of choosing in freedom, see Ian Carter, *A Measure of Freedom* (New York: Oxford University Press, 1999), chap. 2.

¹⁵ Isaiah Berlin, 'Two Concepts of Liberty', in Henry Hardy (ed.) *Liberty* (Oxford: Oxford University Press, 2002), 166–217.

¹⁶ Though I prefer the language of freedom, this distinction of separate values may satisfy those who are sceptical that what I refer to here should be described as freedom. They may, for instance, prefer self-authorship. On this point, see the next footnote.

¹⁷ The relationship between leisure and freedom drawn out here has gestured towards a notion of autonomy. I have been careful not to use that terminology as autonomy is a disputed notion, and we may also worry that autonomy refers to a person's status or capacities – i.e. "is that person autonomous?" – rather than the result of one's acting in a certain way (such as when one is at leisure). Nevertheless, if one is convinced by the negative/positive freedom analogy, they might note that

II.2 – Identity

‘In every work of art, the artist himself is present’ – Christian Morgenstern¹⁸

For Sartre, part of the importance of this freedom is that actions willed by the person authentically represent who she is.¹⁹ When the person authors her own life, she adopts particular traits, interests and commitments that differentiate her life from lives authored by others. These traits, interests and commitments hang together to make up her identity. They form a consistent thread that both the subject herself, and those around her, recognise as constituting her life and distinguishing it from others.²⁰ Identity is fundamental to a person’s conception of self – it helps them (and others) understand who they are.²¹ One’s perception of their own identity also shapes their future behaviour – if one identifies as “German”, they are likely to try to behave in a way that aligns with what they perceive to be the behaviour of a German – and how others behave towards them.²² And it can help them to see themselves as, and become, the kind of person they want to be.²³

The traits, interests and commitments that contribute to a person’s identity have to be personally significant and recognised by others as worthy of identifying a person in a certain way.²⁴ Usually, one’s favoured type of toothpaste will not contribute to their identity in a meaningful sense, but things like their nationality, gender or occupation could do. The positive conceptualisation of leisure captures interests that will often be significant enough to persons to constitute part of their identity. An individual must orient herself towards a leisure activity

autonomy is sometimes thought to be a distinctive value of positive freedom. See John Christman, ‘Liberalism and Individual Positive Freedom’, *Ethics* 101, no. 2 (1991): 343–59; ‘Saving Positive Freedom’, *Political Theory* 33, no. 1 (2005): 79–88.

¹⁸ Quote retrieved from ‘Christian Morgenstern Quotes’, *Notable quotes* (date not given) http://www.notable-quotes.com/m/morgenstern_christian.html

¹⁹ See Heather L. Reid, ‘The Freedom of the Long-Distance Runner’, in Michael W. Austin (ed.) *Running and Philosophy: A Marathon for the Mind* (Malden, Ma.: Blackwell, 2007), particularly 119ff.

²⁰ Marya Schechtman, *The Constitution of Selves* (Ithaca, NY./London: Cornell University Press, 1996), chaps. 4 and 5.

²¹ Schechtman, *The Constitution of Selves*, 111–12.

²² Kwame Anthony Appiah, *The Ethics of Identity* (Princeton, NJ: Princeton University Press, 2005), 66–69.

²³ Barry R. Schlenkler, ‘Identities, Identifications, and Relationships’, in Valerian J. Derlega (eds.) *Communication, Intimacy, and Close Relationships* (Orlando, Fl.: Academic Press, 1984), 76.

²⁴ Eric T. Olson, ‘Personal Identity’, Edward N. Zalta and Uri Nodelman (eds.) *Stanford Encyclopedia of Philosophy* (Fall 2023 Edition) <https://plato.stanford.edu/entries/identity-personal/>; Schlenkler, *The Self and Social Life*, 69–70.

(in other words, choose it “actively”²⁵), and therefore, it is more likely to represent the authentic interests of the person and to be decided upon after a reflective process of how one’s leisure choices may help or hinder one being the kind of person they want to be.²⁶

Several leisure sociologists trace the connection between leisure and identity. For Kenneth Roberts: ‘The individual’s self-concept is based upon, and reinforced by, the activities he undertakes during his leisure.’²⁷ Roberts observes that people’s most dedicated leisure commitments often span significant periods of time and that their leisure interests may enable them to maintain their sense of self when they become more detached from other elements of their identity.²⁸ For example, an immigrant may retain their identity as a member of their home nation through leisure practices particular to that society or that they used to perform in their native land. Robert Stebbins has consistently drawn a link between leisure and personal identity. Stebbins has a more free time-oriented understanding of leisure than the positive view, but his emphasis on the kinds of activities one chooses during their free time and the rewards they gain from those activities remains instructive. Stebbins suggests that people ‘identify strongly’ with their leisure activities – particularly ‘serious leisure’ activities which require a projected and long-term commitment – and that leisure is an important way for people to project their identity to others because most leisure activities require skills that the individual has chosen and worked to cultivate.²⁹ He emphasises that leisure is important not just in terms of the kind of person one sees herself as now, but as the kind of person one wants to become in the future: the aims and goals of one’s chosen leisure activities are an important aspect of one’s ambitions.³⁰ This chimes with John Kelly’s observation that leisure is often thought to provide a space in which people explore different identities, working out what is important to them and what they personally relate to.³¹

²⁵ Chapter 2, I.1, I.3.

²⁶ Lois M. Haggard and Daniel R. Williams, ‘Identity Affirmation through Leisure Activities: Leisure Symbols of the Self’, *Journal of Leisure Research* 24, no. 1 (1992): 3.

²⁷ Kenneth Roberts, ‘A Society of Leisure’, in James F. Murphy (ed.) *Concepts of Leisure: Philosophical Leisure* (Englewood Cliffs, N.J.: Prentice-Hall, 1974), 34.

²⁸ Kenneth Roberts, ‘Leisure and the Life Course’, in Tony Blackshaw (ed.) *Routledge Handbook of Leisure Studies* (Abingdon, Oxon: Routledge, 2013), 262.

²⁹ Robert A Stebbins, *Between Work and Leisure* (New Brunswick, NJ.: Transaction Publishers, 2004), 53, 76. See also Haggard and Williams, ‘Identity Affirmation through Leisure Activities: Leisure Symbols of the Self’.

³⁰ Stebbins, *The Serious Leisure Perspective*, 47.

³¹ John R. Kelly, *Leisure Identities and Interactions* (London: George Allen and Unwin, 1983), 94.

A number of themes emerge concerning the influence leisure has in shaping and representing one's identity. Leisure commitments are often well-fixed. Of course, leisure preferences can change, but because positive leisure is dedicated to particular ends, they are more rigidly held than means. If one performs something as a means to an end, then one will be willing to perform another means if that achieves the end more effectively. By contrast, there is no obvious replacement to an end in itself that fulfils that end's purpose better, so a person's attachment to a particular end is likely to be much more stable. Through this fixity, leisure preferences sew a consistent thread of tastes, experience, and activity through sustained periods of a person's life. This can mean that changing one's leisure tastes and practices can be a big decision for a person. Equally, the opportunity to try out different leisure activities allows the person to assume different roles and thereby, make changes to their life to move closer to becoming the kind of person they want to be. Leisure, then, can be important both to the maintaining and the changing of identity.

II.3 – Improving wellbeing and mental health

'I'll be happy if running and I can grow old together' – Haruki Murakami³²

The capability for leisure also has the potential to aid the fulfilment of other capabilities, starting with the capability for bodily health. Some leisure activities, particularly physical ones, will have a positive effect on one's physical health, but as this does not apply to all leisure activities (and some more sedentary leisure activities may even have a detrimental effect), this is disregarded. Instead, the positive effect that leisure can have on one's *mental* health and their general wellbeing can be emphasised.

Activities chosen as ends in themselves improve a person's mental health and wellbeing through triggering a range of positive emotions and serving as a valuable reprieve from work. The literature in this area is vast.³³ There is very strong evidence that leisure can

³² Haruki Murakami, *What I Talk About When I Talk About Running*, Translated by Philip Gabriel (London: Penguin Random House, 2008), 172.

³³ Daisy Fancourt et al., 'How Leisure Activities Affect Health: A Narrative Review and Multi-Level Theoretical Framework of Mechanisms of Action', *The Lancet* 8, no. 4 (2021): 329–39.

both reduce feelings of depression and anxiety,³⁴ and improve one's general life-satisfaction.³⁵ Although it seems as if free time can play this role too, there is evidence that some leisure activities can improve one's mental health *beyond* free time *simpliciter*,³⁶ and whilst research indicates that there may be a point at which a person has so much free time this becomes detrimental to their mental health (a sort of free time/utility Laffer curve),³⁷ this may not necessarily be the case with leisure activities chosen as ends in themselves. On the other hand, depriving people of leisure may have negative effects. If leisure plays a fundamental role in one's identity, then stopping somebody from participating in a preferred leisure activity may leave somebody feeling down or depressed as a result of losing that part of their identity or being unable to live according to it.³⁸

II.4 – Aiding the development of critical faculties

'[W]hat I know most surely in the long run about morality and obligations, I owe to football' – Albert Camus³⁹

The experiences people have in leisure, and the faculties required to participate in many leisure activities – from solo to group-based and physical to intellectual – can play an important role in aiding the development of a person's moral, mental, and critical faculties. Whether it be through overcoming challenges, encountering new experiences, or learning

³⁴ Milena P. Pondé and Vilma S. Santana, 'Participation in Leisure Activities: Is It a Protective Factor for Women's Mental Health?', *Journal of Leisure Research* 32, no. 4 (2000): 457–72; Giovanni Sala et al., 'The Impact of Leisure Activities on Older Adults' Cognitive Function, Physical Function, and Mental Health', *Plos One* 14, no. 11 (2019): 1–13; Pei-Yi Weng and Yen-Cheng Chiang, 'Psychological Restoration through Indoor and Outdoor Leisure Activities', *Journal of Leisure Research* 46, no. 2 (2014): 203–17.

³⁵ John Haworth and Suzan Lewis, 'Work, Leisure and Well-Being', *British Journal of Guidance and Counselling* 33, no. 1 (2005): 67–79.

³⁶ Linda L. Caldwell, Edward A. Smith, and Ellen Weissinger, 'The Relationship of Leisure Activities and Perceived Health of College Students', *Society and Leisure* 15, no. 2 (1992): 545–56.

³⁷ Marissa A. Sharif, Cassie Mogilner, and Hal E. Hershfield, 'Having Too Little or Too Much Time Is Linked to Lower Subjective Well-Being', *Journal of Personality and Social Psychology* 121, no. 4 (2021): 933–47. See also Jahoda, Lazarsfeld and Zeisel, *Marienthal*.

³⁸ For a discussion of the relationship between leisure and "identity-loss", see Kelly, *Leisure Identities and Interactions*, 108–15.

³⁹ Quote retrieved from Emily Temple, 'Of Course Albert Camus was a Goalkeeper', *Literary Hub* (16 February 2021)

<https://lithub.com/of-course-albert-camus-was-a-goalkeeper/#:~:text=%E2%80%9CAfter%20many%20years%20in%20which,%2C%20I%20owe%20to%20football.%E2%80%9D>

from others, leisure provides an opportunity for a person to expand their knowledge, improve their problem-solving skills, gain an understanding of the world, and develop empathy. Insofar as this is the case, leisure can play a role both in helping to develop the critical skills that provide a person with the opportunities to flourish, and in developing a sense of justice that encourages them to participate on good terms with other members of their society.

Empirical research has long recognised the value of play in providing children with experiences that help them to develop their imagination and relationships with others.⁴⁰ This can be expanded to adults and across a wide range of leisure activities. Leisure activities can stimulate hunger for learning,⁴¹ and – particularly when intellectually focused – aid cognitive development,⁴² which can also prove effective in preventing cognitive decline amongst older populations.⁴³ Leisure activities have been shown to improve social skills and give people a greater sense of empathy and duty towards others,⁴⁴ even when those leisure activities are independent.⁴⁵ From a more philosophical perspective, Graham McFee claims sport particularly can function as a ‘moral laboratory’ in which individuals experiment with different moral perspectives and gain greater understandings about ideas of fairness and merit.⁴⁶

⁴⁰ Yvette Pearson and Jason Borenstein, ‘The Intervention of Robot Caregivers and the Cultivation of Children’s Capability to Play’, *Science and Engineering Ethics* 19, no. 1 (2013): 123–37; N. V. Scarfe, ‘Play Is Education’, *Childhood Education* 39, no. 3 (1962): 117–21.

⁴¹ Azilah Kasim and Hisham Dzakiria, ‘Influence of Recreation on Education Aspiration’, *Asia Pacific Journal of Tourism Research* 6, no. 2 (2001): 53–64.

⁴² Joseph W. Roggenbuck, Ross J. Loomis, and Jerry Dagostino, ‘The Learning Benefits of Leisure’, *Journal of Leisure Research* 22, no. 2 (1990): 112–24; Gottfried Schlaug et al., ‘Effects of Music Training on the Child’s Brain and Cognitive Development’, *Annals of the New York Academy of Sciences* 1060, no. 1 (2005): 219–30.

⁴³ Michelle C. Carlson et al., ‘Exploring the Effects of an “Everyday” Activity Program on Executive Function and Memory in Older Adults’, *The Gerontologist* 48, no. 6 (2008): 793–801; Xinyi Zhu et al., ‘Leisure Activities, Education, and Cognitive Impairment in Chinese Older Adults’, *International Psychogeriatrics* 29, no. 5 (2017): 727–39; Linn Elena Zulka et al., ‘Effects of Work Demand and Changes in Leisure Activity on Postretirement Memory’, *The Journal of Gerontopsychology and Geriatric Psychiatry* 35, no. 3 (2022): 156–66.

⁴⁴ Emine Eratay, ‘Effectiveness of Leisure Time Activities Program on Social Skills and Behavioral Problems in Individuals with Intellectual Disabilities’, *Educational Research and Reviews* 8, no. 16 (2013): 1437–48; Mark F. O’Reilly, Giulio E. Lancioni, and Ian Kierans, ‘Teaching Leisure Social Skills to Adults with Moderate Mental Retardation: An Analysis of Acquisition, Generalization, and Maintenance’, *Education and Training in Mental Retardation and Developmental Disabilities* 35, no. 3 (2000): 250–58.

⁴⁵ Micah L. Mumper and Richard J. Gerrig, ‘Leisure Reading and Social Cognition: A Meta-Analysis.’, *Psychology of Aesthetics, Creativity, and the Arts* 11, no. 1 (2017): 109–20.

⁴⁶ Graham McFee, *Sport, Rules and Values* (London/New York: Routledge, 2004), chap. 8; ‘Olympism and Sport’s Intrinsic Value’, *Sport, Ethics and Philosophy* 6, no. 2 (2012): 211–31.

The cultivation of these moral, mental, and critical capacities seems fundamental to developing a flourishing life in its own right, but also has instrumental benefits. Phrased in Rawlsian language, it might be said that leisure assists the development of the two moral powers. In Nussbaumian terms, leisure aids the development of other capabilities like *senses, imagination, and thought, emotions; affiliation; and control over one's environment*. Note that there is no need to abandon the idea of leisure as an end in itself to appeal to these instrumental benefits, as the positive effects of leisure activities are derived merely as a *by-product* of performing an end in itself, rather than *because* the person seeks to cultivate certain skills or faculties.

There are two aspects of this value to leisure that differ from the other three. Firstly, the other values of leisure derive from leisure's status as an end in itself, so they are not dependent on the *type* of leisure activity one performs. A leisure activity is valuable as a distinctive realm of freedom *qua* an end in itself; it is fundamental to a person's identity as the type of activity the person has chosen as an end in itself; its nature as an end makes it good for one's mental wellbeing. Leisure's contribution to moral, mental, and critical faculties isn't the same. It is possible that some activities that people do for leisure do not contribute to these faculties – somebody who counts blades of grass for leisure may be a good example.⁴⁷ Given the evidence that even independent leisure activities may cultivate a sense of empathy and duty to others, these kinds of leisure activities seem to be rare – people may develop and employ all sorts of mental and critical faculties whilst participating in leisure that are not obvious from the outside. Therefore, it is reasonable to still appeal to this value as one that belongs to leisure as a realm of human activity. Nevertheless, it may be that *if* policymakers are forced to choose which leisure activities they should support or promote, and there is good evidence to suggest a particular leisure activity is detrimental to the cultivation of certain skills, this will speak against promoting that particular activity.⁴⁸

Secondly, unlike the other values mentioned, the contribution of leisure to moral, mental, and critical faculties seems to be more specific to a non-ideal setting.⁴⁹ Leisure is a distinctive realm of freedom and fundamental to people's identities in all settings; people may always enjoy the benefits to their mental health of leisure and suffer the costs of identity loss, even if their society is otherwise organised in a way that is highly conducive to good mental

⁴⁷ See Rawls, *TJ*, 379.

⁴⁸ Part 3 considers how states should promote leisure.

⁴⁹ The distinction between ideal and non-ideal theory is set out in the Introduction to Part 3.

wellbeing. Conversely, if the appropriate economic and social conditions are in place, and if institutions like the education system work properly, people ought to be able to develop the moral, mental, and critical faculties they need without access to leisure. Leisure would become unnecessary. Therefore, this value is more contained to non-ideal settings.

In sum, four values to leisure can be uncovered. Leisure appears to play a more unique role in the securement of some of these values than others. For example, leisure constitutes a unique realm of freedom that can't be found in other goods, whereas naturally, plenty of other goods are fundamental to the development of identity or good mental health. However, even when leisure is not a unique capability for realising these values, it may still realise a distinctive *element* of these values or realise them in a particular way that makes it important. The case of identity demonstrates this well. One's nationality and occupation are (usually) fundamental to a person's identity too, but both are rarely freely chosen to the same extent as leisure is, and one's job isn't usually an end in itself.⁵⁰ Hence, although leisure is not the only contributor to one's identity, it refers to a particularly unique element of a person's identity that cannot easily be substituted. The same can be said for leisure's contribution to wellbeing, and mental and critical faculties (under non-ideal circumstances).

These values are intuitively and widely appealing. It may be that leisure's contribution to one of the values individually would be enough to establish the case that leisure is a fundamental interest. It seems, though, that when the role it plays in the realisation of all four values is aggregated, there is strong reason to think that people ought to be awarded with the capability for leisure on the basis that it is necessary to treating them as worthy of their Aristotelian-Marxian dignity. The capacity to flourish would be severely hampered without the experience of a unique form of freedom, and the distinctive contributions to identity, wellbeing and mental health, and moral and critical faculties that leisure provides. This presents a provisional case for seeing a claim to leisure to be a matter of justice.

III – Leisure as an object of an overlapping consensus

It is only provisional at this juncture because a second step is required to show that the capability for leisure can be secured whilst sufficiently honouring citizens' Kantian dignity. The remarks in Section I and the freestanding nature of the argument in Section II bear some

⁵⁰ And when it is, it may well be leisure. See Chapter 2, II.

of this weight, but Nussbaum's two-stage procedure still requires demonstrating that the capability for leisure can be the object of an overlapping consensus.

Recall that the overlapping consensus is the process through which people with different conceptions of the good come to find reasons to accept a conception of justice compatible with their own respective comprehensive doctrines and deeper beliefs. Habermas criticises Rawls's overlapping consensus on the basis that it is unclear what function it plays. If a convincing and proper freestanding case for a conception of justice has already been made, the overlapping consensus becomes redundant – a suitably freestanding conception of justice should be compatible with any reasonable conception of the good already.⁵¹ Irrespective of whether the overlapping consensus is necessary for Rawls,⁵² it serves an important purpose in Nussbaumian liberalism. Because Nussbaumian capabilities and their justification cannot fully honour Kantian dignity, the possibility of them becoming the object of an overlapping consensus reassures us that the compromise on Kantian dignity is on the lighter side. With respect to the capability for leisure then, the possibility of an overlapping consensus *confirms* that the capability for leisure can be integrated into a Nussbaumian liberalism that sufficiently honours both Aristotelian-Marxian and Kantian dignity. Having said that, Nussbaumian liberalism does not endeavour to show that a capability for leisure *is* the object of an overlapping consensus now, but only prove that it could become one in the future. This detail is revisited at the end of the section.

A helpful place to start is international treaties and charters. Whilst the aim here is to focus on proving a capability for leisure can be the object of an overlapping consensus in western liberal democracies, such democracies tend to include members of cultures from across the world, so whether the international community could come to accept a capability for leisure remains instructive.⁵³ Ergo, the presence of a right to leisure in an international charter gives a good indication that the protection of leisure as a capability is compatible with a diverse range of conceptions of the good.

Article 24 of the United Nations Declaration of Human Rights (UNDHR) recognises that 'Everyone has the right to rest and leisure, including reasonable limitation of working

⁵¹ Jürgen Habermas, 'Reconciliation Through the Public Use of Reason: Remarks on John Rawls's Political Liberalism', *The Journal of Philosophy* 92, no. 3 (1995): 119–22.

⁵² For Rawls's reply, see his 'Reply to Habermas', 385–95.

⁵³ See Martha C. Nussbaum, 'Introduction: Capabilities, Challenges...', 12-13.

hours and holiday pay'.⁵⁴ Though this definition somewhat gestures towards the free time conceptualisation, and is often interpreted in those terms,⁵⁵ the distinction between 'rest' and 'leisure' makes space for appealing to the positive conceptualisation. It is difficult to know what the architects of the UNDHR exactly had in mind, but the interpretation isn't uncharitable.⁵⁶ This is perhaps underlined by another more recent charter published by the United Nations: the Convention on the Rights of Persons with Disabilities (CRPD). Article 30 refers to 'Participation in cultural life, recreation, leisure and sport' and explicitly alludes to many typical leisure activities including the arts, sports, and tourism.⁵⁷ Crucially, it also recognises that 'persons with disabilities have access to services from those involved in the organization of [...] leisure [...] activities'.⁵⁸ Its discussion of the importance to disabled persons of the opportunity to 'develop and utilize their creative, artistic and intellectual potential'⁵⁹ is highly reminiscent of Marx's thoughts in the *Grundrisse*. Signatories to the CRPD include countries as intra- and inter-diverse as the Central African Republic, China, Ireland, Russia, Spain, Tonga, and the United States, indicating that representatives of countries with an immensely varied range of cultures and conceptions of the good see an entitlement to leisure to be compatible with their cultures.

While it is more common to see leisure protected in national constitutions and legislation in terms of the free time conceptualisation and due to the importance of rest, some countries do have legislation explicitly aimed towards promoting leisure activities and play.⁶⁰ Furthermore, as remarked upon during the thesis's Introduction, it remains the case that many countries *do* legislate not just on free time, but on leisure activities, even if leisure isn't explicitly mentioned. The legal frameworks of these domestic and international institutions

⁵⁴ United Nations, 'Universal Declaration of Human Rights', Article 24. This right is reaffirmed in the UN's 'International Covenant on Economic, Social and Cultural Rights', Article 7.

⁵⁵ E.g. Jeremy Waldron, *Liberal Rights: Collected Papers, 1981-1991* (Cambridge: Cambridge University Press, 1993), 12–13.

⁵⁶ A. J. Veal makes a similar point in 'Human Rights, Leisure and Leisure Studies', *World Leisure Journal* 57, no. 4 (2015): 258.

⁵⁷ United Nations, 'Convention on the Rights of Persons with Disabilities', Article 30.

We find a similar characterisation in UNICEF'S 'Convention on the Rights of the Child', Article 31.

⁵⁸ United Nations, 'CRPD', Article 30 5e. My emphasis.

⁵⁹ *Ibid*, Article 30 2.

⁶⁰ Including Malaysia, New Zealand, Norway and South Africa, see Mohd Salleh Aman, *Leisure Policy in New Zealand and Malaysia: A Comparative Study of Developments in Sport and Physical Recreation*, PhD thesis. (Lincoln University, Published on university website, 2005) <https://researcharchive.lincoln.ac.nz/handle/10182/1768>; Norwegian Government, 'Outdoor Recreation Act' (1957); South African Government, 'National Sport and Recreation Act' (1998).

indicate that there is good reason to think a capability for leisure is compatible with a diverse array of cultures and conceptions of the good.

The claim is further supported by considering the place of leisure – as the condition people are in when performing activities chosen as ends in themselves – in many of the major comprehensive doctrines found in western liberal democracies. Though it would be impossible to delve into the intricacies of each of these comprehensive doctrines and their various denominations, the surveyal here suggests that the promotion of leisure is *not* incongruous with the many major conceptions of the good found in liberal societies.

Beginning with more political and philosophical comprehensive doctrines, the positive conceptualisation of leisure is certainly compatible with many of the major strands of thought found in western liberal societies. Positive leisure's roots in Aristotle and Marx shows that schools influenced by those thinkers could be willing to consent to the promotion of leisure. Thanks to the values of freedom and identity found in leisure, so too can so-called comprehensive liberal schools which tend to emphasise the deeper importance of qualities like individuality or autonomy. There are also endorsements towards leisure found in conservatism.⁶¹ Michael Oakeshott even says that, when enjoying activities for their own sake, 'the only appropriate disposition is [...] conservative.'⁶²

Moving on to some of the major religious comprehensive doctrines, there is little in their teaching to think that the promotion of leisure could not come to be endorsed. Although the Bible tends to discuss leisure more often in terms of rest, Paul Heintzman has noted how its references towards representation of identity and freedom hint at a 'qualitative dimension' to leisure that goes beyond simply seeing it as mere rest.⁶³ Pieper's theory of leisure in religious celebration – noted in Chapter 1 for its similarity with Aristotle's and Marx's theories – is supportive of this claim.⁶⁴ While Jewish interpretations of leisure have sometimes focused on the restorative qualities of free time, R. Norman Lamm has tried to develop a 'Jewish ethic

⁶¹ Scruton, *The Aesthetics of Music*, chap. 12.

⁶² Michael Oakeshott, 'On Being Conservative', in *Rationalism in Politics and Other Essays*, New and Expanded Edition (London/New York: Liberty Fund, 1991), 417.

⁶³ Paul Heintzman, 'Christian Reflections on the Relationship of Leisure and Work', *Journal of the Christian Society for Kinesiology, Leisure and Sports Studies* 2, no. 1 (2012): 33–40. See also Leonard Doohan, 'The Spiritual Value of Leisure', *Spirituality Today* 31, no. 2 (1981): 157–67; *Leisure: A Spiritual Need* (Notre Dame, IN.: Ave Maria Press, 1990), particularly 165-6.

⁶⁴ Pieper, *Leisure*.

of leisure' which focuses upon leisure as a time of experimentation, creation, and expression,⁶⁵ reminiscent both of the Marxian strains of the positive conceptualisation and the relationship between leisure and personal identity.

There are promising references towards leisure in Islamic thought too. Again, more commonly in terms of rest, but not exclusively. T. A. M. El Sayed notes how Islam 'emphasises the good usage of leisure time for the *development of the individual*' – echoing the Marxian account – and Philip Hitti documents the wide range of leisure activities available in the early Islamic cultures of Baghdad and Damascus.⁶⁶ Hilmi Ibrahim explicitly characterises leisure in a way similar to the positive view, noting how leisure is prominent in many Islamic societies, is a part of major festivals like Ramadan, and is extolled in two of the Prophet Mohammad's hadiths.⁶⁷ In Hinduism, there are references towards leisure as a realm of freedom, discovery and self-development similar to the positive account.⁶⁸ And Justin Thomas McDaniel points out that while Buddhism is often interpreted as an austere religion, many Buddhist countries make available a very wide range of leisure activities in which participants 'are not just lounging around passively [...] They are engaging in [...] activity without having larger economic, social, religious, or intellectual goals.'⁶⁹

Thus, there is good evidence to suggest that a wide range of conceptions of the good, including many of the major comprehensive doctrines in western liberal democracies, can come to find a way to support a capability for leisure compatible with their foundational commitments.

Some may worry that, in making this argument, rosy or favourable interpretations of these conceptions of the good have been selected, and that there are other interpretations of them that may not look upon the capability for leisure so favourably. Recall though, Nussbaumian liberalism does not aim to say that the capability for leisure can be the object

⁶⁵ Norman Lamm, *Faith and Doubt* (New York: KTAV Publishing House, 1986), 187–211.

⁶⁶ El Sayed and Hitti both referenced by William H. Martin and Sandra Mason, 'Leisure in an Islamic Context', *World Leisure Journal* 46, no. 1 (2004): 6, 7. My emphasis. In general, Martin and Mason claim that the Islamic scriptures they examine 'support an essentially positive view of leisure *and* recreation in the Islamic traditions' (p. 6. My emphasis).

⁶⁷ Hilmi Ibrahim, 'Leisure and Islam', *Leisure Studies* 1, no. 2 (1982): 197–210.

⁶⁸ Veena Sharma, 'Centring Leisure: A Hindu View of Leisure', in Karl Spracklen, Brett Lashua, Erin Sharpe and Spencer Swain (eds.) *The Palgrave Handbook of Leisure* (London: Palgrave Macmillan, 2017), 35–48.

⁶⁹ Justin Thomas McDaniel, *Architects of Buddhist Leisure* (Honolulu, HI.: University of Hawai'i Press, 2017), 16.

of an overlapping consensus between every interpretation of these conceptions of the good at present. Insisting on this would misunderstand the place of the overlapping consensus in the philosophies of Nussbaum and Rawls. For both, what is important is that a conception of justice can *become* the object of an overlapping consensus.⁷⁰ Comprehensive doctrines (not to mention less deeply held conceptions of the good) are assumed to have ‘a certain looseness’ that allow them to adapt their convictions over time under the influence of institutions and political cultures.⁷¹ The conception of justice is introduced first, prior to any overlapping consensus, then there is a wait for this conception to seep into the actual practice and belief systems of those comprehensive doctrines.⁷²

Of course, this may still leave some interpretations of these conceptions of the good that are unwilling to recognise the capability for leisure *even after* it has become widespread in the public political culture. This is far from ideal, but it should not block the capability for leisure for two reasons. The first is the large amount of work that has already been done to show that the capability for leisure does aim to be sensitive to the Kantian dignity of adherents to a wide range of conceptions of the good. Leisure is a capability rather than a functioning, so even if one accepts it, they are not coerced into actually performing the capability; it is defined abstractly in a way that makes it malleable to favourable interpretation for an individual conception of the good; it is argued for in a freestanding manner; and it is shown to be compatible with plausible interpretations of the prominent conceptions of the good in a particular society. If there are adherents to those conceptions of the good that still refuse to accept it in the abstract, there is reason to think that their resistance is not merely “organic” – in that they genuinely, and despite attempting otherwise, see leisure as antithetical to their deeper value or ethical commitments – but that it is active. That is, that they *try* to resist endorsing the capability for leisure, despite the attempts made to accommodate them and even though they will not be coerced into making the most of the capability themselves. I am not sure we should pander to that kind of resistance.

The second (more patient) reason is that this worry captures the inherent tension between Aristotelian-Marxian and Kantian dignity, which Nussbaumian liberalism does not seek to deny. It may well be that any capability might be resisted by some interpretations or denominations of some conceptions of the good. Any conception of justice that properly

⁷⁰ Nussbaum, *FoJ*, 304; Rawls, *PL*, 164-8.

⁷¹ Rawls, *PL*, 159.

⁷² Paul Weithman, *Why Political Liberalism?* (Oxford: Oxford University Press, 2010), 310–12.

accounts for human flourishing is likely to face this challenge. Therefore, the role of showing that a capability can become the object of an overlapping consensus is to reduce the compromise in Kantian dignity, rather than eliminate it. Twinned together, the freestanding argument and the consideration of the overlapping consensus constitute a strong case that the capability for leisure can be made without adopting an approach that severely dishonours Kantian dignity.

IV – A liberalism of leisure?

That completes the two-stage procedure for establishing a capability for leisure. Its contributions to a unique conception of freedom, the identity of the person, mental wellbeing, and the development of a person's moral, mental, and critical faculties show the role that leisure can play in a flourishing life, offering a powerful case for securing the capability for leisure as necessary to treating a person as worthy of their Aristotelian-Marxian dignity. That the capability for leisure can become the object of an overlapping consensus shows that we can honour this Aristotelian-Marxian dignity without accepting too drastic compromise on people's Kantian dignity.

On this basis, the capability for leisure should be seen as a fundamental matter of justice:

LEISURE. Being able to perform activities chosen as ends in themselves; which requires an adequate range of activities to be able to choose from.

Citizens have a claim, from justice, to the things they need to be at leisure.

As it is not the aim of this thesis to defend Nussbaum's complete list of capabilities, little has been said about her existing list up until now. At this point, though, it is worth considering how the capability for leisure might fit into that list. The biggest substantive difference between Nussbaum's own capabilities approach and the model of Nussbaumian liberalism adopted in this thesis is the replacement of Nussbaum's capability for play with the capability for leisure.⁷³ Leisure is a broader ideal that can include typical play activities like sport and music, but can also include other activities chosen as ends in themselves, like

⁷³ Nussbaum's defence of the play capability is relatively swift. See *WHD*, 90–91. For a more extended discussion, see Jeffrey Israel, *Living with Hate in American Politics and Religion: How Popular Culture Can Defuse Intractable Differences* (New York: Columbia University Press, 2019); Lasse Nielsen, 'Playing for Social Equality', *Politics, Philosophy and Economics* 17, no. 4 (2018): 427–46.

hobbies, spectator events, and internally-rewarding experiences. Such activities can be equally (if not more) valuable, and there is no reason to exclude them. Nussbaum's list is meant to be open-ended, so the capability for leisure, accompanied by the protracted justification for that capability in this chapter, seamlessly fits into it and strengthens it at the same time.

In one way, this substantive change is a minor amendment to Nussbaum's own capabilities theory. In another way, however, the argument advanced here gestures towards a more major criticism of Nussbaum. Nussbaum's account of flourishing is, at its heart, an Aristotelian-Marxian one, and yet, she overlooks any capability for leisure. Given the centrality leisure plays in the theory of flourishing advanced by Aristotle, and which can be found in the midlife of Marx, this omission is a strange one which potentially undermines the Aristotelian-Marxian nature of Nussbaum's own capabilities approach.

The reasons for this omission are unclear. We should resist the urge to explain it by suggesting that the influence of Aristotle and Marx on Nussbaum's conception of flourishing is limited to the vague interpretation of the person as a "needy and dependent being capable of flourishing". Aside from the fact that Nussbaum utilises Aristotle (particularly) to a far greater degree than this explanation recognises,⁷⁴ it overlooks that flourishing for Aristotle and Marx is *constituted* by leisure. The person who is capable of flourishing only does so once they are in the state-condition of being at leisure. Hence, disentangling leisure from a notion of flourishing drawn from Aristotle and Marx represents a fundamental revision of what flourishing even means in Aristotelian-Marxian terms. At minimum, one would have to explain how this disentangling is possible and why it is justified, which Nussbaum does not do. A more probable explanation is that, like so many others, Nussbaum's sensitivity to the positive conceptualisation of leisure is distorted by contemporary philosophy's association of leisure with the free time view. She rarely mentions leisure, but when she does, she appears to assume

⁷⁴ Nussbaum's methodology is heavily influenced by Aristotle, and her early development of the capabilities approach was even more Aristotelian than the more mature version that has been presented throughout this thesis. See Martha C. Nussbaum, 'Aristotelian Social Democracy', in R. Bruce Douglass, Gerald M. Mara and Henry S. Richardson (eds.) *Liberalism and the Good* (London: Routledge, 1990), 203–52; 'The Good As Discipline, the Good As Freedom', in David A. Crocker and Toby Linden (eds.) *Ethics of Consumption: The Good Life, Justice, and Global Stewardship* (Lanham, MD.: Rowman and Littlefield, 1998), 312–41; 'Aristotle, Politics, and Human Capabilities', *Ethics* 111, no. 1 (2000): 102–40.

leisure is free time.⁷⁵ She is not the only Aristotelian to err like this.⁷⁶ If this explanation is right, it underscores the value of the archaeological method in excavating ideas from the past that are contemporaneously hidden from view. Regardless of why Nussbaum overlooks leisure, without attributing proper attention to it as a capability, the Aristotelian-Marxian credentials of her theory wane significantly.

The capability for leisure, then, is intertwined with Nussbaumian liberalism. However, the place of leisure finds a balance between the centrality of leisure in Aristotle's and Marx's thought, and Nussbaum's stark omission. Leisure in Aristotle and Marx is *the end* – it is the state-condition that people are in when they attain the final end (of *eudaimonia* and self-realisation respectively). Nussbaumian liberalism is more pluralist than this. It pinpoints the capability for leisure as *one* of the capabilities that are central to a flourishing life, but not the only one. There is a wider list of capabilities and each of these plays a role in such a life. At the same time, its inclusion corrects for Nussbaum's mistake by recognising that any Aristotelian-Marxian account of flourishing cannot fully overlook leisure. A conception of liberalism that sees Aristotelian-Marxian flourishing as a matter of justice must include some entitlement to leisure; Nussbaumian liberalism does so by arguing that all citizens have the claim to a capability for leisure as a matter of justice.

V – Conclusion

It will be helpful to briefly recap the wider trajectory of the argument made over this part. Across Chapters 3 and 4, Nussbaumian liberalism was shown to be a superior account of justice to the resourcist conception that dominates much liberal theory and underpins the free time view. Nussbaumian liberalism opens up the possibility of explicitly capturing a claim to positive leisure as a matter of justice, which this chapter laid down the case for.

The upshot is that it is the role of the state and policymakers to create an environment where all citizens have the capability for leisure, and a state of affairs should be seen as unjust if some people do not have this capability. How should the state do this though? So far, the argument for a claim to leisure has been made at a relatively high level of abstraction. In the final part of the thesis, it is applied to different circumstances, considering how the capability for leisure ought to be *distributed*. We will see that the claim to leisure has significant

⁷⁵ Nussbaum, 'Aristotle, Politics, and Human Capabilities', 112–13; *FoJ*, 283.

⁷⁶ Chapter 1, f18.

implications both for how liberal philosophers treat leisure and for what governments ought to do as a matter of justice.

PART 3

INTRODUCTION TO PART 3

In Part 1 of the thesis, positive leisure was excavated, modernised, and elected for the inquiry into the claim to leisure. In Part 2, a general claim to leisure was argued for by defending Nussbaumian liberalism, which includes the capability for leisure. In this final part, Part 3, the thesis turns to the question of how this capability for leisure ought to be distributed.

Questions surrounding the distributing of leisure make this the most applied part of the thesis. It essentially asks: *what should citizens' claims to leisure look like?* The argument unfolds across three chapters. In Chapter 6, it is asked what *distributive principle* should apply to the capability for leisure. Given there is likely to be competing claims for the things needed for leisure, what formula should be used for establishing how the capability for leisure is shared out fairly between people? A “sufficientarian” approach to leisure is argued for, but much of the chapter is dedicated to showing how what “comprises” sufficiency will be very different in ideal and non-ideal circumstances. Chapters 7 and 8 then turn to how the capability for leisure ought to be *implemented* according to the sufficientarian principle established in Chapter 6. Chapter 7 asks how the capability for leisure should be delivered in the ideal. Under these circumstances, because resourcism does not *explicitly* identify a claim to leisure, its strategy for satisfying that claim does not secure the right balance of resources to accommodate the claim, and it is insensitive to the other things people may need too. Having said that, the skeleton of a pure resourcist strategy can be harnessed once an explicit claim to leisure is established. Due to issues raised in Chapter 6, Chapter 8 shows this kind of resource-based approach will no longer be suitable for satisfying the capability for leisure under non-ideal circumstances. With that in mind, it prescribes a public “universal basic services” approach to implementing the capability for leisure in societies more closely resembling our own.

Naturally, the forthcoming discussion requires that a definition of what is meant by ideal and non-ideal theory is now offered. Except for when it was stated otherwise, Part 2 evaded idealising more or less. Indeed, one of Nussbaumian liberalism’s qualities is that it lays

out a conception of basic justice for all circumstances. But this abstract theorisation should not be seen as amounting to complete justice; it sets out principles that are compatible with everything from minimal to full justice. Principles of full justice can be ascertained by applying Nussbaumian liberalism's basic recommendations to the ideal setting, while applying them to non-ideal conditions can provide guidance on how to realise minimal justice (or something more ambitious) in the present world. With respect to the capability for leisure, that is what the chapters in this part aim to do.

As the practice of theorising about what full justice looks like, ideal theory provides a *final destination*: the end point at which it can be said that a society is fully just and that it should ultimately aim towards. In addition to being a thought-provoking theoretical exercise, there are two further reasons this is useful. First, it can perform an important function in the epistemic procedure of the philosopher. During their theorisation, it can help them to identify challenges or problems about present circumstances that may not have immediately revealed themselves if only theorising about the world as it currently is. Second, it can provide a more durable and versatile normative resource. The usefulness of moral theories applied to present circumstances may expire when conditions change for the better or worse. As an end goal, ideal theory seeks to provide a normative resource that can help the theorist to decide what to do next irrespective of how those circumstances may change.

This then motivates the rationale for theorising separately in the non-ideal. Political philosophy must have something to say about the world as it presently is: what should be done and how political institutions should be arranged. The conception of non-ideal theory employed here attempts to emulate real-world circumstances. Hence, theorising about justice in the non-ideal supplies normative prescriptions for the *here and now*.

I will say more about these purposes of ideal and non-ideal theory in an afterword to this part, but it is useful to anticipate them because *how* a theory is idealised will be influenced by the motivation *for* its idealisation. So, with the goal of devising an ideal theory about the claim to leisure which can be used to understand present circumstances better, and can assist with normative and policy recommendations in a range of circumstances, there are three core features to the ideal theory used in this part:

1. *No legacy of historical injustice*

Real-world societies are defined by a history of oppression and exploitation of certain groups. Ideal societies assume no legacy of such injustices remaining in a society, so that there

are no morally unjustified relations of oppression, exploitation, or discrimination. This is a highly egalitarian conception of ideal theory. There are two reasons for it. Firstly, to model the ideal society, such injustices must be eliminated.¹ There is no possible ideal society that would permit the morally arbitrary and abhorrent maltreatment of groups. Secondly, different settings will see differing degrees and experiences of the legacy of injustice. Asserting a particular kind of remaining injustice risks making a theory unapplicable to contexts where the history of injustice has a different influence. Assuming no legacy of injustice allows the theory to be adapted accordingly.

2. *Full compliance*

Citizens in an ideal environment will fully comply with principles of justice, meaning they will actively work to bring about and maintain the just society. This is often described as assuming the ‘full’ or ‘strict’ compliance of citizens.² Some may worry that this is overly demanding because it requires citizens to know exactly what to do to advance justice, and to always be motivated to do it, even if it seems difficult or not in their self-interest. Two reasons speak in favour of assuming full compliance. Firstly, it is impossible to tell how much unjust behaviour owing to ignorance, self-interest or perceptions of demandingness is a product of unjust surroundings. It may well be that unjust institutions prompt people to adopt unjust behaviour. To maintain versatility, it is better to allow for the possibility that people *can* fully comply with justice, rather than assume they can’t and paint a picture of an allegedly fully just society that is too lenient or does not demand enough of people. Secondly, sometimes – perhaps often – injustices will be caused by people. The benefit of assuming full compliance is that it can help to identify when people are the problem; a society in which people don’t fully comply with justice can be compared with a society in which they do. This, in turn, can help cultivate responses to this uncompliant behaviour.³

¹ Ingrid Robeyns, ‘Ideal Theory in Theory and Practice’, *Social Theory and Practice* 34, no. 3 (2008): 354–55.

² Alan Hamlin and Zofia Stemplowska, ‘Theory, Ideal Theory and the Theory of Ideals’, *Political Studies Review* 10, no. 1 (2011): 49–50; Rawls, *JF*, 13; Laura Valentini, ‘Ideal vs Non-Ideal Theory: A Conceptual Map’, *Philosophy Compass* 7, no. 9 (2012): 655.

³ Both of these reasons are informed by Zofia Stemplowska’s comments in ‘What’s Ideal About Ideal Theory?’, *Social Theory and Practice* 34, no. 3 (2008): 332.

3. *End-state theory*

Theories of justice are sometimes distinguished based upon whether they seek to make incremental gains or aim for complete justice.⁴ In some ways, the definition of ideal theory as a final destination already assumes that it will be an “end-state theory” that seeks to set out the most just state of affairs imaginable. Nonetheless, this feature is worth highlighting explicitly because of how it contrasts with the non-ideal setting. Non-ideal theory aims for minimal justice in current settings by making prescriptions that are immediately actionable. Ideal theory approximates full justice, regardless of how far away it is or how long it would take to get there. By doing so, it both makes itself versatile and offers a resource to aid our understanding of existing circumstances.

Each of these features are different in the non-ideal, which is meant to resemble western liberal societies as they are today. All western liberal states are characterised by economic inequalities which mean that some have too little and a few have too much. In the UK, for instance, the annual average gross income of households in the top two quintiles is £120,047 and £55,138 respectively, and £15,311 for the lowest.⁵ After household expenses are taken into account, 17% of people in the UK have an income that places them in poverty.⁶ Statistics vary, but all western liberal democracies exhibit inequalities of these kinds (even in Scandinavia).⁷ Inequalities also occur along lines of gender, race, disability, and sexuality, as social norms and institutions’ organisation erect different barriers and challenges to members of these groups.⁸ Some relevant examples will be discussed in the forthcoming chapters. These inequalities intersect with and can create income inequalities too.⁹

⁴ Valentini, ‘Ideal vs Non-Ideal Theory: A Conceptual Map’, 660–62.

⁵ The Equality Trust, ‘The Scale of Economic Inequality in the UK’ (2023) <https://equalitytrust.org.uk/scale-economic-inequality-uk>. The gross income of the top 1% is much higher than other members of the top quintile.

⁶ Brigid Francis-Devine, ‘Poverty in the UK: Statistics’, *House of Commons Library* (08 April 2024) <https://commonslibrary.parliament.uk/research-briefings/sn07096/>.

⁷ Erling Barth, Kalle Moene, and Axel West Pedersen, ‘Rising Inequality in the Egalitarian Nordics’, in Robert Strauss and Georg Fischer (eds.) *Europe’s Income, Wealth, Consumption, and Inequality* (New York: Oxford University Press, 2021), 218–45. Poverty rates in Scandinavia are much lower. They are marginally lower in Western Europe and the United States; there is significant variety in Southern Europe (methods of calculation vary).

⁸ See Chapter 3, II.2.

⁹ For an introduction to these sorts of inequalities and how they interact, see Margaret Andersen and Patricia Hill Collins, *Race, Class, and Gender: Intersections and Inequalities*, Tenth Edition (Belmont, Ca.: Wadsworth Publishing, 2019).

Such problems result (at least partly) from western liberal democracies bearing the opposite to the first two features of ideal societies. Inequalities along lines of class, race, gender, disability, and sexuality are longstanding features of liberal societies that are well documented. The legacy of many of these injustices is allowed to continue by the partial compliance of citizens with justice. Sometimes, partial compliance can refer to the *active resistance* of citizens or state officials to what justice or the law demands. In my view, the majority of citizens are not actively opposed to justice, or at least, do not think of themselves as so. Most people like to think that they are not racist; so-called “everyday libertarians” do not defend maldistributions of income and wealth in spite of being unjust, but because they think they are just.¹⁰ I therefore assume that the main barriers faced when it comes to compliance are either that people do not know what justice requires, or that they estimate it to be too demanding to comply with. Hence, partial compliance is mainly assumed to be that citizens will not always behave in a way that justice requires of them, but not that they will actively resist it. This leave space for the possibility that citizens may be incentivised to move towards justice, though such incentivisation is unlikely to be possible instantaneously. For instance, it may take time to reshape people’s attitudes or understanding of how to act in a way that doesn’t sustain trends of privilege and disadvantage.¹¹

These two features of the non-ideal call for a dilution of proposals so that they no longer aim towards full justice in the short-term. Instead, it is asked what political principles can make circumstances minimally just when states and people are taken as they currently are. This encourages policies that are tempered to seem less demanding to citizens. As the above just hinted, it does not rule out policies that endeavour to *change* people’s behaviour, but it does discount recommendations that assume that the force of a normative proposal is itself sufficient to motivate people to act justly. Similarly, it does not preclude ambitious policies for institutions, but it does rule out policies which either require an overhaul of institutions to implement, or which seem destined to fail without a comprehensive change to people’s attitudes or the way institutions are run. In this respect, non-ideal recommendations

¹⁰ See Liam Murphy and Thomas Nagel, *The Myth of Ownership: Taxes and Justice* (New York: Oxford University Press, 2002); Kenneth Stickers, “ . . . But I’m Not Racist”: Toward a Pragmatic Conception of “Racism”, *The Pluralist* 9, no. 3 (2014): 1–17; Teun Adrianus van Dijk, *Prejudice in Discourse* (Amsterdam/Philadelphia: John Benjamins, 1984), 46.

¹¹ In this respect, it is possible to incentivise people to act differently, but they may not be responsive to incentivisation immediately. For incentives and responsiveness, see Zofia Stemplowska, ‘Feasibility: Individual and Collective’, *Social Philosophy and Policy* 33, no. 1–2 (2016): 273–91.

aim to find achievable solutions to real-world injustices that can be put into practice straight away. Recommendations based upon policies that states already implement or have implemented in the past, or which expand upon ideas that have been trialled on a smaller scale, will usually be good prescriptions for the non-ideal because their existing or previous implementation gives us good reason to think that they are more likely to be actionable immediately.

CHAPTER 6

DISTRIBUTING LEISURE: SUFFICIENCY AND EQUALITY

In Australia, many people in rural areas, particularly the young, complain that they have “nothing to do” because there are few recreational facilities.¹ In the US, if one lives in a lower-income or predominantly non-white neighbourhood, they are less likely to have convenient access to well-maintained public parks and sports facilities.² In the UK, almost half of the country’s most socially deprived areas are more than fifteen miles by road from national parks and areas of outstanding natural beauty, depriving many poorer families of access to the great outdoors.³

What should we make of these facts? So far, the thesis has established that citizens are entitled to a “capability for leisure” in the abstract, but it has said little about how the capability for leisure should be fulfilled. It is impossible to make normative sense of these sorts of cases without describing what the capability for leisure actually demands. Part 3 endeavours to establish this. It begins in this chapter by sketching out the distributive principle for the capability for leisure.

Broadly, that means answering the question of what rule should be used when deciding how to allocate the things needed to be at leisure. However, that question can be made more precise by asking two separate questions. Firstly, what general *principle* should be employed for distributing the capability for leisure (for instance, should it be distributed

¹ Ian Patterson, Shane Pegg, and Roberta Dobson-Patterson, ‘Exploring the Links Between Leisure Boredom and Alcohol Use Among Youth in Rural and Urban Areas of Australia’, *Journal of Park and Recreation Administration* 18, no. 3 (2000): 53–75.

² Susan A. Carlson et al., ‘Racial/Ethnic Differences in Perceived Access, Environmental Barriers to Use, and Use of Community Parks’, *Preventing Chronic Disease* 7, no. 3 (2010): 1–10; Jessa K. Engelberg et al., ‘Socioeconomic and Race/Ethnic Disparities in Observed Park Quality’, *BMC Public Health* 16, no. 1 (2016): 1–11; Latetia V. Moore et al., ‘Availability of Recreational Resources in Minority and Low Socioeconomic Status Areas’, *American Journal of Preventive Medicine* 34, no. 1 (2008): 16–22.

³ Robert Booth, ‘England’s National Parks Out of Reach for Poorer People – Study’, *The Guardian* (4 February 2019) <https://www.theguardian.com/environment/2019/feb/04/england-national-parks-out-of-reach-for-poorer-people-study>.

equally, or with priority to the least well-off, etc.)? Secondly, what does this general principle *comprise* of (for instance, what constitutes equality)?

The answer offered to the first question is that the capability for leisure ought to be distributed according to a sufficientarian principle. What matters is that everybody has enough of the things needed to be at leisure to a degree considered minimally just. Anybody without enough of those things suffers an injustice. The answer offered to the second question of what comprises sufficiency differs in the ideal and non-ideal setting. This is because the norms, conditions, and behaviour of people in non-ideal circumstances can change leisure's nature. As Walzer puts it: 'All distributions are just or unjust relative to the social meanings of the goods at stake.'⁴ In the ideal, a sufficient amount of leisure simply requires giving people enough to be at leisure in *non-relational* terms. However, this approach (theoretically) permits high inequalities in the extent to which people are able to be at leisure above the basic threshold. These inequalities can have a perverse effect in the non-ideal where, owing to disparities in "cultural capital", leisure should be seen as a "positional good". Because of this, "sufficientarian leisure" in the non-ideal comprises of broad equality: for each person to have enough of the capability for leisure, each person requires similar levels of access to leisure.

After remarking on how to find the formula for establishing a distributive principle (I), the sufficientarian view of the capability for leisure is described (II). The comprisal of sufficientarian leisure is shown to be relatively simple in the ideal (III). It is a more complicated picture in the non-ideal, owing to its positional nature (IV), meaning that what comprises sufficientarian leisure must be revised (V). Before concluding, it is maintained that sufficientarian leisure in the ideal does not comprise of broad equality as it does in the non-ideal (VI).

I – The formula for establishing a distributive principle

When choosing which distributive principle to recommend, any normative theory must draw on the foundations of that theory and what the purpose of the distribution actually is. A theory committed solely to securing perfect equality would prescribe a different distribution of goods to one committed to respecting private property. A capabilities theory is no exception: the rationale behind endorsing a (particular) capabilities approach will influence how competing claims for those capabilities ought to be adjudicated. In Nussbaumian

⁴ Walzer, *Spheres of Justice*, 9.

liberalism, the distributive principle will reflect what each person needs to be treated as worthy of their Aristotelian-Marxian dignity.

For Nussbaum:

The intuitive idea of a life with human dignity already suggests this: people are entitled not only to mere life, but to a life compatible with human dignity, and *this entitlement means that the relevant goods must be available at a sufficiently high level.*⁵

What matters is that each person has the right conditions and enough goods to take them above a *sufficiency* threshold. Nussbaum opts for sufficientarianism over a blanket rule of equality of capability. As she says, one can be capable of flourishing providing they have adequate shelter, irrespective of whether another person lives in a more ostentatious home than theirs.⁶

Nussbaum does recognise that access to some capabilities must be distributed equally because they are “positional”, meaning (in this context) that how much of a capability one person has may diminish the value of another person’s capability in a way that pulls them below a sufficiency threshold.⁷ For example, unequal voting rights or failing to recognise equal religious freedoms will place some in positions of subordination to others and fail to recognise their dignity.⁸ This is unlike shelter: the size of one person’s house does not reduce the size of another’s house. Nevertheless, even with these positional capabilities, the motivation for the equality is ultimately sufficientarian: failing to distribute them equally consequently means that some people do not have them to a sufficient degree.⁹ In this regard, the equal distribution of a capability is what sufficientarianism *comprises*. Equality is a sub-distributive principle, used to realise the more major sufficientarian principle that captures the foundations of the capabilities theory. Ultimately then, capabilities in Nussbaumian liberalism are always sufficientarian.

⁵ Nussbaum, *FoJ*, 292. My emphasis.

⁶ *Ibid.*, 293.

⁷ For discussion of positional goods, see Harry Brighouse and Adam Swift, ‘Equality, Priority, and Positional Goods’, *Ethics* 116, no. 3 (2006): 471–97; Tammy Harel Ben-Shahar, ‘Positional Goods and the Size of Inequality’, *Journal of Political Philosophy* 26, no. 1 (2018): 103–20.

⁸ Nussbaum, *FoJ*, 292-3.

⁹ See David V. Axelsen and Lasse Nielsen, ‘Sufficiency as Freedom from Duress’, *Journal of Political Philosophy* 23, no. 4 (2015): 406–26.

II – Leisure and sufficientarianism

The sufficientarian distributive principle requires that people have enough of a particular good, resource or capability to consider a state of affairs (minimally) just.¹⁰ Generally, it is thought to entail a commitment to two theses: *i)* it is morally valuable for people to have enough of something; *ii)* once people have enough, how that thing is distributed no longer matters, or it still matters, but it matters less or for different reasons.¹¹ There are many variants of sufficientarianism (often attempting to respond to multiple concerns).¹² For our purposes here, we can start with, and mainly assume, the simplest form of sufficientarianism: everybody who is below a minimal threshold of what is considered enough has a strong moral claim to be pulled above the threshold as a matter of justice, while distributions above the minimal threshold are only worried about insofar as they prevent others from reaching that threshold. Some details are added to this basic principle in a moment.

Nussbaumian liberalism assumes this sufficientarian distributive principle for the capabilities because Aristotelian-Marxian dignity seeks to track the ability of the person to flourish, and flourishing is a partly binary notion. It is only partly binary because once people can flourish, they may do so to a greater or lesser degree. Nevertheless, there is a point below which a person *does not* flourish, and above which they *do* flourish (more or less). Treating a person as worthy of their Aristotelian-Marxian dignity entails giving them enough of the capabilities to pull them above the threshold where a person does not flourish. This recognises their status as a needy and dependent being *capable of flourishing*. For this reason, Aristotelian-Marxian dignity does not call for a maximising principle, as honouring someone's capacity to flourish does not entail enabling them to flourish as much as possible.

Like other capabilities, the capability for leisure is sufficientarian. Honouring people's Aristotelian-Marxian dignity requires that they have a sufficient bundle of the things needed to be at leisure. As the chapter will go on to argue, it may require making the distribution of

¹⁰ Harry Frankfurt, 'Equality as a Moral Ideal', *Ethics* 98, no. 1 (1987): 21–43.

¹¹ Paula Casal, 'Why Sufficiency Is Not Enough', *Ethics* 117, no. 2 (2007): 297ff; Liam Shields, *Just Enough: Sufficiency as a Demand of Justice* (Edinburgh: Edinburgh University Press, 2016), 26ff.

¹² Robert Huseby, 'Sufficiency: Restated and Defended', *Journal of Political Philosophy* 18, no. 2 (2010): 178–97; Shields, *Just Enough*. For a list of objections made towards sufficientarianism, see Dick Timmer, 'Justice, Thresholds, and the Three Claims of Sufficientarianism', *Journal of Political Philosophy* 30, no. 3 (2022): 307–10.

these things more equal under certain circumstances, but this is from a sufficientarian grounding. (In other words, sufficientarian leisure may sometimes comprise equality.)

Two challenges might immediately be levelled at the adoption of this sufficientarian principle for Nussbaumian liberalism and the capability for leisure. The first is that it fetishises the threshold and is insensitive to what happens underneath.¹³ This itself can be seen as problematic in two ways: *A*) that sufficientarianism blunts the inequalities below a threshold, assuming that the only thing that matters is whether people have enough of a capability. It therefore says little about what to do when choosing between two options that can improve a person's (or people's) ability to be at leisure more or less, but on either course of action, they will remain below the threshold. *B*) that sufficientarianism cares so much about the threshold, it will opt for prioritising the ability of a first person (or people) to be at the threshold for the capability for leisure even when they're already close to that threshold, above increasing the ability of a second person (or people) to be at leisure at a lower level if that second person can't be dragged up to the threshold.¹⁴

The initial answer to both relies upon the same important point. The circumstances of justice set out in the thesis's Introduction assume that there is enough in contemporary developed societies for people's basic needs and claims of justice to be accommodated. Therefore, there is no theoretical reason why all citizens can't enjoy the capability for leisure to a sufficient degree. In answering *A* and *B* then, Nussbaumian liberalism can deny the premise of the challenge. Both suggest that there are choices to be made between policies in which one person (or group) does not reach the threshold. Nussbaumian liberalism assumes that there must be *other* options available that do ensure everyone reaches the capability threshold, as there is enough to go around.

This will strike some as evasive, so now for a more conciliatory answer. Nussbaumian liberalism can be seen as endorsing a so-called prioritarian approach below the threshold.¹⁵ It favours increasing a person's capability at a lower level over helping a different person at a higher level on the basis that the former's suffering is more urgent and the injustice of the

¹³ Thanks to Stuart White and Jo Wolff for pressing this objection. See also Shlomi Segall, *Equality and Opportunity* (Oxford: Oxford University Press, 2013), 137 n10.

¹⁴ See Casal, 'Why Sufficiency Is Not Enough', 315–16, 319–20; Shields, *Just Enough*, 21.

¹⁵ For similar views, see Roger Crisp, 'Equality, Priority, and Compassion', *Ethics* 113, no. 4 (2003): 757; Shields, *Just Enough*, 34; Liam Shields, 'Sufficientarianism', *Philosophy Compass* 15, no. 1 (2020): 4, 6.

unfulfilled capability graver.¹⁶ Even in scenarios like *B*, Nussbaumian liberalism will opt for helping the person who can be at leisure less, at the expense of helping another person who has the greater ability to be at leisure already from reaching the threshold. Importantly though, this commitment is less explicitly declared. Nussbaumian liberalism still detects a profound injustice when a person does not have each capability fulfilled to the sufficiency threshold. It insists that nobody rests on their laurels once the least fortunate have been prioritised. There must be continued pursuit of the sufficiency threshold for all. In this respect, the prioritarian principle may be seen as instrumental or a stepping-stone towards even minimal justice.¹⁷

The second challenge is about whether it is even possible to identify a threshold for a capability like leisure that appropriately captures what is morally enough.¹⁸ A concrete prescription of how much leisure is enough won't be offered here, but a list of considerations for deciding where such a threshold lies will be. The last chapter argued that the claim to leisure could be grounded in four values. Enough of the capability for leisure will track these four values. Leisure was shown to be fundamental to people's identities, so a sufficient capability to leisure will give people the chance to (partly) form their identities around their leisure activities, and will give them the means to avoid "identity-loss" at pain of not being able to perform a chosen leisure activity. A sufficient amount of leisure will also make a contribution to the development of people's critical capacities and help to alleviate stress and depression. Quantifying how much leisure is required to enjoy the conception of freedom advanced may be trickier, but should also be taken into account. After that, I suspect political theorists would be better leaving the calculation of where the threshold should be to policy-makers and civil servants who will have more information about the efficacy and feasibility of certain policies. Ultimately, the aim should be to give people enough free time, leisure facilities and leisure conditions to hold the capability to leisure in a way that honours their Aristotelian-Marxian dignity.

¹⁶ Following Crisp, this can also take into account the number of people who benefit. 'Equality, Priority, and Compassion', 757.

¹⁷ Jonathan Wolff and Avner De-Shalit, *Disadvantage* (Oxford: Oxford University Press, 2007), chap. 8.

¹⁸ Richard J. Arneson, 'Why Justice Requires Transfers to Offset Income and Wealth Inequalities', *Social Philosophy and Policy* 19, no. 1 (2002): 189–91; Casal, 'Why Sufficiency Is Not Enough', 312–14; Dale Dorsey, 'Equality-Tempered Prioritarianism', *Politics, Philosophy and Economics* 13, no. 1 (2014): 50.

III – Leisure in the ideal

The general sufficientarian principle offers the overarching guidelines about how the things required for a capability to leisure ought to be distributed, but it still leaves many questions open. Most importantly, the downstream question of what *comprises* a sufficient distribution. A sufficient distribution of some goods will appear very different to a sufficient distribution of others. For some goods – like money – quantity will be all that matters. For others – like shelter – it may be quality. Similarly, for some goods, it may be fine to judge what a person needs non-relationally, without looking at how much of the good other people have. For other goods, how much other people possess will need to be taken into account. In short, the nature and background conditions of a particular good or capability will affect what comprises a sufficient distribution. This is certainly the case for leisure – a sufficient distribution looks starkly different in ideal and non-ideal circumstances.

In the ideal, whether a person has enough to be at leisure can be judged in *non-relational* terms: there is no need to know how much anybody else has to know whether an individual has “enough” leisure. Following what was said in Chapter 2, sufficientarian leisure requires that each person has access to enough free time, the conditions, and the facilities needed for leisure. The combination of these things should give them access to an adequate range of leisure activities.¹⁹ Importantly though, what constitutes ample free time, the appropriate conditions, and enough leisure facilities, can be discerned for each person without consulting the free time, conditions, or facilities enjoyed by any other. To demonstrate with a rudimentary example: under ideal conditions, it may be decided that the capability for leisure requires Anna to have a weekly average of fourteen hours’ free time, facilities that make five different activities possible, and positive gender norms that do not dissuade her from participating in those activities. How much free time Billy has, or whether Billy is also able to access twice as many activities does not matter. Because sufficientarian leisure in the ideal is non-relational, whether Anna has access to a sufficient degree of leisure can be calculated without considering how much access to leisure Billy has or what range of leisure options he enjoys.

¹⁹ Chapter 2, IV.

Because it judges whether each person has enough in isolation, this approach (theoretically²⁰) permits wide disparities in access to leisure above the threshold. Whether Billy has a lot more leisure than Anna does not affect whether she has enough. Recall that in Nussbaumian liberalism, positional goods like voting may have to be equalised to ensure that everybody has enough of that good. Were leisure a positional good in a similar way, then giving everybody enough would partly require ensuring that nobody would have too much. However, goods such as voting rights are what R. K. Merton has referred to as ‘manifestly’ positional: it is clear that the amount of the good one person has directly influences the value of that same good for another.²¹ If Billy has two votes and Anna only has one, then the worth of Anna’s vote is lower than if both had one. Leisure is not like that. If Billy spends two hours a week playing the violin and Anna is only able to spend one, it is unclear why the value of that one hour or the goods she is able to derive from it are any less than they would be if both spent one hour playing the violin. Because the capability to leisure does not appear to be manifestly positional, there is nothing inherently undermining about unequal distributions of it.

IV – Leisure in the non-ideal: leisure as a positional good

Considering what comprises sufficientarian leisure in the non-ideal means investigating what “enough” leisure looks like under conditions that more closely resemble liberal democratic societies today. This means recognising that – due to partial compliance and the legacy of past injustices – there is an unequal distribution of opportunities to do things (including participate in leisure activities). For instance, some people may have more resources and be able to purchase access to more leisure facilities, or members of disadvantaged groups may face social barriers to participating in some leisure activities.²² Inequalities can have spillover effects. For example, inequalities in resources can lead to

²⁰ Theoretically because some of these inequalities will be capped by other elements of a reasonable theory of justice. See Section VI.

²¹ R. K. Merton in Brighouse and Swift, ‘Equality, Priority, and Positional Goods’. Original reference: R. K. Merton, ‘Manifest and Latent Functions’, in *Social Theory and Social Structure*, Revised edition (Glencoe, Il.: Free Press, 1968), 73–138.

²² See Chapter 3, II.2 and Chapter 8.

disparities in democratic power and influence,²³ or lead to people having poorer health.²⁴ Just like any other good, the characteristics of leisure are changed by the pervasive inequalities in current societies. Leisure in non-ideal circumstances assumes a “positional” quality it does not have in the ideal, which imposes on the comprisal of sufficientarian leisure. In this section, this is explained by appealing to Pierre Bourdieu’s theory of cultural capital.

IV.1 – Latent positional goods

Leisure is not what Merton would call a ‘manifestly’ positional good. However, Merton also identifies that goods can be ‘latently’ positional. Whereas a manifestly positional good like voting is inherently relational – by its nature the amount of votes one person has diminishes or increases the value or worth of another person’s – a latent positional good is one for which there is nothing in the nature of the good that means that its value should depend upon how much others have, but the context that good is found in can mean that it can be worth more or less depending on how much others have. Health is a good example. One’s health is not manifestly positional; whether I am more or less healthy is not thought to affect whether you are more or less healthy. However, research shows that good health can improve other elements of a person’s life in all sorts of ways. Fit and healthy people are, other things being equal, more likely to succeed in competition for scarce goods, jobs, and in education.²⁵ This means that if a person’s health is measured in terms of h , that level of health could be worth more or less depending on whether another person has $h-1$ or $h+1$ health. In real-life societies, leisure also assumes this latent positional nature. The amount of leisure one person has *relative* (compared) to another can influence both parties’ access to other capabilities due to inequalities in cultural capital.

IV.2 – Cultural capital

The French sociologist Bourdieu distinguishes between cultural, economic, and social capital. Capital in general refers to any goods ‘that present themselves as rare and worthy of being sought after in a particular social formation.’²⁶ Economic capital is material resources,

²³ Martin Gilens and Benjamin Page, ‘Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens’, *Perspectives on Politics* 12, no. 3 (2014): 564–81; Iris Marion Young, ‘Activist Challenges to Deliberative Democracy’, *Political Theory* 29, no. 5 (2001): 670–90.

²⁴ Kate E. Pickett and Richard G. Wilkinson, ‘Income Inequality and Health: A Causal Review’, *Social Science and Medicine* 128 (2015): 316–26.

²⁵ Example taken from Brighouse and Swift, ‘Equality, Priority, and Positional Goods’, 478–79.

²⁶ Pierre Bourdieu, *Outline of a Theory of Practice* (Cambridge: Cambridge University Press, 1977), 178.

i.e. income and wealth.²⁷ Social capital pertains to the relationships of acquaintance and networks between people which can be cashed in to gain access to opportunities; prestige; and what Bourdieu calls 'credit', which essentially refers to others' recognition that one deserves to be in a desirable position.²⁸ Cultural capital can be described as the 'widely shared, high status cultural signals (attitudes, preferences, formal knowledge, behaviors, goods and credentials) used for social and cultural exclusion'.²⁹

Cultural capital essentially concerns the cultural knowledge, tastes, and behaviour of persons in particular status positions, and high cultural capital refers to the behaviour of those in privileged positions. In Bourdieu's theory, cultural capital occurs through '*habitus*', in which people internalise the tastes and behaviours typical of the class position they belong to.³⁰ This is passed on primarily by parents to children and through the education system.³¹ High status groups imbibe the behaviour, knowledge, posture, accent etc. expected of a high status group member; ditto for those in a lower status group. Given that some worry that Bourdieu's theory of *habitus* is overly-deterministic,³² it is better just to say that members of particular status groups are much more likely to acquire particular behaviours, knowledge, and tastes according to their upbringing and surroundings, and that they must bear certain costs (such as obtaining knowledge and social costs) to assume the cultural capital of a different status group.³³

²⁷ Technically, economic capital usually refers to wealth and the means of production, not income, but as income supplements wealth, and because Bourdieu is interested by what people are able to do with their material resources, we may place both under the economic capital umbrella.

²⁸ Pierre Bourdieu, 'The Forms of Capital', in John G. Richardson (ed.) *Handbook of Theory and Research for the Sociology of Education* (Westport, CT.: Greenwood Press, 1986), 241–58.

²⁹ Michele Lamont and Annette Lareau, 'Cultural Capital: Allusions, Gaps and Glissandos in Recent Theoretical Development', *Sociological Theory* 6, no. 2 (1988): 156.

³⁰ Pierre Bourdieu, *Distinction*, Translated by Richard Nice (London/New York: Routledge, 2010), chap. 3.

³¹ Pierre Bourdieu, 'Cultural Reproduction and Social Reproduction', in Richard Brown (ed.) *Knowledge, Education, and Cultural Change* (London: Routledge, 1973), 73.

³² Richard Jenkins, 'Pierre Bourdieu and the Reproduction of Determinism', *Sociology* 16, no. 2 (1982): 270–81; Anthony King, 'Thinking with Bourdieu against Bourdieu: A "Practical" Critique of the Habitus', *Sociological Theory* 18, no. 3 (2000): 417–33.

³³ This is meant to dodge picking a side about whether Bourdieu's *habitus* is overly-deterministic. I take the importance of how *habitus* functions to be predominantly a matter for sociologists. From a political theory perspective, what matters is that some people are more likely to behave in certain ways due to the circumstances of their upbringing and background, and that there are obstacles and significant costs to adapting their behaviour.

Cultural capital tracks on to class and functions to *symbolise* class differences.³⁴ Particular behaviours, practices and tastes are associated with certain classes, so when people act in accordance with those behaviours or practices, or have those tastes, this signals that they are a member of a particular class. Cultural capital intersects closely with the other forms of capital. Initially, cultural and social capital ‘derive’ from economic capital; at its core, class for Bourdieu is constituted by one’s place in the economic hierarchy.³⁵ However, once these economic class divisions are established (as they are in contemporary societies), cultural and social capital work closely with economic capital to reinforce and maintain such divisions. Cultural capital conjoins economic capital to demonstrate (or “symbolise”) that the difference between classes is not simply economic; that there is something deeper that distinguishes people with greater cultural capital. In the process, economic capital is exchanged for increases in cultural capital to consolidate that distinction, through such things as the purchasing of good education for one’s children, and the use of money to cultivate certain highbrow tastes.³⁶ Cultural capital interacts with social capital because one’s tastes leads them towards activities participated in by others of a particular social status, and their cultural knowledge and familiarity with practices means they either fit in or stand out of a particular social network. So, it is easier to build relationships with those of greater economic and social capital if one has more cultural capital. In the reverse, one’s experiences with those of more social capital awards them with more cultural capital. Working triadically, these three forms of capital embed and reinforce distinction between different classes in virtually all forms of life. Bourdieu has sometimes been criticised for focusing exclusively on class, so whilst these factors may have a more unclear relationship with economic capital as the derivative cause, cultural capital may also track distinctions in race and gender (among other protected characteristics) to distinguish a person’s status.³⁷

It is not the mere distinction between different classes that is problematic about cultural capital, but the entrenchment of class (or other forms of) inequality and the reinforcement of that inequality. Bourdieu believes cultural capital to be so corrosive because

³⁴ Bourdieu, *Distinction*.

³⁵ Bourdieu, ‘The Forms of Capital’, 252.

³⁶ *Ibid.*, 248.

³⁷ John R. Hall, ‘The Capital(s) of Cultures: A Nonholistic Approach to Status Situations, Class, Gender, and Ethnicity’, in Michele Lamont and Marcel Fournier (eds.) *Cultivating Differences: Symbolic Boundaries and the Making of Inequality* (Chicago, Il.: University of Chicago Press, 1992), 257–85.

it 'legitimises' and 'naturalises' differences in class.³⁸ Economic inequality stands out as something obvious and difficult for the upper classes to justify; cultural capital makes it seem as if that economic inequality is the result of merit, because those with the most economic capital are better educated and behave in ways that befit their class position.³⁹ In Max Weber's words, cultural capital turns 'good fortune' into 'legitimate fortune'.⁴⁰ In the process it hides economic capital as a wrongful disparity in power.⁴¹ The con of cultural capital is that the tastes and practices that have the most cultural capital are scarce, and opportunities to cultivate or participate in them are not available to all. Instead, they are passed along through upbringing and social networks, and themselves exchanged using economic capital.

IV.3 – Leisure as cultural capital

Bourdieu originally developed the idea of cultural capital in terms of education.⁴² However, he deemed tastes and practices associated with leisure as almost just as important. Although his critique is most frequently cited regarding matters of taste in the arts,⁴³ his writings stretch far wider to consider things like television, sport and holidays, and sociologists influenced by his work have extended his theory to many more leisure activities too.

Bourdieu's own theory suggests that those with greater capital cultivate "highbrow" tastes to contrast themselves with the "lowbrow" tastes of the working class. The legitimising role of leisure transforms these mere differences in leisure tastes into 'symbolic expression[s] of class position', thereby entrenching class inequality.⁴⁴ More recently, sociologists have come to challenge the idea that Bourdieu presents that there might be a hard distinction between the types of leisure activities the upper (bourgeois and petit-bourgeois) and working classes have a taste for. Instead, empirical research – of Anglo-speaking countries at least – now suggests that more cultural capital tends to be associated with having a broader rather than a

³⁸ Bourdieu, *Distinction*, 61.

³⁹ Bourdieu, 'Cultural Reproduction and Social Reproduction', 84; *Distinction*, 482.

⁴⁰ Max Weber, 'The Social Psychology of the World Religions', in H. H. Gerth and C. Wright Mills (eds.) *From Max Weber: Essays in Sociology* (London: Routledge, 2009), 271.

⁴¹ Bourdieu, *Distinction*, 214, 387–88.

⁴² Pierre Bourdieu and Jean-Claude Passeron, *Reproduction in Education, Society and Culture* (London: Sage, 1977).

⁴³ E.g. John Codd, 'Making Distinctions: The Eye of the Beholder', in Richard Harker, Cheleen Mahar and Chris Wilkes (eds.) *An Introduction to the Work of Pierre Bourdieu* (Basingstoke: Macmillan Press, 1990), 132–59.

⁴⁴ Bourdieu, *Distinction*, 170.

narrower set of leisure interests spanning across different leisure activities.⁴⁵ The upper classes are cultural ‘omnivores’.⁴⁶ Having said that, the picture is complicated. Others argue that the upper classes are more likely to participate in active, public leisure pursuits, such as by attending cultural venues or playing sports, while the working classes are more likely to perform leisure activities in their own home, which tend to be more passive.⁴⁷ Furthermore, cultural omnivorousness will presumably still include a taste for more exclusive activities (such as traditionally elite ones) *in addition* to more accessible leisure activities. With all this in mind, it seems safest to assume that higher cultural capital can be associated both with a taste for and familiarity with a diverse range of leisure activities (omnivorousness), and a taste for and familiarity with more exclusive leisure activities.⁴⁸ In these ways, leisure habits provide people with greater or lesser cultural capital, and therefore, function in a way that distinguishes between different groups.

Disparities in cultural capital garnered through leisure can perversely affect some people’s capabilities to perform other functionings on Nussbaumian liberalism’s list of capabilities. The cultural capital derived from certain leisure practices can influence both the capability for affiliation and the capability for control over one’s environment. These are taken in turn.

The capability for affiliation includes:

Having the social bases of self-respect and nonhumiliation; being able to be treated as a dignified being whose worth is equal to that of others.⁴⁹

⁴⁵ Tony Bennett et al., *Culture, Class, Distinction* (London/New York: Routledge, 2009); Tak Wing Chan and John H. Goldthorpe, ‘Class and Status: The Conceptual Distinction and Its Empirical Relevance’, *American Sociological Review* 72, no. 4 (2007): 512–32; ‘Social Stratification and Cultural Consumption: Music in England’, *European Sociological Review* 23, no. 1 (2007): 1–19; ‘Social Stratification and Cultural Consumption: The Visual Arts in England’, *Poetics* 35, no. 2–3 (2007): 168–90.

⁴⁶ Richard A. Peterson and Roger M. Kern, ‘Changing Highbrow Taste: From Snob to Omnivore’, *American Sociological Review* 61, no. 5 (1996): 900–907.

⁴⁷ Guy Bellavance, ‘Where’s High? Who’s Low? What’s New? Classification and Stratification inside Cultural “Repertoires”’, *Poetics* 36, no. 1 (2008): 189–216; Bennett et al., *Culture, Class, Distinction*, chap. 3; Francie Ostrower, ‘The Arts as Cultural Capital Among Elites: Bourdieu’s Theory Reconsidered’, *Poetics* 26, no. 1 (1998): 43–53.

⁴⁸ See Josée Johnston, Shyon Baumann, and Merin Oleschuk, ‘Omnivorousness, Distinction, or Both?’, in Frederick F. Wherry and Ian Woodward (eds.) *The Oxford Handbook of Consumption* (New York: Oxford University Press, 2018), 370.

⁴⁹ Nussbaum, *FoJ*, 77.

An unequal distribution of cultural capital garnered or manifested in leisure can undermine the capability for affiliation by embedding and naturalising inequalities between people. Take the watching and performing of comedy as a typical leisure practice. In his discussion of cultural capital in comedy, sociologist Sam Friedman notes how those with (supposedly) higher tastes in comedy tend to look down on those with lower tastes, describing them in disparaging terms such as ‘disgusting’ and ‘pathetic’.⁵⁰ Friedman quotes Stephanie Lawler as observing that tastes are often used by the middle classes to judge the ‘worth’ of others.⁵¹ On the other side, while Tony Bennett et al. record that working-class interviewees try to avoid moralisation or judgement of middle classes for tastes or participating in activities they don’t like, they hold an ‘undertone of resentment’ and ‘concealed hostility towards the refined or the “posh”’.⁵²

If leisure tastes and practices award people with more or less cultural capital, then these leisure activities work to create divisions between groups which symbolise superiority and inferiority and breed resentment. Leisure tastes and the activities people prefer can lead them to fail to respect others who have different tastes, like the middle classes who judge the working class for participating in leisure activities or having tastes they deem “disgusting”. Members of the working class, who are more likely to be cultural univores and less likely to enjoy exclusive leisure activities, will be attributed a lower social status due to their leisure habits. This serves to demonstrate that the tastes and activities that people perform can lead some to treat others without the respect that they deserve. In the process, unequal functioning in leisure may take some people below the sufficiency threshold for the capability to affiliate.

The influence of leisure as an important realm of cultural capital can also affect the capability for one to have control over their environment. This capability includes both a political dimension, for one to make political choices and influence their environment equally as a democratic citizen; and a material dimension, which includes the ‘right to seek employment on an equal basis with others’.⁵³ Remember that cultural capital works closely with the idea of social capital – the networks and relationships that allow people to gain opportunities and prestige within their milieu. Social capital can then be exchanged for

⁵⁰ Sam Friedman, *Comedy and Distinction* (Abingdon, Oxon: Routledge, 2014), 118.

⁵¹ Stephanie Lawler, ‘Disgusted Subjects: The Making of Middle-Class Identities’, *Sociological Review* 53, no. 3 (2005): 440.

⁵² Bennett et al., *Culture, Class, Distinction*, 211.

⁵³ Nussbaum, *FoJ*, 77-78.

economic capital in turn, as a person affiliated with the more economically powerful is likely to learn from them or gain favours which elevate that person's economic position.⁵⁴ Cultural capital can be used to create and 'entrench' social networks.⁵⁵ In the process, cultural capital is directly 'exchanged for social capital and, ultimately, on occasion, for economic advantage'.⁵⁶

In leisure, this may function in two ways. Firstly, leisure clubs may work themselves as networks, so the kind of leisure one participates in may provide them with an instrument for cultivating useful social relationships and a way of meeting people who can offer them opportunities. We are all too familiar with the notion of "old boys' networks", which have both a gendered and class dimension to them.⁵⁷ As one upper-middle-class interviewee recalls, they were able to gain free accommodation for an internship vital to their career progression 'because [their] dad had met someone at the side of the rugby pitch'.⁵⁸ These examples show how access to exclusive activities may present the middle class with useful or powerful connections. Equally, as cultural omnivores, the middle classes will be able to access *more* networks. Members of these networks may then support them, alert them to opportunities, and/or offer those opportunities themselves.

Secondly, one's leisure tastes and familiarity with particular leisure practices may help them to build particular networks. They can lean on their leisure tastes and experiences – both of exclusive leisure activities and a diversity of leisure activities – to make conversation, show that they belong in a particular environment, and build rapport with people, increasing their social capital in the process. Paul DiMaggio and Michael Useem have claimed that cultural capital is used in companies as a 'screening value' to check whether somebody is deemed to be appropriate for a top position,⁵⁹ while Friedman and Daniel Laurison trace how

⁵⁴ This works in all sorts of diffuse ways. See Bonnie H. Erickson, 'Culture, Class, and Connections', *American Journal of Sociology* 102, no. 1 (1996): 217–51.

⁵⁵ Alan Warde, Lydia Martens, and Wendy Olson, 'Consumption and the Problem of Variety: Cultural Omnivorousness, Social Distinction and Dining Out', *Sociology* 33, no. 1 (1999): 124.

⁵⁶ Bennett et al., *Culture, Class, Distinction*, 253.

⁵⁷ Steve McDonald, 'What's in the "Old Boys" Network? Accessing Social Capital in Gendered and Racialized Networks', *Social Networks* 33, no. 4 (2011): 317–30.

⁵⁸ Quoted in Sam Friedman and Daniel Laurison, *The Class Ceiling: Why It Pays to Be Privileged* (Bristol: Policy Press, 2020), 2.

⁵⁹ Paul DiMaggio and Michael Useem, 'The Arts in Class Reproduction', in Michael E. Apple (ed.) *Cultural and Economic Reproduction in Education* (London: Routledge and Kegan Paul, 1982), 182.

senior company executives often select mentees based upon a connection grounded in shared leisure tastes and interests.⁶⁰

All this shows that leisure as a realm of cultural capital is exchanged for social capital in a way that allows those with greater cultural capital to forge relationships which open up more opportunities. The empirical evidence cited mostly refers to how social capital can be used to improve one's prospects in their occupation. In its own right, this is important, as if more job opportunities are presented to those able to create constructive networks thanks (in part) to their cultural capital, then that means that fewer job opportunities are presented to others. In the process, the 'right to seek employment on an *equal* basis' is undermined, and control over one's material environment is therefore dragged below a sufficient threshold. Equally though, there is no reason to think that cultural capital may not also function in a similar way politically, so that those with greater cultural capital are able to build social networks which give them greater access to employed positions in politics, influential political platforms, and relationships with political stakeholders. If this is the case, then one's capacity to leverage genuinely equal influence over their political environment as a citizen is clearly affected by their social relations, and therefore, their cultural capital. Insofar as leisure tastes and practices influence one's cultural capital, the unequal distribution of leisure opportunities can thereby take some below the sufficiency threshold in control over their political environment.

In sum, leisure in the non-ideal ought to be conceived as a latent positional good. How much leisure and the kinds of leisure activities a person has access to compared with another can influence a person's capabilities to affiliate and control their environment. In leaning on Bourdieu, this effect has primarily been traced in terms of class, but it likely functions in terms of race, gender, sexuality, and disability too. Therefore, if the capability for leisure is distributed unequally, it can affect whether people are sufficiently able to perform other capabilities. An unequal distribution of leisure may fail to honour some people's Aristotelian-Marxian dignity.

V - Leisure in the non-ideal: addressing the spillover

The upshot of leisure's positionality is that the approach taken in the ideal will no longer be appropriately sufficientarian in the non-ideal where cultural capital and unjust

⁶⁰ Friedman and Laurison, *The Class Ceiling*, 113–14. See also Lauren A. Rivera, 'Hiring as Cultural Matching: The Case of Elite Professional Service Firms', *American Sociological Review* 77, no. 6 (2012): 999–1022; *Pedigree: How Elite Students Get Elite Jobs* (Princeton, NJ: Princeton University Press, 2015).

background conditions intersect. If the distributing of the things needed for leisure is only focused upon non-rationally, then there will be little concern for inequalities in access to leisure that have spillover consequences for some people's capabilities to affiliate and control their environment. The principle for what *comprises* sufficientarian leisure needs to be revised to account for the fact that how much access to leisure one person has will have consequences for whether another person has enough access to leisure.

V.1 – Sufficientarian leisure comprises broad equality

The principle comprising sufficientarian leisure in the non-ideal is one of *broad equality*. Using means that are appropriate for the liberal state, it aims to reduce inequalities in access to leisure that create inequalities in cultural capital. It is a relational principle because it is only possible to ascertain whether one person has sufficientarian leisure comprised by broad equality by paying attention to the access to leisure other people have.

To describe what is meant by “broad equality” more concretely, it will be helpful to begin by depicting and resisting a comprisal principle of strict equality. Strict equality means that everybody should have access to exactly the same amount and variety of leisure activities at exactly the same cost to them (costs could include various kinds of resources including money and free time). Initially, strict equality looks virtually impossible to achieve. For instance, if one person lives half a mile from a park and another person lives a mile from the park, the costs of access for the second person will be higher than the first person's due to the time required to travel to the park. Inequalities of these kinds could never be fully eradicated, and it does not seem as if they will always affect shares of cultural capital significantly enough to require eradicating anyway.

More importantly, perhaps, some of the measures that would be needed to achieve strict equality of access to leisure are not permissible for a liberal state because they demand coercive policies that plainly overstep the mark. Strict equality would probably require limiting how much free time people have so that those with more would be barred from using it for more leisure; this would effectively amount to forced labour. It might also require a ban on leisure activities primarily participated in by the wealthy; it would be a draconian infringement on liberty to ban activities like polo or lacrosse just because they tend to be enjoyed by the rich. That is not to say that a liberal state may not use some interventions to disrupt the benefits the privileged enjoy. These interventions could include tax and spend policies, and indirect attempts to confront inequalities (for instance, the state may favour planning

permission for a state-funded sports centre over a new polo stadium funded by a private actor). Still, strict equality will be normatively unattractive because it would require levels of coercive intervention far beyond measures like these which are more reasonable and familiar to liberal states.

Responding to these weaknesses of strict equality, broad equality aims to eradicate *meaningful inequalities* in access to leisure as much as it is reasonable for a liberal state to do. That is, it aims to eradicate inequalities in leisure that create inequalities in cultural capital and thereby have a spillover effect on the capabilities for affiliation and control over one's environment. Inequalities in access to leisure that don't create inequalities in cultural capital are not meaningful and need not be addressed.

Broad equality can be seen as having two components in this regard. The first concerns equal access to the type of leisure activities. Any capability for leisure requires that citizens have access to an adequate range of leisure options in non-relational terms. If this were not the case, then peculiarly, one way of achieving sufficientarian leisure comprised by broad equality would be to ensure that nobody could access any leisure. But broad equality additionally demands that all citizens have access to the *same* adequate range of options. Because it is motivated by inequalities in cultural capital, if a particular leisure activity doesn't cause disparities in cultural capital, then in principle, broad equality will not demand that everyone has access to that leisure activity. Nevertheless, the empirical evidence presented so far warns us that any leisure activity *can* function meaningfully to award some people with more cultural capital than others. Therefore, broad equality's default is that it aims to achieve the same access to the same range of leisure activities as much as is possible and reasonable for the liberal state to do. It may then soften this ambition if it becomes clear that inequalities in access to some particular leisure activities do not have meaningful consequences for cultural capital.

The second component refers to the accessibility to leisure activities within that adequate range, and the costs of accessing them. Once people can access the same range of leisure activities, some inequalities in *costliness* or *how much* access to those activities people have may be permissible. For instance, if one person is able to go to the theatre three nights a week, and the other is only able to attend once a week, this is unlikely to make an enormous difference to cultural capital (compared with a third person who is unable to go to the theatre altogether, who may well be deprived of certain cultural connections and knowledge in a

potentially harmful way). By the same token, the increased costs of going to the park for the person who lives half a mile further away will be so relatively negligible that they needn't be equalled out (again though, if a person must travel five or six miles to the park, the story starts to look different). These inequalities will not be sufficiently meaningful to create inequalities in cultural capital. As the qualifications in parentheses emphasise, only *some* inequalities in "how much" access are permissible. There is still a point at which a person does not have enough access to leisure goods in relative terms or at which the costs to them are so high that inequalities in cultural capital will manifest (for example, the person who is only able to attend the theatre once per year compared with those able to attend once per week). Broad equality therefore demands some minimal access and limited cost-bearing to the same leisure options.

Together, these two components try to maintain a level of equal access to leisure that ensures that nobody slips below the sufficientarian claims to the capabilities for affiliation and control over one's environment. Broad equality creates parity in access to all leisure activities. Everybody has access to activities with a higher (or currently, exclusive) status, meaning that everybody has broadly equal access to the practices, knowledge, and tastes that presently symbolise membership of a higher status group. Over time, the integrated participation of groups in these activities aims to erode the association of those practices, tastes, and elements of knowledge with particular status groups. As cultural capital partly functions through omnivorousness, people also have broadly equal opportunity to cultivate the same diversity of tastes and knowledge. By creating parity in access, broad equality simultaneously gives people more equal access to the leisure activities (both exclusive and diverse) where networks are formed. And, it once more gives people access to the knowledge and tastes that aid them in cultivating networks and connections. Again, it then erodes the formation of privileged networks amongst those leisure activities as participation of people from a wider set of backgrounds increases.⁶¹ Adopting a principle of sufficiency comprised by broad equality for leisure thereby tackles leisure's status as a latently positional good in non-ideal circumstances.

V.2 – Defending sufficientarianism and its comprisal in the non-ideal

Objections to this sufficientarian approach for satisfying the capability to leisure under non-ideal circumstances can be levelled from two directions. On the one hand, one might suggest that a sufficientarian distributive principle of any kind is too ambitious. Such an

⁶¹ See Koen van Eijck, 'Socialization, Education, and Lifestyle: How Social Mobility Increases the Cultural Heterogeneity of Status Groups', *Poetics* 26, no. 5 (1999): 309–28.

advocate might argue that, at present, many people do not have sufficient access to leisure because they are time and/or money poor, or live in communities where there is little to do. With that in mind, should the focus not be on helping the most disadvantaged first? In other words, a prioritarian approach to leisure should be endorsed.

As mentioned earlier, Nussbaumian liberalism assumes a prioritarian approach as an incremental step towards even minimal justice. Therefore, it is compatible with everything that has been said so far to begin by targeting the capability for leisure at those who are more deprived. However, as the circumstances of real-world societies are conducive to minimal justice, the process remains (urgently) ongoing until everybody has adequate and broadly equal access to leisure. The prioritarian principle should not replace a sufficientarian principle because its level of ambition falls short of what is achievable. At most, it must serve as a guideline for the sequence of state action in the pursuit of basic justice.

On the other hand, one might suggest that the sufficientarian principle endorsed here is not ambitious enough. Through cultural capital, access to leisure influences the capabilities to affiliate and control one's environment in turn. An obvious question then, is why not tackle how social norms and practices tie leisure to the other capabilities like affiliation and control over one's environment? For instance, why not reduce the extent to which the networks formed during leisure afford people access to better employment opportunities? In short, why not reduce the extent to which leisure can be deemed a positional good?

Nothing said here should discourage tackling the social norms which lead to inequalities of leisure having such perverse spillover effects. Clearly, attributing lower social status to people due to their leisure tastes is wrong, as is affording some greater material or political opportunities. But given how embedded these practices are, this is unlikely to be a short process. In the meantime, the preferential treatment and privileges that those with greater cultural capital enjoy persist. This thesis assumes non-ideal prescriptions should be immediately actionable and achievable in the short-term. As we shall see in Chapter 8, there are feasible policy levers states can pull in the short-term to achieve sufficientarian leisure comprised by broad equality. Cultural capital may remain in leisure to an extent, and will doubtless persist in other areas like education, but the interventions suggested will ameliorate some of the most harmful effects of leisure as a positional good quickly and effectively. In the process, minimal justice – from a leisure perspective – can be attained. The tackling of social norms which create leisure's spillover effects may then be a longer-term goal.

VI – Public provision in the ideal?

It has been argued that leisure should be seen as a positional good in non-ideal circumstances, and that therefore, in contrast with the non-relational sufficientarianism endorsed in the ideal, sufficientarian leisure in the non-ideal comprises a relational element of broad equality. The non-ideal approach accounts for the various contextual factors in the real world which mean that inequalities in leisure can have adverse effects. Why, however, does this not also apply in the ideal? Will an assumption of full compliance and no legacy of injustice really prevent norms around cultural, social, and economic capital forming under ideal circumstances?

As ideal scenarios assume full compliance, it is initially doubtful that leisure will assume the same “positional” nature in the ideal. People who are fully complying with what justice demands will not attribute less respect to others based upon their leisure tastes; they will recognise that a person’s worth is not contingent upon this. Nor will they consider a person’s leisure tastes to be indicative of their abilities to perform a certain job role. Similarly, whilst people may form some “leisure networks”, these networks will not function to award privileges and opportunities in the same way as they do in present societies.

There is a further reason why ideal sufficientarian leisure need not comprise of broad equality, which can be illustrated by briefly anticipating Chapter 7’s argument. That chapter says that under ideal conditions, the capability for leisure can be satisfied by rolling out Rawls’s three principles of justice in tandem with ensuring that each citizen has a minimum amount of free time in non-relational terms. In my view, Rawls’s theory of distributive justice will prevent inequalities that are sizeable enough to allow concentrations of higher (or lower) cultural capital to emerge or be transferred. All three principles of Rawls’s theory of justice – the basic liberties, fair equality of opportunity, and the difference principle – would speak against permitting inequality to the extent that it would create inequalities in cultural capital which spillover into the capabilities to affiliate and control one’s environment in turn.

The first principle of justice, the basic liberties, comes lexically prior to the other two.⁶² The basic liberties include people’s political liberties; ‘for example, the right to [...] participate in politics.’⁶³ This means that income inequality deriving from the difference principle cannot be permitted when it creates inequalities in access to political parties and networks.

⁶² Rawls, *TJ*, 266. See also *PL*, Lecture VIII.

⁶³ Rawls, *JF*, 44.

Therefore, any income inequality which would create inequalities in cultural capital to the extent that they spillover to affect control over one's (political) environment would be prohibited.

The second principle, fair equality of opportunity, stipulates that all should have as equal chance as possible of using their talents to attain positions of prestige. Once again, if cultural capital can undermine a person's control over their environment (and their right to seek employment on an equal basis), then income inequalities sizeable enough for that disparity in cultural capital to emerge must be forbidden.

The third principle, the difference principle, requires that any material inequalities must be to the greatest benefit of the least well-off. I have a much more egalitarian reading of this principle than some of Rawls's critics.⁶⁴ In my view, the difference principle can (and must) incorporate how relative inequality and positional goods may worsen the position of the least well-off. It is difficult to see how inequalities in economic capital leading to inequalities in cultural capital would be to the benefit of the least well-off if they undermined their self-respect and capability to affiliate.

In short, the ideal society will not allow inequalities in economic capital to emerge if these economic inequalities lead to inequalities in cultural capital with perverse effects on capabilities such as affiliation and control over one's environment. Earlier, it was said that sufficientarian leisure 'theoretically' allows for large inequalities in access to leisure above the threshold. Whilst this is the case, theoretically becomes an important qualification, as practically, an ideal society is likely to already forbid the kind of economic inequality that would lead to significant inequalities in leisure to begin with. So, even if people do try to assert cultural capital, the substantial economic inequalities required for cultural capital to emerge should never appear under ideal scenarios.

Does this draw too sharp a cut between the ideal and the non-ideal? In the non-ideal, it has been suggested that all leisure activities have the capacity to create inequalities in cultural capital which have perverse effects; in ideal scenarios, inequalities in cultural capital won't even emerge. Granted, this chapter paints a very different picture of ideal and non-ideal scenarios, but that doesn't make the picture's portrayal false. Present societies are far from ideal: if there is a profound difference between how inequality functions in present non-ideal

⁶⁴ Cohen, *If You're an Egalitarian...* chap. 8.

societies, and how equality ought to be maintained in ideal societies, this merely underlines how far from ideally just many existing political arrangements are.

VII – Conclusion

At the beginning of the chapter, a series of cases showed that some people have access to either few leisure activities, or fewer leisure activities than others. To understand whether these cases present an injustice, theoretical criteria for what justice in leisure looks like is required. The capability for leisure demands that each citizen has the things needed to be at leisure to a *sufficient* degree. However, what comprises this sufficientarianism differs significantly in the ideal and non-ideal. Under ideal conditions, the capability for leisure demands that each person has enough of the things for leisure in *non-relational* terms. Under non-ideal circumstances, the principle is a relational one: people require *broad equality* of access. Starting with the ideal then moving onto the non-ideal, the next two chapters discuss how the capability for leisure can be accommodated whilst adhering to these two principles.

Before turning to that though, one further limitation should be acknowledged by way of a conclusion. Imagine the distributive criteria for the non-ideal is fully satisfied and that we come close to abolishing the functioning of cultural capital in leisure in the real world. Is it not the case that the “sphere” of cultural capital will simply shift: that the elite classes will exercise their greater cultural capital more in education, accent, posture, etc. instead? Addressing cultural capital becomes like “whack-a-mole” in which the moment one inequity is addressed, another rears its head.

There is no doubt that this could occur. However, the proposals remain valuable insofar as cultural capital in leisure is reduced significantly. As a result, there is one less sphere of cultural capital to worry about. Nussbaumian liberalism considers justice capability by capability. Each capability isn’t judged in total isolation from others – as we have seen, the extent to which a person has one capability can affect the extent to which they have another – but it is the case that it looks at each capability and asks what that individual capability requires. It has been asked what sufficientarian leisure comprises of and this will inform the answer to questions about how to implement the capability for leisure in the next two chapters. It may be that when turning to the question of what the capabilities for sense, imagination and thought (which requires education); affiliation; and control over one’s environment entail, more radical proposals for addressing cultural capital are required by

those capabilities. The wider abolition of cultural capital may well be demanded by what has been said in this chapter; it is just not argued for here.

CHAPTER 7

CAN FREE TIME WORK? LEISURE IN THE IDEAL

Rose's *Free Time* is the most compelling and thorough defence of free time in liberal political theory. As a resourcist, Rose defends an entitlement to free time *qua* an all-purpose means, evading explicitly advocating for or endorsing the value and importance of leisure (either the positive leisure view set out in this thesis, or some equivalent that might be seen as part of a good or flourishing life). At the same time though, one interpretation of her argument is that she is actually quite sympathetic towards citizens' claims to (something like) positive leisure. On this interpretation, whilst Rose does not explicitly endorse any such claim, she hopes that it is still possible for resourcists to satisfy one, and her defence of an entitlement to free time is partly motivated by this ambition.

Sections of *Free Time* support this interpretation. In Chapter 2, Rose carefully traces existing and historical arguments made for leisure 'as a specific good'. In the book's introduction, she tells us that two thirds of Americans and Europeans have a preference for 'more time in leisure activities'.¹ Before 'reconceptualizing' leisure as the resource of free time,² Rose writes:

It is not my aim to reject the possibility of providing special justifications [...] to establish that theories of distributive justice ought to address the distribution of leisure as a specific good. There are many legitimate reasons why theories of distributive justice may be concerned with the distribution of leisure, even as a specific good.³

This interpretation gestures towards an understandable tension in Rose's normative commitments: on the one hand, she believes that opportunities for leisure, *qua* a specific good like positive leisure, are worth securing; on the other, she does not think it is the liberal state's prerogative to promote goods like positive leisure on the basis that they are part of a good or flourishing life.

¹ Rose, *FT*, 13.

² *Ibid.*, 37.

³ *Ibid.*, 38.

The Rosean solution is to substitute an argument for leisure as a specific good for an argument for the resource of free time. Supposedly, this should satisfy a claim to leisure *indirectly*, without falling foul of resourcist commitments. Rose could have her cake and eat it. Even if this is not Rose's intention and she cares little about leisure as a specific good, this is the general *resourcist strategy* for accommodating any claim to leisure.⁴ If the Nussbaumian liberal criticises the resourcist on the basis that they cannot accommodate the claim to leisure, the resourcist will appeal to the resourcist strategy as a rebuttal. Recall from Chapter 3 that resourcists who do not directly integrate a conception of flourishing into a conception of justice are likely to maintain that they will distribute any resources a person needs to flourish by chance;⁵ once the capability for leisure is recognised as necessary for treating a person as worthy of their capacity to flourish, they will fall back on the resourcist strategy. As the opening remarks here indicate, it may even be that some arguments for free time are implicitly motivated by establishing a claim to positive leisure. The resourcist strategy will be particularly important to those advancing such arguments. As a part of its wider aim of describing how the capability for leisure should be implemented under ideal circumstances, this chapter will challenge the success of the resourcist strategy.

In the last chapter, it was said that under ideal scenarios – with full compliance, no legacy of historical injustice, and in which end-state principles can be prescribed – a sufficientarian principle requires that each person has “enough” things to be at leisure in non-relational terms. In this chapter, it is argued that this sufficientarian claim to leisure can mainly be accommodated by utilising a market economy, and guaranteeing a Rawlsian distribution of income and wealth in tandem with ensuring each citizen has a fair share of free time.

Whilst this is *close* to what a resourcist who is interested in accommodating a claim to leisure might prescribe, much of the chapter centres around showing that the resourcist strategy for satisfying the claim to leisure ultimately does not succeed. Because the resourcist refrains from stipulating that citizens need resources *for* leisure, they are unable to guarantee that citizens actually have the appropriate bundle of things necessary to be *at leisure*. Under ideal conditions, Nussbaumian liberalism requires fulfilling the capability for leisure by harnessing the skeleton of the resourcist strategy, but *in the name of* leisure. The result is a

⁴ I'm grateful to Tony Taylor for impressing on me the structure of this argument.

⁵ Chapter 3, II.

more precise articulation of the balance between different resources required for leisure, and a justification of other things for leisure under particular circumstances.

The chapter begins by describing the resourcist strategy (I). This approach is shown to be attractive due to the virtues of a market economy under ideal circumstances (II). The following sections are more critical, arguing that the claim to leisure cannot be appropriately accommodated by a resourcist because they do not single out any claim to leisure explicitly. This objection is initially articulated by referring to the trade-off to be made between the amount of income and wealth and free time a society/citizen has (III), then is applied to other concerns about what the capability for leisure demands (IV). This provides the intellectual resources to outline what a final claim to leisure looks like in the ideal (V). Before concluding, the chapter explains how its recommendations properly balance Nussbaumian liberalism's commitment to the two forms of dignity (VI).

I – Free time and leisure in the ideal

While much of this chapter is dedicated to showing that the resourcist strategy cannot accommodate the claim to leisure in its current form, it is useful to begin by tracing how it ostensibly satisfies that claim in this section, and the arguments in its favour in the next section. Aside from assisting with the forthcoming critique, this will enlighten us to why it is sensible to begin with resourcism when asking how the capability for leisure ought to be satisfied under ideal conditions. Resourcists begin by theorising in the ideal, and the resourcist strategy reveals some of the values that Nussbaumian liberalism should seek to retain when satisfying the capability for leisure under ideal circumstances.

Because it is the strongest resourcist argument for free time, Rose's view is appealed to here and throughout.⁶ Recall that Rose says that all citizens have an entitlement, as a matter of justice, to time beyond that required to fulfil their basic needs. And that this resource of free time is a distinct component of justice because free time cannot always be bought with more money.⁷ The justification for this is found in Rose's 'effective freedoms' principle, which

⁶ The added benefit of using Rose's theory is that it seems as if she is partly motivated by accommodating a claim to leisure indirectly, but the general critique of the resourcist strategy advanced in the chapter does not rest on this assumption. The chapter's critique of the resourcist strategy requires focusing upon the *substance* of Rose's argument, rather than her motivation for it. (Note that even if Rose is not motivated by satisfying the claim to leisure, this does not rule out other resourcists who do have that motivation utilising her free time argument.)

⁷ Rose, *FT*, 74-85

requires that everybody has the necessary resources to *exercise* a freedom.⁸ On this basis, Rose argues that each citizen is entitled to a just distribution of free time for: *a)* exercising their basic liberties, with a particular focus on political rights and freedom of association; and *b)* to dedicate towards their conception of the good, whether this be a personal project, religious worship, more work, or leisure.⁹

Rose's case for free time is designed to be integrated into a wider theory of distributive justice.¹⁰ Free time is necessary for justice, but it is not sufficient, so any claim to free time must be twinned with an entitlement to other things resourcists value like basic liberties and income and wealth. For illustrative purposes and because it is the most famous resourcist account, Rose's free time view will be combined with Rawls's three principles of justice, although this may work as a placeholder for others who prefer an alternative. Recall, Rawls's three principles stipulate that each citizen ought to receive a sufficient and equal share of basic liberties like political rights and freedom of association, fair equality of opportunity for positions of prestige, and that income and wealth adhere to a maximin principle which requires that any divergences from equality in income and wealth benefit the least well-off.¹¹ Assume then, that the resourcist endorses Rawls's three principles of justice, plus some fair share of free time which, when amalgamated with those three principles,¹² ensures citizens have the *effective freedom* to exercise their basic liberties and pursue their conceptions of the good.

The resourcist strategy purports to accommodate any claim to leisure *indirectly*. It gives people a set of all-purpose resources that can be used to be at leisure without stipulating that they are actually *for* leisure. Each person has the income and wealth to pay for leisure facilities – infrastructure and services – that enable them to participate in leisure activities, plus the free time to dedicate towards those leisure activities. Under ideal circumstances in which there is no legacy of historical injustice, it is assumed there will already be few non-resource-based conditions that impede people from accessing leisure activities. Hence, the rolling out of all-purpose means for positive leisure supposedly allows the resourcist to satisfy the claim to leisure inexplicitly. Bill the beekeeper has the money he needs to buy the

⁸ Ibid., 69-74.

⁹ Ibid., 73-74.

¹⁰ Ibid., 85, 130.

¹¹ Rawls, *TJ*, 266.

¹² Rose says that the formula regulating the just distribution of free time is most likely to be different to the formula regulating the distribution of income and wealth. *FT*, 69.

equipment and space for keeping bees, and sufficient time for tending to them; Fred the football fan has time away from caring for his children to watch and play football, and can purchase the tickets, equipment, and access to pitches to do so; Sally the saxophonist has the money to buy a saxophone and lessons, and the time to spend in those lessons and practising at home. Of course, people will use some of these resources for other things too. Nevertheless, the thinking goes that if the distributive theory is good enough, each person will have the resources to be at leisure if they choose.

II – Making use of the market

The resourcist strategy seeks to give each individual the resources that can be exchanged for the things they need for leisure. It is therefore a market-driven approach. A market is an economic system in which goods are acquired and distributed through buying, selling and exchange between consenting private parties. The state will play a role in any market – whether it be overseeing the upholding of contracts or prohibiting the sale of certain things – but for the most part, private consenting parties are left to their own devices. In the resourcist strategy, the state ensures that the market’s background conditions adhere to the formula of a just distribution of resources, then beyond that, citizens exchange those resources freely providing they comply with the constraints the law establishes.

Although markets are familiar enough, returning to Fred the football fan for a brief illustration of how they work will be useful. Through the market, Fred can attend football matches by purchasing tickets to the games of the team he supports. The football club provides a service of showcasing the match, and Fred uses his free time and some of his income and wealth to buy a ticket from the football club, then attend the match. Although the market is associated with buying and selling, voluntary associations also play a part when it comes to leisure. For example, if Fred chooses to invite his friends to his house and they play football in the garden, there may be no exchange of money, but Fred has provided a service (by making his garden available and providing a football) and he and his friends have “exchanged” some of their resources (their free time) to be at leisure.

There are three advantages to this market system for accommodating the claim to leisure.

II.1 – Efficiency

The first is simply that it is more efficient. Societies are made up of widely dispersed people with diverse interests and skills. Markets organically coordinate and organise these people, interests and skills better than a top-down authority like the state, so that there is little wasted energy and resources.¹³ This is an advantageous mechanism for making leisure activities available because it is assumed that the facilities required for them are supplied with as few excess costs to users as possible.

II.2 – Freedom

The efficiency of the market also paves the way for a central and more principled quality – that it awards each person with a high amount of freedom. By working efficiently, markets reduce the costs of supplying goods and respond sensitively to demand in a way that makes a wider range of goods available and affordable.¹⁴ Individuals can then choose which options to make use of. This is freer than something like a top-down command and control economy in which the same goods are provided to everybody by the government (at least if background conditions are just enough to begin with). Each person is able make different choices about what options to take up according to their own preferences.¹⁵

Initially, people have the freedom to choose how much leisure they want and of what kind. People may choose to spend their resources on leisure activities, or they may choose to cash in their free time to do more work and earn a greater income. People can also choose to spend their money on fewer leisure activities which are expensive or more leisure activities which are cheaper. Further, because people have a diverse range of preferences, and the market is sensitive to these preferences, it accommodates these preferences wherever this is feasible (according to affordability). This includes for those with fringe tastes. Defenders of markets argue that they accommodate more unusual preferences effectively.¹⁶ With respect to the arts, Tyler Cowen portrays the twentieth century as a period of unrivalled artistic diversity thanks to the market's expansion and the incentives for suppliers to provide a wider

¹³ Dworkin, *Sovereign Virtue*, 66; Rawls, *TJ*, 240, 316-318; Debra Satz, *Why Some Things Should Not Be for Sale: The Moral Limits of Markets* (New York: Oxford University Press, 2010), 17–21.

¹⁴ For this phenomenon in the arts as one leisure sector, see Tyler Cowen, *In Praise of Commercial Culture* (Cambridge, Mass./London: Harvard University Press, 1998), 19–20.

¹⁵ See Dworkin, *Sovereign Virtue*, 65-71.

¹⁶ Ronald Dworkin, 'Ronald Dworkin Replies', in Ronald Dworkin and Justine Burley (eds.) *Dworkin and His Critics: With Replies by Dworkin* (Malden, Ma.: Blackwell, 2004), 343.

range of goods.¹⁷ As we shall see in Section IV.2, these claims are controversial. Nevertheless, it is a popular view amongst market advocates that the market makes a wider bundle of leisure activities available, maximising people's freedom by increasing the leisure opportunities open to them.

II.3 – Kantian dignity

This freedom to choose leads to the most important argument in favour of employing the market – it minimises any compromise to Kantian dignity. Freedom to choose in the market derives from its responsiveness to people's preferences and tastes. In this respect, the market can be seen to be neutral. Markets do not intentionally favour any particular conception of the good; they simply reflect what there is demand for and the affordability of the market to supply it. Leaving things to the market sees the state take the ultimate hands-off approach: it does not promote any particular conception of the good because individuals are left to exchange goods privately, and the goods that are supplied are thought to resemble what citizens themselves have a taste for. By contrast, if the state supplies a particular good – reasonably assuming that it couldn't supply every good – it may tacitly endorse that good in a way that some citizens find hard to accept. The resourcist strategy for promoting leisure is therefore attractive as a neutral way of doing so. In Nussbaumian language, the capability for leisure demanded by Aristotelian-Marxian dignity is purportedly fulfilled without compromising on Kantian dignity.

III – The problem with the resourcist strategy

It is clear, then, that if the resourcist strategy delivers leisure in the ideal, it has much going for it. It secures the capability for leisure whilst maximising efficiency, freedom, and the honouring of Kantian dignity. It does so without explicitly singling out the capability for leisure. Indeed, one of resourcism's strengths, in the view of its advocates, is that it secures each citizen's claim to a wide range of goods – insofar as they value them – without explicitly singling out those goods. Unfortunately, this strategy for satisfying the capability to leisure is not successful.

Roughly, the problem is this: the resourcist strategy intentionally evades stipulating what purposes resources should be allocated for. However, when it comes to making decisions about how to trade-off resources and which resources ought to be allocated on what

¹⁷ Cowen, *In Praise of Commercial Culture*, 8, 22.

terms, these decisions cannot be made without details of what the resources are for. A formula for distributing free time and income and wealth in the abstract does not secure the appropriate things for leisure in practice. The resourcist strategy for satisfying the claim to leisure fails to guarantee the capability for leisure. In this section, this problem is explained with application to the question of how to trade-off free time and income and wealth in order to be at leisure. In the following section, the argument is extended to other questions that arise about accommodating the capability for leisure.

To trigger this argument, it must initially be acknowledged that free time is a resource that competes with the distribution of income and wealth. This may not always be the case. There may be instances when expanding free time can also increase the proportion of income and wealth in society, like a bank holiday which stimulates growth. Nevertheless, for the most part, both individuals and society at large may have to make some compromise on the amount of income and wealth available to increase the amount of free time, or vice versa. Rose readily admits this at several points.¹⁸

Free time reveals that in resourcist views, different resources up for distribution may be in tension with one another. This has been called the “indexing problem” in Rawls’s theory of justice.¹⁹ Usually, the indexing problem is discussed regarding the trade-off between income and wealth and primary goods other than free time, such as the social bases of self-respect or empowerment in the workplace.²⁰ In these discussions, though, it is not totally clear that any trade-off exists, as there doesn’t seem to be anything inherent about these different goods that puts them in tension with one another. Rawls thinks that those who have the least income and wealth will usually have the least of other primary goods like the social bases of self-respect too, so income and wealth can still be used as a proxy for identifying and increasing

¹⁸ Rose, ‘Beyond the Perpetual Pursuit of Economic Growth’, *FT*, 130; ‘On the Value of Economic Growth’, 137. We also find this trade-off articulated by Claassen, ‘Temporal Autonomy in a Laboring Society’, Parr, *Empowering Workers in an Age of Automation*; Lucas Stanczyk, ‘Free Time and Economic Class’, *Law, Ethics and Philosophy* 5 (2017): 62–73.

¹⁹ For general discussions, see Richard J Arneson, ‘Primary Goods Reconsidered’, *Noûs* 24, no. 3 (1990): 429–54; Marc Fleurbaey, ‘Social Choice and the Indexing Dilemma’, *Social Choice and Welfare* 29, no. 4 (2007): 633–48; Allan Gibbard, ‘Disparate Goods and Rawls’ Difference Principle: A Social Choice Theoretic Treatment’, *Theory and Decision* 11, no. 3 (1979): 267–88; John E. Roemer, *Theories of Distributive Justice* (Cambridge, Mass./London: Harvard University Press, 1996), 165ff.

²⁰ For example, see Samuel Arnold, ‘The Difference Principle at Work’, *Journal of Political Philosophy* 20, no. 1 (2012): 113–14; Samuel Freeman, *Liberalism and Distributive Justice* (New York: Oxford University Press, 2018), 159–60; Tomasi, *Free Market Fairness*, 186–92.

a person's share of all primary goods.²¹ When free time is added to the equation though, if one accepts (as Rose rightly urges) that free time cannot always be bought with income and wealth, then the indexing problem becomes unavoidable. A decision must be made about how to weight the resources of income and wealth and free time. Opting for one weighting will make a different opportunity-set available to an alternative weighting. For example, choosing to maximise people's income and wealth over free time will increase the opportunities available for people to work and earn money, or to buy consumer goods, but may decrease the opportunities available to them to spend time with friends. The inverse may be true for choosing to maximise free time over income and wealth.

As Rose acknowledges, then, some formula or system for deciding how to choose between those resources is needed.²² If there is a choice between expanding free time or expanding income and wealth, then information on when it would be better to aim for the former and latter respectively is required. The problem with the resourcist strategy, is that it does not stipulate what the free time is for specifically, meaning there is not the necessary information available to make that decision. If we must choose between increasing the income and wealth of each individual or maximising free time, what motivation do we have to do the latter if our free time is not directed towards anything in particular?

This plausibly could apply to a whole gamut of conceptions of the good that are not singled out explicitly by resourcists, but it particularly plagues any claim to positive leisure. The capability for leisure requires both free time and resources to purchase leisure facilities, so some minimum balance between the two is needed. Because the resourcist strategy does not justify a distribution of free time for leisure explicitly, it cannot guarantee that balance is delivered. Rose says that citizens are entitled to a fair share of free time to fulfil their basic liberties, with a focus on democratic rights and freedom of association. We can then clearly identify a certain amount of free time for those things, such as n hours to vote, run for office, and spend with other people. Beyond that, though, Rose simply suggests that people are entitled to free time to pursue their conceptions of the good, and she is intentionally non-committal about what these may be.²³ At this point though, why not simply maximise income

²¹ Rawls, *TJ*, 80.

²² Rose, *FT*, 128-134.

²³ Rose, *FT*, 43. For an emphasis on Rose's cut between the basic liberties and the freedom to pursue one's conceptions of the good, see Jeppe von Platz, 'Free Time, Freedom, and Fairness', *Law, Ethics and Philosophy* 5 (2017): 53.

and wealth with no further expansion of free time? Some people's conceptions of the good may not require any more free time – workaholics for example – and others will prefer to maximise their income position in the hope of negotiating any free time themselves. The free time required for leisure on top of the time needed to fulfil the basic liberties is not secured by appealing to conceptions of the good in the abstract. The only way of *guaranteeing* a minimum amount of free time and income and wealth for leisure is by explicitly expressing that some of that free time must be for leisure.

There is an external critique of resourcism here, which is simply what has already been said: the resourcist strategy doesn't guarantee the right balance of resources needed for the capability for leisure to be fulfilled. Therefore, although its assets make it a sensible place to start in the search for how to implement sufficientarian leisure in the ideal, *pure* resourcism alone cannot achieve that goal. At minimum, some adaptation is required. There is also a critique that is more internal in character and therefore, is likely to trouble resourcists more. The resourcist response to those who insist on the importance of the capability for leisure is that any claim to leisure can be accommodated through the resourcist strategy. Indeed, one possible motivation for the argument for free time is that it accommodates the claim to leisure without explicitly recognising it. However, the resourcist strategy does not establish any claim to leisure. Ergo, the resourcist defence against the criticism that they cannot accommodate the claim to leisure is undermined, and potentially, so is one of the resourcist rationales for arguing in favour of free time in the first place.

To rebut this charge, the resourcist must show that there is some way of guaranteeing that enough free time for people to be at leisure will be secured indirectly, without explicitly appealing to a capability for positive leisure. There are several possible avenues. One simple reply is to say that the free time dedicated to basic liberties like exercising one's democratic rights and freedom of association can be used for leisure too. People can use the time they have to vote or run for office for leisure instead. The problem with this though, is that it does not secure the free time for people to exercise those other basic interests *and* be at leisure.²⁴ Citizens are forced to choose between them. Following Nussbaum, who includes democratic participation (as control over one's environment) and freedom of association (as affiliation)

²⁴ See Chapter 2, III.2.

amongst her capabilities, it is vital from the purview of Nussbaumian liberalism that people have the free time for these things *and* leisure – not only time for one or the other.²⁵

A series of alternative responses might be available by examining what Rose and others have said about the trade-off between free time and income and wealth, and by considering proposed resolutions to the indexing problem. There are many versions of these replies and there is not space to consider them all, so the discussion is limited to the most promising. As we shall see though, some explicit mention of the capability for leisure still seems to be required to guarantee the appropriate balance of resources.

Rose herself suggests a democratic approach to resolving the tension between free time and income and wealth.²⁶ This approach calls for some democratic procedure (direct or representative) in which the state designs policies to promote a balance of resources reflecting the preferences of its populus. Applied to our current predicament, it is hoped that this democratic procedure will see enough clamour for the capability for leisure to yield a balance of resources that secures it.

The problem with this approach is that it doesn't actually guarantee the capability for leisure – this depends upon the preferences of the particular society and the outcome of the democratic process. If, for example, 100 people are asked to choose between forgoing free time to create more societal wealth, and having more free time with the cost of less consumption power, and 52 prefer more consumption power whilst only 48 prefer more free time to be at leisure, then the capability for leisure will fail to be achieved. Some might be satisfied with this as the result of a democratic process, but the Nussbaumian liberal shouldn't be. In outlining the capability for leisure as a fundamental matter of justice, Nussbaumian liberalism is clear that, although *how* the capability is fulfilled may be influenced by democratic procedures, *whether* it is fulfilled is not up for grabs. The minority cannot be deprived of their fundamental entitlement to leisure because the majority doesn't have a preference for it.²⁷

²⁵ This is not to deny that there may be some crossover between leisure and these other interests (particularly freedom of association), but for many, their interests in freely associating or participating in their political environment will come apart from their leisure interests, at least to a degree.

²⁶ Rose, *FT*, 132-3.

²⁷ Of course, this assumes a majoritarian democratic procedure, but it works as an illustrative case. No forms of democratic decision-making come to mind which could avoid this possible outcome without explicitly protecting the capability for leisure prior to the deliberative process.

The democratic procedure highlights that a “one size fits all” policy, which pursues a blanket approach of attributing more income and wealth or more free time to all, does not secure the capability for leisure if the majority have non-leisure-oriented preferences. Perhaps it is possible though, to endorse some sort of strategy that accommodates people’s personal preferences in a more tailored way, so that those who want the capability for leisure have a bundle of resources that reflect that, and those who care less about the capability for leisure compared with their consumption power (for example) have a different bundle. The best version of this is an “envy test” strategy, in which resources are distributed according to whether people are happy with their own lot or whether they would prefer an alternative.²⁸ Each citizen is awarded the freedom and power to choose the balance of free time and income and wealth they favour. Some will choose a balance that makes being at leisure possible; others will not. Those with a preference for leisure have a bundle that accommodates the capability for leisure, and those without could always revise their bundle to open-up the opportunity for leisure if they wished.

The main problem with the envy test is that it misrepresents how flexible a market will be in supplying free time and income and wealth. At some level, the free time available to people will have to be accommodated by employers, as for many people, time in the wage-labour market is an important factor in how much free time and income and wealth they have. The envy test depends upon each individual negotiating an employment contract that is personalised and tailored to their own preferences. This means that it is difficult for governments to manage the nature of these contracts through legislation. They can influence background conditions and the bargaining power people have, but they cannot micromanage the kind of contracts offered to each employee. The problem then becomes that the bargaining of some in the market will affect the opportunities available to others when it comes to free time.²⁹ Some employees will want to forgo free time for longer work hours. Employers are likely to prefer these employees to those who want more free time because it tends to be cheaper to employ one person on longer hours, and because hours worked is a

²⁸ On the envy test, see Dworkin, *Sovereign Virtue*, chaps. 2-3; Marc Fleurbaey, *Fairness, Responsibility, and Welfare* (New York/Oxford: Oxford University Press, 2008), 21–25; Tom Parr, ‘How to Identify Disadvantage: Taking the Envy Test Seriously’, *Political Studies* 66, no. 2 (2018): 306–22. Applied to free time debates, see Jens Jørund Tyssedal, ‘The Value of Time Matters for Temporal Justice’, *Ethical Theory and Moral Practice* 2021, no. 24 (2021): 194.

²⁹ For similar arguments, see Claassen, ‘Temporal Autonomy in a Laboring Society’, 558; Hamermesh, *Spending Time*, 42-43.

popular (even if not accurate) proxy measurement for an employee's productivity.³⁰ Employers will be reluctant to offer employment contracts that give people more free time, instead preferring the employment contracts favoured by people with lower preferences for leisure. All this means that it is unlikely to be possible to adequately tailor any principles to make it so that each individual could choose a balance of free time and income and wealth as they wish (in a way that makes the capability for leisure available to those who want it). Rose appears to concede as much when she denies the time-money substitutability claim.³¹

It seems as if some sort of blanket policy is required after all then. A final response open to the resourcist would claim that a government can justify a policy that delivers sufficient free time and income and wealth for leisure on the basis that this is what people would select in some sort of hypothetical procedure. The obvious one is the choosing of principles behind something like a Rawlsian-style "veil of ignorance", imagining people are asked to pick what the balance of primary goods should look like whilst deprived of certain information about themselves, including their conceptions of the good.³² In these circumstances, citizens are likely to seek some balance of resources that maximises the opportunities available to them.³³ In Rawlsian terms, it might be said that they will choose the balance of resources that best realises their higher-order interest of pursuing their determinate conception of the good, although they won't know what that is. This approach is often advanced as a solution to the indexing problem. In its most sophisticated form, proposed by Thomas Ferretti, resources are assumed to make a diminishing contribution to the breadth of one's opportunity-set at a higher level, so increasing the amount of income and wealth or free time one has when they have very little of one or the other will enhance their opportunity-sets greatly; increasing their income and wealth or free time when they have a lot of one or the other won't improve them much.³⁴ On this basis, resourcists assume that some of *both* free time and income and wealth will be secured – enough to give people the capability for leisure.

³⁰ Rose, *FT*, 79-80 including references at n22.

³¹ Rose, *FT*, 79-80.

³² For suggestions along these lines specifically directed towards free time, see Rose, *FT*, 132; Jauch, 'Free Time Across the Life Course'.

³³ Rose, 'On the Value of Economic Growth', 138; 'Beyond the Perpetual Pursuit of Economic Growth', 155.

³⁴ Thomas Ferretti, 'Measuring Freedom: Towards a Solution to John Rawls' Indexing Problem', *Erasmus Journal for Philosophy and Economics* 15, no. 1 (2022): 1–31.

The problem with this maximisation approach is that the quantity of one's opportunity-set doesn't necessarily correlate with the quality. Expanding the opportunities one has won't guarantee that one has opportunities that are worth more; it might increase opportunities with very little value.³⁵ It may be that the balance of free time and income and wealth that widens a person's opportunity-set the most doesn't actually secure the capability for leisure. For example, it is possible to imagine some equilibrium of self-respect, free time, and income and wealth that provides a citizen with excellent opportunities for free association, political action, meaningful work, and buying the latest consumer goods, yet doesn't sufficiently accommodate the capability for leisure (perhaps because there is not enough free time). To be sure, it appears *likely* that maximising any opportunity-set will grant the capability for leisure, and this particularly seems the case taking Ferretti's proposal into account. Nonetheless, this is contingent and the capability for leisure is not secured. If it materialises that the capability for leisure can only be accommodated through a balance of resources that makes a person's opportunity-set smaller, then it won't be granted by a maximisation strategy.

To reiterate then, the resourcist strategy does not explicitly single out a claim to leisure. This means that it does not have the theoretical resources to trade-off free time and income and wealth to guarantee that the capability for leisure is fulfilled. Given that leisure has been persistently overlooked as a matter of justice both in policymaking and by contemporary liberal philosophy, this is not mere intellectual pedantry. It seems entirely possible that any project to establish a fair share of resources might overlook what is required for leisure.³⁶ Only by explicitly stipulating that each person ought to have a capability for leisure is it ensured that a sufficiently satisfactory balance of these resources is found.

IV – The problem with the resourcist strategy continued

The previous section's criticism can be escalated into a broader concern about the resourcist strategy for satisfying the claim to leisure: without stipulating what resources are

³⁵ On this point, see Charles Taylor, 'What's Wrong with Negative Liberty', in David Miller (ed.) *The Liberty Reader* (New York: Routledge, 2006), 141–62.

³⁶ This also goes for theories other than Rawls's which the argument for free time could be attached to. For example, Rose suggests that her free time argument may merit more free time than what is required for the basic liberties when twinned with Fabre's argument for social rights. Even in these cases though, the only way to secure enough free time for leisure is to explicitly refer to the claim to leisure. Other theories may get closer than Rawls's to giving people the free time for leisure by-chance, but it is not secured and remains speculative. See Rose's comments at 'Justice and the Resource of Time', 113–14.

for, it lacks the theoretical apparatus to answer various questions about how people's bundles of goods should be organised and what they should contain. This can be seen in two further areas.

IV.1 – Calculating free time

Without singling out that free time is (partly) for the capability to leisure, people are not guaranteed enough of that free time to be at leisure. A similar problem that may emerge is that the capability for leisure may be stifled by a person's *perception* that they do not have enough free time.

Rose advocates a 'basic needs' approach to calculating free time.³⁷ Free time is the time outside of what one needs to fulfil their basic needs. The approach adopts a tailored strategy to figuring out how much time people ought to spend fulfilling their basic needs. It considers a person in a particular set of circumstances – for example, a person with or without a disability, with or without children, on a higher or lower salary – and asks how much time it would typically take a person in that position to fulfil their basic needs. Free time is the time leftover, and on this basis, it is ensured that each person has their fair share. This is an objective measure of a person's free time. Rose prefers it to a subjective measure which would calculate how much free time a person has by deferring to the person's own subjective assessment of how long it takes to fulfil their basic needs.³⁸ She thinks that an objective approach is more feasible and easier to publicly verify how much free time people in different circumstances have relative to one another.³⁹

Whilst this is a clear advantage to Rose's objective approach, she is too quick to dismiss the subjective approach in its entirety. If people do not perceive themselves as having enough free time to do something like be at leisure, they will not dedicate it to that purpose. Imagine that Sally needs five hours a week of free time to be at leisure. If Sally is given five hours of free time, this is job done according to the basic needs approach. Now, however, imagine that Sally only perceives herself as having two hours of free time (perhaps she underestimates the contribution of her partner to the cleaning of the house or care for their children). If this is the

³⁷ Rose, *FT*, 53-57.

³⁸ Rose, *FT*, 51. She also prefers it to an objective 'social benchmark' approach advocated by Goodin et al., although this is not discussed as it is not necessary to press home the point. See Goodin et al., *Discretionary Time*, 36–51, and the exchange at Goodin, 'Freeing Up Time', 40–42; Rose, 'Justice and the Resource of Time', 106–8.

³⁹ Rose, *FT*, 46-47, 52-53.

case, she still *won't* function at leisure; she won't even see herself as *capable* of functioning at leisure. Her misjudgement operates as an internal barrier to the capability. If free time is instrumentally valuable insofar as it allows people to do things, people also need to perceive that they actually have the time to do those things. In our case, because free time is instrumentally valuable insofar as it allows people to be at leisure, people also need to perceive that they actually have the time to be at leisure to function in that way.

Now it may prove that, in practice, a person's subjective perception of how much time they have broadly aligns with how much free time they actually have. Sally may not recognise herself as having five hours of free time in the above example, but she will recognise herself as having more free time when she has five hours than when she previously had two. If there is a broad correlation between how much free time people objectively have, and how much they perceive themselves as having, then this may be (imperfectly) sufficient to accommodate the capability for leisure. Goodin et al. think the evidence shows that this is usually the case.⁴⁰ Therefore, all that is said here is that *if* there is good reason to suggest otherwise, or there is some trend of people reporting that they do not feel as if they have enough free time to be at leisure, the existing approach to calculating free time may need to be amended for the capability for leisure to be satisfied. The rationale for this amendment though, would have to come from the recognition that a capability for leisure requires people to feel as if they have the free time for leisure. The resourcist cannot recognise such a thing, meaning that they cannot guarantee that people have the free time they perceive to be enough to be at leisure.

If the capability for leisure was recognised explicitly, this would not have to entail defenestrating the objective approach in its entirety. Instead, we might consider either publicly promoting that people have enough free time by making initiatives like education programmes available that teach people how to fulfil their basic needs (relatively) efficiently, or alternatively, creating a hybrid measure which introduces some subjective component alongside the broader objective criteria. On the latter, some additional amount of time might be added to the core calculation of basic needs to accommodate that many people may not feel the objective baseline is quite enough.

⁴⁰ Goodin et al., *Discretionary Time*, 56. See also Marybeth J. Mattingly and Suzanne M. Bianchi, 'Gender Differences in the Quantity and Quality of Free Time: The U.S. Experience', *Social Forces* 81, no. 3 (2003): 1022.

IV.2 – Public goods

Rose suggests that certain public goods may be justified by her resourcist view in coordination with the effective freedoms principle, speculating whether shared spaces like public parks and recreational facilities may be required for people to associate freely.⁴¹ In addition, she writes:

[I]t is possible for the [free time] argument to be paired, consistent with liberal neutrality, with state support for free time infrastructure – parks, recreation facilities, the arts – as underprovided public goods.⁴²

Rose does not seek to sculpt an argument for public goods oriented towards leisure, but she does believe her resourcism is consistent with one. I believe the resourcist strategy is inherently opposed to the supply of leisure facilities as public goods.

A rough and ready definition of public goods will suffice for the discussion here. Public goods are goods that are supplied collectively or in a way that makes it difficult to exclude some whilst permitting access to others.⁴³ They require the state to use its coercive force to ensure that each person contributes in order to prevent some people from free-riding. The kind of public goods that tend to pertain to leisure are things like public and national parks, beaches, public footpaths, sporting facilities, and arts and culture. One notable thing about these goods is that theoretically, they could be left to be supplied by the market – they are not “natural” public goods.⁴⁴ A market actor could buy land and turn it into a park which it charges admission for; rather than have an open access art gallery, there could be a ticketed private one. Therefore, we *choose* to supply them as public goods.⁴⁵

Advocates of the market partly defend it on the basis of the scale and breadth of the goods that the market makes available. Because of this, it is generally thought to be unnecessary to supply such goods publicly instead. It is then worried that the supply of public goods may be unfair (more on that momentarily) or mark an affront to some people’s Kantian dignity (supplying an unnecessary public good will appeal to the disputed value of those

⁴¹ Rose, *FT*, 109 n32; ‘Justice and the Resource of Time’, 111.

⁴² Rose, *FT*, 8.

⁴³ Alan Patten, ‘Public Good Fairness’, in Daniel Butt, Sarah Fine and Zofia Stemplowska (eds.) *Political Philosophy Here and Now: Essays in Honour of David Miller* (Oxford University Press, 2022), 169.

⁴⁴ Quong, *LWP*, 89.

⁴⁵ This is unlike something like national defence, which it is practically impossible to exclude some from while maintaining access to others.

goods⁴⁶). But Rose asks us to consider whether leisure facilities may be supplied as public goods if they are ‘underprovided’. The supply of these public goods would be justified indirectly because the provision of them is deficient in some way. Such a justification would render the public goods’ supply necessary, fair, and respectful of Kantian dignity.

It is not really clear what “underprovided” means in this context. Usually, this would refer to some sort of market failure which means that the good is not supplied even though there is reasonable demand for it. Such market failures are a very real hazard when it comes to natural public goods because there are strong incentives for individuals to free-ride, or in non-ideal circumstances where the demand of those with lower spending power may be overlooked by suppliers. Yet, this is not the case when it comes to the public goods Rose has in mind; they could be supplied by the market instead as a private good which prohibits free-riding. Particularly in ideal circumstances with relative parity of spending power, it would seem that any reduced supply will simply reflect the preferences of those in the market.

The most plausible interpretation of “underprovided” here is that Rose thinks that such goods should be available *even if* there is insufficient demand for them to warrant their supply by the market. On this basis, these leisure public goods must be supplied as a matter of justice, and if the market won’t do it, then the state has to.⁴⁷ At this point, Rose may argue that the effective freedoms principle requires citizens to be able to exercise certain basic liberties, and the undersupply of public goods inhibits that ability. Take public parks as one example given by Rose. Public parks offer a valuable space for people to exercise their basic liberty to associate, and may foster a sense of equality in society or improve the democratic culture of that society.⁴⁸ If this is true, then the supply of public parks – which can also be used for leisure – may be appealed to as a matter of resourcist justice. Resourcists might similarly appeal to the principle of free association to merit the public protection and care of beaches

⁴⁶ See Harry Brighouse, ‘Neutrality, Publicity, and State Funding of the Arts’, *Philosophy and Public Affairs* 24, no. 1 (1995): 35–63; Quong, *LWP*, 84–96.

⁴⁷ See David Miller, ‘Justice, Democracy and Public Goods’, in Keith M. Dowding, Robert E. Goodin and Carole Pateman (eds.) *Justice and Democracy: Essays for Brian Barry* (Cambridge: Cambridge University Press, 2004), 136–37.

⁴⁸ Anderson, *Value in Ethics and Economics*, 158; Jamie Draper, ‘Gentrification and Everyday Democracy’, *European Journal of Political Theory*, online first (2022): 15–16, <https://journals.sagepub.com/doi/10.1177/14748851221137510>. For a general discussion of public goods and democracy, see Angela Kallhoff, *Why Democracy Needs Public Goods* (Lanham, MD.: Lexington, 2011).

and other public spaces. Crucially, they could do so without explicitly endorsing any capability for leisure.

It is questionable, though, how important these public goods will be as a matter of resourcist justice. The role that public parks may play in augmenting democracy could be significant, but it is unclear how valuable some of the other public goods just mentioned would be to maintaining people's basic liberties. For example, is it really the case that a state would *need* to supply beaches for people to exercise freedom of association? It seems more likely that although they *could* associate on beaches, people could also associate in many other private locations. There is no suggestion that the right to associate could not be fulfilled without them. It is particularly unlikely that this argument could be used to justify a wider set of public goods for leisure. Do arts and culture, sports, or the protection of national parks really play a vital role in sustaining a healthy democracy? Many undemocratic states make these goods available, whilst the provision of these goods by some democratic states has been diminishing in recent years,⁴⁹ suggesting their supply is neither necessary nor sufficient. In this regard, the resourcist cannot claim that such facilities are undersupplied from the purview of justice, because it is not clear they are actually necessary for justice (on resourcist terms).

An alternative for Rose is to appeal to what is called a 'unanimity criterion'.⁵⁰ This argument doesn't see public goods for leisure as necessary to justice, but it does see their provision as *compatible* with justice. Assume that a distribution of resources is already just by resourcist standards. The resourcist then wishes to supply some leisure public goods on the basis that they will increase the opportunities available to each citizen. Because public goods entail the contribution of all, this involves requiring people to contribute from their bundle of resources, through taxation for instance, even though the circumstances are already just. The unanimity criterion assumes that asking some to contribute for a good that they would not benefit from themselves would not be fair, as this would effectively amount to requiring them to donate resources to others even though they have already fulfilled their duties of justice.⁵¹ So instead, the unanimity criterion stipulates that everybody must benefit: everybody must prefer having the public good to any alternative cause they could have devoted their contribution to the public good towards.

⁴⁹ Chin-Tao Wu, *Privatising Culture: Corporate Art Intervention Since the 1980s* (London: Verso, 2003).

⁵⁰ Rawls, *TJ*, 249. Knut Wicksell, 'A New Principle of Just Taxation', in Richard A. Musgrave and Alan T. Peacock (eds.) *Classics in the Theory of Public Finance* (London: Macmillan Press, 1958), 91–93.

⁵¹ Rawls, *TJ*, 250.

This approach is unlikely to justify the public goods that Rose mentions because it is far too demanding. It must be shown that everybody would prefer the supply of the public good to the alternative of having the money or whatever else they could've done with that money. Most of the time, though, people merely receive a more limited opportunity-set. Imagine my contribution to a public park requires me to pay £100 in additional tax. Before, I had £100 which I could spend on a new kettle, new wallpaper, a new bicycle, or football tickets. Now, I only have access to a public park. If we grant that the public park wouldn't otherwise be supplied, then it is plausible that some people would prefer its provision to the different, wider opportunity-set they had with the cash, but implausible that everybody would.⁵² Therefore, the unanimity criterion is very unlikely to be fulfilled, and the resourcist cannot call for the provision of leisure public goods on those terms.

Thus, even if leisure facilities are not supplied by the market, it is difficult to see how resourcists can justify their provision as public goods. Rose's appeal to their being "underprovided" seems unlikely to merit access to the kinds of public goods – certainly the diversity of public goods – she alludes to.

The issue with this is that, when it comes to the capability for leisure, these goods *can* be underprovided. Leisure facilities *qua* public goods are underprovided if they are not available through the market and this results in a lack of access to an adequate range of activities for people.

This kind of underprovision is by no means impossible. Market suppliers are incentivised to make a profit, and will supply goods on the basis that they achieve this goal. It might therefore be more profitable for suppliers to accommodate the tastes of a majority, or it may be less risky for them to rehash versions of an existing good which they know to be profitable than stray into a new and uncertain market. Contra the market advocates like Cowen depicted earlier, there is some evidence that this can occur. For example, the publicly-funded BBC in the UK produces more diverse programming than its corporate counterparts:

[B]usinesses are often risk-averse and unwilling (or unable) to transform existing landscapes, or indeed create new ones. For example, in 2012, BBC TV invested 56 pence of every pound of revenue in first-run [new] UK content. The equivalent figures were 44 pence for the commercial public

⁵² See Nozick, *Anarchy, State, and Utopia*, 94; Isaac Taylor, 'Political Obligations and Public Goods', *Res Publica* 27, no. 4 (2021): 568.

service broadcasters (based on total PSB revenues) and a meagre 7 pence for the rest of the commercial sector.⁵³

These circumstances of underprovision will not always arise; sometimes, perhaps most of the time in ideal conditions, the market will effectively deliver a range of facilities. When (and only when) these circumstances do arise though, appealing to the capability for leisure explicitly could justify provision of a larger and wider set of public goods to ensure everyone would have access to an adequate range of leisure activities.

The resourcist strategy, however, cannot endorse this kind of provision because resourcists are barred from advocating for public goods explicitly for leisure. Some of the goods mentioned here may be justified in the name of a healthier democracy and freedom of association (public parks, public service broadcasting, community centres perhaps – although even they seem somewhat controversial). But it is difficult to see how the range of public goods that may be directed towards leisure, which includes national parks and beaches, goods in arts and culture, and sporting goods, can be justified by the resourcist strategy. Even if their supply is required for the capability for leisure, without explicitly recognising that capability, the resourcist won't deliver them.

IV.3 – The problem with the resourcist strategy concluded

In its purist form, the resourcist strategy does not guarantee the capability for leisure. It cannot guarantee the right balance of resources and the right formula for calculating the quantity of resources needed for leisure, and it does not seem to secure the public goods people may need for leisure when those facilities are not supplied by the market. If the resourcist wishes to respond to advocates of the capability for leisure that the argument for free time can accommodate the claim to leisure indirectly, that response will ultimately be unsatisfactory. If the resourcist is motivated to argue for free time to accommodate any claim to leisure, they will fall short. Given the importance of leisure, this is a serious problem for the resourcist. It is equally a problem for this chapter's primary task of considering how the capability for leisure ought to be implemented under ideal conditions. Whilst the resourcist strategy was a sensible place to start, we must look elsewhere for how to accommodate the claim to leisure in the ideal world.

⁵³ Mariana Mazzucato, 'The Future of the BBC: The BBC as Market Shaper and Creator', *British Academy*, blog (25 November 2015) <https://www.thebritishacademy.ac.uk/blog/future-bbc-bbc-market-shaper-and-creator/>.

V - Leisure in the ideal: the final model

Fortunately, we needn't look too far. The skeleton of the resourcist strategy can be taken and amended to properly satisfy the capability for leisure. Ultimately, the resourcist strategy fails to satisfy the claim to leisure because it doesn't explicitly stipulate that citizens have such a claim. This revised approach aims to retain the redeeming features of resourcism by embracing the market, but does so *explicitly in the name of fulfilling the capability for leisure*.

It begins by calling for a Rawlsian distribution of basic rights, equality of opportunity, and income and wealth according to the maximin principle.⁵⁴ This is twinned with a sufficient share of free time which accounts for a reasonable amount of time required both to exercise the basic liberties (including political freedoms and liberties like freedom of association and religious worship), *and* to perform various other functions, including, crucially, to be at leisure.⁵⁵ Note that the calculation for how much free time people should have will take into account whether people perceive themselves as having enough to be at leisure (as referred to in IV.1). Insofar as a trade-off occurs between free time and income and wealth at this point, it will be appropriate to forgo additional increases in the income and wealth people could have available to them to make the space for the free time to be at leisure. The market and individuals are then allowed to exchange resources and services to be at leisure (or not) as they wish.

If, for whatever reason, the market then fails to provide a diverse enough set of leisure facilities, the state may step in to supply a variety of public goods with the explicit aim of securing access to an adequate range of leisure activities for all. There is no need to stipulate the public goods that may be justified in detail, but there is no harm in offering some pointers. The approach is likely to merit the provision of public goods which are versatile enough to accommodate a wide range of leisure activities – like public parks, beaches and multipurpose sports and arts centres – and public goods which are on the periphery of demand by the market (though these need not be high culture). Naturally, there is no concern if an adequate range of leisure activities is already available through the market. Sufficientarian leisure

⁵⁴ Others may prefer an alternative distributive theory of income and wealth. I opt for the Rawlsian one because it is my preferred resourcist distributive principle, though it is not necessary to my argument to defend that claim here.

⁵⁵ Nussbaumian liberalism might instead set a sufficiency threshold for income and wealth and a maximin principle for free time. This may well work identically, but as “maximining” free time is probably less familiar than maximining income and wealth, and because unforeseen problems may emerge, it is not advocated for here.

therefore merits the provision of public goods for leisure *iff* the market does not secure an adequate range of options for people.

In accordance with Chapter 6's stipulation for sufficientarian leisure in the ideal, this revised approach can be seen as ensuring each person has enough in non-relational terms: they have enough free time and a fair share of material resources which can be used to be at leisure to a sufficient degree.

VI – Nussbaumian balancing and leisure in the ideal

This revised approach also finds an optimum balance between the Aristotelian-Marxian and Kantian forms of dignity. Recall from Chapter 4 that full justice for the Nussbaumian liberal involves trading-off the two forms of dignity, and that this process can only be fully settled when applied to a particular context. By inheriting the skeleton of the resourcist strategy, which is highly sensitive to Kantian dignity, the revised market-based approach strikes a fair balance between the two forms of dignity in ideal settings, requiring only a light compromise on both.

On the one hand, by securing sufficientarian leisure in the ideal, the revised market-based approach renders each person *able* to flourish to a sufficient degree (when it comes to leisure), constituting only a light compromise in Aristotelian-Marxian dignity. Contemporaneously, it only accepts a light compromise on Kantian dignity, which is absorbed by the explicit singling out of the capability for leisure initially. A number of considerations mean the compromise goes no further. The capability for leisure is extremely vague because people are able to use their resources as they prefer and interpret whatever they want as leisure. Its vagueness increases the likelihood of it being accepted and becoming the object of an overlapping consensus, because there is no declaration that some leisure activities are more worthwhile than others. Even when public goods are introduced, these are still only justified by giving people the capability for leisure in general through securing an adequate range, rather than on the grounds that some leisure activities are more worthwhile. Beyond mechanisms like taxation and education, which are a feature of any liberal approach anyway, the market-based approach evades any coercive elements, and although it is difficult to speculate on the social salience of leisure under ideal circumstances which are free of historical discrimination, it is difficult to see how singling out a vague capability for leisure will constitute any publicly powerful expression of inequality or disrespect. Hence, the revised

market-based approach fulfils the capability for leisure by accepting a light compromise on both forms of dignity.

It is worth emphasising the appeal of this approach by comparing it to how the pure resourcist strategy gets on. Of course, resourcists do not themselves endorse the trade-off between Aristotelian-Marxian and Kantian dignity, but if the resourcist strategy happened to find a better balance incidentally, then Nussbaumian liberalism would still call for its adoption ahead of the revised approach. This is not the case though. Because it does not appeal to any conception of the good and resources can be used by individuals entirely as they wish in a neutral market, the resourcist strategy can be seen as honouring Kantian dignity in its entirety (i.e. no compromise). At the same time, it does that at the expense of Aristotelian-Marxian dignity. Chapter 4 stipulated that any normative prescription which leaves a person's capacity to flourish insecure or unguaranteed constitutes a moderate compromise on Aristotelian-Marxian dignity. The resourcist strategy thereby accepts a moderate compromise on fulfilling Aristotelian-Marxian dignity by failing to secure the capability for leisure. Aristotelian-Marxian dignity shoulders all the burden, whilst Kantian dignity bears none of the weight. Hence, while the revised market-based approach finds an even balance between the two forms of dignity, the resourcist strategy eschews the trade-off to compromise disproportionately on the Aristotelian-Marxian side.

VII – Conclusion

The chapter's primary ambition was to consider how the capability for leisure ought to be satisfied under ideal conditions. It recommended a strategy that rolls out a Rawlsian distribution of income and wealth, combined with enough free time for, and public goods oriented towards, leisure. This satisfies the capability for leisure whilst fairly balancing Aristotelian-Marxian and Kantian dignity.

This approach builds upon the strategy resourcists would adopt for satisfying the claim to leisure. The resourcist strategy was a useful place to start as its resource- and market-based approach has several assets, including fully honouring Kantian dignity. Ultimately though, the resourcist strategy fails to fulfil the capability for leisure. This marks an external critique of the resourcist case for free time: even when twinned with a wider resourcist theory of justice, it cannot secure the capability for leisure. Potentially, it also presents criticisms of a more internal nature. It is likely that resourcists will wish to resist the accusation made in Chapter 3 – that under ideal conditions, resourcists fail to guarantee the all-purpose means needed for

persons to flourish. Once Chapter 5's argument that the capability for leisure is necessary to treating persons as worthy of their capacity to flourish is accepted, resourcists can no longer resist that accusation. In the process, the chapter has vindicated one of Chapter 3's broader criticisms of resourcism. Moreover, although they do not say so, it seems likely that some resourcists are motivated by arguing for a claim to free time on the basis that this can indirectly satisfy any claim to positive leisure (or some other similar specific good). Insofar as the free time argument does not satisfy this claim, they fail to achieve that goal.

CHAPTER 8

ATTLEE AT LEISURE? LEISURE IN THE NON-IDEAL

Most people now enjoy more free time than they have at any point in the last 200 years. In a lecture delivered in 1865, Marx berated how the Industrial Revolution had ‘prolonged the working day from ten to twelve, fourteen, eighteen hours’.¹ Hours in the wage-labour market decreased significantly in the following century.² Whilst some argue that work hours have plateaued or grown since,³ most economists and sociologists believe that the amount of free time the average person enjoys has continued to increase thanks to a combination of more generous statutory holiday and advancements in technology which reduce the time needed to carry out domestic labour.⁴ At the same time, economic inequality is growing and significant inequalities along lines of class, gender, race and disability persist, meaning that the leisure activities available to people during their free time vary significantly depending upon their level of privilege along these lines.⁵

¹ Karl Marx, ‘Wages, Price and Profit’, in *Karl Marx and Frederick Engels: Selected Works in One Volume* (London: Lawrence and Wishart, 1968), 219.

² See Michael Huberman and Chris Minns, ‘The Times They Are Not Changin’: Days and Hours of Work in Old and New Worlds, 1870–2000’, *Explorations in Economic History* 44, no. 4 (2007): 538–67; Hunnicutt, *Work Without End*.

³ G. A. Cohen, ‘Labor, Leisure, and a Distinctive Contradiction in Advanced Capitalism’, in Gerald Dworkin, Gordon Bermant and Peter G. Brown (eds.) *Markets and Morals* (Washington D.C.: Hemisphere, 1977), 107–36; John D. Owen, ‘Workweeks and Leisure: An Analysis of Trends, 1948–1975’, *Monthly Labor Review* 99, no. 8 (1976): 3–8; Schor, *Overworked American*.

⁴ Mark Aguiar and Erik Hurst, ‘Measuring Trends in Leisure: The Allocation of Time Over Five Decades’, *Quarterly Journal of Economics* 122, no. 3 (2007): 969–1006; Gershuny, *Changing Times*, 128; Jonathan Gershuny and John P. Robinson, ‘Historical Changes in the Household Division of Labor’, *Demography* 25, no. 4 (1988): 537–52; Charlie Giattino, Esteban Ortiz-Ospina, and Max Roser, ‘Working Hours’, *Our World in Data* (December 2020) <https://ourworldindata.org/working-hours>; Huberman and Minns, ‘The Times They Are Not Changin’; David George Surdam, *Century of the Leisured Masses* (New York: Oxford University Press, 2015). There are complexities to this fact. Notably, the well-paid now tend to work more than the less well-paid, but that doesn’t mean they can’t access more free time if they wish.

⁵ See the Introduction to Part 3 for empirical evidence on general inequalities. For inequalities in participation in or access to leisure activities, see Alexandr Kopytov, Nikolai Roussanov, and Mathieu Taschereau-Dumouchel, ‘Cheap Thrills: The Price of Leisure and the Global Decline in Work Hours’, *Journal of Political Economy Macroeconomics* 1, no. 1 (2023): particularly 109ff; Roberts, ‘Leisure

Chapter 6 showed that these inequalities are a problem. Inequality in access to leisure can spillover through cultural capital to undermine people's capabilities for affiliation and control over their environment. Yet despite this, and even though distributions of free time look generous by historical standards, contemporary academic and public debates in this area concentrate much more on policies dedicated towards giving people access to more free time. They make few recommendations for how to tackle broader inequalities in (positive) leisure. This chapter will correct this as it asks how the capability for leisure ought to be satisfied under non-ideal circumstances.

To ensure people have sufficient access to leisure in non-ideal conditions, Chapter 6 recommended sufficientarian leisure comprised by broad equality: within the confines of what it is reasonable for a liberal state to do, the state should try to eradicate meaningful inequalities in leisure by maintaining access to the *same adequate range* of leisure activities for all, and ensuring the *amount* of access to these activities is not too unequal and the *costs* of participation are not too high for anybody.⁶ Bearing in mind that non-ideal circumstances require us to recommend an approach that the state may begin implementing immediately and which does not place unrealistic expectations on individuals, the question for this chapter is how to realise this distributive principle. Diverging from the market- and resource-based approach endorsed in the ideal, the chapter defends a *universal basic services approach* to satisfying the capability for leisure in present societies. The state should play a hands-on role in ensuring people have access to a publicly recognised "bundle" of leisure activities through the provision of public goods and (potentially highly interventionist) regulation of the market.

The implications of the chapter's arguments are some of the most significant in the thesis. In the Introduction, we saw that states often legislate to supply facilities for leisure, yet their provision is seldom defended by political theorists. The chapter launches a novel normative argument that state provision of things for leisure is not only compatible with, but demanded by, justice, challenging a wide consensus in modern liberal political philosophy. At the same time, few contemporary states take a systematic approach to the accommodation of leisure – their provision is more piecemeal than meticulously planned. The chapter argues that governments fail to adhere to the demands of justice if their supply of leisure public goods and their regulation of the market does not instil broad equality in access to leisure. The

Inequalities, Class Divisions and Social Exclusion in Present-Day Britain'; Tomasiello and Giannotti, 'Unfolding Time, Race and Class Inequalities to Access Leisure'.

⁶ Chapter 6, V.1.

chapter thereby offers the outer framework for what western liberal democratic states often lack: a clear strategy about how to use government policy and funds to support the provision of and access to leisure activities.

The chapter begins by motivating the arguments to come, showing that state intervention is needed to accommodate the capability for leisure as it is stipulated in the non-ideal (I). One form of state intervention worthy of consideration is “resource redistribution” (II). This strategy, likely to be favoured by the resourcist, fails to properly uphold the demands of sufficientarian leisure comprised by broad equality (III). The universal basic services alternative is then described at some length (IV). It is shown to handle the requirements of sufficientarian leisure comprised by broad equality better than resource redistribution (V). Ultimately, the universal basic services approach strikes a better balance between honouring Aristotelian-Marxian and Kantian dignity, which means that Nussbaumian liberalism endorses it as its favoured strategy for satisfying the claim to leisure in non-ideal circumstances (VI). The chapter then returns to the question of how free time ought to be distributed under non-ideal circumstances while arguing that its focus on access to leisure facilities and conditions reflects the more urgent challenge to sufficientarian leisure’s fulfilment (VII). It concludes by summarising the chapter’s normative and practical contributions (VIII).

I – The problem with leisure in the non-ideal: what if government did nothing?

Western liberal democracies do legislate on leisure, but tend to do so without a cohesive and consistent strategy, and with virtually no normative guidance from philosophers. This invites the question: what if states were simply to take a “hands-off” approach to leisure and just do nothing? The answer is that a profound injustice would persist.

All western societies are characterised by the resource- and non-resource-based inequalities described in Chapter 3 and the Introduction to this part of the thesis. Naturally, resource-based inequalities will lead to inequalities in access to leisure if government takes a hands-off approach. The provision of leisure facilities will be left to the market. Some market suppliers of leisure facilities will be able to fund themselves through revenue streams like sponsorship which enable them to make leisure activities available for free. Most, though, will need to charge. At that point, those with more (disposable) income and wealth will be able to purchase access to more leisure facilities. They will have access to more leisure activities in solely quantitative terms, more expensive leisure activities which may not be affordable for those on lower incomes, and a greater diversity of leisure activities.

Non-resource-based inequalities will also be a problem. Many leisure activities are imbued with social norms which exclude or erect barriers towards the participation of members of certain groups. In Chapter 3, the example of women's football was offered. In the UK, participation of women in football is lower than men. Masculine norms tend to make football less inviting for women, school girls worry about being shamed, and families and wider social networks do not encourage women and girls to participate in football to the same extent. Such non-resource-based barriers are neither particular to gender inequalities nor sports.⁷ These norms create different kinds of obstacles to a maldistribution of resources, but the consequences are similar: those in more privileged positions have access to more and a wider set of leisure activities than those in less privileged positions. Leaving the supply of leisure solely to the market therefore, will not deliver leisure justice. In unequal conditions, resource- and non-resource-based barriers mean that access to leisure will be far from broadly equal (as sufficientarian leisure in the non-ideal demands). State intervention is required in some way.

A more proactive option for governments than a full stand-off approach would be to ensure each person has enough free time. Government could pass policies that award each person with a minimum and/or similar amount of free time that could be used for leisure. Yet, without addressing the resource- and non-resource-based barriers to leisure activities, there will still be wide inequalities in leisure. Some people will have access to many more leisure opportunities than others even with the same quantity of free time. Therefore, sufficientarian leisure in the non-ideal requires state intervention *beyond* simply rolling out free time. The state must take measures to address the resource-based and non-resource-based barriers to leisure activities. To properly fulfil the capability for leisure, these measures must aim at securing the two components of broad equality: each person should have access to the same adequate range of leisure activities, and there should be some cap on the costs of participating in those activities and some equality in how much access to those activities people have.

⁷ For other accounts on a range of leisure activities, see Maria T. Allison, 'Leisure, Diversity and Social Justice', *Journal of Leisure Research* 32, no. 1 (2000): 2–6; Orian Brook, Dave O'Brien, and Mark Taylor, *Culture Is Bad for You* (Manchester: Manchester University Press, 2020); Myron F. Floyd, 'Managing National Parks in a Multicultural Society: Searching for Common Ground', *George Wright Forum* 18, no. 3 (2001): 41–51 and entries from Jonathan Long, Thomas Fletcher, and Beccy Watson (eds.) *Sport, Leisure and Social Justice* (London: Routledge, 2017).

II – Resource redistribution

One approach the state could take is *resource redistribution*. It relies upon market suppliers to make leisure facilities available, hoping that this will secure an adequately diverse range of activities. It then focuses on distributing resources so that people can exchange those resources on the market for leisure opportunities. Hence, resource redistribution is the kind of approach that is likely to be endorsed by the resourcist (although it isn't explicitly, given resourcists don't discuss access to leisure in non-ideal conditions) as it primarily focuses on giving each person a fairer share of all-purpose means. Having said that, resource redistribution is compatible with either an approach that doesn't explicitly single out the capability for leisure (which would be closer to the resourcist's own likely strategy), *or* an approach that does call for a distribution of all-purpose means to satisfy the claim to leisure (more in tune with the method endorsed in the previous chapter). Both will be considered and the differences between them will be flagged at the relevant moments.

Resource redistribution can also assume a more or less radical form. In its most radical form, it prescribes the kind of highly egalitarian distributive schemes that might apply under an ideal setting. Options of this kind are assumed not to be available in non-ideal conditions. Any radical redistributive system is likely to take significant time to develop as a deep-seated overhaul of government institutions would be required before it could tax everyone at the rate they would need to be taxed, and distribute the resources to those entitled to them in an effective manner.

Less radical redistributive schemes may be achievable though. Such schemes do not fully eradicate inequality, but they do move some resources from the more to the less well-off. One example of such a policy is a universal basic income (UBI). UBI is an unconditional, recurring payment of cash made available to all which can be spent by people as they wish.⁸ It still allows for some inequalities in income and wealth between higher earners and those who earn less or nothing, but it is considered to be a somewhat effective mode of redistribution because those with the least benefit the most relatively.⁹ UBI will sometimes be

⁸ For an introduction, see Simon Szreter, 'How Seriously Should We Take Universal Basic Income?', *The Political Quarterly* 93, no. 3 (2022): 517–23; Philippe van Parijs, *Real Freedom for All* (Oxford: Clarendon Press, 1995).

⁹ Simon Birnbaum, *Basic Income Reconsidered: Social Justice, Liberalism and the Demands of Equality* (New York: Palgrave Macmillan, 2012) 12; Philippe van Parijs and Yannick Vanderborght, *Basic Income: A Radical Proposal for a Free Society and a Sane Economy* (Cambridge, Mass.: Harvard University Press, 2017), 134, chap. 8.

alluded to here as a more concrete example of a resource redistribution strategy, but it may serve as emblematic of any strategy that creates a more equitable distribution of all-purpose means but does not fully erase all resource inequalities.

It will be useful during our discussion to consider how each proposal aims to confront resource-based and non-resource-based barriers to leisure separately. For resource-based inequalities, resource redistribution looks to eradicate the inequalities in income and wealth that lead to inequalities in leisure. Thus, it directly confronts the *causes* of insufficient access to leisure. It amends the distribution of all-purpose means so that spending power is more equal between the more and less wealthy. The thought is that the least well-off have more resources to be exchanged for access to more leisure activities than they enjoy at present, and the difference between the amount of resources the least and most well-off have for accessing leisure activities diminishes.

How resource redistribution tackles non-resource-based barriers depends on whether the capability for leisure is explicitly recognised. If it is, then resource redistribution can include state policies which aim to *directly* dismantle social norms that impede access for disadvantaged groups to leisure activities. These state policies could focus on using the education system and publicity campaigns to change attitudes people have about certain groups' participation in leisure activities. For example, the state may promote the participation of women in football by encouraging school girls to play football and publicly recognising the success of women's football teams. The levers the state may pull in this regard will be described in more detail in Section IV.2.b.¹⁰

Resource redistribution which does not single out the capability for leisure cannot confront the non-resource-based conditions that stifle access to leisure directly, but it may help to tackle these *indirectly* in two ways. Firstly, a more equitable distribution of resources will naturally lead to some increased participation in leisure activities of members from previously disadvantaged groups. Such integration will chip away at norms as traditional participants in leisure activities become more informed about how their previous practices were inferred as exclusionary. There will be an organic changing of people's attitudes and practices in leisure activities as traditional users are more exposed to those who were

¹⁰ See f45.

previously absent.¹¹ Secondly, equalising spending power will widen the market for leisure providers, as there are more potential customers. Historically disadvantaged groups often have fewer resources, therefore, it may be in the interest of market suppliers of leisure facilities to try to attract members of these groups when they acquire more. They will be motivated to create an environment that is more hospitable to people who have previously been deterred by unwelcoming social norms.

III – The problem with resource redistribution

The issue with resource redistribution is that it fails to achieve sufficientarian leisure comprised by broad equality. Initially, it does not guarantee an adequate range of leisure activities. Furthermore, even if it did, both forms of resource redistribution face challenges tackling the resource-based inequalities in access to that adequate range, and resource redistribution which does not explicitly endorse the capability for leisure will also struggle to tackle non-resource-based obstacles.

For the adequate range, recall from Chapter 2 that having access to an adequate range of leisure activities means that people need access to a “sufficient and diverse range” of activities. This diversity of leisure activities ensures that people are able to choose ends in themselves autonomously, and safeguards the potential for extracting internal goods from a leisure activity.¹² Resource redistribution contracts the market to supply leisure facilities. Market incentives and the need to make a profit mean that market actors may not always be motivated to offer an adequate variety of leisure facilities to people.

Critical theorists like Adorno and Max Horkheimer notoriously complain that the culture industry collapses into ‘uniformity’ as market suppliers deliver an increasingly homogenous set of facilities.¹³ Defenders of market provision often argue the opposite: that it is the best way of maintaining the availability of a diverse set of leisure activities like arts and

¹¹ See Elizabeth Anderson, *The Imperative of Integration* (Princeton, NJ: Princeton University Press, 2010), chap. 6.

¹² Chapter 2, IV.4.

¹³ Theodor W. Adorno, ‘Culture Industry Reconsidered’, *New German Critique* 6 (1975): 12–19; ‘On Jazz’, *Discourse* 12, no. 1 (1990): 45–69; Theodor W. Adorno and Max Horkheimer, *Dialectic of Enlightenment*. Translated by John Cumming (London: Verso Classics, 1997), 120–67. ‘Uniformity’ quote at 124. See also Clarke and Critcher, *The Devil Makes Work*, chap. 4; Shippen, *Decolonizing Time*, chap. 5.

culture.¹⁴ However, many in arts and cultural studies – of a less radical disposition than Adorno and Horkheimer – report that, under imperfect market conditions and unequal distributions, the pressure to turn a profit motivates private actors to gravitate towards supplying a less varied range of facilities.¹⁵ In Chapter 7, evidence was presented that in 2012, public service broadcasters invested between six and eight times more per pound spent on first-run UK content than private broadcasters.¹⁶ Market providers are uninterested by the value of leisure activities beyond their profitability, so they will favour homogeneity over diversity if this offers a more reliable income. Whilst incentives for market providers to offer a narrower range of market goods are present, a market-based approach like resource redistribution does not guarantee an adequate range of leisure options for people.

Even if the market does offer facilities for an adequate range of leisure activities, resource redistribution may still fail to ensure that each person has access to the *same* adequate range, particularly because it fails to properly tackle resource-based barriers to leisure activities. Any resource redistribution strategy which is feasible under non-ideal circumstances will still allow some inequalities in income and wealth to persist. For example, UBI still assumes that those with the most income and wealth will have more spending power than those with the least (though not as much as if nothing was done). The result will be that those with more spending power will enjoy privileged access to leisure.

Firstly, the wealthier will simply be able to access each leisure activity more. Broad equality allows for some inequality in this area, but the disparities may be greater than that. More problematically, the greater spending power that the wealthier enjoy will allow them to access leisure activities which are more costly and potentially unaffordable to those with less spending power. Furthermore, the wealthier will be able to access a wider variety of leisure

¹⁴ Richard E. Caves, *Creative Industries: Contracts Between Arts and Commerce* (Cambridge, Mass./London: Harvard University Press, 2000); Cowen, *In Praise of Commercial Culture*; Michael Rushton, 'Cultural Diversity and Public Funding of the Arts: A View from Cultural Economics', *Law and Society* 33, no. 2 (2003): 85–97.

¹⁵ Paul DiMaggio (ed.), 'Can Culture Survive the Marketplace?', in *Nonprofit Enterprise in the Arts* (New York/Oxford: Oxford University Press, 1986), 65–92; Russell Keat, *Cultural Goods and the Limits of the Market* (Basingstoke: Macmillan Press, 2000); Justin Lewis, *Art, Culture and Enterprise: The Politics of Art and the Cultural Industries* (London: Routledge, 1990); David Throsby, 'The Production and Consumption of the Arts', *Journal of Economic Literature* 32, no. 1 (1994): 1–29; *The Economics of Cultural Policy* (Cambridge: Cambridge University Press, 2010); Lambert Zuidervaart, *Art in Public: Politics, Economics, and a Democratic Culture* (Cambridge/New York: Cambridge University Press, 2010).

¹⁶ Chapter 7, f53.

activities, both by participating in these more expensive activities and by being able to pay for access to a larger set of the more affordable activities the market supplies.

It is worth pausing for a moment to recall the argument from Chapter 6. In that chapter, it was shown that inequalities in cultural capital can pull some people below the thresholds for the capabilities for affiliation and control over one's environment. People in more privileged positions gain cultural capital in leisure by enjoying access to more exclusive activities and/or as cultural omnivores who participate in a wider variety of activities. It is for this reason that sufficientarian leisure comprises broad equality. By securing access to the "same adequate range" of leisure options, broad equality seeks to eradicate these differences in access to exclusive or varied leisure activities. Resource redistribution falls short of these demands because it still allows some people with more spending power to access more exclusive leisure activities and/or become cultural omnivores. Resource redistribution therefore does not fulfil the requirements of broad equality, failing to tackle the malign consequences of inequality in leisure in the process.

How about non-resource-based barriers? The norms and conditions that stifle access to leisure are particularly perverse under non-ideal circumstances in which they are the legacy of enduring (and often profound) historical injustices. Members of groups that have traditionally been discriminated against thereby have disproportionately less access to leisure. To its credit, resource redistribution which explicitly aims to accommodate a capability for leisure has the potential to handle these non-resource-based inequalities in leisure well. I won't say anything more on this for now as the alternative approach to delivering the capability for leisure considered in the next two sections employs a similar strategy.

Resource redistribution which does not explicitly aim to accommodate a capability for leisure can only tackle non-resource-based barriers indirectly. Recall that there were two ways this might occur: first, the increased participation of disadvantaged groups may change attitudes and exclusionary practices of long-term existing participants in those activities; second, market actors may attempt to make their leisure activities more inclusive to capitalise on a wider audience which will be more profitable. Although these mechanisms may not be completely blunt, they do not look too promising. For the first, the increased spending power of disadvantaged groups will presumably increase the participation of *some* members of those groups, but others will still be deterred by the exclusionary norms that are yet to be eroded by their integration. It seems as if the process of integration affecting social norms will be

slow, requiring something that accelerates a change. The second mechanism might then be the catalyst for expediting change, but market actors will only be incentivised to target historically discriminated groups if they detect genuine profitability. If there are incentives for them to retain an existing privileged audience with more spending power by not targeting their leisure activities at groups with less, then they will do so. Twinned together, the short-term success of this approach is dependent upon the whims of market actors who are likely to be more interested by profit-making than social justice. The prospects may be better for the long-term, but in the meantime, members of historically disadvantaged groups will still have access to fewer leisure activities than others.

In sum, a resource redistribution approach which focuses on tackling inequalities in income and wealth as the cause of inequality in leisure will fall short of the demands of sufficientarian leisure comprised by broad equality. An adequate range of leisure options is not guaranteed; resource-based inequalities in access to the leisure activities that are available will remain; and for one form of resource redistribution, so will non-resource-based inequalities. Some people will still have access to more leisure activities than others and a different range of leisure activities to others. Nussbaumian liberalism therefore requires an alternative strategy for satisfying the capability for leisure in the non-ideal.

IV – Universal basic services

The strategy that will be defended for the remainder of this chapter is framed as the *universal basic services approach*, modelled on, and inserted into, a policy known by the same name (UBS). Based on the post-war British welfare state, UBS aims to collectively provide and safeguard access to the things people need to live and flourish.¹⁷ It is defined by two principles: the state assumes responsibility for supplying goods of need, rather than trusting the market to supply goods organically; and it does so with the ultimate goal of providing universal access, regardless of people's status or financial position. The UK National Health Service (NHS) is a classic example of a universal basic service. The NHS works by supplying state-run health services as public goods free at the point of use, although the state may then play an

¹⁷ For an introduction to UBS, see Milena Büchs, 'Sustainable Welfare: How Do Universal Basic Income and Universal Basic Services Compare?', *Ecological Economics* 189 (2021): 1–9; Anna Coote, 'Towards a Sustainable Welfare State: The Role of Universal Basic Services', *Social Policy and Society* 21, no. 3 (2022): 473–83; Anna Coote and Andrew Percy, *The Case for Universal Basic Services* (Cambridge: Polity Press, 2020); Ian Gough, 'Universal Basic Services: A Theoretical and Moral Framework', *The Political Quarterly* 90, no. 3 (2019): 534–42.

interventionist regulatory role on private supply if this ensures everyone gets the healthcare they need more efficiently.

The UBS approach to leisure entails the supply of public goods oriented towards leisure activities at a free or very affordable price, followed by other market interventions which stimulate the provision of certain activities or improve access to those activities (for instance, through tax exemptions or price caps). Rather than tackling inequalities that *cause* disparities in access to leisure (like resource redistribution), UBS aims to *bypass* the effects of those inequalities, eroding the connection between one's share of all-purpose resources and their access to leisure activities. It can also be twinned with other public initiatives – such as education and publicity campaigns – to confront non-resource-based impediments to leisure.

The UBS approach to leisure involves two steps. Firstly, the state formally recognises a bundle of leisure activities. Then, it plays an active role in securing universal access to the activities included in this bundle. These are taken in turn.

IV.1 – Creating the leisure bundle

The state cannot make every leisure activity available – this will be too expensive. Instead, the UBS approach requires the state to identify a list of activities that it aims to secure universal access to. Ultimately, this list will stipulate the adequate range of activities that broad equality requires each person must be able to participate in. The list will be known as the “leisure bundle”.

The difficulty with this is that the positive conceptualisation of leisure – as the condition people are in when they perform activities chosen as ends in themselves – is intentionally broad. As what counts as leisure depends on the person's reason for performing an activity, anything can theoretically be leisure. So, how can it be decided which activities are included in the bundle?

Even though anything can be leisure, this does not prevent the identification of “typical” leisure activities: a group of activities which are more commonly associated with leisure. By way of a simple illustration, it is much more common to find people who enjoy some forms of art, like music, theatre, and film, than it is to find people who enjoy puppeteering or (dare I say it) philosophy. A formal list would therefore reflect these typical leisure activities as this seems to be the best way of accommodating the leisure tastes of a wider set of people. Doing so does not deny that anything can be leisure or discount the

validity of more fringe leisure preferences; it simply reflects that some activities are more frequently chosen as ends in themselves than others.

Practically, the actual curation of this list is best left to democratically-elected governments with the power to review and amend it. The reason is that what leisure activities are typical will depend upon the preferences of the population and will be culturally, geographically, and temporally specific. Elected politicians are incentivised to be sensitive to such factors and their population's preferences. It is therefore much better if they regularly draw-up, review, and amend a list of typical leisure activities than if some sort of culturally imprecise or pre-determined list is created.¹⁸

Nevertheless, guidance can be set out for the kind of considerations that governments must take into account when drawing up a list. The guidance will stipulate that a diverse array of leisure activities spanning different tastes (including arts and culture, sports, and hobbies) must be included in the list; that the list will cross (traditionally) high and low culture; and that it will include activities that have historically been associated with disadvantaged and minority groups. There are several reasons for this. First, this ensures that the bundle will include an adequately diverse range of leisure activities. Second, it will increase the chances of a wider number of people's leisure tastes being satisfied. Third, including leisure tastes associated with historically marginalised groups on the list will help to safeguard people's Kantian dignity. If the state only promoted access to leisure activities associated with the dominant group, leisure activities could become more socially salient as a new space in which marginalised groups would face discrimination or disadvantaging state policy. Lastly, it will confront some of the causes of inequalities in cultural capital. A list with a diverse variety of activities which include high and low tastes and a range of cultures will ensure that everyone is able to access the kinds of leisure opportunities which are unequally distributed at present. For these reasons, the guidance will be more fixed than the list itself; whilst the list of leisure activities might change, it should always reflect this guidance's requirements.

To many political theorists, the idea of a government drawing up a list of formally recognised leisure tastes and pursuing their satisfaction over other leisure activities will seem bizarre, outlandish or overly-interventionist. However, it is not as alien as it may first seem – many states actually do this kind of thing. The European Sports Charter provides guidance for member states of the EU to identify which activities should be considered sports and how

¹⁸ See Nussbaum, *CC*, 40 for a similar point.

to promote participation.¹⁹ In most of Europe, the sports clubs which receive public funding are selected according to criteria guided by the Charter.²⁰ In the thesis's Introduction, further examples of governments legislating on leisure activities across sports and recreation, the outdoors, and arts and culture were identified. Although governments do not tend to publish a formal list of leisure activities deserving of public funding, they seem to operate with an idea of one. The fact that states do these things does not normatively justify it, but it should reassure sceptics worried that this idea is too peculiar to be taken seriously.²¹

IV.2 – Delivering the bundle

Once the bundle is established, governments must actually play a role in securing access to the activities in the bundle. To make things as clear as possible, it will be useful to distinguish and discuss separately how governments can supply leisure facilities to realise access to an adequate range of activities and to eradicate resource-based barriers to leisure, and how governments can manage conditions to tackle non-resource-based barriers. Some case studies aid the discussion.²²

IV.2.a – *Supply*

The UBS approach's primary mechanism for delivering leisure facilities is through the provision of public goods. It may then utilise the market both through regulation of private/community actors and by working with those actors. This attributes a much more

¹⁹ Council of Europe, 'Recommendation of the Committee of Ministers to Member States on the Revised European Sports Charter' (2021) <https://rm.coe.int/recommendation-cm-rec-2021-5-on-the-revision-of-the-european-sport-cha/1680a43914>.

²⁰ For one introduction, see Svenja Feiler, Pamela Wicker, and Christoph Breuer, 'Public Subsidies for Sports Clubs in Germany: Funding Regulations vs. Empirical Evidence', *European Sport Management Quarterly* 19, no. 5 (2019): 562–82.

²¹ Stuart White raised concern with me that this approach may not protect 'deviant' subculture leisure activities. It depends what is meant by "deviant", which is often used to describe practices associated with historically disadvantaged groups. The accommodation of a wide range of leisure activities including those practised by such groups aims to guard against the exclusion of minority leisure activities (and categorisation of them as deviant). On the other hand, "deviant" may mean anti-establishment. It is true (though not guaranteed) that the process set out here is unlikely to see anti-establishment subcultures enjoy the support of government. This doesn't strike me as a problem: *a*) this does not rule out such subcultures being supported for other reasons by the state or other actors; *b*) surely an authentically anti-establishment subculture would not want to be propped-up by the state anyway.

²² As the leisure bundle will be selected by elected governments, these case studies are only illustrative and are not meant to prescribe particular forms of leisure to all states.

hands-on role to the state than commonly seen in western liberal democracies, but retains a space for the private supply of leisure and for public-private partnerships.

The UBS approach favours the accommodation of needs through public goods. These public goods are operated and controlled directly by the state, and aim to be made available to all. As the state runs the service with the aim of accommodating people's basic needs, it places the satisfaction of these needs ahead of any profit motive. A range of facilities should be supplied. Many of them will be familiar. States provide leisure infrastructure by looking after public parks and beaches, maintaining national parks and public footpaths, building recreational and sports facilities, and operating arts and cultural venues. States also provide leisure services as they run art galleries, museums, and libraries for more intellectually-focused tastes; sports programmes through public investment into grassroots sport or by directly operating sports coaching and teams; and funding public service broadcasting at arm's-length from government. All of these sorts of things would be endorsed by the UBS approach, as would the provision of other infrastructure that may sometimes be required to fulfil the capability for leisure, like public transport which provides adequate access to these leisure facilities.

The *raison d'être* of this sort of provision is to make the range of facilities accessible to all. The state is not primarily motivated by profit. It can pool costs amongst its wider budget to ensure that these facilities are supplied at a frequency and with an affordability that means that everybody, including the least well-off, can access them. Generally, this could be through free provision, although the state may subsidise the costs or offer discounts to those on lower incomes if there is a worry about sustainability. In the process, it aims to fulfil the requirements of broad equality: the same activities (those listed in the bundle) become available to everyone regardless of their spending power or the resources they have.

Public swimming pools offer a good example of the equalising effects of the state supply of public goods for leisure. In Norway, state operated swimming pools are cheap and accessible, resulting in much higher use amongst groups that do not usually participate in sporting activities, such as pensioners and those on social security.²³ In the UK, research has found that publicly-operated swimming pools that are free at the point of use are more

²³ Kolbjørn Rafoss and Jens Troelsen, 'Sports Facilities for All? The Financing, Distribution and Use of Sports Facilities in Scandinavian Countries', *Sport in Society* 13, no. 4 (2010): 649.

accessible to, and attract greater participation of, residents in deprived areas.²⁴ In his study of American swimming pools in the 1900s, Jonathan Wiltse describes how access between the working class and middle class to swimming facilities was relatively equal in the first half of the century when pools were provided publicly (although they were egregiously racially segregated).²⁵ But, as middle-class Americans built pools in their gardens and gravitated towards members' clubs, public pools were allowed to fall in to disrepair or were closed, leading to disparities in access to swimming facilities. Similarly, research from Athens and Barcelona shows that private pools are more concentrated in wealthier neighbourhoods, affording the privileged better access to those recreational facilities.²⁶ Public pools 'diminish the significance of economic inequality by affording all social classes access to some trappings of the good life'.²⁷ This captures the aim of the UBS approach, which seeks to *bypass* the consequences of resource inequality.

For reasons that will be explained momentarily, supplying public goods is the primary mechanism employed by UBS for satisfying the capability for leisure. At present though, leisure industries in virtually all western states are highly marketised. This means that overhauling the market supply of leisure in its entirety will be a gargantuan and prohibitively expensive task. It is one thing to call for the supply of *some* new facilities and a significant extension of the provision of public goods that states already supply – like more arts and cultural venues, more sports facilities, more public parks, more public festivals etc. It is another more plainly unrealistic thing to call for the public operation of all arts venues, sports facilities or festivals. Therefore, the state may leave the immediate supply of leisure facilities to the market if the capability for leisure can be properly satisfied more efficaciously or at a significantly lower cost. However, to secure this proper satisfaction, the state will take a much more managerial approach to the market than resource redistribution. Within the bounds of

²⁴ James Higgerson et al., 'The Impact of Free Access to Swimming Pools on Children's Participation in Swimming. A Comparative Regression Discontinuity Study', *Journal of Public Health* 41, no. 2 (2018): 214–21; Sally Macintyre, Laura Macdonald, and Anna Ellaway, 'Do Poorer People Have Poorer Access to Local Resources and Facilities? The Distribution of Local Resources by Area Deprivation in Glasgow, Scotland', *Social Science and Medicine* 67, no. 6 (2008): 900–914.

²⁵ Jeff Wiltse, *Contested Waters: A Social History of Swimming Pools in America* (Chapel Hill: University of North Carolina Press, 2007).

²⁶ Margherita Carlucci et al., 'Socio-Spatial Disparities and the Crisis: Swimming Pools as a Proxy of Class Segregation in Athens', *Social Indicators Research* 161, no. 2–3 (2020): 937–61; Mercedes Vidal, Elena Domene, and David Suari, 'Changing Geographies of Water-Related Consumption: Residential Swimming Pools in Suburban Barcelona', *Area* 43, no. 1 (2011): 67–75.

²⁷ Wiltse, *Contested Waters*, 208.

what it is reasonable for a liberal state to do, the state will both intervene in the market and operate organisations which complement it to ensure that an adequate range of activities are available and that each person has broadly equal access to that range.

On the intervention side, the state has several levers at its disposal. It could adapt planning laws to stimulate the creation of certain kinds of leisure infrastructure, offer tax exemptions (both on market goods and on philanthropic donations to leisure activities), place caps on prices for leisure activities, or prevent the emergence of monopolies likely to reduce competition and decrease the quality of leisure services. These levers can both increase leisure access and the diversity of activities made available, and place exclusive leisure activities outside of the bundle at a disadvantage.

This makes space for innovative solutions to secure the leisure capability, like the ‘agent of change’ principle included in the UK Government’s National Planning Policy Framework since 2018. The principle stipulates that planning permission may only be granted if developers show that they will mitigate the effects of a new development on an area’s existing businesses.²⁸ In practice, the agent of change principle emerged as a response to new housing developments in neighbourhoods with live music venues and nightlife.²⁹ New residents would complain about the noise pollution and in response, local authorities would force music venues either to close or dramatically change their operations. The agent of change principle requires developers to demonstrate that they have taken adequate steps to install noise insulation so that new residents will not make complaints about music venues that threaten those venues’ survival. The UBS approach to the capability for leisure justifies this sort of policy because it helps to maintain a vibrant music sector, protecting the opportunity for people to listen to music and attend live music as an end in itself in turn. This example is more illustrative of measures that maintain an adequate range of leisure options in a society, but other regulatory steps may be taken to equalise access to leisure activities. For example, football supporters’ groups in England have long called for a cap on ticket prices to ensure that attending live matches remains affordable for fans, particularly those on lower

²⁸ Department for Levelling Up, Housing and Communities, ‘National Planning Policy Framework’ (December 2023) 193, https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182995/NPPF_Sept_23.pdf.

²⁹ Sara Ross, ‘Protecting Urban Spaces of Intangible Cultural Heritage and Nighttime Community Subcultural Wealth’, *The University of Western Ontario Journal of Legal Studies* 7, no. 1 (2017): 17.

incomes.³⁰ The UBS approach would speak in favour of the state legislating to establish this kind of cap.

The state can also work with the market cooperatively, generally through public organisations which either incentivise the market to provide certain facilities, or which plug holes by delivering facilities that market actors may be too risk-averse to otherwise supply. Consider the British Film Institute (BFI), a non-departmental public body sponsored by the UK Government. It receives public funding which is allocated towards more niche film production and new talent, including investment in independent cinema and non-English language British film.³¹ It also funds and offers support for independent and community-run cinemas. The BFI helps to maintain a diverse and varied film industry in the UK that moves beyond the supply of films from large profit-oriented producers. However, through the BFI, the state also works with these private producers. The BFI helps to nurture talent that is used by large film producers, and the local cinemas it supports operate in competition with private profit-oriented movie theatres. This helps to maintain a diverse film sector, retain competition, and allows the public sector to step in to make film available in ways that private suppliers may not do.

The UBS model is therefore flexible and pragmatic enough to regulate and work with the market to satisfy the capability for leisure.³² Ultimately, its aim is to achieve universal *access* to leisure activities included in the bundle. Nevertheless, the UBS model favours universal *delivery* of leisure facilities in addition to universal access, first and foremost through the supply of public goods, then through state regulation that is indiscriminately targeted (like a universal football ticket price cap). To be clear, the state may still use other means that sometimes target the least well-off or the disadvantaged. For instance, the state may distribute vouchers which provide discounts to leisure goods in the bundle; it may limit opening leisure facilities to deprived areas and subsidise access for local residents. When this kind of strategy is significantly less costly or more efficient, it is compatible with the aims of UBS. However,

³⁰ Football Supporters' Association 'Twenty's Plenty Away Ticket Petition' (date not given) <https://thefsa.org.uk/petition/twentys-plenty-away-ticket-petition/>.

³¹ UK Government, 'British Film Institute' *GOV.UK* (2024) <https://www.gov.uk/government/organisations/british-film-institute>.

³² See Anna Coote, 'Exploring the Case for Universal Services', in Philip Arestis and Malcolm Sawyer (eds.) *Economic Policies for Sustainability and Resilience* (Cham: Palgrave Macmillan, 2022), 227ff.

UBS adopts universal delivery, primarily through the supply of public goods, as its “go-to” policy.

The reason for this relates to how cultural capital functions. Recall again that broad equality is required because some people have access to more exclusive leisure activities and a more diverse range of activities. As a result, through the symbolisation of status and the development of networks, inequalities in the capabilities for affiliation and control over one’s environment emerge that pull some below the threshold. Universal delivery of goods will work effectively to placate leisure, as a realm of cultural capital, functioning in this kind of way. Targeted benefits, meanwhile, may have the opposite effect.

Allow me to explain. State supply can play an important role in legitimising goods which have greater cultural capital as state-sponsorship helps to signal that those goods are desirable and worthwhile.³³ In an extended analysis, Ruth Bereson shows how the state sponsorship of opera has upheld its high status reputation across continents and for hundreds of years.³⁴ The UK’s state broadcaster, the BBC, has long played a vital role in the legitimisation of culture,³⁵ with studies illustrating that it has attributed high cultural capital to foreign-language detective dramas³⁶ and low capital to provincial UK arts.³⁷ In New Zealand, state funding of indigenous filmmaking has played an important role in expanding the Māori filmmaking industry and the consumption of indigenous film.³⁸ This means that the state supply of access to activities can elevate the status and prestige of the activities that are included in the leisure bundle – the goods that are accessible to *all*. The universal delivery of facilities also means that leisure activities are less likely to be enjoyed in exclusive places. If

³³ In personal correspondence, Sam Friedman told me that more research is required here, but that there is good reason to think that the state plays an important role in legitimising culture.

³⁴ Ruth Bereson, *The Operatic State: Cultural Policy and the Opera House* (London: Routledge, 2002).

³⁵ Tony Bennett, ‘Distinction on the Box: Cultural Capital and the Social Space of Broadcasting’, *Cultural Trends* 15, no. 2/3 (2006): 199 n7; Sam Friedman and Aaron Reeves, ‘From Aristocratic to Ordinary: Shifting Modes of Elite Distinction’, *American Sociological Review* 85, no. 2 (2020): 323–50.

³⁶ Janet McCabe, ‘Appreciating Wallander at the BBC: Producing Culture and Performing the Glocal in the UK and Swedish Wallanders for British Public Service Television’, *Journal of Media and Cultural Studies* 29, no. 5 (2015): 755–68.

³⁷ Amy Genders, ‘An Invisible Nation? The BBC and English-Language Arts Television in Wales’, *Journal of British Cinema and Television* 16, no. 4 (2019): 409–28.

³⁸ Emiel Martens, ‘Maori on the Silver Screen: The Evolution of Indigenous Feature Filmmaking in Aotearoa/New Zealand’, *International Journal of Critical Indigenous Studies* 5, no. 1 (2012): 2–30.

people go to an art gallery or sports centre that is available to all, the networks that are formed in artistic or sporting activities become open to everyone.

On the other hand, if the state targets leisure facilities at certain people, this could potentially have adverse consequences. In a 1967 lecture, social researcher Richard Titmuss explained that rolling out benefits to everyone avoids the ‘shame or stigma in the use of a publicly provided service’.³⁹ More recently, relational egalitarians have described how welfare systems that target particular people treat those people with a sense of ‘pity’, and might force them to experience ‘shameful revelation’ as they receive benefits others don’t or are required to explain why they are eligible for those benefits.⁴⁰ In short, targeted welfare can become a marker of inferior status. Given that broad equality is partly motivated by the effects of cultural capital on the capability for affiliation, supplying leisure in this targeted way would achieve the antipode of what broad equality aims for. It would reinforce the lower social status of those using leisure facilities supplied by the state. Vouchers may come to signal a person out as having less income; spending time in publicly provided leisure facilities will be associated with the more deprived. Note that only directing leisure facilities towards the least well-off could also lead to segregation in where leisure activities are practised, meaning that it won’t give disadvantaged people access to the more privileged networks that currently undermine their capability for controlling their environment. Therefore, while the UBS approach retains a pragmatism that allows it to target the least well-off with leisure goods when required, it prioritises the provision of public goods followed by interventions that encourage the market to make leisure facilities accessible in less overtly discriminate ways.

IV.2.b – Conditions

The UBS approach is committed to making leisure activities *genuinely* accessible to all, and so it must tackle non-resource-based impediments to leisure like norms and conditions that are the legacy of historical injustices. It has two weapons in its armoury. The first is the supply of leisure facilities themselves. The state makes leisure facilities available to all, and therefore, that availability will help to tackle norms that exclude people over time. For example, social norms and conditions that make working-class people think that the great outdoors is “not for people like them” will be somewhat ameliorated if the state makes access

³⁹ Printed in Richard Titmuss, *Commitment to Welfare* (London: George Allen and Unwin, 1968), 129.

⁴⁰ Anderson, ‘What Is the Point of Equality?’, 306–7; Jonathan Wolff, ‘Fairness, Respect and the Egalitarian “Ethos” Revisited’, *Journal of Ethics* 14, no. 3/4 (2010): 343–46.

easier – not least because it will become a more common practice in their community.⁴¹ Nevertheless, social barriers are often more deeply embedded in social practices and people’s psyches. Therefore, the UBS approach requires the state to twin the direct supply of facilities with other efforts to tackle stifling social norms. Particularly pertinent here are things like the use of education and publicity campaigns which can change attitudes and perceptions of activities as unavailable to certain people. This reflects what was said in Chapter 3: the state has enormous resources at its disposal, and can use these to change social conditions and norms with a top-down approach highly effectively.

Returning to women’s football: in recent years, both the Football Association (English football’s governing body) and state institutions have started to play a more positive role in promoting the women’s game. Since 2010, the UK state has boosted women’s football in several ways: more women’s football has been shown on the BBC; in 2012, UK Government ministers encouraged other media organisations to increase their coverage of women’s sport, including football; and in 2022, the state hosted the Women’s European Championships.⁴² In 2023, the UK Government published its first review into expanding opportunities for women in football. The report made several recommendations, including, notably, tackling gendered norms around football in schools.⁴³ Participation in women’s football is increasing in England, with record television audiences and attendances at live matches in the 2022-23 season.⁴⁴ To be clear, this progress has been spurred by a range of factors, including heightened private investment and the success of the English team in recent years (itself a result of changing attitudes). Nonetheless, the state has, and is continuing to, play an active role in tackling longstanding gendered norms that have previously served as obstacles for women’s enjoyment of football. In the process, it has taken an active role in tackling the norms and conditions that stifle equal access to leisure.⁴⁵

⁴¹ See Haroon Mota, ‘Minority Communities are Edged Out of the UK’s Green Spaces. I’m Trying to Change That.’ *The Guardian* (2 October 2023)

<https://www.theguardian.com/commentisfree/2023/oct/02/minority-communities-uk-green-spaces-nature-racial-disparities>

⁴² John Williams, Stacey Pope, and Jamie Cleland, “Genuinely in Love with the Game” Football Fan Experiences and Perceptions of Women’s Football in England’, *Sport in Society* 26, no. 2 (2023): 285–301.

⁴³ Carney, ‘Raising the Bar’.

⁴⁴ Ibid. Further live attendance records have been broken in 2024.

⁴⁵ Minus the employment of public service broadcasters, all of these measures are also available to the resource redistribution approach which *does* explicitly recognise the capability for leisure.

V – The asset of universal basic services

The UBS approach calls for the supply of leisure facilities – firstly through public goods, then through regulation of and cooperation with the market – to make the same bundle of leisure activities accessible to all. Simultaneously, it requires the state to directly confront social norms that create non-resource-based inequalities in access to leisure. Ultimately, this approach can handle the challenges levelled towards the resource redistribution strategy. It thereby better accommodates sufficientarian leisure comprised by broad equality.

Resource redistribution's dependence on the market means that it fails to secure an adequately diverse range of leisure activities. If it will be more profitable for market actors to supply facilities for a more homogenous range of activities, then they will be incentivised to do so, even if this means that people do not have a range of leisure options to choose from which is varied enough. This is an argument particularly common in the arts. In response, many endorse state provision as a mechanism for maintaining diversity.⁴⁶ DiMaggio finds good evidence that publicly funded arts agencies are more likely than private providers to invest in arts projects that are more innovative (and different), that accommodate minority tastes, and that are situated in poorer areas.⁴⁷ Kathleen Sullivan writes: 'With art as with public broadcasting, public support can make possible productions too risky or challenging to sell readily on the private market.'⁴⁸ Sullivan's quote captures that public bodies have a freedom to supply facilities that may not necessarily be profitable because they can pool costs amongst their wider budget. This is part of the rationale behind the UBS approach; public provision enables the supply of access to a diversity of leisure activities *even if* supplying such a range might be costly (i.e. would not be profitable for private actors). Recall the example of the BFI, which stimulates the creation of movies that profit-oriented film producers are reluctant to make. UBS can guarantee an adequate range of activities are available under circumstances which the market-based resource redistribution approach cannot.

States' ability to overlook profitability also means that they can reduce the expense of leisure facilities to ensure that they are accessible to everyone even if it is somewhat costly. Broad equality requires that leisure activities do not come with costs that are too prohibitive

⁴⁶ Keat, *Cultural Goods and the Limits of the Market*; Throsby, *The Economics of Cultural Policy*.

⁴⁷ DiMaggio, 'Can Culture Survive the Marketplace?', 82.

⁴⁸ Kathleen M. Sullivan, 'Artistic Freedom, Public Funding, and the Constitution', in Stephen Benedict (ed.) *Public Money and the Muse: Essays on Government Funding for the Arts* (New York/London: W. W. Norton, 1991), 91.

and that there is not too much inequality in *how much* access to leisure activities people have. States can supply facilities at a cost that is affordable and which maintains a level of access to each leisure activity in the bundle that is equal enough. This is one way that the UBS approach can help to reduce disparities in access to leisure activities between the more and less well-off. In general, UBS is better than resource redistribution at tackling resource-based inequalities in access to leisure.

At this point, it must be stressed that UBS will not fully eradicate resource-based inequalities in which leisure activities are available to people. Notwithstanding exceptional circumstances, the liberal state should not prevent people from participating in leisure activities that are outside of the leisure bundle. For example, even if the state does not include the provision of polo in the bundle, the wealthy may still wish to play it by absorbing the costs themselves. Preventing them from doing so would overstep the mark for reasonable intervention by the liberal state. This leads us to identify another important difference between resource redistribution and UBS though. Remember from the previous section that the universal public delivery of activities can attribute higher status to them. In UBS, the activities that are publicly supplied and thereby available to all will be the ones that naturally carry greater cultural capital – that are more desirable and that signal a person's higher status. Hence, activities in the bundle are the ones that it is most important to equalise access to. In the case of resource redistribution, the state takes a backseat roll. The goods that are more costly are then likely to assume an exclusive nature – participation in, taste for, and knowledge of those activities could therefore attribute one with higher cultural capital and a higher status. All this means that the activities that are not universally accessible on the UBS approach will not cause the same problems from a cultural capital perspective as those that are not universally accessible in resource redistribution. The inequalities will be less meaningful. As broad equality stipulates that meaningful inequalities in leisure should be erased, UBS adheres to broad equality's requirements in spite of the remaining inequalities in leisure caused by resource maldistributions, whereas resource redistribution doesn't.

As for non-resource-based inequalities, resource redistribution which does not explicitly single out a capability for leisure only has indirect mechanisms at its disposal. The problem with this is that it is unlikely to remove non-resource-based barriers rapidly; in the meantime, deleterious inequalities in access to leisure for disadvantaged groups will remain. UBS permits the state to use the large number of resources and other means at its disposal to influence and change social norms and attitudes *directly*. The progress made in women's

football with the aid of the state – to present just one example – shows that such direct measures can accelerate the erosion of non-resource-based barriers to leisure activities. These norms and attitudes are the result of longstanding injustices woven into the fabric of modern liberal democracies, so we shouldn't be so naïve that we think that state policies can eradicate them immediately, but states can still *action* the policies immediately and it is clear that the UBS approach promises to tackle these norms and conditions with more urgency. It should be pointed out that there is no significant difference in the tackling of these norms between UBS and resource redistribution which does explicitly recognise a capability for leisure, as the policies available to both are largely the same.⁴⁹

VI – Nussbaumian balancing and leisure in the non-ideal

The UBS approach is a more promising strategy than resource redistribution for satisfying the requirements of sufficientarian leisure comprised by broad equality. In this respect, UBS can be seen as better adhering to the demands of Aristotelian-Marxian dignity. However, Nussbaumian liberalism requires trading-off satisfactions of Aristotelian-Marxian dignity with Kantian dignity. Ultimately, its preferred strategy will be the one that finds the best balance between the two kinds of dignity. Therefore, we must apply the balancing formula described in Chapter 4 to compare the two approaches to satisfying the capability for leisure under non-ideal circumstances.

When it comes to Nussbaumian balancing, the best performing version of resource redistribution mimics the performance of the resourcist strategy in ideal circumstances – compromises on Aristotelian-Marxian dignity are required to take all the weight. Resource redistribution does not guarantee the capability for leisure according to the requirements of sufficientarianism comprised by broad equality. Initially, resource redistribution which does not explicitly recognise a claim to leisure fails to secure the appropriate conditions for access to leisure, depriving some people – usually members of historically disadvantaged groups – of access to certain leisure activities that are available to others. Given this form of resource redistribution is likely to be favoured by the resourcist, it underscores an argument made in Chapter 3 – that resourcists are insensitive to non-resource-based barriers to flourishing which are separate from the resource distribution. Even if this is set aside, both forms of resource redistribution fail to secure an adequate range of leisure options or access to the same range of leisure activities. Either form of resource redistribution therefore tolerates a moderate

⁴⁹ f45.

compromise on Aristotelian-Marxian dignity. It may even be that they absorb a severe compromise on Aristotelian-Marxian dignity, as society will be “organised in a way that inevitably will lead some people to be unable to flourish”.⁵⁰ Because resource redistribution allows inequalities in access to different leisure activities, clusters of cultural capital that undermine some people’s capabilities for affiliation and control over their environment will almost certainly emerge.

The resource redistribution approach which does not explicitly outline a capability for leisure will perform better in Kantian dignity terms than a resource redistribution strategy which does, so it makes sense to focus on considering the former. This form of resource redistribution purports to give people the resources for leisure (though as we have seen, not completely successfully) without appealing to the value of leisure or any specific leisure activity in any way. The state does not single out some leisure activities as more valuable, worthwhile, or “leisurely” than others, and it does not even stipulate that leisure is more important than other activities. It shows no favour or disfavour towards individuals who do or do not recognise the value of leisure in general or the worth of a particular leisure activity. Hence, by rolling out resources that people can use at their own discretion in a market, this approach performs excellently in Kantian dignity terms.

Ultimately then, the most promising form of resource redistribution fully honours Kantian dignity with no compromise. At the same time, it allows for moderate to severe compromises on Aristotelian-Marxian dignity. Resource redistribution doesn’t really “balance” Kantian and Aristotelian-Marxian dignity at all. It simply abandons its commitment to the latter in favour of the former.

UBS performs well when it comes to Aristotelian-Marxian dignity. As we saw, it tackles both the resource- and non-resource-based barriers to secure equal enough access to the same adequate range of leisure activities. UBS does not ensure that people live flourishing lives – they must still make use of those opportunities – but it does guarantee that they are able to flourish, thereby tolerating a light compromise on Aristotelian-Marxian dignity.

It must be conceded that the UBS approach fairs less well when it comes to Kantian dignity than the best form of resource redistribution. Initially, the state explicitly recognises a capability for leisure. Further, the state then promotes a particular bundle of leisure activities.

⁵⁰ Chapter 4, IV.3.

This means that people with a taste for leisure are likely to feel rather more satisfied than those who do not have a taste for leisure, and further, those with tastes for leisure activities included in the bundle will feel more satisfied than those with leisure tastes that do not align with what the state provides.

Three qualifications should be noted about UBS here. Firstly, the state may supply leisure facilities that are relatively versatile and which lend themselves to supporting a range of leisure activities. For example, the state may supply public parks which can be used for botany, football, frisbee, juggling, live performances, etc. Secondly, the bundle seeks to accommodate both more common leisure tastes and some minority and fringe preferences. Thirdly, the state makes a range of leisure activities available and few people only enjoy participating in one (niche) kind of activity for leisure. All this is to say that if the list is curated properly, the number of people who are not accommodated at all by the leisure bundle should be relatively small. Because numbers are not included in Nussbaumian liberalism's balancing formula, this does not dismiss the concern that may be held about Kantian dignity, but it may initially placate some concerns that the affront to Kantian dignity will be drastic and widespread.

With those qualifications out the way, the compromise to Kantian dignity must now be considered more methodically. The appeal to the capability for leisure will mark some light compromise (at minimum) and this is exacerbated by the explicit stipulation of a public bundle of leisure activities. The leisure facilities supplied aim to be versatile, diverse, and cover a wide range of tastes, but there will still be some people who are not accommodated. Nothing about the identification of the bundle explicitly stipulates that other leisure activities are "not leisure" or "less worthwhile", but it remains the case that some people's leisure tastes will be favoured over others. As it is hoped that people may still recognise the broad purpose of the leisure bundle, and may come to form an overlapping consensus around it over time as it becomes more familiar, the compromise on Kantian dignity when it comes to justification seems to hover around the moderate area.

UBS performs rather better when it comes to coercion and social salience though. Nobody is forced into participating in the publicly supplied leisure activities, so the accommodation of the capability is not coercive.⁵¹ And the UBS bundle does not track a

⁵¹ The taxation required to fund it will still be coercive, but as taxation will be required to fund resource redistribution too, this does not make any difference when comparing how the pair perform in

socially salient conception of the good. Leisure tastes and preferences do not arouse the same controversy as conceptions of the good surrounding religion, culture, or sexuality (for example). The history of western liberal democracies is not littered with examples of people being oppressed due to their leisure tastes. It is true that some leisure activities associated with particular cultures or religions may previously have been banned or attacked for those reasons, but the UBS approach seeks to overcome that by protecting leisure activities associated with historically marginalised and disadvantaged groups. Those who do not have their leisure tastes accommodated by the state should not experience a symbolically serious affront to their social status or identity. Aggregating the heavier compromise on public justification with the very light compromises on coercion and social salience, the UBS approach seems to tolerate a light to moderate compromise on Kantian dignity when accommodating the capability for leisure in the non-ideal.

Therefore, the UBS approach strikes a fairer balance between the two forms of dignity than resource redistribution. A light to moderate compromise on Kantian dignity is accepted for a light compromise on Aristotelian-Marxian dignity. This is imperfect – it would be nice if the compromise on Kantian dignity was lighter – but it reflects the inherent tension between the two forms of dignity. More importantly, it sees the UBS approach perform better than resource redistribution strategies which accept very little compromise on Kantian dignity for a moderate to severe compromise on Aristotelian-Marxian dignity. UBS in leisure properly trades-off the two forms of dignity to strike as just *balance* as possible. Nussbaumian liberalism therefore favours it over resource redistribution as the approach for satisfying the capability for leisure.

It might be questioned why some sort of hybrid approach – which calls for a scaled back version of UBS twinned with a diluted version of resource redistribution – isn't endorsed. This involves trying to distribute resources less than under a pure redistribution scheme, but more than by doing nothing; and supplying fewer public goods and regulating the market less than on UBS recommendations, but more than resource redistribution alone. One might think that this would be more feasible in present circumstances, and that it would have the advantage of retaining the freedom of choice that the market offers whilst also utilising the

Nussbaumian balancing. For this reason, although the taxation is used *to* fund publicly supplied leisure activities, I take UBS to be no more paternalistic than resource redistribution, because the effect of the coercive force on any individual's life is identical on either approach.

state's capacity to deliver leisure goods to the most disadvantaged and that will be undersupplied.

Under current circumstances, I am reluctant to accept this hybrid approach. It seems that most western liberal democracies already roll-out something like it. These democracies tend to legislate on leisure, but in a somewhat uncoordinated way. And they tend to have redistributive schemes, although they are schemes that fall short of what most resourcists would consider just. Yet vast inequalities in leisure remain. The reason is that the public goods provision of states is not universal or broad enough to truly accommodate all those who are disadvantaged, and the resource redistribution scheme is usually not radical enough either. States end up choosing where to allocate resources and facilities and balancing the allocation in a way that is neither here nor there, so that income inequalities persist and the more disadvantaged are not sufficiently compensated with public goods. The hybrid approach purports to offer the best of both strategies, but in the end, straddles them in a way that capitalises on the best of neither.

VII – Returning to free time

Over the course of this chapter, the UBS approach has been defended as the strategy for satisfying the capability for leisure under non-ideal circumstances. It honours the requirements of sufficientarian leisure comprised by broad equality, whilst more fairly balancing interests in Aristotelian-Marxian and Kantian dignity. As the conclusion will stress shortly, the implications of this argument shouldn't be underestimated. But this argument itself is the consequence of a broader claim that has run throughout the thesis. If leisure is understood in the positive sense, then there is a need to turn the camera of justice towards the things people need to be at leisure *beyond free time*. The chapter has focused on those things.

In doing so, it has largely overlooked free time itself. Yet free time remains necessary for most people to be at leisure. It is therefore right to ask what the implications of the capability for leisure are when it comes to awarding people free time in the real world. Sufficientarian leisure in the non-ideal entitles people to a share of free time – without it, people can't make use of the facilities and conditions to be at leisure. People therefore have a claim to a minimal amount of free time to be at leisure (on top of other things it can be used for) and the state should legislate to secure this free time.

Because people require broadly equal access to leisure, it might be tempting to worry about unequal shares of free time: if some people have much more free time than others, their leisure opportunities are much greater. This worry, however, is misguided. People need a minimal amount of free time to be at leisure, but they do not require an equal amount. Recall that broad equality demands that meaningful inequalities in leisure are addressed. Once everybody has a minimal amount, remaining inequalities in free time are unlikely to be seriously meaningful. It matters from a cultural capital perspective if somebody does not have the time to make use of opportunities to go to the theatre, the beach, or the tennis – this can deprive them of access to leisure activities in a way that gives them less cultural capital. It matters rather less if they can't go to the theatre or the beach every day. There will come a point when participating in a leisure activity more does not have a profound effect on a person's share of cultural capital, so the fact that free time is not equally distributed is not necessarily a problem from the perspective of sufficientarian leisure comprised by broad equality.

Underpinning this reply is the view that, providing people have a decent amount of free time – and to be clear, that is crucial – inequalities in free time will matter *less* to inequalities in leisure than harmful leisure conditions and inequalities in access to leisure facilities. A person with less free time who can access more leisure facilities will probably still be better-off than a person who can access few facilities but enjoys a lot of free time.⁵²

This brings us to the central point of this section. Sometimes, decisions will need to be made about whether to give people more free time or whether to focus on the facilities and conditions supplied through the UBS approach to leisure. It may be too costly to do both immediately. In this sort of trade-off, it will often be preferable to forgo further gains in free time if these come at the expense of the facilities and conditions people need to be at leisure. If a society has already delivered facilities and tackled conditions in an equalising way, it may dutifully focus on securing free time. However, recall from the chapter's introduction that contemporary societies seem to face the opposite problem. By historical standards, most people enjoy relatively generous shares of free time, yet access to leisure activities remain highly unequal owing to the resource-based and non-resource-based barriers that reduce access to leisure for those who have been historically marginalised.⁵³ Therefore, policies that

⁵² See Jahoda, Lazarsfeld and Zeisel, *Marienthal*.

⁵³ f4 and f5.

seek to tackle conditions and supply leisure facilities to the disadvantaged should usually take precedence over policies that seek to give people more free time.

VIII – Conclusion

Under non-ideal conditions, how should the capability for leisure be realised? Owing to the effect of cultural capital on other capabilities, access to leisure should be sufficientarian comprised by broad equality. With this in mind, the state should take a UBS approach to leisure, overseeing that all have access to the same bundle of leisure activities. Such an approach is preferable to the one likely to be endorsed by a resourcist as it finds a better balance between honouring Aristotelian-Marxian and Kantian dignity. The chapter illustrates the implications of an argument sprinkled throughout the thesis. Leisure is not free time, so the things that people need to be at leisure stretch beyond free time, and the establishment of any political claim to leisure warrants judging the state against a wider set of criteria than how it distributes free time.

Liberal political theorists seldom offer justification for state policies oriented towards the supply of leisure activities. The closest any come to doing so is a group of “liberal perfectionists” who argue that the state may legitimately promote goods of “intrinsic value” or constitutive of human flourishing. Setting aside the plurality in their views, the position advanced here moves beyond the kind of arguments made by these liberal perfectionists in at least two ways. Firstly, liberal perfectionist arguments can often feel rather elitist, justifying the provision of opera and deriding people who spend all day playing video games (for instance).⁵⁴ By its nature, and given its insistence that leisure tastes traditionally associated with both high and low status groups should be accommodated, the argument advanced here is more egalitarian and less elitist. Secondly, whilst these perfectionists sometimes justify the provision of *some* leisure facilities, like arts and culture infrastructure or public service broadcasting, none of them justify the provision of the breadth of leisure policies defended here, nor do they do so by recognising the value of leisure itself.⁵⁵ Hence, this chapter is unique

⁵⁴ John Horton, ‘Why Liberals Should Not Worry About Subsidizing Opera’, *Critical Review of International Social and Political Philosophy* 15, no. 4 (2012): 429–48; Tahzib, *A Perfectionist Theory of Justice*, 87–88.

⁵⁵ Tahzib, for instance, mainly focuses on the BBC’s mission of informing and educating the public, with only a cursory reference to (and no defence of) its entertainment function. *A Perfectionist Theory of Justice*, 164–67. For other more limited recommendations of some of the goods advocated for here, see Thomas Hurka, *Perfectionism* (Oxford: Oxford University Press, 1993); Kramer, *Liberalism with*

in contemporary liberal theory as the first defence of the systematic supply of leisure conditions and facilities under real-world (or any) circumstances. Public policies oriented towards leisure can be justified if they seek to equalise access to leisure activities and are part of a wider approach which secures access to a diverse range of leisure activities for all.

This has important implications for how state policies oriented towards leisure are viewed. States often legislate to supply leisure facilities in a relatively scattergun way, and many public policy debates currently surround giving people more free time through a four-day week.⁵⁶ Yet, inequalities in access to leisure activities remain. States should aim to eradicate these inequalities through a systematic approach that supplies public goods for leisure widely, and regulates and works with the market to ensure that a diverse range of leisure activities are available to all on a broadly equal basis. Nothing that has been said here is impossible for western liberal states to do – indeed, they do some of it more sporadically already – but this chapter illuminates that, in present circumstances, they *must* do this. Until then, they fall short of what Nussbaumian liberalism’s conception of justice demands.

Excellence, chap. 9; Menachem Mautner, *Human Flourishing, Liberal Theory, and the Arts* (London: Routledge, 2018).

⁵⁶ See Anna Coote, Aidan Harper, and Alfie Stirling, *The Case for a Four-Day Week* (Cambridge: Polity Press, 2021); Pedro Gomes, *Friday Is the New Saturday: How a Four-Day Working Week Will Save the Economy* (Cheltenham: Flint, 2021); Robert Grosse, *The Four-Day Workweek* (New York: Routledge, 2018).

AFTERWORD TO PART 3

Perhaps the most eye-catching element of Part 3 is the argument of Chapter 8. Justice requires states to roll out public goods and implement other market-based policies that equalise access to an adequate range of leisure activities. This recommendation is partly eye-catching because it charges the liberal state with a responsibility that political theorists have neglected until now. But it is perhaps more eye-catching because of its implications for state actors. Governments are required to take a systematic approach to satisfying the claim to leisure in the real world; insofar as most don't do this, they fail in their normative duties to citizens. The thesis has been able to make this claim because it has offered separate recommendations for satisfying the claim to leisure under ideal and non-ideal settings. As an addendum to this part, it will be interesting to briefly reflect upon this approach.

The thesis's assumptions about ideal circumstances – namely, no legacy of historical injustice and full compliance of citizens with what justice demands – are very distant, and as an end-state theory, so are the recommendations prescribed. What then, has been the purpose of this theorisation? As mentioned in this part's Introduction, ideal theory can identify the final destination of justice. There are two benefits to sketching out what such a destination looks like.

The first pertains to the philosopher's understanding of injustice. Advocates of ideal theory sometimes suggest it is necessary because uncovering aberrations from justice first requires knowing what justice looks like.¹ Their opponents retort that grave injustices are obvious and easy to identify without a full theory of justice.² But even if these opponents are right, ideal theory may still play an important role in the *epistemic process* of the philosopher, as they come to understand what constitutes an injustice and why. Allow me to explain anecdotally with reference to Chapter 6. In that chapter, it was argued that leisure is a "positional good" in real-life settings in a way that it is not in the ideal, owing to the effect of cultural capital. The functioning of cultural capital means that how much leisure one person has *relative to another* is important in the real world in a way that it isn't in the ideal. Whilst I

¹ Rawls, *TJ*, 216. See also A. John Simmons, 'Ideal and Nonideal Theory', *Philosophy and Public Affairs* 38, no. 1 (2010): 7; Stemplowska, 'What's Ideal About Ideal Theory?' 336-8.

² Anderson, *The Imperative of Integration*, 3.

had a sense that inequalities in leisure might be problematic, it was only by thinking about what the claim to leisure looks like in the ideal that I was able to understand why. Theorising about leisure in the ideal made me realise that there is no principled reason that inequalities in leisure are troublesome, but that it must be something about leisure's character in the real world that leads to an uneasiness about such inequalities. This, in turn, motivated me to consider how leisure might function as a "positional" good and to turn to research on the relationship between leisure, cultural capital, and the other capabilities. In short, theorising about the ideal helped me to understand what to think about and where to look to explain the cause of injustice in the non-ideal, subsequently aiding my prescription too. My account shows that ideal theory can play a role in the epistemic process of the philosopher as they seek to understand not just where injustice is, but why it occurs.

Second, normative theories that are too applied to a particular context can often lack versatility. In her assessment of contemporary work, Anderson casts her eye over American workplaces in which employers can vet a person's sexual partners and spouses, subject them to arbitrary searches, censor their political expression, and threaten them with the withdrawal of medical care if they fail to comply.³ From a European perspective, much of Anderson's discussion feels alien. Workplace rights are inadequate in many western liberal democracies, but one seldom comes across reports or testimonies of these kinds of employer practices east of the Atlantic. The result is that Anderson's prescriptions feel distant and irrelevant outside of the United States. Her discussion is so fixed on what minimal justice looks like in a particular time and space, it lacks much of its bite outside of that immediate context. Ideal theory can inform normative assessments *irrespective* of present circumstances, encouraging us to think about how to bring our world closer to that ideal. It therefore offers a point of reference which is flexible and useful irrespective of how just or unjust a society is.

Critics often worry that seeking something closest to the ideal in non-ideal circumstances can lead to greater injustice.⁴ Anderson presents the powerful example of "colourblind" policies to tackle racial injustice, which may be effective in ideal settings, but exacerbate existing structural injustice in real-world settings.⁵ Such worries are

³ Elizabeth Anderson, *Private Government: How Employers Rule Our Lives (and Why We Don't Talk About It)* (Princeton, NJ: Princeton University Press, 2017), 37–49.

⁴ Sen, *The Idea of Justice*, 16.

⁵ Anderson, *The Imperative of Integration*, 4. See also Charles Mills, 'Rawls on Race/Race in Rawls', *The Southern Journal of Philosophy* 47, no. 1 (2009): 161–84.

understandable but are ultimately blunted when ideal theory is viewed as a final destination. This can be seen by comparing the prescriptions of Chapters 7 and 8. Chapter 7 defended a market-based strategy for satisfying the claim to leisure because full justice would make the most of the freedom and efficiency of the market. Chapter 8, though, avoided recommending the closest feasible solution to the ideal by making prescriptions for the less market-based approach of UBS. Hence, ideal theory need not compel us to make recommendations for the real world that mimic the ideal as much as possible; it is reasonable to take diversions enroute to the final destination. Nevertheless, ideal theory always remains relevant. If the recommendations of Chapter 8 were implemented in full, ideal theory would then encourage us to think about how the state may gradually transition towards a more market-based leisure approach in the pursuit of something closer to full justice. Even when diverting, ideal theory shows us the broad direction of travel, helping us to know what comes next and serving as a constant reminder of the ultimate destination of the journey.

Hopefully, the decision to theorise about leisure in the non-ideal needs less defence. If political theory wants to have something to say about how to respond to real-world problems and make our present circumstances more just, then this requires prescribing action for the here and now. What may require some defence is the solutions that were considered in that chapter. Non-ideal theory aims to advocate policies that may be actioned immediately. Some may worry that the UBS and resource redistribution strategies that were the focus of that chapter are still quite radical by modern liberal standards and therefore, too idealistic. Might it have been more illuminating and practical to consider other policy alternatives that are more feasible?⁶

There are two responses to this worry. Firstly, Nussbaumian liberalism theorises about minimal justice. This minimal justice is not open to negotiation. It is acceptable to adapt our recommendations from what might deliver full justice to what might deliver minimal justice in the name of feasibility, but it is not acceptable to settle for anything less than that. I take the proposals considered in Chapter 8 to be amongst the most feasible available for delivering minimal justice along the lines of what Nussbaumian liberalism demands. If this seems naively hopeful, it simply reflects the difficulties of achieving even minimal justice. As it happens though, I do not believe the proposals considered in Chapter 8 are unrealistic anyway. In the Introduction to this part, it was suggested that if states already implement or have

⁶ Thanks to Jasper Friedrich and Jonny Neaverson for pressing me on this.

implemented a policy, that is a useful indicator that it may be actionable immediately in line with the demands of non-ideal theory. UBS is based upon the post-war welfare state created by the UK Government. The UBS approach to leisure builds upon an approach that states already carry out to an extent anyway, just less comprehensively or systematically. So, the prescription for satisfying the claim to leisure under non-ideal circumstances may be radical, but it is not unrealistically so.⁷

More generally, it is unusual to see the consideration of ideal and non-ideal theory alongside one another, with political philosophers usually dedicated to one form of theorisation or the other (at least in an individual piece of work). At their most frustrating, ideal and non-ideal theorists feel as if they're talking past one another. Advocates of non-ideal theory sometimes seem unwilling to recognise the potential contribution of ideal theory.⁸ Ideal theorists meanwhile, can seem to underappreciate how much difference there is between the circumstances they theorise about and the factors that need to be brought into consideration when making recommendations about the present.⁹ Analysing a normative issue in the ideal and the non-ideal side-by-side can help to diffuse these tensions, making it clearer what theorists agree and disagree about, and what their respective contributions are. This part of the thesis has done this with respect to the claim to leisure – political philosophy may well benefit if more theorists emulated its method.

⁷ The feasibility of UBI has been debated extensively. Here, it should suffice to note that it is not a fringe view to believe it would be possible for states to implement UBI very quickly. See Howard Robert Reed et al., 'Universal Basic Income Is Affordable and Feasible: Evidence from UK Economic Microsimulation Modelling', *Journal of Poverty and Social Justice* 31, no. 1 (2023): 146–62.

⁸ One example, in my view, is Charles Mills, "Ideal Theory" as Ideology', *Hypatia* 20, no. 3 (2005): 165–84; 'Retrieving Rawls for Racial Justice: A Critique of Tommie Shelby', *Critical Philosophy of Race* 1, no. 1 (2013): 1–27.

⁹ Dworkin's theory of the market comes to mind. See Anne Phillips, 'Egalitarians and the Market: Dangerous Ideals', *Social Theory and Practice* 34, no. 3 (2008): 439–62; Ingrid Robeyns, 'Ideal Theory in Theory and Practice'.

CONCLUSION

Political theory can serve many purposes. One of its purposes is theoretical. Political theory conducts an intellectual inquiry searching for moral truths or celestial answers to questions about topics like justice, legitimacy, democracy, and so on. Another of political theory's purposes is more practice-driven, offering a moral perspective with which to understand and assess solutions to urgent injustices that plague our societies as they are. A third purpose that complements these others is that it can alert us to important moral political concerns that we were blind to. A prime example is Peter Singer's *Animal Liberation*, which directed attention towards deeply problematic practices in humans' treatment of animals that few had taken seriously or even noticed before.¹

Leisure is another important matter of justice that philosophers have overlooked for too long. This thesis has made the case that leisure should be taken seriously by liberal political philosophy. In the process, it has shown that enabling people to be at leisure is fundamental to recognising their capacity to flourish, and that leisure inequalities can be potentially highly perverse.

The potential practical implications were described in Chapter 8. Properly overseeing leisure justice requires going beyond giving citizens free time. Insofar as present governments do legislate on matters pertaining to leisure, justice requires that they orient their policies towards the universal and public supply of an adequate range of leisure options in a broadly equal way. The thesis thereby offers guidance – glaringly absent in political theory until now – on how to assess the normative credentials of existing leisure policies by governments.

Identifying the importance of leisure also alerts us to one further conclusion of this thesis. Speaking anecdotally, when told about this project, most people respond rather warmly to the idea that citizens have some sort of claim to leisure and that the state may be required to actively accommodate this claim (although philosophers respond less warmly than everyone else!). They are more sceptical if one suggests that leisure should be treated on a par with traditional matters of justice like healthcare and education. After all, who would think that it's as important for the state to build a sports ground as it is for it to build a hospital? In

¹ Peter Singer, *Animal Liberation* (New York: Random House, 1975).

fact, in identifying leisure to be a fundamental matter of justice, this thesis calls for the equal treatment of leisure with other capabilities accommodated by Nussbaumian liberalism. As Nussbaum notes, the list of capabilities is ‘emphatically, a list of separate components’ and all of these are fundamental to treating people as worthy of their capacity to flourish.² Sometimes, in societies where provision of traditionally considered essential goods like healthcare or education is poor, but leisure provision is reasonable, we will be able to advance people’s interests more by improving their access to the former. In other societies, access to traditional essentials may be reasonable while access to leisure will be grossly inadequate; in those cases, leisure should take priority. Assuming this thesis’s circumstances of justice, modern societies are wealthy and developed enough for traditional and new concerns of justice to be accommodated, so the capability for leisure should not undermine the pursuit of other essential goods. With that in mind, leisure should not be disregarded as less important either. In any western liberal democracy, each person’s claims to justice will only be fulfilled when they have the capability for leisure.

² Martha C. Nussbaum, ‘Human Capabilities, Female Human Beings’, in Martha C. Nussbaum and Jonathan Glover (eds.) *Women, Culture, and Development: A Study of Human Capabilities* (Oxford: Clarendon Press, 1995), 85–86. See also, Nussbaum, *FoJ*, 85.

BIBLIOGRAPHY

- Abbey, Ruth. 'Back toward a Comprehensive Liberalism? Justice as Fairness, Gender, and Families'. *Political Theory* 35, no. 1 (2007): 5–28.
- Ackerly, Brooke A. *Political Theory and Feminist Social Criticism*. Cambridge: Cambridge University Press, 2000.
- Adorno, Theodor W. 'Culture Industry Reconsidered'. *New German Critique* 6 (1975): 12–19.
- . 'Free Time'. In J. M. Bernstein (ed.) *The Culture Industry: Selected Essays on Mass Culture*, 187–97. London/New York: Routledge, 2001.
- . 'On Jazz'. *Discourse* 12, no. 1 (1990): 45–69.
- Adorno, Theodor W., and Max Horkheimer. *Dialectic of Enlightenment*. Translated by John Cumming. London: Verso Classics, 1997.
- Aguiar, Mark, and Erik Hurst. 'Measuring Trends in Leisure: The Allocation of Time Over Five Decades'. *Quarterly Journal of Economics* 122, no. 3 (2007): 969–1006.
- . *The Increase in Leisure Inequality 1965-2005*. Washington D.C.: AEI Press, 2009.
- Alexy, Robert. *A Theory of Constitutional Rights*. Oxford: Oxford University Press, 2002.
- . 'On Balancing and Subsumption. A Structural Comparison'. *Ratio Juris* 16, no. 4 (2003): 433–49.
- Allison, Maria T. 'Leisure, Diversity and Social Justice'. *Journal of Leisure Research* 32, no. 1 (2000): 2–6.
- Althorpe, Caleb, and Elizabeth Finneron-Burns. 'Productive Justice in the "Post-Work Future"'. *Journal of Applied Philosophy*, online first (2024)
<https://onlinelibrary.wiley.com/doi/full/10.1111/japp.12711> [Accessed 22 January 2024].
- Aman, Mohd Salleh. *Leisure Policy in New Zealand and Malaysia: A Comparative Study of Developments in Sport and Physical Recreation*. PhD thesis. (Lincoln University, Published on university website, 2005) <https://researcharchive.lincoln.ac.nz/handle/10182/1768> [Accessed 04 February 2023].

- Andersen, Margaret, and Patricia Hill Collins. *Race, Class, and Gender: Intersections and Inequalities*. Tenth Edition. Belmont, Ca.: Wadsworth Publishing, 2019.
- Anderson, Elizabeth. 'Beyond Homo Economicus: New Developments in Theories of Social Norms'. *Philosophy and Public Affairs* 29, no. 2 (2000): 170–200.
- . 'Justifying the Capabilities Approach to Justice'. In Harry Brighouse and Ingrid Robeyns (eds.) *Measuring Justice: Primary Goods and Capabilities*, 81–100. Cambridge/New York: Cambridge University Press, 2010.
- . *Private Government: How Employers Rule Our Lives (and Why We Don't Talk About It)*. Princeton, NJ: Princeton University Press, 2017.
- . *The Imperative of Integration*. Princeton, NJ: Princeton University Press, 2010.
- . *Value in Ethics and Economics*. Cambridge, Mass./London: Harvard University Press, 1993.
- . 'What Is the Point of Equality?' *Ethics* 109, no. 2 (1999): 287–337.
- Anderson, Nels. *Work and Leisure*. London: Routledge and Kegan Paul, 1961.
- Appiah, Kwame Anthony. *The Ethics of Identity*. Princeton, NJ: Princeton University Press, 2005.
- Applebaum, Herbert. *The Concept of Work*. Albany, NY.: State University of New York Press, 1992.
- Aristotle, *Nicomachean Ethics*. In 'The Works of Aristotle Translated into English' Translated by W. D. Ross, revised by J. O. Urmson. London: Oxford University Press, 1975.
- . *The Politics*. Edited by Stephen Everson. Cambridge: Cambridge University Press, 1988.
- Arneson, Richard J. 'Primary Goods Reconsidered'. *Noûs* 24, no. 3 (1990): 429–54.
- . 'Why Justice Requires Transfers to Offset Income and Wealth Inequalities'. *Social Philosophy and Policy* 19, no. 1 (2002): 172–200.
- Arnold, Samuel. 'Putting Liberty in Its Place: Rawlsian Liberalism without the Liberalism'. *European Journal of Philosophy* 26, no. 1 (2018): 213–37.
- . 'The Difference Principle at Work'. *Journal of Political Philosophy* 20, no. 1 (2012): 94–118.
- Axelsen, David V., and Lasse Nielsen. 'Sufficiency as Freedom from Duress'. *Journal of Political Philosophy* 23, no. 4 (2015): 406–26.
- Bagg, Samuel. 'Between Critical and Normative Theory: Predictive Political Theory as a Deweyan Realism'. *Political Research Quarterly* 69, no. 2 (2016): 233–44.

- Balaban, Oded. 'Praxis and Poesis in Aristotle's Practical Philosophy'. *The Journal of Value Inquiry* 24, no. 3 (1990): 185–98.
- Barth, Erling, Kalle Moene, and Axel West Pedersen. 'Rising Inequality in the Egalitarian Nordics'. In Robert Strauss and Georg Fischer (eds.) *Europe's Income, Wealth, Consumption, and Inequality*, 218–45. New York: Oxford University Press, 2021.
- Becker, Gary S. 'A Theory of the Allocation of Time'. *Economic Journal* 75, no. 299 (1965): 493–517.
- Bell, Daniel. *The Cultural Contradictions of Capitalism*. New York: Basic Books, 1996.
- Bellamy, Edward. *Looking Backward 2000-1887*. Oxford: Oxford University Press, 2020.
- Bellavance, Guy. 'Where's High? Who's Low? What's New? Classification and Stratification inside Cultural "Repertoires"'. *Poetics* 36, no. 1 (2008): 189–216.
- Bennett, Tony. 'Distinction on the Box: Cultural Capital and the Social Space of Broadcasting'. *Cultural Trends* 15, no. 2/3 (2006): 193-212.
- Bennett, Tony, Mike Savage, Elizabeth Silva, Alan Warde, Modesto Gayo-Cal, and David Wright. *Culture, Class, Distinction*. London/New York: Routledge, 2009.
- Bereson, Ruth. *The Operatic State: Cultural Policy and the Opera House*. London: Routledge, 2002.
- Berlin, Isaiah. 'Two Concepts of Liberty'. In Henry Hardy (ed.) *Liberty*, 166–217. Oxford: Oxford University Press, 2002.
- Biden, Joseph. 'Executive Order on Promoting the Arts, the Humanities, and Museum and Library Services', *The White House* (30 September 2022)
<https://www.whitehouse.gov/briefing-room/presidential-actions/2022/09/30/executive-order-on-promoting-the-arts-the-humanities-and-museum-and-library-services/> [Accessed 11 March 2024].
- Billingham, Paul. 'Convergence Liberalism and the Problem of Disagreement Concerning Public Justification'. *Canadian Journal of Philosophy* 47, no. 4 (2017): 541–64.
- . 'Reasonable Disagreement About, and Within, Watson and Hartley's Political Liberalism'. *Journal of Applied Philosophy* 37, no. 5 (2020): 836–45.
- . 'Perfecting Justice and Legitimacy'. Working paper.
- Billingham, Paul, and Anthony Taylor. 'A Framework for Analyzing Public Reason Theories'. *European Journal of Political Theory* 21, no. 4 (2022): 671–91.

- Birnbaum, Simon. *Basic Income Reconsidered: Social Justice, Liberalism and the Demands of Equality*. New York: Palgrave Macmillan, 2012.
- Booth, Robert. 'England's National Parks Out of Reach for Poorer People – Study', *The Guardian* (4 February 2019)
<https://www.theguardian.com/environment/2019/feb/04/england-national-parks-out-of-reach-for-poorer-people-study>. [Accessed 18 April 2023].
- Bourdieu, Pierre. 'Cultural Reproduction and Social Reproduction'. In Richard Brown (ed.) *Knowledge, Education, and Cultural Change*, 71–112. London: Routledge, 1973.
- . *Distinction*. Translated by Richard Nice. London/New York: Routledge, 2010.
- . *Outline of a Theory of Practice*. Cambridge: Cambridge University Press, 1977.
- . 'The Forms of Capital'. In John G. Richardson (ed.) *Handbook of Theory and Research for the Sociology of Education*, 241–58. Westport, CT.: Greenwood Press, 1986.
- Bourdieu, Pierre, and Jean-Claude Passeron. *Reproduction in Education, Society and Culture*. London: Sage, 1977.
- Breen, Keith, and Jean-Philippe Deranty (eds.). *The Politics and Ethics of Contemporary Work: Whither Work?* Abingdon: Routledge, 2022.
- Brighouse, Harry. 'Neutrality, Publicity, and State Funding of the Arts'. *Philosophy and Public Affairs* 24, no. 1 (1995): 35–63.
- Brighouse, Harry, and Adam Swift. 'Equality, Priority, and Positional Goods'. *Ethics* 116, no. 3 (2006): 471–97.
- Brook, Orian, Dave O'Brien, and Mark Taylor. *Culture Is Bad for You*. Manchester: Manchester University Press, 2020.
- Browning, Gary. *A History of Modern Political Thought: The Question of Interpretation*. Oxford: Oxford University Press, 2016.
- Brynjolfsson, Erik, Tom Mitchell, and Daniel Rock. 'What Can Machines Learn, and What Does It Mean for Occupations and the Economy?' *AEA Papers and Proceedings* 108, no. 5 (2018): 43–47.
- Buchanan, Allen. 'Exploitation, Alienation, and Injustice'. *Canadian Journal of Philosophy* 9, no. 1 (1979): 121–39.
- Büchs, Milena. 'Sustainable Welfare: How Do Universal Basic Income and Universal Basic Services Compare?' *Ecological Economics* 189 (2021): 1–9.

- Budd, Malcolm. *Values of Art: Pictures, Poetry and Music*. London: Allen Lane/Penguin, 1995.
- Caldwell, Linda L., Edward A. Smith, and Ellen Weissinger. 'The Relationship of Leisure Activities and Perceived Health of College Students'. *Society and Leisure* 15, no. 2 (1992): 545–56.
- Carlson, Michelle C., Jane S. Saczynski, George W. Rebok, Teresa Seeman, Thomas A. Glass, Sylvia McGill, James Tielsch, Kevin D. Frick, Joel Hill, and Linda P. Fried. 'Exploring the Effects of an "Everyday" Activity Program on Executive Function and Memory in Older Adults'. *The Gerontologist* 48, no. 6 (2008): 793–801.
- Carlson, Susan A., Joseph D. Brooks, David R. Brown, and David M. Buchner. 'Racial/Ethnic Differences in Perceived Access, Environmental Barriers to Use, and Use of Community Parks'. *Preventing Chronic Disease* 7, no. 3 (2010): 1–10.
- Carlucci, Margherita, Sabato Vinci, Giuseppe Ricciardo Lamonica, and Luca Salvati. 'Socio-Spatial Disparities and the Crisis: Swimming Pools as a Proxy of Class Segregation in Athens'. *Social Indicators Research* 161, no. 2–3 (2020): 937–61.
- Carney, Karen. 'Raising the Bar – Reframing the Opportunity in Women's Football', *Department for Culture, Media and Sport* (17 July 2023)
<https://www.gov.uk/government/publications/raising-the-bar-reframing-the-opportunity-in-womens-football/raising-the-bar-reframing-the-opportunity-in-womens-football#generating-an-environment-that-maximises-investment-opportunities>. [Accessed 7 October 2023].
- Carter, Ian. *A Measure of Freedom*. New York: Oxford University Press, 1999.
- Casal, Paul. 'Mill, Rawls and Cohen on Incentives and Occupational Freedom'. *Utilitas* 19, no. 4 (2017): 375–97.
- . 'Why Sufficiency Is Not Enough'. *Ethics* 117, no. 2 (2007): 296–326.
- Caves, Richard E. *Creative Industries: Contracts Between Arts and Commerce*. Cambridge, Mass./London: Harvard University Press, 2000.
- Chambers, Clare. 'Are Breast Implants Better than Female Genital Mutilation? Autonomy, Gender Equality and Nussbaum's Political Liberalism'. *Critical Review of International Social and Political Philosophy* 7, no. 3 (2004): 1–33.

- Chan, Joseph. 'Legitimacy, Unanimity, and Perfectionism'. *Philosophy and Public Affairs* 29, no. 1 (2000): 5–42.
- Chan, Tak Wing, and John H. Goldthorpe. 'Class and Status: The Conceptual Distinction and Its Empirical Relevance'. *American Sociological Review* 72, no. 4 (2007): 512–32.
- . 'Social Stratification and Cultural Consumption: Music in England'. *European Sociological Review* 23, no. 1 (2007): 1–19.
- . 'Social Stratification and Cultural Consumption: The Visual Arts in England'. *Poetics* 35, no. 2–3 (2007): 168–90.
- Christman, John. 'Liberalism and Individual Positive Freedom'. *Ethics* 101, no. 2 (1991): 343–59.
- . 'Saving Positive Freedom'. *Political Theory* 33, no. 1 (2005): 79–88.
- Claassen, Rutger. 'Capability Paternalism'. *Economics and Philosophy* 30, no. 1 (2014): 57–73.
- . 'Human Dignity in the Capability Approach'. In Marcus Düwell, Jens Braarvig, Roger Brownsword and Dietmar Mieth (eds.) *The Cambridge Handbook of Human Dignity: Interdisciplinary Perspectives*, 240–49. Cambridge: Cambridge University Press, 2014.
- . 'Temporal Autonomy in a Laboring Society'. *Inquiry* 55, no. 3 (2012): 543–62.
- Clark, Sheryl, and Carrie Paechter. "'Why Can't Girls Play Football?' Gender Dynamics and the Playground'. *Sport, Education and Society* 12, no. 3 (2007): 261–76.
- Clarke, John, and Chas Critcher. *The Devil Makes Work*. Chicago: University of Illinois Press, 1985.
- Codd, John. 'Making Distinctions: The Eye of the Beholder'. In Richard Harker, Cheleen Mahar and Chris Wilkes (eds.) *An Introduction to the Work of Pierre Bourdieu*, 132–59. Basingstoke: Macmillan Press, 1990.
- Cohen, G. A. *If You're an Egalitarian, How Come You're so Rich?* Cambridge, Mass.: Harvard University Press, 2000.
- . 'Labor, Leisure, and a Distinctive Contradiction in Advanced Capitalism'. In Gerald Dworkin, Gordon Bermant and Peter G. Brown (eds.) *Markets and Morals*, 107–36. Washington D.C.: Hemisphere, 1977.
- Colburn, Ben. *Autonomy and Liberalism*. London/New York: Routledge, 2010.

- Coote, Anna. 'Exploring the Case for Universal Services'. In Philip Arestis and Malcolm Sawyer (eds.) *Economic Policies for Sustainability and Resilience*, 223–68. Cham: Palgrave Macmillan, 2022.
- . 'Towards a Sustainable Welfare State: The Role of Universal Basic Services'. *Social Policy and Society* 21, no. 3 (2022): 473–83.
- Coote, Anna, Aidan Harper, and Alfie Stirling. *The Case for a Four-Day Week*. Cambridge: Polity Press, 2021.
- Coote, Anna, and Andrew Percy. *The Case for Universal Basic Services*. Cambridge: Polity Press, 2020.
- Council of Europe, 'Recommendation of the Committee of Ministers to Member States on the Revised European Sports Charter' (2021) <https://rm.coe.int/recommendation-cm-rec-2021-5-on-the-revision-of-the-european-sport-cha/1680a43914> [Accessed 29 December 2023].
- Cowen, Tyler. *In Praise of Commercial Culture*. Cambridge, Mass./London: Harvard University Press, 1998.
- Crisp, Roger. 'Equality, Priority, and Compassion'. *Ethics* 113, no. 4 (2003): 745–63.
- Crocker, Lawrence. 'Marx's Concept of Exploitation'. *Social Theory and Practice* 2, no. 2 (1972): 201–15.
- Cross, Gary S. 'The Quest for Leisure: Reassessing the Eight-Hour Day in France'. *Journal of Social History* 18, no. 2 (1984): 195–216.
- Crowder, George. 'Value Pluralism, Diversity and Liberalism'. *Ethical Theory and Moral Practice* 18, no. 3 (2015): 549–64.
- Culbertson, Leon. 'Does Sport Have Intrinsic Value?' *Sport, Ethics and Philosophy* 2, no. 3 (2008): 302–20.
- Darwall, Stephen L. 'Two Kinds of Respect'. *Ethics* 88, no. 1 (1977): 36–49.
- Deneulin, Séverine. 'Perfectionism, Paternalism and Liberalism in Sen and Nussbaum's Capability Approach'. *Review of Political Economy* 14, no. 4 (2002): 497–518.
- Destrée, Pierre. 'Education, Leisure, and Politics'. In Marguerite Deslauriers and Pierre Destrée (eds.) *The Cambridge Companion to Aristotle's Politics*, 301–23. Cambridge: Cambridge University Press, 2013.

- Department for Levelling Up, Housing and Communities, 'National Planning Policy Framework' (December 2023)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1182995/NPPF_Sept_23.pdf. [Accessed 18 January 2024].
- Diggins, John Patrick. *Thorstein Veblen: Theorist of the Leisure Class*. Princeton, NJ: Princeton University Press, 1999.
- DiMaggio, Paul (ed.). 'Can Culture Survive the Marketplace?' In *Nonprofit Enterprise in the Arts*, 65–92. New York/Oxford: Oxford University Press, 1986.
- DiMaggio, Paul, and Michael Useem. 'The Arts in Class Reproduction'. In Michael E. Apple (ed.) *Cultural and Economic Reproduction in Education*, 181–201. London: Routledge and Kegan Paul, 1982.
- Doohan, Leonard. *Leisure: A Spiritual Need*. Notre Dame, IN.: Ave Maria Press, 1990.
- . 'The Spiritual Value of Leisure'. *Spirituality Today* 31, no. 2 (1981): 157–67.
- Dorsey, Dale. 'Equality-Tempered Prioritarianism'. *Politics, Philosophy and Economics* 13, no. 1 (2014): 45–61.
- Dowden, Oliver, and Rishi Sunak. '£1.57 billion investment to protect Britain's world-class cultural, arts and heritage institutions', *GOV.UK* (5 July 2020)
<https://www.gov.uk/government/news/157-billion-investment-to-protect-britains-world-class-cultural-arts-and-heritage-institutions> [Accessed 14th February 2021].
- Dowding, Keith. 'Can Capabilities Reconcile Freedom and Equality?' *Journal of Political Philosophy* 14, no. 3 (2006): 323–36.
- Draper, Jamie. 'Gentrification and Everyday Democracy'. *European Journal of Political Theory*. Online first (2022) <https://journals.sagepub.com/doi/10.1177/14748851221137510> [Accessed 8 January 2023].
- Drydyk, Jay. 'Reasonable Pluralism, Capabilities, and Human Rights'. *Journal of Human Development and Capabilities* 12, no. 1 (2011): 39–61.
- Dworkin, Ronald. *Justice for Hedgehogs*. Cambridge, Mass.: Belknap Press, 2011.
- . 'Ronald Dworkin Replies'. In Ronald Dworkin and Justine Burley (eds.) *Dworkin and His Critics: With Replies by Dworkin*, 339–95. Malden, Ma.: Blackwell, 2004.
- . *Sovereign Virtue: The Theory and Practice of Equality*. Cambridge, Mass.: Harvard University Press, 2000.

- Dumaine, Brian. 'Why Do We Work?', *Fortune* 130 (1994): 197-204.
- Dumazedier, Joffre. *Sociology of Leisure*. Amsterdam: Elsevier, 1974.
- Elford, Gideon. 'Survey Article: Relational Equality and Distribution'. *Journal of Political Philosophy* 25, no. 4 (2017): e80–99.
- Engelberg, Jessa K., Terry L. Conway, Carrie Geremia, Kelli L. Cain, Brian E. Saelens, Karen Glanz, Lawrence D. Frank, and James F. Sallis. 'Socioeconomic and Race/Ethnic Disparities in Observed Park Quality'. *BMC Public Health* 16, no. 1 (2016): 1–11.
- Enoch, David. 'Against Public Reason'. In David Sobel, Peter Vallentyne and Steven Wall (eds.) *Oxford Studies in Political Philosophy*, Volume 1, 112–42. Oxford: Oxford University Press, 2015.
- Eratay, Emine. 'Effectiveness of Leisure Time Activities Program on Social Skills and Behavioral Problems in Individuals with Intellectual Disabilities'. *Educational Research and Reviews* 8, no. 16 (2013): 1437–48.
- Erickson, Bonnie H. 'Culture, Class, and Connections'. *American Journal of Sociology* 102, no. 1 (1996): 217–51.
- Estlund, Cynthia. 'What Should We Do After Work? Automation and Employment Law'. *Yale Law Journal* 128, no. 2 (2018): 254–326.
- Estlund, David. 'The Survival of Egalitarian Justice in John Rawls's Political Liberalism'. *Journal of Political Philosophy* 4, no. 1 (1996): 68–78.
- European Commission. 'Working Conditions – Working Time Directive' (2003) <https://ec.europa.eu/social/main.jsp?catId=706&langId=en&intPageId=205> [Accessed 17 November 2020].
- Exelmans, Liese, and Jan Van den Bulck. 'Self-Control Depletion and Sleep Duration: The Mediating Role of Television Viewing'. *Psychology and Health* 33, no. 10 (2018): 1251–68.
- Falgueras-Sorauren, Ignacio. 'Non-Monetary Incentives: Do People Work Only for Money?' *Business Ethics Quarterly* 10, no. 4 (2000): 925–44.
- Fancourt, Daisy, Henry Aughterson, Saoirse Finn, Emma S. Walker, and Andrew Steptoe. 'How Leisure Activities Affect Health: A Narrative Review and Multi-Level Theoretical Framework of Mechanisms of Action'. *The Lancet* 8, no. 4 (2021): 329–39.

- Feiler, Svenja, Pamela Wicker, and Christoph Breuer. 'Public Subsidies for Sports Clubs in Germany: Funding Regulations vs. Empirical Evidence'. *European Sport Management Quarterly* 19, no. 5 (2019): 562–82.
- Ferretti, Thomas. 'Measuring Freedom: Towards a Solution to John Rawls' Indexing Problem'. *Erasmus Journal for Philosophy and Economics* 15, no. 1 (2022): 1–31.
- Fleurbaey, Marc. *Fairness, Responsibility, and Welfare*. New York/Oxford: Oxford University Press, 2008.
- . 'Social Choice and the Indexing Dilemma'. *Social Choice and Welfare* 29, no. 4 (2007): 633–48.
- Floyd, Myron F. 'Managing National Parks in a Multicultural Society: Searching for Common Ground'. *George Wright Forum* 18, no. 3 (2001): 41–51.
- Flyvbjerg, Bent, Alexander Budzier, and Daniel Lunn. 'Regression to the Tail: Why the Olympics Blow Up'. *Environment and Planning* 53, no. 2 (2021): 233–69.
- Football Supporters' Association 'Twenty's Plenty Away Ticket Petition' (date not given) <https://thefsa.org.uk/petition/twentys-plenty-away-ticket-petition/>. [Accessed 15 January 2024].
- Formosa, Paul, and Catriona Mackenzie. 'Nussbaum, Kant, and the Capabilities Approach to Dignity'. *Ethical Theory and Moral Practice* 17, no. 5 (2014): 875–92.
- Francis-Devine, Brigid. 'Poverty in the UK: Statistics', *House of Commons Library* (08 April 2024) <https://commonslibrary.parliament.uk/research-briefings/sn07096/> [Accessed 10 April 2024].
- Frankfurt, Harry. 'Equality as a Moral Ideal'. *Ethics* 98, no. 1 (1987): 21–43.
- Fraser, Nancy. 'After the Family Wage: Gender Equity and the Welfare State'. *Political Theory* 22, no. 4 (1994): 591–618.
- Freeman, Samuel. *Liberalism and Distributive Justice*. New York: Oxford University Press, 2018.
- . 'Political Liberalism and the Possibility of a Just Democratic Constitution'. *Chicago-Kent Law Review* 69, no. 3 (1994): 619.
- . 'Utilitarianism, Deontology, and the Priority of Right'. *Philosophy and Public Affairs* 23, no. 4 (1994): 313–49.

- Frey, Carl Benedikt, and Michael A. Osborne. 'The Future of Employment: How Susceptible Are Jobs to Computerisation?' *Technological Forecasting and Social Change* 114 (2017): 254–80.
- Fricker, Miranda. *Epistemic Injustice*. Oxford: Oxford University Press, 2007.
- Friedman, Sam. *Comedy and Distinction*. Abingdon, Oxon: Routledge, 2014.
- Friedman, Sam, and Daniel Laurison. *The Class Ceiling: Why It Pays to Be Privileged*. Bristol: Policy Press, 2020.
- Friedman, Sam, and Aaron Reeves, 'From Aristocratic to Ordinary: Shifting Modes of Elite Distinction', *American Sociological Review* 85, no. 2 (2020): 323–50.
- Gallie, Walter B. 'Essentially Contested Concepts'. *Proceedings of the Aristotelian Society* 56 (1956): 167–98.
- Gallup, 'Employee Engagement' (2023) <https://www.gallup.com/394373/indicator-employee-engagement.aspx#:~:text=In%202022%2C%20the%20percentage%20of,Workplace%20Award%2C%20was%2072%25> [Accessed: 12th January 2024].
- Gaus, Gerald. *The Order of Public Reason*. Cambridge: Cambridge University Press, 2010.
- Genders, Amy. 'An Invisible Nation? The BBC and English-Language Arts Television in Wales', *Journal of British Cinema and Television* 16, no. 4 (2019): 409–28.
- Gershuny, Jonathan. *Changing Times: Work and Leisure in Postindustrial Society*. Oxford: Oxford University Press, 2000.
- Gershuny, Jonathan, and John P. Robinson. 'Historical Changes in the Household Division of Labor'. *Demography* 25, no. 4 (1988): 537–52.
- Geuss, Raymond. *A Philosopher Looks at Work*. Cambridge: Cambridge University Press, 2021.
- Gheaus, Anca. 'Political Liberalism and the Dismantling of the Gendered Division of Labor'. In David Sobel and Steven Wall (eds.) *Oxford Studies in Political Philosophy*, Volume 9, 153–82. Oxford: Oxford University Press, 2023.
- Gheaus, Anca, and Lisa Herzog. 'The Goods of Work (Other Than Money!)'. *Journal of Social Philosophy* 41, no. 1 (2016): 70–89.
- Giattino, Charlie, Esteban Ortiz-Ospina, and Max Roser. 'Working Hours'. *Our World in Data* (December 2020) <https://ourworldindata.org/working-hours> [Accessed 30 January 2024].

- Gibbard, Allan. 'Disparate Goods and Rawls' Difference Principle: A Social Choice Theoretic Treatment'. *Theory and Decision* 11, no. 3 (1979): 267–88.
- Gibbons, Zoe. 'Abused and Abusive Words: Hobbes on Laughter and Leisure'. *ELH* 83, no. 3 (2016): 681–709.
- Gilens, Martin, and Benjamin Page. 'Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens'. *Perspectives on Politics* 12, no. 3 (2014): 564–81.
- Giorgi, Liana, and Catherine Marsh. 'The Protestant Work Ethic as a Cultural Phenomenon'. *European Journal of Social Psychology* 20, no. 6 (1990): 499–517.
- Gluchman, Vasil. 'Human Dignity as the Essence of Nussbaum's Ethics of Human Development'. *Philosophia* 47, no. 4 (2019): 1127–40.
- Godwin, William. 'Essay IX: Of Leisure'. In *Thoughts on Man: His Nature, Productions, and Discoveries: Interspersed with Some Particulars Respecting the Author*, 164–80. London: Effingham Wilson, 1831.
- . *The Enquirer*. Edinburgh/London: John Anderson and Simpkin and Marshall, 1823.
- Goldman, Harvey S. 'Weber's Ascetic Practices of the Self'. In Hartmut Lehmann and Guenther Roth, *Weber's Protestant Ethic: Origins, Evidence, Contexts*, 161–77. Cambridge: Cambridge University Press, 1993.
- Gomes, Pedro. *Friday Is the New Saturday: How a Four-Day Working Week Will Save the Economy*. Cheltenham: Flint, 2021.
- Goodin, Robert E. 'Freeing Up Time'. *Law, Ethics and Philosophy* 5 (2017): 37–46.
- . 'Temporal Justice'. *Journal of Social Policy* 39, no. 1 (2010): 1–16.
- Goodin, Robert E., James Mahmud Rice, Antti Parpo, and Lina Eriksson. *Discretionary Time: A New Measure of Freedom*. Cambridge: Cambridge University Press, 2008.
- Goodin, Robert E., James Mahmud Rice, Michael Bittman, and Peter Saunders. 'The Time Pressure Illusion: Discretionary Time vs. Free Time'. *Social Indicators Research* 73, no. 1 (2005): 43–70.
- Gorz, André. *Farewell to the Working Class*. London: Pluto Press, 1982.
- . *Paths to Paradise: On the Liberation from Work*. London: Pluto Press, 1985.
- Gough, Ian. 'Universal Basic Services: A Theoretical and Moral Framework'. *The Political Quarterly* 90, no. 3 (2019): 534–42.
- Graeber, David. *Bullshit Jobs: A Theory*. London: Allen Lane, 2018.

- Grosse, Robert. *The Four-Day Workweek*. New York: Routledge, 2018.
- Habermas, Jürgen. 'Reconciliation Through the Public Use of Reason: Remarks on John Rawls's Political Liberalism'. *The Journal of Philosophy* 92, no. 3 (1995): 109–31.
- . 'The Concept of Human Dignity and the Realistic Utopia of Human Rights'. *Metaphilosophy* 41, no. 4 (2010): 464–80.
- Haggard, Lois M., and Daniel R. Williams. 'Identity Affirmation through Leisure Activities: Leisure Symbols of the Self'. *Journal of Leisure Research* 24, no. 1 (1992): 1–18.
- Hall, John R. 'The Capital(s) of Cultures: A Nonholistic Approach to Status Situations, Class, Gender, and Ethnicity'. In Michele Lamont and Marcel Fournier (eds.) *Cultivating Differences: Symbolic Boundaries and the Making of Inequality*, 257–85. Chicago, IL: University of Chicago Press, 1992.
- Hamermesh, Daniel S. *Spending Time: The Most Valuable Resource*. New York: Oxford University Press, 2018.
- Hamlin, Alan, and Zofia Stemplowska. 'Theory, Ideal Theory and the Theory of Ideals'. *Political Studies Review* 10, no. 1 (2011): 48–62.
- Hancock, Roger. 'Marx's Theory of Justice'. *Social Theory and Practice* 1, no. 3 (1971): 65–71.
- Hatcher, John. 'Labour, Leisure and Economic Thought before the Nineteenth Century'. *Past and Present* 160, no. 1 (1998): 64–115.
- Harel Ben-Shahar, Tammy. 'Positional Goods and the Size of Inequality'. *Journal of Political Philosophy* 26, no. 1 (2018): 103–20.
- Haworth, John, and Suzan Lewis. 'Work, Leisure and Well-Being'. *British Journal of Guidance and Counselling* 33, no. 1 (2005): 67–79.
- Heintzman, Paul. 'Christian Reflections on the Relationship of Leisure and Work'. *Journal of the Christian Society for Kinesiology, Leisure and Sports Studies* 2, no. 1 (2012): 33–40.
- Hemingway, John L. 'Leisure and Civility: Reflections on a Greek Ideal'. *Leisure Sciences* 10, no. 3 (1988): 179–91.
- Hester, Helen, and Will Stronge. *Post-Work: What It Is, Why It Matters and How We Get There*. Bloomsbury, forthcoming.
- Higgerson, James, Emma Halliday, Aurora Ortiz-Nunez, and Ben Barr. 'The Impact of Free Access to Swimming Pools on Children's Participation in Swimming. A Comparative Regression Discontinuity Study'. *Journal of Public Health* 41, no. 2 (2018): 214–21.

- Hindle, Steven. 'Work, Reward and Labour Discipline in Late Seventeenth-Century England'. In Alexandra Shepard and John Walter (eds.) *Remaking English Society*, 255–79. Woodbridge: Boydell, 2013.
- Horton, John. 'Why Liberals Should Not Worry About Subsidizing Opera'. *Critical Review of International Social and Political Philosophy* 15, no. 4 (2012): 429–48.
- Hsieh, Nien-hê. 'Justice at Work: Arguing for Property-Owning Democracy'. *Journal of Social Philosophy* 40, no. 3 (2009): 397–411.
- Huberman, Michael, and Chris Minns. 'The Times They Are Not Changin': Days and Hours of Work in Old and New Worlds, 1870–2000'. *Explorations in Economic History* 44, no. 4 (2007): 538–67.
- Hunnicut, Benjamin Kline. *Work Without End: Abandoning Shorter Hours for the Right to Work*. Philadelphia, PA.: Temple University Press, 1988.
- Hurka, Thomas. *Perfectionism*. Oxford: Oxford University Press, 1993.
- Huseby, Robert. 'Sufficiency: Restated and Defended'. *Journal of Political Philosophy* 18, no. 2 (2010): 178–97.
- Ibrahim, Hilmi. 'Leisure and Islam'. *Leisure Studies* 1, no. 2 (1982): 197–210.
- Imperial War Museum. 'Voices of the First World War', (date not given) <https://www.iwm.org.uk/history/voices-of-the-first-world-war-wartime-leisure-and-entertainment> [Accessed 11 October 2023].
- Israel, Jeffrey. *Living with Hate in American Politics and Religion: How Popular Culture Can Defuse Intractable Differences*. New York: Columbia University Press, 2019.
- Jacobs, Jerry A., and Kathleen Gerson. *The Time Divide: Work, Family, and Gender Inequality*. Cambridge, Mass.: Harvard University Press, 2004.
- Jahoda, Marie, Paul F. Lazarsfeld, and Hans Zeisel. *Marienthal: The Sociography of an Unemployed Community*. London: Transaction Publishers, 2002.
- Jauch, Malte. 'Free Time Across the Life Course'. *Political Studies* 71, no. 1 (2023): 89–105.
- Jenkins, Richard. 'Pierre Bourdieu and the Reproduction of Determinism'. *Sociology* 16, no. 2 (1982): 270–81.
- Johnson, Boris. 'Covid-19: Strategy, House of Commons Debate', *Hansard*, Volume 676 (11 May 2020) <https://hansard.parliament.uk/Commons/2020-05-11/debates/D92692B5-165B-4ACB-BC97-4C3F25D726EE/Covid-19Strategy?highlight=provide%20much->

needed%20boost%20national%20morale#contribution-A6413C65-B740-4C24-B65E-BD7F5244CC58 [Accessed 8 April 2024].

- Johnston, Josée, Shyon Baumann, and Merin Oleschuk. 'Omnivorousness, Distinction, or Both?' In Frederick F. Wherry and Ian Woodward (eds.) *The Oxford Handbook of Consumption*, 360–80. New York: Oxford University Press, 2018.
- Kallhoff, Angela. *Why Democracy Needs Public Goods*. Lanham, MD.: Lexington, 2011.
- Kandiyali, Jan. 'Freedom and Necessity in Marx's Account of Communism'. *British Journal for the History of Philosophy* 22, no. 1 (2014): 104–23.
- Kant, Immanuel. *The Metaphysics of Morals*. Revised edition. Translated by Mary Gregor. Cambridge: Cambridge University Press, 2017.
- Kasim, Azilah, and Hisham Dzakiria. 'Influence of Recreation on Education Aspiration'. *Asia Pacific Journal of Tourism Research* 6, no. 2 (2001): 53–64.
- Keat, Russell. *Cultural Goods and the Limits of the Market*. Basingstoke: Macmillan Press, 2000.
- Kelton, Stephanie. *The Deficit Myth: Modern Monetary Theory and the Birth of the People's Economy*. New York: Public Affairs, 2020.
- Kelly, John R. *Leisure Identities and Interactions*. London: George Allen and Unwin, 1983.
- Keynes, John Maynard. 'Economic Possibilities for Our Grandchildren'. In *Essays in Persuasion*, 321–32. New York: Palgrave Macmillan, 2010.
- King, Anthony. 'Thinking with Bourdieu against Bourdieu: A "Practical" Critique of the Habitus'. *Sociological Theory* 18, no. 3 (2000): 417–33.
- Knight, Carl. 'Reflective Equilibrium'. In Adrian Blau (ed.) *Methods in Analytical Political Theory*, 46–64. New York: Cambridge University Press, 2017.
- Kopytov, Alexandr, Nikolai Roussanov, and Mathieu Taschereau-Dumouchel. 'Cheap Thrills: The Price of Leisure and the Global Decline in Work Hours'. *Journal of Political Economy Macroeconomics* 1, no. 1 (2023): 80–118.
- Korsgaard, Christine M. 'Two Distinctions in Goodness'. *The Philosophical Review* 92, no. 2 (1983): 169–95.
- Kramer, Matthew. *Liberalism with Excellence*. Oxford: Oxford University Press, 2017.
- Krueger, Alan B. 'Are We Having More Fun Yet? Categorizing and Evaluating Changes in Time Allocation'. *Brookings Papers on Economic Activity* 2 (2007): 193–215.

- Kugelberg, Elsa, and Henrick D. Kugelberg. 'Public Justification, Gender, and the Family'. *European Journal of Political Theory* 23, no. 1 (2024): 4–22.
- Kukathas, Chandran. 'Justicitis'. In Manuel Knoll, Stephen Snyder and Nurdane Şimşek (eds.) *New Perspectives on Distributive Justice: Deep Disagreements, Pluralism, and the Problem of Consensus*, 187–203. Berlin/Boston: De Gruyter, 2019.
- Laborde, Cécile. *Liberalism's Religion*. Cambridge, Mass.: Harvard University Press, 2017.
- Lamb, Robert. 'Recent Developments in the Thought of Quentin Skinner and the Ambitions of Contextualism'. *Journal of the Philosophy of History* 3, no. 3 (2009): 246–65.
- Lamm, Norman. *Faith and Doubt*. New York: KTAV Publishing House, 1986.
- Lamont, Michele, and Annette Lareau. 'Cultural Capital: Allusions, Gaps and Glissandos in Recent Theoretical Development'. *Sociological Theory* 6, no. 2 (1988): 153–68.
- Lane, Melissa. 'Doing Our Own Thinking for Ourselves: On Quentin Skinner's Genealogical Turn'. *Journal of the History of Ideas* 73, no. 1 (2012): 71–82.
- Larmore, Charles. *Patterns of Moral Complexity*. Cambridge: Cambridge University Press, 1987.
- . 'Political Liberalism'. *Political Theory* 18, no. 3 (1990): 339–60.
- . *The Morals of Modernity*. Cambridge: Cambridge University Press, 1996.
- Lawler, Stephanie. 'Disgusted Subjects: The Making of Middle-Class Identities'. *Sociological Review* 53, no. 3 (2005): 429–46.
- Leland, R. J. 'Civic Friendship, Public Reason'. *Philosophy and Public Affairs* 47, no. 1 (2019): 72–103.
- Leopold, David. *The Young Karl Marx: German Philosophy, Modern Politics, and Human Flourishing*. Cambridge: Cambridge University Press, 2007.
- Lewis, Justin. *Art, Culture and Enterprise: The Politics of Art and the Cultural Industries*. London: Routledge, 1990.
- Lim, Désirée. 'Domination and the (Instrumental) Case for Free Time'. *Law, Ethics and Philosophy* 5 (2017): 74–90.
- Lister, Andrew. *Public Reason and Political Community*. London/New York: Bloomsbury Academic, 2013.
- Locke, John. 'A Letter Concerning Toleration'. In *Locke on Toleration*. Edited by Richard Vernon. 3–46. Cambridge: Cambridge University Press, 2010.

- . ‘An Essay Concerning Recreation, in Peter King (ed.) Answer to D. G.’s Desire, 1677’. In *The Life of John Locke*, II:165–69. London: Henry Colburn and Richard Bentley, 1830.
- . *Second Treatise of Government*. Wheeling, Il.: Harlan Davidson, 1982.
- Long, Jonathan, Thomas Fletcher, and Beccy Watson. (eds.) *Sport, Leisure and Social Justice*. London: Routledge, 2017.
- MacIntyre, Alasdair. *After Virtue: A Study in Moral Theory*. Third Edition. London: Bloomsbury, 2013.
- Macintyre, Sally, Laura Macdonald, and Anna Ellaway. ‘Do Poorer People Have Poorer Access to Local Resources and Facilities? The Distribution of Local Resources by Area Deprivation in Glasgow, Scotland’. *Social Science and Medicine* 67, no. 6 (2008): 900–914.
- Mang, Franz. ‘Liberal Neutrality and Moderate Perfectionism’. *Res Publica* 19, no. 4 (2013): 297–315.
- Marcuse, Herbert. *One-Dimensional Man*. Abingdon: Routledge, 2002.
- . ‘The Realm of Freedom and the Realm of Necessity: A Reconsideration’. *Praxis* 5, no. 1 (1969): 20–25.
- Martens, Emiel. ‘Maori on the Silver Screen: The Evolution of Indigenous Feature Filmmaking in Aotearoa/New Zealand’, *International Journal of Critical Indigenous Studies* 5, no. 1 (2012): 2–30.
- Martin, William H., and Sandra Mason. ‘Leisure in an Islamic Context’. *World Leisure Journal* 46, no. 1 (2004): 4–13.
- Marx, Karl. *Capital. Volume I*. Edited by Friedrich Engels. London: Lawrence and Wishart, 1996.
- . *Capital. Volume III*. Edited by Friedrich Engels. London: Electric Book Company, 2001.
- . *Economic and Philosophic Manuscripts of 1844*. London: Lawrence and Wishart, 1959.
- . ‘From the Paris Notebooks’. In Joseph O’Malley (ed.) *Early Political Writings*, 71–96. Cambridge: Cambridge University Press, 1994.
- . *Grundrisse*. Translated by Martin Nicolaus. London: Penguin Classics, 1993.
- . *Theories of Surplus Value. Part III*. Translated by Emile Burns, Jack Cohen, and Renate Simpson. Moscow: Progress Publishers, 1971.
- . ‘Wages, Price and Profit’. In *Karl Marx and Frederick Engels: Selected Works in One Volume*, 185–226. London: Lawrence and Wishart, 1968.

- Marx, Karl, and Friedrich Engels. *The German Ideology (1846)*. New York: Prometheus Books, 1998.
- Mattingly, Marybeth J., and Suzanne M. Bianchi. 'Gender Differences in the Quantity and Quality of Free Time: The U.S. Experience'. *Social Forces* 81, no. 3 (2003): 999–1030.
- Mautner, Menachem. *Human Flourishing, Liberal Theory, and the Arts*. London: Routledge, 2018.
- Mazzucato, Mariana. 'The Future of the BBC: The BBC as Market Shaper and Creator'. *British Academy*, blog (25 November 2015) <https://www.thebritishacademy.ac.uk/blog/future-bbc-bbc-market-shaper-and-creator/> [Accessed 15 March 2022].
- McBride, James, and Melissa Manno, 'The Economics of Hosting the Olympic Games', *Council on Foreign Relations* (14 December 2021) <https://www.cfr.org/backgrounders/economics-hosting-olympic-games> [Accessed 15 May 2023].
- McCabe, Janet. 'Appreciating Wallander at the BBC: Producing Culture and Performing the Glocal in the UK and Swedish Wallanders for British Public Service Television', *Journal of Media and Cultural Studies* 29, no. 5 (2015): 755–68.
- McDaniel, Justin Thomas. *Architects of Buddhist Leisure*. Honolulu, HI.: University of Hawai'i Press, 2017.
- McDonald, Steve. 'What's in the "Old Boys" Network? Accessing Social Capital in Gendered and Racialized Networks'. *Social Networks* 33, no. 4 (2011): 317–30.
- McFee, Graham. 'Olympism and Sport's Intrinsic Value'. *Sport, Ethics and Philosophy* 6, no. 2 (2012): 211–31.
- . *Sport, Rules and Values*. London/New York: Routledge, 2004.
- McLennan, William. 'Nazanin Zaghari-Ratcliffe: Watching Andy Murray from prison was joyful', *BBC News* (28 December 2022) <https://www.bbc.co.uk/news/uk-64074678> [Accessed 6 February 2024].
- McTernan, Emily. 'How to Make Citizens Behave: Social Psychology, Liberal Virtues, and Social Norms'. *Journal of Political Philosophy* 22, no. 1 (2014): 84–104.
- Mei, Todd S. 'Work and the Meaning of Being'. In Ruth Yeoman, Catherine Bailey, Adrian Madden and Marc Thompson (eds.) *The Oxford Handbook of Meaningful Work*, 88–98. Oxford: Oxford University Press, 2019.

- Menon, Nivedita. 'Universalism without Foundations?' *Economy and Society* 31, no. 1 (2002): 152–69.
- Merton, R. K. 'Manifest and Latent Functions'. In *Social Theory and Social Structure*, Revised edition, 73–138. Glencoe, Il.: Free Press, 1968.
- Mill, John Stuart. 'On Liberty'. In David Wootton (ed.) *Modern Political Thought: Readings from Machiavelli to Nietzsche*, 605–72. Indianapolis, IN: Hackett Publishing, 1996.
- Miller, David. 'Justice, Democracy and Public Goods'. In Keith M. Dowding, Robert E. Goodin and Carole Pateman (eds.) *Justice and Democracy: Essays for Brian Barry*, 127–49. Cambridge: Cambridge University Press, 2004.
- . *Principles of Social Justice*. Cambridge, Mass./London: Harvard University Press, 1999.
- Mills, Charles. "'Ideal Theory" as Ideology'. *Hypatia* 20, no. 3 (2005): 165–84.
- . 'Rawls on Race/Race in Rawls', *The Southern Journal of Philosophy* 47, no. 1 (2009): 161–84.
- . 'Retrieving Rawls for Racial Justice: A Critique of Tommie Shelby'. *Critical Philosophy of Race* 1, no. 1 (2013): 1–27.
- Moore, Latetia V., Ana V. Diez Roux, Kelly R. Evenson, Aileen P. McGinn, and Shannon J. Brines. 'Availability of Recreational Resources in Minority and Low Socioeconomic Status Areas'. *American Journal of Preventive Medicine* 34, no. 1 (2008): 16–22.
- Morgenstern, Christian, 'Christian Morgenstern Quotes', *Notable quotes* (date not given) http://www.notable-quotes.com/m/morgenstern_christian.html [Accessed 17 September 2023].
- Mota, Haroon. 'Minority Communities are Edged Out of the UK's Green Spaces. I'm Trying to Change That.' *The Guardian* (2 October 2023) <https://www.theguardian.com/commentisfree/2023/oct/02/minority-communities-uk-green-spaces-nature-racial-disparities>. [Accessed 2 October 2023].
- Muirhead, Russell. *Just Work*. Cambridge, Mass.: Harvard University Press, 2004.
- Mumper, Micah L., and Richard J. Gerrig. 'Leisure Reading and Social Cognition: A Meta-Analysis.' *Psychology of Aesthetics, Creativity, and the Arts* 11, no. 1 (2017): 109–20.
- Murakami, Haruki. *What I Talk About When I Talk About Running*. Translated by Philip Gabriel. London: Penguin Random House, 2008.

- Murphy, Liam. 'Institutions and the Demands of Justice'. *Philosophy and Public Affairs* 27, no. 4 (1998): 251–91.
- Murphy, Liam, and Thomas Nagel. *The Myth of Ownership: Taxes and Justice*. New York: Oxford University Press, 2002.
- Musgrave, Richard A. 'Maximin, Uncertainty, and the Leisure Trade-Off'. *The Quarterly Journal of Economics* 88, no. 4 (1974): 625–32.
- Narayan, Deepa, and Patti Petesch (eds.) *Voices of the Poor From Many Lands*. New York: Oxford University Press, 2002.
- National Endowment for the Arts. 'Statement by the National Endowment for the Arts on the President's Fiscal Year 2025 Budget' (11 March 2024)
<https://www.arts.gov/news/press-releases/2024/statement-national-endowment-arts-presidents-fiscal-year-2025-budget#:~:text=At%20the%20NEA%2C%20the%20Budget,Town%2C%20and%20key%20Leadership%20Initiatives> [Accessed 2 April 2024].
- Nelson, Eric. 'From Primary Goods to Capabilities: Distributive Justice and the Problem of Neutrality'. *Political Theory* 36, no. 1 (2008): 93–122.
- Neufeld, Blain. 'Reciprocity and Liberal Legitimacy: Critical Comment on May'. *Journal of Ethics and Social Philosophy* 4, no. 2 (2010): 1–7.
- Neulinger, John. *To Leisure: An Introduction*. Boston: Alyn and Bacon, 1981.
- Nielsen, Lasse. 'Playing for Social Equality'. *Politics, Philosophy and Economics* 17, no. 4 (2018): 427–46.
- Nightingale, Andrea. 'Aristotle on the "Liberal" and "Illiberal" Arts'. *Proceedings of The Boston Area Colloquium in Ancient Philosophy* 12 (1996): 29–58.
- Norwegian Government, 'Outdoor Recreation Act' (1957)
<https://www.regjeringen.no/en/dokumenter/outdoor-recreation-act/id172932/>
 [Accessed 05 February 2023].
- Nozick, Robert. *Anarchy, State, and Utopia*. Malden, Ma.: Blackwell, 1974.
- Nussbaum, Martha C. *Anger and Forgiveness*. Oxford: Oxford University Press, 2016.
- . 'Aristotelian Social Democracy'. In R. Bruce Douglass, Gerald M. Mara and Henry S. Richardson (eds.) *Liberalism and the Good*, 203–52. London: Routledge, 1990.
- . 'Aristotle, Politics, and Human Capabilities'. *Ethics* 111, no. 1 (2000): 102–40.

- . ‘Capabilities and Human Rights’. *Fordham Law Review* 66, no. 2 (1997): 273–300.
- . *Creating Capabilities*. Cambridge, Mass.: Belknap Press, 2011.
- . *Frontiers of Justice: Disability, Nationality, Species Membership*. Cambridge, Mass.: Belknap Press, 2006.
- . ‘Human Capabilities, Female Human Beings’, in Martha C. Nussbaum and Jonathan Glover (eds.) *Women, Culture, and Development: A Study of Human Capabilities*, 61–104. Oxford: Clarendon Press, 1995), 85–86.
- . ‘Human Dignity and Political Entitlements’. In Leslie A. Meltzer (ed.) *Human Dignity and Bioethics: Essays Commissioned by the President’s Council on Bioethics*, 351–80. Washington D.C.: President’s Council on Bioethics, 2008.
- . ‘Introduction: Capabilities, Challenges, and the Omnipresence of Political Liberalism’. In Flavio Comim and Martha C. Nussbaum (eds.) *Capabilities, Gender, Equality: Towards Fundamental Entitlements*, 1–16. Cambridge: Cambridge University Press, 2014.
- . ‘Nature, Function, and Capability: Aristotle on Political Distribution’. In Robert H. Grimm (ed.) *Oxford Studies in Ancient Philosophy: Supplementary Volume 1988*. Oxford: Clarendon Press, 1988.
- . ‘On Hearing Women’s Voices: A Reply to Susan Okin’. *Philosophy and Public Affairs* 32, no. 2 (2004): 193–205.
- . ‘Perfectionist Liberalism and Political Liberalism’. *Philosophy and Public Affairs* 39, no. 1 (2011): 3–45.
- . ‘Philosophy and Economics in the Capabilities Approach: An Essential Dialogue’. *Journal of Human Development and Capabilities* 16, no. 1 (2015): 1–14.
- . *Sex and Social Justice*. New York: Oxford University Press, 1999.
- . *The Cosmopolitan Tradition*. Cambridge, Mass.: Belknap Press, 2019.
- . ‘The Good As Discipline, the Good As Freedom’. In David A. Crocker and Toby Linden (eds.) *Ethics of Consumption: The Good Life, Justice, and Global Stewardship*, 312–41. Lanham, MD.: Rowman and Littlefield, 1998.
- . ‘“Where the Dark Feelings Hold Sway” Running to Music’. In Michael W. Austin (ed.) *Running and Philosophy: A Marathon for the Mind*, 181–91. Malden, Ma.: Blackwell, 2007.
- . ‘Who Is the Happy Warrior? Philosophy, Happiness Research, and Public Policy’. *International Review of Economics* 59, no. 4 (2012): 335–61.

- . *Women and Human Development*. Cambridge: Cambridge University Press, 2000.
- Oakeshott, Michael. 'On Being Conservative'. In *Rationalism in Politics and Other Essays*, New and Expanded Edition., 407–37. London/New York: Liberty Fund, 1991.
- Okin, Susan Moller. *Justice, Gender, and the Family*. New York: Basic Books, 1989.
- . 'Political Liberalism, Justice, and Gender'. *Ethics* 105, no. 1 (1994): 23–43.
- Olson, Eric T. 'Personal Identity', Edward N. Zalta and Uri Nodelman (eds.) *Stanford Encyclopedia of Philosophy* (Fall 2023 Edition)
<https://plato.stanford.edu/entries/identity-personal/> [Accessed 18 December 2023].
- Oosterlaken, Ilse. 'Resources or Capabilities?' In Enrica Chiappero-Martinetti, Siddiqur Osmani and Mozaffar Qizilbash (eds.) *The Cambridge Handbook of the Capability Approach*, 126–45. Cambridge: Cambridge University Press, 2021.
- O'Reilly, Mark F., Giulio E. Lancioni, and Ian Kierans. 'Teaching Leisure Social Skills to Adults with Moderate Mental Retardation: An Analysis of Acquisition, Generalization, and Maintenance'. *Education and Training in Mental Retardation and Developmental Disabilities* 35, no. 3 (2000): 250–58.
- Ostrower, Francie. 'The Arts as Cultural Capital Among Elites: Bourdieu's Theory Reconsidered'. *Poetics* 26, no. 1 (1998): 43–53.
- Otsuka, Michael. 'Luck, Insurance, and Equality'. *Ethics* 113, no. 1 (2002): 40–54.
- Owen, John D. 'Workweeks and Leisure: An Analysis of Trends, 1948-1975'. *Monthly Labor Review* 99, no. 8 (1976): 3–8.
- Pallikkathayil, Japa. 'Neither Perfectionism nor Political Liberalism'. *Philosophy and Public Affairs* 44, no. 3 (2016): 171–96.
- Parker, Sharon K., and Gudela Grote. 'Automation, Algorithms, and Beyond: Why Work Design Matters More Than Ever in a Digital World'. *Applied Psychology* 71, no. 4 (2022): 1171–1204.
- Parr, Tom. *Empowering Workers in an Age of Automation* (under contract with Oxford University Press).
- . 'How to Identify Disadvantage: Taking the Envy Test Seriously'. *Political Studies* 66, no. 2 (2018): 306–22.
- Patten, Alan. *Equal Recognition: The Moral Foundations of Minority Rights*. Princeton, NJ: Princeton University Press, 2014.

- . ‘Public Good Fairness’. In Daniel Butt, Sarah Fine and Zofia Stemplowska (eds.) *Political Philosophy Here and Now: Essays in Honour of David Miller*, 164–82. Oxford University Press, 2022.
- Patterson, Ian, Shane Pegg, and Roberta Dobson-Patterson. ‘Exploring the Links Between Leisure Boredom and Alcohol Use Among Youth in Rural and Urban Areas of Australia’. *Journal of Park and Recreation Administration* 18, no. 3 (2000): 53–75.
- Pearson, Yvette, and Jason Borenstein. ‘The Intervention of Robot Caregivers and the Cultivation of Children’s Capability to Play’. *Science and Engineering Ethics* 19, no. 1 (2013): 123–37.
- Pencavel, John H. *Diminishing Returns at Work: The Consequences of Long Working Hours*. New York: Oxford University Press, 2018.
- Peterson, Richard A., and Roger M. Kern. ‘Changing Highbrow Taste: From Snob to Omnivore’. *American Sociological Review* 61, no. 5 (1996): 900–907.
- Pettit, Philip. ‘On “Republicanism”’: Reply to Carter, Christman and Dagger’. *The Good Society* 9, no. 3 (2000): 54–57.
- . *Republicanism: A Theory of Freedom and Government*. Oxford: Oxford University Press, 1997.
- Phillips, Anne. ‘Egalitarians and the Market: Dangerous Ideals’. *Social Theory and Practice* 34, no. 3 (2008): 439–62.
- Phillips, Michael. ‘Reflections on the Transition from Ideal to Non-Ideal Theory’. *Noûs* 19, no. 4 (1985): 551–70.
- Pickett, Kate E., and Richard G. Wilkinson. ‘Income Inequality and Health: A Causal Review’. *Social Science and Medicine* 128 (2015): 316–26.
- Pieper, Josef. *Leisure: The Basis of Culture*. San Francisco: Ignatius Press, 2009.
- Pierik, Roland, and Ingrid Robeyns. ‘Resources versus Capabilities: Social Endowments in Egalitarian Theory’. *Political Studies* 55, no. 1 (2007): 133–52.
- Pike, Jonathan. *From Aristotle to Marx: Aristotelianism in Marxist Social Ontology*. Aldershot: Ashgate, 1999.
- Pondé, Milena P., and Vilma S. Santana. ‘Participation in Leisure Activities: Is It a Protective Factor for Women’s Mental Health?’ *Journal of Leisure Research* 32, no. 4 (2000): 457–72.
- Quong, Jonathan. *Liberalism Without Perfection*. Oxford: Oxford University Press, 2011.

- . ‘On the Idea of Public Reason’. In Jon Mandle and David A. Reidy (eds.) *A Companion to Rawls*, 265–80. Hoboken, NJ: Blackwell, 2014.
- Rafoss, Kolbjørn and Jens Troelsen. ‘Sports Facilities for All? The Financing, Distribution and Use of Sports Facilities in Scandinavian Countries’. *Sport in Society* 13, no. 4 (2010): 643–56.
- Rawls, John. *A Theory of Justice*. Revised Edition. Cambridge, Mass.: Belknap Press, 1999.
- . *Justice as Fairness: A Restatement*. Edited by Erin Kelly. Cambridge, Mass.: Belknap Press, 2001.
- . ‘Kantian Constructivism in Moral Theory’. *The Journal of Philosophy* 77, no. 9 (1980): 515–72.
- . *Political Liberalism*. Expanded edition. New York: Columbia University Press, 2005.
- . ‘The Idea of Public Reason Revisited’. In *Political Liberalism*, Expanded edition., 437–90. New York: Columbia University Press, 2005.
- . ‘The Independence of Moral Theory’. *Proceedings and Addresses of the American Philosophical Association* 48 (1974): 5–22.
- . ‘Introduction to the Paperback Edition’. In *Political Liberalism*, Expanded Edition., xxxv–lx. New York: Columbia University Press, 2005.
- . ‘The Priority of Right and Ideas of the Good’. *Philosophy and Public Affairs* 17, no. 4 (1988): 251–76.
- . ‘Reply to Habermas’. In *Political Liberalism*, Expanded edition., 372–434. New York: Columbia University Press, 2005.
- Raz, Joseph. *The Morality of Freedom*. Oxford: Clarendon Press, 1986.
- Reed, Howard Robert, Matthew Thomas Johnson, Stewart Lansley, Elliot Aidan Johnson, Graham Stark, and Kate E. Pickett. ‘Universal Basic Income Is Affordable and Feasible: Evidence from UK Economic Microsimulation Modelling’. *Journal of Poverty and Social Justice* 31, no. 1 (2023): 146–62.
- Reid, Heather L. ‘The Freedom of the Long-Distance Runner’. In Michael W. Austin (ed.) *Running and Philosophy: A Marathon for the Mind*, 115–23. Malden, Ma.: Blackwell, 2007.
- Reynolds, Jeremy, and Lydia Aletraris. ‘Mostly Mismatched With a Chance of Settling: Tracking Work Hour Mismatches in the United States’. *Work and Occupations* 37, no. 4 (2010): 476–511.

- Richardson, Henry S. 'Specifying Norms as a Way to Resolve Concrete Ethical Problems'. *Philosophy and Public Affairs* 19, no. 4 (1990): 279–310.
- Ripstein, Arthur. *Force and Freedom*. Cambridge, Mass./London: Harvard University Press, 2009.
- Rivera, Lauren A. 'Hiring as Cultural Matching: The Case of Elite Professional Service Firms'. *American Sociological Review* 77, no. 6 (2012): 999–1022.
- . *Pedigree: How Elite Students Get Elite Jobs*. Princeton, NJ: Princeton University Press, 2015.
- Roberts, Kenneth. 'A Society of Leisure'. In James F. Murphy (ed.) *Concepts of Leisure: Philosophical Leisure*, 28–41. Englewood Cliffs, N.J.: Prentice-Hall, 1974.
- . 'Leisure and the Life Course'. In Tony Blackshaw (ed.) *Routledge Handbook of Leisure Studies*, 257–65. Abingdon, Oxon: Routledge, 2013.
- . 'Leisure Inequalities, Class Divisions and Social Exclusion in Present-Day Britain'. *Cultural Trends* 13, no. 2 (2004): 57–71.
- Robeyns, Ingrid. 'Ideal Theory in Theory and Practice'. *Social Theory and Practice* 34, no. 3 (2008): 341–62.
- . 'Selecting Capabilities for Quality of Life Measurement'. *Social Indicators Research* 74, no. 1 (2005): 191–215.
- . 'The Capability Approach: A Theoretical Survey'. *Journal of Human Development* 6, no. 1 (2005): 93–117.
- Robinson, John P., and Geoffrey Godbey. *Time for Life: The Surprising Ways Americans Use Their Time*. University Park, PA.: Pennsylvania State University Press, 1997.
- Roemer, John E. *Theories of Distributive Justice*. Cambridge, Mass./London: Harvard University Press, 1996.
- Roessler, Beate. 'Meaningful Work: Arguments from Autonomy'. *Journal of Political Philosophy* 20, no. 1 (2012): 71–93.
- Roggenbuck, Joseph W., Ross J. Loomis, and Jerry Dagostino. 'The Learning Benefits of Leisure'. *Journal of Leisure Research* 22, no. 2 (1990): 112–24.
- Rojek, Chris. *The Labour of Leisure*. London: Sage, 2010.
- Ronzoni, Miriam. 'Teleology, Deontology, and the Priority of the Right: On Some Unappreciated Distinctions'. *Ethical Theory and Moral Practice* 13, no. 4 (2010): 453–72.

- Rose, Julie L. 'Beyond the Perpetual Pursuit of Economic Growth'. In Danielle S. Allen, Yochai Benkler, Leah Downey, Rebecca Henderson and Josh Simons (eds.) *A Political Economy of Justice*, 140–64. Chicago, IL: Chicago University Press, 2022.
- . *Free Time*. Princeton, NJ: Princeton University Press, 2016.
- . 'Justice and the Resource of Time: A Reply to Goodin, Terlazzo, von Platz, Stanczyk, and Lim'. *Law, Ethics and Philosophy* 5 (2017): 105–21.
- . 'On the Value of Economic Growth'. *Politics, Philosophy and Economics* 19, no. 2 (2020): 128–53.
- . 'Rationing with Time: Time-Cost Ordeals' Burdens and Distributive Effects'. *Economics and Philosophy* 37, no. 1 (2021): 50–63.
- Rosen, Allen. *Kant's Theory of Justice*. Ithaca, NY: Cornell University Press, 1993.
- Ross, Sara. 'Protecting Urban Spaces of Intangible Cultural Heritage and Nighttime Community Subcultural Wealth'. *The University of Western Ontario Journal of Legal Studies* 7, no. 1 (2017): 1–20.
- Ross, W. D. *The Right and the Good*. New edition. Oxford: Clarendon Press, 2002.
- Rushton, Michael. 'Cultural Diversity and Public Funding of the Arts: A View from Cultural Economics'. *Law and Society* 33, no. 2 (2003): 85–97.
- Russell, Bertrand. 'In Praise of Idleness'. In *In Praise of Idleness and Other Essays*, 9–29. London: George Allen and Unwin, 1935.
- Sala, Giovanni, Daniela Jopp, Fernand Gobet, Madoka Ogawa, Yoshiko Ishioka, Yukie Masui, Hiroki Inagaki, et al. 'The Impact of Leisure Activities on Older Adults' Cognitive Function, Physical Function, and Mental Health'. *Plos One* 14, no. 11 (2019): 1–13.
- Sandel, Michael J. *Liberalism and the Limits of Justice*. Second Ed. Cambridge: Cambridge University Press, 1998.
- Sartre, Jean-Paul. *Being and Nothingness*. Translated by Sarah Richmond. New York: Routledge, 2018.
- Satz, Debra. *Why Some Things Should Not Be for Sale: The Moral Limits of Markets*. New York: Oxford University Press, 2010.
- Sayers, Sean. *Marxism and Human Nature*. London: Routledge, 1998.

- . ‘The Need to Work: A Perspective from Philosophy’. In R. E. Pahl (ed.) *On Work: Historical, Comparative and Theoretical Approaches*, 722–41. Oxford: Basil Blackwell, 1988.
- Scarfe, N. V. ‘Play Is Education’. *Childhood Education* 39, no. 3 (1962): 117–21.
- Scanlon, T M. *Moral Dimensions*. Cambridge, Mass.: Harvard University Press, 2008.
- Schechtman, Marya. *The Constitution of Selves*. Ithaca, NY./London: Cornell University Press, 1996.
- Scheffler, Samuel. ‘The Practice of Equality’. In Carina Fourie, Fabian Schuppert and Ivo Wallimann-Helmer (eds.) *Social Equality: On What It Means to Be Equals*, 20–44. New York: Oxford University Press, 2014.
- . ‘The Rawlsian Diagnosis of Donald Trump’, *Boston Review* (12 February 2019) <https://www.bostonreview.net/articles/samuel-scheffler-rawlsian-diagnosis-donald-trump/> [Accessed 12 May 2023].
- Schemmel, Christian. ‘Distributive and Relational Equality’. *Politics, Philosophy and Economics* 11, no. 2 (2012): 123–48.
- Schlaug, Gottfried, Andrea Norton, Katie Overy, and Ellen Winner. ‘Effects of Music Training on the Child’s Brain and Cognitive Development’. *Annals of the New York Academy of Sciences* 1060, no. 1 (2005): 219–30.
- Schlenkier, Barry R. ‘Identities, Identifications, and Relationships’. In Valerian J. Derlega (eds.) *Communication, Intimacy, and Close Relationships*, 71–104. Orlando, Fl.: Academic Press, 1984.
- . *The Self and Social Life*. New York/London: McGraw-Hill, 1985.
- Schlesinger, Torsten, and Yvonne Weigelt-Schlesinger. “‘Poor Thing’ or ‘Wow, She Knows How to Do It’ – Gender Stereotypes as Barriers to Women’s Qualification in the Education of Soccer Coaches’. *Soccer and Society* 13, no. 1 (2012): 56–72.
- Schor, Juliet B. *Overworked American: The Unexpected Decline of Leisure*. New York: Basic Books, 1992.
- Schouten, Gina. *Liberalism, Neutrality and the Gendered Division of Labor*. Oxford: Oxford University Press, 2019.
- Schwartz, Barry. ‘Why We Work’. In David Larry Blustein and Lisa Y. Flores (eds.) *Rethinking Work: Essays on Building a Better Workplace*, 31–35. New York: Routledge, 2023.

- Schweikert, Suzanne. 'An Hour a Day (Could Keep the Doctor Away)'. In John de Graad (ed.) *Take Back Your Time*, 78–83. San Francisco: Berrett-Koehler, 2003.
- Scitovsky, Tibor. *The Joyless Economy: The Psychology of Human Satisfaction*. Revised ed. New York/Oxford: Oxford University Press, 1992.
- Scruton, Roger. *The Aesthetics of Music*. Oxford: Clarendon Press, 1997.
- Segall, Shlomi. *Equality and Opportunity*. Oxford: Oxford University Press, 2013.
- Sen, Amartya. *Development as Freedom*. Oxford: Oxford University Press, 1999.
- . 'Equality of What?' In *Choice, Welfare and Measurement*, 353–69. Oxford: Basil Blackwell, 1982.
- . 'Gender and Cooperative Conflict'. In Irene Tinker (ed.) *Persistent Inequalities*, 123–49. New York/Oxford: Oxford University Press, 1990.
- . *Inequality Reexamined*. Oxford: Clarendon Press, 1995.
- . *Rationality and Freedom*. Cambridge, Mass.: Belknap Press, 2002.
- . *The Idea of Justice*. Cambridge, Mass.: Belknap Press, 2009.
- Sharif, Marissa A., Cassie Mogilner, and Hal E. Hershfield. 'Having Too Little or Too Much Time Is Linked to Lower Subjective Well-Being'. *Journal of Personality and Social Psychology* 121, no. 4 (2021): 933–47.
- Sharma, Veena. 'Centring Leisure: A Hindu View of Leisure'. In *The Palgrave Handbook of Leisure*, 35–48. London: Palgrave Macmillan, 2017.
- Shelby, Tommie. *Dark Ghettos*. Cambridge, Mass.: Belknap Press, 2016.
- Sher, George. *Beyond Neutrality*. Cambridge: Cambridge University Press, 1997.
- Shields, Liam. *Just Enough: Sufficiency as a Demand of Justice*. Edinburgh: Edinburgh University Press, 2016.
- . 'Sufficientarianism'. *Philosophy Compass* 15, no. 1 (2020): 1–10.
- Shippen, Nichole Marie. *Decolonizing Time: Work, Leisure, and Freedom*. New York: Palgrave Macmillan, 2014.
- Simmons, A. John. 'Ideal and Nonideal Theory'. *Philosophy and Public Affairs* 38, no. 1 (2010): 5–36.
- Singer, Peter. *Animal Liberation*. New York: Random House, 1975.

- Skinner, Quentin. 'A Genealogy of the Modern State'. *Proceedings of the British Academy* 162 (2008): 325–70.
- . 'A Third Concept of Liberty'. In F. M. L. Thompson (ed.) *Proceedings of the British Academy*, Volume 117. Oxford: Oxford University Press, 2003.
- . *Liberty Before Liberalism*. Cambridge: Cambridge University Press, 1998.
- . 'Meaning and Understanding in the History of Ideas'. *History and Theory* 8, no. 1 (1969): 3–53.
- . 'On the Liberty of the Ancients and the Moderns: A Reply to My Critics'. *Journal of the History of Ideas* 73, no. 1 (2012): 127–46.
- . *Vision of Politics. Volume 1: Regarding Method*. Cambridge: Cambridge University Press, 2002.
- Slater, Don. 'Work/Leisure'. In Chris Jenks (ed.) *Core Sociological Dichotomies*, 391–404. London: Sage, 1998.
- Solmsen, Friedrich. 'Leisure and Play in Aristotle's Ideal State'. *Rheinisches Museum Für Philologie* 107, no. 3 (1964): 193–220.
- South African Government, 'National Sport and Recreation Act' (1998) <https://www.gov.za/documents/national-sport-and-recreation-act> [Accessed 05 February 2023].
- Stanczyk, Lucas. 'Free Time and Economic Class'. *Law, Ethics and Philosophy* 5 (2017): 62–73.
- Stebbins, Robert A. *Between Work and Leisure*. New Brunswick, NJ.: Transaction Publishers, 2004.
- . *The Serious Leisure Perspective: A Synthesis*. Cham: Palgrave Macmillan, 2020.
- Stemplowska, Zofia. 'Citizens with Benefits'. *Aristotelian Society Supplementary Volume* 96, no. 1 (2022): 41–58.
- . 'Feasibility: Individual and Collective'. *Social Philosophy and Policy* 33, no. 1–2 (2016): 273–91.
- . 'What's Ideal About Ideal Theory?' *Social Theory and Practice* 34, no. 3 (2008): 319–40.
- Stemplowska, Zofia, and Adam Swift. 'Dethroning Democratic Legitimacy'. In David Sobel, Peter Vallentyne and Steven Wall (eds.) *Oxford Studies in Political Philosophy*, Volume 4, 3–27. Oxford: Oxford University Press, 2018.

- Stevenson, Angus (ed.) *Oxford Dictionary of English*. Third Edition. Oxford: Oxford University Press, 2010.
- Stickers, Kenneth. “ . . . But I’m Not Racist”: Toward a Pragmatic Conception of “Racism”. *The Pluralist* 9, no. 3 (2014): 1–17.
- Stirling, Louise, and John Schulz. ‘Women’s Football: Still in the Hands of Men’. *Sport Management International Journal* 7, no. 2 (2011): 53–78.
- Stilz, Anna. *Liberal Loyalty*. Princeton, NJ: Princeton University Press, 2009.
- Suits, Bernard. *The Grasshopper: Games, Life and Utopia*. Edinburgh: Scottish Academic Press, 1978.
- Sullivan, Kathleen M. ‘Artistic Freedom, Public Funding, and the Constitution’. In Stephen Benedict (ed.) *Public Money and the Muse: Essays on Government Funding for the Arts*, 80–96. New York/London: W. W. Norton, 1991.
- Surdam, David George. *Century of the Leisured Masses*. New York: Oxford University Press, 2015.
- Susskind, Daniel. *A World Without Work*. Milton Keynes: Allen Lane, 2020.
- Szreter, Simon. ‘How Seriously Should We Take Universal Basic Income?’ *The Political Quarterly* 93, no. 3 (2022): 517–23.
- Tahzib, Collis. *A Perfectionist Theory of Justice*. Oxford: Oxford University Press, 2022.
- Taylor, Charles. ‘What’s Wrong with Negative Liberty’. In David Miller (ed.) *The Liberty Reader*, 141–62. New York: Routledge, 2006.
- Taylor, Isaac. ‘Political Obligations and Public Goods’. *Res Publica* 27, no. 4 (2021): 559–75.
- Telfer, Elizabeth. ‘Leisure’. *Royal Institute of Philosophy Supplement* 22, (1987): 151–64.
- Temple, Emily. ‘Of Course Albert Camus was a Goalkeeper’, *Literary Hub* (16 February 2021) <https://lithub.com/of-course-albert-camus-was-a-goalkeeper/#:~:text=%E2%80%9CAfter%20many%20years%20in%20which,%2C%20I%20owe%20to%20football.%E2%80%9D> [Accessed 15 February 2023].
- Terkel, Studs. *Working*. New York: Avon Books, 1974.
- Terlazzo, Rosa. ‘Entitlement and Free Time’. *Law Ethics and Philosophy* 5 (2017): 91–104.
- Teschl, Miriam, and Flavio Comim. ‘Adaptive Preferences and Capabilities’. *Review of Social Economy* 63, no. 2 (2005): 229–47.

- The Equality Trust. 'The Scale of Economic Inequality in the UK' (2023) <https://equalitytrust.org.uk/scale-economic-inequality-uk> [Accessed 18 January 2024].
- Throsby, David. *The Economics of Cultural Policy*. Cambridge: Cambridge University Press, 2010.
- . 'The Production and Consumption of the Arts'. *Journal of Economic Literature* 32, no. 1 (1994): 1–29.
- Timmer, Dick. 'Justice, Thresholds, and the Three Claims of Sufficiency'. *Journal of Political Philosophy* 30, no. 3 (2022): 298–323.
- Titmuss, Richard. *Commitment to Welfare*. London: George Allen and Unwin, 1968.
- Tobin, James. 'On Limiting the Domain of Inequality'. *The Journal of Law and Economics* 13, no. 2 (1970): 263–77.
- Tomasi, John. *Free Market Fairness*. Princeton, NJ: Princeton University Press, 2012.
- Tomasiello, Diego Bogado, and Mariana Giannotti. 'Unfolding Time, Race and Class Inequalities to Access Leisure'. *Environment and Planning. B. Urban Analytics and City Science* 50, no. 4 (2023): 927–41.
- Tomasiello, Diego Bogado, and Mariana Giannotti. 'Unfolding Time, Race and Class Inequalities to Access Leisure'. *Environment and Planning. B. Urban Analytics and City Science* 50, no. 4 (2023): 927–41.
- Tysseal, Jens Jørund. 'The Value of Time Matters for Temporal Justice'. *Ethical Theory and Moral Practice* 2021, no. 24 (2021): 183-196.
- UK Government, 'British Film Institute' *GOV.UK* (2024) <https://www.gov.uk/government/organisations/british-film-institute>. [Accessed 11 April 2024].
- . 'Maximum Weekly Working Hours' (1998) <https://www.gov.uk/maximum-weekly-working-hours#:~:text=You%20cannot%20work%20more%20than,or%2040%20hours%20a%20week>. [Accessed 18 April 2023].
- UNICEF. 'Convention on the Rights of the Child' (1989) <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/> [Accessed 11 February 2023]
- United Nations. 'Convention on the Rights of Persons with Disabilities' (2006) <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of->

- persons-with-disabilities/article-30-participation-in-cultural-life-recreation-leisure-and-sport.html [Accessed 11 February 2023]
- . 'International Covenant on Economic, Social and Cultural Rights' (1966) <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights> [Accessed 11 February 2023]
- . 'Universal Declaration of Human Rights' (1948) <https://www.un.org/en/about-us/universal-declaration-of-human-rights> [Accessed 21 July 2022].
- Valentini, Laura. 'Ideal vs Non-Ideal Theory: A Conceptual Map'. *Philosophy Compass* 7, no. 9 (2012): 654–64.
- . 'On the Apparent Paradox of Ideal Theory'. *Journal of Political Philosophy* 17, no. 3 (2009): 332–55.
- Vallier, Kevin. 'Consensus and Convergence in Public Reason'. *Public Affairs Quarterly* 25, no. 4 (2011): 261–79.
- . *Liberal Politics and Public Faith*. New York: Routledge, 2014.
- . 'On Jonathan Quong's Sectarian Political Liberalism'. *Criminal Law and Philosophy* 11, no. 1 (2017): 175–94.
- . 'Political Liberalism and the Radical Consequences of Justice Pluralism'. *Journal of Social Philosophy* 50, no. 2 (2019): 212–31.
- van Dijk, Teun Adrianus. *Prejudice in Discourse*. Amsterdam/Philadelphia: John Benjamins, 1984.
- van Eijck, Koen. 'Socialization, Education, and Lifestyle: How Social Mobility Increases the Cultural Heterogeneity of Status Groups'. *Poetics* 26, no. 5 (1999): 309–28.
- van Hoorn, André, and Robbert Maseland. 'Does a Protestant Work Ethic Exist? Evidence from the Well-Being Effect of Unemployment'. *Journal of Economic Behavior and Organization* 91 (2013): 1–12.
- van Parijs, Philippe. *Real Freedom for All*. Oxford: Clarendon Press, 1995.
- van Parijs, Philippe, and Yannick Vanderborght. *Basic Income: A Radical Proposal for a Free Society and a Sane Economy*. Cambridge, Mass.: Harvard University Press, 2017.
- Veal, Anthony J. 'Human Rights, Leisure and Leisure Studies'. *World Leisure Journal* 57, no. 4 (2015): 249–72.
- Veblen, Thorstein. *The Theory of the Leisure Class*. Champaign, Ill.: Project Gutenberg, 1997.

- Vedder, Ophelia. 'Eliminating the Gendered Division of Labor: The Argument from Primary Goods'. *European Journal of Political Theory*. Online first (2023)
<https://journals.sagepub.com/doi/10.1177/14748851231200147> [Accessed 12 October 2023].
- Veltman, Andrea. 'Leisure and Respect for Working People'. In Keith Breen and Jean-Philippe Deranty (eds.) *The Politics and Ethics of Contemporary Work: Whither Work?*, 59–71. Abingdon, Oxon: Routledge, 2022.
- . *Meaningful Work*. New York: Oxford University Press, 2016.
- Vernon, H. M. *The Shorter Working Week*. London: George Routledge and Sons, 1934.
- Vidal, Mercedes, Elena Domene, and David Suari. 'Changing Geographies of Water-Related Consumption: Residential Swimming Pools in Suburban Barcelona'. *Area* 43, no. 1 (2011): 67–75.
- von Platz, Jeppe. 'Are Economic Liberties Basic Rights?' *Politics, Philosophy and Economics* 13, no. 1 (2014): 23–44.
- . 'Free Time, Freedom, and Fairness'. *Law, Ethics and Philosophy* 5 (2017): 47–61.
- Vonnegut, Kurt. *Player Piano*. Dublin: Vintage Classics, 2022.
- Waldron, Jeremy. *Liberal Rights: Collected Papers, 1981-1991*. Cambridge: Cambridge University Press, 1993.
- Walzer, Michael. *Spheres of Justice*. Oxford: Martin Robertson, 1983.
- Warde, Alan, Lydia Martens, and Wendy Olson. 'Consumption and the Problem of Variety: Cultural Omnivorousness, Social Distinction and Dining Out'. *Sociology* 33, no. 1 (1999): 105–27.
- Weber, Max. *The Protestant Ethic and the Spirit of Capitalism*. Translated by Talcott Parsons. London: Routledge Classics, 2001.
- . 'The Social Psychology of the World Religions', in H. H. Gerth and C. Wright Mills (eds.) *From Max Weber: Essays in Sociology*, 267–301. London: Routledge, 2009.
- Weeks, Kathi. *The Problem with Work*. Durham, NC.: Duke University Press, 2011.
- Weithman, Paul. *Why Political Liberalism?* Oxford: Oxford University Press, 2010.
- Welford, Jo, and Tess Kay. 'Negotiating Barriers to Entering and Participating in Football'. In Jonathan Magee, Jayne Caudwell, Katie Lisbon and Sheila Scraton (eds.) *Women,*

- Football, and Europe: Histories, Equity, and Experiences*, 151–72. Oxford: Meyer and Meyer Sport, 2007.
- Wendt, Andrea, Luiza I. C. Ricardo, Caroline S. Costa, Alan G. Knuth, Maria C. M. Tenório, and Inácio Crochemore-Silva. ‘Socioeconomic and Gender Inequalities in Leisure-Time Physical Activity and Access to Public Policies in Brazil From 2013 to 2019’. *Journal of Physical Activity and Health* 18, no. 2 (2021): 1503–10.
- Weng, Pei-Yi, and Yen-Cheng Chiang. ‘Psychological Restoration through Indoor and Outdoor Leisure Activities’. *Journal of Leisure Research* 46, no. 2 (2014): 203–17.
- Wicksell, Knut. ‘A New Principle of Just Taxation’. In Richard A. Musgrave and Alan T. Peacock (eds.) *Classics in the Theory of Public Finance*, 72–118. London: Macmillan Press, 1958.
- Williams, John, Stacey Pope, and Jamie Cleland. ‘“Genuinely in Love with the Game” Football Fan Experiences and Perceptions of Women’s Football in England’. *Sport in Society* 26, no. 2 (2023): 285–301.
- Wiltse, Jeff. *Contested Waters: A Social History of Swimming Pools in America*. Chapel Hill: University of North Carolina Press, 2007.
- Wolff, Jonathan. ‘Fairness, Respect and the Egalitarian “Ethos” Revisited’. *Journal of Ethics* 14, no. 3/4 (2010): 335–50.
- . ‘Method in Philosophy and Public Policy’. In Annabelle Lever and Andrei Poama (ed.) *The Routledge Handbook of Ethics and Public Policy*, 13–24. London: Routledge, 2018.
- Wolff, Jonathan, and Avner De-Shalit. *Disadvantage*. Oxford: Oxford University Press, 2007.
- Women in Sport, ‘Sport, Stereotypes and Stolen Dreams’, *Sport England* (March 2023), https://womeninsport.org/wp-content/uploads/2023/03/SportStereotypes-and-Stolen-Dreams_exec-Summary.pdf [Accessed 7 October 2023].
- Wu, Chin-Tao. *Privatising Culture: Corporate Art Intervention Since the 1980s*. London: Verso, 2003.
- Yeoman, Ruth, Catherine Bailey, Adrian Madden, and Marc Thompson (eds.). *The Oxford Handbook of Meaningful Work*. Oxford: Oxford University Press, 2019.
- Young, Iris Marion. ‘Activist Challenges to Deliberative Democracy’. *Political Theory* 29, no. 5 (2001): 670–90.
- . *Justice and the Politics of Difference*. Princeton and Oxford: Princeton University Press, 2011.
- . ‘Taking the Basic Structure Seriously’. *Perspectives on Politics* 4, no. 1 (2006): 91–97.

- Yuracko, Kimberly A. 'Toward Feminist Perfectionism: A Radical Critique of Rawlsian Liberalism'. *UCLA Women's Law Journal* 6, no. 1 (1995): 1–48.
- Zaghari-Ratcliffe, Nazanin. "“Escape to another world”": Nazanin Zaghari-Ratcliffe on reading in prison', *The Guardian* (27 November 2023)
<https://www.theguardian.com/books/2023/nov/27/nazanin-zaghari-ratcliffe-on-reading-in-prison-iran-booker-prize> [Accessed 1 April 2024].
- Zhu, Xinyi, Chengxuan Qiu, Yi Zeng, and Juan Li. 'Leisure Activities, Education, and Cognitive Impairment in Chinese Older Adults'. *International Psychogeriatrics* 29, no. 5 (2017): 727–39.
- Zimbalist, Andrew S. *Circus Maximus: The Economic Gamble Behind Hosting the Olympics and the World Cup*. Washington D.C.: Brookings Institution Press, 2015.
- Zuidervaart, Lambert. *Art in Public: Politics, Economics, and a Democratic Culture*. Cambridge/New York: Cambridge University Press, 2010.
- Zulka, Linn Elena, Valgeir Thorvaldsson, Isabelle Hansson, and Linda B. Hassing. 'Effects of Work Demand and Changes in Leisure Activity on Postretirement Memory'. *The Journal of Gerontopsychology and Geriatric Psychiatry* 35, no. 3 (2022): 156–66.