LEISURE:
THE RESOURCE OF TIME IN THEORIES OF DISTRIBUTIVE JUSTICE

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Abstract

Just as citizens generally require income and wealth to take advantage of their formal liberties and opportunities, so too do citizens generally require leisure time. In order to do almost any of the things one enjoys the legal freedom to do, one requires the resources of both income and time. While social justice movements have long recognized that citizens need both income and leisure to exercise their formal freedoms—and have accordingly strived not only for greater wealth equality but also greater leisure equality, through legal limitations on working hours—liberal egalitarian theorists of distributive justice have almost universally neglected the distribution of leisure, instead attending primarily to the distribution of income and wealth. Theorists of distributive justice have neglected leisure as they have uncritically adopted the basic economic conception of leisure as the inverse of paid work, a good that, provided all enjoy fair shares of income and wealth and occupational liberties, individuals can freely choose how much to possess in accordance with their preferences.

The dissertation argues that this economic understanding of leisure obscures how citizens require leisure time as a resource, and begins by reconceptualizing leisure as time not engaged in securing the necessaries of life, whether through paid, domestic, caregiving, or bodily labor. The dissertation then argues, first, that citizens generally require such time to exercise their formal freedoms, and, second, that providing citizens with income and wealth is not sufficient to ensure that all citizens possess leisure time because income and wealth are not perfectly fungible resources. Therefore, in accordance with the foundational liberal egalitarian principle that citizens are entitled to the resources required to exercise their formal freedoms, citizens have a legitimate claim
to a fair share of leisure as a distinct object of distributive justice. Guaranteeing citizens their fair share of leisure time requires a combination of leisure-targeted policies, including, for instance, maximum and flexible work hours regulations, public provision of caregiving, and income subsidies.

The argument of the dissertation also has relevance to debates about how to secure equality of opportunity between the sexes with respect to household labor, and the dissertation argues that justice requires not that men and women equally divide all paid and household labor, but that men and women both enjoy fair shares of leisure.
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Introduction

I. Leisure and Inequality

Imagine a society rife with inequality. A tiny portion of the population controls the vast amount of the society’s wealth; they own most of the land and natural resources, and most of the society’s riches are concentrated in their hands. The wealthy minority also holds all of the political power in a legal system that grants the vast majority of the population only a limited range of rights and liberties, while the few enjoy vast legal powers and immunities. Though not strictly a caste society, the wealthy and powerful few perpetuate their privilege by virtue of the control they wield over the society’s educational and economic institutions.

Beyond these many advantages, the few also enjoy far more leisure time than the great mass of society. This “leisure class”—by virtue of its political power, its wealth, and its social privileges—can command or hire or otherwise compel the many to do virtually all of the labor necessary to meet their needs and to support their lavish lifestyles. The only necessary tasks the leisured few must do themselves are sleeping, dining, and grooming, though even in these tasks they are assisted by the labor of others. The laboring masses prepare their aliments, create their garments and other decorative refinements, build, maintain, and manage their homes and estates, conduct trade, till the land, produce and refine technological and mechanical devices, and so forth.

Occasionally the leisured few must direct their overseers or weigh in on political affairs, but otherwise freed from the society’s necessary labor, the members of the leisure class can use the remainder of their time as they see fit, entirely at their discretion. Their
time is properly their own. They can spend it however the like, pursuing whatever projects
they happen to have set themselves. They can engage in frivolous fun, whiling away the
hours with games, sport, and merriment. They can commit themselves to the cultivation of
the mind, with philosophical reflection and humanistic learning, or they can seek to study
and improve the sciences. They can devote themselves to religious prayer and ritual. They
can choose to spend their time serving others, helping to meet the needs of the masses, or
even to labor themselves if it suits them. Yet, though they might do some of the same
laborious tasks as the great masses do, when the leisurely few do them, it is because they
wish to, and not because they must.

Given the history of human affairs, much of which was written by such leisure
classes, it should not be too difficult to imagine such a society.

II. The Standard Liberal Egalitarian Treatment of Leisure

To a liberal egalitarian, such a society is the epitome of an unjust society. The core
of the liberal egalitarian view is that justice requires a more equal distribution of political
power, of wealth, of educational opportunities, and of formal liberties and opportunities,
and much energy has been devoted to articulating and defending these positions.

Much less energy, however, has been devoted to arguing that justice requires a more
equal distribution of leisure. Marxists, of course, have advocated a more equal division of
necessary labor and leisure, but liberals, unwilling to countenance the curtailments of
economic freedom that the Marxist solution would require, have refused to follow them.
More importantly, on the standard liberal egalitarian approach, any argument for a more
equal division of leisure is in fact unnecessary, or even wrongheaded.
Instead, liberal egalitarians have implicitly argued that the distribution of leisure does not require any special consideration. If faced with the prospect of such an unequal society, with inequalities in all domains including leisure, the expected liberal egalitarian response would be that if the other inequalities in the society were stripped away—if the inequalities in political power, in wealth, in educational opportunities, and in liberties were remedied—whatever inequality in leisure remained would be unobjectionable.

According to the standard liberal egalitarian treatment of leisure, as long as all citizens have equal powers, liberties, and opportunities, and as long as wealth and income are more equally distributed, the distribution of leisure is not a problem. Depending on their preferences, citizens can choose to work or to enjoy leisure. Some will want to work long hours, earn high incomes, and enjoy little leisure, while others will want to work few hours, earn lower incomes, and enjoy more leisure. Some will want to spend their time not working helping others, participating in politics, or bettering themselves, and some will want to spend their time not working in more leisurely pursuits, like play, or sport, or the arts. The resulting distribution of leisure will be unequal, true, but that in itself is not a cause for concern. On the contrary, to aim at some more equal distribution of leisure would actually be problematic: for the state to promote time not working or time engaged in some leisurely pursuits would be unacceptably paternalistic, perfectionist, or otherwise partial to one conception of the good over another.

This position, which I will refer to as the standard treatment of leisure, is not explicitly offered by any single theorist; it is instead implied by the core liberal egalitarian principles, how leisure is usually conceptualized and how similarly-conceived goods are treated, and the general neglect of leisure. Though not explicitly offered and defended,
almost every reference to leisure in the literature conforms to the standard treatment. According to the standard treatment of leisure, as long as fair background conditions—that is, a just distribution of liberties, opportunities, and resources like wealth and income—obtain, citizens can choose their leisure patterns in accordance with their preferences, and whatever distribution of leisure results is thereby just.

Now, one may have noticed that the conception of leisure referenced in the discussion of the standard treatment of leisure is different from the conception employed in the discussion of the unequal society’s “leisure class.” On the standard treatment, leisure is time when one is not engaged in work or time when one is engaged in some particular leisurely activity. In the earlier discussion, however, leisure is any time not devoted to necessary tasks, whether that time is spent in leisurely pursuits or in laborious ones. What distinguishes the “leisure class” (qua leisure class) from the laboring masses is that they possess an abundance of time free from necessity to do as they please, to pursue their own interests as they wish. The laboring class, by contrast, lacks the time (among other things) to do the things they wish to do, because they must spend their time meeting their basic needs.

These two different ways of conceptualizing leisure track a more general distinction between two ways that goods can be conceived in a theory of distributive justice. First, a given good can be understood as a specific good: that is, as a particular component of one’s particular plan of life (one’s “conception of the good”). Alternatively, a given good can be understood as a resource (or “primary” good): that is, as an all-purpose means that is generally necessary to pursue any conception of the good that one might hold, whatever it happens to be. Leisure conceived as it is on the standard treatment—as time not engaged in
work or as time engaged in a particular activity—is a specific good. It is a particular component of some particular conceptions of the good. If one’s conception of the good involves idleness, play, sport, or the arts, leisure is a component of one’s conception of the good. When leisure is instead conceived as it is in the example of the leisure class, as time free from necessity—time when one can do as one pleases—leisure is a resource. One generally requires such time unconstrained by meeting the necessities of life to pursue one’s conception of the good, no matter what it is.

When one reconceptualizes leisure as a resource and then examines under what conditions citizens possess the resource of leisure, the standard treatment of leisure—which assumes that addressing the distribution of income and wealth is sufficient to address the distribution of leisure—breaks down, in the following way. If leisure is conceptualized not as a specific good but as a resource, then the just distribution of leisure is no longer something that results from fair background conditions; it instead must be recognized as a component of fair background conditions. If citizens have a legitimate claim to a fair share of resources as a requirement of justice, then, prima facie, citizens have a legitimate claim to a fair share of the resource of leisure.

Conceiving of leisure as a resource, and the attendant implication that the just distribution of leisure is properly a component of fair background conditions, disrupts the standard treatment of leisure at its foundation: leisure, so understood, is no longer a specific good that citizens, equipped with their fair share of liberties, opportunities, and the resource of income and wealth, can select or not in accordance with their preferences. In this sense, attending to the distribution of income and wealth is no longer in principle sufficient to address the distribution of leisure.
Yet an echo of the standard treatment may persist even once such a move has been made. This is because, on the common assumption that time and income are fungible, a just distribution of income and wealth may still, in practice, be adequate to realize a just distribution of leisure. If time and income are interchangeable goods, by focusing only on the distribution of income, a society could nonetheless also effectively target the distribution of leisure by the same stroke.

While this would be convenient, it is in fact not true that time and income are fungible resources: there are persistent and significant limitations on the extent to which one can substitute income for time. Because the resource of income and wealth is not perfectly interchangeable with the resource of leisure, addressing only the distribution of income and wealth would not in reality be sufficient to address the distribution of leisure. To realize a just distribution of the resource of leisure, as is required to obtain fair background conditions, requires instead specifically leisure-focused policy interventions, and thus a distinct concern for the distribution of leisure.

III. Leisure as a Resource

Political social justice movements, particularly the workers’ rights movements of the nineteenth and early twentieth centuries, have long recognized that citizens need both income and leisure to exercise their formal freedoms, and have accordingly strived to realize not only greater wealth equality but also greater leisure equality, primarily through legal regulations of working hours. Though the origins of liberal egalitarian theories of distributive justice lie within these political social justice movements, contemporary liberal egalitarian theorists of distributive justice have, in contrast to their political counterparts,
almost universally neglected the distribution of leisure, instead attending primarily to the
distribution of income and wealth.

The central claim of the dissertation is that liberal egalitarian theorists have been
wrong to dismiss the distribution of leisure as a proper concern for theories of distributive
justice. I argue that they have failed to grasp leisure’s value to citizens as an all-purpose
resource because their conceptual understanding of leisure has been unduly narrow. I argue
that once one reconceptualizes leisure as time free from necessity, leisure becomes visible
as central to the core liberal commitment to ensuring that all citizens can effectively take
advantage of their formal liberties and opportunities and pursue their own conceptions of
the good. I argue, accordingly, that if one is committed to ensuring that all possess the
requisite resources to take advantage of their formal liberties and opportunities, then one
ought to be committed to ensuring that all possess the requisite leisure. Moreover, I argue
that in order to ensure that all do in fact possess the requisite leisure, a society cannot
merely target the distribution of income; instead, one must pursue specifically time-focused
policies (like interventions in the labor market, subsidies for time-intensive needs, etc.). In
short, I argue that liberal egalitarian principles require ensuring that all citizens possess a
fair share of leisure and that realizing this aim requires treating leisure as a distinct object of
distributive justice.

IV. The Distribution of Leisure

Before proceeding to that task, it is worth saying somewhat more about the present
distribution of leisure time in the contemporary United States, lest the idea of a “leisure
class” seem remote and the problem thus undermotivated.
How much leisure time individuals possess is determined by how much time they must spend engaged in paid work, in domestic labor and caregiving for others, and in caring for their own bodily needs, and how much time individuals must spend engaged in each of these three realms of activity can be, and is, significantly affected by a society’s institutional structures and legal regulations. Because the distribution of leisure time is, to a great extent, a product of public policy—and, as such, looking forward, can be shaped by further policy interventions—I begin with a brief survey of the primary statutory regulations presently in place in the United States that affect the distribution of leisure time.

First, with respect to time engaged in paid work, the United States, compared to other developed countries, has relatively minimal regulations of working time. There are no federal laws that specify the maximum number of hours that can be worked daily, weekly, or annually, the maximum number of days that can be worked per week, the times of the day that work can occur, or how much vacation time must be provided. There are also no federal regulations that require employers to provide employees with short-hours work or flexible work schedules, nor that guarantee benefits or protections for employees who work part-time.

The primary legislation that regulates working time is the Fair Labor Standards Act (FLSA), passed in 1938, which requires employers to pay minimum wages and to pay premium wages for overtime work. The overtime provision requires that all covered

1 The few exceptions are for occupations in which long work hours could negatively affect the safety of others, as, for instance, with commercial motor vehicle drivers (regulated by the Federal Motor Carrier Safety Administration) and air flight crewmembers (regulated by the Federal Aviation Administration). There have been efforts to institute similar federal regulations for medical professionals (with bills introduced in the House and Senate in 2001 and 2002), but these measures have not passed.
employees must be paid a minimum of one and a half times their normal wage rate for all hours worked in excess of forty hours per week. Apart from provision for overtime pay, there is no upper limit on how many hours per day or per week an adult employee may work. The FLSA also places no restrictions on “mandatory” overtime; employers are permitted to require employees to work hours in excess of the standard workday and without advance notice. In addition to providing covered employees relatively minimal restrictions and protections, many employees are exempt from the provisions of the FLSA—primarily professional, executive, managerial, and administrative workers paid on a salaried basis, as well as some farmworkers, salespeople, computer workers, and autoworkers—so that at present approximately one-quarter of all full-time employees are not covered.

Second, with respect to time engaged in domestic and caregiving labor, the most significant statutory regulation is the Family and Medical Leave Act (FMLA), passed in

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4 Though individual states can supplement the FLSA with their own statutes, only seven states (Alaska, California, Connecticut, Kentucky, Oregon, Rhode Island, and Washington) have additional overtime regulations. California, Connecticut, and Kentucky have some form of seventh day law, which requires that employees be paid premium pay for the seventh day in any seven consecutive day workweek (Connecticut’s applies only to restaurant employees). California and Oregon require that employees be paid premium pay for hours over eight (California) or ten (Oregon) per day (though Oregon’s applies only to employees in manufacturing and factories). Rhode Island requires premium pay for some employees who work on holidays and on Sundays. Kentucky and Washington permit some employees to receive overtime compensation in the form of paid time off rather than premium pay. Alaska permits employees to receive premium pay for hours worked in excess of ten per day if they choose to work a short week (ten hours per day, four days per week). For an overview of the state regulations, see The Department of Labor’s Wage and Hour Division site at http://www.dol.gov/whd/minwage/america.htm.

5 The FLSA also does not require that employees be provided with breaks or time for meals (though some individual states do). The one exception is for nursing mothers, who, as per an amendment to the FLSA in the 2010 Affordable Care Act, must be provided with break time (and private space) to express milk for up to one year after the birth of a child.


7 The full list of exemptions includes a wide array of occupations, including, for instance, live-in domestic employees, railroad and airline employees, taxicab drivers, livestock auction workers, and movie theatre employees.

1993. The FMLA requires that all covered employers provide their employees with twelve weeks of unpaid leave, continuation of health insurance coverage, and reinstatement in the same or equivalent position to employees who request leave to care for themselves or their family members (specifically, for their own medical condition, including pregnancy, or to take care of a newborn child or newly adopted child, a parent, or a severely ill child or spouse). The FMLA does not entitle employees to leave to care for young children or for other relations, nor does it entitle employees to reduced-hours work to provide caregiving. Moreover, only firms with more than fifty employees are covered by the FMLA, to the effect that over half of all employees are not eligible for the legislated leave.10

Finally, with respect to time engaged in caring for one’s own bodily needs, the only significant legislation beyond the FMLA, which applies to all workers with short-term illness or injuries, is the Americans with Disabilities Act (ADA), passed in 1990. The ADA applies to all citizens with a disability, defined as “a physical or mental impairment that substantially limits one or more of the major life activities.”11 Implemented in part to protect the disabled from discrimination in employment, the ADA requires employers (with fifteen or more employees) to provide reasonable accommodation to qualified individuals with disabilities, unless it would cause an undue burden on the operation of business. Reasonable accommodations include providing a disabled employee with a reduced-hours or flexible work schedule.12

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9 The 1978 Pregnancy Discrimination Amendment to Title VII of the 1964 Civil Rights Act requires employers to treat pregnancy as any other medical condition.
11 The ADA also applies to citizens who have “a record of such an impairment” or who are “regarded as having such an impairment.”
As to the present distribution of leisure, it is unfortunately difficult to obtain data on how much time individuals have that is free from necessity (and such data depends on precisely how one specifies that idea), but a few features of the present distribution are nonetheless clear. Broadly stated, in some ways the distribution of leisure conforms to the broader patterns of advantage and disadvantage in our society, but in other ways it does not. Women, especially working women, enjoy less “discretionary time” than men do, as the one existing study that employs a measure analogous to time free from necessity finds.\textsuperscript{13} Women, in the aggregate, spend more time on paid work and unpaid household labor combined than men do. Women also spend less time than men engaged in leisure activities (e.g., socializing, reading, pursuing hobbies, playing sports, watching entertainment, etc.). Low wage workers are significantly less likely to be provided paid vacation and paid holidays by their employers, and among those who are, they are provided with significantly fewer days.\textsuperscript{14} On the other hand, the less educated do spend more time engaged in leisure activities than the more educated, as well as less time engaged in paid work (though the disparities between the two groups diminish if one compares only those who are employed).\textsuperscript{15} The more educated are also more likely to work long hours than the less educated.\textsuperscript{16}

\textsuperscript{13} Robert Goodin \textit{et al.}, in their innovative time-use study, find that women, in total, have 79.42 hours per week of “discretionary time,” while men have 81.31 hours per week, and that employed women have 76.59 hours per week and employed men 80.82 hours (using data from 2000 and 2003). Goodin \textit{et al.}’s conception of “discretionary time” is the closest specification of the conception of leisure as time free from necessity that has been empirically examined (though, as I discuss in Chapter 2, Section IV, the two conceptions are distinct). Goodin \textit{et al.}’s analysis of the distribution of discretionary time in the United States is limited to averaged comparisons between men and women in different household arrangements, so unfortunately it is not yet known how the distribution of discretionary time varies with educational level, occupational type, or disability, nor to identify those who have extremely little or great amounts of discretionary time. For the data on distribution of discretionary time in the United States, see Goodin \textit{et al.}, \textit{Discretionary Time} (Cambridge: Cambridge University Press, 2008), Table A.2.1.

\textsuperscript{14} Rosenberg, “Long Work Hours for Some, Short Work Hours for Others,” 76.

Though the data on disparities in time engaged in paid work, in household labor, and in leisure activities do not, as I will discuss in Chapter 2, perfectly track the conception of leisure as time free from necessity, the existing empirical evidence does nonetheless suggest that inequalities in time free from necessity do not directly correspond to the distribution of other advantages and disadvantages in American society, and thus that the distribution of leisure time presents a distinct strain of distributional inequality.

V. Chapter Outline

The dissertation proceeds as follows. In Chapter 1, I examine how leisure has been neglected by contemporary theorists of distributive justice, and I argue that this neglect owes to the way that political philosophers in general, and liberal egalitarians in particular, have conceptualized leisure as a specific good. In particular, leisure has been conceptualized as either time engaged in philosophical contemplation or in recreational activities or as time not engaged in paid work. I argue in Chapter 2 that leisure is, however, properly regarded not only as a particular component of some particular conceptions of the good, and thus as a specific good, but also as a resource generally required to pursue any conception of the good. I then develop a conception of leisure as a resource, time free from necessity—that is, the time when one is not engaged in meeting one’s basic needs—and show that citizens require such time to pursue their conception of the good, whatever it is.

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recreational activities, while more educated men spent 30.1 hours per week engaged in recreational activities. Less educated men spent 36.9 hours per week engaged in market work, while more educated men spent 41.9 hours per week engaged in market work. When one looks only at educated men, the less educated have only around one additional hour of leisure (29.8 hours and 28.5 hours), and spend only one less hour engaged in paid work (44.5 hours and 45.5 hours).

16 Specifically, 56.3 per cent of those working fifty or more hours a week have less than a college degree. Jerry A. Jacobs and Kathleen Gerson, *The Time Divide: Work, Family, and Gender Inequality* (Cambridge: Harvard University Press, 2004), 36.
In Chapter 3, I argue that if a theory of distributive justice endorses the principle that citizens are entitled to a fair share of the resources generally necessary to exercise their formal freedoms—as virtually all liberal egalitarian theories do—then the theory *prima facie* must accept that citizens have, at least in principle, a legitimate claim to a fair share of leisure time. Though this argument effectively shows that citizens do require leisure time to exercise their formal freedoms and thus do have a presumptive claim to leisure time, the argument is open to a potential objection that would diminish its significance: that is, one might object that providing citizens with their fair shares of income and wealth is automatically and necessarily sufficient to ensure that all citizens also possess the required leisure time. In response, I argue that this income and wealth objection implicitly depends on the assumption that income and leisure are perfectly fungible resources, an assumption that I show is, on account of various empirical and ethical constraints of economic markets, unsustainable. Thus, I argue that citizens are entitled to leisure as a *distinct* object of distributive justice and that, as such, theories of distributive justice must specifically evaluate individual’s shares of leisure time and address the distribution of leisure time with specifically-targeted policies, including, for instance, maximum and flexible work hours regulations, public provision of caregiving, and directed income subsidies. Throughout this chapter, the core of the dissertation, I draw only on principles common to the range of liberal egalitarian theories, as I construct the argument with this ecumenical approach so that it is of relevance to a wide range of theories of distributive justice.

Chapter 4 turns to an important extension of the dissertation’s central argument, examining how a concern with leisure time as an object of distributive justice bears upon the justice of the household and equality of opportunity between the sexes. Liberal
egalitarians have articulated two principles to govern the distribution of household labor to secure equality of opportunity between the sexes: the equal division principle, which holds that all household labor must be equally divided between men and women within a given household, and the freely chosen principle, which holds that any division of household labor may be just so long as it is freely chosen. I argue that the equal division principle is unjustified, for it is not necessary to secure equality of opportunity, but that the freely chosen principle is inadequate, for it is not sufficient to attain equality between the sexes with respect to household labor. I argue that the fair share of leisure principle—that both men and women are entitled to a fair share of leisure time—fills this breach, as it would ensure that both men and women, whatever their proportion of household to market labor, enjoy the leisure time required to take advantage of their formal liberties and opportunities. Moreover, the fair share of leisure principle, because it applies to all individuals and not only to households, better realizes the liberal aim of recognizing a diverse array of family and household arrangements.

In the concluding chapter, I consider three feasibility challenges that have been pressed against the prospect of realizing a just distribution of leisure time: the policy challenge, which holds that the only policies that could ensure a just distribution of leisure would violate economic freedoms; the development challenge, which holds that only wealthy developed societies ought to or can be expected to distribute leisure justly; and the materialism challenge, which holds that individuals’ claims to leisure time cannot be protected against the pressures of materialism. By examining in greater detail the types of public policies that are required to realize a just distribution of leisure, I show how each of these feasibility challenges can be met.
VI. In Praise of Idleness

Though my conception of leisure as time free from necessity has roots in Aristotle and Marx, because their theories of distributive justice are fundamentally distinct from the liberal egalitarian theory of justice I endorse, their joint parentage is limited in its influence to the dissertation’s effort to reconceptualize leisure. Beyond this conceptual task, the more immediate inspiration for the central argument of the dissertation is a short essay by Bertrand Russell, written in 1932, entitled “In Praise of Idleness.” Russell, too, conceives of leisure as time when one is free from meeting the necessaries of life, but his essay serves as a touchstone for the dissertation in two more significant ways as well. First, Russell, contrary to today’s theorists of distributive justice, strongly proclaims that leisure ought to be “a right evenly distributed throughout the community.” Just societies, Russell argues, must “distribute leisure justly.” Second, Russell, contrary to the prevailing opinion of his time, did not hold that leisure’s virtue lay in its being devoted to the higher pleasures or excellences of life. Instead, leisure’s virtue is that it is time when one can pursue one’s own chosen ends, whatever they might be. Each citizen ought to be entitled to leisure, Russell held, and that “time should be his to use as he might see fit.”

Though my argument departs from Russell’s in other ways, the central motivation of the dissertation is nonetheless to vindicate these two claims from Russell’s brief essay: that the resource of leisure, time when one is free from the necessities of life, is valuable because it is the time when one can pursue one’s own ends, whatever they are, and that all citizens are entitled to a fair share of leisure time as a matter of justice.

18 Russell, “In Praise of Idleness,” 4-5.
Chapter 1:
Leisure as a Specific Good

I. Introduction

A survey of recent research on the distribution of leisure—defined in such research broadly as the time when one can do the things one wants to do, such as being with family and friends, relaxation, or recreation, rather than those one has to do, such as work or household chores—reveals the following noteworthy findings:  First, many people report that they do not have enough leisure or that they wish they had more leisure. 20 Second, possessing a greater amount of leisure is associated with better health and higher subjective well-being, whereas possessing little leisure is associated with worse health and lower life satisfaction. 21 Third, those who have more and those who have less leisure are not evenly distributed throughout the population; instead, inequalities in the distribution of leisure are persistently associated with distinct demographic groups, and the groups that have less

20 The General Social Survey found that sixty-nine percent of American workers would like more leisure time, and over sixty percent of American workers’ report that their actual work hours exceed their ideal work hours, with the gap between the two on average eleven hours. Lonnie Golden “Overemployment in the United States: Which Workers are Willing to Reduce their Work-Hours and Income,” in Decent Working Time: New Issues, New Trends, eds. Jean-Yves Boulin, Michel Lallement, Jon C. Messenger, and François Michon (Geneva: International Labour Office, 2006), 214.
leisure are in some instances those that are otherwise disadvantaged. Fourth, inequalities in the distribution of leisure are correlated with inequalities in political participation; those who have more leisure are more likely to vote, to work on a campaign, to contact government officials, to protest, to engage informally in a community activity, and to serve on local governing boards and attend board meetings.

On the basis of these findings alone, one might be led to expect that the distribution of leisure would be a central concern in liberal egalitarian theories of distributive justice. Such theories are typically concerned with things that citizens generally want at a level of sufficiency or at some other maximizable level, and that possession of which produces predictable benefits to individual health and well-being and a lack of, harms. Moreover, theorists of distributive justice are often particularly concerned with such things when their distribution is unequal in a way that tracks other social and economic inequalities, as well as disparities in political participation. Yet, theories of distributive justice have in fact given little attention to leisure, and what little they have paid treats it as far from a central concern. Indeed, the most sustained engagement with the distribution of leisure in the contemporary literature, Michael Walzer’s discussion of “free time,” spans a total of twelve pages.

22 See the discussion in the Introduction, Section IV.
24 I refer to liberal egalitarians and theorists of distributive justice interchangeably, since the latter set is dominated in the contemporary literature by the former, even though a theory of distributive justice need not in principle be either liberal or egalitarian. I also use liberal and egalitarian in the broadest possible sense: “liberals” need only give special priority to a set of individual freedoms (and so might include some “socialists”) and “egalitarians” need only value some type of social or distributive equality, but might endorse deviations from equality in preference to securing sufficiency or to give priority to the least well-off (and so might include some “sufficientarians” or “prioritarians”).
25 Michael Walzer, Spheres of Justice: A Defense of Pluralism and Equality (New York: Basic Books, 1983). I discuss the two other noteworthy treatments of leisure, Rawls’s consideration of leisure as a primary good
To be clear, the empirical findings about the distribution of leisure cited above are not, in themselves, sufficient to conclude that leisure ought to be an object of distributive concern. However, they nonetheless ought at the very least to trigger some alarms for liberal egalitarians, demanding attention to assess whether and how the unequal distribution of leisure ought to be addressed. Instead, theorists of distributive justice have remained aloof from virtually any concern with leisure.

In this chapter, I contend that it is the way that leisure has standardly been conceptualized that has prevented theorists of distributive justice from properly responding to findings like those cited above. That is, both in the history of political thought and in contemporary political philosophy, leisure has been conceptualized as a specific good. In particular, leisure has been conceptualized as either 1) time engaged in intrinsically valuable activities, namely philosophical contemplation, 2) time engaged in play or recreation, or 3) time not engaged in paid work. The standard liberal egalitarian approach to the distribution of such specific goods is to ensure that all citizens have access to such goods by ensuring a fair distribution of all-purpose resources. In possession of their share of such resources, individuals can then choose which specific goods to select in accordance with their own preferences and understandings of the good life. For the liberal state to do otherwise, and to ensure a given distribution of specific goods themselves, or even to promote access to one specific good over others, without some special intervening justification, is to overstep its bounds and to violate the rightful deference given to individual autonomy.

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and the human right to limitations on working hours in the United Nations Declaration of Human Rights, below.

26 This statement of the standard liberal egalitarian approach does privilege a “resourcist” theory of distributive justice, but it is, as I discuss below, not inconsistent with theories that use other distributive metrics.
Thus, on the standard liberal egalitarian approach, as long as all citizens have access
to the specific good of leisure, understood according to one of the three standard
conceptions, it would be \textit{prima facie} wrong for the state to aim to ensure any particular
distribution of leisure. Instead, the ideal distribution of leisure would simply be the one that emerges as a result of individuals’ choices made in accordance with their conceptions of the good, depending, that is, on the value they give to contemplation, or play, or paid work relative to other specific goods, assuming all have access to such goods. The appropriate focus of distributive concern is, accordingly, not on the distribution of the specific good of leisure, but on the distribution of the all-purpose resources that ensure that citizens have access to such goods, resources such as education, income and wealth, and occupational opportunities. Theories of distributive justice are already amply concerned with the distribution of such all-purpose resources, so—(a) assuming the legitimacy of the standard liberal distributive approach, (b) absent some further argument about the exceptional nature of the specific good of leisure, and (c) assuming that the standard conception of leisure as a specific good is appropriate—it is in fact reasonable for distributive theorists to disregard the types of findings presented at the outset and to continue to disregard leisure.

I do not, however, accept that theorists of distributive justice have been right to dismiss all of the empirical findings above and, more importantly, to neglect the distribution of leisure. In order to substantiate such a contention, one could either (a) reject the standard liberal egalitarian approach to distributive justice, (b) provide some further argument about why the specific good of leisure requires exceptional treatment, or (c) reject the standard conception of leisure as a specific good. I will not pursue (a), as I indeed endorse the standard liberal egalitarian approach as broadly correct, though I also will not
explicitly argue for this approach, as that is beyond the scope of the dissertation; rather, I accept and assume the legitimacy of the standard liberal egalitarian approach to distributive justice. I will also not pursue (b), though some of the arguments I will advance in the course of the dissertation would provide effective grounds to take this approach as a supplementary path. Instead, I will take route (c): rejecting the standard conception of leisure as a specific good. My argument is not that leisure cannot be appropriately understood as a specific good according to one of the standard conceptions; rather, I argue that the understandings of leisure as a specific good do not exhaust the possible conceptions of leisure. More to the point, I argue that leisure should not only be conceptualized as a specific good, but rather, it ought also to be conceptualized as itself a resource. When so understood, I argue that leisure cannot necessarily be disregarded by theorists of distributive justice, and indeed I will ultimately argue that leisure ought to be recognized as central to such theories.

That, at any rate, is the core claim of the dissertation. The aims of this chapter, however, are more preliminary. In the remaining sections of this chapter, I first elaborate on how leisure has been neglected by liberal egalitarian theories of distributive justice (and contemporary theories of justice more broadly) in Section II, and then examine how the standard liberal approach distinguishes and treats resources as opposed to specific goods (Section III). I present the standard conceptions of leisure as a specific good in the final section (IV). The task of arguing for and constructing a conception of leisure as a resource awaits Chapter 2.
II. The Neglect of Leisure

There are two senses in which leisure has been neglected in contemporary theories of justice. First, leisure—or even time generally—is rarely mentioned or given more than passing notice in the literature. Second, when leisure does receive sustained attention, the arguments either are actually about another subject (namely, the obligation to work) with leisure serving merely as a convenient proxy, or are narrowly limited in the questions they address or the positions they advance. The few existing treatments of the distribution of leisure give one little reason to think it is a subject that merits much further consideration. In order to substantiate the first point—that leisure is rarely mentioned—it suffices to say that the works cited in this section and in Section IV exhaust the set of even modest engagements with the subject in the literature. Moreover, there are only three places where one finds any sustained consideration of leisure as an object of distributive concern in the contemporary literature: Michael Walzer’s treatment of “free time” as a distinctive “sphere of justice,” John Rawls’s consideration of including leisure in the index of “social primary goods,” and the Declaration of Human Rights’ recognition of a “right to rest and leisure.”

Free Time as a Sphere of Justice

Walzer’s theory of distributive justice is one of “complex equality,” according to which all distinct social goods—such as money, office, recognition, and political office—ought to be distributed based on principles specific to each good within separate “spheres of justice.” Walzer recognizes “free time” as one of the distinct social goods that merits its own sphere of justice, and indeed Walzer contends that the “distribution of free time” is a

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27 Philippe Van Parijs’ argument for a universal basic income—with the implication that one could spend all of one’s days in idleness, surfing and the like—may seem like a relevant consideration of leisure and it is indeed indirectly related to leisure, but it is not, as I discuss in Section IV below, actually concerned with the distribution of leisure itself.
“central issue of distributive justice.”\textsuperscript{28} This is the strongest statement in favor of incorporating a concern for free time (or leisure) into theories of distributive justice in the contemporary literature, and though the discussion is brief, it contains a wealth of ideas, with illuminating reflections on both the meaning and history of leisure. The particular principles that Walzer advances to govern the distribution of free time do not, however, do much to substantiate his claim that the distribution of free time is a central issue of distributive justice.

Walzer makes two arguments in particular which moderate the impact of that claim. First, though he contends that individuals do need a “cessation from work,” he argues that the particular way that free time is distributed in a society is not a matter of justice. Instead, it is a matter of societal discretion: one society could grant individuals the leave to take personal vacations while another society could coercively impose public holidays. The choice between these two types of distribution is not one governed by justice. Though the provision of free time in some form remains a matter of justice, setting aside the question of what form that provision takes effectively reduces the reach of distributive justice over free time.

Second, and more importantly, Walzer suggests that if complex equality obtained, to the effect that money, offices, education, and political power were more equally distributed than they are at present, significant inequalities in free time would not arise. The rich would not be able to amass enough wealth to enjoy their familiar “upper-class idleness”\textsuperscript{29} and the powerful would not hold enough sway to command others to work while they rest. Instead, Walzer assumes that realizing complex equality in the other spheres of justice

\textsuperscript{28} Walzer, \textit{Spheres of Justice}, 187, 185.

\textsuperscript{29} Walzer, \textit{Spheres of Justice}, 185.
would automatically go a long way toward achieving a more equal distribution of free time. By virtue of this assumption, Walzer again blunts the impact of recognizing the distribution of free time as a central concern of distributive justice.

Having tempered his position in these ways, Walzer ultimately contends that justice requires only that one not “be excluded from the forms of rest central to one’s own time and place.”

Given that this principle must be flexible enough to apply to diverse societies’ different ways of organizing free time, it is unclear what this principle demands in practice. Moreover, given that justice—on either Walzer’s view or any liberal egalitarian view—would already require some form of equal social status, and that, as Walzer contends, the greater equality required in money and political power would mitigate existing inequalities in free time, it is unclear what, if anything, this principle demands beyond the other requirements of justice. Free time, in short, might be an important domain of human life, but it is likely not one to which a theory of justice must give attention. Perhaps for these reasons, Walzer’s claim that the distribution of free time is a central issue of distributive justice has not been endorsed or pursued in the literature.

Leisure as a Primary Good

The only other notable treatment of leisure within the distributive justice literature—Rawls’s consideration of leisure as a primary good—is not aimed at leisure, per se, at all. That is, Rawls contends that leisure could be added to the index of social primary

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30 Walzer, *Spheres of Justice*, 196.

31 One indicator of the silence that has met Walzer’s treatment of free time is that a prominent edited volume dedicated to *Spheres of Justice*, with essays by many of the central figures in the distributive justice literature, contains only two references to free time, even though one of those references describes Walzer’s discussion of free time as “one of the best chapters in the book.” Brian Barry, “Spherical Justice and Global Injustice,” in *Pluralism, Justice, and Equality*, ed. David Miller and Michael Walzer (Oxford: Oxford University Press, 1995), 73. The other reference is in Amy Gutmann’s essay “Justice Across the Spheres,” 112. Both Barry and Gutmann discuss free time to make more general points; neither endorses Walzer’s contention that free time is a central issue of distributive justice.
goods (the metric used to compare individuals’ social and economic advantages) neither because he considers leisure to be an important good nor because he takes the distribution of leisure to be a relevant component of the distribution of social advantage. Instead, Rawls proposes recognizing leisure as a primary good only as one possible way of remedying a defect in his original theory; that is, that the theory did not sufficiently incorporate the expectation that all citizens should work.

In the first statement of his theory of justice, “justice as fairness,” Rawls addresses neither leisure nor a work expectation. He proposes that inequalities in social and economic advantages ought to be distributed so that they are to the greatest benefit of the least advantaged (the difference principle), and that the relevant metric for determining advantages is an index of primary goods. The index consists in a subset of all social primary goods and includes income and wealth and powers and prerogatives of office.

When the difference principle and the index are so formulated, absent some further clarification, an implication is that those who do not work and do not earn an income, even if they willingly do not do so, qualify as among the least advantaged and thus require public support. This implication was first pressed on Rawls by the economist Richard Musgrave, who argued that the theory as formulated “favors those with a high preference for leisure”

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33 On Rawls’s special conception of justice, the other social primary goods (basic rights and liberties, and opportunities) are to be distributed equally according to the equal liberty principle and the fair equality of opportunity principle. It is unclear whether the remaining primary good (the social bases of self-respect) is to be distributed equally or as part of the index of goods that vary according to the difference principle. (In *A Theory of Justice*, Rawls writes that “the primary goods that vary in their distribution are the rights and prerogatives of authority, and income and wealth.” Van Parijs, however, contends that the social bases of self-respect are part of the index. Samuel Freeman interprets the index as including not only income and wealth and the powers and prerogatives of office, but also non-basic rights and liberties and the social bases of self-respect. Rawls, *A Theory of Justice*, 93, rev. ed. 80; Van Parijs, “Difference Principles,” in *The Cambridge Companion to Rawls*, ed. Samuel Freeman (Cambridge: Cambridge University Press, 2003), 212; Freeman, *Rawls* (London: Routledge, 2007), 113. See also Nir Eyal, “Perhaps the most important primary good: self-respect and Rawls’s principles of justice,” *Philosophy, Politics & Economics* 4 (2005): 195-219.
(including “recluses, saints, and (nonconsulting) scholars”). Rawls accepted the force of Musgrave’s critique and in his initial reply and subsequent elaborations considered how to ensure that those who elected not to work did not qualify as among the least advantaged.

It is in this context that Rawls considered adding leisure to the index of primary goods. Specifically, he proposed that “twenty-four hours less a standard working day might be included in the index as leisure,” so that “those who are unwilling to work would have a standard working day of extra leisure, and this extra leisure itself would be stipulated as equivalent to the index of primary goods of the least advantaged,” to the effect that those who choose not to work do not count as the least advantaged. Rawls consistently maintains that those “who surf all day off Malibu” must somehow support themselves and cannot live off public funds, and that adding leisure to the index is one way of ensuring this result.

It is worth stressing that Rawls never contended that leisure ought to be included in the index, only that doing so was one possible strategy among others to ensure that all “do their part in sharing the burdens of social life.” Rawls never discussed leisure’s importance or its distribution, and indeed his willingness to include leisure in the index was not prompted by a concern for either (aside from his aversion to supporting the welfare

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surfers who had complete leisure). Instead, Rawls argued that leisure ought to be added to the index of primary goods only if it would be “the best way to express the idea that all citizens are to do their part in society’s cooperative work.”

By implication, if including leisure in the index would not be the best way to incorporate a work expectation, then leisure ought not be given that status and another strategy ought to be pursued. (One such alternative strategy that Rawls suggests is simply “to assume that everyone works a standard working day.”) Far from constituting an endorsement of Walzer’s claim that the distribution of leisure (or free time) is a central concern of distributive justice, Rawls’s willingness to recognize leisure as a primary good is in fact only a strategic maneuver to ground a work expectation.

A Human Right to Leisure

Article 24 of the Universal Declaration of Human Rights holds that: “Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.” On its face, the recognition of a human right to leisure in the UN Declaration seems to undermine my contention that leisure has been neglected by contemporary theories of justice.

For does not the canonization of a fundamental interest as a human right indicate the widespread acceptance of that right as a fundamental principle of justice? In fact, however, Article 24 is widely criticized and even mocked, as those who otherwise support human

39 Rawls, Justice as Fairness, 179.
40 Rawls, Justice as Fairness, 179.
rights discourse dismiss the right to “holidays with pay” as patently not a proper human right. One recent commentator summarizes the usual treatment of the putative human right to leisure by noting that though “it is an official affirmation by a highly respected international organization, almost everyone has regarded it as suspect.”

Some who reject the human right to leisure also reject all of the “second generational” human rights to economic and social conditions that are recognized by the Declaration. Maurice Cranston, for instance, argues that only fundamental political and civil rights ought to be recognized as human rights because going further and recognizing economic and social rights effectively devalues the currency of human rights, and in pressing this critique Cranston singles out the right to holidays with pay as particularly problematic. Even those who accept economic and social rights as justifiable human rights, however, and who endorse many of the other second generational rights in the Declaration, often find Article 24 a stroke too far. Allen Buchanan, for instance, advocates a human right to “resources for subsistence” but rejects the right to leisure as one of the “more dubious putative economic rights.” Buchanan captures the widespread dismissal of Article 24 when he refers to the right to holidays with pay as “notorious” and “pretty obvious[ly]…not necessary for a decent human life.”

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44 Cranston imagines that recognizing a right to leisure might lead people to say, for instance: “It would be a splendid thing…for everyone to have holidays with pay, a splendid thing for everyone to have social security, a splendid thing to have fair trials, free speech, and the right to life—and one day, perhaps, all these beautiful ideals will be realized.” Cranston, “Are There Any Human Rights?” Daedalus 112 (1983): 12. See also, Cranston, “Human Rights – Real and Supposed” in Political Theory and the Rights of Man, ed. D. D. Raphael (London: Macmillan, 1967) and What Are Human Rights? (London: Bodley Head, 1973).
46 Buchanan, Justice, Legitimacy, and Self-Determination, 129.
Though the right to leisure is widely rejected as a proper or genuine human right, it must be noted that Article 24 is not without its defenders. Jeremy Waldron, for one, rebukes those who casually dismiss the right to leisure, arguing that “in the history of labor’s struggle with capital,” the attempt to secure limitations on working hours “has been a constant and desperate theme, and anyone who denigrates its urgency simply doesn’t know what he is talking about.”47 Although Waldron offers a forceful argument against any dismissal of the right to leisure out of hand as unjustified, his remarks are limited to that aim and he does not provide a further positive account of why leisure ought to be recognized as a human right or what the recognition of such a right would entail. Despite the modesty of Waldron’s position, his defense is perhaps the right’s strongest expression of support, for Article 24’s other defenders offer either more tepid or more limited arguments on behalf of a human right to leisure. James Griffin, for instance, follows the consensus view in dismissing the “widely rejected” right to holidays with pay, but allows that a right to the more generic “rest and leisure” is “plausible,” since leisure might be a necessary condition for normative agency, but provides no further argument in favor of such a right.48 Mathias Risse similarly rejects the putative right to holidays with pay while endorsing a right to rest and leisure and to reasonable limitations on working hours, yet again his argument on behalf of such a right is limited to a few remarks.49

49 Risse, “A Right to Work? A Right to Leisure? Labor Rights as Human Rights,” 34. Specifically, Risse argues that “such rights make sure nobody suffers any competitive disadvantage from being unwilling to spend all his time on earning wages. Above a certain level of wealth, it is unreasonable to require total absorption into one’s work to make a living; labor markets should be compatible with the pursuit of other interests, including the enjoyment of benefits made possible by society.” See also “Arguing for Human Rights: Labor Rights as Human Rights” in On Global Justice (Princeton: Princeton University Press, 2012).
III. Liberal Egalitarianism and Specific Goods

Apart from these three sets of considerations of the distribution of leisure, theorists of distributive justice have almost entirely ignored the distribution of leisure in either existing or ideally just societies, their engagement with the subject limited to only passing references. Though I will argue that the neglect of leisure is a mistake, the cursory attention the subject has received is not entirely unwarranted given how leisure has standardly been conceptualized. That is, leisure has been conceptualized as a specific good, and on the standard liberal egalitarian approach to distributive justice, the distribution of such specific goods is presumptively not a proper object of concern. Thus, when leisure is understood in this way, theorists of distributive justice are *prima facie* not wrong to disregard leisure. The subsequent section describes the various ways that leisure has been conceptualized as a specific good, while this section elaborates on the standard liberal egalitarian approach to the distribution of such goods.

The standard liberal egalitarian approach to distributive justice derives from the approach’s two central commitments for which it is named: as a *liberal* approach, it is committed to individual freedom of choice and personal autonomy, and as an *egalitarian* approach, it is committed to some degree of equality in the distribution of society’s benefits. If a society subscribed only to a liberal principle of justice, without any concern for realizing some degree of equality in the distribution of advantages either as individuals begin life or throughout their lives, given the inequalities in individual’s talents, characters, and backgrounds, the distribution of advantages in the society predictably would be highly unequal. Conversely, if a society held only an egalitarian principle of justice, with no concern for respecting individual freedom, the most efficient and effective way to realize an
equal distribution of benefits among the society’s members likely would be to centrally
distribute shares irrespective of individual’s choices. The basic liberal egalitarian solution
to resolving this central tension between its two commitments is to take an approach that
the economist James Tobin has described as “general egalitarianism.”

General egalitarianism is best understood in contrast with its alternative, “specific
egalitarianism.” Say that one examines the distribution of goods in a society, and observes
that some people have a great abundance of food while others have very little. The specific
egalitarian response to this inequality in food among the society’s members is to
redistribute food so that all have the same amount or, more plausibly, that all have enough.
The specific egalitarian would achieve this result by directly altering the distribution of
food, either by distributing food through public kitchens or pantries or by distributing food
stamps that individuals could exchange for food. The general egalitarian, by contrast,
would respond to the inequality in the distribution of food by examining the underlying
distribution of income and wealth in the society. If the unequal distribution of food results
from an inequality in the distribution of income and wealth, the general egalitarian response
is to remedy that objectionable inequality in income and wealth through general taxation
and transfer measures rather than to directly tackle the inequality in the distribution of food.
If instead the unequal distribution of food does not result from any objectionable inequality
in the distribution of income and wealth (but rather, say, from differences in individuals’
preferences), the general egalitarian will be untroubled by that inequality. Thus, whereas

description of general egalitarianism as the basic solution, since liberal egalitarians reconcile their
commitments to liberty and equality through other means as well. Rawls’ theory of justice as fairness, for
instance, gives the protection of a set of fundamental liberties for all citizens priority over realizing a greater
degree of equality in the distribution of society’s other benefits, in addition to deploying the general
egalitarian strategy.
the specific egalitarian is primarily concerned with inequalities in specific goods and aims to redress those inequalities directly, the general egalitarian is primarily concerned with inequalities in resources (like income and wealth) and seeks to remedy those inequalities in resources rather than in specific goods.

The general egalitarian approach is most clearly illustrated by an example drawn from Ronald Dworkin’s theory of “equality of resources.”

Imagine that a number of shipwreck survivors wash ashore a deserted island rich in natural resources. The castaways are all equally talented and endowed—equal in strength, intelligence, skills, perseverance, attentiveness, etc. Faced with the prospect of how to divide up the natural resources of the island amongst themselves, the new immigrants (for rescue is unlikely) decide to divide the resources equally since none has any prior claim. To divide the island’s resources equally, the immigrants distribute amongst themselves an equal number of clamshells to each and then hold an auction for different plots of land. Though the immigrants are equally talented, they nonetheless have different preferences, and they use their clamshells to select different plots of land in accordance with their preferences: some select smaller, beachfront plots and others larger, inland plots; some select remote, fertile plots and others central, rocky plots; and so on. With the different plots thusly distributed, the immigrants then decide to use them differently: some choose to work long hours fishing or gardening while others choose to spend most of their hours swimming or sunbathing; one with a flat plot erects a tennis court, another with a central plot makes a kitchen, and a third with a wooded plot builds furniture; and so forth. The immigrants, retaining their clamshell currency, then trade with each other for the various products and services they each can provide.

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initial auction and their different choices and trades, the immigrants’ lives all look rather different: some have few possessions but a great deal of rest and relaxation, while others have abundant possessions but a great deal of long and hard work. Though the castaways began with equal shares of “resources” (both talents and clamshells), after a period of time they end up with different bundles of “specific goods” (both possessions and lifestyles). According to Dworkin’s theory of equality of resources, given these facts alone, the resulting distribution on the island is just.

Different liberal egalitarian theories might instead find the distribution on the island unjust, on the basis of these or additional facts, and especially once one adds the inevitabilities of illness, children, natural disasters, personal misfortunes, growing dissatisfactions, etc., and accordingly prescribe some later redistribution of clamshells. Nonetheless, Dworkin’s island story provides a clear example of the general egalitarianism common to the standard liberal egalitarian approach: rather than focus on and directly intervene in the distribution of specific goods, the general egalitarian targets the distribution of resources and leaves the distribution of specific goods to individual choices mediated through market mechanisms.

Moreover, Dworkin’s island example provides a basis for drawing a more careful distinction between the critical categories of “resources” and “specific goods” employed loosely in this chapter so far. The distinction between resources and specific goods is

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52 The distinction between resources and specific goods fits most readily with a “resourcist” theory of distributive justice—that is, one that uses resources themselves as the metric for assessing individuals’ distributive shares. Other theories that follow the standard liberal egalitarian approach use different metrics, but nonetheless still rely on the distinction between resources and specific goods; they simply use different metrics to assess individuals’ distributive shares. A theory that, like Elizabeth Anderson’s, uses capabilities as the relevant metric focuses on individuals’ capabilities to function as democratic citizens as the relevant point of distributive concern, but these capabilities are themselves determined by the resources individuals possess or can access. As such, Anderson’s theory holds that unjust distributions of capabilities ought to be addressed by distributing or otherwise providing individuals with the required resources. (It is worth noting that on
widely used in the literature, and though each category sometimes operates under a different name (“specific goods,” in particular, has different labels) and the boundaries between the two categories can be drawn differently, the core distinction is a stable one. Resources are the “inputs” that are generally necessary to pursue any “conception of the good” that one might hold. (Though conception of the good is a particular term of art, it is used here in the broad sense of a plan of life, idea of the good life, or even preferred lifestyle.53) Resources may be divided into various sub-categories, including material resources (e.g. money or property), personal resources (e.g. intelligence, strength, or a work ethic), and “opportunity” resources (that is, the legal rights and protections or social conditions that allow one to pursue one’s conception of the good, like, e.g., freedom of movement or a functioning labor market).

Specific goods are the particular components that are part of one’s particular conception of the good. Specific goods can too be divided into sub-categories, including material goods (e.g. food, a plot of land, a tennis racket), “experiential” goods (e.g. eating, tennis-playing, friendship), and “social” goods (e.g. public tennis courts, a community of Anderson’s, and Amartya Sen’s, account of capabilities, the resources that affect individuals’ capabilities are not only “divisible resources” but also social conditions and institutions. The following discussion encompasses both types of resources.) The same pattern holds for Richard Arneson’s metric of opportunity for welfare and G. A. Cohen’s metric of access to advantage. See Anderson, “What is the Point of Equality?” Ethics 109 (1999): 287-337 and “Justifying the Capabilities Approach to Justice,” in Measuring Justice: Primary Goods and Capabilities, eds. Harry Brighouse and Ingrid Robeyns (Cambridge: Cambridge University Press, 2010), 81-100; Arneson, “Equality and Equal Opportunity for Welfare,” Philosophical Studies 56 (1989): 77-93 and “Equality of Opportunity for Welfare Recanted and Defended,” Journal of Political Philosophy 7 (1999): 488-497; and Cohen, “On the Currency of Egalitarian Justice,” in On the Currency of Egalitarian Justice, and Other Essays in Political Philosophy, ed. Michael Otsuka. (Princeton: Princeton University Press, 2011), 3-43.

The theories to which this distinction does not readily apply to are those that, while broadly liberal and egalitarian, do not follow the standard liberal egalitarian approach, including, most notably, Walzer’s theory of complex equality and Martha Nussbaum’s theory of human capabilities (which I discuss below). 53 Though some of these terms suggest that one’s conception of the good must depend on a rational or coherent plan, or a “unified conception of one’s overall purposes,” my use of the term does not depend on it having this strong meaning. For a discussion of this point, see Charles Larmore, “The Idea of a Life Plan” Social Philosophy and Policy 16 (1999): 96-112.
tennis players). The use of “goods” does not, accordingly, refer strictly either to goods as material commodities (e.g. the tennis racket), to goods as things of value (e.g. the good of friendship), or to goods as privately-held entities (e.g. the plot of land), but more broadly to any particular object or experience that contributes to or constitutes one’s particular conception of the good. To take an example, if one’s conception of the good involves bicycling, then time spent bicycling, access to a bicycle, and bicycle lanes might be the specific goods that are part of one’s conception of the good, whereas money to buy a bicycle, freedom of movement, and functioning commodity markets might be the resources that are necessary to pursue one’s conception of the good.

Note that the distinction between specific goods and resources is not that the latter are instrumental to pursuing one’s conception of the good, whereas the former are intrinsic to one’s conception of the good. Resources are instrumental to the pursuit of one’s conception of the good, but so too may specific goods be: as in the example, both freedom of movement and bicycle lanes are instrumental to the pursuit of one’s conception of the good, though the former is a resource and the latter a specific good. Instead, the crucial distinction is that specific goods are the particular goods that one requires to pursue one’s particular conception of the good, whereas resources are the all-purpose means that one generally requires to pursue any conception of the good. Unless one’s particular plan of life involves bicycling, bicycle lanes are generally not instrumental to the pursuit of one’s conception of the good, whereas freedom of movement is generally instrumental to the pursuit of one’s conception of the good, whatever it may be. It must also be noted that the boundaries between resources and specific goods are not always sharply defined. If, for
instance, bicycling were the predominant mode of transport in a given society, bicycle lanes might be more properly regarded as resources.

The standard liberal egalitarian approach to distributive justice is, then, one of general egalitarianism, according to which the state ought to redress inequalities by focusing on the background distribution of resources rather than the resulting distribution of specific goods. The standard liberal egalitarian justification for favoring general over specific egalitarianism is, broadly, the approach’s liberal values, namely individual freedom of choice and personal autonomy. By providing individuals with the resources they require to pursue their conceptions of the good, whatever they are, rather than with the specific goods that are necessary to pursue only some conceptions of the good, the state gives individuals wider latitude to direct and lead their own lives as they see fit. More specifically, the fundamental liberal values of individual freedom and personal autonomy ground three distinct principles—the principle of anti-paternalism, the principle of non-perfectionism, and the principle of neutrality—each of which provide reason to favor general to specific egalitarianism.

Though the liberal values of individual freedom and personal autonomy do not necessarily justify these three principles—as such values have indeed been used to ground contrary principles—and though, again, these three principles do not necessarily dictate general rather than specific egalitarianism—as sometimes specific egalitarianism is consistent with each or all of the principles—nonetheless, the fundamental liberal values and the three principles do standardly support general over specific egalitarianism. As my

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54 Harry Brighouse describes the standard liberal egalitarian approach and its justification thus: “Because liberals place great weight on people’s actual preferences in the determination of public policy, they tend to favor reliance on (or mimicry of) markets in allocation [of specific goods], at least when there are no reasons to expect significant market imperfections and failures.” “Neutrality, Publicity, and State Funding of the Arts” Philosophy & Public Affairs 24 (1995): 35-63.
aim in this chapter is to explain why leisure has been ignored in the literature, and particularly why the standard liberal egalitarian approach disregards the distribution of specific goods, I focus here on explicating the standard liberal egalitarian approach rather than on exploring how deviations from that approach that are in principle consistent with its fundamental values could justify a concern with the distribution of specific goods.

Before turning to the three particular liberal principles that support general egalitarianism, it is worth noting an additional reason one might have to prefer general to specific egalitarianism. That is, general egalitarianism is often more efficient than specific egalitarianism. If efficiency is defined in terms of Pareto improvements, so that one state of affairs is more efficient than another if it improves the positions of some without making anyone else worse off, general egalitarianism often will be more efficient than specific egalitarianism in two ways. First, say someone who has little food is granted a food stamp, but that she would prefer to use the equivalent value of the food stamp on devotional items: giving her the equivalent value rather than the food stamp is more efficient in that it makes her better off without making anyone else worse off. Second, say she decides to trade her food stamp with someone else for its market value in money, thereby adding unnecessary transactions and their attendant costs to the market: again, giving her the equivalent value rather than the food stamp is more efficient in that it makes her and everyone else better off without making anyone worse off (assuming in both cases that no one is made worse off by having their preference to give food stamps rather than money unmet). Though the argument for general egalitarianism from efficiency may be decisive from some perspectives, efficiency is only a second-order concern in a liberal theory of

As in T. M. Scanlon’s classic example of someone who “would be willing to forgo a decent diet in order to build a monument to his god.” Scanlon, “Preferences and Urgency,” in *The Difficulty of Tolerance: Essays in Political Philosophy* (Cambridge: Cambridge University Press, 2003 [1975]).
justice (i.e. between two just states of affairs, the more efficient one is, all else equal, to be preferred, but a more efficient unjust state is not preferable to a less efficient just state).

Thus, though efficiency may be a consideration, it is the anti-paternalist, non-perfectionist, and neutrality principles that provide first-order reasons in favor of general egalitarianism.

The liberal commitment to individual freedom, specifically to respect an individual’s judgment over how to conduct her own life and affairs, grounds a principle of anti-paternalism. Following judgment-based definitions of paternalism, a state action is paternalistic when it is justified by the view that the state’s judgment about how one should run one’s life is superior to one’s own judgment.\(^{56}\) According to the principle of anti-paternalism, a state action with a paternalist motive or justification is (pro tanto) impermissible.\(^{57}\) The justification of particular instances of specific egalitarianism need not be paternalist: for instance, if the only way for the state to solve a collective action problem and provide a specific good (e.g. open greenspace) is to provide that good directly, rather than by providing all citizens with the all-purpose resources to procure that specific good, the justification for the state’s action is not paternalist. Nonetheless, the justification of specific egalitarianism does often depend on paternalistic motives, as, for instance, when

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\(^{56}\) Seana Valentine Shiffrin and Jonathan Quong offer two recent arguments on behalf of such a judgment-based definition of paternalism. More precisely, Shiffrin defines paternalism by A toward B as “behavior (whether through action or through omission) (a) aimed to have (or to avoid) an effect on B or her sphere of legitimate agency (b) that involves the substitution of A’s judgment or agency for B’s (c) directed at B’s own interests or matters that legitimately lie within B’s control (d) undertaken on the grounds that compared to B’s judgment or agency with respect to those interests or other matters, A regards her judgment or agency to be (or as likely to be), in some respect, superior to B’s.” Shiffrin, “Paternalism, Unconscionability Doctrine, and Accommodation” *Philosophy & Public Affairs* 29 (2000), 218. Quong defines paternalism as when “A attempts to improve the welfare, good, happiness, needs, interests, or values of agent B with regard to a particular decision or situation that B faces” and “A’s act is motivated by a negative judgment about B’s ability (assuming B has the relevant information) to make the right decision or manage the particular situation in a way that will effectively advance B’s welfare, good, happiness, needs, interests, or values.” Quong, *Liberalism without Perfection* (Oxford: Oxford University Press, 2010), 80.

\(^{57}\) I do not mean here to take a position on whether paternalism is pro tanto or always all-things-considered wrong, and instead adopt only the weaker claim in the text on account of it being the more modest position. The choice does not make a difference to the connection between anti-paternalism and general egalitarianism.
the state provides the hungry with food stamps rather than with money to purchase food because it believes its judgment is (or is likely to be) better than the hungry person’s judgment about how best to spend the money. Though specific egalitarianism is often justified on paternalist grounds, the more important point is that general egalitarianism—providing one with the all-purpose resources that one can devote to specific goods as one sees fit—necessarily involves the state not substituting its superior judgment for an individual’s own judgment about how to conduct her own affairs. Thus, when faced with the choice between specific egalitarianism, which sometimes depends on paternalistic motives, and general egalitarianism, which necessarily does not, the principle of anti-paternalism does provide liberal egalitarians with a presumptive reason to favor the general egalitarian approach as a default position.

The same liberal commitment to respecting an individual’s own judgment about how best to live one’s life also grounds a principle of non-perfectionism. Perfectionist state actions encourage citizens to pursue ways of life that the state holds to be valuable or good, or, alternately, discourage citizens from pursuing ways of life that are held to be worthless or bad.\footnote{Joseph Raz describes the perfectionist view of politics as such: “It is the goal of all political action to enable individuals to pursue valid conceptions of the good and to discourage evil or empty ones.” Raz, \textit{The Morality of Freedom}, 133.} The principle of non-perfectionism holds that state actions that are justified on the basis of perfectionist considerations (that is, judgments about better or worse ways of life) are impermissible. Parallel to how the principle of anti-paternalism grounds a presumption in favor of general egalitarianism, so too does the principle of non-perfectionism. Again, often instances of specific egalitarianism are justified on perfectionist grounds, as, for instance, when the state provides individuals with access to the fine arts because it holds that a life that includes the fine arts is better than one that does not. (Though, again too,
instances of specific egalitarianism that could be justified on perfectionist grounds need not in fact be perfectionist if they are justified on other grounds, as, for example, if the fine arts are subsidized as part of a broad public works program to counter unemployment.) Though some instances of specific egalitarianism may be proscribed by the principle of non-perfectionism, more significantly, the general egalitarian approach is necessarily not perfectionist. If the state provides one with all-purpose resources that one can use to pursue any conception of the good, without any concern for the value of the conception of the good that one might hold, the state is distinctly not acting on the basis of perfectionist considerations. 59 Again then, when given a choice between specific egalitarianism, which is sometimes justified on perfectionist grounds, and general egalitarianism, which is necessarily not perfectionist, the principle of non-perfectionism provides a presumptive reason in favor of general egalitarianism over specific egalitarianism.

Third, and finally, the liberal value of personal autonomy grounds a principle of neutrality. The state acts non-neutrally when it acts in a way that is more accommodating of some conceptions of the good than others, to the effect that individuals with the disadvantaged conceptions of the good are denied the same opportunities that individuals with the advantaged conceptions of the good enjoy, all else equal, to pursue their values and commitments. The principle of neutrality, then, following Alan Patten’s conception of neutrality of treatment, requires that the state not act in such a way that is more or less

59 Indeed, a test of whether something is a resource or a specific good is whether providing the thing in question favors a particular view of the good life or a particular way of living. Thus, when one criticizes Rawls’s primary good of income and wealth (a purported resource) as favoring materialistic ways of life, the appropriate general egalitarian defense is to show that income and wealth are valuable whatever one’s conception of the good (and thereby in fact a resource and not a specific good). For such critiques, see Adina Schwartz, “Moral Neutrality and Primary Goods” and Michael Teitelman, “The Limits of Individualism.” For such a defense, see Freeman,Rawls, 152-154.
The state, on this view, does not violate the principle of neutrality when it provides equal “inputs” (rules, mechanisms, resources, or goods) for all conceptions of the good, either by enforcing a set of general rules, by providing resources that contribute to all or almost all conceptions of the good, or by providing different specific goods for different conceptions of the good in an evenhanded way.

The last of these three ways to achieve neutrality of treatment—providing different specific goods for different conceptions of the good in equal measure—allows for a way to reconcile the principle of neutrality with specific egalitarianism. That is, the state may provide specific goods in accordance with specific egalitarianism, but, in accordance with neutrality, it must provide different specific goods that are of equivalent value to all (or nearly all) different conceptions of the good. Though it is in principle possible to achieve neutrality of treatment in this way in all instances, and though it may be necessary to achieve neutrality of treatment in this way in some instances, specific egalitarianism is, in practice and in general, the most difficult way to satisfy neutrality of treatment. It requires the state to assess the range of contending conceptions of the good, to then determine which goods to provide, and finally to assess how to provide those goods in an evenhanded way, a task that in practice may in some cases be impossible. Instead, the other two ways of

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60 Alan Patten, “Liberal Neutrality: A Reinterpretation and Defense” The Journal of Political Philosophy (2011). Neutrality of treatment is to be distinguished from its primary rivals, neutrality of intentions (or aims or justifications) and neutrality of effects (or outcomes). Neutrality of intentions is violated if the state adopts a policy with the aim of favoring a particular conception of the good or with a justification that involves valuing a particular conception of the good over others. Neutrality of effects is violated if the state adopts a policy that has the effect of making a particular conception of the good more successful than others. The implications of a principle of neutrality of intentions for the choice between specific and general egalitarianism are the same as those for the principle of non-perfectionism, while the implications of a principle of neutrality of effects are similar to (though significantly stronger than) those of neutrality of treatment. Because neutrality of intentions is, in the salient respects, indistinguishable from the principle of non-perfectionism, and because neutrality of effects has similar implications but is widely rejected as too strong a requirement, I focus instead on the implications of neutrality of treatment for the choice between specific and general egalitarianism.
achieving neutrality of treatment—enforcing a set of general rules or providing resources that are valuable to all or nearly all conceptions of the good—are both, when available, more straightforward ways to satisfy neutrality and both are forms of the general egalitarian approach. That is, rather than providing individuals holding all conceptions of the good with equally valuable specific goods, the state can either provide a general set of rules or mechanisms, like functioning markets, or provide individuals with other generic resources, like money. When it is possible as a way to satisfy neutrality of treatment, the general egalitarian approach, providing individuals with all-purpose resources like markets and money, satisfies neutrality in a way that is both the “purest” and simplest for the state to avoid favoring some conceptions of the good over others. Thus, in instances when both specific and general egalitarianism could satisfy the principle of neutrality, general egalitarianism provides the less difficult and more effective way to do so. The principle of neutrality, then, provides an additional presumptive reason in favor of the general egalitarian approach.

The principles of anti-paternalism, non-perfectionism, and neutrality all provide presumptive reasons in favor of the general egalitarian approach, and accordingly, the standard liberal egalitarian approach is, as a default position, one of general egalitarianism. Though it is possible to defeat the presumptive case in favor of general egalitarianism by providing a special justification for a given specific good, the standard liberal egalitarian approach is to address the distribution of all-purpose resources rather than the distribution of specific goods. Because, as I show in the following section, leisure has been standardly

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Patten, fn. 21. Patten specifically cites “reliance on the market to allocate varying bundles of goods to different people” as the purest way to satisfy neutrality of treatment.
understood as a specific good rather than a resource, it is therefore not surprising that leisure has generally been neglected by theorists of distributive justice.

IV. Leisure as a Specific Good

There are, broadly stated, three ways that leisure has standardly been conceptualized by political philosophers, and on each conception leisure is a specific good: that is, leisure as time engaged in contemplation, leisure as time engaged in recreational activities, and leisure as time not engaged in paid work. I discuss them here in turn.

Leisure as Time Engaged in Contemplation

Though the other two conceptions are the more common understandings today, the first—Aristotle’s classical conception—is the most philosophically sophisticated. It is, moreover, not merely of antiquarian interest, for it is advocated by neo-Aristotelians, such as Josef Pieper and Sebastian De Grazia, as well. While I will not endorse it as a conception of leisure, the structure of Aristotle’s analysis of leisure will inform the reconceptualization of leisure as a resource in the subsequent chapter.

Aristotle conceives of leisure (ta skole, scholia) as activities that are done “for their own sake”—the intrinsically valuable pursuits in which one finds human excellence and happiness. The activities which he identifies as not leisure (ascholia) are all those that are done “for the sake of other things,” because they are “deemed necessary” for instrumental

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64 Strictly speaking, Aristotle defines leisure as intrinsically valuable activities themselves, not the time in which one does such activities. Though this distinction is significant for some treatments of leisure, it is not significant for the present treatment, and for the sake of consistency with the other conceptions of leisure, I sometimes refer to the Aristotelian conception as the time when one is engaged in intrinsically valuable activities.
The activities that Aristotle describes as not leisure, as they are done for the sake of instrumental reasons, fall into three categories. First, those activities that are done for man’s material sustenance and comfort, to satisfy the “necessaries of life,” like work and business, are not leisure. In a phrase Aristotle repeats, just as war must be “for the sake of peace,” so “business [must be] for the sake of leisure.” Second, play, recreation, and other amusements are not leisure activities, for if play were leisure, “then play would be the end of life.” Instead, play is done to relieve the toil of work: “he who is hard at work has need of relaxation, and play gives relaxation.” Play and other “amusements” are, in this way, like “medicines” to obtain “rest” and “relaxation.” Third, the activities of politics and ruling are not strictly leisure, because they are necessary as a means to attain happiness for one’s city, and not an end in themselves. Though citizens require leisure, and so cannot be craftsmen or laborers, politics itself is not properly a leisure activity.

The activities associated with leisure include, in the strictest sense, only philosophical contemplation—the “activity of study” which “aims at no end apart from itself.” Aristotle does, however, also permit that music, properly undertaken, can be

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65 Politics, 1338a13.
66 Politics, 1334a15.
67 Politics, 1333a35; repeated at 1334a15.
68 Politics, 1337b36. See also Aristotle, Nicomachean Ethics, trans. and ed. Terence Irwin (Indianapolis, IN: Hackett, 1999), 1176b29-36.
69 Politics, 1337b39.
70 Politics, 1337b41. Aristotle’s rejection of play or amusement as leisure was a departure from the standard understanding of his time, as he recognized: “Amusements seem to have the character of happiness because people in supreme power spend their leisure in them.” Nicomachean Ethics 1176b16-17. Joseph Owens, “Aristotle on Leisure,” Canadian Journal of Philosophy 11 (1981): 717.
71 “The actions of the politician…deny us leisure.” Nicomachean Ethics 1177b13. For this position, see Carnes Lord, Education and Culture in the Political Thought of Aristotle (Ithaca: Cornell University Press, 1982). Whether or not politics qualifies as intrinsically good and so as a leisure activity is disputed, as this question is part of a broader unresolved dispute about whether the life of the statesman is a good life or whether it is in conflict with the contemplative life. For the contrary position on politics as leisure, see, for instance, David J. Depew, “Politics, Music, and Contemplation in Aristotle’s Ideal State,” in A Companion to Aristotle’s Politics, eds. David Keyt and Fred D. Miller, Jr. (Oxford: Blackwell, 1991), 346-380.
72 Politics 1329a1.
73 Nicomachean Ethics 1177b21.
leisurely, so long as it is not done primarily “for the sake of pleasure” but instead for “intellectual enjoyment.” Broadening the leisure activities which are done for their own sake from strictly philosophy to music allows that all citizens could enjoy leisure, and not only the philosophers in the Academy.

Though the structure of Aristotle’s conception of leisure—distinguishing leisure as activities done for their own sake from activities done because they are necessary—will prove useful to reconceiving leisure as a resource, Aristotle’s conception itself (and the neo-Aristotelian interpretations offered by De Grazia and Pieper) must be categorized as a specific good. Because Aristotle’s conception associates leisure with particular activities, like philosophical contemplation or music, that are identified as intrinsically valuable by a perfectionist theory of human excellence, it describes leisure in such a way that, on the liberal view, it is properly regarded as one possible particular component of a particular conception of the good.

**Leisure as Time Engaged in Recreational Activities**

The second standard conception of leisure—leisure as time engaged in recreational activities—accords far more closely with contemporary usage, but has also received far less sustained development by political philosophers. On this view, leisure is the time when one is engaged in “recreational” activities, defined loosely as activities that are typically pursued in one’s society for the sake of entertainment, enjoyment, or relaxation, often denoted by the appendage of “for pleasure,” as in “reading for pleasure” (rather than for work or education). This conception of leisure—more often employed by sociologists and

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74 *Politics* 1337b29; 1338a22.
historians—is occasionally suggested in the liberal egalitarian literature with references to “leisure activities” and “leisure pursuits.” Its most notable articulation in the literature is in Martha Nussbaum’s list of central human capabilities—though not identified as leisure per se—as part of the capability of “play,” defined as “being able to laugh, to play, to enjoy recreational activities.”

Though not necessarily wedded to a particular theory of human excellence as Aristotle’s conception of leisure is, leisure as time engaged in recreational activities is, on the standard liberal egalitarian approach, still appropriately identified as a specific good. Time engaged in recreational activities is a particular component of some people’s particular conceptions of the good but not others’, and people prefer to spend more or less time engaged in such activities. On Nussbaum’s capabilities theory, the state ought to provide only the capability (that is, the opportunity) to engage in recreational activities, and not the functioning itself of enjoying such activities. Accordingly, she clarifies that “a person who has opportunities for play can always choose a workaholic life.” Yet, on the standard liberal egalitarian approach, it is unclear why the state ought to promote the capability to engage in this particular functioning, rather than the capability, more generally, to pursue one’s conception of the good, whatever it is.

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78 Nussbaum, Women and Human Development, 87.
79 For this reason, Nussbaum’s version of a capabilities theory does not squarely fit within the standard liberal egalitarian approach. Nussbaum argues that her approach is “very close” to Rawls’s use of primary goods, with the main difference being that her list of capabilities is longer and more definite than Rawls’s list of primary goods. Yet, Rawls’s list of primary goods is a set of resources generally necessary to pursue a single functioning (that is, the exercise of the two moral powers), whereas Nussbaum’s list of capabilities does not specify a set of resources, but instead a diverse list of functionings. See Nussbaum, Women and Human Development, 88-89 for the argument about the similarity between her and Rawls’ approaches, and Rawls, Justice as Fairness, 168-173 for his treatment of capabilities, and Rawls, “Social Unity and Primary Goods” in John Rawls: Collected Papers, ed. Samuel Freeman (Cambridge: Harvard University Press, 1999 [1982]),
For the state to provide or otherwise promote time engaged in recreational activities—most obviously by providing or subsidizing various recreational activities—is, absent intervening justifications, to violate the anti-perfectionist, non-paternalist, and neutrality principles. While it may be easier for possible intervening justifications to succeed for this conception of leisure than for Aristotle’s (on, for instance, the grounds of providing public goods\(^\text{80}\)) and though it may be possible for the state to promote time engaged in recreational activities in an evenhanded fashion (by democratically deciding to subsidize every type of recreational activity enjoyed by citizens\(^\text{81}\)), leisure understood as time engaged in recreational activities is nonetheless a specific good that, on the standard liberal egalitarian approach, presumptively ought to be distributed in accordance with the individual choices of citizens equipped with the necessary all-purpose resources to pursue such activities.

**Leisure as Time Not Engaged in Paid Work**

Of the three standard conceptions of leisure, by far the most common way of conceiving of leisure within the liberal egalitarian literature is as time not engaged in paid work. This is the conception employed both by Dworkin and, as discussed in Section II above, by Rawls, and the literature, broadly following in their steps, has almost universally adopted their conception of leisure as time not engaged in paid work. Given that Dworkin’s theory of distributive justice takes a stylized market as its foundation and that it was an economist who first pressed Rawls to address leisure, it is perhaps not surprising that

\(^{359-387}\) for a discussion of how primary goods are the “necessary conditions for realizing the powers of moral personality and are all-purpose means for a sufficiently wide range of final ends” (367).


\(^{81}\) For such an example, see Patten, “Liberal Neutrality,” 12-13.
their—and thereby the broader literature’s—conception of leisure follows the textbook economic definition and model of leisure.

On the simple neoclassical model of the labor market, leisure is defined as all time when one is not engaged in income-earning market work. Leisure, on this view, is defined strictly in opposition to paid work: whereas market work is income-earning, leisure is income-consuming, either directly (through income expenditure) or indirectly (through the opportunity cost of foregone income). According to the textbook model of the labor market, individual workers choose to allot their time to either paid work or to leisure in accordance with their preferences, specifically in accordance with their preferences for the intrinsic rewards of work relative to those of leisure and for the extrinsic benefits of work, primarily greater income and consumption.

As individuals with diverse tastes and circumstances, individual workers (or potential workers) have different preferences for how much time they wish to spend engaged in paid work relative to leisure, and they select their hours of paid work in accordance with their diverse “income/leisure preferences.” In short, individual workers face an “income/leisure tradeoff,” and can, in accordance with their preferences, choose to spend a given period of time to earn income through paid work or to forego additional income and “purchase” or “consume” leisure.

82 It is important to note that this model of the labor market is indeed the simple textbook model and that, as such, it lacks the complexity and qualifications of more sophisticated models of work hours employed by specialist labor economists. It is, moreover, the standard neoclassical model, a model that has since undergone significant alteration in the wake of Gary Becker’s work. Because some of the theoretical and empirical deviations from the simple neoclassical textbook model are significant to my argument, I discuss some of the features of the more sophisticated labor market models in Chapter 3, Section IV. Here, however, the simple model is sufficient, for it is this textbook model that liberal egalitarians have employed in their treatments of leisure. For an illuminating (and, to the best of my knowledge, only comprehensive) history of economic models of leisure, see John Alsworth Menefee, The Economics of Leisure: The Evolution of the Labor-Leisure Tradeoff in Economic Doctrines (Ph.D. Dissertation, Duke University, 1974).
Most liberal egalitarians adopt this textbook economic model of leisure in two important respects. First, most basically, they conceive of leisure on the economic terms as time not engaged in paid work. Second, and just as significantly, they follow the textbook model’s treatment of leisure as a good that individuals can “purchase” or not, and in varying quantities, in accordance with their preferences. Nearly every passing reference to leisure in the liberal egalitarian literature is in the context of discussions of citizens’ “income/leisure preferences” or their preferences with respect to “income-leisure tradeoffs.” Dworkin refers to citizens’ decisions to “consume leisure” or to “purchase leisure,” and G.A. Cohen suggests that “we could think of income and leisure on the model of apples and oranges.”

This second point of congruence between the textbook economic model and the common liberal egalitarian conception of leisure is particularly noteworthy because it explicitly highlights how leisure is regarded on this view as a specific good. How much leisure one enjoys is a particular component of one’s particular conception of the good, and leisure is, as such, a specific good that one can choose in accordance with one’s preferences. Different conceptions of the good include different amounts of leisure: one might be a “leisure lover” or a “workaholic,” or, as Dworkin more moralistically

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84 Cohen, Rescuing Justice and Equality, 110.

85 Van Parijs, Real Freedom for All, 61.

86 Dworkin, Sovereign Virtue, 89, 90.

87 Cohen, Rescuing Justice and Equality, 110 fn. 53.

88 Van Parijs, Real Freedom for All, 89.
expresses it, an “ant” or a “grasshopper.””\textsuperscript{89} Though it may be relevant whether one chooses leisure over paid work in determining what one’s fair claim to resources is (as in Rawls’ discussion of leisure), for the state to be concerned with providing or promoting leisure, in itself, is contrary to the anti-perfectionist, non-paternalist, and neutrality principles, for leisure is a specific good that is of varying importance to different conceptions of the good. Indeed, the argument that would, in practice, most readily provide citizens with opportunities for leisure—Van Parijs’ argument for an unconditional basic income—in fact relies on the premise that the state ought to be neutral between leisure-loving and work-loving conceptions of the good.\textsuperscript{90}

V. Conclusion

Before turning to the task of reconceptualizing leisure as a resource in Chapter 2, it is worth emphasizing that the standard liberal egalitarian approach holds only that, \textit{absent some special intervening justification}, the state ought to address the distribution of resources rather than specific goods. That is, the standard liberal egalitarian approach provides only a \textit{presumptive} position in favor of general over specific egalitarianism. This presumptive case could be defeated for a given specific good by providing an argument about why the distribution of that particular specific good ought to be addressed directly. The types of special justifications that could be offered are myriad: arguments from collective action problems, reasons of efficiency, social equality, fairness, vulnerability and exploitation protections, etc. With respect to leisure, arguments of this type would all fall

\textsuperscript{89} Dworkin, Sovereign Virtue, 329.
into approach (b) from Section I of this chapter: that is, the strategy of providing some further argument about why the specific good of leisure requires exceptional treatment.

It is not my aim to reject the possibility of providing special justifications of this type to establish that theorists of distributive justice ought to address the distribution of leisure as a specific good. There are many legitimate reasons why theories of distributive justice ought to be concerned with the distribution of leisure, even as a specific good. Arguments for maximum hours laws, for instance—one of the most potent ways to affect the distribution of leisure—can and have been defended on the grounds that they correct for collective action problems (to counteract the rat race to the bottom, so to speak), that they protect workers from exploitation, and that they are a warranted case of paternalism to preserve the health of workers. While I do not necessarily endorse such arguments, I also do not reject such arguments: they are simply alternative strategies not pursued here.

Instead, my aim is to provide a more fundamental argument for why leisure must be incorporated into a theory of distributive justice. If leisure is reconceptualized as a resource, not only can one argue that theories of distributive justice ought to address leisure if some special justification obtains, but indeed one must accept that leisure, without an additional argument to the contrary, ought to be incorporated into a theory of distributive justice. By demonstrating that leisure can be understood not only as a specific good but also as a resource (in Chapter 2) and by arguing that the resource of leisure is properly regarded as a central component of a theory of distributive justice (in Chapter 3), the dissertation provides a more comprehensive and fundamental case for recognizing leisure as a distinct object of distributive justice.
Chapter 2:
Leisure as a Resource

I. Introduction

The preceding chapter’s consideration of the different ways that leisure has been understood as a specific good makes plain that the various conceptions of leisure range widely. Leisure has been defined both negatively, as the time when one is not engaged in particular activities, and positively, as the time when one is engaged in other activities. Moreover, the particular activities that leisure has been associated with, either as the synonym or the antonym—paid work, play, and philosophical contemplation—seem to exist on entirely different registers. And these three conceptions are only those in currency in political philosophy. When one considers how leisure has been conceptualized in other fields of study as well—namely, economics, anthropology, history, and sociology—the various understandings multiply. Indeed, one might be inclined to think that these various conceptions share no common features, and that a single term, “leisure,” has simply been applied to entirely distinct concepts.

Yet, despite the diversity of the existing conceptions and their apparent dissimilarities, a feature that unites them all is the positing of an opposition between leisure and some idea of necessity. In each conception, leisure is the time when one is not engaged in activities because one “must” or “has to,” but instead because one “can” or “wants to.” Part of what distinguishes paid work, for instance, from leisure is that paid work is an activity that one must do (in order to earn a living), whereas leisure is the time when one can engage in other pursuits. Similarly, part of what associates leisure with recreation is
that recreational activities are those one chooses to do because one wants to do them, not because one has to. When we think of the professional movie critic at the cinema on assignment, this paradigmatic recreational activity—going to the movies—does not seem so leisurely. Even the Aristotelian conception of leisure as philosophical contemplation depends on this dichotomy: leisure is associated with philosophy because, on the Aristotelian view, philosophy is the only activity that is done for its own sake, whereas all other activities are done because they are instrumentally necessary to one’s ends.

To be sure, on almost all conceptions, leisure may be distinguished from its opposite by additional features as well. Paid work, for instance, might be further distinguished from leisure because paid work, unlike leisure, is performed under the thumb of another. Or, in the same way, perhaps recreational activities qualify as leisure not only because one wants to do them, but also because one does them with pleasure. Though on each of the existing conceptions leisure may be distinguished by additional features, still, across all existing conceptions, leisure is in some way defined in opposition to necessity. Certainly, too, the operational idea of necessity varies across conceptions: what makes paid work necessary is not the same as what makes everything but philosophy necessary. Nonetheless, the common core of the concept of leisure is its opposition to necessity.

Though the conceptual foundation of leisure is the antithesis between leisure and necessity (and so all possible conceptions must in some way incorporate a distinction from necessity in order to have a claim to being conceptions of leisure), one cannot use this feature, or any other standard, to adjudicate between the different conceptions to determine the one true “correct” conception. Instead, different conceptions are better or worse suited to different purposes. For a labor economist, the conception of leisure as time not engaged
in paid work may be the best conceptual tool, while perhaps for a social historian, the conception of leisure as recreation is most useful. Similarly, if one’s aim is to examine whether maximum work hours laws are warranted to protect individuals from working unhealthily long hours, conceiving of leisure as the inverse of paid work may be most appropriate, while if one’s aim is to consider the legitimacy of public funding for arts and sport, perhaps leisure as recreation is most useful. In these cases, it would not be sensible for the labor economist or the examiner of maximum hours laws to claim that the social historian or the examiner of public arts funding has used the “incorrect” conception of leisure on account of using a different one. There is, accordingly, no correct conception of leisure for political philosophy, or even for theories of justice, writ large; instead, different conceptions are best suited to different theoretical tasks.

The aim of this chapter is to show that, apart from the various ways that leisure has been understood as a specific good, it is also possible to conceptualize leisure as a resource. Indeed, I argue that if one steps back from the different conceptions of leisure to consider the core of the concept as the antithesis of necessity, one can reconceptualize leisure in a way that puts this distinction at the center, specifically by conceiving of leisure as time free from necessity. Individuals require such time to pursue their plans of life, whatever they happen to be. When leisure is conceptualized in this way, as a resource, not only do our theories of distributive justice gain the conceptual tools to address the kinds of inequalities highlighted in the Introduction and at the outset of Chapter 1, but it also in fact becomes imperative, as I will argue in Chapter 3, for theories of distributive justice to address the distribution of the resource of leisure.
The chapter proceeds as follows. In the next section, I examine how the conception of leisure as time free from necessity can be described as a resource, in the sense that it is an all-purpose input required to pursue a wide range of individual ends. This idea of time free from necessity can be specified in several distinct ways, so in Section III I canvas these distinct formulations. I then argue in Section IV that, though each of these formulations do describe leisure as a resource, in order to function as a resource in a public and feasible theory of distributive justice, the resource of leisure must satisfy additional constraints: the publicity and feasibility criteria. I argue that while none of the distinct formulations put forth in the third section fully satisfy this criterion, it is possible to construct a hybrid formulation that does. Finally, since, as a purpose-built construction, the particular formulation of the conception of leisure as time free from necessity that I argue for requires further elaboration, I develop this conception of leisure as a resource more fully in Section V.

II. Time Free from Necessity

To return to the distinction presented in Chapter 1, on the standard liberal egalitarian approach to distributive justice, resources are the “all-purpose” inputs generally necessary to pursue any conception of the good, whereas specific goods are the particular components of one’s particular conception of the good. Leisure—conceptualized as either time not engaged in paid work, or as time devoted to play, or as time spent in philosophical contemplation—has standardly been understood by political philosophers in general, and liberal egalitarians in particular, as a specific good. With the weight of the standard
understandings on the side of conceiving of leisure as a specific good, how is it possible to conceive of leisure as a resource?

To develop this conception of leisure, it is valuable to begin with the recognition that time itself is a resource. This observation is commonly made by economists, for time, like capital, is one of the necessary inputs into any production function. Moreover, time, like other economic resources, is scarce; indeed, it can be described as “the ultimate scarce resource.”\(^\text{91}\) But time is not only a necessary input for economic production, it is a necessary input for any human action. No matter what one wishes to do, that action unavoidably requires time.\(^\text{92}\) When one thinks of time, full-stop, as a resource, the distribution of time need not be a concern for a theory of justice for it is, effectively, a problem solved: though some live longer than others, everyone automatically and necessarily possesses the same amount of time in a given period.\(^\text{93}\) Everyone has only twenty-four hours in a day.

Though time, full-stop, is appropriately described as a resource, this capacious understanding of time is not the only way to view time as a resource. Instead, one can identify a further temporal resource, roughly identified as available time: the time that one can actually devote to different ends. To see why it is sensible to identify “available time” as a resource in addition to the resource of “time, full-stop,” consider the following example. Take two individuals who are identical in every respect except that, by virtue of

\(^\text{92}\) In the words of Goodin, *et al.*, “time is a necessary input into anything that one cares to do or to become,” and as Todd D. Rakoff expresses the point, “time is a resource, a commodity to be directed to this use or that.” Goodin *et al.*, *Discretionary Time*, 4; Rakoff, *A Time for Every Purpose: Law and the Balance of Life* (Cambridge: Harvard University Press, 2005). For an illuminating discussion of the ways in which time is like a natural resource, see D. G. Brown, “The Value of Time” *Ethics* 80 (1970): 173-184.
\(^\text{93}\) This is not to say that the length of average lifetimes could not be a legitimate distributive concern. Though the distribution of lifetime lengths is not usually addressed as a distributive concern as such, it is indirectly a concern in the distribution of healthcare and other life-preserving services and technologies.
differences in their natural talents and in the economic demand for their skills, one is able to earn at most $5 per hour and the other $25 per hour. Now say that in order to just get by in the society in which they live, in order to function at a basic level, a person must earn $50 per day. The one who can earn only $5 per hour has to work ten hours a day to earn the requisite income, while the one who can earn $25 per hour has to work only two hours per day. Though both have the same amount of time, full-stop (that is, twenty-four hours per day), they do not have the same amount of available time. The individual who must work only two hours per day to earn the requisite income to function at a basic level has significantly more time available to her to do all of the other things she might want to do than the individual who has to work ten hours per day. Just as time, full-stop, is a necessary input to pursue a wide range of ends, so too is available time: in order to pursue a wide range of individual ends, one generally requires the all-purpose input of available time.

Though the above example involved paid work in particular as a subtraction from one’s available time, other activities can subtract from one’s available time in precisely the same way. Indeed, one’s available time is constrained not by engaging in a given activity per se, but instead by engaging in an activity that is necessary to function at a basic level in one’s society. Just as it is typically necessary for one to engage in paid work in order to attain a socially- and biologically-determined level of basic functioning, it is also typically necessary for one to engage in some amount of household labor (cooking, cleaning, and the

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94 Assume that one is able to find employment on terms that permit one to work only two hours per day. This condition often does not obtain, an issue I will return to in Section V of this chapter and in Chapter 3.  
95 I here and throughout use the idea of functioning at a basic level—or “basic needs”—as it is commonly employed in the literature, that is as the demands that generally must be met for one to live at a level of subsistence in one’s society. Basic needs have both an absolute and a relative dimension: absolute needs are generally the biological requirements of survival, while relative needs are generally the social requirements to function in one’s particular society. For a helpful discussion of the absolute and relative dimensions of basic needs, see Amartya Sen, “Poor, Relatively Speaking,” Oxford Economic Papers 35 (1983): 153-169.
like), as well as some amount of personal care (eating, grooming, exercising, sleeping, and so forth). So long as one has to do these activities to attain basic functioning, they detract from one’s available time. Because these activities are necessary, the time one must devote to them is not available for one to devote to other ends. Instead, the ends to which that time must be devoted are constrained by necessity. Alternately, simply because one’s time is spent engaged in an activity that is typically necessary, does not entail that that time is not still available time. If one does not have to engage in a given activity to attain a basic level of functioning, but does so nonetheless, that time does not detract from one’s available time, for it is still available to one to devote to any other end if one chooses.

To see this distinction more clearly, consider another example. Take two individuals who spend all of their time engaged in the same types of activities for the same amounts of time: each spends twelve hours per day working for pay, eight hours sleeping, one hour eating, and so forth. The first is a wealthy heiress who could easily support herself with her investment income, though she actually chooses to spend a significant portion of her time working as a model for pay. She is not contractually or otherwise committed to work such long hours; every morning she receives a call from her agent asking if she would like to work that day and for how many hours, and she suffers no penalty if she chooses not to work. The second is a day laborer with no personal wealth who can command only low wages and so must work long hours to earn enough money just to get by. She is also not legally committed to working a certain number of hours: every day she enters a public market and is hired by a different person on an hourly basis for the day’s work.
Though both the heiress and the day laborer engage in the same number of hours of paid work, it is implausible to contend that both thereby have the same amount of available time. They both can choose, strictly speaking, whether or not to work on a given day, but the heiress’s paid work is discretionary in a way that the day laborer’s is not: the day laborer must work in order to attain a basic level of functioning, while the heiress need not work in order to attain the same level of functioning. Even though the heiress does happen to spend her time engaged in paid work, the time she devotes to paid work is still available to her to pursue other ends if she so chooses. If, one day, she wishes to go to the beach instead of the catwalk, she possesses the available time to do so. Though the day laborer may also wish to go to the beach that day, she, on the other hand, does not possess the available time to do so. The heiress possesses the resource of available time despite spending much of her time engaged in paid work because she is free not to devote her time to work, and so she possesses the time to pursue other ends, while the day laborer does not possess the resource of available time because it is necessary for her to spend her time engaged in paid work, to the effect that she lacks the time to pursue any other ends.

Given the antithesis between available time and necessary time, it is possible to re-label what I have described as the resource of available time as the resource of leisure. In accordance with the foregoing discussion, leisure, so understood, is the time when one is not engaged in activities that are necessary to attain a basic level of functioning (or, more succinctly, when one is not engaged in meeting one’s basic needs). Such time is appropriately conceived of as a resource because citizens require leisure, so understood, to pursue any ends beyond satisfying their basic needs. Whether one’s conception of the good involves maintaining and enjoying relationships, pursuing hobbies, helping others, or
merely enjoying the sensual pleasures of life, in order to engage in these pursuits one generally requires available time, that is, leisure. Someone who must spend all of one’s time satisfying one’s basic needs lacks the time required for hobbies, relationships, moral and ethical commitments, or any other pursuits.

At this point, one might object that leisure is not necessary to pursue every plan of life. One’s plan of life might involve spending all of one’s time satisfying one’s basic needs, and thus one would not need leisure in order to pursue one’s plan of life. To consider this objection, we can recognize three different relationships that might exist between the time one needs to satisfy one’s basic needs and the time one needs to pursue one’s plan of life. First, these two categories of time might be entirely distinct; one can only pursue one’s plan of life when one is not satisfying one’s basic needs. Say one’s plan of life is to become a distinguished film expert and that being knowledgeable about movies is all one cares for in life, but that for whatever reason one cannot find a way to make a living watching and studying movies. The time one must spend to satisfy one’s basic needs does not overlap at all with the time one requires to pursue one’s plan of life, so to pursue one’s (admittedly monomaniac) plan of life at all one needs leisure.

Second, these two categories might partially overlap; one can pursue some portion of one’s plan of life when one is also satisfying one’s basic needs, but some portion of one’s plan of life one cannot pursue when one is satisfying one’s basic needs. Say one’s plan of life is to be a teacher, marathon runner, and devoted friend. During some portion of

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96 A similar objection has been raised against Rawls’s description of income and wealth as all-purpose means necessary to pursue one’s conception of the good: if one is a religious ascetic who disdains wealth, for instance, income and wealth are not necessary to pursue one’s conception of the good. For early statements of this objection, see Adina Schwartz, “Moral Neutrality and Primary Goods” Ethics 183 (1973): 294-307 and Michael Teitelman, “The Limits of Individualism” The Journal of Philosophy 69 (1972): 545-566. See Samuel Freeman, Rawls (New York: Routledge, 2007), 152-154 for a discussion of this objection.
the time one is teaching and running, one is also satisfying some of one’s basic needs—one’s financial and bodily needs, respectively. But during some portion of that time, one is only pursuing one’s plan of life and not also satisfying one’s basic needs—one’s bodily need for exercise is satisfied by only part of the time one spends running. Moreover, as in the first case, one might be able to be a devoted friend only during time when one is not satisfying one’s basic needs. With these two cases—(1) complete disjoint and (2) partial overlap between time satisfying one’s basic needs and time pursuing one’s plan of life—it is clear that one requires leisure to pursue one’s plan of life.

In the third case, however, there is a complete overlap between the time when one is satisfying one’s basic needs and the time when one is pursuing one’s plan of life because the activities associated with one’s plan of life are identical to whatever activities one must engage in to satisfy one’s basic needs. Say one’s plan of life is to be a very low paid social worker and a parent, and that one spends all of one’s time satisfying one’s basic needs but in doing so one also fully pursues one’s plan of life. In this case, one does not require leisure to pursue one’s plan of life. Thus, one can object that leisure is not always necessary to pursue one’s plan of life.⁹⁷

There are two possible responses to this objection, both of which are parallel to those commonly offered in response to the similar objection that has been raised against whether income and wealth are truly “all-purpose” resources, valuable whatever one’s conception of the good. The first is to grant the point, but to contend that cases in which one’s plan of life entirely overlaps with satisfying one’s basic needs are rare, and thus

⁹⁷ One might push this objection even further and contend that rather than being concerned that individuals have leisure to pursue their conception of the good, we should instead try to align individuals’ conception of the good with the time they must spend satisfying their basic needs, perhaps by making the necessary tasks of life—work, care, health—more satisfying and rewarding.
maintain that leisure is still *generally required* to pursue one’s plan of life.\(^9^8\) This response effectively deflects the objection, for in order to qualify as a resource, the object in question must only be an input *generally necessary* to pursue one’s plan of life. Though this response is sufficient, a further possible response is to again grant the point, but to argue that even in these cases of complete overlap leisure is necessary to be able to *revise* one’s plan of life. To take the case of the low paid social worker and parent, say one’s plan of life changes over time and one eventually comes to want more time to spend with friends and pursue hobbies. Without leisure, one does not have the ability to pursue one’s revised plan of life. If instead one were a more highly paid social worker, such that a portion of one’s time working qualified as leisure on this conception, one would be able to pursue one’s revised plan of life since one could reduce one’s work hours to allow time for one’s new pursuits and still earn enough to satisfy one’s basic needs. Thus, even if pursuing one’s plan of life entirely overlaps with satisfying one’s basic needs, to be genuinely able to revise one’s plan of life one requires leisure. To state the same point somewhat differently, having leisure serves to protect one’s ability to revise one’s plan of life, thereby making one’s ability to pursue one’s plan of life more robust.\(^9^9\)

Leisure—time when one is free from satisfying the necessities of life—is distinctly important because it is required to engage in any activities beyond the mere satisfaction of one’s basic needs. As I argue at greater length in the following chapter, citizens require time when they are not satisfying their basic needs to take advantage of their formally

\(^{98}\) Rawls’s description of primary goods takes this tack to avoid the objection: they are, he specifies, “generally necessary” to pursue one’s conception of the good. See, for instance, *A Theory of Justice*, rev. ed., 361.

available liberties and opportunities and thereby to determine and pursue their own plans of life. If one must spend all of one’s time just meeting one’s basic needs, one lacks the ability to revise or pursue one’s own plan of life. Without such time, one’s options are inevitably constrained.

III. Three Formulations

Though time free from necessity is, as it has been generally described thus far, appropriately categorized as a resource rather than as a specific good, so described this conception of leisure is highly abstract. How, precisely, is it to be determined whether a given period of time is devoted to meeting the necessities of life? To the extent that the conception of leisure as time free from necessity has been developed in any detail—that is, with more specificity than Marx’s poetic but amorphous distinction between the “realm of freedom” and the “realm of necessity”100—it has primarily been within the social scientific literatures, specifically among time-use researchers and sociologists. Drawing on these literatures, there are three distinct ways that the conception of leisure as time free from necessity can be formulated: (a) as time not engaged in categorically necessary activity, (b) as time not engaged in subjectively necessary activity, and (c) as time not engaged in objectively necessary activity. This section examines each in turn.

Categorically Necessary

The first formulation, employed by time-use researchers, is the most straightforward. On this account, leisure is all and only the time when one is not engaged in a categorically necessary activity. This formulation is in some sense an emendation of

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the conception of leisure as all time not engaged in paid work, animated by the thought that other activities in addition to paid work are also generally necessary. The activities selected by this formulation as categorically necessary are all those that one must generally engage in to meet one’s basic needs. These categorically necessary activities can be divided into the subcategories of paid work, household labor, and personal care, or following the terminology of time-use researchers, “contracted time,” “committed time,” and “necessary time.” The first subcategory encompasses all time engaged in paid work, including self-employment and commuting time; the second, housework, grocery shopping, cooking, and the like, as well as all caregiving; the third, sleep, eating, sex, exercise, and grooming.\textsuperscript{101} The particular activities that qualify as categorically necessary can be specified in a fine-grained fashion (with distinctions between, for instance, “food and drink preparation,” “food presentation,” and “kitchen and food clean-up”) or more broadly (for instance, all “household production”).\textsuperscript{102}

However the particular categories are specified, the crucial feature of this formulation is that \textit{all} time engaged in a categorically necessary activity is deemed necessary, and thus not leisure. If one, for instance, always sleeps late, frequently takes long naps and baths, devotes hours to preparing elaborate three course meals and then slowly savors every bite, and goes for long walks every day, all of the time one engages in these activities qualifies as necessary because each activity is categorically necessary, and thus none of the time engaged in these activities qualifies as “free from necessity” or, then, as leisure.

Though this formulation of time free from necessity is the simplest to specify— one must merely devise a list of categorically necessary activities and then categorize given periods of time accordingly—it is fundamentally flawed as a way to formulate the conception of leisure as a resource. First, even aside from whether this formulation can function as a way to specify leisure as a resource, one might have doubts about whether it can first function as a way to specify the idea of time free from necessity. Much of the time that individuals spend engaged in categorically necessary activities is neither experienced as necessary nor is it, one might be inclined to say, “actually” necessary. Though some portion of the time one spends eating, for instance, is actually necessary and is experienced as such, often some other portion is neither actually necessary nor experienced as necessary (think of the dessert one can barely finish after a full meal). One might be rightly disinclined to describe the time eating the dessert as “devoted to the necessities of life” or as not “free from necessity.”

Apart from these concerns, assuming that this formulation can function as an intuitive specification of necessary time, the formulation of leisure as all time not engaged in categorically necessary activities suffers for present purposes from the more fatal flaw that it does not correspond to the idea that time free from necessity is a resource. Time not engaged in categorically necessary activities is not, in fact, an all-purpose input required to pursue a wide range of conceptions of the good. Many different plans of life are compatible with lacking any time not engaged in categorically necessary activities: the life of the glutton or pleasure-seeker (with all one’s time engaged in sleeping, eating, grooming, and so forth); the life of the workaholic (with nearly all one’s time engaged in working and commuting, and a small amount devoted to sleeping, eating, and grooming); and even the
life of the moderate (with all one’s time devoted to working, caring for others, doing household chores, eating, sleeping, exercising, and grooming, all in balanced proportions).

Because it cannot provide a way to distinguish accurately between necessary and unnecessary activities, the formulation of leisure as all time not engaged in categorically necessary activities is, like its relative, time not engaged in paid work, more appropriately described as a specific good. Indeed, since all that remains after one subtracts categorically necessary activities from one’s time are recreational activities, this formulation is decisively not appropriate as a way to specify the conception of leisure as a resource.

Subjectively Necessary

The remaining two formulations do, however, provide a way to distinguish more meaningfully between necessary and unnecessary activities and each could provide a way to specify leisure as a resource. The next formulation corresponds to the idea that time engaged in a categorically necessary activity may or may not be experienced as or judged to be necessary by the individual engaged in that activity; that is, it specifies leisure as the time not engaged in subjectively necessary activities. This formulation tracks the recent research in sociology (as well as the common complaints) that individuals in modern society commonly experience a “time bind,” “time pressure,” or a “time crunch,” feeling as though they never have enough time to do everything that must be done or any time to do

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103 Note that the generic description of this formulation (“subjectively necessary”) conflates time that one experiences as necessary with time that one judges to be necessary. These variations may pry apart: one could, conceivably, experience time as necessary without actually judging it to be necessary, just as one could, perhaps more plausibly, judge time to be necessary, but not experience it as such. Given, however, that typically one only experiences time as necessary that one judges to be necessary (and visa versa), and given that this distinction does not bear on the discussion that follows, I treat each variation as part of a single formulation: leisure as time that is not engaged in subjectively necessary activities.
the things that they want to do. Here the idea is that one who believes that there are so many things one simply must do, and then frantically rushes to do them, devoting all of one’s time to doing these things, all the while experiencing that time as entirely constrained by necessity—whether or not these activities are actually necessary—lacks the time to engage in any activities other than those that one judges to be necessary.

Thus stated, the formulation of leisure as the time not engaged in activities subjectively experienced as necessary can be specified further depending on what one judges the activities in question to be necessary for. As a first take, the formulation could be specified so that leisure is any time not engaged in activities that one experiences as necessary to pursue any value or aim that one happens to hold. But this specification is obviously too broad. Imagine someone who values being current on the latest novels and so thinks that it is necessary to spend one hour a day reading these novels. Even if she sometimes did not want to spend time reading and viewed the activity as a chore, we should be loath to describe such time as constrained by necessity even in the subjective sense at issue. In response, the formulation could be revised so that leisure is any time not engaged in activities that one experiences as necessary to pursue one’s comprehensive values or aims. Yet again, the specification is too broad. Consider, for instance, a long-time regular marathon runner who chose where to live and what career to pursue based on how frequently they would allow her to run. The value of being a marathon runner is a comprehensive one as it plays a large part in her life. Nonetheless, again, the time she

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105 Raz, *The Morality of Freedom*, 288-320; see also the discussion in Scanlon, *What We Owe to Each Other*, 118-124.
spends training does not correspond to the idea of time subjectively experienced as necessary in the relevant sense.

Instead, the appropriate way of specifying the subjective formulation of leisure as time free from necessity is that leisure is the time when one is not engaged in activities that one judges to be necessary to meet what one judges to be the necessaries of life. This formulation of leisure is subjective in two ways: what counts as leisure is relative to the individual’s own judgment about what the necessaries of life are and to the individual’s own judgment about what is necessary to achieve those ends.106 Say one thinks that having a perfectly spotless house is a necessity of life and judges three hours per day of cleaning to be necessary to attain such a level of household cleanliness. Because she judges and experiences the time she spends cleaning as necessary, on this formulation all of the time she spends cleaning qualifies as necessary time, and thus, as not leisure.

**Objectively Necessary**

The third way to specify the idea of leisure as time free from necessity is by formulating leisure as the time when one is not engaged in activities that are objectively necessary to attain the necessities of life. There are two distinct ways such an objective formulation can be developed.

According to the first version, which was recently developed by Robert Goodin et al.,107 there are certain objectively necessary activities which, as above, fall into three

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106 This formulation could be altered to be subjective on only one of these prongs. That is, leisure could be the time when one is not engaged in activities that one judges to be necessary to meet one’s objective basic needs, or leisure could be the time when one is not engaged in activities that are objectively necessary to meet what one judges to be the necessaries of life. Since the evaluation of the subjective formulation in the subsequent section does not depend on which version one uses, I refer to the maximally subjective formulation.

categories: financial, household, and bodily necessary activities. This approach then
determines how much time it is objectively necessary to spend in each of these three
categories with reference only to the amount of time people in a given society actually
spend doing these three types of activities. The approach uses a common method for
determining the poverty line as its model; that is, the poverty line in a given society is 50
percent of median income in that society. In fact, the approach uses the poverty line
directly for the first category, financial necessary activities: the objectively necessary
amount of time to spend engaged in paid work is the amount of time it is necessary to work
to earn a poverty level income, indexed to one’s wage rate. For the second category,
household necessary activities, this approach uses the poverty line as a model: the
objectively necessary amount of time to spend engaged in these tasks is 50 percent of the
median amount of time individuals in a society spend in these tasks, indexed to household
structure. For the third category, bodily necessary activities, because the amount of time
people spend on these tasks is inelastic, the objectively necessary amount of time to spend
engaged in these tasks is 80 percent of the median amount of time individuals in a society
spend in these tasks, rather than 50 percent. To give an example, for a single woman
without children in the United States, the objectively necessary amount of time to spend in
paid work is 22.72 hours per week, in household tasks, 12.84 hours, and in personal care,

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108 Goodin et al. provide no explanation for why these particular activities are necessary, instead taking it for
granted that we generally do know that these activities are necessary and what they are. The determination of
these activities need not be stipulative, however; one could use this approach and have a theoretical
explanation of why certain activities are necessary. Indeed, this approach would benefit from such an
explanation. Otherwise, there is nothing to prevent such a view from stipulating that, for instance, singing is a
necessary activity.
55.16 hours. Leisure is the amount of time when one is not engaged in these tasks up to the necessary level, in this case, 77.29 hours per week.\textsuperscript{109}

More important than the specifics of the method Goodin \textit{et al.} propose are two general features of this approach. First, how much time it is objectively necessary to spend on the necessary activities is determined purely relative to actual societal time use — one can determine how much time it is objectively necessary to spend in the three areas with knowledge only of the actual median amount of time people in a given society spend in those three areas. Thus, if the median amount of time people in one country actually spend on personal care is 84 hours per week and in another country it is 56 hours per week, the amount of time it is objectively necessary to spend on personal care can be known based solely on these facts and the amount is different between the two societies (67.2 hours and 44.8 hours, respectively). Second, following from this, one can determine how much time it is objectively necessary for an individual to spend in these three areas without any knowledge of the particulars of the individual’s situation, aside from their wage rate and household structure.

The Goodin \textit{et al.} approach is, however, not the only way to formulate leisure as time when one is not engaged in objectively necessary activities. A different approach is to begin not with objectively necessary activities, but with certain objective needs. These basic needs are things that all individuals need at a certain sufficiency level in order to function as physical beings and in society (such as, health, shelter, clothing, and other material goods). Attaining the threshold level of these basic needs requires time, either

\textsuperscript{109} Goodin \textit{et al.} define leisure as the subset of one’s spare time (time not actually engaged in paid work, household activity, or personal care) spent engaged in subjectively gratifying activity. The conception I here describe they label “discretionary time.” Even though they do not refer to it as leisure and indeed distinguish it from leisure, it is nonetheless a possible conception of leisure and so I treat discretionary time as a conception of leisure even though they do not describe it as such.
directly, as with sleep and exercise, or indirectly, as with material goods one purchases with income one earns through paid work. For each individual, to attain this threshold level of attaining the basic needs objectively requires a certain amount of time. Leisure is the time when one is not engaged in the activities objectively necessary to attain one’s basic needs.

How much time it is objectively necessary to spend engaged in various tasks to attain the basic needs depends on the particulars of the individual’s circumstances. For instance, the individual with a physical disability who must do physical therapy for a certain amount of time each day objectively must spend more time exercising than someone without this disability to attain basic health. Because this approach is individualized in this way, it can provide no standard answer to how much time it is objectively necessary to spend in certain activities; instead it simply says that there is a certain amount of time that it is objectively necessary to spend in various activities to attain objective basic needs and that this amount of time will vary between individuals based on their circumstances. (Though this approach is individualized in this way, it is still objective in that both the needs are objectively determined, i.e. without reference to the individual’s values or preferences, and the amount of time necessary is objectively determined, i.e. without reference to the individual’s own judgment about how much time is necessary.)

IV. Publicity and Feasibility Constraints

Thus far, I have argued that the conception of leisure as time free from necessity is a conception of leisure as a resource, rather than as a specific good, but that there are different ways to formulate the idea of time free from necessity, namely a subjective formulation and two objective formulations. Given that there are these different ways to
formulate the conception of leisure as time free from necessity, each of which is consistent with describing leisure as a resource, is one formulation of the conception “better” or “worse” than the others? As noted at the outset of the chapter, there is no single best conception of leisure in the abstract; instead, which conception is best depends on the particular purposes to which it is applied, and the same holds true for the various formulations of a given conception. Thus, in order to arbitrate between the various formulations of the conception of leisure as time free from necessity, it may be useful to turn to the particular purposes to which the formulation of leisure is to be applied. That is, the aim is to identify a conception of leisure not only as a resource, but a resource to which individuals could conceivably have a claim as an object of a public and feasible theory of justice. In order for a resource to conceivably be such an object, it must accordingly satisfy two constraints: the publicity constraint, which requires that it is possible to reliably and verifiably know whether an individual possesses a given resource, and the feasibility constraint, which requires that it is possible to obtain such knowledge in a practical way. These constraints, which are drawn from Rawls’s account of primary goods and are commonly applied in the distributive justice literature, provide a way to decide among the various formulations of the conception of leisure as time free from necessity.

Before elaborating on these constraints and applying them to the various formulations of the conception, consider another all-purpose resource that fails these two constraints: that is, any internal personal resource, like, for instance, self-respect, confidence, or resilience. These internal personal qualities are indeed all-purpose resources: they are generally required inputs to pursue one’s conception of the good, or at least, generally useful to one in one’s pursuits. Yet such resources fail to meet the two
constraints. It is, first, not possible to reliably and verifiably know whether one possesses the given quality, and, second, even if it were possible, it is not possible to obtain this information in a practical way. Thus, even though something might properly be an all-purpose resource, it may not be the type of resource one can have a claim to as an object of a public and feasible theory of justice.\(^{110}\)

The publicity constraint (the epistemic constraint) requires that it is possible for an outside observer (i.e. the state) to (i) reliably and (ii) verifiably know whether one possesses (and in what amount) a given resource. The reliability condition ensures that it is possible to accurately know whether an individual possesses the resource, while the verifiability condition ensures that it is possible to objectively know whether one possesses the resource. The feasibility constraint (the practicality constraint) requires that it is possible for an outside observer to obtain this knowledge (iii) in a practical way, meaning that it must be possible for an outside observer to (a) non-invasively (without intrusions on privacy) and (b) efficiently (without excessive effort) obtain this knowledge.\(^{111}\)

In order to test the three contending formulations of the conception of leisure as time free from necessity, three questions serve as guides: First, when two individuals have the same time-affecting circumstances and in fact spend their time in precisely the same ways, does the formulation hold that the two individuals have the same amount of leisure?

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\(^{110}\) Thus, Rawls holds that citizens have a legitimate claim not to the resource of self-respect itself, but to the social bases of self-respect.

Second, when two individuals have different time-affecting circumstances and in fact spend their time in different ways, does the formulation hold that the two individuals have different amounts of leisure? (This question tests whether the formulation allows for reliable, i.e. accurate, knowledge.) Third, is it possible for an outside observer to determine how much leisure an individual has without entering a realm generally considered private and without spending a great amount of individually-tailored time and effort to do so? (This question tests whether the formulation allows for a practical, i.e. non-invasive and efficient, assessment.)

For the formulation of leisure as all time not engaged in subjectively necessary activities, the answer to each question is negative. Because how much leisure one has depends, on this formulation, on an individual’s own experiences and judgments, when considering either two individuals with the same or different time-affective circumstances and actual time usages, an outside observer cannot determine whether the individuals have the same or different amounts of leisure. Consider, for instance, A and B, best friends who live in the same apartment building and in fact rent identical units. Neither have children or a partner, and both work the same number of hours for the same pay, and neither has a disability. A and B do literally everything together, including exercising together for two hours a day. A and B have the same time-affecting circumstances and spend their time in identical ways, but the subjective formulation may not hold they have the same amounts of leisure. Say A judges all of their time exercising to be necessary to attain the basic need of physical fitness and experiences it as such, while B thinks only half of it is necessary and

112 Time-affecting circumstances are the factors that affect how much time it objectively takes one to meet one’s basic needs. Such circumstances include, for instance, one’s wage rate, whether one has a disability, and one’s caregiving obligations. Excluded are one’s values, tastes and preferences.
experiences the latter half as not necessary and only done for fun. According to the subjective formulation, A and B have different amounts of leisure even though they have the same time-affecting circumstances and spend their time in exactly the same way. 

Alternately, take the same case but now say that A has a physical disability (she is blind) while B does not, and that A now devotes one hour a day to physical therapy (learning how to use a service dog) while B spends that time relaxing. They now have different time-affecting circumstances and different time usages, but again the formulation cannot hold that they actually have different amounts of leisure. If, say, A does not view or experience her training with the service dog as necessary to attain the basic need of physical mobility (she just does it for fun), her time in physical therapy qualifies as leisure just the same as B’s time relaxing.

The subjective formulation fails the third question, as well. In either version of the example, an outside observer cannot non-invasively or efficiently determine how much leisure either A or B has. Even if it were technically possible to obtain the relevant knowledge, to do so would require entering a realm generally considered private (their personal thoughts and experiences) and would require a great amount of individually-tailored time and effort (individually and continuously monitoring their thoughts and experiences). The subjective formulation—leisure as time not engaged in subjectively necessary activities—thus decisively fails both the publicity and the feasibility constraints.

Of the objective formulations, the Goodin et al. version satisfies two of the three criteria, meeting the feasibility constraint and the verifiability component of the publicity constraint, but failing the latter’s reliability component. To take the first question, when two individuals face the same time-affecting circumstances and have the same time usages,
this formulation does hold that they have the same amount of leisure. When A and B face the same circumstances and spend all their time together (when, that is, A is not disabled), this formulation does hold that they have the same amounts of leisure. Skipping to the third question, it is possible, on this formulation, for an outside observer to determine how much leisure one has in a non-invasive and efficient manner. One could, for instance, know how much leisure A or B has without entering a realm generally considered private (one must know only the household structure and wage rate of each, information that, to the state at least, is not generally private) and without much effort (one must only learn these facts and calculate the amount of leisure once).

For the Goodin et al. formulation, the answer to the second question is, however, negative. When two individuals face different time-affecting circumstances and different actual time usages, this formulation will not necessarily hold that they have different amounts of leisure. When A and B face different circumstances and accordingly spend their time in different ways (when, that is, A is disabled), this formulation still holds that they have the same amounts of leisure, even though A spends an hour per day in physical therapy while B relaxes. Because the Goodin et al. formulation is sensitive only to variations in wage rate and household structure, it cannot be responsive to the difference in A and B’s circumstances as a result of A’s disability. Accordingly, this formulation cannot reliably—that is, accurately—track disparities in how much leisure individuals possess.113

113 In order to satisfy this constraint, the formulation would need some reason to find that A and B’s time-affecting circumstances are in fact not different, but it cannot do so, and indeed the theoretical basis of this formulation supports the view that their circumstances are different. That is, this formulation is based on the contention that there are certain objectively necessary, and specifically bodily, activities and that leisure is the time when one is not engaged in these activities; on any plausible account, A’s physical therapy is a bodily necessary activity and ought not to count as leisure on this formulation.
The remaining formulation—the basic needs version of the objective formulation—also passes only two of the three questions, meeting both components of the publicity constraint but failing the feasibility constraint. In the same way as the Goodin et al. version, the basic needs formulation holds that A and B have the same amounts of leisure when they face the same time-affecting circumstances and spend their time identically. Yet, when A and B do not face the same time-affecting circumstances nor accordingly spend their time in the same ways (when A is disabled), the basic needs formulations does hold that they have different amounts of leisure. Because physical mobility is a basic need, and so long as training with a service dog is recognized as an objectively necessary way for a blind person to attain physical mobility, the time A spends training is objectively necessary to meet a basic need, and thus not leisure. Assuming it is possible to obtain the relevant information, the basic needs formulation does satisfy both the reliability and verifiability components of the publicity constraint.

The caveat about assuming that it is possible to obtain such information is, however, a significant one, for the basic needs formulation in fact fails the feasibility constraint: it is not possible to obtain such information non-invasively and efficiently. Assuming even that it is possible to know what level of functioning is required to meet a basic need and that which activities are objectively necessary to attain that basic need are specifiable (conceptual questions not covered by the feasibility constraint), it is still not possible to know whether a given individual has done those activities without entering realms generally considered private and without a great deal of individually-tailored time and effort. The example of A’s time training with the service dog to attain physical mobility is one of the easier examples for this formulation to handle, yet even here it flounders. An outside
observer, specifically the state, can know whether A has attended her training sessions if those sessions are conducted in a relatively public way (say at a rehabilitation facility) and can obtain this information efficiently if, say, all records of such sessions are automatically centralized government knowledge (if, say, health care is publicly provided). But if the sessions are conducted in a more private way (say, in her home, under her own direction) and if records of such sessions are not automatically centralized knowledge, it is not possible to know whether she has engaged in an objectively necessary activity without entering a realm generally considered private (her home) and without a great deal of effort (monitoring her individual behavior). And A’s training sessions are a relatively easy case: consider the invasiveness and effort of determining how much time an individual spends engaged in the objectively necessary activities to attain, for instance, the basic needs of personal hygiene, household cleanliness, or nutrition. The basic needs version of the objective formulation plainly fails to satisfy the feasibility constraint.

Because both versions of the objective formulation fail one of the criteria—the Goodin et al. version failing the epistemic constraint and the basic needs version failing the practicality constraint—while satisfying the other, the solution is to construct a hybrid formulation which provides the positive attributes of each. Such a hybrid ought to adopt from the basic needs version an attention to the many particulars of an individual’s circumstances (so that it is more reliable), and from the Goodin et al. version a more macro-level view (so that it is more feasible). Specifically, the Goodin et al. version ought to be adapted to make more fine-grained assessments of individual circumstances, by incorporating information, for instance, about an individual’s disabilities, particulars of the area in which they live (urban or rural, temperate or adverse, apartment or house, etc.), and
so forth. If leisure were incorporated into a theory of distributive justice, such information could be standardly obtained, and then the particulars of the Goodin et al. measure applied.

At the level of public policy, where the practicality constraint most matters, the resource of leisure time ought to be conceptualized according to this hybrid approach. However, because this hybrid conception is difficult to specify precisely at the theoretical level, where the epistemic criteria is of greater significance, the dissertation relies on the basic needs formulation. Both when drawing on examples of individual cases and when elaborating on how the resource of leisure time relates to existing theories of justice, the basic needs formulation is more clearly illustrated, and so I use this formulation primarily for that reason. Though the basic needs and the hybrid formulation are conceptually distinct, the differences between them are, at the level of policy, of little practical significance. Accordingly, as I rely throughout on the basic needs formulation, one can safely substitute the hybrid formulation.

V. Specifying Time Free from Necessity

As a purpose-built construction, the conception of leisure as time when one is not satisfying one’s basic needs requires further elaboration. As described above, the conception begins with an idea of objective basic needs—the “necessaries of life”—that is, needs which all individuals generally must satisfy in order to function as physical beings and in their society. The basic needs serve to delineate a threshold level of functioning. They are the same for all individuals in a given localized society, but can vary between societies in accordance with local circumstances and norms. Though the basic needs are the same for all individuals in a given society, how much time it takes one to satisfy one’s
basic needs varies between individuals. For ease of reference, the basic needs can be
divided into three categories: bodily needs (sleep, hygiene, nutrition, exercise, etc.),
household needs (household cleaning and maintenance, cooking, etc.), and financial needs
(paid work). These categories merely serve as a heuristic. They are fluid, as one can
satisfy one’s needs in one domain through activity in another domain, and one need not
spend time engaged in activities in each domain. Leisure is thus the time when one is not
engaged in activities that are objectively necessary to satisfy one’s basic needs. Call the
inverse of leisure “necessary time.” To state the conception more formally, using the case
of a wage-earner as the norm, \( L_i = 24 \text{ hours} - (N_i + C_i/W_i) \), where \( L_i \) is how much
leisure individual \( i \) has in a day, \( N_i \) is how much time it takes to satisfy the basic needs \( i \)
satisfies directly, \( C_i \) is the cost of the goods or services \( i \) purchases to satisfy \( i \)’s other basic
needs, and \( W_i \) is \( i \)’s wage rate.

With this general picture, there are several particular points to clarify. First, leisure
is any time one is not actually engaged in activities objectively necessary to satisfy one’s
basic needs. The inverse of leisure is, accordingly, all of the time one is actually engaged in
activities objectively necessary to satisfy one’s basic needs. By implication, if all of one’s
basic needs were somehow met without one’s spending any time actually engaged in
satisfying those basic needs, one would have complete leisure. Of greater practical
relevance, to increase the amount of leisure one has, it is necessary to decrease the amount
of time one must spend engaged in satisfying one’s basic needs, either by directly providing
the conditions to meet the basic need (e.g. by providing adequate housing) or by otherwise
reducing the amount of time necessary to meet the basic need (e.g. by increasing one’s
wages).
Second, a note about the specification that leisure is the time when one is not engaged in activities *objectively necessary* to meet one’s basic needs: how is it to be determined what activities are “objectively necessary”? Two types of activities are particularly pressing, for they occupy significant portions of individuals’ time: one’s paid work and one’s caregiving labor. One might, for instance, choose to work in low-paying occupation when could work in a high-paying occupation, and thereby must spend more time engaged in paid work to meet one’s basic needs. Or one might choose to take on a caregiving obligation, say by having children, to the effect that one thereby must spend more time engaged in caregiving labor to meet one’s (or one’s child’s) basic needs. Both of these types of choices arise more generally within theories of distributive justice as part of the question of how sensitive a theory ought to be to individual choice and responsibility. Because the argument of the dissertation aims to be ecumenical between different theories of distributive justice, I do not contend that the time one spends engaged in meeting one’s basic needs as a result of these types of choices either ought or ought not to qualify as leisure. This question can only be answered in the context of specific theories, and so, as the argument of the dissertation proceeds, I clarify how different theories might qualify different periods of time as leisure, but I otherwise leave this question open. (I discuss the question of responsibility-sensitivity further in Section II of Chapter 3.)

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114 This question also arises for more trivial differences: one could, for instance, hand wash one’s dishes (a task that takes twenty minutes) or put one’s dishes in a dishwasher (a task that takes five minutes). On the hybrid formulation of leisure—in which how much leisure one, in a set of particular circumstances, has depends on the average of how much leisure others, in the same set of particular circumstances, have—these differences, in the aggregate, cancel each other out. If, however, low-income individuals generally did not own dishwashers and high-income individuals did, these differences would not cancel out, as individuals in different sets of circumstances spend, on average, different amounts of time engaged in different tasks to meet the same basic need. This result is desirable, since it correctly picks up that low-income individuals have less leisure than high-income individuals by virtue of having to spend more time engaged in meeting the same basic need. A further merit of this approach is that if someone decided to spend an unusually great amount of time engaged in a necessary activity—say someone decided to carry his dishes, one by one, to a nearby stream to wash them in fresh running water—the majority of the time he spends engaged in this activity (that above what others in his circumstances spend on this task) would qualify as leisure.
Third, since caregiving obligations may, on some theories, decrease the amount of leisure one has on some theories of justice, this raises an additional matter of clarification: that is, how ought such caregiving obligations be incorporated into the framework of leisure as time when one is not satisfying one’s basic needs? Rather than formulate caregiving obligations as a distinct category of basic need, such obligations qualify as necessary time indirectly. That is, caregivers are responsible for ensuring that the basic needs of their dependents are met, so the time caregivers spend engaged in activities objectively necessary to meet their dependents’ basic needs is necessary time. The definition of leisure can accordingly be restated as the time when one is not engaged in activities objectively necessary to meet one’s own basic needs or the basic needs of one’s dependents.

A fourth question prompted by this conception of leisure is whether someone who fails to meet, for instance, any of her basic needs thereby enjoys complete leisure. According to the conception, leisure is any time one is not actually engaged in satisfying one’s basic needs. This can be extended to cases where one fails to meet one’s basic needs such that any time one spends partially meeting or attempting to meet one’s basic needs is not leisure. Thus, the time an unemployed person spends searching for a job is not leisure. But, the time when one is not actually engaged in partially meeting or attempting to meet one’s basic needs is leisure. So if someone failed to meet any of her basic needs and did not attempt to meet them (an ascetic fasting and resisting sleep, for instance), she would have complete leisure. It may seem paradoxical or cynical to describe the time the unemployed person, for instance, is without work as leisure, but doing so accords with the reason why it is important for individuals to have leisure, understood as time when one is not satisfying one’s basic needs. That is, it is important for citizens to have time when they
are not satisfying their basic needs because it is in this time that one can engage in other activities beyond the realm of necessity. Someone who fails to meet her basic needs may indeed face reduced opportunities, but the cause is not her lack of leisure. Moreover, someone who fails to meet her basic needs does retain the means, i.e. the leisure, to take advantage of some opportunities by virtue of having the time. This recognition is evinced, for example, in the aversion that political establishments have to large numbers of unemployed citizens: the unemployed are threatening to the established order not only because they are likely critical of the powers in office, but because they also have an abundance of time to engage in political agitation.

The final point requiring clarification concerns the implication that some portion of the time one spends engaged in a single activity may be necessary and some portion leisure. If, for instance, someone earns $20 per hour and must earn $400 per week to meet her basic needs but actually choses to work thirty hours per week, of those thirty hours of work, twenty qualify as necessary and ten as leisure. This division assumes, however, that one can choose how much time to spend engaged in the given activity. If one cannot, in fact, choose to spend only the minimal amount that would otherwise be necessary in the activity, for whatever reason, then whatever minimal amount one could actually choose to spend in the activity is the objectively necessary amount. To take the same example, if she cannot find employment except on terms requiring thirty hours per week, all thirty hours she spends engaged in work qualify as necessary even though she accordingly earns an above-necessary income. This is consistent since to earn the necessary level of income, she must in fact work thirty hours. Similarly, if the lowest number of hours she can choose to work is twenty-five hours per week, five of her thirty hours of work qualify as leisure. Thus how
much time it is “objectively necessary” to spend engaged in a given activity is sensitive to the scope of one’s choice about how much time to spend in that activity.

V. Conclusion

When leisure is reconceptualized as an all-purpose resource that citizens generally require to pursue their conceptions of the good, and as a resource that meets the standard publicity and feasibility constraints, as I have here sought to do, significant implications follow. Liberal egalitarian theorists of distributive justice can no longer ignore leisure, relegating it to the domain of diverse specific goods that individuals might choose or not in accordance with their particular preferences. The resource of leisure time has, instead, at least a presumptive claim to be, as Walzer elusively offered, “a central issue of distributive justice.” I turn now to vindicating that claim, and to arguing that, as Russell contended, a just society must also “distribute leisure justly.”
I remember a notable Woman, who was fully sensible of the intrinsic Value of Time. Her Husband was a Shoemaker, and an excellent Craftsman, but never minded how the Minutes passed. In vain did she inculcate to him, That Time is Money. He had too much Wit to apprehend her, and it prov’d his Ruin.\textsuperscript{115}

I. Introduction

In response in part to the early socialist charge that the canon of liberal rights guarantees only “empty” freedoms, liberal egalitarian theorists of distributive justice broadly endorse the principle that all citizens are entitled to a fair share of the resources generally required to take advantage of their formally-guaranteed liberties and opportunities. So fundamental and widely supported is this principle that Rawls can, relatively uncontroversially, contend that any reasonable theory of justice must provide “measures ensuring for all citizens adequate all-purpose means to make effective use of their freedoms.”\textsuperscript{116} Call this the resources for effective freedoms principle: citizens have a legitimate claim to a fair share of the resources generally required to exercise their formal liberties and opportunities.

When theories of distributive justice provide measures to satisfy this principle, they often exclusively address citizens’ need for the resource of income and wealth, implicitly assuming that citizens’ need for the all-purpose means to exercise their freedoms can be met entirely through the provision of material resources. Such theories make no reference


to citizens’ need for the resource of leisure time. Even theories that do not have such a
myopic focus on income and wealth, broadening the scope of requisite means to a wider
range of social conditions, generally make at most a passing and oblique reference to
citizens’ need for temporal resources.

Yet, as the preceding chapter argued, leisure time, understood as time free from
necessity, is such an all-purpose resource. Though there I argued that leisure time is an all-
purpose means generally necessary to pursue, broadly, any conception of the good, without
any reference to freedom per se, leisure time is also, as I will highlight in this chapter,
necessary to exercise many of one’s fundamental freedoms, as well as the full range of
liberties and opportunities upon which the pursuit of one’s conception of the good depends.
In order to go to the polls, the meetinghouse, or the church; to run for political office or
campaign for a cause; to gather with others in private spaces; to obtain educational and
career qualifications; to do many of the things one is legally permitted to do, one generally
requires leisure time. Leisure time is, therefore, a resource that citizens generally require to
exercise their formal freedoms.

If one accepts the resources for effective freedoms principle—as almost all liberal
egalitarian theorists do—and if one accepts that leisure time is a resource generally
necessary to exercise one’s formal liberties and opportunities—as I argue one should—then
it seems to readily follow that citizens have a legitimate claim to some fair share of leisure
time. Just as theories of distributive justice standardly address the distribution of the
resource of income and wealth, so too, the argument goes, ought theories of distributive
justice address the distribution of the resource of leisure time.
Indeed, the aim of this chapter is to show that this argument is correct, and that citizens do in fact have such a legitimate claim to a fair share of leisure time. Yet making this case is not quite so simple as it may seem. One might accept that, in principle, citizens do have a legitimate claim to leisure time, but nonetheless maintain that, in fact, a theory of distributive justice need not address the distribution of leisure time to ensure that this claim is realized. Instead, one might argue, theories of distributive justice need only to address the distribution of the resource of income and wealth, without any concern for the distribution of leisure time, to ensure that all citizens have their fair share of leisure. If this were so, recognizing leisure time as the type of resource relevant to the resources for effective freedoms principle would be of little significance. Theories of distributive justice could continue to address only the distribution of income and wealth, maintaining their inattention to the distribution of leisure time, without committing any foul. Call this rebuttal the income and wealth objection: a theory of distributive justice that focuses exclusively on the distribution of income and wealth effectively and automatically satisfies whatever claim citizens have to leisure time, so it is unnecessary to treat leisure as a distinct object of distributive justice.

This objection may seem a peculiar one, for it may be obscure how providing one resource could also automatically provide a different resource, but it has a firm foundation in the commonplace contained within the epigraph: “Time is Money.” The income and wealth objection takes this as a truism, assuming that time and money are perfectly interchangeable goods, to the effect that one can use the resource of income and wealth to “purchase” the resource of leisure time, either directly by spending money or indirectly by forgoing income-earning work. Though theorists of distributive justice share Franklin’s
enthusiasm for work to varying extent, they have broadly assumed that time and money are indeed fungible goods. This is not surprising, given that the idea that time and money are substitutable goods is an extension of the basic economic view of time as divided between paid work and leisure, a view that theorists of distributive justice have largely adopted. Yet even when leisure time is understood not as the specific good of time not engaged in paid work but instead as the resource of time free from necessity, the same assumptions about the functioning of economic markets still suggest that the resource of income and wealth is interchangeable with the resource of leisure time. That is, if one assumes, first, that individual workers can freely choose their hours of paid work and, second, that all household and bodily needs can unproblematically be met by purchasing goods or services, then the resource of income and wealth and the resource of leisure time are indeed perfectly fungible. If the resource of income and wealth and the resource of leisure time are perfectly interchangeable, so the income and wealth objection presses, theories of distributive justice can continue to attend only to the distribution of income and wealth, without any particular concern for the distribution of leisure time. Solving the problem of income and wealth, so the objection goes, also conveniently solves the problem of leisure time.

I will argue, however, that neither of the crucial assumptions about economic markets can be sustained, and that, as a result, neither can the income and wealth objection. Not only do citizens have a legitimate claim to leisure time, but it is also the case that in order for a theory of distributive justice to ensure that all citizens’ claims to leisure are satisfied, the theory cannot only attend to the distribution of income and wealth without any concern for the distribution of leisure. Instead, leisure time must be treated as a distinct object of distributive justice.
In contending that leisure must be treated as a *distinct* distributive concern, I mean primarily that in order for a theory of distributive justice to be able to claim that its provisions would ensure that all citizens have their fair share of leisure, the theory must treat leisure distinctly. By this I mean, in particular, first, that the theory must provide for the evaluation of whether one possesses leisure time specifically (as opposed to only evaluating whether one possesses some proxy resource, like income and wealth)\(^{117}\) and, second, that the theory must prescribe ways to redress any unfair distributions of leisure time with specifically-targeted interventions. It is not possible to ensure that all citizens possess their fair share of leisure time solely by relying on general income and wealth provisions. Instead, specifically time-focused policies are required, such as flexible working hours requirements and other labor market regulations, caregiving subsidies, and compensation for time-intensive disabilities. Though some of these policies may deal in the currencies of income and wealth, their justification and implementation are specifically leisure-focused. Ensuring that all citizens have a fair share of leisure time requires a coordinated deployment of a range of policies, including, depending on the circumstances and theory in question, general income transfers, direct in-kind provisions, and institutional regulations, all targeted together to the end of providing leisure time. Theorists with diverse commitments have already advocated many of the same policies on a range of unrelated grounds. A virtue of incorporating the resource of leisure time into theories of distributive justice is that it provides a single and fundamental justification for these already widely, but disjointedly, endorsed policies.

\(^{117}\) Evaluating leisure time specifically does not mean evaluating the distribution of leisure time *independently* of other resources, for what counts as a fair share may be assessed by indexing or grouping one’s total share of resources. If a theory took such an indexical approach, evaluating leisure time specifically still requires that the theory evaluate how much leisure time, in particular, one possesses.
In addition to the argument that a theory of distributive justice must treat leisure distinctly in order to ensure that all citizens actually have their fair share of leisure, there is a further sense in which, I suggest, that leisure ought to be treated distinctly. That is, in determining what counts as a fair share, namely whether citizens are entitled to an equal or a sufficient share, some of the relevant considerations apply differently to the resource of leisure time than to the resource of income and wealth. In particular, because inequalities in leisure are less transparently public knowledge than inequalities in wealth, because there are stricter natural limits to how vast inequalities in leisure can be than for wealth, and because inequalities in leisure translate into inequalities in social status and power less readily than wealth inequalities, there is less reason to favor an egalitarian rather than a sufficientarian distribution of leisure than there may be for wealth. In this respect, then, as well, a theory of distributive justice ought to treat leisure time distinctly from income and wealth.

The chapter proceeds as follows. In Section II, I begin with a preliminary note about the ecumenical framework of the argument. Because I aim to make the argument that theories of distributive justice ought to take distinct account of the resource of leisure time as relevant to as wide a range of theories as possible, the broad contours of the argument depend only on widely-endorsed principles. When the specific details of the argument would diverge for different distributive theories, I describe these alternative paths rather than adopting or endorsing a single theoretical framework. In Section III, I argue that if one is committed—as almost all theorists of distributive justice are—to ensuring that all citizens possess the requisite resources to take advantage of their formal liberties and opportunities, then one ought to be committed to ensuring that all citizens also have the requisite resource
of leisure time, because citizens require both material and temporal resources to exercise their formal freedoms. If, accordingly, theories of distributive justice aim to ensure that all citizens possess their fair share of leisure time, then, I argue, distributive theories must treat leisure time as a distinct object of distributive justice (Section IV). Attending only to the distribution of income and wealth cannot ensure a fair distribution of leisure time because, as I demonstrate, empirical and ethical limitations of the market render leisure time imperfectly substitutable with income and wealth. In Section V, I discuss how the considerations that bear on the appropriate standards of distribution for leisure time and for income and wealth are dissimilar, while more broadly suggesting that the equality versus sufficiency debate ought to take more account of the relevant distinctions between objects of distribution. I conclude with a discussion of the policy implications that might follow if theories of distributive justice were to treat time as a distinct object of distributive justice (Section VI).

II. Preliminaries about the Ecumenical Theoretical Approach

   Liberalism’s core commitment to individual liberty—to the freedom to determine and pursue one’s own plan of life, to live according to one’s own conception of the good—has long been criticized, by Marx among many others, as guaranteeing only an empty kind of freedom. The foundation of this critique is the recognition that if one lacks the conditions necessary to exercise a freedom, one in fact only nominally possesses that freedom. This oft-articulated argument can be expressed in a variety of ways: that one without the requisite means possesses a formal or legal freedom but lacks the real or effective freedom, or that one does not have the freedom at all, or that one has the freedom
but it is of little value or worth.\textsuperscript{118} Though there are significant conceptual differences between these approaches, those who argue that lacking the requisite means constitutes the absence of real or effective freedom, or unfreedom itself, or the lack of the value or worth of the freedoms all express the same basic critique.\textsuperscript{119} That is, though one may formally enjoy a given liberty, if one lacks the means required to exercise that liberty, one cannot actually take advantage of that formally-guaranteed liberty.

In response, in part, to this critique—which has its greatest force against “classical liberal” theories\textsuperscript{120}—liberal egalitarian (or “high liberal”) theories endorse some version of the resources for effective freedoms principle: that is, that citizens have a legitimate claim to a fair share of the resources generally required to exercise their formal liberties and opportunities (henceforth “the REF principle”). As Samuel Freeman writes, “A basic tenet of high liberalism is that all citizens, as a matter of right and justice, are to have an adequate share of material means so that they are suitably independent, capable of governing and controlling their lives and taking advantage of their basic liberties and fair opportunities.” Without such means, “one’s liberties and opportunities are worth little,” and so the high


\textsuperscript{119} As Van Parijs notes, “there need not be any substantive issue between the ideal of a really free society and that of a formally free society in which formal freedom is worth having.” Real Freedom for All, 241 fn. 46.

liberal tradition endorses some form of distributive transfers “to ensure that everyone’s liberties and opportunities are of significant value.”\footnote{Freeman, “Illiberal Libertarians,” 117-118.} It is in the context of this liberal egalitarian consensus that Rawls can contend that \textit{any} reasonable theory of justice must provide “measures ensuring for all citizens adequate all-purpose means to make effective use of their freedoms.”\footnote{Rawls, “Idea of Public Reason Revisited” in \textit{Political Liberalism}, 450. See also Lecture I of \textit{Political Liberalism}: a liberal political conception of justice must provide “measures assuring to all citizens adequate all-purpose means to make effective use of their liberties and opportunities.” \textit{Political Liberalism}, 6.}

Despite the broad endorsement of the REF principle among liberal egalitarian theorists of distributive justice,\footnote{Though broad, I cannot necessarily claim that the endorsement of the principle among liberal egalitarian theories of justice is unanimous. Some strict luck egalitarian theories, such as, for instance, Eric Rakowski’s theory of “equality of fortune,” though they do not explicitly reject the REF principle nonetheless offer little room for ensuring that all citizens possess the requisite resources to exercise their freedoms, in part because they reduce all of justice to a narrow understanding of equality. Rakowski, \textit{Equal Justice} (Oxford: Oxford University Press, 1991). Other less stringent luck egalitarian theories do, however, endorse the REF principle.} there is considerable diversity in the form the principle takes within different theories: in its grounds (i.e. why citizens have “a legitimate claim”), in its metric (i.e. in what currency “a fair share” should be measured), in its conditions (i.e. which claims are “fair”), and in its scope (which “formal liberties and opportunities” must be made effective). On some theories, the REF principle is rooted primarily in the value of effective freedom, as, for instance, in Philippe Van Parijs’ theory of “real-libertarianism,” which holds that all citizens are entitled to the greatest possible “real freedom.”\footnote{Van Parijs, \textit{Real Freedom For All}, 3-5, 21-29.} On other theories, instead, the foundation of the REF principle lies primarily in the value of equality, as, for instance, on Ronald Dworkin’s theory of “equality of resources,” which holds that showing citizens equal concern requires that all citizens have an equal (i.e. “envy-free”) share of resources to use to exercise their liberties.\footnote{Dworkin, \textit{Sovereign Virtue}, 65-119 (on equality of resources), 120-183 (on the relationship between liberty and equality). Dworkin does not himself connect equality of resources with an idea of effective freedom in this way, but it is implicit in his account.} And on still other theories, the REF
principle derives in even measure from the values of both freedom and equality, as, for instance, on Stuart White’s theory of “justice as fair reciprocity,” which holds that citizens must have equal access to the means required to exercise their agency.\textsuperscript{126} Moreover, while some theories recognize the REF principle directly, others do so only indirectly. Examples of the former approach include, for instance, Cécile Fabre’s “rights-based theory of justice,” which holds that citizens have an autonomy-based right to “the all-purpose resources they need” to exercise their “civil freedoms and political powers,”\textsuperscript{127} and Elizabeth Anderson’s theory of “democratic equality,” which holds that citizens owe one another “the social conditions of the freedoms people need to function as equal citizens,” understood to include access to a wide range of resources.\textsuperscript{128}

Rawls’ theory of justice, “justice as fairness,” on the other hand, provides a clear example of the latter approach. Though Rawls offers his own theory of justice as a reasonable conception of justice, and thus as a theory that, by Rawls’s own requirement, endorses the REF principle, justice as fairness does not itself explicitly contain the REF principle. Justice as fairness’s Principle of Equal Liberty holds that only the political liberties are to be guaranteed their fair value, the Fair Equality of Opportunity Principle applies to only a certain category of opportunities, and the Difference Principle, which is the primary principle governing the distribution of the “all-purpose means” citizens require “to make effective use of their freedoms,” bears no resemblance to the REF principle. Instead, the Difference Principle, which requires that social and economic inequalities are

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\textsuperscript{126} White, \textit{The Civic Minimum}, 30-36.
\end{flushright}
to be to the greatest benefit to the least advantaged members of society, makes no reference whatsoever to the idea of effective freedom. Yet, though Rawls’s theory of justice as fairness contains no direct statement of the REF principle, in that the theory’s explicit precepts do not include the principle as stated, the theory nonetheless satisfies the REF principle because it provides “measures ensuring” its fulfillment (that is, the Equal Liberty, Fair Equality of Opportunity, and Difference Principles together). As Rawls makes clear in his later “restatement” of justice as fairness, the theory does not explicitly contain a principle requiring the “fair value of all the basic liberties” because, if this principle were to require that a fair share of resources were “to be assured to everyone in order to express the ideal of the equal worth of the basic liberties,” that would be “superfluous, given the difference principle.”\footnote{Rawls, \textit{Justice as Fairness: A Restatement}, 150-151.} Thus, though justice as fairness does not explicitly contain the REF principle, the particular principles of the theory still implicitly endorse the principle.

The few references offered here do not aim to provide a systematic survey of the REF principle within liberal egalitarian theories of distributive justice. Rather, the critical points are only (a) that the REF principle is widely, almost unanimously, endorsed by liberal egalitarian theories, but that (b) the principle is endorsed in significantly distinctive ways, including that it is sometimes articulated as an explicit principle of justice and other times only as an implied principle. I will not elaborate any further on the various grounds on which the principle rests in different theories, nor on the various metrics that are employed to determine what counts as a fair share, as neither point of divergence is central to the aims of this chapter. I will, however, note two other points of divergence within the literature, as both are indeed relevant to the contours of the chapter’s larger argument: the
scope of the principle (which formal freedoms citizens have a claim to resources for) and the conditions of the principle (which claims are fair or unfair).

The first relevant point of divergence is the question of which formal freedoms citizens have a legitimate claim to enjoying as effective freedoms. Van Parijs’ theory of real-libertarianism, for instance, offers an expansive view: each citizen has a claim to the effective freedom “to do whatever one might want to do.” On this view, no particular liberties or opportunities are selected as those to which citizens have a claim to the requisite resources; instead, citizens ought to be “free tout court.” Anderson, by contrast, offers a more restricted position: what citizens owe each other, she argues, “are not the means to generic freedoms but the social conditions of the particular, concrete freedoms that are instrumental to life in relations of equality with others.” Instead of providing citizens with the means required to exercise what she describes as “optional freedoms,” citizens have a legitimate claim only to the resources required to participate as an equal citizen in a democratic state and to participate as an equal in civil society. Citizens thus have a claim to the resources required only to exercise the familiar canon of fundamental freedoms: to free participation in politics, to free association, to freedom of movement, to free exercise of religion, and so forth. Because leisure time is required, as will be clear, on both the more restrictive and expansive views, I will generalize from these two positions to argue that leisure time is required both to exercise many of one’s fundamental freedoms and,

130 Van Parijs, *Real Freedom for All*, 20, 18.
132 To be clear, Anderson’s capabilities theory interprets each of these fundamental freedoms broadly, so that, for instance, the freedom to participate in democratic politics requires not merely the means to vote and serve in office, but also the means to function “as a political agent,” by voting and serving, but also, e.g., by “engaging in political speech.” Anderson, *What Is the Point of Equality?*, 317.
drawing on the preceding chapter, to pursue one’s conception of the good, whatever it may be.

The second noteworthy point of variation within the literature is the question of which claims to resources are legitimate or fair. Because providing all citizens with the resources they require to exercise their formal freedoms inevitably involves costs to other citizens—either directly, as with public provisions and subsidies, or indirectly, as with foregone efficiency and other opportunity costs—it follows that satisfying some types of claims to resources could arguably be unfair to other citizens, in that they impose unnecessary or undue costs on others. To take a simple example, say citizens are entitled to the daily provision of a monetary stipend because a minimum income is required to exercise one’s basic liberties. One citizen decides one day to burn his monetary allotment for the sheer pleasure of it, but then realizes that he still wants his stipend so he goes to his town hall to request a replacement. Perhaps the first day the town officers give him another, but if he does this repeatedly, at some point they might refuse to give him a replacement because they argue that to do so would be unfair: he could refrain from burning his money, just as other citizens do, so to provide a replacement every day imposes unnecessary costs on them. Because he is responsible for his lack of the requisite resource, so the argument goes, he does not have a legitimate claim on others to provide him with it. There are a range of positions a theory can take on the scope of responsibility in qualifying citizens’ legitimate claims, and the critical concepts of choice and responsibility both require further explication on any view, but, in its simplest form, a

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133 As G. A. Cohen expresses the point, his fellow citizens could legitimately claim that they are being exploited, in that “unfair advantage” is being taken of them. Cohen, “On the Currency of Egalitarian Justice,” 5.
maximally “responsibility-sensitive” theory holds that any claim to a good or resource, for the lack of which a citizen is herself responsible, is unfair.

There are two significant ways that a theory’s responsibility-sensitivity might interact with leisure time, both of which arise from the fact that, as noted in Chapter 2, individuals can make choices that significantly affect how much time it takes to meet one’s basic needs. Two choices are particularly salient, both because they can each significantly affect how much leisure time one has and because they are commonly disputed choices within the responsibility literature: that is, one’s choice of occupation and one’s choice of whether to create or take on additional caregiving obligations. First, say one chooses to work at a job that pays $5 per hour when one could readily work at a job that pays $50 per hour. If one has little leisure time on account of working in the $5 per hour job, does one have a legitimate claim to the provision of more leisure time (say with a wage subsidy), or would the satisfaction of such a claim be unfair given that one could have had (and could still have) more leisure if one chose the higher paying job? Second, say one has no caregiving obligations and then intentionally chooses to have triplets through in vitro fertilization. Again, if one has little leisure time on account of having to care for triplets, does one have a legitimate claim to the provision of more leisure time (say with caregiving subsidies), or would the satisfaction of such a claim be unfair given that one could have had more leisure if one had chosen not to have triplets?134

134 For a concise and instructive discussion of whether raising children ought to count as a “public-goods provision” or a private “particular good,” see Stuart White, The Civic Minimum, 108-112. White argues that raising some number of children, n, may qualify as a public good, while raising a >n number of children may qualify as a private good, with n set by both the community’s decision about whether it wants to grow, remain stable, or shrink, and environmental considerations. On such a view, the amount of time one spends satisfying the basic needs of one’s n children would qualify as affecting the leisure time to which one has a claim, while the amount of time one spends satisfying the basic needs of one’s >n children would not. I do not endorse this position here (though I find it compelling), but instead cite it as one possible way that a theory could treat parental caregiving in something other than an all-or-nothing way.
These questions cannot be answered independently of a larger theory of justice, for the answers depend on the scope of responsibility-sensitivity within a theory, which in turn depends on the broader foundations and commitments of the given theory. Rather than adopting a single theory of justice or a single position on the appropriate scope of responsibility-sensitivity, I instead leave these questions open. Whenever possible, the arguments advanced will rely on cases in which individuals lack leisure time not as a result of their choices, so that the arguments have force against theories that take both more maximal and more minimal positions on responsibility-sensitivity. If a given theory takes a more minimal position (so that one has a legitimate claim to leisure even if one lacks it as a result of one’s occupational or caregiving choices), the arguments can be extended as appropriate. Thus, the arguments I offer will rely on cases in which one works at one’s maximum earning capacity and cases in which one’s caregiving obligations are not discretionary, such as, I presume, caregiving for one’s infirm parents. When the details of the arguments diverge in significant ways depending on the position a theory takes on responsibility, I will present both lines of argument, again without endorsing one position over another.

III. Leisure and Effective Freedom

The resources for effective freedoms principle is, then, in its various forms, widely endorsed by theorists of distributive justice. To restate, the REF principle holds that all citizens have a legitimate claim to a fair share of the resources generally required to exercise their formal liberties and opportunities. The principle applies to citizens’ required resources—or, to use Rawls’ phrase, all-purpose means—in toto, yet the various measures
which theories of distributive justice prescribe to satisfy the REF principle often attend exclusively to the resource of income and wealth. Samuel Freeman’s description of the REF principle as a basic tenet of high liberalism, quoted above, is indicative of this narrow focus: “Without sufficient income and wealth, one’s liberties and opportunities are worth little. […] To ensure that everyone’s liberties and opportunities are of significant value, the high liberal tradition envisions nonmarket transfers of income and wealth…”

But, just as someone who lacks the requisite material resources possesses only a formal freedom, so too does someone who lacks the requisite temporal resources—that is, the requisite leisure time. Someone who must spend all of her time satisfying her basic needs does not have the time to take advantage of many of the liberties and opportunities that she formally possesses. It is this fundamental point—that when one is satisfying one’s basic needs one is not able to do other things—that animates Marx’s distinction between “the realm of freedom” and “the realm of necessity,” the realm of necessity being that of the activities required “to maintain and reproduce life.” It is only when one is not engaged in these “mundane” tasks that one can engage in “other activities.” For the time when one is occupied with satisfying one’s basic needs is generally not time when one can take advantage of many of one’s liberties and opportunities. Someone who has no leisure time does not possess the means to exercise many of her formally available freedoms. An absence of leisure time constitutes a lack of means in the same way as an absence of

135 Freeman, “Illiberal Libertarians,” 117-118, emphasis added.
income and wealth, and the lack of either renders one less able to take advantage of one’s formal liberties and opportunities.

The argument can be stated more precisely as follows: If a theory of distributive justice endorses the principle that citizens have a legitimate claim to a fair share of the resources generally required to exercise their formal freedoms (the REF principle), then, *prima facie*, the theory ought to hold that citizens have a legitimate claim to a fair share of leisure time, because the resource of leisure time is, parallel to the resource of income and wealth, an all-purpose means generally required to exercise one’s formal liberties and opportunities.

Two notes on the qualifications. First, the argument is conditional in that it depends on a theory’s endorsing the REF principle. As I have argued, almost all theories of distributive justice hold the REF principle in some form, so the argument applies to each of these theories. Second, the argument is stated as a *prima facie* claim, since I cannot decisively argue that a theory must hold that citizens have a legitimate claim to leisure time without addressing a given theory in its particulars. For if a theory holds that citizens can have legitimate claims only to resources of a certain type—e.g. resources “produced by” cooperation—and holds that leisure time is not a resource of this type, then the argument would not go through. I am skeptical that one could argue that leisure time is not, for instance, produced by cooperation in any meaningful sense, but it is beyond the aims of this chapter to rebut each possible qualification of this kind. Instead it is sufficient to note

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138 Michael Blake and Mathias Risse offer such an interpretation of Rawls’s theory of distributive justice, arguing that on his view the resources governed by distributive justice are only those “created and distributed through cooperative activity.” Blake and Risse, “Two Models of Equality and Responsibility,” *Canadian Journal of Philosophy* 38 (2002), 175. This, it should be noted, is an unorthodox reading of Rawls. Even as Blake and Risse elaborate on the position, however, leisure time would qualify as a “product” of cooperation. The claim that leisure time is not “produced by” cooperation might seem plausible if one were to conceive of leisure as simply a category of “time,” but leisure is not merely time *tout court*. Leisure is the
that the constraints on the type of resources to which citizens can have legitimate claims most often imposed are the publicity and feasibility constraints discussed in Chapter 2, and as I there argued, leisure time can be specified in such a way as to satisfy these constraints. For that reason, the argument does apply most likely to all or almost all theories that endorse the REF principle, but as I cannot conclusively argue for this claim, I state the position as a *prima facie* one.

I argue that citizens are entitled to leisure to take advantage of two types of liberties and opportunities in particular: one’s political liberties and one’s formally guaranteed opportunities for occupational and educational positions. I draw out the entitlement to leisure on these two grounds specifically because these liberties and opportunities are of special significance both for individual citizens and the political society and because they may require specifically targeted policies. Beyond this, though, citizens are entitled to leisure to take advantage of their full range of formal freedoms so that they can form, revise and pursue their own plans of life.

*Personal Liberties*

Most generally and fundamentally, citizens are entitled to the means necessary to take advantage of the full range of their formal liberties and opportunities because these freedoms are essential to citizens’ ability to form, revise and pursue their own plans of life. Though particular liberties may have specific additional justifications, the core justification for the presumption in favor of individual liberty is the value of leading a self-directed life. In order to be able to determine and follow their own plans of life, citizens require a wide

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* time when one is not engaged in satisfying one’s basic needs, and how much time it takes one to satisfy one’s basic needs is directly determined by one’s society’s scheme of cooperation. Since how much time it takes to satisfy one’s basic needs is virtually entirely determined by the scheme of social cooperation one lives under, though leisure is not a cooperatively-produced *material object*, it is still produced by social cooperation in any meaningful sense of the constraint.
range of liberties and opportunities, but in turn to be able to take advantage of these
liberties and opportunities, citizens must have the means to exercise them. As I argued in
Chapter 2, citizens generally require the resource of leisure time in order to pursue their
conceptions of the good, whatever they are.

*Political Liberties*

More specifically, however, citizens require leisure to exercise their political
liberties. Among the canon of citizens’ fundamental liberties, the political liberties—the
right to vote, to participate in political deliberation, to form and join political associations,
to political speech—are of distinct significance. Citizens are entitled to the rights of
participation in their society’s political process not exclusively on account of these rights’
importance to individual autonomy or status (though this is part of their justification), but
also because the guarantee of these rights is essential to fair collective decision-making.
Thus beyond the role they may play in citizens’ formation and pursuit of their own plans of
life, the political liberties derive additional justification from their instrumental connection
to democratic rule. Though the political liberties are often isolated within the broader
argument that citizens are entitled to the means requisite to exercise their liberties because,
by their democratic nature, the political liberties require that citizens enjoy their *equal
worth*, they also merit particular attention on account of the policies that guaranteeing their
worth may require. That is, citizens require the material means to exercise their political
liberties on account of their connection to citizens’ individual pursuits of their plans of life,
but also because of the larger democratic justification for these liberties. Thus, in order to
secure the value of these liberties for both of these aims—the individual and the
democratic—specifically targeted policies are very likely to be required beyond the general
provision of the requisite income and wealth. Such policies include, for instance, public financing of political campaigns and payment for public service.\footnote{Though the public financing of elections is a modern example, the concern with ensuring the means to engage in political activity dates back to Athenian democracy. From the mid-fifth century onward, Athenians received payment for jury service among other civic roles. See, Aristotle \textit{The Constitution of Athens} in Aristotle, \textit{The Politics and Constitution of Athens}, ed. Stephen Everson (Cambridge: Cambridge University Press, 1996), LXII, 2.} Beyond ensuring that all citizens have the material means to, for instance, travel to the town hall or stay informed about political issues if they so choose with a general provision of income, such policies specifically ensure that citizens have the means to engage in these activities of special democratic significance.

Thus, first, citizens require the necessary leisure just as they require the necessary income and wealth in order to exercise their political liberties if they so choose. Consider the example of an unpaid public office. Since the office is unremunerated, in order to serve in one of these positions one must have enough personal wealth to support oneself for the term of one’s position. Thus, those without sufficient wealth have the legal right to serve in office but this right is of little value to them. Consider now a public office that is unpaid but also part-time: say, a position on one’s town school board, for which one has to attend four-hour meetings once per week. Someone who must work sixty hours per week to earn enough money to provide for her and her elderly parent’s basic needs and who must spend forty hours per week on caregiving does not have the requisite time to serve on the school board.\footnote{Say she must spend 68 hours per week meeting her personal bodily needs (sleep, nourishment, hygiene) so she has no leisure time at all.} Just as in the case of someone who lacks the requisite personal wealth to serve in office, she too lacks the means to serve in office – the only relevant difference is that the “means” she lacks is time rather than money.\footnote{Though this point has not been given significant attention by democratic theorists, it is clearly expressed in Henry Brady, Sidney Verba, and Kay Lehman Schlozman’s classic resource model of political participation.} She enjoys the freedom to serve in office...
in a formal sense, but she does not actually enjoy the value of that freedom. This holds true not only for her freedom to serve in office, but for her freedom to run for office, to assemble, to engage in party politics, even to vote.

Similarly, just as ensuring the worth of the political liberties in accordance with their democratic justification may require policies targeting the income requirements specific to political activities, so too may it require policies addressed to the time requirements of political activities. The way in which the absence of leisure time can diminish the value of one’s political liberties is rarely acknowledged, but we can see an implicit acknowledgment of this point in the common legislation requiring employers to give employees time off to vote in elections or to serve in juries. More extensive policies with similar justifications might include paid holidays for public service or political participation.¹⁴²

Formal Opportunities

Beyond guaranteeing the presumptive freedom to pursue any of the opportunities available in one’s society, liberal egalitarian theories also standardly require that citizens are not denied access to particular opportunities on the basis of characteristics irrelevant to the performance of the tasks associated with those opportunities. The opportunities to which this commitment to equality of opportunity applies are those that, beyond the special significance they may have to citizens’ pursuit of their plans of life, are of particular strategic importance or advantage in one’s society, typically occupational and educational positions. Justice requires that citizens can pursue these opportunities and are not

preemptively disqualified on the basis of class, race, gender or other ascriptive characteristics. As with citizens’ liberties, however, this commitment to equality of opportunity may be protected only formally by legal prohibitions of discrimination, while true access to the opportunities remains determined by irrelevant characteristics.  

This is well illustrated by Bernard Williams’ classic example: say a society has a prestigious warrior class that has traditionally been filled only by those from the wealthiest class, but that egalitarian reformers abolish the class requirement and institute a suitable competition for the positions with strength as the primary qualification. Since strength is correlated with nutrition, if only the wealthy are properly nourished, the poor are effectively as ineligible for the warrior positions as they were before formal equality of opportunity was instituted. Thus, even when all of the citizens in this society are formally guaranteed access to the warrior positions, because poorer citizens lack the requisite material means for adequate nutrition, they are effectively denied access.

Just as citizens born into families of modest wealth may lack true access to strategically important opportunities, so too may citizens with less leisure than others also lack true access to these opportunities. By way of illustration, consider the case of a large company with prestigious executive positions. The qualifications for the positions are years of employment with the company, positive performance reviews, and “commitment,” measured informally by attendance at company social events. The qualifications make no reference to gender, yet say that in the society women do the lion’s share of household

143 This section draws on the “old” conception of equality of opportunity, which is meritocratic and limited to only certain strategically important opportunities. On the distinction between this conception and one associated more closely with luck-egalitarians, see Andrew Mason, “Equality of Opportunity, Old and New” Ethics 111 (2001): 760-781.
144 Williams, “The Idea of Equality,” in In the Beginning was the Deed (Princeton: Princeton University Press, 2005), 110.
labor. Even many full-time employed women do a “double shift” of work, at home and at the office, leaving them with less leisure than their male counterparts (an inequality I examine more closely in Chapter 4). Since attendance at company social events requires leisure time, the female employees who attend relatively less often than the average male employee emerge as disproportionately less qualified for the executive positions.145 Inequalities in necessary resources, whether of wealth in the warrior case or of leisure in this case, undermine true equality of opportunity.

IV. Treating Leisure Distinctly to Ensure a Fair Distribution

If a given theory of distributive justice endorses, as almost all liberal egalitarian theories do, the principle that citizens have a legitimate claim to a fair share of the resources required to take advantage of their formal liberties and opportunities, and if leisure time, conceptualized as time free from necessity, is properly understood as such a resource, then it may seem readily to follow that such a theory must hold that citizens have a legitimate claim to a fair share of leisure time and that, therefore, the theory must treat leisure as a distinct object of distributive justice. The conclusion of the argument does not, however, follow so easily, for it is open to a potentially damning objection. True, one might grant, that insofar as a theory holds the first two premises—that citizens are entitled to the resources required to exercise their freedoms and that leisure time is such a resource—then it must also hold that in principle citizens have a legitimate claim to leisure time. But, one might object, this principled claim to leisure does not necessarily entail that leisure must be

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145 For a discussion of how such an informal norm (participation in company social events) can undermine equality of opportunity, see David Miller, Principles of Social Justice, 192. Miller cites this example in particular: “It may be the practice in an office to retire to the pub at the end of the working day, and the camaraderie thus developed eases working relationships, but is often hard for parents (in practice often women) with family responsibilities to take part.”
treated as a *distinct* object of distributive justice. If treating the resource of leisure time as a distinct object of distributive justice requires that a theory evaluates whether one possesses leisure time specifically and that a theory redresses any unfair distributions of leisure time with specifically-targeted interventions, then the objection is that leisure time need not be treated distinctly in these ways in order to ensure that all citizens actually have a fair share of leisure time.

Instead, so the income and wealth objection goes, a theory of distributive justice could focus solely on the distribution of the resource of income and wealth—without any distinct evaluation of or provision for leisure time—and still nonetheless satisfy citizens’ principled claim to leisure. If it were possible to ensure that citizens possessed their fair share of leisure by focusing only on the distribution of income and wealth, then it would in fact not be necessary to treat leisure as a distinct object of distributive justice.

It may not be obvious how ensuring that all citizens have a fair share of income and wealth could also ensure that all citizens have a fair share of leisure time, so to see the force of the objection consider the following example. Say that A must work sixty hours per week as an administrative assistant to earn enough money to meet her financial basic needs of $25,000 per year at her wage rate of $8 per hour.\(^{146}\) She has a significant commute to work every day because she cannot afford to live near her place of employment, and she must spend a considerable amount of time engaged in the activities necessary to maintain herself and her home because she cannot afford many of the available time-saving conveniences (in-house laundry machines and dishwashers, prepared foods, yard and

\(^{146}\) At a wage rate of $8 per hour, she actually only earns $24,960 per year, but assume she receives an annual holiday bonus of $40 to keep the numbers simple.
household maintenances services, etc.). All told, she has only twenty hours of leisure time per week. Say that, according to the given theory of distributive justice, A’s fair share of leisure time is fifty hours per week. A, therefore, has an unfair share of leisure time, with a deficiency of thirty hours per week.

Now, say that the given theory of distributive justice holds that all citizens are entitled to a fair share of income and wealth conditional on their willingness to work, and that the modal way of ensuring that all citizens receive their fair share of income and wealth is through wage subsidies. If the given theory of justice prescribes that in order to ensure that A receives her fair share of income and wealth, she is entitled to a wage subsidy of $8 per hour, post-subsidy she effectively earns $16 per hour. According to the income and wealth objection, ensuring that A receives her fair share of income and wealth also automatically ensures that she enjoys her fair share of leisure time. Post-subsidy, A meets her financial basic needs by working for half the amount of time she did pre-subsidy, so now she has an additional thirty hours of leisure time. Perhaps she decides to work only thirty hours per week, and to use the additional thirty hours of leisure time for other pursuits. Or perhaps she decides to continue working sixty hours per week, and to use the additional income to purchase the time-saving conveniences she could not afford without the subsidy. Either way, it seems as though A enjoys, post-subsidy, at least fifty hours of leisure time per week. So, as the income and wealth objection contends, it seems as though any theory of distributive justice that focuses only on the distribution of income and wealth, without any distinct concern for the distribution of leisure time, would automatically satisfy A’s claim to leisure.

To be precise, say that each week she spends seven hours commuting, fifty-six hours sleeping, and twenty-five hours maintaining herself and her home.
This result seems all the more assured if the given theory of distributive justice holds that citizens are entitled to a fair share of income and wealth *unconditionally*—that is, independently of their ability, willingness, or actual performance of work—and that the standard way of ensuring that all citizens receive their fair share of income and wealth is with an annual payment of a universal basic income. Say that the basic income is $25,000, so all of A’s financial basic needs are met with this unconditional grant. A can now choose not to work at all, to the effect that she has more than sixty additional hours of leisure time. Or perhaps A decides to continue working, either at the same hours or at reduced hours, and to use the basic income to purchase the time-saving conveniences available on the market, so that she has both the additional leisure time from not having to work and from meeting her other basic needs in less time. Again, either way, the basic income alone seems to ensure that A has a fair share of leisure time. Again in accordance with the income and wealth objection, it seems that solely by ensuring that all citizens receive their fair share of the resource of income and wealth, without any independent concern for leisure time, a theory of distributive justice can nonetheless automatically also ensure that all citizens have a fair share of leisure.

The foundation of the income and wealth objection is the contention that the resource of income and wealth and the resource of leisure time are perfectly interchangeable. In the example with A, on each of the given theories of distributive justice (work-conditional and work-unconditional), what gives the objection its force is the assumption that A could readily translate the increase in her income to an increase in her leisure time. The wage subsidy and the basic income can effectively address A’s deficiency of leisure time only insofar as—and as the objection implicitly assumes—they allow her to
either reduce her work hours or to purchase the provision of other necessary activities.

Both of these suppositions rest on two particular assumptions about economic markets. The first is that individual workers can choose how many hours to work at a given wage rate, and in particular that they can reduce their hours of work. The second is that all household and bodily basic needs can be unproblematically met by purchasing goods or services.

I argue that neither of these assumptions can be sustained. Because the income and wealth objection fundamentally depends on these assumptions, when these two assumptions are rejected, the objection must be rejected as well. I will treat the assumptions in turn as they apply differently to work-conditional and to work-unconditional theories: first, the assumption about labor markets, which is most problematic for a work-conditional theory, and then the assumption about commodity markets, which, though troubling for both, is more noteworthy for the problems it poses to a work-unconditional theory. Ultimately I argue that neither a work-conditional nor a work-unconditional theory of distributive justice can, by ensuring only that all citizens have a fair share of income and wealth, also reliably ensure that all citizens have a fair share of leisure time. To ensure that all citizens have their fair share of leisure time, theories of distributive justice must—contrary to the income and wealth objection—treat leisure as a distinct object of distributive justice.

The first assumption on which the income and wealth objection depends is that individuals can choose how many hours to engage in paid work at a given wage rate, and in particular that they can choose to reduce their hours of paid work. If A, for instance, receives a wage subsidy (or a minimum wage is implemented or some other transfer policy with the same effect) so that she earned $16 per hour instead of $8 per hour, so the objection goes, she would automatically have her fair share of leisure time because she
could satisfy her financial basic needs by working only thirty hours per week, instead of sixty. Yet A would have a sufficient amount of leisure time only if she could actually reduce her hours of work from sixty per week to thirty. If she could not reduce her hours—if, for instance, her employer refused to employ her at fewer than sixty hours per week—her higher wage rate would have no effect on how many hours of leisure she had. She would enjoy a higher income, but she would still suffer from a deficiency of leisure time.

The assumption that individuals have control over how many hours they engage in paid work is thus pivotal to the income and wealth objection. This assumption is supported by the standard neoclassical economic theory of labor supply, according to which workers can freely choose how many hours to work at a given wage rate. Yet there is ample empirical evidence suggesting that most workers in fact have limited discretion over how many hours they work. First, survey data shows that a significant portion of workers would prefer to work fewer hours than they do. In the United States, for instance, recent studies show that between thirty-five and sixty-five percent of American workers would prefer to work fewer hours than they actually do.148 Moreover, of those who would prefer to work fewer hours, the vast majority would prefer to work at least ten hours less per week.149 That many workers report that they would prefer to work fewer hours is not in itself evidence that workers cannot freely reduce their hours of work, as they may be able to reduce their hours of work but be unwilling to accept any corresponding loss of income.

What more decisively shows that workers cannot freely reduce their hours of work is

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149 Jacobs and Gerson, The Time Divide, 64.
evidence that workers would prefer to work fewer hours with the corresponding reduction in income but can not find employment on these terms in their given occupation. The economic term for this phenomenon is overemployment: workers are overemployed if they would prefer to reduce their hours of work for a corresponding reduction in income in their given occupation but are unable to do so. Estimates of overemployment are somewhat difficult to attain as they depend on information about what the corresponding reduction in market wages would be at the reduced hours, but surveys have attempted to measure its occurrence by asking workers if they would prefer to work fewer hours for some corresponding reduction in pay. Depending on how the question is worded, estimates of overemployment in the United States range from six to fifty percent, though most studies find overemployment rates of between twenty to thirty percent of American workers.  

Studies of the labor market confirm what the survey results suggest: that workers have limited discretion over how many hours they engage in paid work and that it is particularly difficult for workers to reduce their work hours. Most employers only offer employment on terms that require all employees to work a certain minimum number of hours per day and/or per week, to the effect that individual workers generally cannot negotiate hours that deviate from this minimum. Nor do workers have significant latitude in determining their hours by switching employers. Employment in a given occupational category is typically only offered within a range of standard hours, such that


152 Workers may be able to adjust their hours by switching occupations (e.g. a nurse could become a teacher’s aide to achieve the reduced hours she prefers), which may or may not be relevant on different theories of distributive justice depending on the role they give to responsibility.
workers cannot find an employer willing to hire them for hours below this range.\textsuperscript{153}

Furthermore, even within the range of hours offered, jobs with longer hours are typically oversupplied and jobs with shorter hours undersupplied. In many occupational categories there are more workers willing to take shorter-hour jobs, even at the correspondingly discounted wage rates, than are available.\textsuperscript{154}

Economic theory that improves on the simple model of labor supply to offer a more nuanced understanding of the labor market supports these empirical findings. In brief, three dynamics shaping labor demand serve to constrain workers’ hours. First, there are various costs of employment that vary in proportion with the number of workers rather than the number of work hours. These fixed labor costs impose a floor on the minimum number of hours for which it is feasible for a firm to hire a worker. They also incentivize employers to prefer maximizing hours per worker, up until the point of diminished productivity. Other costs of employment likewise incentivize firms to prefer employing all workers for the same standard, minimum number of hours.\textsuperscript{155} Second, when it is difficult for employers to observe worker productivity, employers use length of work hours as a proxy for productivity and base recruitment, hiring, and promotion decisions on whether workers will or do work long hours. This incentivizes workers to work longer hours and leads to a “rat

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race” among workers who steadily increase their work hours. Third, employers may pay workers above-market wages because these “efficiency wages” make the loss of the job more costly to workers and thereby induce better worker performance. Efficiency wages are most effective when the gap between the worker’s income from her present job and her next best offer is greatest, and this incentivizes firms to employ workers for maximal hours as a way to widen this gap. Efficiency wages are also most effective with workers who prefer more income to more leisure, so firms use the length of a workers’ preferred hours to screen out workers who have a high utility for leisure in recruitment and hiring decisions. All of these dynamics lead to the undersupply of shorter-hour jobs and the oversupply of longer-hour jobs.

The income and wealth objection depends, in part, on the assumption that workers can choose how many hours to work at a given wage rate, and in particular that they can choose to reduce their hours of paid work. If a worker cannot reduce her hours of work, i.e. if the worker cannot find an employer willing to hire her for fewer hours than she presently works, then providing her with a wage subsidy does not actually affect how much leisure time she has. A work-conditional theory of distributive justice that ensures only a fair distribution of income and wealth through wage-subsidies or some other work-sensitive means, without any distinct concern for the distribution of leisure time, cannot, accordingly, also reliably ensure a fair distribution of leisure time. Because the assumption that individual workers can freely choose their work hours cannot be sustained, as workers in


fact have limited discretion over their work hours, a work-conditional theory of distributive justice that attends only to the distribution of income and wealth cannot automatically ensure that all citizens have a fair share of leisure.

Rejecting the first assumption is therefore, in itself, decisive to defeat the income and wealth objection for any work-conditional theory of distributive justice. Moreover, rejecting this assumption may hold against the work-unconditional theory version of the objection, as well, depending on the exact contours of the theory. At this juncture, however, two points are clear: first, the assumption that workers can choose their hours of work, and in particular to reduce their hours of work, cannot be sustained, and second, as a result, the income and wealth objection fails for any work-conditional theory of distributive justice.

Both the work-conditional and work-unconditional versions of the income and wealth objection depend also on the remaining assumption—that individuals can unproblematically purchase the satisfaction of their household and bodily needs. As discussed in Chapter 2, one’s leisure time is not constrained only by the time when one is meeting one’s financial basic needs with paid work, but also when one is meeting one’s household and bodily basic needs. Additionally, one may have caregiving obligations—such as for an infirm parent or spouse or, if relevant on the given theory, for one’s children—which also subtract from one’s leisure time. If the time one spends engaged in these realms of necessary activity reduces one’s leisure time below the level of one’s fair share as determined by the given theory, then in order for the income and wealth objection to hold, all of one’s basic bodily, household, and caregiving needs must be satisfiable through the expenditure of money. The objection thus implicitly depends on the further
assumption that all basic needs can be unproblematically met by purchasing goods or services to fulfill those needs.

The role of this assumption is both most clearly seen and most significant in a work-unconditional theory of distributive justice. On the standard version of such a theory, all citizens receive a universal and unconditional basic income, the level of which is set independent of individuals’ needs (it is either set at whatever level is maximal or at whatever level can be extracted from a society’s resource and employment rents). Most proponents of a basic income acknowledge that the level of the basic income would likely be somewhere below subsistence, but to articulate the income and wealth objection in its strongest form, assume that the basic income is equal to the standard level of financial basic need in the society.

So to take another example, say that B works thirty hours per week and earns $25,000 per year, enough to meet her basic financial needs. B suffers from rheumatoid arthritis and though her illness does not debilitate her, it does require management; she must spend twenty hours per week doing physical therapy, treating her joints with hot and cold compresses, and attending medical appointments. B also helps to care for her elderly wheelchair-bound mother who lives next door – she prepares her meals, helps her bathe, cleans her home, does her laundry, and runs her errands, all told for thirty hours per week. When one accounts for the time B must spend sleeping and tending to her own daily bodily and household needs, B is left with only seven hours of leisure time per week.158 Say that, according to the given theory of distributive justice, B’s fair share of leisure time is fifty

\[158 \text{To be precise, B spends 30 hours per week engaged in paid work, 20 hours per week tending her illness, 30 hours per week caring for her mother, 56 hours per week sleeping, and 25 hours per week otherwise meeting her personal bodily and household needs, a total of 161 hours per week of necessary activity.}\]
hours per week. B, therefore, has an unfair share of leisure time, with a deficiency of forty-three hours per week.

Now say that an unconditional basic income is instituted, at the standard level of basic financial need in B’s society, $25,000 per year. B could now decide not to work, as the basic income would allow her still meet her financial basic needs. This significantly increases her leisure time—from seven hours per week to thirty-seven hours—but she still has a deficiency, since her fair share is fifty hours per week. Before proceeding, it is worth noting that, at this point, even the generous work-unconditional grant of income, determined and provided without reference to leisure time, cannot ensure B her fair share of leisure time, so the income and wealth objection apparently fails. But perhaps the objector could respond that, true, if the example stops there, the objection fails, but if further adjustments are made, it succeeds: that is, if B were to continue working and to use the basic income to meet her household and bodily basic needs, or if B’s mother were to use her own basic income to satisfy her own household and bodily needs, then the provision of a basic income could automatically and effectively ensure that B has her fair share of leisure time. Along these lines, the income and wealth objection then depends on the assumption that one’s household and bodily needs can unproblematically be met through the expenditure of income.

This assumption is, however, unsupportable. First, for some necessary activities, it is straightforwardly false. There is (at present) no way one can exchange income for the necessary time one must spend sleeping nor on many of one’s other bodily needs. One may pay someone else to assist in, for instance, exercising, eating, or grooming, but this income expenditure does not substitute for all or at least most of the time one must still spend
engaged in these activities oneself. B could not, for instance, purchase goods or services to substitute for the time she spends sleeping, engaged in physical therapy, treating her joints, at the doctor’s office, or grooming. She must unavoidably do these activities herself.

For most people, these bodily needs do not make such a demand on one’s time so as to result in one having significantly less leisure time than others, yet for individuals with special physical needs they may. Providing such individuals with income grants may ensure that they can afford special equipment or assistance, but it cannot substitute for the time they must spend engaged in meeting those physical needs themselves. Thus, ensuring that such individuals have unconditional income grants cannot ensure that they have a fair share of leisure. In such cases, income cannot be exchanged for leisure time.

Second, for a range of other necessary activities, it is indeed true that one can substitute income for time engaged in meeting one’s basic household and bodily needs, but it is unacceptable to hold that citizens must commodify such labor in order to have their fair share of leisure time. For many necessary activities, one can pay someone else to do the necessary task, either directly by hiring someone’s services or indirectly by purchasing a good. One can, for instance, hire someone to care for one’s dependents, to clean one’s home, to launder one’s clothes, even to do one’s shopping, or one can purchase, for instance, prepared foods. Yet, though it is possible in these cases to substitute income for leisure time, it does not follow that a theory of justice is entitled to assume that citizens should make such a substitution.

The commodification of household and bodily labor may, under some conditions, in fact be unjust. If market transactions in which one purchases the labor of another to meet

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159 One could go further and argue that paying for caregiving in the home is an “intrinsically unjust practice,” as Joan C. Tronto, for instance, does. I am skeptical that paid domestic caregiving could not, under some
one’s own household or bodily needs undermine some citizens’ equal standing or the ability of citizens to relate to each other as equals, that commodification may be unjust on account of the threat it poses to civic equality.\textsuperscript{160} Though an evaluation of whether the conditions obtain under which markets in certain goods would damage citizens’ equal standing cannot be made in the abstract, the possibility that such markets may be unjust is enough to prevent the simple assumption that the commodification of household and bodily labor is unproblematic.

Moreover, even if the conditions do not obtain under which such market transactions are \emph{strictly unjust}, citizens may still have \emph{legitimate objections} to the commodification of such labor. Citizens may reasonably believe that hiring the services of another to meet one’s household and caregiving needs may undermine the personal goods of commitment and intimacy in their relationships,\textsuperscript{161} degrade the value of the labor itself,\textsuperscript{162} or injure one’s own personhood.\textsuperscript{163} Because citizens may reasonably hold objections of these kinds to commodifying household and bodily labor, it is arguably unacceptable to contend that citizens must be willing to purchase the goods and services of others instead of performing this labor themselves in order to possess their fair share of leisure time. I cannot here contend that citizens’ beliefs about justice and the good life must necessarily have a certain status, as such beliefs are accorded different degrees of deference in different theories of justice and this question is beyond the scope of the present

\textsuperscript{160}Debra Satz, for instance, argues that markets in some goods “can undermine the social framework needed for people to interact \emph{as equals}, as individuals with equal standing.” Satz, \textit{Why Some Things Should Not Be For Sale}, 95.


inquiry. Yet neither can the proponent of the income and wealth objection simply assume that all household and bodily needs can unproblematically be met by expending income, an assumption on which the objection depends.

Thus, even if B could hire someone else to maintain her home and care for her mother, or could purchase prepared foods and other time-saving conveniences, in such a way that she could use her or her mother’s basic income to attain her fair share of leisure, it cannot simply be assumed that the commodification of such household and bodily labor is unproblematic. Such commodification may, under some conditions, in fact be unjust, or even if not strictly unjust, B may still have legitimate objections to turning to the market to satisfy these needs.

Even a work-unconditional theory that provides a generous basic income at the standard level of financial basic needs cannot, therefore, ensure that all citizens have a fair share of leisure time.164 Though a work-unconditional theory does not rely on the unsustainable assumption about the functioning of labor markets, it does depend on the assumption that one can unproblematically rely on commodity markets to satisfy one’s household and bodily needs. This assumption, like the first, cannot be sustained, and so the work-unconditional version of the income and wealth objection fails as well.

Accordingly, the income and wealth objection—which held that a theory of distributive justice need not treat leisure time as a distinct object of distributive justice on the grounds that ensuring that all citizens have a fair share of income and wealth

164 If the unconditional basic income is not high enough to meet one’s financial basic needs—which even most proponents of an unconditional basic income acknowledge is likely to be true—then the universal grant can only ensure that all have a fair share of leisure time if, again, they can reduce their hours of work. In such instances, the work-unconditional version of the basic income falls afoul of both assumptions. The same holds true for the work-conditional version, for even if one can reduce one’s hours, one can still lack leisure time by virtue of one’s household and bodily needs.
automatically and effectively ensures that all citizens also have a fair share of leisure time—cannot be sustained. When the two assumptions this objection implicitly relies on are shown to be false—that is, citizens sometimes cannot choose to reduce their work hours and not all necessary activities are unproblematically fungible with income—it is clear that achieving a just distribution of income and wealth cannot reliably guarantee that a just distribution of leisure.

V. Treating Leisure Distinctly to Determine What Distribution is Fair

Thus far, I have argued only that citizens have a legitimate claim to a fair share of leisure time, while deflecting any consideration of what a fair share of leisure would be. Two questions are relevant. The first, which I defer to the concluding chapter’s assessment of how to implement leisure, is how much leisure time are citizens entitled to, and if there is a tradeoff between how much leisure time citizens can enjoy and how much they can possess of other resources, particularly income and wealth, how is this weighting to be approached? The second, which I examine here, is what is a fair share of leisure time? This question can be more acutely stated as asking whether citizens have a claim to an equal amount of leisure or to a sufficient amount of leisure. Must all citizens possess the same amount of leisure time, or must all citizens merely possess “enough” leisure? This question is directly related to a broader debate within the distributive justice literature between “egalitarian” and “sufficientarian” theories (and their respective variants).

A diverse array of theories endorse the foundational resources for effective freedoms principle, and, as noted in Section II, each of these theories provides different grounds for why citizens have a legitimate claim to the resources they require to exercise
their formal liberties. Some of these justifications require or favor a strictly egalitarian
distribution of resources, because they hold that inequality is in itself bad or because they
hold that inequality is unjust. Other justifications, however, are consistent with a range
of distributive principles, including strict egalitarianism, but also Paretian egalitarianism
(all should have the same unless inequalities benefit all), sufficientarianism (all should have
enough), or prioritarianism (aiding the worst-off should have priority).

When a theory of distributive justice does not hold that distributive inequality is
intrinsically bad or unjust, and so does not hold that justice requires distributive equality, a
range of other considerations are often invoked to determine the theory’s preferred
distributive principle. In this context, a variety of what Martin O’Neill, drawing on T. M.
Scanlon’s discussion of the diversity of objections to inequality, calls “non-intrinsic”
reasons are commonly offered on behalf of an egalitarian distribution. These reasons
generally derive from the importance distributive equality is taken to have for social
equality, that is, for the maintenance of a society in which individuals regard and treat one
another as equals. For some theorists, distributive equality has value only on account of
its relation to social equality, whereas for others distributive equality can find support in a
number of values, including social equality.

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165 For this distinction between “Telic” (inequality is bad) and “Deontic” (inequality is unjust) egalitarianism, see Derek Parfit, “Equality or Priority?” in The Ideal of Equality, ed. Michael Clayton and Andrew Williams (London: Macmillan, 2000), 81-125.
167 For a similar distinction between distributive equality as required by “justice” and distributive equality as recommended to realize the social ideal of “equality of status,” see David Miller, “Equality and Justice,” in Principles of Social Justice (Cambridge: Harvard University Press, 1999), 232-244.
168 I take Samuel Scheffler and Elizabeth Anderson to offer theories of equality in which distributive equality has value only in virtue of its relation to social equality, whereas Rawls, for instance, takes the more common position that distributive equality derives support from a range of considerations, including the importance of social equality. For Scheffler’s defense of equality as a “social and political ideal” with “distributive implications,” see “What is Egalitarianism?” Philosophy & Public Affairs 31 (2003), 21-24, and “Choice,
As specified by O’Neill, these reasons include that distributive inequality “creates stigmatizing differences in status, whereby the badly-off feel like, and are treated as, inferiors;” “creates objectionable relations of power and domination;” “weakens self-respect (especially of the worst-off);” “creates servility and deferential behavior;” and “undermines healthy fraternal social relations.”¹⁶⁹ O’Neill offers these reasons as favoring “distributive” equality in general, presumably with income and wealth primarily in mind, but without consideration of how they might apply differently to different types of distributive objects.

The non-intrinsic reasons to favor equality are clearly relevant to inequalities of income and wealth, for even if everyone had a sufficient amount of income and wealth while some had much more, it is not difficult to see how the inequalities above the level of sufficiency would still be problematic for social equality on account of these considerations. Yet, it is not obvious that these reasons tell as strongly in favor of equality with respect to the distribution of other goods or resources. Specifically, I contend that, on account of various dissimilarities between leisure time and income and wealth, these reasons less pressingly recommend equality of leisure time, and indeed might be consistent with realizing a sufficientarian distribution of leisure.

Though my discussion will address only leisure time, the argument is of significance for the broader equality versus sufficiency debate, for it suggests that when deploying these non-intrinsic reasons to determine whether citizens ought to have a claim to

an equal or a sufficient amount of a given object, one ought to consider the particular characteristics of the good or resource in question. The literature has, instead, primarily debated the merits of equality or sufficiency in general, without considering whether one distributional standard might be preferable for some goods, and another for other goods.  

With that in mind, leisure time is different from income and wealth in three relevant respects:

(a) Many of the detrimental effects of wealth inequality on social relations arise because individuals know how much income and wealth others have. It is because inequalities in wealth are, to some extent, public knowledge that such inequalities lead to stigmatizing differences in social status, damage the self-respect of the worse-off, and undermine healthy fraternal social relations. Even if individuals’ salaries and net worth are not publicly available, the different lifestyles they permit effectively telegraph this information. In contrast, how much leisure one has is not as readily evident, since some portion of the time one engages in different categorically necessary activities may be leisure. Two coworkers, A and B, might, for instance, spend the same amount of time engaged in paid work, while A earns twice as much per hour as B does. Assuming that both A and B can choose their hours of work, A accordingly has twice as much leisure as B does because she must work for only half as much time as B to meet her basic financial needs. Though B could determine that A has twice as much leisure as she does if she knows how much A earns, she is more likely to simply observe that they work the same

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170 One valuable and notable exception is Harry Brighouse and Adam Swift’s “Equality, Priority, and Positional Goods,” *Ethics* 116 (2006): 471-497. As Brighouse and Swift note, “Many people’s distributive intuitions are somewhat good-specific: they care more that self-respect or health care or education or political influence be distributed equally than that money be so. Yet the philosophical and economic literature tends, quite properly, to abstract from those specifics.” They offer their article “to fill the gap between the two” (473).
number of hours. The inequality in their incomes or job titles might be problematic for the reasons identified above, but the inequality in their leisure time, in particular, is not likely to because it is not the same type of immediately apparent public knowledge.

(b) All of the damaging effects of distributive inequality on social relations are likely to be worsened when the degree of inequality is greater. In this respect, inequalities in wealth can be quite problematic, for there is theoretically no limit to how great the wealth disparities in a society can be. The wealthiest one-percent might earn one-hundred times as great an income as the poorest one-percent, or one-thousand times as much, or one-million times as much: there is no natural limit to the potential wealth disparity. The potential for extreme wealth inequality tells strongly against a merely sufficientarian distribution of income and wealth when one is weighing the impact on social equality. It is difficult to imagine that ensuring that all citizens have “enough” wealth, while permitting some citizens to have vastly more than the rest, would not damage equal social relations.

Yet, unlike income and wealth, there is a natural limit to inequalities in leisure. Setting aside even the presently-unavoidable natural limit of time one must spend directly satisfying one’s basic needs, time is of course finite and the most leisure one could possibly have is twenty-four hours per day. Inequalities of leisure would thus be limited to the space between the sufficient level and the upper limit of twenty-four hours per day. Even if one enjoyed complete leisure every day of one’s life, the resultant inequality between this leisure-blessed person and those who enjoyed only the minimally-sufficient level would be far smaller than the possible inequalities of income and wealth.\footnote{For a similar description of this distinction, see Clayne Pope, “Measuring the Distribution of Material Well-Being: U.S. Trends,” \textit{Journal of Monetary Economics} 56 (2009), 77. “Natural boundaries on time and lifespan also work to limit the inequality of educational attainment, lifespan, leisure, and consumption, but they impose no serious limit on the inequality of income because returns to specific investments,}
effects of inequality might still present themselves with such inequalities of leisure, the effects would likely be greatly attenuated.

(c) Unlike inequalities in wealth, inequalities in leisure time do not readily translate into inequalities in other domains. Wealth inequalities can create relations of domination, subordination, and servility in part because one who possesses a greater amount of wealth—or, more specifically, money—can use one’s money to buy not only specific goods but also, in effect, power. As Jeremy Waldron writes, “A person who has money can buy a better house, an exotic vacation, a fancy car, and well-tailored clothes; but he can also secure a better education for his children, buy a place in a privately protected community, influence the outcome of an election, change the editorial tone of a newspaper, and endow a university chair.”

In market economies, money is, in Walzer’s phrase, “a dominant good”—those who have it, because they have it, can command a wide range of other goods. Unless constraints are imposed on what one can buy and sell, money readily serves as a dominant good largely because, as indeed a medium of exchange, it is highly fungible with other goods.

Leisure time, by contrast, is not so readily a dominant good, primarily because it is less fungible with other goods. Though one can use one’s leisure time to attain various goods, such as additional income, education, influence, or accolades, one must use one’s leisure time directly to attain these goods oneself, by spending one’s time in the relevant compensation per hour and economic rents are not bounded. There are only 24 h in a day regardless of one's income or wealth. Certainly substitutability between time and income exists, but that substitutability is limited. Consumption of a movie requires 2 h and a movie ticket regardless of income. We could hire a cook to reduce time preparing and cleaning up dinner, but we still have to take time to eat it. Since most consumption involves a combination of time and goods purchased with income, time constraints inhibit consumption making it more equal than income. […] In contrast […] income has no natural boundary.”


173 Walzer, Spheres of Justice, 12.
activity. To use one’s leisure time to affect the outcome of an election, or to provide one’s children with a better education, or to attain a university chair, one must spend one’s time politicking, teaching, or studying. One cannot simply transfer one’s leisure time to someone else in exchange for the desired good. Accordingly, if one were to compare two societies, one in which all have equal income and wealth but some have more leisure time, with one in which all have equal leisure time but some have more income and wealth (in the same proportion as in the unequal leisure society), the society with wealth inequality is arguably more likely to be marked by relations of domination, subordination, and servility because money, unlike leisure, is a far more fluid—and thus more readily dominant—good.

These three dissimilarities between the resource of leisure time and the resource of income and wealth are not decisive, in two ways, to establish that leisure time ought to be distributed on sufficientarian, rather than egalitarian, grounds. First, as noted, a theory of distributive justice may hold that all resources must be distributed equally, without any regard to the types of concerns about social equality drawn on here; for such a theory, these dissimilarities have no relevance. Second, even for theories of distributive justice that do account for social equality in determination of distributive principles, these dissimilarities ultimately amount to only sociological speculations, for whether or not these distinctions would actually differentially affect social equality is an empirical question, to be evaluated in particular circumstances. Nonetheless, for the latter type of theory—one that does consider implications for social equality in determining whether a resource ought to be distributed equally or sufficientarily—these dissimilarities must be taken into account. Such determinations necessarily rely on empirical evaluation, or at least speculation, for
any type of resource, and the three dissimilarities between leisure time on the one hand and income and wealth on the other provide strong reason to think that inequalities in these two types of resources would differentially impact social equality. Accordingly, a theory of distributive justice must, in this way, further consider the resource of leisure time distinctly from the resource of income and wealth.

V. Conclusion

Treating leisure time as a distinct object of distributive justice requires two sets of targeted policies. I elaborate on each of these policy requirements in the concluding chapter, but describe them here in brief. Stated abstractly, the position that citizens are entitled to a fair share of leisure time, say x hours per day, can be understood—in its inverse form—as the contention that citizens ought to be able to spend no more than (24-x) hours per day meeting their basic needs. The required policies must, then, be able to ensure that all citizens are able to spend no more than (24-x) hours per day meeting their basic needs. Two types of policies are required to that end. First, it is necessary to ensure that all citizens can in fact meet their basic needs in (24-x) hours per day. Second, it is necessary to ensure that all citizens can choose to spend no more than (24-x) hours per day actually meeting their basic needs.

Accordingly, the types of policies required fall into two categories: those that assist citizens to meet their basic needs in less necessary time so they can enjoy their fair share of leisure time (public provisions or income subsidies) and those that protect citizens’ ability to choose to spend no more time meeting their basic needs than is necessary to enjoy their

174 See Miller, “Equality and Justice,” 243 for a note about how such determinations inevitably depend on “sociological claims.”
fair share of leisure time (institutional regulations). In particular, as I will argue in the concluding chapter, the required policies might include publicly-provided caregiving services and facilities for the elderly, disabled, and the young; targeted income subsidies to the temporarily and permanently disabled; targeted income subsidies to caregivers; income transfers or wage subsidies to those who earn low incomes; minimum wage regulations; maximum work hours laws; and flexible work hours guarantees to the disabled, ill, and caregivers. Many of these policies have been advocated before, but always on disparate grounds—such as gender equality, ending disability discrimination, protecting the health of workers—and in a patchwork fashion. When justified on the grounds that they are necessary to ensure a just distribution of leisure time, these assorted policies rest on a unified and fundamental foundation.
Chapter 4:  
Leisure, Household Labor, and Equality of Opportunity

I. Introduction

One’s leisure time is the inverse of all time engaged in any necessary labor, including domestic and caregiving (or, collectively, “household”) labor. To the limited extent that theories of distributive justice have attended to the distribution of household labor, their attention has focused almost exclusively on the question of how household labor ought to be distributed between husband and wife in heterosexual, monogamous families. The distribution of household labor more generally between men and women, outside the confines of the traditional family, has been neglected, despite the fact that less than half of all households in the contemporary United States are traditional husband-wife families. Almost a fifth of all households are comprised of men and women living with their relatives and children but without a spouse or partner, and the majority of these single-headed households are headed by women.175

Though limited in scope, that household labor has received any consideration by liberal theorists of justice at all is due in large part to Susan Moller Okin’s innovative and influential work, Justice, Gender, and the Family (JGF).176 Virtually absent from all theories of justice at the time, Okin argued that the distribution of household labor is in fact

175 United States Census Bureau, “Households and Families: 2010” 2010 Census Briefs (April 2012). 48.4 percent of all households are husband-wife households, 13.1 percent are female-headed with no spouse, and 5 percent are male-headed with no spouse (though an additional 5.9 percent of households are male-female unmarried partner households). The remaining households are “nonfamily households” – individuals living alone or with nonrelatives only. 2010 was the first year that husband-wife households dropped below 50 percent of all households in the United States since data on families was first kept by the US Census (1940).
176 To be clear, feminists writing in other traditions—most notably Marxist feminists—had given considerable attention to household labor before Okin, but it was Okin who most made the topic salient for liberal feminists and, more broadly, for liberal theorists of justice.
the “linchpin” of gender justice. Okin argued that the traditional division of household labor—with the husband as breadwinner and the wife as homemaker—maintained sex inequality, and that in order to realize equality of opportunity between the sexes, justice requires that each household must have an egalitarian division of all household and paid labor.¹⁷⁷

In the years since Justice, Gender, and the Family was published in 1989, and largely in response to Okin’s work, two different principles have been articulated to address the question of what justice requires for the distribution of household labor. First, many have endorsed the principle that Okin advanced: that justice requires that all male-female households equally divide all household and paid labor (the equal division principle).¹⁷⁸ Though proponents of the equal division principle do not contend that the state ought to coercively impose an equal division on households, they do hold that an equal division is nonetheless a requirement of justice (one to be facilitated by institutional design, and perhaps promoted by the state or realized by an egalitarian ethos).¹⁷⁹ Others have rejected the equal division principle in favor of a more minimal principle: that justice requires that

¹⁷⁹ On such an egalitarian “domestic ethos,” see Andrew Williams, “Incentives, Inequality, and Publicity,” 242-243.
all households’ divisions of household and paid labor are freely chosen (the freely chosen principle). On this view, most prominently articulated by Rawls, justice does not require that divisions of household and paid labor are equal, only that decisions in favor of one or another division are “fully voluntary.”180 Though there is not a consensus in the literature in favor of one or the other principle, as each has its partisans, there is nonetheless a general consensus that one or the other principle is the right one – that is, that with respect to the distribution of household labor, the equal division and freely chosen principles exhaust the set of possible requirements of justice.

The dispute about whether the equal division principle or only the freely chosen principle is properly a requirement of justice has direct relevance for how a theory of justice ought to address the distribution of leisure time. For, if the equal division principle is indeed a requirement of justice, the distribution of leisure time must in some way accommodate this principle.181 If, for instance, a theory of distributive justice gives priority to achieving equality of opportunity over realizing a just distribution of society’s other resources—as Rawls’s justice as fairness does—and if a theory endorses the equal division principle on the grounds that it is necessary to achieve equality of opportunity between the sexes, then leisure time must be distributed in a way that conforms to the equal division principle. Even if a theory does not give strict priority to equality of opportunity over other


181 Labor policy scholars frequently assume in order for working time regulations to be consistent with gender equality, they must facilitate an equal division of household labor. In a representative example, one scholar notes that in order “to promote gender equality, working time policies must” first, enable women to compete on equal footing in the labor market, and second, enable both partners to combine paid work and family responsibilities. “Realizing such a model will obviously require a more equal division of domestic tasks between men and women, including care responsibilities.” Jon C. Messenger, “Towards Decent Working Time,” in Decent Working Time: New Trends, New Issues, eds. Jean-Yves Boulin, Michel Lallement, Jon C. Messenger, and François Michon (Geneva: International Labour Office, 2006), 427-428.
requirements of distributive justice, the equal division principle would still serve as a constraint on the distribution of leisure time. One who endorses the view that justice requires that all citizens have a fair share of leisure time must, then, confront the question of whether the equal division principle is in fact a requirement of justice.

In this chapter, I argue that the proponents of the freely chosen principle are correct and that the equal division principle is not properly a requirement of justice, for equal divisions of household and paid labor are not necessary, and indeed may be contrary, to achieving equality of opportunity between the sexes. The distribution of leisure time need not, then, conform to or otherwise accommodate the equal division principle.

The aim of this chapter is not, however, merely to settle the question of whether the distribution of leisure time must or must not be constrained by the equal division principle. It is not only the case that the dispute between the equal division and the freely chosen principles is relevant to how citizens’ fair shares of leisure are realized; instead, I will argue that the argument that citizens are entitled to a fair share of leisure is itself relevant to the dispute between the two principles. That is, I will argue that the principle that citizens are entitled to a fair share of leisure time (the fair share of leisure principle) in fact promotes equality of opportunity between the sexes in ways that neither the equal division principle nor the freely chosen principle can. The fair share of leisure principle better addresses

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182 Say, for instance, in a household comprised of A and B, A does thirty hours of necessary paid work and fifteen hours of necessary household labor, while B does no paid work and sixty hours of necessary household labor, and that in order to have their fair shares of leisure, A and B must do no more than forty-five hours of necessary paid and household labor. If the equal division principle is a requirement of justice, in order to ensure that B possesses his fair share of leisure, a given theory might require that any household labor subsidy provided to B be conditional on his willingness to engage in paid work, in order to realize a state of affairs in which he, like A, does thirty hours of paid work and fifteen hours of household labor. If the equal division principle is instead not a requirement of justice, the theory might hold that the household labor subsidy should not be granted with any work conditionality, to the effect that B could continue to do no paid work but now forty-five hours of household labor.
Okin’s and other equal division proponents’ concerns about equality of opportunity than the equal division principle, while also augmenting the freely chosen principle, which too has its deficiencies with respect to equality of opportunity.

Richard Arneson, in an instructive essay arguing against the equal division principle as a requirement of justice, an argument on which I will draw, contends that though the freely chosen principle is required by justice, under some conditions it may not be enough to ensure that equality of opportunity is realized. If women, in the aggregate, choose to do a greater share of household labor than men as a result of circumstances and differences that are practically ineliminable, even if each woman freely chooses her share of household labor, the result is a distribution of household labor that violates equality of opportunity between the sexes. “For a world of significant difference, if equal split is rejected,” Arneson asks, “the question becomes: If not equal split, then what?” Arneson’s essay only poses this question and offers no answer as to what principles ought to supplement the freely chosen principle.\footnote{Arneson, “Feminism and Family Justice,” \textit{Public Affairs Quarterly} 11 (1997), 327.} In this chapter, I offer one answer to Arneson’s query: the fair share of leisure principle, a principle that, in a world in which women choose to do a greater share of household labor (whether voluntarily or not), significantly furthers equality of opportunity between the sexes.

Though my argument is critical of the particulars of Okin’s approach, there is a sense in which it is better seen as a reflection on the concerns motivating her original argument, now in new circumstances. Her theory responds to and seeks to rectify a particular paradigm of the family: the heterosexual traditional marriage in which the husband is the breadwinner and the wife the homemaker. That it does so is understandable, given both the roots of her argument in her critique of Western political thought with its
justification of this arrangement (excepting Plato) and the continued assumption of this model—which she brilliantly exposed—in the theories of justice at the time she wrote. Formulating her theory with this paradigm as her core opponent, she then sought to adapt her view to fit the existing, and increasing, diversity of family arrangements. My approach instead does not take any household arrangement as paradigmatic either as a problem or an ideal. In the years since *Justice, Gender, and the Family* was published, liberal theorists of justice—and, to a lesser but still significant extent, the American public—have radically revised their assumptions about marriage and the family. Spurred by the expansion of marriage to include same-sex unions, theorists have gone on to entirely rethink the institution of marriage. While some have argued for treating the household as a contractual realm like any other, some for the maintenance of marriage but for the inclusion of same-sex couples, and others for a variety of arrangements in between, what is common to these views is the contention that theorists cannot simply assume a single household model. In keeping with this new approach, my argument begins from the presumption that a diversity of household arrangements may be just and seeks to accommodate this pluralism. Adapting Okin’s core liberal feminist principles from this stance, what results is an ideal that, I contend, is in fact more consistent with her commitments than the one she advanced.

The chapter proceeds as follows. Because Okin is the primary exponent of the equal division principle, because the freely chosen principle directly responds to Okin’s argument, and because Okin’s theory articulates each of the liberal feminist principles on which the argument of this chapter will depend, I begin with a discussion of Okin’s theory of “humanist liberalism” (Section II). In Section III, I more formally present the equal division principle, the freely chosen principle, and the operational conception of equality of
opportunity between the sexes, as well as two foundational liberal feminist principles, which I call the individualist principle and the household diversity principle. I then argue that the equal division principle is not necessary to achieve equality of opportunity, and indeed may undermine that aim (Section IV). I argue, in Section V, that though the freely chosen principle is properly a requirement of justice, in circumstances in which women in the aggregate do a greater share of household labor than men (even if each woman freely chooses her share), the freely chosen principle is inadequate to achieve equality of opportunity. The freely chosen principle thus requires a further complementary principle, and I argue that the fair share of leisure principle well serves that purpose, effectively promoting equality of opportunity between the sexes. The fair share of leisure principle better secures equality of opportunity than the equal division principle because it applies to women within and outside of traditional husband-wife households, a feature which is significant both in the ideally just society and also, importantly, in the presently unjust world, and it does so because it better accords with the liberal feminist commitment to the individualist and household diversity principles. Though the central argument of the chapter addresses ideal theory, I conclude with a discussion of how, in our contemporary unjust world, the fair share of leisure principle better realizes equality of opportunity and is a better guide to policy than is the equal division principle (Section VI).

II. Okin’s Humanist Liberalism

Okin describes her normative philosophy as “humanist,” in the sense of being “universalistic” or “nonsexist.” The central argument of the chapter addresses ideal theory, I conclude with a discussion of how, in our contemporary unjust world, the fair share of leisure principle better realizes equality of opportunity and is a better guide to policy than is the equal division principle (Section VI).

II. Okin’s Humanist Liberalism

Okin describes her normative philosophy as “humanist,” in the sense of being

“universalistic” or “nonsexist.”

Though writing from a “feminist perspective,” she is committed to a theory “that treats women, as well as men, as full human beings to whom a

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theory of social justice must apply” (*JGF*, 23). Unlike feminists who develop theories of justice that emphasize women’s distinctive attributes or perspectives, Okin seeks principles of justice that apply equally to men and women *qua* human beings—“truly humanist principles of justice” (*JGF*, 24).

The principles of justice that Okin contends are most in accord with such a “fully humanist theory” are those of liberal egalitarianism (*JGF*, 23). Though Okin does not develop a full-fledged theory of liberal egalitarianism, she endorses and adopts the position that all individuals ought to be equally able “to live as freely chosen lives as they can.” Writing within this framework, Okin’s normative theory is more narrowly devoted to one particular aspect of liberal egalitarianism: equality of opportunity between the sexes. The core principle of Okin’s theory of justice is that men and women each ought to enjoy the “equality of opportunity to become what we want to be” (*JGF*, 184). She repeatedly contends that in a just society women must have “the same opportunities as men to develop their capacities, to participate in political power and influence social choices, and to be economically secure” (*JGF*, 22; see also 15). The principle of equality of opportunity between the sexes is the heart of her humanist theory of justice, serving as its guiding aim and governing each of its component parts.

Another fundamental aspect of Okin’s theory, and a corollary to her commitment to equality of opportunity between the sexes, is her contention that “a just future would be one without gender.” In a notable passage, Okin writes that in the just society’s “social structures and practices, one’s sex would have no more relevance than one’s eye color or

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185 For an interpretation that challenges the view that Okin espoused a systematic liberal egalitarianism, see Nancy Rosenblum, “Okin’s Liberal Feminism as a Radical Political Theory” in *Toward a Humanist Justice*, 15-40.
the length of one’s toes” (*JGF*, 171). Throughout her work, she argues that justice requires aiming at the “elimination of gender” and a “society without gender” (*JGF*, 12, 179, 184). Though this may seem like a perfectionist endorsement of androgyny, her point is more limited and follows readily from her commitment to equality of opportunity and her understanding of gender. That is, Okin defines gender as the “deeply entrenched institutionalization of sexual difference” and as such sees gender as entailing “ascriptive designation of positions and expectations of behavior in accordance with the inborn characteristics of sex” (*JGF*, 6, 103). Because equality of opportunity requires that roles and positions must be “open to all,” the ascriptive designation of a role in accordance with biological sex is unjustifiable. Thus, justice does not require androgyny and the elimination of gender in the sense of psychosexual identity; rather, justice requires that individuals are not constrained to given roles or behaviors on the basis of their sex.188

While Okin’s articulation of these core commitments is itself a contribution, her more distinctive and innovative argument—and the focus of this chapter—is that the “linchpin” for diagnosing and redressing sex inequality is the division of labor in the family. Here Okin develops two complementary theses, one descriptive and one normative. First, the descriptive thesis is that the unequal division of paid work and unpaid household labor, with women performing the greater share of household labor, undermines equality of opportunity between the sexes. This household inequality supports and reinforces broader inequalities between the sexes—in, for instance, occupational choices and prospects, wages, political office-holding, and poverty rates. In a phrase she repeats, Okin argues that

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187 I follow Okin’s usage of the distinction between sex and gender throughout the chapter.

“underlying and intertwined with all these inequalities is the unequal distribution of the unpaid labor of the family” (JGF, 4, 25).

Okin describes the dynamic by which the traditional division of labor perpetuates sex inequality as one of vulnerability; specifically, the unequal division of household labor makes women vulnerable in marriage, after the dissolution of a marriage, and in anticipation of marriage. Because women depend on their husbands as the primary breadwinners, they generally have less power within their marriages. Because they lack the training and work experience to obtain well-paying work after years of reduced workforce participation, they face diminished standards of living in the event of their marriage’s dissolution, a diminishment that is compounded by their typical assignment as the primary caretakers of their children. Because women face reduced living standards if they exit their marriage, their power within the marriage is further eroded. Because young women expect their husbands to be the primary breadwinners, in anticipation they do not pursue the same educations and careers as they would in the absence of this expectation. Finally, because children learn social roles in their families, boys and girls are socialized to view women as the primary homemakers and caretakers. These dynamics are closely connected and reinforcing (JGF, 134-169). The combined effect, Okin argues, is that the unequal division of household labor “radically limits the equality of opportunity of women and girls” (JGF, 134; see also 14, 16).

The normative implication that Okin draws from the descriptive thesis corresponds directly: that is, she argues that in order to achieve equality of opportunity between the sexes, household labor must no longer be dichotomously divided by sex. The normative principle she argues for is that within each male-female household, all paid work and
household labor must be equally divided between the sexes. Call this the equal division principle. The equal division of household labor—the “equal sharing” of all of the “paid and unpaid roles and responsibilities of family life”—is the core of Okin’s theory of humanist justice. In order to achieve equality of opportunity between the sexes, the linchpin of gender injustice—the unequal division of household labor—must be removed. If household labor were divided equally, the existing dynamics of vulnerability would be thwarted: women would no longer be vulnerable in anticipation of, in, or after a marriage because both sexes would have careers as well as domestic responsibilities. In addition, Okin advances a supplemental argument that an equal division of household labor is also required to teach children a “sense of justice” because the family is a crucial “school of justice.” Unless children’s formative experiences are ones of “justice and reciprocity” between their parents, they are less likely to be guided by principles of justice as adults (JGF, 17). Thus, Okin argues that not only is an equal division of household labor necessary to achieve justice for women, it is also necessary to achieve justice in a society.

Though Okin contends that equality of opportunity between the sexes requires an equal division of household labor, she does not argue that such a division ought to be legally enforced. The equal division principle is, Okin argues, indeed a requirement of justice, yet public policy must nonetheless engage in a “balancing” of the “needs of justice”

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189 JGF, 171, 183, see also 4-5, 17, and 175-6; “Forty Acres and a Mule for Women,” 240.
190 Okin makes two additional arguments for an equal sharing of household labor that I find quite tendentious and, as they are not central to my argument, accordingly will not address. First, she contends that “only children who are equally mothered and fathered can develop fully the psychological and moral capacities that currently seem to be unevenly distributed between the sexes.” Second, she argues that only when men and women equally share roles, “will members of both sexes be able to develop a more complete human personality than has hitherto been possible.” JGF, 107 (emphasis in original). The first argument I take to be problematic as an empirical claim; the second as a perfectionist one. Okin herself later rejected the first argument as misleadingly suggesting a heterosexist bias. See Okin, “Sexual Orientation, Gender, and Families: Dichotomizing Differences,” Hypatia 11 (1996), 45-46, fn. 2.
against “personal freedom” (*JGF*, 171-172). Okin’s solution to this balancing act is for public policy to “encourage and facilitate the equal sharing” of household labor, but to permit men and women to choose unequal arrangements (*JGF*, 171). Additionally, for those who do choose unequal divisions, protections must be provided to limit the vulnerability of the partner primarily responsible for the domestic labor. To “promote” an equal division, Okin suggests policies that would mandate flexible work schedules, limit labor market sex discrimination, extend parental leave for both sexes, and subsidize childcare. To limit the vulnerability of the custodial parent after a divorce, she advocates divorce law reforms that would require a maintained standard of living. To protect those who do choose unequal divisions of labor, she argues that both partners ought to have equal legal entitlement to all household income (*JGF*, 170-186). Though these policies permit families to maintain an unequal division of labor, Okin contends that they nonetheless encourage the just equal division, and for those that choose otherwise, limit the injustice (*JGF*, 24, 172).

### III. Equality of Opportunity and the Equal Division and Freely Chosen Principles

Because the precise formulations of Okin’s principles and the alternative freely chosen principle are of significance to the argument of the chapter, I here present these principles more formally.

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191 Okin’s point is elsewhere expressed and can be interpreted as a balancing between the needs of justice against the requirements of privacy, as she does not entirely reject a realm of privacy and the legal enforcement of household labor would be unduly intrusive with its suggestion of “kitchen spies.” (“Forty Acres and a Mule for Women,”” 246.) For a critical discussion of Okin’s “balancing” construction, see Cohen, “Okin on Justice, Gender, and Family,” 265-269 and “A Matter of Demolition?,” 52-54; for a more sympathetic reading, see Rosenblum, “Okin’s Liberal Feminism,” 26-29.

192 “Forty Acres and a Mule for Women,”” 246.
First, equality of opportunity between the sexes: For Okin, as for other liberal egalitarians, equality of opportunity between the sexes is a subcategory of a more general ideal of equality of opportunity, an ideal which itself can be interpreted more narrowly (as meritocratic nondiscrimination in access to positions of advantage) or more broadly (as equality of access to all opportunities). Okin endorses the broader conception of equality of opportunity: “Liberalism’s central aim,” she argues, is “to ensure that every human being has a reasonably equal chance of living a good life according to his or her unfolding views about what such a life consists in.” When this general ideal of equality of opportunity is specified with respect to equality between men and women (rather than all human beings), it requires that men and women, in particular, must enjoy equal opportunities “to live as freely chosen lives as they can.”

Okin does not specify her conception of equality of opportunity between the sexes any further than these passages and those cited in section II do, and as these descriptions are somewhat amorphous, it is necessary to extend her view for a more precise formulation. Drawing on Arneson’s analyses of equality of opportunity between the sexes, I will specify the ideal as requiring that the mere fact of being born a man or a woman does not render one’s ex ante life prospects worse. One’s life prospects are worse if one enjoys diminished opportunities, either in number or in quality, over the course of one’s life. A test of whether equality of opportunity between the sexes obtains is that knowledge of a person’s sex alone would not alter reasonable predictions about the opportunities the person enjoys.

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193 For this distinction, see Mason, “Equality of Opportunity, Old and New.”
194 Okin, Is Multiculturalism Bad For Women?, 119.
Two other principles which Okin endorsed and which guided her theory (though I will argue insufficiently) are what I will refer to as the individualist principle and the household diversity principle. The individualist principle holds that individuals, not households, are the proper subjects of theories of justice. Theories of justice ought to attend to the justice of households only because their justice affects the interests of households’ individual members. Households, as such, have no standing in a theory of justice. It is on this ground that Okin rightly critiques Rawls for identifying the parties to the original position as “heads of families” rather than individuals. A theory of justice that addresses households as “single entities,” instead of a number of associated individuals, might prescribe principles that are good for households, but that are “far from just or fair from the point of view of some individuals within those families.”\textsuperscript{196} Truly humanist theories of justice apply not only both to men and women equally, but to both as individuals.

The household diversity principle holds that theories of justice should not be biased in favor of one household type over others, absent some contravening justification for such a preference. Instead, theories of justice should presumptively view diverse household arrangements as just, and reject only those that are explicitly determined to be unjust. Okin suggests such a principle in JGF when she writes of the “great value” liberals place on individuals’ “freedom to live different kinds of lives,” though she does not articulate it explicitly here. In response to criticisms that her argument exhibited a heterosexist bias because it addressed only the division of labor in male-female households (as well suggested that children must be “equally mothered and fathered”), Okin directly affirmed

the household diversity principle, contending that, as a theory ought to be, her view is not “biased against homosexual or other nontraditional relationships or families.”197

Both of the principles that have been articulated by liberal egalitarians to govern the distribution of household labor are offered as ways to realize equality of opportunity between the sexes (and proponents of each endorse both the individualist and the household diversity principles), so I turn now to those two principles.

First, as stated above, the equal division principle holds that within each male-female household, all paid work and household labor must be equally divided between the sexes. More specifically, all of the roles and responsibilities within a household—from caregiving to domestic chores—must be equally divided, as must all paid labor. Okin does not specify the equal division principle in detail, but her arguments suggest that the principle is satisfied when both partners spend the same amount of time engaged in caregiving labor, domestic labor, and paid labor. Both partners must spend an equal amount of time in each realm; a greater amount of time spent in one realm cannot offset a lesser amount of time in another realm. Similarly, both partners must maintain this equal division continuously throughout the relationship (or at least with offsets only for short intervals).198

The alternative to the equal division principle is the freely chosen principle, which is most explicitly articulated by Rawls in his responses to Okin’s critiques. The freely chosen principle holds that all divisions of household and paid labor must be freely chosen by a household’s members. Rawls rejects the equal division principle, as he contends that a gendered division of labor is not unjust “provided it is fully voluntary and does not result

198 I follow Arneson’s specification of Okin’s principle (which he refers to as “the equal split proposal”) in “Feminism and Family Justice,” 315-6.
from or lead to injustice.” Rather than aiming to eliminate unequal divisions of labor, society must aim to ensure only that the division of labor is “voluntary”: “It is only involuntary division of labor that is to be reduced to be zero.” Rawls suggests that the freely chosen principle alone is— with respect, that is, to the distribution of household labor alone—sufficient to ensure equality of opportunity between the sexes, as he contends that “if the gendered division of labor in the family is indeed fully voluntary, then there is reason to think that the single system [i.e. the basic structure] realizes fair equality of opportunity for both genders.”

Rawls does not elaborate on what conditions must obtain in order for a division of labor to be “fully voluntary,” but drawing on his remarks and standard usage within the liberal feminist literature, I take a division of household labor to be “freely chosen” if household members do not choose their divisions of labor as a result of any of the following conditions: a) coercion, either by the law or by other individuals; b) unjust social institutions (i.e. those that unjustifiably discriminate on the basis of sex), which incentivize one to choose a certain share or certain tasks of household labor (as, for instance, gender discrimination in the labor market does); or c) unjust social norms (i.e. those that hold that men and women are not entitled to equal opportunities or that one ought to perform

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199 Rawls, “Idea of Public Reason Revisited,” 161. I refer to the principle as “the freely chosen principle,” rather than “the fully voluntary principle,” because Okin, as I discuss below, refers to “freely chosen” divisions of labor. Because neither Rawls nor Okin elaborates on the conditions required for a division of labor to be fully voluntary or freely chosen, I treat them for present purposes as equivalent constraints. For a more careful distinction between free choice and voluntary choice, see, for instance, Serena Olsaretti, Liberty, Desert, and the Market (Cambridge: Cambridge University Press, 2004), 137-161.
only certain roles solely on account of one’s sex). Each of these conditions could be developed at considerably greater length, yet as the subsequent argument does not hinge on precisely how they are specified, it is sufficient to note only that for a division of household labor to be “freely chosen” it must be chosen under the demanding condition that the background legal, social, and economic conditions are just with respect to gender.

Before turning to the assessment of the equal division and freely chosen principles, one further point of clarification is that Okin, and other proponents of the equal division principle, also endorse the conditions of the freely chosen principle as requirements of justice. An equal division of labor must additionally be freely chosen in order to be just. Indeed, Okin suggests a principle akin to Rawls’s as perhaps a second-best principle, writing that we ought to aim toward a society “in which any remaining, freely chosen division of labor by sex would not result in injustice (JGF, 24, see also 172).” She does not, however, otherwise suggest that a society that satisfied only the freely chosen principle would be just. Proponents of each principle diverge in that one who endorses the freely chosen principle holds an unequal division to be just so long as it is freely chosen, whereas one who endorses the equal division principle holds a freely chosen division to be unjust so long as it is unequal. The conditions of the freely chosen principle are, accordingly; undisputed; the dispute concerns whether the equal division principle is a further requirement of justice.

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203 David Estlund, for instance, follows Okin to contend that “there should be no strong social pressures, ‘expectations,’ or ‘assumptions’ [quoting Okin] on women or men to adopt certain social or family roles simply because of their biological sex.” David M. Estlund, “Shaping and Sex” in Sex, Preference, and Family, eds. David M. Estlund and Martha C. Nussbaum (New York: Oxford University Press, 1997), 155.
IV. Against the Equal Division Principle

If one accepts Okin’s descriptive thesis—that the unequal division of paid work and unpaid household labor, with women performing a greater share of household labor, undermines equality of opportunity between the sexes—then one might, like Okin, think that her normative principle readily follows: that is, that paid work and household labor ought to be equally divided between men and women within a household. In this section I challenge the connection between Okin’s descriptive and normative claims. An equal division of household labor is, I argue, not necessary to achieve equality of opportunity between the sexes, and in fact may be contrary to equality of opportunity. Thus, even if one accepts Okin’s descriptive thesis, one in search of a principle to govern the distribution of household labor that addresses the descriptive thesis and secures equality of opportunity for women must keep searching for a different normative principle.

The equal division principle requires that each male-female household equally divides all paid work and household labor. To see how the freely chosen principle is not necessary to achieve equality of opportunity, consider a society in which households choose a diverse array of labor-sharing arrangements, with women doing all of the household labor in some households, men all of the household labor in other households, and a range of unequal divisions in between in the remaining households. Within each household, men and women choose their shares of paid work and household labor in accordance with their diverse preferences and skills. Indeed, it could be the case that in no household is there an equal division of paid work and household labor. Yet, if, in the aggregate, through these diverse arrangements, men and women do equal amounts of paid work and household labor, then equality of opportunity between the sexes is not undermined. The mere fact of
being a man or a woman does not diminish one’s opportunities, and the society would pass the test of equality of opportunity: knowledge of a person’s sex would not alter reasonable predictions about the opportunities the person enjoys.\textsuperscript{204}

The example of a society with, in the aggregate, an equal division of paid work and household labor between men and women shows that the equal division principle is transparently not strictly necessary to achieve equality of opportunity between the sexes. One might, however, respond by expressing skepticism about whether the statistically equally divided society would ever obtain and contend that, so long as we have reason to expect that women will choose a greater share of household labor within their households, then the equal division principle is still justified. If women were to freely choose to do a greater share of the household labor within their households, this could undermine equality of opportunity in several ways. (It is important to stress the qualifier \textit{within their households}, because the equal division principle applies only to the division of labor within a household, not between men and women in general.) Such a skewed division of household labor might reinforce traditional gender norms, which would, in effect, over time erode women’s ability to make choices about household labor freely.\textsuperscript{205} If household labor is regarded as of lower status than paid work, the unequal division might reduce women’s opportunities by undermining their social standing. Or if women possess fewer material resources by virtue of doing a greater share of the household labor, this too might reduce their opportunities as they have fewer resources at their disposal. In all of these ways, it seems that if women—even if freely—choose to do a greater share of the household labor within their households, equality of opportunity between the sexes is undermined.

\textsuperscript{204} This argument follows Arneson’s discussion of “the statistically equal split society,” which more precisely specifies Okin’s less formally presented principle. Arneson, “Feminism and Family Justice,” 315-316.

\textsuperscript{205} For a discussion of this type of concern, see Estlund, “Shaping and Sex,” 155-159.
This argument amounts to restating Okin’s descriptive thesis, and here my reply is to question why the appropriate normative principle to deploy in response is the equal division principle, rather than, say, a principle promoting diverse labor-sharing arrangements within households in order to aim for the statistically equally divided society. Whether or not such a greater diversity principle would be justified (and I am skeptical that it would be in any form stronger than the freely chosen principle), the salient point is that there is no reason to think that the equal division principle is necessary to achieve equality of opportunity even if women were to choose a greater share of household labor. The same policies that are required to ensure that women can freely choose their division of household labor—equal educations for boys and girls (to counteract gender norms), family law securing exit for women and other protections (to counteract coercion), and labor market regulations (to counteract discrimination and gender-biased workplaces)—could all effectively work to ensure that, even if women did choose greater shares of household labor, such choices would not undermine equality of opportunity.²⁰⁶ Perhaps policies or principles that go beyond those that secure free choice are also required—as indeed I will argue the fair share of leisure principle is—but, again, there is no reason to think that the equal division principle is itself necessary to achieve equality of opportunity.

The equal division principle cannot be justified as a requirement of justice because there is no necessary connection between it and equality of opportunity. Because the equal division principle is not necessary, the choice to do a greater share of household labor should indeed be understood as one of the opportunities secured by equality of opportunity,

²⁰⁶ Okin herself suggests such a possibility when she describes the policies that she recommends as ways to ensure that “any remaining, freely chosen division of labor by sex would not result in injustice” (JGF, 24). Okin does not further explore this possibility, but it seems she thought it possible for the same types of policies that ensured that any unequal division was freely chosen to also ensure that any resulting unequal divisions did not then undermine equality of opportunity.
particularly given the relationship between such choices and freedom of occupational choice. Both men and women’s opportunities are enhanced if they enjoy the ability to choose to do either a greater share of paid labor or a greater share of household labor.

Given that the equal division principle is not necessary to achieve equality of opportunity, there is no reason why the opportunity to do an unequal share of paid or household labor should not be one of the opportunities protected by the principle of equality of opportunity.

Moreover, the equal division principle may in fact undermine equality of opportunity because it rules even non-traditional unequal labor-sharing arrangements unjust, arrangements in which, for instance, the woman does all of the paid labor and the man all of the household labor. This kind of role-reversed unequal division seems like an arrangement that someone committed to equality of opportunity between the sexes ought to readily embrace, but the principle of equal division strictly holds that men and women must equally share all paid work and all household labor. Yet, households in which the members choose non-traditional divisions of paid work and household labor promote equality of opportunity because they undermine the traditional opportunity-constraining gender norms. Even in the ideal world in which all divisions of household labor are freely chosen (and so such gender norms do not constrain choices), given past sexual injustices, as well as perhaps, differences between men and women, such gender norms are likely to have a tendency to persist or to reappear and need to be continuously challenged. If so, non-traditional household arrangements—arrangements that are deemed unjust by the equal division principle—in fact serve equality of opportunity by challenging those norms.

An equal division of household labor within each household is thus not necessary to achieve equality of opportunity between the sexes. As long as the choice to do a greater share of paid labor or household labor is available to each, this will suffice.

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207 Anne Alstott makes a similar point in *No Exit*, 112-114.
share of household labor is freely made, unequal divisions of household labor can coexist with, and indeed promote, equality of opportunity. Notice that the defect of the equal division principle is an instrumental one. The problem with the equal division principle is not that it is illegitimate or unjust—the argument is not, for instance, that the principle is inappropriate to apply to the family as a realm beyond justice or that it violates individual liberty. I take Okin’s replies to these critiques to be correct: the family may instantiate values beyond justice but it must also be just; the principle, as a normative ideal and not as a legal requirement, does not threaten individual liberty. Instead, the problem is that the principle does not respond to the governing aim of achieving equality of opportunity. As such, the equal division principle, while not unjust, is unjustified: without a connection to equality of opportunity, there are no grounds of justice to adopt such an ideal.

Because the equal division principle is not necessary to achieve equality of opportunity, and in fact may undermine gender equality, there is no reason to accept the equal division principle as a requirement of justice. The distribution of leisure time need not, therefore, be constrained by or otherwise accommodate the equal division principle. An examination of the effects of the distribution of household labor on equality of opportunity between the sexes in the context of a concern with the distribution of leisure time does not, however, yield only this negative conclusion. Instead, the central claim that the dissertation has defended—that citizens have a legitimate claim to a fair share of leisure time—itself provides a useful principle (the fair share of leisure principle) to guide the distribution of household labor to secure equality of opportunity. With the equal division principle dispatched, I turn now to this positive argument.
V. In Favor of the Fair Share of Leisure Principle

As suggested above, the freely chosen principle alone may not be enough to ensure that the distribution of household labor does not undermine equality of opportunity between the sexes. If women choose—even if freely—to do a greater share of household labor, this may, in a variety of ways, reduce the opportunities they enjoy relative to men. The same policies that work to maintain individuals’ free choices about their divisions of paid work and household labor may counteract many of these deleterious effects, yet they may not be enough.

It is in this context that Arneson, having similarly rejected the equal division principle, poses the question: “If not equal split, then what?” Rawls, too, having advocated the freely chosen principle over the equal division principle, nonetheless still contends that if women do choose to do a greater share of household labor, and if this undermines their “full equality,” then “steps need to be taken” to rectify this unjust result. Rawls endorses Okin’s proposals of equal income-sharing within marriage and in divorce as possible steps, but otherwise contends that “how best” to maintain women’s equality if they choose a greater share of household labor, “in particular historical conditions is not for political philosophy to decide.” Though certainly there is truth in this, as which particular steps must be taken is a question that at some level must be determined in the context of specific circumstances, I want to suggest that even ideal theories of justice can go further than this general endorsement of to-be-determined policies to advocate additional principles. That is, I argue that the fair share of leisure principle provides one answer to Arneson’s question:

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208 Rawls, “Idea of Public Reason Revisited,” 162-163. This paragraph is repeated verbatim (except for the substitution of “property-owning democracy” for “democracy”) in Justice as Fairness: A Restatement, 167.
the freely chosen principle is constructively complemented not by the equal division principle, but by the fair share of leisure principle.

When considering how women might do a greater share of household labor than men, there are two distinct senses in which this disparity can be manifest. First, within male-female households, women could do a greater share of the household labor than their male partners do. Second, in general, including both within and outside of such households, women could do a greater share of household labor than men.

Though women in the contemporary United States do presently do a greater share of household labor than men within male-female households (that is, in the first sense), they also do a greater share of household labor in general, outside such households—in households headed by women living with dependents but without a partner, and outside their own households in caregiving for friends and relatives in other households. Single women are the sole or primary caregivers of children in far greater numbers than men. Women (both single and partnered) do a far greater amount of caregiving for sick, disabled, and elderly friends and relatives than men. Not only do these women do a greater amount of caregiving labor than their male counterparts, they also do a greater amount of domestic labor, as such caregiving labor increases the cooking, cleaning, and shopping demands of a household.

This greater share of household labor outside the male-female household contributes significantly to women’s total share of household labor. Even if every single male-female household had a perfectly equal division of paid work and household labor, women in general could still do far more household labor than men outside these traditional households. Indeed, the present trend in the United States is for women to perform an
increasing amount of paid work while at the same time still doing nearly the same amount of household labor, and to do this household labor increasingly outside the context of the traditional male-female household.

The distribution of household labor in the contemporary United States cannot, of course, be taken at face value and directly applied in the determination of ideal principles of justice, for the present distribution certainly did not result in the context of just background conditions from women’s free choices. Coercion, sex discrimination, and gendered social norms are plainly present in our contemporary society. Yet, there is reason to think that something like—if to a lesser degree—the existing inequality in women’s share of household labor would still arise under conditions in which women could choose their shares of household labor freely. Whether or not such a disparity would arise is undoubtedly a matter only of sociological speculation, and it is quite possible that if just background conditions obtained, that men and women would do equal shares of paid work and household labor.

Nonetheless, the following considerations do suggest the possibility that women might under such conditions still do a greater share of household labor. First, it is plausible that, in the absence of gendered norms, women would, on average, do an equal or nearly equal amount of paid work as men, as a result of being, on average, equally talented and ambitious. Yet, second, on the other side, it is also plausible that women would, on average, do a greater amount of caregiving labor than men as a result of the biological realities of pregnancy and early infant care. Much more tendentiously, it is also possible that women, even in the absence of gendered norms, have, on average, a greater desire for
children and concern for their welfare.\textsuperscript{209} To turn to men, men are likely to, even if just background conditions obtained, still die on average at a younger age than women, contributing to the greater amount of end-of-life care that women perform relative to men. It is also plausible that men would, again in the absence of gendered norms, still die more often at young ages than women and be incarcerated more often than women, as a result of exhibiting, on average, more risky or criminal behavior, both contributing to women heading households alone and thereby doing a greater share of household labor. As noted, these considerations are only speculations and it is impossible to know whether or not they would in fact obtain in a world in which women and men could choose their shares of paid work and household labor freely in the context of just background conditions.

With that caveat stressed, if, under conditions of free choice and other just background conditions, men and women were to choose to do, in the aggregate and across household types, unequal shares of household labor, with women doing the greater share, while both still did equal amounts of paid work, the primary inequality that would result would not be in social status or in material resources but in the resource of \textit{leisure time}. If such a distribution resulted, men would enjoy more leisure time than women, since assuming they would have the same financial and bodily basic needs, women would do a greater share of necessary domestic and caregiving labor. Women’s greater share of household labor, and their correspondingly reduced share of leisure time, would undermine equality of opportunity, since it would create inequalities in opportunities between men and women for all activities that require time—including hobbies, other relationships, ethical commitments, religious activities, and political participation. In a society in which men and

women enjoyed, on average, unequal leisure time, equality of opportunity between the sexes would not obtain: the mere fact of being born a man or woman would render one with diminished life opportunities. Such a society would fail the test of equality of opportunity, since knowledge of a person’s sex alone would alter reasonable predictions about the person’s opportunities.

The prospect of such a society readily suggests that, not only must divisions of paid work and household labor be freely chosen, but also any inequalities in such divisions between men and women must not contribute to inequalities in leisure time. The fair share of leisure principle thus usefully complements the freely chosen principle to ensure that freely chosen divisions of household labor do not produce inequalities in leisure time that then undermine equality of opportunity between the sexes. Though itself justified on other grounds, the fair share of leisure principle nonetheless promotes equality of opportunity as it ensures that both sexes have the same entitlement to a fair share of time free from necessity—time to take advantage of their full range of liberties and opportunities. The fair

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210 One might be inclined to object that if men and women could freely choose their divisions of household labor, even if women did, on average, choose to do more household labor than men and thereby enjoyed less leisure time, they could still choose to revise their share of household labor and so would still enjoy equal opportunities. In other words, if someone chose to do a greater share of household labor, but did so under conditions of free choice, she would still enjoy the same opportunities because she could later choose to do a lesser share of household labor if her preferences change. This objection fails, however, because the conditions that are required for a choice to be freely made, as indicated in Section III, do not include the provision that one can continuously revise one’s choices.

Some types of necessary labor entail commitments such that it is impossible (or at least prohibitively costly) to significantly alter how much necessary labor one must do. Caregiving for one’s dependents is the clearest example of this type of necessary labor. Once one has committed to providing care for a dependent—whether through procreation, adoption, or through some other means—it can be impossible or quite difficult, morally or practically, to reduce the amount of time one must spend engaged in this necessary labor. Other types of necessary labor also depend on arrangements that are difficult to alter, such that in order to revise how much time one spends engaged in these types of necessary labor, one incurs significant transaction costs. Thus, even if women generally enjoyed less leisure time than men as a result of their own free choices, because how much necessary labor they engage in cannot be continuously and freely revised, doing a greater share of necessary labor does reduce women’s opportunities as compared to men.
share of leisure principle thus provides a constructive complement to the freely chosen principle to govern the distribution of household labor to protect equality of opportunity.

It is worth here stressing that even if the equal division principle were justified, it would redress the reduced amount of leisure time that women enjoy if they were to choose to do a greater share of household labor in only a narrow range of circumstances. That is, the equal division principle would address only women working a “second shift” in the context of male-female households. Yet many women work such a double shift without the benefit of a partner with whom they could possibly share their household labor. The fair share of leisure principle—because it applies to individuals not households—instead applies to all women, and so addresses inequalities in leisure time that result from women’s greater share of household labor both within and outside the context of male-female households. Not only is the fair share of leisure principle instrumentally superior to the equal division principle in securing equality of opportunity under such circumstances, it also, as just suggested, better accords with the fundamental liberal feminist individualist and household diversity principles. The fair share of leisure principle treats individuals, not households, as the subjects of its provisions and it is not biased in favor of one household type over others.

To be clear, the fair share of leisure principle is not on my view a requirement of justice in virtue of being necessary for achieving equality of opportunity between the sexes: it is not strictly so necessary because, as in my critique of the equal division principle, it is possible that some combination of policies could be implemented to mitigate the effects of unequal leisure time on equality of opportunity without equalizing leisure time itself. The fair share of leisure principle is, nonetheless, justifiable as a reasonable means for

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contributing to the achievement of such equality of opportunity, for it, along with the freely chosen principle and perhaps other provisions, can work to achieve equality of opportunity. Though not strictly required on the grounds of equality of opportunity between the sexes, the fair share of leisure principle is, however—as I have argued in the earlier chapters—a requirement of justice on the grounds of the resources for effective freedoms principle, and—as I hope to have shown here—does promote equality of opportunity.

VII. Leisure Policies for Women in Our Presently Unjust World

The fair share of leisure principle, if implemented in either the ideally just world or in our presently unjust society, would ensure that both sexes possess the requisite time to pursue opportunities beyond the realms of necessary activity at home and at work. Though this chapter has thus far exclusively addressed the ideally just world, it is worth stressing how the fair share of leisure principle improves upon the equal division principle in our presently unjust society in a significant way.

As I have noted, women in the United States today do by far the lion’s share of domestic and caregiving labor and they do so often, and increasingly so, outside the confines of the traditional two-partner household. The fair share of leisure principle, unlike the equal division principle, applies to all women, regardless of their particular household arrangement. As I discuss at greater length in the subsequent concluding chapter, the fair share of leisure principle justifies many of the policies that liberal feminists have advocated before, but it does so in a way that is both clearer and broader: clearer in that they are more closely related to how much necessary labor one does, rather than how household labor is divided; and broader in that they also apply to those who do not live in two-partner male-female households. The types of justified policies include publicly provided caregiving
facilities, extended and subsidized employment leave for parents and other caregivers, and labor market regulations to facilitate short-hours and flexible work schedules for caregivers. If implemented, the fair share of leisure principle would ensure that all women in our society enjoy the same opportunities as men to exercise their formal liberties.

Moreover, though in the ideally just society such caregiving policies would apply universally to men and women, this does not entail that in our presently unjust society such policies could not be tailored to promote gender equality. Leisure provisions still ought not to aim for an equal division of paid and household labor between men and women as an end in itself, for the reasons I have discussed, but they can, however, be designed to challenge unjust traditional gender roles and, in pursuit of that end, to promote greater household diversity. Given that, if granted to men and women universally, caregiving subsidies and leave from employment will, in the presence of unjust gender norms, be more often taken by women than men, some countries have instituted alterations to such policies so that the bias in favor of gendered roles is offset by contrary incentives. Germany, for instance, has recently instituted reforms to its parental leave policies to combat persistent gendered roles, by offering families two additional months of parental leave if those additional months are taken by the father.

The implementation of policies to secure a just distribution of leisure would, in both the ideally just world and our presently just society, go far to secure equality of opportunity between the sexes. Caregiving provisions and labor market regulations would benefit all

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212 It should be noted that the fair share of leisure principle does not justify all the types of policies feminists have advocated in pursuit of the equal division principle, as the recommended policies do not include, for instance, Okin’s suggested policy of mandatory salary sharing between spouses (JGF, 180-181).

213 Similar, though less generous, policies also exist in Finland and Portugal. Sweden, by contrast, incentivizes an equal division of paid and household labor, rather than diverse but unequal divisions: a portion of parental benefits is exclusively available to fathers, and families are offered additional financial benefits if they share parental leave. See Rebecca Ray, Janet C. Gornick, and John Schmitt, “Parental Leave Policies in 21 Countries” (Center for Economic and Policy Research, 2009).
men and women, especially those women who do a great amount of household labor without the benefit of a partner to share the burden. While securing a just distribution of leisure need not be constrained by the equal division principle, the pursuit of a just distribution of leisure, particularly if implemented on terms that challenge gender roles, would help to achieve what Okin and other liberal feminists fundamentally sought as they advocated the equal division principle: equality of opportunity for all women.
Conclusion:
Implementing Leisure

I. Introduction

The first half of the twentieth-century saw a rash of predictions of a coming “Age of Leisure.”\(^\text{214}\) Technological progress, and the “high and increasing affluence” it would bring, would, it was thought, inexorably produce a great increase in leisure time.\(^\text{215}\) As technology would make it possible to meet the necessaries of life with little human effort, and as desires would taper after all basic needs were satisfied, no one would work more than a few hours a day, if at all. John Maynard Keynes, writing in 1930, predicted that no one would work for more than three hours a day—and this only out of habit—while John Kenneth Galbraith, writing in 1958, predicted the elimination of “toil” itself.\(^\text{216}\) To the minds of these “prophets of the future,” the problem of leisure time is not to protect or expand it—for it will inevitably increase—nor to distribute it fairly—for it will inevitably be had by all—but instead to find valuable ways to use it.\(^\text{217}\) Robert Hutchins, the president of the University of Chicago, writing in 1946, expressed the sentiment of the age succinctly:

The leisure which the atomic age will bring may make peace more horrible than war. We face the dreadful prospect of hour after hour, even day after day, with nothing to do. After we have read all the coming books, traveled

all the miles, seen all the movies, and drunk all the liquor we can stand, what shall we do then?  

While the existing leisure classes did provide, as Thorstein Veblen had acidly described, “disastrous” examples of how lives of leisure might be spent, most harbingers of leisure were more worried about how the “ordinary person,” lacking education or cultivation, would occupy his time.  

It is in this context that one ought to read Josef Pieper and Sebastian De Grazia’s attempts to revitalize an Aristotelian conception of leisure, with their denigrations of mere “free time,” spent in idleness and amusement, and elevation of true “leisure,” devoted to more worthy pursuits.  

In the post-industrial age, the problem of leisure time was, on these views, fundamentally a problem of education, not of distribution. Bertrand Russell’s 1932 essay “In Praise of Idleness” appears at first glance to belong to this genre of leisure forecasting. Like Keynes and Galbraith, Russell argues that it is “modern technique” that makes an expansion of leisure time possible, and Russell too contends that everyone’s hours of work could be reduced dramatically, to only four hours a day.  

Yet for Russell, the problem of leisure is fundamentally different. Russell is untroubled by how the ordinary man would use his newfound leisure time, and indeed is rather dismissive of such worries, consigning them to the usual “shock” of the rich at the idea that the poor should have leisure.  

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221 Russell, “In Praise of Idleness,” 4, and passim.  
222 Russell, “In Praise of Idleness”, 7-8. On this point, Russell recounts the following: “When I was a child, shortly after urban working men had acquired the vote, certain public holidays were established by law, to the great indignation of the upper classes. I remember hearing an old Duchess say: ‘What do the poor want with holidays? They ought to work.’ People nowadays are less frank, but the sentiment persists, and is the source of much of our economic confusion.” The story is reminiscent of G. A. Cohen’s telling of how, when he was a university student, he heard the Principal of McGill University give a lecture in which he referred to periods when prices are high and wages low as “excellent times economically” – a remark Cohen describes as the type
and hard hours and suddenly became idle might initially suffer boredom, in time the “impulses” for leisure activities, snuffed by excessive work, would reassert themselves. And while education is, of course, important to enable all to use their leisure “intelligently,” it would be a mistake to think this means cultivating only “high-brow” tastes, just as it is more generally a mistake to fixate on how the previously unleisured would use their newfound time. Rather, for Russell the problem of leisure time is not how ordinary people will use it, but how political institutions can protect and distribute it fairly. For Russell thought that the advent of a democratic leisure age, though technologically possible, was, as I will discuss, for political and social reasons anything but inevitable.

As I noted in the introduction, my argument on behalf of leisure time develops, in two respects, ideas that one can find in Russell’s brief essay. First, that leisure is time not dedicated to meeting the “necessaries of life,” and that such time that can be spent however one chooses, whether in conventionally leisurely or unleisurely pursuits. Second, that the distribution of leisure time is properly a matter of justice, and that every citizen is entitled by justice to some amount of leisure time. Though my argument departs from Russell’s in other important ways, and though I do not follow Russell in the details of his proposal, there is nonetheless a notable affinity between my position and Russell’s contention “that four hours’ work a day should entitle a man to the necessities and elementary comforts of life, and that the rest of his time should be his to use as he might see fit.”

Because of the parallels between my position and Russell’s, his pessimism about realizing a just distribution of leisure merits consideration. This is particularly so because

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his pessimism runs deeper than the usual skepticism, not specific to the distribution of
leisure, about whether existing political interests and institutions could ever be marshaled to
achieve a just world. Though a strain of this type of thinking is present in the essay, Russell
more fundamentally poses a set of challenges to the feasibility of realizing a just
distribution of leisure in particular. Because Russell pressed these feasibility challenges
against his own view, a view to which mine is similar, and because these challenges have
been pressed against other proponents of leisure, as well as against my own position, I
devote this conclusion to presenting and addressing these challenges. By elaborating on
how a just distribution of leisure might be realized at the level of public policy, I aim to
show how the feasibility challenges that Russell (and others) advance can be addressed.

II. Three Feasibility Challenges

Russell’s essay articulates three feasibility challenges to realizing a just distribution
of leisure. Each of these challenges obtains even if there is broad public support in favor of
realizing the requisite distribution of leisure, as a result of various political, social, and
economic constraints. For simplicity’s sake, assume that a just distribution of leisure time
obtains when every citizen possesses a sufficient amount of leisure, $x$ hours (that is, every
citizen can meet their basic needs with only $[24-x]$ hours of necessary activity).

*The Policy Challenge*

Russell’s first challenge is that the types of policies that, with any teeth, could
possibly achieve a just distribution of leisure would violate economic freedoms. Russell
suggests that there are only two ways to implement leisure, one suitable to the Soviet
Union, with its “economic justice and central control over production,” and one appropriate
to the West, with its economic liberties and relatively unregulated markets. In a planned economy, policies are readily available to ensure that all possess their share of leisure: the state can dictate what is produced, who works in each occupation, and for how long each works, to the effect that everyone could be assigned shares of work and of public support that allow each to possess the requisite amount of leisure time. In an unregulated market economy, Russell assumes that such policies are not available, for they would violate protected economic liberties to determine what to produce, what occupation to hold, and what to consume.

In the absence of any economic planning or regulation, Russell contends that the only viable policy option in a liberal state is, ironically, a “great public propaganda” campaign to convince producers to produce and consumers to consume only what is necessary, so that all labor could be reduced up until the point that every individual worker would have sufficient leisure. Only by effectively persuading all individual economic agents to convert gains in productivity from technological progress into increased leisure time rather than increased production would it be possible for a liberal market economy to achieve a just distribution of leisure. Given that such a policy of persuasion is nearly bound to fail, Russell concludes that no viable policies exist that simultaneously respect economic liberties and secure a just distribution of leisure. The Policy Challenge is, accordingly, to identify policies that could realize a just distribution of leisure without violating fundamental economic liberties.

The Development Challenge

The second feasibility challenge is not expressly articulated as such in Russell’s essay, but it can be readily extracted from his view. That is, Russell contends that only
when societies have reached a certain level of material development is it appropriate to expect them to realize a just distribution of leisure. When a society has not yet reached the requisite level of development, it may take a considerable amount of time, perhaps nearly all waking hours, for everyone to meet the necessaries of life, to the effect that little leisure time exists in such a society. The amount of leisure time to which citizens are entitled in such a society may be quite minimal, but justice would still require that everyone possesses at least this minimal amount. Russell argues, however, that in such a society leisure ought not be distributed justly, for such a society’s primary aim ought to be economic growth, and growth requires an unjust distribution of leisure, with some having more than their fair share so they can pursue knowledge, and some having less so they can support the leisure class. Thus, Russell contends, the distribution of leisure in ancient Athens was unjust, but was nonetheless justified because it was “essential to civilization” and necessary for the West to emerge “from barbarism.”

Though it is unlikely that contemporary developing countries require leisure classes, at least not as such, to experience economic growth, there is still some residual force to Russell’s implicit challenge that realizing a just distribution ought to be the province of only developed countries. For one might think, with some reason, that whatever policies are pursued to achieve a just distribution of leisure would inevitably constrain economic growth, and that an increase in material wealth, and not a just distribution of leisure, ought

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225 Whether or not individuals’ claims to leisure under such conditions would, in fact, be minimal depends on what the given theory of distributive justice holds are the ground of individuals’ claims to leisure, as well as, if relevant, what other societies exist, what their levels of wealth are, and what contact exists between this society and the others. Russell himself purports to base his argument on a contribution-based principle: that all are entitled to consume only what they produce or its equivalent value. Van Parijs describes Russell’s position as an example of a “Lutheran principle of exploitation,” Real Freedom for All, 153-160. It is difficult to see how Russell could consistently maintain both this principle and the position all ought to be entitled to the necessaries of life for only a uniform number of hours of work, given that some are more productive than others.

to be the primary aim of developing countries. (Indeed, a form of this challenge could be articulated for even developed countries in the midst of recessions and periods of high unemployment: that under such conditions, it is unreasonable to direct resources from furthering growth to securing leisure.) The Development Challenge is, then, to specify why justice requires even developing countries to realize a just distribution of leisure, and what a fair distribution of leisure would be and how it could be attained under such straitened circumstances.

*The Materialism Challenge*

If the first feasibility challenge is primarily political and the second economic, the third is primarily a social challenge: that is, Russell contends that when faced with a choice between a greater amount of material goods and a greater amount of leisure, people will generally choose the material gains. Because people will tend to choose more income and wealth over more leisure time, it is impossible to reliably protect or expand citizens’ shares of leisure time. This Materialism Challenge can be articulated in a strong and weak form. In its weak form, the challenge holds that it is impossible to protect citizens’ claims to leisure, because the pressures of materialism will always encroach on those shares. The strong form holds that it is impossible to increase citizens’ shares of leisure, because the pressures of materialism will always prevent the expansion of leisure.

The tendency for people to choose, in the aggregate, more material goods over more leisure undermines each individual citizen’s claim to a stable or increasing share of leisure in both the short and the long-term. In the short-term, the aggregate choice in favor of gains in income and wealth over gains in leisure can restrict citizens’ shares of leisure directly, as individual shares of leisure are reduced to produce greater shares of material
goods. In the long-term, the increased material production eventually increases the society’s standard of living, effectively raising the level of what qualifies as a necessary of life. This process may reduce all or some individuals’ shares of leisure time, as one may then require a greater amount of time to meet the necessaries of life. I will discuss the long-term effects of material gains on leisure below when I address how the feasibility challenges might be met, and here focus on the challenge in its short-term form.

The weak form of the Materialism Challenge is connected to Russell’s view of the limited policies available to provide leisure. Because Russell contends that the only viable policy to address the distribution of leisure in a liberal market society is a public propaganda campaign, Russell is pessimistic that such a campaign could ever effectively triumph over the “delight” and “pleasure” people take in new material goods. Even in states with centrally planned economies, with their greater potential for effective policies to provide leisure, Russell doubts that citizens’ shares of leisure would ever in fact be protected. Instead, Russell contends that economic planners “will find continually fresh schemes, by which present leisure is to be sacrificed to future productivity,” and cites as an example a plan to warm the coasts of Siberia, which would be certain “to postpone proletarian comfort for a generation.” In its weak form, then, the Materialism Challenge is to identify policies that could reliably protect citizens’ allotted shares of leisure time against the pressures of materialism.

The strong form of the Materialism Challenge—which holds that the pressures of materialism make it impossible to increase citizens’ shares of leisure time—only has additional force beyond the weak form of the challenge if one is committed to expanding the amount of leisure time that all citizens enjoy. Russell is committed to such a position:
he contends that not only ought a society’s leisure time be distributed fairly, insofar as is possible, it ought also to be expanded. An increase in leisure time, rather than further increases in material wealth, would, Russell argues, bring greater happiness to all (and, indeed, greater kindness, less persecution, less suspicion, and even an end to war).\footnote{227 Russell, “In Praise of Idleness,” 15.} If one is committed not only to protecting some stable share of leisure, but also to continuously increasing leisure insofar as is possible, the choice in favor of more material goods instead of more leisure poses a further challenge: not only is it difficult to secure leisure (as the weak form of the challenge presses), it is also difficult to increase leisure. In its strong form, then, the Materialism Challenge is to identify ways to prevent or counteract the tendency for people, in the aggregate, to choose income over leisure.

These are all important challenges. However, I will argue that two sets of policy proposals go far to ameliorate the types of concerns that Russell articulates, and indeed can meet these three feasibility challenges. In the remainder of the conclusion, I will present these two policy proposals and then discuss how they meet the three feasibility challenges.

**III. How to Provide Leisure Time**

When one considers the position that citizens have a legitimate claim to a fair share of income and wealth, at least one type of policy that could realize this claim is relatively clear: though other policies may be warranted or preferable, the state can always directly redistribute material resources from those who have more than their fair share to those who have less than their fair share. When confronted with the argument that citizens have a legitimate claim to a fair share of leisure time, the policy implications are more opaque: leisure time cannot simply be transferred from one person’s bank account to another’s, and
so the state cannot directly redistribute this temporal resource in the way it can material resources.

Though the state cannot directly redistribute leisure time, state regulations and provisions can (and do) significantly affect how much time it takes one to meet one’s basic needs, to the effect that the state can—through a range of policy mechanisms—ensure that all citizens enjoy their fair share of leisure time. I here discuss the types of policies that could be implemented to realize a just distribution of leisure time, leaving until Section IV a consideration of how these policies help to meet Russell’s feasibility challenges; I note in advance, however, that each of the following policy proposals respects economic freedom to the same extent as—if not more so—the standard liberal egalitarian approach.

The position that citizens have a legitimate claim to a fair share of leisure time, say \( x \) hours per day, can be understood—in its inverse form—as the contention that citizens ought to be able to spend no more than \( (24-x) \) hours per day meeting their basic needs. The central policy question can then be stated as: How is it possible to realize a distribution of leisure time such that all citizens are able to spend no more than \( (24-x) \) hours per day meeting their basic needs? Two types of policies are required. First, it is necessary to ensure that all citizens can in fact meet their basic needs in \( (24-x) \) hours per day. Second, it is necessary to ensure that all citizens can choose to spend no more than \( (24-x) \) hours per day actually meeting their basic needs. Accordingly, the types of policies required fall into two categories: those that assist citizens to meet their basic needs in less necessary time so they can enjoy their fair share of leisure time (income subsidies or in-kind provisions) and those that protect citizens’ ability to choose to spend no more time meeting their basic needs than is necessary to enjoy their fair share of leisure time (institutional regulations).
Which particular policies are justified or warranted depends on the contours of a given theory of distributive justice—on whether a theory guarantees an equal or sufficient amount of leisure, whether the claim to leisure is work-conditional or work-unconditional, and how responsibility-sensitive the theory is. For ease, I will discuss the possible policies in the context of a theory with the following parameters, though these types of policies are more widely applicable as necessary: that is, take a theory of distributive justice that holds that citizens are entitled to a sufficient amount of leisure time, that citizens’ claims to leisure time are conditional on their willingness to work, and that the theory is modestly sensitive to responsibility, such that individuals are entitled to leisure in the occupations of their choosing (within limits) and if they choose to take on caregiving obligations (again within limits).

Say, more specifically, that citizens are entitled to fifty-six hours of leisure per week, and that in a given society the standard amount of time that it takes one to meet one’s bodily basic needs is seventy hours per week, to meet one’s household basic needs ten hours per week, and that the standard level of basic financial need is $25,000 per year. In order to have a sufficient amount of leisure time, then, an individual with the standard time requirements to meet her bodily and household basic needs must be able to meet her financial basic needs with thirty-two hours of paid work per week in order to have her fair share of leisure time of fifty-six hours per week.\(^{228}\) I address the question of how the amount of leisure time that individuals are entitled to ought to be determined in the following section, and here select fifty-six hours per week only for exemplary purposes.

\(^{228}\) That is, she spends 70 hours per week meeting her bodily basic needs (sleeping, eating, grooming, exercising), 10 hours per week meeting her household basic needs (cleaning, cooking), and 32 hours per week meeting her financial basic needs (paid work), for a total of 112 hours per week of necessary time and 56 hours per week of leisure time.
This amount is, however, not arbitrarily chosen: a prominent demand of the late nineteenth and early twentieth century American labor movement was for eight hours of leisure per day, inscribed in the slogan, “eight hours for work, eight hours for rest, eight hours for what we will.”

To consider the types of policies that could be implemented to realize a just distribution of leisure, I discuss individuals with deficiencies of leisure time resulting from the three realms of necessary activity—financial, bodily, household—in turn. As will become clear, however, some types of policies could address leisure deficiencies that arise in each realm.

First, take someone who lacks a sufficient amount of leisure time because she must spend an excess amount of time engaged in paid work to meet her financial basic needs. Say that A must spend the standard amount of time to meet her bodily basic needs (seventy hours) and her household basic needs (ten hours), but she must spend sixty hours per week engaged in paid work to meet her financial basic needs because she earns only $8 per hour. She accordingly has only twenty-eight hours of leisure time, half of her fair share. In accordance with the two types of policy mechanisms described above, two different types of policies are required to redress her insufficiency of leisure time: wage subsidies or regulations and maximum hours laws.

In order to ensure that A can meet her financial basic needs in only 32 hours per week, A requires the assistance of some type of policy to augment her wage rate. Possible policies include tax-and-transfer wage subsidies so that A earns the requisite income ($480) in thirty-two hours of work per week, minimum wage regulations so that A’s employer

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229 For a history of this movement that focuses on Worcester, Massachusetts, see Roy Rosenzweig, *Eight Hours for What We Will: Workers and Leisure in an Industrial City, 1870-1920* (Cambridge: Cambridge University Press, 1983).
must compensate her at the requisite wage per hour ($15), or some combination of the two. Both wage subsidies and minimum wage regulations could be designed in various ways to either incentivize or disincentivize individuals to choose longer work hours, depending on other social goals or requirements, so long as all citizens earn the requisite income to meet their financial basic needs with only thirty-two hours of paid work per week.\textsuperscript{230}

Though necessary, wage subsidies or minimum wage regulations are not, however, sufficient to ensure that A is able to spend no more than thirty-two hours of paid work per week meeting her financial basic needs because, though she might earn the requisite income in that time period, if she cannot in fact reduce her work hours from sixty to thirty-two, she cannot actually \textit{choose} to spend no more than thirty-two hours engaged in paid work per week. If her employer (or another employer in her occupational field) refuses to employ her for fewer than sixty hours per week (or even fifty or forty hours per week), the wage subsidies or minimum wage regulations ensure that she earns the requisite income to meet her financial basic needs in only thirty-two hours per week, but they cannot ensure that she can choose to spend no more than that time engaged in paid work. In such circumstances, the wage supplements can effectively ensure that A earns an income at or above what she requires, but they cannot ensure that she enjoys the requisite leisure time.

A further policy requirement is, therefore, some type of maximum hours law. The strictest type of maximum hours law—one that \textit{prohibits} individuals from performing more than a certain number of hours of paid work—would be effective, but is contrary to the

\textsuperscript{230} For instance, employers could be required to pay “overtime” (for hours in excess of thirty-two) at either a higher or lower rate than her standard wage rate, or wage subsidies could either increase or decrease in proportion to the number of hours one works. For a discussion of how the current U.S. regulation requiring employers to pay overtime at a rate of time and a half, while intended to implement a standard workweek and disincentivize employers from hiring workers for longer hours, actually incentivizes workers to work longer hours, see Schor, 140-141.
spirit of providing all citizens with leisure time. That is, citizens are entitled to leisure time to take advantage of their formal liberties and opportunities, to pursue their conceptions of the good, whatever they are, whether that means spending their leisure time in categorically necessary activities—like additional paid work—or in conventional leisure activities. If a strict maximum hours law were unavoidably necessary to ensure that all citizens possessed their fair share of leisure time (if, for instance, labor market competition was especially strong), such a regulation might be justified, but the justification for providing citizens with leisure time itself favors some policy other than a strict maximum hours law whenever possible.

There are a variety of possible more lenient maximum hours laws that are both consistent with the argument for citizens’ entitlement to leisure time (i.e. that permit workers to choose longer than the maximum work hours) and that would still be effective (i.e. that protect workers’ ability to choose not to work longer than the maximum hours). One possible arrangement, a version of which currently exists in the United Kingdom, is a maximum hours law that prohibits employees from working longer hours than the specified maximum number of hours, while at the same time permitting employees to apply for an opt-out from the requirement if they wish to work longer hours.\textsuperscript{231} The opt-out application procedure must simultaneously allow some workers to work longer hours, while still maintaining a strong norm that protects all workers’ ability to choose not to work longer hours—for instance, by permitting only a certain percentage of workers in a firm or occupation to take the opt-out.

\textsuperscript{231} The United Kingdom is the only European Union country that permits its citizens to opt-out of the maximum hours regulation (of 48 hours per week).
An alternative policy is a maximum hours law that prohibits employers from firing or otherwise penalizing employees who choose to work a specified maximum number of hours, while permitting employees to work longer hours if they so choose. Another possibility is a maximum hours law that sets a standard number of work hours and prohibits mandatory overtime, but permits employees to work overtime. Such a policy would be similar to the existing arrangement in the United States, but the existing regulations would have to be strengthened to apply to all (or nearly all) workers and to prohibit mandatory overtime. Additionally, the law could be designed so that rather than receiving compensation for overtime in the form of additional wages, as is the arrangement in the United States today, the overtime hours could be redeemed in the form of additional paid time off from work. A form of this policy currently exists in two states, as well as in Germany, where overtime hours are added to a “time bank” (Zeitkonten) that employees can draw down at some point in the future in the form of paid time off from work.

However the law is precisely defined, some type of maximum hours law is required to ensure that individuals are able to choose not to work longer than the maximum amount consistent with their enjoyment of their fair share of leisure time. To be clear, what a maximum hours law must protect is not the choice to work no more than is necessary to meet one’s basic needs per se. If, continuing with the same parameters, someone (B) with

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232 Schor recommends both of these policies in *The Overworked American*, at 142-143 and 146. Bills to prohibit mandatory overtime for some (most often medical workers) or all employees have been introduced or passed in thirteen states, but existing regulations remain limited. See Golden and Jorgensen, “Time after Time,” 10-14.

233 Schor advocates a similar policy in *The Overworked American*, 142-143. For a skeptical treatment of the effectiveness of Zeitkonten in protecting German workers’ ability to limit their work hours, see Pietro Basso, *Modern Times, Ancient Hours*, ed. and trans. Giacomo Donis (London: Verso, 2003), 155. The two American states with such policies are Kentucky (where the provision applies only to government employees) and Washington. A bill was introduced in the U.S. Congress in 1997 to amend the FLSA (the “Family-Friendly Workplace Act”) that would have allowed employees to redeem their overtime credits in the form of paid time off, but the bill was defeated. (The bill included other changes to the overtime provision favorable to business interests and was opposed by labor.) See Rosenberg, “Long Work Hours for Some, Short Work Hours for Others,” 72.
the same standard time requirements as A to meet her bodily and household basic needs and with the same standard financial basic needs ($25,000 per year) earns $40 per hour, B’s protected choice is not to work only twelve hours per week. Though B requires only twelve hours per week of paid work to meet her financial basic needs, and while B may work only twelve hours per week if she can find employment on these terms, if she were to work only so many hours, she would enjoy leisure time in excess of her fair share. Instead, what a maximum hours law must protect is the choice to work no more than is necessary to meet one’s basic needs in order to possess one’s fair share of leisure time. For both A and B, accordingly, the maximum hours law must protect their ability to choose to work no more than thirty-two hours per week.\textsuperscript{234}

Second, turning to deficiencies of leisure time that result from performing household or caregiving labor, take someone who lacks a sufficient amount of leisure because she spends time engaged in caring for her elderly mother. Say that C’s mother, who requires assistance caring for herself and getting around, lives with C and that C spends twenty hours per week preparing her meals, running her errands, taking her to appointments, and helping her with her physical needs. C spends the standards amount of time meeting her own bodily and household needs (70 hours and 10 hours respectively), and she spends only the standard thirty-two hours per week engaged in paid work to meet her financial basic needs. Yet, as a result of caring for her mother, she suffers a deficiency of leisure time of twenty hours per week. Redressing C’s deficiency of leisure time requires, as before, two types of policies: public care provision or income subsidies and flexible work hours regulations.

\textsuperscript{234} This point highlights how my approach differs from Goodin et al.’s, which more generally requires that policies “must ensure that people have, insofar as possible, a free choice of the number of hours a week they work in paid labour” (Discretionary Time, 267, cf. 102-105, 112).
In order to be able to meet her basic needs in only the amount of time consistent with possessing sufficient leisure time, C requires the assistance of either public care provisions or generic income subsidies. The first possibility is for the state to publicly provide elder care, for instance with full-time or part-time nursing homes, at-home nurse visits, delivered meals, or transportation services for the elderly. Depending on how generous and comprehensive the publicly provided services are, this first possibility might be adequate to ensure that C possess a sufficient amount of leisure time. If gaps in coverage persist, the second policy option is to provide C with a targeted but generic income subsidy, which she could use to either hire someone to help care for her mother or to meet her own household needs or to reduce her hours engaged in paid work (or some combination of the three).\textsuperscript{235} The subsidy ought to be targeted—in that it exists and is proportional to her caregiving-based leisure deficiency—but generic—in that it is not a voucher for in-kind service provision, as C may have legitimate objections to hiring someone to perform her caregiving labor.\textsuperscript{236} By reducing the amount of time that C must spend in some combination of these three realms of necessary activity, an income subsidy could guarantee that C is able to meet her basic needs in the requisite amount of time.

Yet, as with deficiencies of leisure that result of excessive time that one must spend engaged in paid work, public provisions or income subsidies may not be enough. If the level of public care provision is not adequate to replace all of the caregiving that C does for her mother, to the effect that C still relies on an income subsidy to meet her leisure

\textsuperscript{235} I discuss both policy options from the perspective of C, assuming that C’s mother has a sufficient amount of leisure and is not, as such, entitled to any additional leisure benefits. The policies could be designed, however, with C’s mother as the benefit-holder.

\textsuperscript{236} See Chapter 3, Section III for a discussion of this issue. These objections apply only to the commodification of such labor, not to the mere fact that someone else performs it on your behalf. As such, these objections are not triggered by the public provision of caregiving services.
deficiency, C may wish to reduce her hours of paid work (below the amount protected by a maximum hours law) in order to care for her mother. Yet, without flexible work hours regulations, it may not be possible for C to do so, for the reasons discussed in Chapter 3, Section III. What is, accordingly, required are flexible work hours regulations targeted to those who provide caregiving for ill or elderly adults, which, as implemented in several European countries, guarantee such employees the right to reduced hours at their place of employment for an extended period of time. In Belgium, for instance, employees may work part-time at their current occupation for up to two years to care for a seriously ill family member. Existing statutes vary in their strength, their duration of coverage, their scope of coverage (i.e. what types of caregiving relationships are eligible), and the flexibility they guarantee, but generally such regulations allow workers to reduce their work hours as is necessary to provide caregiving. Combined with income subsidies, such policies would allow C both to be able to meet her basic needs in only the amount of time required to possess a sufficient amount of leisure and to actually spend only that amount of time engaged in meeting her basic needs.

The two types of policies that C requires to care for her elderly mother are also required to address leisure deficiencies that result from other types of caregiving, for either ill or disabled adults or for infant, young, or disabled children. Caregiving for children might, however, be addressed (and has been) with various policies distinctive to childcare.

237 The existing provisions in the United States under the FMLA instead guarantee workers only complete leave from work for caregiving (without income replacement and only on a short-term basis).

238 Regulations of this type exist (as of 2007) in six European countries. Some provide workers only a “right to request” alternative work arrangements, whereas some provide a “right” to such arrangements, and all allow employers to refuse for qualified reasons, which too vary in strength. The weaker statutes (as exist in the United Kingdom) provide coverage for an indefinite period of time, whereas the stronger statutes (as exist in Belgium) are limited to typically two years. Some apply only to caregiving for one’s relative, spouse, or someone living in the same residence (as in the United Kingdom), while some apply to caregiving for any adult, regardless of relationship (as in New Zealand). See Hegewisch and Gornick, “Statutory Routes to Workplace Flexibility in Cross-National Perspective,” 14-15.
With respect to public provision, possible policies include universal or means-tested access to public childcare facilities, universal pre-kindergartens, and school-provided before- and after-school care. Policies of these types could go far to ameliorate the leisure deficiencies of parents’ of young and school-age children.\footnote{239} For parents of infants and young children, possible policies include guaranteed parental employment leave, either at full- or part-time, for an extended period of time for both parents, with wage replacement and with a right to return to the same or equivalent position. Whereas the United States presently only guarantees a relatively short period of unpaid parental leave, many other developed countries provide parents with more extensive periods of compensated parental leave, combined with a right to gradually return to work on a reduced-hours schedule with wage subsidies.\footnote{240} However particular policies are designed (and, again, whether or not they are required depends on the role of responsibility in a given theory of justice), they must provide that parents both can meet their basic needs in an allotted period of time and that they can actually spend only that time meeting their basic needs in order to ensure that they effectively possess a sufficient amount of leisure time.

Third, moving to deficiencies of leisure time that result from bodily demands on one’s time, take someone who lacks a sufficient amount of leisure time because she must spend an excess amount of time engaged in meeting her bodily basic needs. Say that D has a physical disability (she suffers from severe migraines) that requires her to spend an additional twenty hours per week beyond the standard time requirements for meeting one’s


\footnote{240} Countries with such policies include Austria, Belgium, Denmark, Finland, France, Germany, Greece, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, and the United Kingdom. See Hegewisch and Gornick, “Statutory Routes to Workplace Flexibility in Cross-National Perspective,” 18.
bodily needs (resting and attending medical appointments), and that also requires her to spend an additional five hours per week beyond the standard requirements for meeting one’s household needs (it takes her longer to do daily chores). D is usually not debilitated during the day and is able to work full-time (thirty-two hours per week) to meet her financial basic needs. Though she is able to work and so to meet her financial needs, her disability does provide her with a shortfall of leisure time (a deficit of twenty-five hours per week). Again, in accordance with the two types of policies generally required to provide leisure time, two different types of policies are required to redress her insufficiency of leisure time: income subsidies and flexible work hours regulations.

D’s leisure deficiency may seem to be a difficult one to redress, for it results from the time she must spend meeting her bodily basic needs, needs that can only be met through D’s own expenditure of time. No one else can rest on her behalf, nor attend her medical appointments, nor meet any of her other bodily needs (sleeping, eating, etc.). Yet, because one’s leisure time is the inverse of all the time one must spend meeting one’s basic needs, whether household, financial, or bodily, it is possible for policies to target her deficiency of leisure time indirectly, by reducing the amount of time she must spend meeting her household or financial basic needs.

To that end, the first set of possible policies provides D with subsidies, either in cash or in kind, to assist her in meeting her household and financial basic needs. It would be possible, for instance, to provide D with a voucher for her to hire someone to perform the necessary tasks to meet her household basic needs, provided such labor can be hired consistent with other requirements of justice. D ought not, however, be required to use such a voucher in order to possess a sufficient amount of leisure, so, preferably, D ought to
be provided with a targeted but generic income subsidy, which she could use either to hire someone to help her meet her household needs or to reduce the hours she engages in paid work. Through policy arrangements of this sort, it would be possible to ensure that D could meet her household and financial basic needs in twenty-five fewer hours than she presently does, thereby making up the shortfall of leisure time she suffers as a result of her physical disability. 241

As with deficiencies of leisure time that stem from excess time engaged in paid work, such subsidies are again, however, not sufficient to ensure that D can actually choose to spend only that time meeting her basic needs that is necessary in order for her to possess her fair share of leisure time. An income subsidy that ensures that D can meet her financial basic needs with fewer hours of paid work only effectively provides D with more leisure time if she can actually reduce her hours of paid work. Here a standard maximum hours law is inadequate, for D already only works the standard thirty-two hours per week. Instead, additional regulations that require employers to provide flexible terms of employment are necessary. Such policies may, for instance, take the form of the ADA’s existing provision that disabled employees are entitled to accommodation in the form of a reduced hours work schedule.

Flexible work hours regulations may, accordingly, be required to address the leisure deficiencies of both individuals with caregiving obligations and with disabilities. In both instances, flexible work hours provisions are required only if an individual has extra

241 The two types of income subsidies that are presently provided to the disabled in the United States—Social Security Insurance and Disability Insurance—are only available to those who do not work at all. To be eligible for either, one must suffer “the inability to engage in substantial gainful activity, by reason of a medically determinable physical or mental impairment that is expected to result in death or last at least 12 months.” Disability benefits are not provided for partial or temporary disabilities, but only for total and permanent disability. Richard V. Burkhauser and Mary C. Daly, “U.S. Disability Policy in a Changing Environment,” Journal of Economic Perspectives 16 (2002), 215.
caregiving or bodily needs and as a result suffers an insufficiency of leisure. Flexible work hours may, therefore, justifiably be provided only to these eligible individuals. However, though not required by justice, a state would also be justified in implementing policies that more broadly guaranteed flexible work hours to all employees. In part because universal provisions for flexible work hours are easier to implement and have lower administrative costs than those targeted to only eligible employees, five European countries (France, Germany, the Netherlands, Belgium, and Finland) have introduced policies that guarantee all employees an open-ended right to reduced hours in some form. Though such policies are not required to realize a just distribution of leisure time, they are nonetheless one justifiable policy alternative.

IV. How Much Leisure Time

I have, thus far, left unaddressed one central question that arises in response to my argument, a question the answer to which would likely be the one of greatest interest to the average citizen who, in an ideal world, the argument would affect: that is, to how much leisure time do citizens have a legitimate claim? I have argued that, once one recognizes that leisure time, properly conceptualized, is an all-purpose resource, and if one accepts the resources for effective freedoms principle, then one, prima facie, must accept that citizens have a legitimate claim to some amount of leisure time. Though I have considered whether leisure ought to be distributed in a broadly egalitarian or sufficientarian fashion, I have


242 These policies take different forms. In Belgium, for instance, all workers are entitled to a one-year sabbatical over the course of their working life, and they have the option of stretching the sabbatical over five years at eighty percent of their normal hours. In Finland, in an effort both to provide reduced work hours and to address unemployment, all workers are entitled to part-time hours with partial wage replacement if an unemployed person is hired to replace their reduced hours. Hegewisch and Gornick, “Statutory Routes to Workplace Flexibility in Cross-National Perspective,” 19-20.
remained silent on the question of how much leisure citizens ought to enjoy under either distribution.

This reticence is due to two factors. First, how much leisure time citizens have a legitimate claim to may vary across different theories of distributive justice. If, for instance, one theory holds that citizens are entitled to only an adequate level of the resources required to exercise only a set of fundamental liberties and another theory holds that citizens are entitled to the greatest possible share of resources required to maximally exercise their generic freedoms, when applied to identical societies, the theories would likely hold that citizens have claims to different amounts of leisure time. Second, how much leisure time citizens have legitimate claims to may, on any single theory of distributive justice, vary with social circumstances. If, for instance, to take a simplified variation, in World A, natural resources essential to human life are highly abundant and readily accessible, whereas in World B, the same natural resources are scarce and difficult to attain, the same theory may hold that individuals in World A have a claim to a greater amount of leisure than the individuals in World B. For these two reasons—because the amount of leisure, holding circumstances constant, may vary across theories and, holding theories constant, may vary across circumstances—I cannot specify precisely how much leisure time citizens ought to possess. That said, it is possible to offer three general considerations that provide guidance on how this question might be answered.

First, on any given theory, what claim citizens ought to have to leisure time cannot be assessed without consideration of what claims citizens ought to have to other resources. Leisure time is but one of the resources that citizens generally require to exercise their formal freedoms, and how much leisure citizens are guaranteed impacts how much citizens
can be guaranteed of other resources (and visa versa). The interrelationship (or, more pointedly, conflict) of this type between the provisions of different resources that has received the most attention in the literature is between the resource of what Rawls refers to as the “powers and prerogatives of office” and the resource of income and wealth. If the resource (or “primary good”) of powers of office is interpreted to entail workplace democracy and broad citizen control over the means of production, guaranteeing citizens a greater share of this resource may reduce the society’s total economic production, and so reduce the amount of citizens’ claims to the resource of income and wealth.

Though the extent of leisure provision may impact the extent of powers of office provision (if, for instance, one could not meaningfully participate in a workplace democracy if one worked few hours), the most direct conflict is, analogously, between the resource of leisure time and the resource of income and wealth. Abstracting away from the other types of resources (like powers of office) to take only these two resources, to guarantee citizens a greater amount of leisure time may, to some extent, limit the amount of income and wealth that can be guaranteed (or otherwise provided) to citizens. Because providing leisure requires both public provisions and targeted subsidies (which may direct wealth into less productive uses) and protections for shorter working hours (which may reduce production), guaranteeing greater amounts of leisure time may constrain economic production and, in turn, the amount of wealth available to citizens. If, under given circumstances, such a tradeoff were to predictably occur, the question of how much leisure citizens ought to have a legitimate claim to would be, then, in some respects a question of

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To be clear, though a tradeoff between greater leisure time and greater income and wealth may, in many circumstances, be likely to occur, its existence is not a certainty and its magnitude may vary considerably. Though on the simple economic model, in which leisure is time not engaged in paid work, an increase in an individual worker’s leisure—unless his initial work hours significantly reduce his marginal productivity—reduces his aggregate production, this model does not directly apply to the present question. That is because one can use one’s resource of leisure time—one’s time free from necessity—to engage in paid work. Someone who presently works x hours per week, if guaranteed the opportunity to work only x-y hours, may choose not to take advantage of that opportunity and instead elect to continue working x hours per week. Thus, in this respect, it cannot simply be assumed that providing citizens with a greater amount of leisure would necessarily reduce economic production. Additionally, depending on how leisure is provided and on labor market dynamics, guaranteeing citizens a greater amount of leisure time may increase aggregate productivity (if workers are more productive working shorter shifts), increase labor force participation (if caregivers and the disabled take advantage of flexible hours to enter the labor force), increase economic innovation (if leisure were provided work-unconditionally so workers and entrepreneurs could take more risks), and otherwise improve labor market functioning (if labor markets became more flexible and suffered fewer market failures). Thus, though providing citizens with a greater amount of
leisure time may well reduce a society’s possible material wealth, the existence and extent of this tradeoff cannot simply be assumed.

Second, though under some circumstances a tradeoff between providing the resource of leisure time and the resource of income and wealth may occur, it does not follow that a society could elect to maximally provide one resource at the expense of entirely failing to provide another resource. To accept that citizens have a legitimate claim to leisure time on the grounds of the resources for effective freedoms principle is to accept that citizens have a claim to some amount of leisure, even if providing this amount of leisure comes at the cost of reducing citizens’ claims to income and wealth. Citizens require both types of resources to take advantage of their formal liberties and opportunities, so citizens cannot be denied one resource with the consolation that they thereby enjoy a greater amount of the other resource. Because, as I argued in Chapter 3, leisure and income are not perfectly fungible, to provide citizens with only the resource of income and wealth, with no provision for the resource of leisure time, would be to deny citizens one of the resources they require to exercise their formal freedoms.

Precisely how much leisure time citizens ought to be entitled to relative to income and wealth may, depending on the given theory of distributive justice, vary with social circumstances in a determinate fashion. If, for instance, a theory holds that justice requires maximizing the real freedom of the least advantaged position, under different circumstances, different ratios of leisure time and income and wealth may maximize the least advantaged position’s real freedom. Other theories may, instead, not specify the proportion of leisure relative to income and wealth in a determinate fashion. If, for instance, a theory holds that justice requires maximizing an index of the least advantage
position’s resources, the theory may allow for different weights to be assigned to different resources in the index. On either type of theory, however, citizens must be entitled to some minimum threshold of leisure time.

Third, taking only those theories that may leave the ratio of leisure to wealth provision indeterminate, how different resources are weighted ought to be determined by democratic choice. Thus, if justice requires that citizens must be guaranteed only a minimum threshold of leisure time, citizens may democratically choose not to provide any greater amount of leisure time and instead to pursue greater economic growth. In this way, a society may make a “democratic decision to avoid a high degree of industrial development and technological advantages, and pursue instead a more relaxed or even pastoral existence.”245 Such an arrangement in fact accords with a proposal Russell made, to have a “popular vote to decide,” at regular intervals, “whether more leisure or more goods were to be preferred.”246

V. Meeting the Feasibility Challenges

With these two sets of policy implications—those to guarantee leisure and those to determine the amount of guaranteed leisure—in view, it is now possible to address the three feasibility challenges that Russell and others have pressed against the viability of realizing a just distribution of leisure.

The first, the Policy Challenge—to identify policies that could realize a just distribution of leisure without violating fundamental economic liberties—is the most readily dispatched. None of the policy types that I presented as ways to address the

245 Freeman, *Rawls*, 112.
distribution of leisure time—public provisions, targeted income subsidies, and labor market regulations—depends on centralized economic planning, with government dictated production schedules and occupational assignments, as Russell contended was necessary. Though the required policies do depend on taxation and market regulation, these powers can exercised in a way that is consonant with respecting each of the basic liberties protected by liberal egalitarian theories of justice. Liberal egalitarians, or “high liberals,” hold that—contra the Stalinist socialist—individuals have fundamental rights to freedom of occupational choice (as well as to ownership of personal property), but that—contra the libertarian or classical liberal—the state can justifiably redistribute income and wealth and regulate economic markets (for ends beyond policing and correcting market failures). Within these confines, and even with additional economic freedoms—such as the right to own the means of production and the right to choose one’s duration of work hours—it is possible to realize a given distribution of leisure time. None of the required policies interferes with individual freedom of occupational choice, nor indeed (and perhaps more surprisingly) do any violate the further occupational liberty to determine one’s work hours. The “great public propaganda” campaign Russell envisaged can—and should—therefore be avoided, as leisure can, consistent with liberal rights, be reliably secured through the standard types of liberal economic policy tools.

The second, the Development Challenge—to specify why justice requires even developing countries to realize a just distribution of leisure—can be examined from two time horizons. At a given moment in time, if a country possess only limited material resources—such that all citizens must expend a considerable amount of time just to meet their basic needs and there are few surplus resources to redistribute to those who must
spend even greater amounts of time meeting their basic needs—depending on the particular theory of justice that grounds citizens’ claims to leisure, it is possible that justice requires that citizens possess only very limited amounts of leisure time, perhaps even none. If, for instance, a theory of distributive justice holds that citizens are entitled to resources as the products of their cooperation and a given country is entirely isolated from the rest of the world, if material conditions are such that merely meeting basic needs depends on all citizens spending all of their waking hours engaged in necessary labor, then individuals in that country may not be entitled to much leisure, if any. This is not surprising, for on such a theory and under such constraints, individuals cannot be entitled to resources that do not exist.

Such extremely straitened material conditions do not, however, obtain in any part of the contemporary developing world—in no country is it the case that individuals must spend all of their time laboring to meet their basic needs and no surplus resources exist that could alleviate their burden—and so all individuals today, on any liberal egalitarian theory of distributive justice, are entitled to some significant amount of leisure time. Moreover, it is worth noting that only some provisions to secure leisure time require material provisions, as labor market regulations require only the costs of their implementation (and indeed many of the poorest countries today have some form of maximum hours law). Nonetheless, at a given moment in time, it is possible that, under some straitened material

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247 Indeed, individuals in the least developed countries may instead possess an abundance of leisure time as they lack even opportunities to labor to meet their basic needs.

248 For instance, the Democratic Republic of the Congo, the Central African Republic, Eritrea, Rwanda, Ethiopia, Niger, Malawi, Nepal, Afghanistan, and Haiti all have maximum hours regulations, typically between forty-five and forty-eight hours per week (though undoubtedly these laws are enforced to varying extent). Work hours regulations by country can be found at the International Labour Organization’s database at www.ilo.org/travdatabase.
conditions, however rare, and under some theories of distributive justice, citizens are entitled to only a very limited amount of leisure time.

The more relevant perspective today, however, is over an extended period of time, as a country faces a purported conflict between guaranteeing citizens a more substantial amount of leisure time and pursuing economic growth. Here it is important, first, to note that, as discussed above, this apparent conflict may be overstated. Individuals, provided with some amount of leisure time, may choose to spend that time engaged in economically productive activity, and many of the labor market regulations required to provide leisure may have the additional benefits of expanding the labor force and making workers more productive. That said, a conflict between providing greater amounts of leisure time and greater amounts of income and wealth will predictably present itself under some circumstances. In such instances, so long as all citizens are guaranteed the minimal amount of leisure dictated by a given theory of distributive justice, citizens may democratically decide whether to pursue additional economic growth or additional leisure time. Above the requisite threshold of leisure provision, a developing country may permissibly elect to pursue gains in the form of material wealth rather than leisure time. Developing countries cannot, then, forsake a just distribution of leisure time for economic growth, but neither does realizing a just distribution of leisure time require developing countries to forego growth.

The third, the Materialism Challenge, presents in two forms. In its weak form—to identify policies that could reliably protect citizens’ allotted shares of leisure time against the pressures of materialism—the challenge can be met with two responses. First, the types of policies I presented—public provisions, targeted income subsidies, and labor market
regulations—unlike Russell’s propaganda strawman, could effectively ensure that all possess their fair share of leisure time, at least in the short term. Second, because the pressures of materialism might lead many or most citizens to devote their leisure time to earning higher incomes for greater consumption, it is necessary to protect citizens’ shares of leisure in the long term. This too, however, is readily achieved, for the idea of basic needs on which the conception of leisure depends is socially relative. Thus, if citizens in a materialistic society push the collective standard of living higher through their combined consumption and if the amount of time it takes to meet one’s basic needs rises in tandem, the required policies must be adjusted in accordance to maintain the same leisure provision. Such a standard of living adjustment is common, and, thus, in its weak form, the Materialism Challenge is readily met.

In response to the strong form—to identify ways to prevent or counteract the tendency for people to choose income over leisure—my position is again two-pronged. First, to the extent that the challenge assumes that individuals ought to choose leisure over income, my reply is to deny the legitimacy of the challenge. While justice does require that citizens possess some threshold of leisure time, if, under certain circumstances, citizens democratically decide to pursue additional income over additional leisure, the argument holds that this is permissible. Second, to the extent that the challenge depends instead on the concern that, on account of various market dynamics, citizens would, in the aggregate, choose income over leisure without ever explicitly doing so, it is important to stress that citizens must democratically elect to pursue material gains over additional leisure. Such a formal democratic decision, appropriately instituted, could effectively ensure that citizens do not unreflectively or unwittingly choose to forego leisure for income.
The three feasibility challenges that Russell and others have articulated against the viability of realizing a just distribution of leisure can, therefore, at least in principle be met. Whether the contemporary political will can be directed to that aim and the existing political institutions harnessed to attain it is, as ever, an additional question. Yet, though the ultimate aim of a just distribution of leisure may be distant, the policies that would bring us closer are not unachievable, even in the present or near future. Our existing policies—minimum wage laws, maximum hours provisions, disability accommodations, caregiving leaves—though in many ways deficient are, nonetheless, significant achievements. Indeed, realizing a just distribution of leisure may be the one area of distributive justice where practice has run ahead of theory. Through additional incremental changes, we can come ever closer to a society in which all have the right to time that they can use as they see fit.
Bibliography


Eyal, Nir. “‘Perhaps the most important primary good’: self-respect and Rawls’s principles of justice.” Philosophy, Politics & Economics 4 (2005): 195-219.


---. *Is Multiculturalism Bad for Women?* 12.


Shanley, Mary Lyndon. “‘No More Relevance than One’s Eye Color’: Justice and a Society without Gender.” In *Toward a Humanist Justice*, 113-128.


