

FOUNDATIONS OF EGALITARIAN JUSTICE

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Submitted to the Philosophy Section of  
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## Abstract

My dissertation examines arguments for and against egalitarian theories of distributive justice. In it, I present a theory of equality according to which justice requires equal access for all to a set of basic resources, including health care, education and occupations.

There are seven chapters. The first contains a discussion of the place of distributive ethics in political philosophy. In the next two chapters, I reply to what I consider to be the strongest moral objections to egalitarian justice. The first of these is the libertarian critique of equality. Here I am concerned to rebut the claim that our rights to liberty would be violated by government initiatives promoting equality. In Chapter Three, I address several liberal objections to egalitarianism. These rest on a premise against which I argue, namely that once everyone's basic needs are met, there would be nothing morally troubling about even large-scale inequalities between people. The three chapters that follow all explore egalitarian arguments concerning the best way to understand and justify egalitarian justice. I begin by arguing against the tendency to identify distributive equality with equality of outcomes, and instead show why equality of access is a much more plausible kind of view. In the fifth chapter, I examine the debate in the literature concerning "the metric of advantage." Here I argue for a version of equality of resources based on the idea of access to basic resources. In Chapter Six, I outline in greater detail my own theory of equality. I argue that justice requires us to provide people with equal access to health care and education as well as to occupations. In explicating the notion of equal access to occupations, I suggest that such access ought to be free from exploitation. To this end, I present what I think is a new theory of exploitation in which I distinguish between two forms of that evil: exploitation on the basis of one's class position and exploitation on the basis of one's talents. The concluding chapter reflects briefly on the question of the feasibility of an egalitarian society.

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## Preface

In a way I find hard to explain, it was partly because I grew up in South Africa under the domination of the Apartheid regime that I had the sense of being bound to write in defense of distributive equality. These are, as everyone knows, hardly the best of times from an egalitarian point of view. Many people of good faith dismiss the ideal of equality with justifiable moral reservations; the historical record does not exactly give grounds for uncolored optimism. Of course I share some of these qualms myself. For one thing, I am pessimistic about the prospects of achieving the right kind of equality by the right kind of route within even the next few centuries, let alone the next few decades. That said, one needs to bear in mind the fact of undoubted moral progress in the long sweep of human history. It was, after all, only two hundred and fifty years ago that most Westerners believed that slavery was perfectly just, while they themselves benefitted from the fact that so many people in the world were held in that abject condition. In the end, I am inclined to follow Kant in thinking that the achievement of a perfectly just society must be regarded by us as a permanent and real possibility.

I have incurred debts of gratitude to several people during the course of work on this thesis. I should like to thank David Brink for his comments on an earlier draft of Chapters One and Two. John Rawls talked over a later version of Chapter Two with me and I found what he had to say very helpful. I also learned a lot from him in the two classes of his I took at Harvard. Seana Shiffrin read and commented on drafts that made their way into Chapters Two, Four and Five. Her comments were characteristically insightful and of great help. Judith Jarvis Thompson read and re-read endless drafts of ancestors of Chapter Two, and also offered extensive comments on Chapters Four and Six. Her comments about both form and substance were of enormous value. Joshua Cohen, the one enduring member of my thesis committee, read the whole thesis through in several different versions with what seemed like endless enthusiasm and patience. In a number of classes and especially in our many conversations during the last four years I have learned very much from him about political philosophy. Ralph Wedgwood and T. M. Scanlon very kindly agreed to join my thesis committee in the final stages: I am very grateful to them both. Ralph labored hard and fast to offer countless objections to and suggestions about the material as a whole. I wish that I had had the time and ability to provide completely satisfactory responses to everything he said.

Allison Freeman provided encouragement when my spirits flagged and reminded me of the things that really matter. Voos Hinton, the egalitarian copywriter, cheered me up immensely with long-distance phone calls.

I would like to record my thanks to MIT and to the Charlotte Newcombe Foundation for financial support I received during the course of work on this thesis.

I have dedicated my thesis to my parents in gratitude for the many sacrifices they made to enable me to go to university.

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## CHAPTER ONE INTRODUCTION

1. It is a plain and evident fact that most countries in the world are marked by huge distributive inequalities. Some of these take the form of disparities in the value and the importance of the goods owned by different individuals; there are also profound inequalities in the effective access people have to the various social and economic institutions of their societies. These and other, similar inequalities give rise to inequalities in the kinds of lives people manage to lead. Some are much more contented, some have much more rewarding jobs, or enjoy much better health or are better educated, and so on and so forth for almost any desirable aspect of life.

There is, to be sure, no necessary connection between the resources or institutions to which someone has access and the quality of his or her life. Obviously, however, some kind of significant correlation exists. Other things being equal, those with more resources are able to do more with their lives than those with less. Indeed, in many countries, there are many people with so few resources at their disposal that they are condemned to lives of wretched poverty and destitution. We are confronted then by

The Fact of Distributive Inequality: There are vast differences in people's life prospects due to underlying inequalities in wealth, economic power, working conditions, access to health care and the like.

The question arises as to whether or not this fact is, in itself, of any significance from the point of view of political morality. In recent years there has been a great revitalization of the area of political philosophy which concerns itself with this, and related questions. We might call the wider area within which these debates fall the ethics of distribution.

Questions concerning the right way to distribute resources arise in at least three different



contexts in ethics. Most familiar is that in which the focus of attention is the question of what morality requires of us by way of distributing resources between the members of a single society. Another is the context in which what is at issue is whether, and if so, how, morality enters into decisions concerning the distribution of resources between different societies. But issues concerning the principles of distribution also arise in medical ethics, where the focus is on the right way of allocating scarce medical resources between people who are in need of them.

Of these three areas, I believe that the one of most pressing moral and political concern is the second. The international inequalities between developed and underdeveloped countries, and the attendant abject conditions in which most people in the world live is surely of the utmost moral concern.

However, in what follows, I shall be focusing on the single society case exclusively. I shall be examining various views of the principles that political philosophers think ought to regulate the inequalities between the members of a single society. This part of the ethics of distribution takes as its primary focus the topic of what, following John Rawls, has come to be known as the justice of a society's basic structure. This comprises the social, economic and political institutions which function to distribute the most important benefits and burdens of social intercourse between citizens. Among the more important of these institutions are the economy, parts of the legal system, including the law of property and the tax code, the system of education and training, and the forms of provision made for caring for people's health. By the operation of these and other distributive institutions, as I shall call them, such things as commodities, services, occupations, opportunities and productive resources come to be distributed among the members of a society.<sup>1</sup>

The distributive parts of the basic structure achieve this function indirectly, since they form

the normative institutional background against which people plan and lead their lives. In thinking of this part of the basic structure as a set of distributive institutions, we need to be clear about what it means for some range of benefits and burdens to be distributed. To this end, it will help to distinguish between distribution on the one hand and allocation on the other.

When goods are to be allocated, there is a fixed stock of them and our task is to allot them to some or other set of individuals. A trivial instance would be doling out slices of cake at a birthday party. But there are much more significant cases in which our decisions are much more obviously constrained by moral principles. For instance, doctors who are faced with choices concerning which of their patients are to receive organ transplants or other scarce medical resources must decide on the basis of principles of allocative justice.

The principles of distributive justice, as I have said, apply to distribution, a phenomenon understood as being marked by the following features. The distribution of goods is a dispersal of resources that are not themselves capable of immediate use or consumption. Most important among them are the land and its natural resources together with the non-human means of production. Given their importance, the dispersal of these goods is of foremost significance from the standpoint of justice. For one thing, the production of further goods - themselves capable of immediate consumption - will be constrained in important ways by the initial dispersal. For another, there will, in all likelihood, continue to be exchanges among the initial recipients of those goods. Consequently, the distribution of these goods in a society will play an important role in determining its economic structure. A person's economic influence will depend, in large part, on his or her legal powers with respect to these resources.<sup>2</sup> This means that, thirdly, if we are to ensure that resources are distributed justly, we must not only be sure that the initial shares are

fairly dispersed, we must also do what we can to guarantee that subsequent exchanges and transfers of goods do not give rise to distributive unfairness. Consequently, among the principles of distributive justice are principles governing the normative powers and liberties which those who control resources will exercise over them.

2. A theory of distributive justice for single societies aims to determine which are the moral principles which ought regulate a society's distributive institutions in order for them to be completely just.<sup>3</sup> I classify such theories into three kinds: libertarian, liberal and egalitarian. I shall try to give a sketch of the distinctive features of theories of each kind.

Let me begin by noting that libertarians are apt to be suspicious of talk of the demands of distributive justice since, they think, it is often conducted on the assumption that there is some entity - the government or the state, most likely - whose job it is to do the distributing. In addition, they say, talk of the ethics of distribution is pernicious for a related reason: it presumes that we are in some kind of initial state in which resources of the world are unowned by anyone with our task being to dole them out as we see fit. But, the libertarians say, it is at the very least an open question whether or not there exists a substantial underlying structure of moral rights which people exercise over the external resources of the world. If there were such a structure, it would clearly make impermissible any further distribution.

I agree with libertarians that we cannot assume either of these things, but I do not believe that talking of the requirements of distributive justice commits us to making either of these assumptions. What is at issue when we argue over these demands in a philosophical context is a concern with the most plausible account which can be given of their content. Among the

candidates for that position are the varieties of libertarianism. If any of the leading versions of the libertarian theory of justice is correct, then there is no further question of the distribution of resources.

For libertarians, claims about people's rights to private property must be at the foundations of the most plausible theory of distributive justice. Their idea is that individuals in a given territory are in a position to acquire in various canonically specified ways rightful titles to the resources found in that territory. Once these resources have been privatized in the canonically specified ways, then, on the libertarian view, the demands of distributive justice apply largely to the transactions by which resources are subsequently exchanged or otherwise transferred from one person to another. Moral questions about their overall distribution can only arise in a highly circumscribed range of cases. Sometimes it will be necessary to ask these questions, and, if needs be, to go in for redistribution in order to rectify past injustices. The only other interesting circumstances giving rise to worries of this nature have to do with distributions of resources which violate the principles governing the original acquisition of previously unowned parts of the world.

So libertarians believe that the disparities between individuals that make up the Fact of Distributive Inequality are morally objectionable only if they in fact arose in circumstances like these. The mere existence of these inequalities is, on their view, considered in itself, of no significance from the point of view of justice. For this reason, libertarians reject as unjust any attempts to lay taxes on people's free market earnings in order to help those in need or in order to bring about greater equality.

Of the three kinds of views between which I have distinguished, what I have called liberal

theories of distributive justice are, I think, the least well understood. In part, this is because my usage is somewhat unfamiliar and requires some explaining.<sup>4</sup> It is more common to find the term 'liberal' used in political philosophy not for a distinctive view about the nature of distributive justice in particular but rather for a cluster of views about the nature of a legitimate state more generally. On this usage, a liberal is someone who believes in individual liberty rather than the power of the state, in a constitutional democracy rather than totalitarianism (or monarchism) and in rights to basic freedoms of association, thought and speech, due process of law and so forth. On this, more common usage, all of the views I am examining count as liberal. A philosopher can be a liberal about political justice while being a liberal or a libertarian or an egalitarian about the justice of the economic system.<sup>5</sup> Or at any rate so I shall be assuming.

With regard to the topic of distributive justice, liberals disagree with the libertarians because they do not think that our moral rights would be violated by a government which sought to implement distributive equality. Liberals dissent from the view that, as a matter of political morality, we have the rights and duties associated with a laissez-faire economy. On the other hand, liberals disagree with egalitarians because they believe that the government has no duty at all to bring about equality in the distribution of benefits and burdens.

Like libertarians and egalitarians, liberals believe that the government has a right and a duty to provide a set of public goods which include national defense and a single currency. And like libertarians and egalitarians, liberals believe that the government has a right and a duty to enforce our rights, including our rights to liberty and (if they are different) our rights against such things as violence and fraud on the part of others.

What is unique to a liberal view of the demands of distributive justice is the suggestion

that our enforceable duties to assist others are satisfied by ensuring that everyone is able to reach a minimal level of welfare. Once everyone's basic needs have been met, according to liberals, it is of no consequence if some people are better off than others. So, on their view, the government has a right and a duty to tax people in order to promote the welfare of those who are neediest and to provide a framework of economic opportunities which are open to all. Liberals, then, are committed to the view that, considered as inequalities, the disparities mentioned in the Fact of Distributive Inequality have no moral significance. What liberals do think objectionable is the fact that there are so many people in the countries of the world who are badly off. Justice, on their view, requires us to improve the position of these individuals in order to make sure that no one is forced to live lives of such great need.

Egalitarians on the other hand, believe that justice requires us to bring about distributive equality between people. Their idea is that justice demands that people be equal in some much more substantial way than simply in the rights or liberties they enjoy. So egalitarians are committed to policies that would reduce vastly the extent of inequalities in people's standards of living because on their view, most existing large-scale socio-economic inequalities, merely considered as inequalities, are, in themselves, unjust. Consequently, this much is clear: all egalitarians take the fact of Distributive Inequality to be of urgent moral significance; they believe that justice requires us to distribute the world's resources much more evenly than we are doing at present. It might help to say a little more at this point about the nature of egalitarianism in political philosophy.

I think it useful to distinguish between two kinds of grounds on which we might consider someone's view to be egalitarian. The first is to determine whether or not they are in favor of a

fairly familiar set of political and economic demands. Chief among these are demands for more-or-less thorough-going reform of the economic structure of society. In this sense of the word 'egalitarian,' egalitarians are those who believe that people's income and wealth should be equalized to a much greater extent than it is at present. In addition, they hold that the economic power people command in the market should be much more evenly distributed between different individuals. I shall take it that a commitment to these ideas is at most necessary but not sufficient for counting someone as an egalitarian.

It is not sufficient, in part because these kinds of demands are, in a certain sense, derivative: they are based on more fundamental ideas. Furthermore, it seems wrong to think that someone who endorsed these kinds of socio-economic policies would have to be an egalitarian at the more fundamental level. It is possible to be a utilitarian, for instance, while holding that maximal happiness could most effectively be achieved only in societies that were highly egalitarian in nature. So we need to know how to determine when the more fundamental principles of a person's view can properly be considered egalitarian. Obviously, this will hinge on whether it is plausible to think that the basic principles of their theory include the thought that justice calls for distributive equality between people. So we can take a commitment to this thought, in the first place, together with an endorsement of the derivative demands, in the second, to be individually necessary and jointly sufficient for marking someone's view as egalitarian. Unfortunately, though, this only drives our problem one step further back. What is it to believe that justice requires distributive equality between people?

At this stage, it is necessary, I think, to draw a contrast between two varieties of egalitarian doctrine. They can be distinguished in terms of whether or not they involve a

commitment to a quantitative conception of distributive equality. Views involving conceptions of the latter kind understand equality to be a quantitative relation, one that does or that ought to obtain between different individuals when they each have equal amounts of something. For views of this first kind, then, the main task of philosophical egalitarians is to fix on the concept of the right equalisandum, the concept of that which is to be equalized in order for justice to be achieved. Philosophers whose views are of this kind must argue that greater equality is required between people by appealing to their conception of the appropriate equalisandum. It must be on that basis that they find the Fact of Distributive Inequality so troubling.

There are, however, egalitarians whose views appear to commit them to rejecting this quantitative conception of equality, and this gives rise to another version of egalitarianism. According to theories of this second kind, distributive equality is fundamentally a matter of fair treatment, where fairness is not to be thought of as requiring that people stand in any kind of relation involving quantitative sameness. Views of this second kind, then, are committed to the idea that equality is to be understood in terms of a relatively rich conception of fairness. The basic idea at work in them is that distributive equality is a complex notion, one involving other moral concepts, including pre-eminently that of fairness. Consequently, philosophical egalitarians of this second variety cannot justify their belief that greater equality is required between people by appealing to a quantitative notion. Rather, their task must be to identify the forms of distributive unfairness whose elimination requires greater equality between individuals. They must find the Fact of Distributive Inequality objectionable in the light of their theory of fair institutional treatment.

My aim in this dissertation is to examine arguments for and against egalitarian theories of



distributive justice. Through an investigation into the foundations of egalitarian justice, I shall outline and defend a theory according to which justice requires us to eliminate many of the inequalities singled out by the Fact of Distributive Inequality. On the theory I shall propose, this is because we must give everyone equal access to the goods of medical care, education and occupations. So I shall be arguing against the quantitative conception and in favor of one interpretation of the equality as fairness view. However, before I give an overview of the argument of the dissertation as a whole, I wish to say something about the nature of political morality and, relatedly, of political philosophy more generally.

3. Political philosophy, as I see it, falls into three main parts, two of which take as their topic the demands of political morality. There is a part that deals with the question of the conditions to be satisfied by a society's system of government, and here the main focus is on what it would be for a society's political system to be morally legitimate. This is the part that deals with the question of what I earlier called political justice. I shall not say anything in this dissertation about the demands of political justice. As I said in section two, I take libertarians, liberals and egalitarians to share a broadly liberal conception of these demands. So for my purposes, the disagreements between philosophers of these three kinds concerning the right way to understand and justify rights to free speech or to the due process of law and so forth are irrelevant.<sup>6</sup>

A second main area of work in political philosophy, and the part of the discipline to which my dissertation is a contribution, is the part dealing with distributive justice. Finally there is a part of the discipline concerned with meta-ethical questions, such as the nature and objectivity of the judgements we think it plausible to make concerning what justice requires of us. Since I shall be

making many such judgements myself in the course of what follows, I ought to say something about justification in political philosophy as well as about the considerations to which I shall appeal in arguing for the conception of distributive equality I find most plausible.

It is common in philosophy to distinguish between two models of justification. The first is the foundations model, according to which, we have a good justification for some region of our beliefs only when we have formulated the simplest and most plausible principles from which the rest of our beliefs in that region follow by logical consequence. Since the rest follow from these foundational beliefs, the latter are to be thought of as the basic justifiers, propositions which are to be taken as justified or true and whose justification does not depend on any other propositions.

The second model is the coherence model. On this view, we have a good justification for some region of our beliefs only when we have brought the beliefs in that region into reflective coherence both with each other as well as with the totality of our beliefs. There are no self-evident justifiers according to this view. However, among the beliefs with which coherence must be sought are those of our beliefs concerning the best ways for obtaining reliable beliefs together with other such beliefs about the marks of reliability. I myself consider this second model to be the more plausible of the two. The picture of theory-building to which it gives rise for any given region of our beliefs is something like this. We must carefully examine all of the important beliefs in that region because they constitute the phenomena from which the theory is to be inferred. The theory takes the form of more general principles which constitute the most plausible justifications or explanations which can be given for those phenomena. These principles are justified because of the relations of reflective coherence they bear to the rest of our beliefs. I shall now describe how I see the region of beliefs - the phenomena - within which I shall be seeking this kind of reflective

justificatory coherence.

One of its important elements is an abstract conception of individuals as free and equal moral persons that is basic to the modern view of the demands of political morality. This conception has informed political philosophy throughout the modern era.<sup>7</sup> The components of this conception emerged during the classical period of social contract theory, especially in the writings of Locke, Rousseau, and Kant. In time they found practical embodiment in the institutions that arose from the French and American revolutions and in the many subsequent movements for freedom and equality, such as the movements that sought to end slavery, colonial domination, racism and the subordination of women.

I treat this conception as being in a certain way fundamental: it is one of the main starting points in the moral inquiry concerning the demands of distributive justice. In order to know what justice requires by way of the structure of a society's distributive institutions, we must answer the question: How ought individuals conceived of as free and equal moral persons to be treated by those institutions? In order to know how to set about answering that question, I want to explain what I take to be the most salient features of the conception of people as free and equal. These are the ones most salient given the overall goal of finding the most plausible theory of distributive justice.

To conceive of individuals as free moral persons is to take two facts about them to be of salience. One is that no one can rightfully be born under the natural authority of another.<sup>8</sup> Political morality permits each to order his or her actions freely in accordance with his or her own design. Insofar as relations of subordination exist among individuals, these, in order to be morally legitimate, must have emerged from the uncoerced exploitation-free choices of all of the parties

concerned. But this freedom from natural subordination is not a state of licence.<sup>9</sup> There are moral constraints on actions which prevent any from ignoring the rightful claims of others. This is what makes up the second important component of the conception of individuals as free moral persons: morality constrains each of us in various ways consistent with everyone's enjoying the rightful freedom to order their actions as they themselves see fit.

To conceive of individuals as equal moral persons is not to overlook the fact of obvious and significant differences between them. There are many differences between people which must be respected if people are to be respected. So to believe in equality is not to assert that each has the same range of potentialities or capacities as the rest. Rather it is to conceive of each as equally entitled to respect in the design and functioning of economic and political institutions. It is to take the claims of each from the point of view of political morality as having equal weight. The equal worth of people is founded on the fact that all citizens are thought of as capable of giving and receiving justice. All of those who can conform themselves to the demands of justice are equally subject to them and stand as equals before them.<sup>10</sup>

To be sure, this general account of the freedom and equality of individuals is compatible with several different theories of distributive justice. Libertarians, liberals and egalitarians can all plausibly claim to hold theories based to some extent on this conception. A complete assessment of the competing merits of these three kinds of theories is beyond the scope of this dissertation. However, any such overall assessment would in part, I think, involve determining which of them could be considered most faithful to the spirit of this idea.

One way of testing that degree of fit, I suggest, would be by formulating a certain particular shared assumption related to the conception of individuals as free and equal as I have

described it. Theories of each kind could then be compared directly with that assumption. I have in mind a thought concerning the acceptability of the basic structure of a just society. I shall call it

The Fair Advantage Assumption: Justice requires that every society's basic structure works to the fair advantage of each of the members of that society.<sup>11</sup>

This puts us in a position to see the three kinds of theories of justice - libertarian, liberal and egalitarian - as providing what are in effect different accounts of the notion of fair advantage at work in it. For libertarians, what is to a person's fair advantage is fundamentally determined by his or her rights to liberty and private property. From both liberal and egalitarian standpoints, this is an inadequate account. Liberals claim that people's basic needs for such goods as education and health care are of essential significance in fixing what is to their relative advantage from the standpoint of justice.

As I have suggested, egalitarians believe that what justice requires is that people be equally advantaged in some more thorough-going sense than in their having equal rights to liberty and property. Further, they take it that advantage should be provided equally rather than in the form of a floor or minimum which is guaranteed for all. In my view, though, not enough work has been done by philosophical egalitarians in thinking about the varieties of doctrines which can be comprehended under this general heading. Much of the recent work by philosophers of an egalitarian bent has been devoted to the topic of whether or not the relevant notion of advantage here should be understood in terms the concept of human welfare or flourishing. This, however, is only one possible dimension on which they might disagree among themselves about the right way to understand the Fair Advantage Assumption. Another such dimension concerns whether egalitarian justice requires equality of access to advantage or else outcomes that are equally

advantageous for all. This in turn is connected with the contrast I drew earlier between those egalitarians who see equality essentially as a species of fairness, on the one hand, and those who see it as a quantitative relation between different individuals, on the other.

I should briefly mention two other kinds of phenomena relevant to the enterprise of theory-building in this part of political philosophy. The first comprises those beliefs philosophers like to call intuitions. These in turn come in two varieties. One is that of our ordinary considered convictions about the requirements of justice. Most of us agree, for instance, that slavery and serfdom, understood as possible forms which a society's economic system could take, are gravely unjust. In considering possible principles of justice, we shall make inferences to those that help best explain why we believe such systems unjust. Secondly, there are what might be called elicited convictions, those that emerge from our reflection on cases and counter cases to particular beliefs or else to more general theoretical principles.

There is one other set of considerations I think it plausible to bring to bear in reasoning about the demands of justice. This has to do with the ideal of liberal tolerance and its connection with the kinds of reasons philosophers ought to offer in support of their theories of justice. Following Rawls, let us say that people's conceptions of the good are made up of the values and ideals they hold concerning what makes life worthwhile, or of what gives human life its point or significance. These conceptions will, in most cases, be more-or-less inchoate combinations of ethical, religious or communal beliefs about the things people think are worth doing with their lives.

Under democratic conditions, it seems plausible to assume, people will tend to develop conceptions of the good which differ, and in some case which differ radically from each other.<sup>12</sup>

Only the use of state coercion can prevent such differences from developing, it would appear, since this plurality of conceptions of the good looks to be a product of the workings of human reason under free and democratic conditions. Evidence of this kind makes it reasonable to take for granted

The Fact of Reasonable Pluralism: The existence of a plurality of reasonable conceptions of the good such as that found in modern democratic societies is a permanent feature of the public life of democracies.<sup>13</sup>

If we do take this as given, then, I believe we ought to accept certain constraints on the legitimacy of a democratic state. In particular we should attempt in good faith to justify the basic structure of such states without appealing to any single reasonable comprehensive conception of the good.

Now it seems to me that political philosophers who accept these restrictions, are thereby committed to accepting constraints on the kinds of reason they can offer in support of their theories of distributive justice. In particular, the justification they give for their theories of justice should, so far as possible, appeal to reasons that people with different reasonable conceptions of the good can all accept. In saying this, however, I do not think that we can assume that we already have in hand an independent criterion for identifying those reasons. It is not as though, prior to the formulation of a philosophical theory of justice, we can take for granted a clear conception of the reasons people with different views of the good can all accept. Indeed, aiming to clarify the structure and content of those reasons is surely part of the political philosopher's meta-ethical task. In accepting the coherence model of justification, I take myself to be committed to thinking that we ought to shuttle back and forth between the principles of the most plausible theory, on the one hand, and our best criterion for the reasons people in a liberal society can all accept, on the other.<sup>14</sup>

4. As promised, I shall close with a brief overview of the structure of the dissertation. The argument falls into two broad divisions. In the first part, Chapters Two and Three, I examine what I consider to be the strongest moral objections to the ideal of distributive equality, those deriving from the views of libertarians and liberals. I shall argue that some of these objections are very powerful and count against the ideal of equality of outcomes. However, I believe none of them is decisive against a competing view of equality, to wit, equality of access.

In the next three chapters of the dissertation, I explore egalitarian arguments concerning the best way to understand and justify distributive equality. In Chapter Four, I provide further reasons for thinking that equality of outcomes is not a defensible conception of the egalitarian ideal. Chapter Five considers the question of whether the kind of equality of advantage that egalitarians seek should be determined by reference to people's welfare, comprehensively understood, or else by reference to their command of resources. I opt for an interpretation of equality of resources. This second part of the dissertation culminates in a defense of my own view of the demands of distributive justice, according to which justice requires there to be equal access to certain basic resources, to wit, health care, education and occupations.

In the concluding chapter, I reflect briefly on the question of the feasibility of an egalitarian society organized along the lines suggested by my theory.



## NOTES

1. There are non-distributive institutions that form part of the basic structure properly understood. Rawls includes the political constitution and the principal economic and social arrangements. (See A Theory of Justice, p 7) The state and the family, are thus part of it.
2. The importance of control over the non-human means of production is of course something emphasized by Marx.
3. It is sometimes said that this description begs the question against libertarian theories of justice because it presupposes that there is a single agency, such as the state, whose conduct is to be regulated by those principles. This is objectionable from a libertarian point of view because for libertarians, the state's role is restricted to enforcing the laws of private property and laying on a minimal set of public goods. But this objection can be seen to be mistaken, I believe, once we appreciate the contrast between allocating and distributing goods.
4. I say 'in part' because there is no systematic development of what I consider to be a liberal conception of justice in the philosophical literature. The three philosophers who have done the most to criticize egalitarianism from a liberal perspective are Harry Frankfurt, Joseph Raz and Jeremy Waldron. However, their own positive views are not fully developed.
5. I am simply ignoring - rather than denying the existence of - deep conflicts between the different kinds of philosophers who are liberals about the principles of political justice.
6. Although it is not clear to me that libertarians can offer a convincing defense of these kinds of rights, since they are hard to make sense of as rights we would have in a state of nature, as it were. For arguments on this score, see Joshua Cohen, "Democratic Equality".
7. In our own time, it is chiefly the work of John Rawls which has contributed most to our understanding of this conception.
8. Cf. Rousseau: 'no man has any natural authority over his fellow man.' (On The Social Contract, Bk I, Ch 4).
9. Cf. Locke: '[the] State all Men are naturally in...is a State of Perfect Freedom to order their Actions, and dispose of their Possessions, and Persons as they think fit, within the bounds of the Law of Nature, without asking leave, or depending on the Will of any other Man... But though this be a State of Liberty, yet it is not a State of Licence.' (Two Treatises of Government, Bk II Ch 2.)
10. These ideas are especially prominent in the theories of Rousseau and Kant. The dignity of all human beings is the same, according to these philosophers, in that it derives from the humanity of each person. Especially in Kant, humanity is understood as the capacity for both legislating as well as conforming one's conduct to the moral law.

11. My formulation of this principle owes much to Judith Jarvis Thomson's brief and insightful discussion of a doctrine she calls 'contractualism' in The Realm of Rights, Chap. 13.

12. In this and the next few paragraphs, as my choice of terminology should make clear, I draw heavily on the ideas of John Rawls and Joshua Cohen. See in particular, the former's Political Liberalism and the latter's "Moral Pluralism and Political Consensus." in The Idea of Democracy, D. Copp, ed.

13. This is taken more-or-less verbatim from Political Liberalism, p 36.

14. In this connection, I should mention one possible point of disagreement I have with Rawls. He tells us that 'it is only by affirming a constructivist conception [of justice] - one which is political and not metaphysical - that citizens generally can expect to find principles that all can accept.' (Liberalism, p 97). As I understand it, among the marks of a non-metaphysical conception of justice, is that it makes no claims about the truth or falsity of the propositions comprising it. Among the reasons Rawls offers for thinking that political philosophers ought not to make claims about the truth and falsity of their theories is this: 'Holding a political conception as true, and for that reason alone, the one suitable basis of public reason is exclusive, even sectarian, and so likely to foster political division.' (Liberalism, p 129) Now as I see it, the enterprise of theory-construction in political philosophy aims to determine which of our beliefs about justice are true. I think Rawls is right that we cannot cite the truth of the propositions in the theory of justice we accept as the sole basis of public reason in a society dedicated to the ideal of liberal tolerance. I differ from Rawls because I believe that the strongest bases for public reason in a liberal democracy are also among the best grounds we have for thinking that the most plausible theory of justice is true. For this reason, I dissent from Rawls's claims if they entail that we can expect to secure agreement on such a theory only if we are prepared to prescind from questions concerning its truth or falsity.

## CHAPTER TWO THE LIBERTARIAN CRITIQUE OF DISTRIBUTIVE EQUALITY

1. Libertarians reject any and all government initiatives aimed at implementing egalitarian ideals. They do so on the basis of what I shall call the Argument from Liberty. This begins from the assumption that a government which sought to realize egalitarian principles of distribution would have to restrict people's liberty in a host of ways. But, the argument goes, these restrictions would be morally impermissible because they would involve violating our rights to liberty.

In the following chapter, I examine this quite general critique of distributive equality. I do so by investigating the three main grounds libertarians offer in support of their claim that implementing the demands of egalitarian justice would violate people's rights.

I show first, that the notion of maximal equal liberty cannot support this claim. I argue that appealing to this idea places libertarians in a dilemma. Either they have no grounds for rejecting anarchism, or else, in order to reject anarchy, they have to agree that many kinds of egalitarian societies would be consistent with maximizing people's freedom.<sup>1</sup> Next, I examine a libertarian argument premised on the idea of a right to be free from unpredictable coercion. I argue that libertarians are correct in thinking that such a right could not be guaranteed in a society whose government sought to implement the ideal of equality of outcomes. But I suggest that such a right could easily be affirmed in a society dedicated to the goal of ensuring equality of access to its citizens. Finally, I show that the influential idea that people own themselves is not inconsistent with an egalitarian scheme of property and taxation. I conclude that the Argument from Liberty does not establish the conclusion libertarians take it to establish.

To assess the Argument from Liberty, we need a good grasp of what libertarians have in

mind in appealing to our rights to liberty. For they certainly do not maintain that morality gives us license to do as we please. Like most of us, they believe that morality forbids us from committing murder, for instance, or fraud, or random acts of violence against others. Again like most of us, libertarians believe that governments may enforce these kinds of constraints on action.

Furthermore, many libertarians concede that it is at least permissible for the government to restrict people's conduct in order to ensure the provision of a limited class of public goods, such as those of national defense and a single currency.<sup>2</sup>

Where libertarians differ is in believing that the only other legitimate functions of the government have to do with enforcing the system of rights and duties associated with an unrestricted laissez-faire economy. In this respect, they differ from liberals who believe that the government has both a right and a duty to enforce laws which assist the needy. But most pertinently for our purposes, they differ from egalitarians who hold that the government has a right and a duty to promote distributive equality.

This suggests that the Argument from Liberty requires as a premise a distinctively libertarian claim about which rights belong in the cluster of rights, liberties and powers comprising the right to liberty. Now, about many of the components of this cluster there is no disagreement. Rights to freedom of association or to due process of law, for instance, are not in dispute between egalitarians and their libertarian critics.

What is in dispute is whether or not certain economic liberties are in the cluster. For aside from prohibitions on such things as acts of physical aggression, and from the restrictions needed to supply certain public goods, libertarians reject any and all government limits on people's freedom. This puts us in a position to formulate the first step in the Argument from Liberty, a step

I shall call

**The Libertarian Premise: In the cluster of our rights to liberty are rights to the unrestricted use of private property, rights to trade on unfettered markets for all goods and services, as well as rights to transfer and bequeath our holdings at will.<sup>3</sup>**

To arrive at the second premise of the argument, a libertarian needs simply to appeal to certain familiar features of rights as we generally understand them. For an individual to have a claim-right is for at least some others to be under a moral constraint as regards their treatment of that individual. If the claim-right in question is a right to do a thing, then everyone else is under a duty to refrain from interfering with the right-holder's doing it. While rights are not necessarily absolute, having them confers on people a protected sphere within which morality requires them to be left free to do as they please. Rights can only be infringed if there are very strong reasons in favor of doing so. And according to libertarians, no ideal of distributive equality provides strong enough reason for violating people's rights. Using a familiar metaphor, these thoughts can be condensed into a slogan

**The Trumping Premise: Rights to liberty trump equality.**

From these premises, libertarians infer that egalitarian institutions are morally indefensible. For no form of distributive equality could be achieved by a government without its restricting the liberties associated with the free market. If we have these liberties by right, however, then distributive equality would indeed necessitate the violation of our rights.

The Argument from Liberty, thus understood, clearly makes trouble for egalitarians. After all, liberty is of great significance in political morality, and libertarians are not alone in valuing it.<sup>4</sup> A society which did not afford its members rights to the freedoms we cherish could not claim to

have satisfied the demands of justice. Indeed, rejecting the value of freedom would go against the grain for most egalitarians, since many of the political movements with which they naturally count themselves in solidarity are movements which aim to end oppression and domination.

It is, furthermore, very plausible that rights to liberty do trump equality. Consider, for instance, the correlation between earning power and superior productivity. Other things being equal, people who are unusually productive tend, in modern societies, to earn higher wages. These inequalities in earnings could be eliminated by implementing severe restrictions on people's freedom. We could, for instance, imprison the most talented producers, and force them to work for average wages doing the jobs in which they exhibited greatest productivity. Yet it is surely a datum that morality would forbid such a course of action. And what explains that datum are the facts that people have a right to work at the occupations they choose, together with the fact that that right falls within the cluster of their rights to liberty.

So what must be offered by an egalitarian wishing to rebut the Argument from Liberty is a demonstration of the falsity of its first premise. The argument is only as strong as the reasons the libertarians can offer for believing that the cluster-right to liberty does indeed contain the putative economic rights which they say it does. In the absence of good reasons for believing this, there is no good reason for thinking that every form of society committed to implementing egalitarian justice would violate people's rights.

What is wanted, then, is close scrutiny of the grounds that have been provided for that first Libertarian Premise.

2a. A natural place to begin is with

**The Maximal Liberty Thesis: Each of us has a right to the most extensive liberty compatible with there being an equal liberty for all.<sup>5</sup>**

This is a good place to start since it goes along with a picture of our right to liberty which seems naturally to suggest itself to us. It is easy to think of that right as a kind of sphere surrounding each of us, abutted on all sides by the similar spheres of everybody else. The Maximal Liberty Thesis says, in effect: make each person's private sphere as large as you can, while at the same time ensuring that all of them are of the same size.

It is a short step from this thought to a justification for the Libertarian Premise: If we were denied the rights mentioned in it, then each of us would have had less liberty overall than if we had been granted those rights. Each person's private sphere would have been smaller than it could have been. In short, what maximal liberty requires is a free market society.

But things are not quite as simple as all that. For there are in fact two different arguments in the offing here and we do well to distinguish them. The first equates maximizing equal liberty with minimizing the legal constraints on people's conduct. This equation suggests a simple a priori justification for the first premise of the Argument from Liberty. And although it quickly emerges that this justification is a non-starter, drawing attention to its shortcomings will put us in a position to assess the merits of the second argument which is based on a more plausible view of maximal freedom. As we shall see, that second justification rests on the idea that maximal equal liberty is achieved when people face the largest set of compossible options between which they are free to choose.

2b. The first, a priori argument proceeds like this: In a society containing unregulated markets

and unrestricted rights of private ownership, people would enjoy the greatest amount of liberty overall. This is because of the minimal number of duties which would be enforced by the government of such a society. These fall into three groups: first, a small set of moral duties, such as the duties not to attack or defraud others; secondly, duties to pay for the upkeep of the few public goods provided in the society; and, last of all, the duties correlated with libertarian property rights, such as the duty to refrain from making use of other people's property without their consent. Since no positive obligations, and especially no duties to assist others would be publicly recognized in such a society, people would be compelled to fulfil as few onerous and intrusive duties as possible. They would, consequently, enjoy the greatest possible freedom from legally sanctioned government interference.

The reason why this will not do as a defense of the Libertarian Premise is that there are forms of society with even fewer legal constraints on people than this. An anarchistic society would afford greater freedom from government intrusion than any libertarian society could. In a society of anarchists, everyone would be legally free to do whatever they pleased unless they had, by prior agreement, chosen to restrict their own freedom.

And obviously, since libertarians believe there ought to be a framework of laws securing the rights of private property, they cannot offer this first, a priori argument for the Libertarian Premise.<sup>6</sup>

However, the only way for libertarians to reject anarchism without giving up on the Maximal Liberty Thesis would be for them to offer a different characterization of maximal liberty. Instead of thinking of it as the minimization of legal constraints on action, they will have to think of it as requiring the maximization of people's options to do as they choose. Here, roughly



speaking, a person has the option of doing a thing just in case nothing stands in the way of his or her doing it. On this reading of the thesis, a society secures maximal equal liberty for all when each of its citizens faces the widest equal array of options possible.<sup>7</sup>

2c. Given this conception of maximal equal liberty, we can supply the second justification for the Libertarian Premise that I mentioned. It is that people who lacked the rights of private property associated with laissez-faire, would have fewer options to do as they pleased than people who possessed those rights. In short: free markets would maximize the set of options available to people.

Before the libertarians can make this second argument, though, they owe us an explanation for their rejection of anarchism. It is not enough for them just to say that maximal liberty requires maximizing options rather than minimizing the legal constraints on conduct. After all, as libertarians never tire of pointing out, legal constraints put limits on freedom. If freedom from government intrusion is as important as the libertarians say it is, why should there be any non-voluntary legal restrictions on people at all?

Of course, the explanation a libertarian is likely to offer is that some restrictions on liberty are necessary for the sake of liberty itself.<sup>8</sup> In the spirit of the second reading of the Maximal Liberty Thesis, we could express the point this way: legal constraints are needed on some options in order to make a greater number of options available overall. If this is what is said, though, something of great importance emerges, something starkly illustrated by the kinds of examples libertarians standardly offer to justify restrictions on liberty. They say, for instance, that my freedom to move my fist must be limited in order for you to be free from violence.<sup>9</sup> If these are

the reasons for the libertarians' rejection of anarchy, then they still have their work cut out for them if they are to justify the Libertarian Premise by appealing to the Maximal Liberty Thesis. For as they stand, these reasons provide no justification at all for libertarian property rights.

To see why not, recall that I drew attention earlier to a set of constraints on behavior whose legal enforcement both libertarians and egalitarians consider to be morally legitimate. These are the restrictions embodied in the criminal codes of most modern societies, together with the limitations on freedom necessary to provide a limited class of public goods. Since it is common cause that governments may enforce these, let us give them the name the Baseline Constraints.

It is extremely plausible that enforcing the Baseline Constraints would maximize people's options, especially if we compare a society which did so with an anarchical society lacking all law. Unless each of us has a legally enforceable right to be free from gratuitous violence on the part of others, for example, it is likely that we shall be much more restricted in our movements than otherwise. In order for me to exercise the option of strolling down my street, it must be the case that I will not be attacked as I do so. Hence, it seems right to think of these restrictions as necessary for the maximal promotion of liberty itself.

But the only restrictions of which this is uncontroversially true are the Baseline Constraints, and these are not themselves distinctively libertarian in character.<sup>10</sup> The most that is shown by pointing out that an enforced prohibition against violence maximizes freedom is this: the Maximal Liberty Thesis requires a society to enforce the Baseline Constraints. Nothing at all has yet been shown about the restrictions on behavior which are of an essentially libertarian character, namely the laws of private property associated with economic laissez-faire. These Libertarian

Constraints, as they may be called, lay on people a duty to refrain from trespassing on land belonging to others, and a duty to refrain from using other people's property without their consent, and so on and so forth. In laying on all of these duties, the Libertarian Constraints foreclose many options which people might otherwise have enjoyed under alternative schemes for distributing property.<sup>11</sup> For any such scheme regulates the access people have to their society's economic resources. If these resources are all privately owned in the distinctive way that libertarians think of private property, then the options of everybody aside from the property owners become severely circumscribed.<sup>12</sup>

Consequently, if the Libertarian Constraints are to be justified by reference to the Maximal Liberty Thesis, some further stretch of argument is needed. It will not do just to say that restrictions on liberty are necessary for the sake of liberty itself. In particular, what must be shown is that the array of economic options which those constraints make possible is wider than the array apt to be produced by any other non-libertarian system of property laws. For our purposes, what is wanted, then, is good reason for thinking that the set of rights and duties making up the Libertarian Constraints would afford people more in the way of equal freedom overall than any comparable egalitarian system of property.

This leads directly to a further observation about the justification for the Libertarian Premise currently under scrutiny. This is that libertarians simply have no a priori argument for that premise based on the Maximal Liberty Thesis. If the thesis requires a society to maximize the options it makes available to each of its members, then what is needed is a detailed empirical inquiry to determine which set of property laws would have that effect. We cannot know how much freedom would be made available without investigating the consequences for freedom of

different forms of society. In the absence of such information, the following considerations seem relevant.

Consider one of the freedoms valued by libertarians, the freedom to bequeath one's holdings - including one's wealth in its entirety - to whomever one sees fit. Would the universal enjoyment of this freedom give each individual more liberty than each would otherwise have had? In part this depends on the nature of the egalitarian system with which the free market society is being compared. Imagine a society in which no legal provision existed for bequeathing one's estate, so that at one's death, all of one's holdings became state property. Under such circumstances, people would lose an important option they would have had under laissez-faire. But first, if these deceased estates were subsequently redistributed widely enough, that would have effect of making a whole new set of options available. Secondly, however, nothing commits egalitarians to such a draconian system of property. It is perfectly consistent with egalitarian values to think that morality confers on people the option of bequeathing their personal effects and holdings at death, but not that of transferring their wealth without paying steep taxes.

Having a duty to pay such taxes would, once again, restrict people's options. Even so, the taxation due on these transfers could of course be used to enhance the overall set of economic opportunities confronting people. Revenues collected in this fashion might be used to finance various projects promoting equality between individuals or firms trading in the market. For instance, it could be used to finance employee-controlled firms exclusively, or to fund anti-trust initiatives in the courts and in general to assist the kinds of people who operate at a severe competitive disadvantage in the market.

The availability of such funds would give many people access to financial resources which

they would have lacked under laissez-faire. So the constraints on economic freedom required by this conception of egalitarian justice would have the effect of providing liberties and opportunities to many people who currently lack them.

Similar thought experiments could easily be run for all of the freedoms claimed as a matter of right by those who believe in unrestricted private property. Each of the two systems of constraints, egalitarian or libertarian, can be shown to make possible sets of options which the other excludes. What emerges, then, is that any scheme of property will make some options available while foreclosing others.

In consequence, attempting to show the superiority of a libertarian society over an egalitarian one by considering the set of options it makes available to people does not deliver the conclusion libertarians need. An egalitarian society could, in all likelihood, guarantee at least as much freedom overall as would its libertarian rival. To be sure, freedom would be distributed quite differently under the two systems. But so far we have been given no reason for thinking that difference objectionable. I conclude that libertarians cannot claim that the property laws framing a free market economy would necessarily make for maximal liberty, where that is understood to be the largest set of compossible options for people to choose from.

On the other hand, as we have seen, if the Maximal Liberty Thesis is understood to require as few legal restrictions on conduct as possible, the libertarian position is vulnerable to rebuttal on anarchist grounds. But libertarians reject anarchism because they think, quite plausibly, that the state is entitled to enforce people's rights.

So the thesis and its associated picture of liberty turn out to require a conception of freedom which cannot do the job libertarians want. Yet perhaps this is exactly the problem.

Perhaps we go wrong in thinking of our right to liberty as a matter of how much of something each of us has. Isn't that right more plausibly thought of as a right to be free from certain kinds of unfreedom? If so, then what needs showing is that only a libertarian society could protect the morally more significant freedoms.

3a. One promising suggestion is that among the morally more important freedoms is the liberty to choose one's projects in an environment free from unpredictable coercion by others. The thought would be that such coercion prevents people from enacting stable and abiding long-term plans of action, and this, in turn, undermines the conditions necessary for them to live autonomously. What this suggests is that a libertarian seeking to reject egalitarian institutions on grounds of

The Libertarian Premise: In the cluster of our rights to liberty are rights to the unrestricted use of private property, rights to trade on unfettered markets for all goods and services, as well as rights to transfer and bequeath our holdings at will.

might appeal by way of justification to

The No-Unpredictable Interference Thesis: Each of us has a right that others refrain from unpredictable acts of coercive interference against us.<sup>13</sup>

The argument would be that unless the libertarian property rights were in the cluster of rights comprising our right to liberty, we would be open to precisely the kind of interference mentioned in the thesis. How so? we might ask.

Well, the libertarian could say, rights of making unrestricted use of private property guarantee stability of holdings because of the unique nature of the legal system required to protect those rights. A government which was bound to leave everybody's property alone would be

precluded from governing by means of ad hoc administrative decrees. Such measures single out particular individuals or groups as targets of government action but they can only be carried out if the government is entitled to infringe people's property rights whenever it sees fit. Practices like unwarranted searches and seizures, trespassing by state officials, and the expropriation of private holdings are ruled out if the government is under a duty to respect people's property.

Furthermore, if the bulk of economic activities are left completely to private initiative, people can decide for themselves with whom to contract and on what terms to do so. In so far as there was any coercive state interference it would either be to compel people to fulfil self-imposed contractual obligations or else to enforce predictable laws. The general idea, then, is that private property necessitates a secure and predictable legal framework. And from this it is thought to follow that only in a libertarian society would everyone be truly free from unpredictable coercion by the government.

The line of argument can be sharpened, I think, if we consider the libertarians' reasons for believing that an egalitarian state would necessarily violate people's rights to liberty as conceived by this second thesis.

In such a state, the government would have legitimate grounds for coercing its citizens in the name of equality. But because of the kind of value equality is, the coercion required to promote it would necessarily require unpredictable invasions of people's private lives. For consider: the ideal of equality is essentially relational. It is realized whenever people have equal amounts of something, whether those amounts are measured in terms of resources or welfare. An egalitarian legal system would have to use rules requiring interminable comparisons of the relative positions of different people. Adjustments in people's holdings would continually be called for in

order to take from the better off to improve the lot of the worse off. It would be impossible to predict when one's holdings would be seized because the government's reasons for doing so would be entirely unrelated to one's own actions and choices. They would always have to do with comparative facts concerning the lives of other people.

However, this vindication of libertarianism based on the No-Unpredictable Interference Thesis does not succeed. For one thing, rights to private property as they are understood by libertarians give to those who hold them morally unimpeachable reasons to coerce others in completely unpredictable ways. The owner of a piece of land might agree to let me traverse it on my way to work each day. But he is rightfully entitled to withdraw his consent at any time and may use a due measure of coercion to enforce his wishes. The fact that a pattern of using someone else's property has become well-established does not prevent its owner from exercising the right to change his or her mind at will. Of course it would be no help to be told by a libertarian that these actions are not unjustified because in each case, the owners have rightful title to their property. For we were looking to the No-Unpredictable Interference Thesis in support of the rights of private ownership and this response would have it the other way around.

Even if a libertarian succeeds in showing that his or her preferred form of society is consistent with the No-Unpredictable Interference Thesis, that would not suffice to demonstrate the much stronger claim that only libertarian societies could be consistent with it. In order to rebut that stronger claim, all an egalitarian would have to show is that a legal system guaranteeing distributive equality could well confer on people freedom from unpredictable government interference. This would demonstrate that the No-Unpredictable Interference Thesis does not entail the Libertarian Premise because it is consistent with another quite distinct set of rights and



duties than those enumerated in the premise.

3b. The rebuttal goes through because nothing forces egalitarians to agree that distributive equality obtains between the members of a society if and only if each citizen has the same-sized share of something, whether it be resources or welfare. This would be to commit themselves to the ideal of equality of outcomes. However, it is open to egalitarians to understand distributive equality in terms of the notion of background fairness or equity. Equality, thus understood, would consist in each citizen's commanding fully equitable access to the institutions distributing the most important social and economic resources of the society. So the ideal of equality could be taken to call for equality of access rather than equality of outcomes. On such a view, the processes by which citizens gain entry to institutions distributing goods like health care, education, occupations and wages must be fully equitable in a distinctively egalitarian sense of this last phrase. Egalitarian equity requires that no one be excluded from obtaining high quality education or health-care because they could not afford to pay for them. In addition, it mandates the arrangement of labor markets and the tax system in a way that would guarantee that nobody suffered from exploitation based on their economic backgrounds or their abilities and levels of skill. Egalitarian justice would not necessitate giving people equal shares if its primary goal were to eliminate all forms of economic exploitation.

Equitable access to these resources and institutions could be ensured by a system of taxation and transfers framed by entirely non-comparative legal rules. Citizens would then be in a position to choose their plans and careers without fear of *ad hoc* or unannounced expropriations of their justly acquired shares. Consequently, there need be no attempts by the government to

influence the relative positions of citizens. As long as the procedures of distribution for each institution were fair, the outcomes would be taken to be just, whatever they turned out to be.<sup>14</sup> Equality would be achieved by the public rules of the social and economic structure and these would guarantee that no-one was subject to unpredictable coercion in its name.

Certainly if people are to be free from such tyranny, they must enjoy exclusive and rightful control over some resources or else be in a position to strike agreements with others who themselves exercise that control. Those who lack that kind of security could be forced by others, including the government, to do things they would otherwise not do. Libertarians are quite right that stability of private holdings is of enormous instrumental value to people. A society without it would prevent its members from living autonomous and well-ordered lives. But egalitarians can readily concede these points without giving up on their conception of distributive justice.

So there is no reason why an egalitarian society committed to ensuring equality of access rather than equality of outcome could not conform its laws to the No-Unpredictable Interference Thesis. And since an egalitarian society would not necessarily be inconsistent with the thesis, a libertarian cannot appeal to it in order to defend the first premise of the Argument from Liberty.

Some other justification must be found.

4a. We come now to the last and most popular of the three grounds which libertarians standardly offer to justify the Libertarian Premise. This constitutes a further way in which they develop the thought that only a libertarian society could protect all of the morally most significant freedoms we have. Let us call this idea

The Self-Ownership Thesis: Each of us has rights of private ownership over ourselves.<sup>15</sup>

And it is no accident that this has proven to be the most popular way of justifying libertarianism. Most of us, egalitarians included, are inclined to think this a very attractive idea. After all, it does seem that we have rights over our bodies which are akin to rights we have over external objects when they belong to us. A certain bicycle's being your rightful property puts all of us under moral constraints with regard to it. For one thing, those constraints ought to prevent us from taking its wheels. A certain human body's being yours puts everyone else under moral constraints with regard to it. For one thing, the constraints ought to prevent us from taking your organs. In each case, morality prevents certain takings and it seems plausible to think that what explains that fact is that you enjoy rights of ownership in both your body and your bicycle.

Libertarians appeal to self-ownership to support their view of our rights to private property in two ways.

Sometimes they claim that it justifies the origins of the whole system of private ownership. Rights of self-ownership are property rights in our own persons and powers, they say, and among these rights is a right to the fruits of our labor. When a person works on some previously unowned item, that person mixes his or her labor with it. Ownership seeps out from the laborer to the thing labored on, as it were. And this initial mixing of labor confers on the worker rights of full private ownership in what he or she has worked on.

I propose that we simply set this argument aside. For the libertarians themselves see the queerness of the claim that the labor which seeps out of one's body, rather than simply dissipating in the world, actually confers ownership on whatever it is mixed with.<sup>16</sup> But even if that claim

stands, strong additional premises are required to deliver the conclusion that full libertarian property rights arise in this way. The privatization of previously unowned resources changes the situation of everyone else, for they lose the liberty to make use of those resources for their own purposes. We need further principles of just acquisition before we can judge whether or not the rights of these non-owners would be violated in the process. And so, whatever else is true, it is clear that the Thesis of Self-Ownership does not by itself entail that people have unrestricted property rights in the resources of the external world.

4b. There is, however, a second and much more promising line of argument urged by libertarians on the basis of this idea. They claim that, unless we are free to keep whatever we earn on the market, our rights of ownership over ourselves would be violated. Given that we own our talents, they insist it would be profoundly unjust if our free market earnings were taxed by the government in order to promote equality. Egalitarian taxation, on this view, involves stealing from us things we have acquired by exercising some of the abilities to which we are closest, namely our economic talents and skills.

Now this argument is valid only if the Thesis of Self-Ownership entails that people own themselves in the distinctive way that libertarians conceive of private ownership quite generally. According to that conception, the owner of something enjoys unrestricted rights in it, including rights to use, alienate, or destroy it as well as rights to keep any free market earnings derived from its employment or sale. For libertarians, there is a perfect symmetry between the ownership relation obtaining between a person and a thing, on the one hand, and the ownership relation holding between a person and him- or herself, on the other.

However, the suggestion of a complete symmetry turns out on reflection to be mistaken. There are enough important disanalogies between ownership of oneself and ownership of ordinary medium sized dry goods to undermine the claim that the Self-Ownership Thesis entails the full libertarian conception of property in oneself.<sup>17</sup>

The first of these disanalogies concerns powers to alienate what one owns. One of these powers is captured in

The Transfer Principle: If X enjoys rightful private ownership of Y, then X has a right to transfer ownership of any parts of Y to somebody else.

Whichever material goods this principle applies to, it is manifestly invalid in the case of people's bodies.<sup>18</sup> Contemporary legal systems make it illegal for people to sell their organs on the market, and this reflects our firm moral conviction that the practice of selling body-parts would undermine the dignity of the human person.

A second point of disanalogy concerns

The Destruction Principle: If X enjoys rightful private ownership of Y, then X has a right to permit any Z (where  $Z \neq X$ ) to destroy Y.

I can certainly permit you to destroy my bicycle in a fit of rage but I cannot permit you to do that to me. This is because no one can give legally and morally binding consent to be murdered, irrespective of the circumstances of the agreement.

The fact that neither of these principles applies in the self-ownership case shows that the Self-Ownership Thesis does not entail that we have full libertarian property rights in ourselves. This should suffice to rebut the argument from that thesis in defense of the Libertarian Premise.

But in response a libertarian might well say: "These principles probably ought to apply to self-ownership. Perhaps the fact that contemporary legal systems rule them out shows simply that

those systems violate people's rights. At any rate, these principles are irrelevant when it comes to deciding whether or not people have a right to everything they can earn by using their skills on the free market."

What is at issue then, is whether or not the truth of

The Self-Ownership Thesis: Each of us has rights of private ownership over ourselves.

necessitates the truth of what might be called

The Libertarian Earnings Principle: If X has rights of private ownership over Y, then X has a right to everything that X earns from using Y on the market.

If it is impossible for the thesis to be true and the principle to be false, then an egalitarian scheme of taxation would be fundamentally unjust, since it would involve the violation of our rights in ourselves. Consequently, if the principle is true, then a significant part of the Libertarian Premise will have been justified. For the libertarians will have succeeded in showing that people have a right against having their earnings taxed in the service of egalitarian goals.

However, it is obviously open to egalitarians to argue that the Self-Ownership Thesis is indeed true, but the Libertarian Earnings Principle false. In order to make their case, they would have to show that what is true is not that principle, but rather something that might be called

The Egalitarian Earnings Principle: If X has rights of private ownership over Y, then X has a right to some but not all that X earns from using Y on the market.

For, clearly if this second principle is true, then no one's rights would be violated if their earnings were to be taxed in order to promote distributive equality. This egalitarian principle concerning our rights-to-earnings presupposes the existence of a labor market, but it is nevertheless

consistent with a system of redistributive taxation on people's wages.

An argument for it could be made as follows. It is a truism among property lawyers that ownership consists of a cluster of discrete elements or incidents.<sup>19</sup> Whether or not a person owns something is matter of his or her enjoying enough of the rights, liberties and powers in the cluster to count as having effective legal control over that thing. With regard to the ownership of ourselves, it is enough for us each to have a right to choose an occupation in which to exercise our talents and to have a right to derive some financial advantage from doing so. An egalitarian system of taxation would not deprive us of any morally significant freedoms and would certainly not violate any of our rights over ourselves.

Something like the Egalitarian Earnings Principle is mandated by the demands of justice, in my view, because systems of taxation and transfer are required in order to prevent economic injustice. For one of the fundamental demands of egalitarian justice, as I conceive of them, is that there be a non-exploitative distribution of economic freedom between different individuals. This requires that each person be able to work in conditions and for rates that are to his or her fair advantage so that the autonomy and dignity of each person is properly respected. It is unfair if some are forced by circumstances to do exploitative or degrading work or work that is poorly remunerated in comparison with those who earn at top rates. The point of taxing people's earnings is to prevent these kinds of evils from occurring.

4c. Libertarians, of course, reject this line of thought completely. Only a market economy without an egalitarian tax scheme, they insist, is consistent with the idea that each of us owns our talents and abilities. But, as I have said, egalitarianism is quite consistent with our having a right

to derive some financial benefit from those talents and abilities. And so the libertarians owe us some additional reason for thinking it true that a redistributive tax system would violate our rights of self-ownership. In fact, three different arguments have been advanced by libertarians to support that claim.

The first is that redistributive taxation is simply stealing. Here the thought is that if other people are prepared to pay someone in exchange for the use of his or her services, then what that person earns as a result belongs to him or her alone. If the government were to tax those earnings, it would be taking what rightfully belongs to that person.

This argument fails because it assumes what it has to prove: namely, that each of us has a right to the maximal degree of financial advantage that accrues from the use of our own skills. It is only possible to steal a thing from someone if it belongs to them by rights and egalitarians deny that all of our free-market earnings do rightfully belong to us.

This reply might be thought too quick, however. So it is worth spending a little longer over it. Consider the forms of taxation which libertarians find morally unobjectionable, those which provide financial support for the supply of public goods such as law and order and national security. Here taxes are levied on people's earnings in order to finance the enforcement of what I earlier called the Baseline Constraints. No libertarian counts this as stealing in part because the public goods being financed constitute the framework of institutions necessary for the maintenance of a free market society. This shows that the libertarians cannot be saying that taxation by the government is necessarily stealing. There must be something about what tax monies would be used for in an egalitarian society that would make its tax scheme so objectionable. So now we need to know exactly what that evil use consists in.



It will not do for a libertarian to say: "The wrongness here consists in the fact that my money is being used to benefit other people." Imagine that you and I, as law-abiding members of a libertarian society, always pay the taxes levied on us to provide law and order. If neither of us ever has to call on the police for the protection of our lives or property but other people do, would that mean that we had been wronged, that our tax money had been stolen from us? "No," the libertarian will say, "for you benefitted from the general atmosphere of safety which the existence of the police-force helped to foster and promote." Now it seems to me that libertarians who say this have made trouble for themselves.

This is because on the view they are trying to refute, complying with the demands of egalitarian justice is an additional way of bringing about a general atmosphere of safety and stability. How so? it might be asked. Because it seems plausible to think that, other things being equal, a just society is a stable one and everyone benefits from its stability. Taxing people's earnings in order to secure egalitarian justice is no less likely to contribute to social stability than is taxing those earnings to secure law and order or national defense.

At this point, the libertarian might change course and claim that taxation for the sake of equality is stealing because those who are taxed do not consent to be taxed. But this in turn cannot be right because even a libertarian state would be obliged to levy taxes on those who, as it turned out, were unwilling to pay them. And as I have said, such a state would have to levy some taxes if only for the provision of public goods like law and order. In short, implementing the demands of egalitarian justice is no more a case of stealing than is implementing the demands that make up the Baseline Constraints. It is hard to see how a libertarian can deny this without begging the question.

There is a second reason a libertarian might offer in support of the suggestion that only a free market society is consistent with the Thesis of Self-Ownership. This is that taxing people's earnings is morally equivalent to a system of forced labor. The idea is that taking some of the earnings a person derives from a given number of hours of work amounts to taking some of those hours from the person directly.<sup>20</sup> In taking hours of a person's time, an egalitarian state would be forcing that person to spend those hours working to benefit others.

To evaluate this suggestion, we need to know what marks an egalitarian system as one in which people would be forced to labor for others. After all, in the kind of egalitarian society I have been envisaging, everyone would enjoy a certain degree of freedom to determine the lengths of their work-days. The government would certainly not be able to dictate to people how long they must work for. And certainly nobody else would be able to coerce work from people for any reason, let alone that of ensuring distributive equality. So in virtue of which of its features would an egalitarian society be one that forced people in this way?

By now it should be obvious that there is one answer to this question that simply will not do. This is that each of us has a right not to be taxed to benefit others, a right which would be violated in such a society. For again this would be to assume what has to be proven, namely that our rights of self-ownership are inconsistent with egalitarian taxation.<sup>21</sup>

The only other plausible explanation of why a scheme of redistributive taxation is equivalent to forced labor is this. People would be forced to work for others in an egalitarian society because they would face a choice between unpalatable alternatives. One choice would be to work longer hours and pay the higher taxation due on their market incomes. Their other choice would be to work for fewer hours or to take work in less well-paid occupations, thereby earning

too little to be subject to the higher levels of taxation.

But this explanation of the forcing claim deprives the argument against equality of its sting. Egalitarians can reply that under laissez-faire economies, unskilled workers are forced in just this way to sell their labor to other people. They are forced by their circumstances, that is to say, by the inadequate options between which they have to choose. For they must choose between starvation, on the one hand, and being employed at someone else's bidding and on someone else's terms, on the other.

It might be said that the most this shows is that there is a symmetry here between libertarian and egalitarian societies. In each form of society, there would be at least some people who were forced to do productive work on behalf of others. But even this symmetry claim does not ring true. In an egalitarian society everyone's earnings from work would be taxed in order to ensure that economic institutions remained free from exploitative inequalities. So the burdens would be shared by everyone rather than being borne by those at the bottom of the heap. As a result, the burdens of labor would be shared much more fairly than they would under laissez-faire. Secondly, under egalitarian conditions none of the options between which people would be forced to choose would be as bad as the options facing unskilled workers in a free market. In an egalitarian society, the circumstances of work would be arranged in such a way that nobody would end up doing exploitative or degrading work for little pay.

What is undoubtedly true is that some members of an egalitarian society might be forced by circumstances to work longer hours and for less take-home pay than they would prefer. But since what they would be forced to do is not as bad as what people would be forced to do under the free market, the two forms of forcing are not morally on a par.

The third of the reasons a libertarian might offer for rejecting an egalitarian tax scheme could be expressed as follows. In restricting our freedom to keep everything we earn by using our talents in the market, egalitarian institutions would confer on those whose talents were not much in demand ownership in the talents of others. This kind of partial ownership would be tantamount to enslaving those whose talents turned out to be scarce.

But this suggestion fails because it misdescribes the phenomena even if we agree to describe them using the term 'ownership' as the libertarians themselves do. On that usage, 'the owner of X' means 'the person who has the right to determine what shall be done with X; the right to choose which of the constrained set of options concerning X shall be realized or attempted.'<sup>22</sup>

In an egalitarian society, people whose talents were less in demand on the market would not have the right to determine what kind of work should be done by those with much-sought after abilities. It would be up to the latter to decide on their occupations and terms of employment. And since it would be up to the person whose talents they were to determine the conditions of their use, that person must, a fortiori, be their rightful owner.

Consider, by way of analogy, a society whose democratically elected legislature imposes restrictions on the use of guns in the society. By law, those with guns are required to have gun licenses, and their guns may only be fired in self-defense or in shooting ranges or in designated open areas. The question arises: Would these restrictions mean that people with guns in their possession were no longer their owners? Surely not. Of course these people would suffer restrictions on their freedom to do as they please with their guns. However they themselves would retain robust rights to determine what shall be done with the guns, as it might be, which firing

range to shoot in, how often to shoot them, which of their friends to lend their guns to, and so on and so forth. It is false that such a law would make anyone in the community or even the community itself into partial owners of the guns. The same, I submit, is true for people's talents in an egalitarian society.

Whenever the freedom of property owners is limited by a legal system as a whole, then it is the law which restricts their freedom.<sup>23</sup> No one else in the community acquires the right to determine what shall become of the property and so no one else acquires rights of partial ownership in it. Of course the community as a whole, in the form of its legislature, exercises its right to determine the conditions for the use of the property. However, those in legal possession retain the basic right to determine which of the constrained set of options is to be realized or attempted in relation to their possessions.

Let me now summarize the results of my replies to the claim that an egalitarian tax scheme would be inconsistent with the notion of self-ownership.

I said earlier that ownership is best thought of as consisting of a complex bundle of incidents or liberties and powers. What emerges is that these constituents of ownership are not of equal moral importance.<sup>24</sup> Some incidents are at the very center of the bundle and others are quite peripheral to it. To lack the central incidents is to lack real control over what one owns, and hence is to lack what is morally important about private ownership. But this means that whether or not some limit on an owner's freedom is morally unacceptable will turn on whether or not the limit abridges a freedom which is near the core of the bundle. An egalitarian society of the kind I have been defending must affirm many rightful freedoms connected with one's economic choices, including of course the freedom to choose the kind of employment in which one exercises one's

powers. In conferring on people the rights associated with freedom of occupational choice, egalitarian institutions would not give untalented people a morally objectionable form of control over the lives of the talented.

I conclude that no defensible theory of distributive equality is inconsistent with the proposition that people have rights of private property in themselves. Consequently, the Self-Ownership Thesis does not entail the first premise of the Argument from Liberty.

5. We have looked at three justifications for

The Libertarian Premise: In the cluster of our rights to liberty are rights to the unrestricted use of private property, rights to trade on unfettered markets for all goods and services, as well as rights to transfer and bequeath our holdings at will.

The first said that unless this proposition is true, we shall each have less freedom overall than we could otherwise have had. The second claimed that libertarian property rights form the only barrier between us and unpredictable coercion on the part of others, including the government and its agents. And the last of the three was an argument to the effect that without the rights in the cluster, we would all be denied rights of ownership over ourselves.

It would seem that none of these is both independently plausible and such as to show that we possess as a matter of moral right the economic freedoms so prized by libertarians. If this is correct, egalitarians can in all good conscience reject the libertarians' charge that distributive equality is a morally indefensible aim for a society to set itself. Or at least they can reject that charge in so far as it is motivated by the Argument from Liberty.

I shall conclude with some remarks about the argument's so far unexamined second

premise which, it will be recalled, was

The Trumping Premise: Rights to liberty trump equality.

According to the kind of egalitarian theory I shall be defending in Chapter Six, justice does indeed require many restrictions on liberty, restrictions libertarians reject as morally indefensible. It deserves pointing out that these restrictions do not have to be thought of as being mandated by an abstract competing value, equality. Or at any rate, they only have to be thought of that way if equality is understood to require continually bringing about outcomes in which everyone ends up equally well off. I have pointed to a much more plausible justification for these restrictions at several points in my argument. This is that these constraints are needed to ensure a fully equitable distribution of liberty itself. I take this to follow from the idea that what justice requires is for liberty to be distributed fairly amongst different people.

The point I want to emphasize in closing is this. The justification I have offered for these restrictions would allow us to think of liberty and equality as being connected values, rather than as values that are necessarily in competition with each other. This suggests that libertarians are probably right to think that liberty must trump equality if the latter is understood to call for equality of outcomes. For that would require continuous interference in people's lives in order to ensure that everyone had equal shares of goods and resources. And that does seem morally objectionable. Where the libertarians appear to have gone wrong is in thinking that that is the kind of equality necessitated by the demands of egalitarian justice. Equality understood differently, in terms of the idea of exploitation-free access to market institutions, far from being incompatible with the ideal of liberty, might turn out to be what that ideal amounts to on its best interpretation.<sup>25</sup>

## NOTES

1. In this paragraph and elsewhere in the chapter, I use the terms 'liberty' and 'freedom' interchangeably.
2. Those libertarians who think that property rights are fixed by law tend to grant this point readily (I am thinking here of Milton Friedman and F. A. Hayek). Those who think that property rights are fixed antecedently to the law think that providing public goods is permissible as long as no one's property rights (the rights they would have had in the state of nature) are violated in the course of doing so (I am thinking here of Robert Nozick).
3. I leave it as dark as the libertarians do as to just what counts as "unrestricted" use and "unfettered" markets for the purposes of understanding this sentence. Whatever the precise meaning of these modifiers, it is certainly not to be counted a restriction or a fetter in the relevant sense if people lack the freedom to use their property to harm others. Or more precisely: to cause them harm in a restricted class of ways and for a restricted class of reasons. (To get at what I mean here, recall that libertarians think it permissible to cause harm to others by market trading or in the course of protecting private property). It is not for nothing that libertarians would have us avert our eyes from these complications.
4. Some egalitarian philosophers simply deny that we have a right to liberty, and so deny that liberty is of any great significance in political argument. See for instance, Ronald Dworkin, "What Rights Do We Have?" in Taking Rights Seriously, pp 266-78.
5. This idea finds its expression chiefly in the work of Milton Friedman. Although he does not explicitly formulate the Maximal Liberty Thesis, it is clearly implied by the conjunction of two things he says. The first is his claim that 'each man has an equal right to freedom' (Capitalism and Freedom, p 195). The second is the proposition that the basic duty of the government 'is to preserve the maximum degree of freedom for each individual separately that is compatible with one man's freedom not interfering with other men's freedom.' (Ibid., p 39)
6. Incautious statements by libertarians open them up to this rebuttal. See, for instance, Antony Flew's definition of libertarianism as 'wholehearted political and economic liberalism, opposed to any social and legal constraints on individual freedom.' (cited and criticized in G. A. Cohen's "Freedom, Justice and Capitalism" in New Left Review, (1988)).
7. I am grateful to Ralph Wedgwood for suggesting the terminology of 'options' as the best way of expressing this view.
8. Although at least one libertarian philosopher describes this as a 'fundamental paradox.' (The philosopher in question is Jan Narveson: see The Libertarian Idea, p 50). I do not myself see a paradox here, merely a tendency on the libertarians' part to want to vacillate between two different, and inconsistent conceptions of freedom.



9. Thus Friedman says that ‘one man’s freedom to murder his neighbor must be sacrificed to preserve the freedom of the other man to live.’ (Op. cit., p 26). And, similarly, Nozick tells us that ‘My property rights in my knife allow me to leave it where I will, but not in your chest.’ (Anarchy, State, and Utopia, p 171.)

10. The importance of this point is often obscured by libertarians. For instance, Robert Nozick speaks repeatedly of ‘a libertarian side constraint that prohibits aggression against another.’ (Op. cit., p 33, my emphasis). What is obscured by this label is that a constraint on aggression is part of what I am calling the baseline: there is nothing distinctively libertarian about it. If we lose sight of this point, we easily fail to see that the heart of the disagreement between egalitarians and their libertarian critics is over the justifiability of a certain set of economic constraints on people’s freedom. It can come to seem as though egalitarians believe people have no rights at all against aggression on the part of others.

11. Or at any rate, they attach legal sanctions to the proscribed options, thus making them more costly for people to go in for.

12. The general point I make here is not new: it has been known at least since Sidgwick. (See for instance, Methods of Ethics, pp 277-8: ‘in a society where nearly all material things are already appropriated, [freedom in the sense of having options] is not and cannot be equally distributed.’) For an impressive critique of libertarian ideas based on this and related points, see G. A. Cohen, op. cit.

13. This idea is at work in F. A. Hayek’s famous critique of egalitarian ideals. But, apparently in view of his commitment to rule-utilitarianism, Hayek eschews talk of moral rights (see The Constitution of Liberty, p 158). But he does make much of the view that liberty consists of freedom from arbitrary interference. In addition, he thinks that people ought to be equal before the law and that it is permissible for governments to coerce those who would seek to deny others such equality. His reliance on this cluster of ideas suggests that it would not be misleading to think of his views as involving a commitment to the No-Unpredictable Interference Thesis.

14. I appeal here to John Rawls’s idea of distributive justice as what he calls a “pure procedure,” namely a procedure which such that it alone determines which of a range of outcomes is just. There is no independent specification of a just outcome aside from its being one which is, in fact, produced by that kind of procedure. An instance would be that of a fair lottery. Justice does not tell us who ought to win such a lottery (aside from requiring that it be someone who has met the conditions laid down by the rules).

15. The idea of self-ownership has become a very popular source of libertarian arguments against equality. To my knowledge, Murray Rothbard was the first libertarian to exploit it. The notion is put to ingenious and justly famous use by Nozick. As to its historical provenance, something akin to it is clearly found in Locke who nevertheless thought that each of us is the property of God. Perhaps Grotius was the first proponent of self-ownership understood in the way libertarians view it. I am grateful to Joshua Cohen for discussion of the history of the idea.

16. Thus Nozick: 'If I own a can of tomato juice and spill it in the sea so that its molecules (made radioactive, so I can check this) mingle evenly throughout the sea, do I thereby come to own the sea, or have I foolishly dissipated my tomato juice?' (Op. cit., p 175).
17. I think their failure to see this point leads some egalitarians to deny the truth of the Self-Ownership Thesis. In the course of his otherwise excellent paper "Self-Ownership, World Ownership and Equality: Part" (in Social Philosophy and Policy, 1986) G. A. Cohen proposes that 'egalitarians...must, in the end, abandon their flirtation with self-ownership.' (p 80). I suggest they need do no such thing because the alleged entailment does not hold for the reasons I go on to supply.
18. Among the material goods in respect of which I think this principle highly dubious are works of art and priceless historical artefacts.
19. See, for instance, A. M. Honore "Ownership" in Oxford Studies in Jurisprudence.
20. Nozick, op. cit., p 169.
21. Oddly enough, this seems to be Nozick's interpretation of the forcing claim: 'The fact that others intentionally intervene, in violation of a side constraint against aggression, to threaten force to limit the alternatives, in this case to paying taxes or (presumably the worse alternative) bare subsistence, makes the taxation system one of forced labor...' (Op. cit., p 169). I say this seems to be his view because the passage might be given a different reading than the one I have offered. It might be taken to mean that there is forced labor under equality simply because egalitarian tax laws are backed by coercive state power. But then there would be forced labor in any society with tax laws, including a libertarian one.
22. I have taken this definition verbatim from Nozick, op. cit., p 171. See also Narveson op. cit., p 64: "'x is A's property' means 'A has the right to determine the disposition of x.'"
23. I owe this point to Judith Jarvis Thomson.
24. For egalitarian arguments relying on just this claim in the case of the ownership of goods, see J. Christman "Distributive Justice and the Complex Structure of Ownership" in Philosophy and Public Affairs, Volume 23 Number 3 (1994).
25. Clearly, a great deal more needs to be said in support of the thesis that liberty and equality are connected rather than competing values. All that I have said is that those values must be thought to be in competition only if equality calls for equal outcomes. With regard to the more that needs to be said, some of the argumentative work has already been done. For instance, both Rawls and Dworkin, in the course of defending their respective theories of distributive justice, both make a very strong case for the idea of this kind of connection.

### CHAPTER THREE LIBERAL OBJECTIONS TO DISTRIBUTIVE EQUALITY

1a. In the Introduction, I briefly described the liberal conception of distributive justice, according to which, while we have an enforceable duty to assist others, this duty falls well short of having to bring about distributive equality between people. Liberals believe justice requires us to ensure that everyone reaches, or is in a position to reach, a minimum threshold of decent living. Once everyone is at or above that threshold, they maintain, then the demands of justice will have been, for the most part, satisfied.<sup>1</sup>

Aside from requiring that we provide the minimum threshold for all, liberals of course agree that the government has a right and a duty to provide familiar public goods, including those of national defense and a single currency. In addition, liberals hold that the government has a right and a duty to enforce our rights, including our rights to liberty and our rights against such things as violence and fraud on the part of others. Finally, it is common to find liberals who maintain that distributive justice also requires us to ensure that people have equal opportunities for doing well. On their view, this is taken to mean that the government must ensure that both the economy and the public sector are free from objectionable discrimination against individuals on the basis of factors like race and gender.

So the distinctive feature of the liberal view of justice is this idea of a minimum floor which is to be provided for all. The easiest way to characterize the threshold that liberals think we must provide is by reference to the idea of the basic needs. We can think of these as being specified by means of a list of items whose provision is necessary to ensure that the life of an ordinary human being is not intolerable. It bears mentioning that there are apt to be disagreements

between liberals themselves concerning exactly how we are to understand the term 'basic needs.' Some philosophers I take to be liberals have a very expansive understanding of what is required in order for it to be true of someone that his or her basic needs are met. They suggest, for example, that a person's basic needs are met just in case, whatever sources of unhappiness there are in that person's life, their unhappiness could not reasonably be expected to diminish as a result of their coming to have more money.<sup>2</sup> It is more typical of liberals to entertain a much more restricted conception of the basic needs than this.<sup>3</sup> Basic needs are, for this more familiar kind of liberal, needs for such things as health care, primary education, and welfare support should people's economic circumstances make it necessary. At any rate, we can take it that a liberal theory of distributive justice includes what I shall call

The Basic Needs Principle: Justice requires us to ensure that everyone's basic needs are met.

From now on I shall simply assume that the demands of this principle are satisfied in a society if everyone in it has access to a decent level of universal health insurance and primary education and could receive some kind of minimum social security wage above the poverty line in cases of unemployment.

Three reasons come to mind as ways in which liberals justify the inclusion of this principle in their conception of distributive justice.<sup>4</sup> The first, and weakest of the three, appeals to considerations of political prudence. The idea is that without an institutional framework of provision for the basic needs, a society is likely to face a constant threat of rebellion from its worst off members. People whose basic needs go unmet become desperate and indeed become desperate enough both to withdraw their allegiance from the society and be willing to revolt

against it. A stronger reason appeals to a plausible condition on the legitimacy of a society. The condition in question is that a society's basic institutions must be acceptable to all its citizens, otherwise it has no moral reason for requiring their willing compliance with its laws. It certainly does seem right to think that a society without institutions set up to meet the basic needs would be, morally speaking, unacceptable from the point of view of those who ended up worst off. They would be entitled to claim that the society was illegitimate. A third, and related reason, is that a liberal society must be committed to respect the humanity of each of its members. The proper way to evidence that respect is to take everyone's basic needs as making enforceable normative claims on us. Respecting people's humanity mandates ensuring that their needs are met.

On the basis of the Basic Needs Principle, liberals would condemn as unjust any society in which there was a surplus of goods and resources in the hands of some while others were living below the level of the threshold. For them it is one of the proper duties of a government to ensure that no citizens fall below the threshold. It is to fulfil this function by taxing the sufficiently well off in order to promote the welfare of those who are neediest and to provide a framework of economic opportunities which are available for all.

1b. Why then do liberals reject the ideal of distributive equality? Part of their reason can be traced back to the Basic Needs Principle. For their adherence to it leads them to dismiss one of the more popular justifications sometimes given by egalitarians for bringing about greater economic equality between people. This justification, which I shall call the Argument from Unnecessary Hardship, appeals to certain facts that underlie the current distribution of goods and resources in most countries in the world. For, it is said, not only are some people currently worse

off than others, but many of those who are worse off are in fact badly off. Their being badly off is condemned as unjust because their position is, in the view of egalitarians, worse than it is necessary for anyone's to be. In other words, those who are badly off in our world face unnecessary hardship. The imperative towards greater equality between individuals emerges as a conclusion because it would have the effect of ensuring that no one was as badly off as these people are.<sup>5</sup>

This line of argument is best understood as resolving itself into two premises. The first of these contains the major normative claim on which the argument turns. I shall call it

The Unnecessary Hardship Premise: Justice requires us to eliminate unnecessary hardship and badly off people are unnecessarily badly off.

Next comes a premise stating a fairly uncontroversial factual claim

The Factual Premise: A substantial equalization of resources in the form of transfers from the well off to the badly off would eliminate unnecessary hardship.

From the conjunction of these premises, egalitarians proceed to draw

The Egalitarian Conclusion: Justice requires a substantial equalization of resources in the form of transfers from the well off to the badly off.

Liberals reject the conclusion drawn here but they do so not because they dismiss either of these premises as false. Rather they disagree with egalitarians over how best to account for the fact that the hardship faced by badly off individuals in our world is, in the relevant sense, unnecessary.

Liberals claim that, insofar as the promotion of people's well-being matters from the standpoint of distributive justice, it matters because of its intrinsic rather than its relational features. Of primary concern, from a liberal perspective, is how badly off people are considered in itself.<sup>6</sup> How well off people are in relation to others is, consequently, on the liberal view,

irrelevant. On the basis of considerations like these, they conclude that, with respect to the distribution of resources, justice does not require that everyone should have even roughly the same amount. Rather, what it requires is that everyone should have enough. And having enough resources in this context means having enough (or having access to enough) to be able to meet one's basic needs. So in response to the Argument from Unnecessary Hardship, liberals offer what I shall call the Reply from Sufficiency:

“It is false that justice requires a substantial equalization of resources in the form of transfers from the well off to the badly off. What marks the condition of the badly off as unnecessary is the fact that their basic needs are unmet. To think of their condition as unnecessary is simply to think that justice requires us to meet those needs. Our duty is to see to it that everyone is at or is able to reach the minimum threshold required for decent living. Once such a minimum is guaranteed, those at the bottom will have less in the way of resources, perhaps a great deal less, than those at the top. But we have no reason at all for thinking that mere inequalities in holdings are unjust. Relational facts about how much some own in comparison to others are, in themselves, irrelevant. The premises of the Argument from Unnecessary Hardship do nothing to show otherwise.”

In offering this reply, liberals are, I think appealing to

The Principle of Liberal Insufficiency: X is worse off than it is necessary for anyone to be just in case X has basic needs which are unmet and there is a Y such that Y is sufficiently well off to supply X with the means for satisfying X's basic needs without Y's becoming badly off.

In my view, this reply has considerable intuitive force because it has the effect of making the egalitarian insistence on bringing about a substantial measure of equality in people's holdings look

to be, at best, morally unnecessary and at worst, extreme and unjustified. However, on closer inspection, the liberals' rejection of the argument is not, I think, well-founded. For there are in fact two ways in which egalitarians can successfully rebut the Reply from Sufficiency.

The first way is to appeal to a conception of sufficiency rather different to the one which motivated the liberal reply. The latter said that sufficiency is achieved if and only if everyone's basic needs are met. But the principle driving the Egalitarian Conclusion could be understood to say that sufficiency is achieved if and only if everyone is well off, or as near to being well off as it possible for everyone to be. The idea might be called

The Egalitarian Principle of Insufficiency: X is worse off than it is necessary for anyone to be just in case X is not well off (or at any rate not as near to being well off as it is possible for X to be) and there is a Y such that Y is sufficiently well off to supply X with the means to becoming well off (or at any rate as near to being well off as it is possible for X to be) without Y's ending up worse off than X.

In order to avoid the kind of insufficiency whose elimination justice requires, this principle instructs us to direct our attention to the position of the worst off. It says: Ensure that whoever occupies that position is well off.

This seems to me to be one of two ways of making the best sense of the Argument from Unnecessary Hardship. It shows that in effect, the liberals are assuming precisely what has to be shown, namely that all that justice requires, if what it requires is sufficiency, is that people's basic needs be met. It is, at the very least, open to argument that all that justice demands of us is the provision of a minimal threshold for decent functioning as the liberals understand it. For one thing, not all liberals share this view. When I introduced the Basic Needs Principle, I noted that some liberals endorse a relatively expansive conception of the basic needs. It is surely open to egalitarians to share that conception.<sup>7</sup> Such egalitarians could say, in response to the Reply from



### Sufficiency:

“Even if everyone’s restrictive basic needs were met, some of those who are worse off than others would have a claim against us to be made better off. No doubt it would be worse if these people had had unmet needs in the restrictive sense. But it does not follow that they would not be worse off than is necessary for anyone to be. For there exist enough resources for everyone to be at least fairly well off. Consequently, even if the Basic Needs Principle is satisfied, there might still be objectionable economic inequalities between people. So justice does indeed require a substantial equalization of resources in the form of transfers from the well off to the badly off.”

Obviously, on this reading of the argument, what is at issue in the dispute between liberals and egalitarians is the best way to understand the value of sufficiency. This is a dispute is chiefly about people’s absolute levels. For the question, “When does a person have enough to satisfy the demands of distributive justice?” is, in the first instance, a non-comparative question. Having enough depends on how much one has rather than on how much or little other people have. (I say “in the first instance” because clearly comparative facts do enter into the question at a second level. The deprivation experienced by the badly off is only unnecessary, morally speaking, if there is enough to improve the lot of those who suffer it. Only if some are well off and others are worse off than necessary, would justice require redistribution.)

There is, as I have just indicated, another way in which egalitarians can successfully rebut the Reply from Sufficiency.<sup>8</sup> This would not appeal to considerations concerning people’s absolute levels, and hence, in one way, it seems to have more of a title to be described as properly egalitarian. It relies on what I shall call for obvious reasons

The Maximin Principle: X is worse off than it is necessary for anyone to be just in case there is some alternative distribution of resources such that under it, no one would be as badly off as X is under the current distribution.<sup>9</sup>

The underlying thought here seems to be this. Anyone who is worse off than others has a reasonable claim against society to be made better off if there is an alternative arrangement under which no one will be as badly off as this person is. It constitutes a second kind of egalitarianism requiring us to give moral priority to those who are, in the appropriate sense, worse off. This time it is the relative rather than the absolute position of the worst off that has primacy in our thinking about justice. Egalitarians who affirm the Maximin Principle in making the Argument from Unnecessary Hardship can respond to the liberal Reply from Sufficiency as follows:

“Even if everyone’s basic needs are met, some of those who are worse off have a claim against us to be made better off. Since there is an alternative distribution under which no one will be as badly off as these people are, that alternative amounts to a significant improvement over the current one from the standpoint of distributive justice. It is unjust to ask those who are worse off as things stand to tolerate their position because it is not necessary for anyone to be as badly off as this. The existence of an alternative in which no one is in their position explains why this is so.”

In order to buttress these arguments against the Reply from Sufficiency, egalitarians can appeal to the moral reasons liberals themselves tend to offer in support of the Basic Needs Principle. The first of these is that a society’s basic institutions ought to be set up in such a way that they are acceptable to each of its members. The second, and related moral reason, is that such a liberal society is committed to respecting the humanity of each of its members. Egalitarians might say:

“Meeting the basic needs is not enough. Liberals agree that unless these needs are met,

those who end up worse off will have a legitimate complaint against the society to which they belong. But this is because as a quite general matter, the claims of those who end up worse off resource-wise, have a priority from the point of view of justice. If the distribution of resources is acceptable at their position, then it cannot be unacceptable at other positions. This is why the worst off must either be well off or else be as well off as it is possible for anyone in their position to be.

Furthermore, evidencing the proper degree of respect for people's humanity calls for much greater economic equality than the liberals think is necessary. Since each person has an equal worth from the point of view of justice, any inequalities there are must be acceptable to everyone. But if they are to satisfy that criterion, those inequalities must be acceptable from the perspective of the people who end up least well off."<sup>10</sup>

A question worth asking at this point is why liberals take the Reply from Sufficiency to be a successful rebuttal of the Argument from Unnecessary Hardship. The most plausible answer I can think of is that they are assuming that egalitarians believe the argument issues in support for

The Simple Egalitarian Conclusion: Justice requires a simple equalization of people's holdings by means of transfers from the well off to the badly off.<sup>11</sup>

If this was the idea egalitarians were claiming to justify by means of this argument, then obviously the liberals would be right to reject it. The Simple Egalitarian Conclusion manifestly does not follow from the premises at all. That said, however, I think a charitable reading of the passages in which I take egalitarians to be offering the Argument from Unnecessary Hardship shows that this is not their conclusion at all.<sup>12</sup> Furthermore, no egalitarians I know of affirm the Simple Egalitarian Conclusion.<sup>13</sup>

I conclude that there are at least two construals of the Argument from Unnecessary Hardship which are invulnerable to rebuttal by means of the Reply from Sufficiency. Consequently, if the liberal conception of distributive justice is to form the basis of a rejection of egalitarianism, some other argument must be found. In general what needs showing is the truth of something I shall call

The Liberal Conclusion: Although justice requires us to meet everyone's basic needs, it would be morally impermissible for the government to aim at bringing about distributive equality.

And in the remainder of this chapter, I want to examine the other grounds which liberals might offer for thinking this true.

2a. I shall begin by considering a version of distributive liberalism which contains two parts.

The first is

The Basic Needs Principle: Justice requires us to ensure that everyone's basic needs are met.

And this is understood as having lexicographical priority over the theory's second principle which is

The Maximal Welfare Thesis: Justice requires us to maximize (the sum or the average) welfare in society.<sup>14</sup>

(Here, I should emphasize that I shall begin by taking 'welfare' in the narrowest sense.

Accordingly, I shall understand it as meaning either the satisfaction of people's preferences or else their enjoyment of certain pleasurable mental states.) A view of this kind does not, of course, deliver the Liberal Conclusion directly. For distributing resources equally would not necessarily be inconsistent with aiming to maximize people's welfare. However, to the extent that there was no

conflict between these aims, that would be due merely to the operation of contingent factors. If maximum welfare could be achieved by sharing resources equally, well and good.<sup>15</sup> Insofar as an unequal division of resources would instead be the way to maximize welfare, a government which sought to bring about equality would be doing what is morally impermissible. For it would be failing to ensure that its citizens were maximally well off. Indeed, given familiar facts about productivity and incentives, it seems that inequalities in holdings would be much more likely to maximize welfare in a society than equality would. Incentives to unusually productive people would probably have the effect of making them more productive. Their superior productivity would in turn increase the net output of resources available for the maximization of welfare.

So the first question that bears asking is why we should believe the Maximal Welfare Thesis. It strikes me that what attracts many philosophers to it is the following line of thought. At the root of our convictions about distributive justice is a commitment to the ideal of impartiality in the distribution of benefits and burdens. On the most plausible account of this ideal, it might be said, what it requires is that, when it comes to distributing goods between people, each person counts for one and none counts for more than one. According to these philosophers, the Maximal Welfare Thesis emerges directly out of this idea. For what the thesis must be understood to entail is that everyone's interests matter equally: no one's welfare is more important than anyone else's. Of course, the welfare of some must be balanced against that of others in the process of maximizing the total. But this kind of balancing of interests is alleged to be required in order for us to be properly impartial in distributing resources.<sup>16</sup>

Consider first the balancing of one individual's welfare against the welfare of some larger number. The only way to ensure that each person's welfare counts for the same is to aggregate

over the total. If each counts for one, then more count for more. From this it follows that welfare losses to few count for less than welfare losses to many. And welfare gains to many matter more than welfare gains to few. Consequently, whenever an unequal distribution of resources would make more people better off, justice requires it.

Consider next the balancing of one person's welfare against that of another. Here the point is that a larger welfare gain to one must always be better than a smaller gain to another. And similarly, a smaller welfare loss to one is always better than a larger loss in welfare to another. In each case, the idea is that we ought to seek the greatest overall benefit or the smallest overall loss. Consequently, whenever an unequal distribution of resources would make one person better off than another, justice requires it. So much for what is to be said for this view. What is to be said against it?

2b. It bears noting that given the lexicographical priority of the Basic Needs Principle over the Maximal Welfare Thesis, such a theory would not be vulnerable to an objection commonly leveled at simple utilitarianism. It would be natural to object to this simpler view by drawing attention to the effects that maximizing total welfare could have on those who ended up worst off. Without a guarantee that these people would not in fact be badly off, such a system would be profoundly unjust. But this objection would, for obvious reasons, be irrelevant regarding a theory that included the Basic Needs Principle.

Even so, the Maximal Welfare Thesis is not a good reason for believing that distributive equality is morally objectionable. For the thesis itself can be shown to have morally unacceptable consequences. They emerge as follows.

The thesis, even when it is conjoined with the Basic Needs Principle, fails to state a sufficient condition on the justice of a society's distributive institutions. For the resulting theory, it seems to me, completely misconstrues the purpose of meeting the demands of distributive justice. Our aim in doing so is not to benefit people maximally in order to treat them impartially. Rather it is to achieve the right ordering of relations between people conceived of as free and equal moral persons. Our aim in meeting the demands of distributive justice is to bring about fair reciprocity in the social and economic relations between people. At the very least, ensuring the existence of this kind of reciprocity takes moral priority over satisfying people's preferences or securing enjoyable mental states for them.

Evidence for this claim is apparent in cases in which doing these latter things would be manifestly unfair. Consider, say, proposals to redistribute resources in order to maximize welfare where in order to do that, we would have to satisfy racist or sexist preferences (or else to bring it about that some people could take enjoyment in knowing that certain racial groups or women were worse off than they themselves were). In cases like these, it would undoubtedly be best from the standpoint of welfare to satisfy these preferences (or to bring about these mental states). After all, there is no intrinsic difference from the point of view of welfare between offensively and non-offensively derived occasions for it. But it would be unfair or unjust to do this. The fact that such a policy would be unfair or unjust should lead us to see that the maximization of welfare is at the very least trumped by the requirement that we refrain from doing what is unjust. And course, what is unjust here must be specified independently from concerns about maximizing welfare.

In my view, these considerations suggest that, from the point of view of political morality, a person's welfare-level, taken by itself is lexically posterior to, and conceptually independent

from, the claims that the person may rightfully make on us in justice. For they show that reliance on a purely hedonic or preference-based scale to determine how to distribute advantages between people would have extremely unfair consequences. From an egalitarian point of view, our aim in bringing about distributive equality is to remove such forms of unfairness because they are inconsistent with fair reciprocity between people.

Indeed, I think it can be demonstrated that it would be unfair or unjust to use either of these kinds of scale to compare the losses and gains of different people in distributive cases too. How might this be done? Well because those who are on the down side of a welfare-maximizing distribution of resources might in fact lose more than those on the up side gain. But measuring these comparative losses and gains by the yardstick of hedonic well-being or of the satisfaction of desires would completely obscure this fact. Measuring benefits and burdens in these ways will always make it seem as though what those at the bottom are being asked to sacrifice is the very same thing as what those at the top are being invited to enjoy. In many cases, though, nothing could be further from the truth.

Consider a case in which a society is deciding whether or not to abolish all of its laws regulating the safety of people who work in hazardous conditions, such as the disposal of toxic wastes. Those in favor of this abolition, let us assume, have convincing evidence that without these laws, the hazardous waste sector of the economy would be vastly more productive than it is at present. The firms in this sector would earn much higher profits, and this would engender much more competition. In consequence, the aggregate social welfare level would be likely to rise quite significantly once the regulations were abolished. The Maximal Welfare Thesis, as I am currently taking it, requires us to compare the prospective positions of workers in hazardous waste with the



prospective positions of everyone else in the society using a hedonic welfare or preference satisfaction scale. And it would instruct us to conclude, without further thought, in favor of abolishing these regulations. But this, it seems to me, would be fundamentally unjust.

Workers exposed to the risk of suffering on-the-job accidents in the hazardous waste sector would undoubtedly face the prospect of suffering pain or preference dissatisfaction. But that would not be what mattered about their situation morally. What would matter is the likelihood of their loss measured in terms other than these: the likelihood of their loss of life and limb, as we should say. On the other hand, those who would gain from the abolition of these laws would experience pleasure or preference satisfaction. And this is all that could be said morally about their position. With more money and opportunities around they would undoubtedly be better off in these ways. However, the whole point is that these are distinct kinds of gain and loss, and consequently, ought not to be measured on a single scale. The workers in this industry are being asked to take the risk of suffering much more than a mere loss in hedonic well-being or desire satisfaction. If these risks were to eventuate, their losses would be much more significant from the point of view of justice than the benefits which happened to accrue to those who gained in those terms. The workers would be being asked to tolerate the possibility of their lives going worse in ways that are not captured by the yardstick of enjoyable mental states or the satisfaction of desire.

It seems plausible to think that exposing workers to these risks would evidence a basic lack of respect for their standing as equal citizens. It would thereby fail to secure the public bases of self-respect for these individuals, and would, consequently, not secure reciprocity between people. Even if each person's hedonic welfare or preference satisfaction counted as having the

same weight, these things are not what counts from the point of view of justice. Or at any rate, they are not what counts in the first instance.<sup>17</sup>

No doubt it will be said that all this shows is that we should shift to a more comprehensive conception of welfare. On such a conception, a person's welfare-level would be measured on a scale which included objective determinants of what is good and bad for people. Preference satisfaction or hedonic states matter, it could be said, but they matter less in fixing a person's welfare than factors like their mobility or levels of nutrition. But in my view, such a shift to comprehensive welfare would only make it less likely that there would be injustices of the kind illustrated by my counter case. It could not guarantee that such forms of unfairness would never eventuate.<sup>18</sup> If 'maximizing welfare' means 'maximizing comprehensive welfare' then the interests which the workers in the hazardous waste sector have in their lives and limb would presumably enter the maximizing calculus directly. They might outweigh the mere satisfaction of other people's preferences. But there is no guarantee that they would: with enough people deriving enough preference-satisfaction, the workers' interests would be outweighed. So I conclude that the welfare-based argument against distributive equality does not succeed.<sup>19</sup>

3a. The second justification for the Liberal Conclusion which I shall consider appeals to

The Individual Responsibility Thesis: Justice requires that we hold people responsible for their own lives.

There is, I think, an intuitively very powerful argument from this thesis to the Liberal Conclusion. If the government set itself the goal of ensuring that its citizens were equally well off, it could be said, then all responsibility for their welfare would be shifted onto the government and this would

be morally unacceptable. The reason why it would be is that justice requires each of us to assume some responsibility for determining how well or badly our own lives turn out.<sup>20</sup>

In order to assess this argument for the Liberal Conclusion, it will help to distinguish between three different grounds a liberal might offer for the Individual Responsibility Thesis. The first appeals to the idea that it would be consequentially bad if people were indemnified against bearing the costs of outcomes in which they end up worse off than others. The idea here is that the costs of such indemnification are so high that it would be unjust to hold anyone but the person him- or herself accountable. If people believe that the government will step in whenever they find themselves worse off than others, then they will cease to take responsibility for their own lives. Eventually so much of the society's resources would be spent on raising the positions of those who were worse off, that there could be no economic growth. The severe effects this would have on the society would be enough to render such a policy gravely unjust.

A second reason appeals to the unfairness which would be inflicted on those who were more cautious in leading their lives. These people, it could be said, would continually be called upon to bale out the reckless and this would be unjust. They would be asked to do more for others at their own expense than was fair.

The last of the three grounds which might be offered appeals instead to the moral significance of individual responsibility. The suggestion here is that it would be demeaning and disrespectful not to treat people as being responsible for shaping their own lives. An egalitarian state would be, in effect, a "nanny writ large" if it were always present to indemnify people from being worse off than others. This would be both intrusive and insulting to people's dignity; this is why justice requires that we hold others responsible.

By whichever of these routes the Individual Responsibility Thesis is reached, the argument from it to the liberal conclusion is surely very strong. Indeed, I think it constitutes a decisive objection to any egalitarian theory of justice which ignores the question of how particular inequalities between people come about. For a theory that ignored that question, all that would matter is the existence of the inequalities, irrespective of how they actually arose. The theory would tell us simply to make people equally well off whether or not any were themselves responsible for being worse off. But against this, it seems quite right to think that people must bear some responsibility for their own lives.

The trouble is that most contemporary philosophical egalitarians do not think it morally irrelevant as to how inequalities between people come about. Most egalitarians agree that insofar as inequalities between people issue from their own choices, those inequalities are morally unobjectionable. The only inequalities which these egalitarians find troublesome are those which do not issue in the right way from the choices of differently situated people.

This makes it somewhat harder to assess the significance of the liberal argument against equality based on the idea of individual responsibility. It seems reasonable to assume that liberals would reject all forms of distributive egalitarianism, even those which accord the choices people make a morally significant role. Perhaps a liberal would say:

“The question of whether inequalities arise from people’s choices or not is irrelevant in assessing the appeal to individual responsibility. Egalitarians who say that people are responsible for all and only those inequalities which stem from their own choices are in fact conflating two senses of being responsible. The first is the metaphysical sense: the idea here is that a person is responsible for an outcome only if that outcome issues in the right way from his or her own

choices. This is the sense of 'responsibility' which a choice-sensitive theory of equality would include. However, this notion of responsibility is irrelevant to the argument for the Liberal Conclusion premised on the Individual Responsibility Thesis. For that argument appealed to a quite different concept of responsibility, which might be called responsibility in the moral sense. In this sense, a person can be held responsible for an outcome even when it does not issue from his or her own choices. An instance this conception of responsibility would be the practice of holding an employer responsible for the acts of his or her employees. The thought is that it is reasonable to hold the employer accountable for damages which might eventuate even when the employer did nothing to bring those damages about."

It seems likely to me that making this distinction does indeed deprive choice-sensitive egalitarian theories of a reply to the argument from individual responsibility. In effect these theories say: people can permissibly be held morally responsible only for those outcomes over which they exercise causal control. And this fails to capture the full significance of individual responsibility in the moral sense: it shifts far too much responsibility for how people's lives turn out onto the shoulders of government.<sup>21</sup>

Recall the second and third of the three grounds I offered for the Individual Responsibility Thesis. These were to the effect that denying the thesis would be unfair to the cautious and demeaning to everyone. Both of these, I suggest, capture a very powerful underlying idea: that of the significance of individual autonomy. Individual responsibility matters so much to us, surely, because we think it proper to treat people as beings who value living autonomously. A life which is largely shaped by the person whose life it is, is, other things equal, significantly better than a life shaped almost exclusively by outside interference. A government which stepped in continually to

make people equally well off could not claim to respect its citizens' standing as beings who valued the possibility of living autonomously.

Having said this though, I want to argue that the Individual Responsibility Thesis does not in fact entail the Liberal Conclusion. For there is a form of egalitarianism which is, I should think, fully consistent with that thesis, in which case the thesis could be true and the conclusion false.

3b. In Chapter Two, I argued that there is a distinction of fundamental importance between the idea of equality of outcomes, on the one hand, and that of equality of access on the other. I took equality of outcomes to be the view that justice requires people to have equal amounts of something, be it resources or welfare. And I gave reasons for thinking this a much less plausible reading of the egalitarian ideal than that provided by equality of access. According to a view of this second kind, I suggested, what justice requires is that everyone ought to enjoy equal and exploitation-free access to the institutions of their society responsible for distributing its most important resources.

A view of this second kind, it seems to me, requires that there be precisely the kind of moral division of labor presupposed by the Individual Responsibility Thesis. The task of a government seeking to implement equality of access would be to ensure that access to the basic resources and their associated institutions was equal. But individuals would be held responsible for all other aspects of their fate. They would have the task of living as well as they wanted given this institutional background. Whether or not some ended up worse off than others through no fault of their own would indeed be of no consequence from the standpoint of distributive justice. The responsibility for all non-institutional forms of inequality would be fully borne by individuals

themselves and not by the government. Consequently, people would be held accountable for their own lives in exactly the way mandated by the Individual Responsibility Thesis.

Liberals who object to equality of access, it seems to me, would be unable to argue that this ideal is flatly inconsistent with the value of individual responsibility. However, they might object that equality of access requires such an attenuated conception of responsibility that it is tantamount to abandoning the value entirely. Framed in this way, the dispute is between egalitarian and liberal conceptions of the appropriate way to respond to the value of individual responsibility. But then it looks to me as though liberals occupy an unstable middle ground between two more sharply divergent approaches to this question. On the right, as it were, are the libertarians who say that we ought to maximize this value. For on their view, individuals ought to be held responsible for all aspects of how well their lives go apart from those aspects that result from the violation of their rights to liberty on the part of others (where rights to liberty are understood in the unique way libertarians understand them). On the left, as it were, are access-egalitarians who say that justice requires us to provide people with a great deal more than simply the means to meet their basic needs. However, egalitarians of this stripe agree that individual responsibility is a significant value from the standpoint of distributive justice. In complaining that these egalitarians can, at best, accommodate only a very attenuated conception of responsibility, liberals seem to deprive themselves of the resources to reject the libertarian view. For if our institutions ought to be framed to accommodate the least attenuated conception of this value that they can, then surely stepping in to indemnify people from being badly off is inconsistent with individual responsibility. On the other hand, if it is consistent with the value of individual responsibility to think that justice requires us to render some positive assistance to others, why

should that assistance not take the form that access-egalitarians insist it does?

So it would seem that liberals must argue that providing equality of access is objectionable on grounds other than that it relies on a too slender notion of individual responsibility. And if this is right, then clearly some other justification must be found in order for the Liberal Conclusion to stand.

4a. A fresh liberal argument suggests itself at this point. It suggests itself because it is an argument which is most naturally read as an objecting to the ideal of equality of access in particular. What I have in mind is that someone aiming to justify

The Liberal Conclusion: Although justice requires us to meet everyone's basic needs, it would be morally impermissible for the government to aim at bringing about distributive equality.

might appeal to

The Equal Opportunities Thesis: Justice requires us to provide people with equal opportunities.

Before I present the argument, it will help to say more about the difference between the ideals of equality of opportunity on the one hand, and equality of access on the other. Though the Equal Opportunities Thesis is vague, people who support the idea it expresses support a familiar and clear set of policies. In fact, the conception of justice they have in mind virtually amounts to the one expressed by the Basic Needs Principle as I resolved to understand it. The main idea is that the government has a duty to provide a system of public education, a minimal package of health-care provisions for all and some kind of welfare support should people become unemployed. The only added dimension comes from the necessity to prevent invidious



discrimination against people on the basis of factors such as race or gender. With these institutions in place in a society, people would be said to enjoy equal opportunities in it, for each is thought to have a reasonable chance of doing well.

The version of equal access I shall be defending in Chapter Six targets essentially the same set of institutions: those of education and health care together with the economy. But it aims to distribute access to these institutions much more evenly than equality of opportunity does. Furthermore, it targets inequalities in access, that is to say, certain shortfalls on the side of personal abilities which affect how well people do. Equality of access requires more than a minimal level of public education and health care, it requires that everyone be fairly placed to receive top quality service in these sectors. Most importantly though, it tries to eliminate the class-based inequalities found in free market societies. It does so by trying to ensure that economic resources are much more equally distributed and by enabling people from all socio-economic backgrounds to enter the labor market on equal terms. In addition, it seeks to ameliorate inequalities in the natural endowments people bring to the labor market. To some extent, it aims to correct for deficiencies in the form of a lack of economically scarce talents.

4b. Having noted these differences, we are now in a position to state the argument for the Liberal Conclusion premised on the Equal Opportunities Thesis.<sup>22</sup> The institutions of society to which the demands of distributive justice apply are all essentially competitive. Who ends up with what in the education system, and the economy must by-and-large be fixed by competition. Consequently, the rules applying to these institutions must be sensitive to the necessity for competitiveness. They must be framed to allow people to fail in getting what they want. Luck,

both good and bad, has an ineliminable role to play in any competitive endeavor, and not least in those occurring within and because of these social institutions. As long as the rules are fair and everyone has a decent opportunity to do well, if some people end up significantly better off than others, that is what is called for by justice. Justice requires equal opportunities and the outcomes must be left to stand, whatever they might turn out to be. Equality of access would be unjust because it would licence taking from those who are successful in order to benefit everyone else. To be sure, people's earnings must be taxed to provide a decent social minimum and equal opportunities for educational advancement and some health care for all. However, regulating the effects of market-generated inequalities in access to the market eliminates the reasons for having markets in the first place. As an essentially competitive mechanism, its outcomes are just whatever they turn out to be. (As long as no one ends up badly off.)

In replying to this argument, I shall make three points. The first is that aiming to provide equality of access to institutions is not inconsistent with thinking that at least some distributive institutions are essentially competitive. Indeed, the parts of society about which this thought seems most plausible are the ones featuring in the liberal argument, namely the educational system and the economy. Equality of access does not at all necessitate the abolition of competition in these spheres. On the contrary, among the leading justifications for ensuring that access to an institution is equal is precisely to ensure the fairness of the competition by which its benefits and burdens are distributed.

Furthermore, the kinds of provisions needed to ensure egalitarian justice in the market do not unfairly penalize those who are successful in the name of those who are not. They are necessary to ensure that when people succeed, their success is not gained at the unfair expense of

those who are unsuccessful. Consider what makes the idea of market trading seem so attractive from the point of view of distributive justice. The result of such trading is fair, in part, because it is fixed by the bargaining which goes on between people. But it is only truly fair if the individuals who enter the market were symmetrically situated at the outset with respect to the resources over which they exercised initial control. Fairness requires that no one enters the market with more than anyone else. The aim of equality of access is to realize that kind of fairness in the case of real market societies.

My final reply to the liberal objection to equality of access is this. Either the provisions of the Equal Opportunities Thesis are not far-reaching enough to satisfy the demands of distributive justice, in which case it is false. Or else the expression 'equality of opportunity' means the same as 'equality of access,' in which case the Equal Opportunities Thesis entails that the demands of equality of access are among the demands of justice.

That the Equal Opportunities Thesis is false is suggested by the fact that it is, in the end, inconsistent with its own underlying rationale. That rationale, I take it, can be put as follows. In order for market-generated outcomes to be fair, it must be the case that the opportunities which people faced at the outset were fair. And it would be unfair, for instance, according to liberals if children from poor families were unable to obtain an education simply because their parents could not afford to pay for it. In this and other ways, liberals seek to equalize people's opportunities insofar as they are determined by remediable social contingencies. But there is no principled way of distinguishing between the contingencies thought to be objectionable by liberals from those thought to be objectionable by egalitarians who favor equality of access. If justice requires equal educational opportunities, why does it not also require the kinds of equality in economic

opportunities sought by egalitarians? So in order for the thesis to be faithful to its own rationale, it ought to be read as requiring equality of access to institutions of the kind egalitarians believe in. In which case, it is not that the thesis is false but rather that it is perfectly consistent with the demands of equal access. So the appeal to equal opportunity does not justify the liberals' rejection of equality of access.<sup>23</sup>

5a. We have reach the fourth and final argument in support of

The Liberal Conclusion: Although justice requires us to meet everyone's basic needs, it would be morally impermissible for the government to aim at bringing about distributive equality.

This involves something of a change of direction. I have so far examined justifications for this conclusion appealing to considerations of welfare or of economic fairness. That is to say, I have looked at arguments which involve distinctively liberal views about the demands of distributive justice itself. The fourth argument in which I am interested invites us to look away from distribution and to consider a certain important matter of political justice.

The argument I have in mind begins from a very plausible condition on the legitimacy of a state. This condition on legitimacy seems to many to be necessitated by the fact that, in modern societies, people entertain and live out quite different conceptions of the good.<sup>24</sup> A person's conception of the good is fixed by the values and ideals which he or she takes to be what makes life worth living, or what makes life decent or meaningful. It will usually include, in more or less inchoate combination, parts drawn from the teachings of religions, or different communal and ethical traditions. Clearly, not every possible conception of what makes a person's life worth living is defensible from the point of view of political morality. To take two extreme cases for

illustrative purposes, no one has the right to live out a life which calls for infant sacrifice or the holding of slaves. But by-and-large, given the fact of diversity in conceptions of the good which can reasonably be defended, it seems plausible to hold

The Neutrality Thesis: Justice requires a government to be neutral between and among any reasonable conceptions of the good that are entertained by its citizens.

What this thesis requires is that the government show equal respect for each of its citizens by accepting constraints on the reasons that it can offer in the way of justifying its laws and policies. The government may not favor some conceptions over others and it may not prevent any reasonable conceptions of the good which might gain adherents among its citizens from finding that kind of acceptance. There are, I think, two different arguments against equality which might be premised on this thesis.

5b. The first rests on the assumption that the only justification a government could have for aiming to implement distributive equality would appeal to communal rather than individual values. The idea is that what motivates the ideal of equality must be a commitment to the value of having a certain kind of community, one which instantiates fraternity and a sense of the common good. But, the argument would run, this would flagrantly violate the Neutrality Thesis because it would discriminate against those who sought to lead lives of independence from the community or who preferred to be individualists.

I mention this argument because it is surely true that some of the societies which have sought to implement egalitarian values have done so by the means described in this objection. The historical record shows clearly that the governments of many of the formerly-Communist states of

Asia and Eastern Europe did promote a conception of the good which was objectionably collectivist and which discriminated against individualists and other reasonable dissenters. But I see no reason for believing these communitarian justifications for distributive equality myself. And secondly, what is more important, I do not think that egalitarians are in any way necessarily committed to justifying equality in these ways. If a government sought to implement distributive equality it would have to rely on an individualistic justification for doing so. It would have to be able to show that equality is to the fair advantage of each person rather than being something which would make the community in some other, and therefore mysterious way a better community.

However, the second way of taking the neutrality-based argument for the Liberal Conclusion attacks even the governments which have an individualistic justification for equality. This time the claim would be that no such justification could be neutral between different conceptions which individuals might reasonably entertain about what makes their lives worthwhile. For such governments would make impossible for people to lead lives of luxury and would force people to choose from a very small list of options for the kinds of lives they could lead.

I shall take each of these complaints in turn. I do not think it true that in an egalitarian society, people would be forced to choose from a small list of options of the kinds of lives they could lead. Indeed, most of the conceptions of the good found in contemporary liberal societies would be available to people in an egalitarian society.

What, then, of those who value lives of opulence and luxury? Could they not claim that an egalitarian government had made it impossible for them to live as they wanted? I think in part this

would depend on how much luxury and opulence was in question. I see no way around the fact that, in an egalitarian society, nobody would be able to live as the super-rich live in our societies. Nor do I think that all inequalities in wealth could or should be outlawed by an egalitarian regime. Some people would be better off and perhaps substantially better off than others. But their being better off would be much more responsive to their own choices and ambitions, rather than to the good fortune of being born into wealthy family, say. So lives containing some measure of opulence would be available to people provided that they were willing to make the sacrifices necessary to live that way. In order to live at those levels of consumption in an egalitarian society, people would have to work pretty hard. Such lives would, in this way, be significantly harder to lead than they are in contemporary societies.

Does this show that equality is inconsistent with the Neutrality Thesis? I do not believe so. For it seems to me that the following is a necessary condition on the reasonableness of any person's conception of the good: A life lived in accordance with that conception cannot impose unreasonable costs on other people. And it seems to me that lives of great opulence and luxury can only be lived in a society in which there is an unfair division and allocation of the benefits and burdens of work. In short, such lives can only be lived by some members of a society if there are others who are being exploited economically in it. Justice commands us to eliminate such exploitation, and our failure to do so would impose unreasonable costs on those who were exploited.

6. In this chapter, I have looked at four different justifications for

The Liberal Conclusion: Although justice requires us to meet everyone's basic needs, it would be morally impermissible for the government to aim at bringing about distributive equality.

The first said that justice requires us to benefit people maximally. The second claimed that equality is inconsistent with the ideal of individual responsibility. Third came an argument to the effect that equality of access, as egalitarians understand it, is inconsistent with the idea of equality of opportunity and justice was alleged to require equal opportunity rather than equal access. Finally we looked at a line of argument that appealed to the idea of government neutrality with respect to people's differing conceptions of the good.

Once again, it appears that none of these argument shows that distributive equality understood to require equal access to certain key institutions for all is a morally unacceptable aim. I conclude that the Liberal Conclusion must be rejected: it is not impermissible for governments to implement distributive equality understood in that way.

I wish to end the chapter by making a point which draws these considerations together. What has emerged from the replies I have offered to the objections is a conception of distributive equality as a species of fairness. As such, it is the value which properly ought to regulate the economic and social relations between people. Equality matters because justice in social co-operation requires that there be fair economic reciprocity between people. And fairness turns out to consist in the existence of social and economic institutions with a particular set of characteristics, namely, that they be institutions to which everyone enjoys equal access. Egalitarians can and should agree with liberals that each society must evidence the proper degree of respect for the humanity of its citizens. Where they disagree is over what it takes for a set of social institutions to measure up to that demand. From an egalitarian point of view, it is not



enough to ensure that no one is badly off, in the sense of having no unmet basic needs. Justice requires us to ensure a much greater degree of socio-economic equality than that. Exactly how properly to understand and defend that claim is the topic of the next three chapters.

What needs examining in more detail is, to begin with, the foundations of an egalitarian theory of justice. What are the strongest moral reasons which could be offered in defense of equality of outcomes as opposed to equality of access? It is to the task of answering this question that I shall turn in the following chapter.

## NOTES

1. As I said in the Introduction, there is no sustained attempt in the literature to develop a liberal conception of distributive justice. I consider Harry Frankfurt, Joseph Raz and Jeremy Waldron to be the leading philosophical proponents of this position.

2. Frankfurt suggests that a person's basic needs are satisfied when he or she has, economically speaking, enough. And that means having enough money. He then says: 'To say that a person has enough money means that he is content, or that it is reasonable for him to be content, with having no more money than he has. And to say this is, in turn, to say something like the following: the person does not (or cannot reasonably) regard whatever (if anything) is unsatisfying or distressing about his life as due to his having too little money....It is essential to understand that having enough money differs from merely having enough to get along, or enough to make life marginally tolerable.' ("Equality as a Moral Ideal" p 152).

3. Jeremy Waldron provides the clearest example of what I am taking to be the standard liberal line. He suggests that justice requires us to fix 'a social minimum just above that level of immiseration - whatever it is - which turns out, on the basis of the facts of social psychology, to be the level beneath which sacrifices of well-being cannot normally be expected from individuals without serious disaffection and discontent. We do not know a priori what that level is, but we have some idea how to go about fixing it.' ("Rawls and the Social Minimum" p 262)

4. I have taken these three grounds from Waldron, op cit.

5. There are two occurrences of something like this argument in the egalitarian literature. The first is in a paper by Ronald Dworkin in which he is arguing for a kind of egalitarianism which 'requires that each be permitted to use, for the projects to which he devotes to his life, no more than an equal share of the resources available to all.' ("Why Liberals Should Care About Equality" in A Matter of Principle, p 206) The passage whose line of argument Harry Frankfurt, a liberal political philosopher, rejects, says: 'It is, I think, apparent that the United States falls far short [of meeting this requirement] now. A substantial minority of Americans are chronically unemployed or earn wages substantially below any realistic "poverty line" or are handicapped in various ways or burdened with special needs and most of these people would do the work necessary to earn a decent living if they had the opportunity and capacity.' (Ibid., p 208) The second occurrence is in G. A. Cohen's Tanner Lecture in a passage which reads: 'What [egalitarians] find wrong is that there is, so they think, unnecessary hardship at the lower end of the scale. There are people who are badly off and who, [egalitarians] believe would be better off under an equalizing redistribution. The practically crucial feature of the situation is that the badly off are worse off than anyone needs to be, since an equalizing redistribution would enhance their lives. For these egalitarians, equality would be a good thing because it would make the badly off better off.' "Incentives, Inequality, and Community," p 267 in The Tanner Lectures on Human Values, 1991.

6. This point is nicely made by Raz: 'what makes us care about various inequalities is not the inequality... It is the hunger of the hungry, the need of the needy, the suffering of the ill, and so

on. The fact that they are worse off in the relevant respect than their neighbours is relevant. But it is not relevant as an independent evil of inequality.' The Morality of Freedom, p 240.

7. Liberals who work with a relatively expansive conception of sufficiency are likely to overlook the possibility that they might share that conception with the egalitarians they criticize. For instance, Harry Frankfurt chides Dworkin for defending what Frankfurt assumes to be strict equality on the basis of considerations of sufficiency. Dworkin objects to the profound economic inequalities in the contemporary USA by providing what Frankfurt calls 'evidence that [the US] fails to ensure that everyone has enough to lead a life of choice and value,' ("Equality as a Moral Ideal," p 148). But clearly, having enough to lead that kind of life requires having much more than what is necessary to meet one's basic needs. It might be that Dworkin would agree with Frankfurt in rejecting simple equality in favor of sufficiency properly understood.

8. I am very grateful to Joshua Cohen for discussion of this as a plausible way of understanding G. A. Cohen's remarks.

9. This is not, of course, strictly speaking, a statement of Rawls's Difference Principle. For one thing, the latter applies to the basic structure of society rather than to particular distributions of goods and resources. Relatedly, but distinctly, it invites us to attend to the worst off social group rather than the worst off person.

10. In these two paragraphs, I rely heavily on points made by Joshua Cohen in "Democratic Equality" in Ethics, Volume 99 (1989).

11. Frankfurt is quite explicit about this assumption. He says: 'Economic egalitarianism is, as I shall construe it, the doctrine that it is desirable for everyone to have the same amounts of income and wealth...' ("Equality," p 134).

12. Recall that the principle Dworkin was defending 'requires that each be permitted to use, for the projects to which he devotes to his life, no more than an equal share of the resources available to all.' ("Why Liberals Should," p 206) It would, in my view, be uncharitable to take this as saying: people should have the same amounts of resources. What would it be to have more than the same as others? (As opposed to 'more than others'?). Dworkin clearly means here: no one should have more than a fair share, where a fair share is having enough to lead a life of choice and value. The principle for which G. A. Cohen was arguing said: 'Make the badly off well off, or, if that is not possible, make them as well off as is possible.' "Incentives," p 268.

13. I am thinking here especially of Rawls's view. There is also Nagel's view which mandates giving priority to the worse off rather than making everyone equally well off. (See "Equality" in Mortal Questions.) T. M. Scanlon takes a view which is similar to Nagel's although it is also sensitive to variations in people's absolute positions. (See "Contractualism and Utilitarianism" in Utilitarianism and Beyond.)

14. Two things are worth noting here. The first is that, as we shall see, a more comprehensive conception of welfare is favored by some philosophers who like this thesis. On this more

comprehensive conception welfare includes other aspects as well as either (or both) of these two components. The second point is that I include 'average welfare' to accommodate a view like that of John Harsanyi. (See his "Morality and the Theory of Rational Behaviour" in Utilitarianism and Beyond.)

15. Here, appeal to the Law of Diminishing Marginal Welfare might be made. This law says that an increment in the resource-bundle of a well-resourced individual will produce less welfare than a comparable increment in the resource-bundle of someone who is not well-resourced. Assuming that individuals have the same welfare function (which takes resources as inputs and yields welfare as output), an equal division of resources will, other things being equal, maximize welfare.

16. Cf., David Brink: 'Treating people impartially involves giving everyone equal consideration, and giving equal consideration involves taking everyone's welfare into account and balancing some interests against others, if necessary, to produce the outcome that is, on balance, best... this interpretation of impartiality is perhaps the principal source of utilitarianism's appeal.' ("The Separateness of Persons, Distributive Norms, and Moral Theory." p 253).

17. I am not, of course, suggesting that it would never be permissible for a society to follow policies intended and likely to maximize welfare. The point is rather that considerations of fairness and reciprocity have lexicographical priority over the Maximal Welfare Thesis.

18. This is why I do not see how David Brink, who endorses a comprehensive conception of welfare, can say the following: 'It may be false that there is always some number of less serious claims that would outweigh some smaller number of more serious claims.' ("The Separateness", p 270) It is true that the number of pure preference claims in some instance might be too small to be outweighed by the more important claims. But there is surely some number of those preference claims such that it outweighs the smaller number of the claims which are more important. So Brink's claim here cannot be right.

19. I ought, at this point, to mention the familiar, utilitarian-inspired objection to egalitarianism to the effect that it would commit us to leveling down. The complaint is that if equality is all that matters, then it would be just as good to cause the welfare of the best off to plummet as it would be to cause the welfare of the worst off to rise. But surely, it might be said, it is irrational or immoral (or both) to waste welfare by leveling down. In response to this I have three things to say. The first is that it is unclear that equality is best understood as requiring equal welfare for all. I shall say more about this in Chapter Five. But secondly, it seems to me that leveling down might indeed be required on some occasions to ensure the kind of fair reciprocity that underlies a commitment to equality. (People who are unjustly well off do not deserve to be that well off. Even if no one gains by their loss, justice might still demand it.) Thirdly, since on my view egalitarians ought not to say that it is never permissible to maximize welfare (see footnote 17), leveling down will not always be what is required.

20. It is important to understand exactly how liberal political philosophers must be taking the Individual Responsibility Thesis. For clearly such philosophers are not claiming that justice

requires people to bear the full responsibility for their own lives, no matter how badly their lives turn out. That would, after all, go against the point of the Basic Needs Principle which is to provide a safety net for those who end up being badly off, even if they are to some extent responsible for being so. I shall simply skip over the enormous complexities here: there are likely to be many disagreements among liberals and between liberals and egalitarians over the significance and degrees of responsibility for being badly off.

21. I take up this issue in much greater detail in Chapter Four.

22. The argument here reconstructs Raz's rebuttal of an egalitarian-sounding principle he calls 'the Both Ways Principle.' See "The Duties of Well-being" in Ethics in the Public Domain.

23. Which of course is not to say that it does not justify their rejection of equality of outcomes, for I think it does justify that.

24. This phrase is of course taken from Rawls.

## CHAPTER FOUR EQUALITY OF OUTCOMES: A CRITIQUE

1. In Chapters Two and Three, I argued that equality of access provides a reading of the egalitarian ideal to which there are no decisive liberal or libertarian objections. This creates a strong prima facie case for a theory of distributive justice that requires us to provide equality of access for all to various important institutions. In the present chapter, I want to prepare the way for the defense of equality of access I shall offer in Chapter Six. The method by which I shall do so is indirect: by examining in more detail the case for and against equality of outcomes, I shall show that there are no good egalitarian reasons for favoring equality of outcomes.

The chapter is devoted to a discussion of two main issues. The first is the nature and form of an egalitarian theory of justice. My focus here is on the abstract structure which such theories can and ought to take. The second is the justification of egalitarian beliefs concerning the nature of distributive injustice. My objective is to show that considerations of neither structure nor justification provide reasons in support of the ideal of equality of outcomes.

2. I want to begin by discussing the issue of the structure or form which theories of distributive justice could take when thought of quite generally. Consider the following ambiguity in the use of phrases such as 'a just distribution.' Expressions like this are sometimes used to refer to the activity or process by which some set of benefits and burdens comes to be distributed. We can call this the procedural sense of the term 'distribution.' But such expressions can also refer to the pattern which results from such a process or activity. We can speak of this as the outcome sense of the term 'distribution.' This ambiguity carries over, I believe, into the issue of what the

proper aim of a theory of just social and economic distribution ought to be. Some theories aim directly to answer the question, What marks a distributive procedure as morally acceptable? Other theories are concerned directly with answering the question, What marks a distributive outcome as morally acceptable?

A theory of distributive justice of this second kind I shall call outcome-driven. Such a theory tells us to aim at producing outcomes of a given kind because they possess certain intrinsic characteristics. And here, 'intrinsic' means 'independent of the process by which the outcome came about.' According to such a theory, we ought to aim at any outcome which has such-and-such characteristics because they make that outcome desirable for its own sake. Consequently for such a theory, at least some of the features that make an outcome morally desirable are features it possesses independently of facts about how it was produced.<sup>1</sup>

If a view is outcome-driven, the distributive outcomes it describes as intrinsically desirable take moral priority in the sense that these outcomes directly fix the duties we owe to each other in justice. Furthermore, the desirability of these outcomes must be understood to be agent-neutral: their being good consists in their being states of affairs whose realization makes the world better. Since the value of the distributive outcomes is thought of in agent-neutral terms, the duties they generate are agent-neutral as well. According to outcome-driven theories, each of us has as his or her primary duty in justice the duty to bring about the outcomes the theory identifies as best. The duty is agent-neutral because we all have the same duty, namely that of realizing the best outcomes.<sup>2</sup>

This suggests that what is at work in someone who accepts an outcome-driven theory of distributive justice is some or other interpretation of

The Best Outcomes Thesis: Justice requires us to bring about the best outcomes we can.

The paradigm case of an outcome-driven distributive theory is, of course, utilitarianism. According to utilitarians, the fact that in some outcome, welfare would be maximized makes that outcome intrinsically desirable from a moral point of view. Their theory instructs us to work backwards from that positive goal in order to design the institutions or perform the acts which will most efficiently bring it about.

It is, I think, widely assumed by both egalitarians and their critics that egalitarianism involves a distinctive reading of the Best Outcomes Thesis. There is, undoubtedly, a fair degree of plausibility to this assumption. For it suggests that what distinguishes egalitarians in political philosophy from everybody else is their entertaining the following thought: Any outcome in which people are equally well off is, morally speaking, desirable for its own sake.

If this is right, then it would appear that what is at work in someone who accepts an egalitarian theory of distribution is some or other interpretation of

The Equal Outcomes Thesis: Justice requires us to bring about outcomes in which people are equally well off.<sup>3</sup>

Several remarks are in order about this thesis and its place in a political theory more generally.

The first concerns the relevant idea of an outcome. More specifically, does the thesis require that, for any time  $t$ , we ought to make people equally well off at  $t$ ? This is not the way I shall understand it. For I take the thesis to require bringing about equality between people over the course of their lives as a whole.<sup>4</sup>

Secondly, I believe interpretative charity bids us think of the thesis as being, at best, only one component among others in anyone's actual political theory. For the Equal Outcomes Thesis



is perfectly consistent with thinking that equality in an outcome is only one among many features which would make that outcome better. No philosopher believes that equality alone could mark an outcome as the best one available. Or at any rate none ought to believe that. For a theory which contained only the Equal Outcomes Thesis would be liable to rejection on grounds of what has come to be known as the Leveling Down Objection.<sup>5</sup> This says that if what matters morally is that everyone be equally well off, then it is just as good, morally speaking, to worsen the position of the better off as it is to improve the lot of the worse off. Leveling down would achieve equality of position just as well as leveling up.

Having said this, however, I do want to insist that many philosophers take a commitment to the Equal Outcomes Thesis to be both necessary and sufficient for marking someone as a distributive egalitarian. And this is what makes the thesis so important for my purposes. For what these philosophers are assuming is that the Equal Outcomes Thesis provides a complete analysis of the concept of distributive justice as it is understood by egalitarians. This is implied by Thomas Nagel, for instance, when he suggests that egalitarians are committed to what he calls “the intrinsic value of equality”<sup>6</sup> in that they believe in “equality in the distribution of advantages.”<sup>7</sup> He obviously has something very like the Equal Outcomes Thesis in mind when he says that

egalitarianism... resembles utilitarianism formally, in being applied first to the assessment of outcomes rather than of actions.<sup>8</sup>

But many other egalitarians are taken as believing something very like this. For instance, it is widely assumed that Rawls’s theory of justice entails a particular reading of the Equal Outcomes Thesis.<sup>9</sup> This reading is at least suggested by those passages in which Rawls says that the parties in the original position begin by supposing that

all social primary goods, including income and wealth, should be equal: everyone should have an equal share.<sup>10</sup>

This gives the impression that for Rawls, outcomes containing an equal distribution of primary goods are a kind of moral benchmark, desirable for their own sakes.<sup>11</sup>

The third point I want to make about the Equal Outcomes Thesis is probably the most important of the three. It concerns the fact that most egalitarians who accept that thesis also believe something I shall call

The Proviso on Inequality: The fact that people are not equally well off in a given outcome is not morally objectionable provided that those who are worse off are themselves responsible for being so.

The idea is that in the cases governed by the proviso, those who are worse off are worse off because of the choices they have made. Since their choices have made them worse off, it is thought to be morally unobjectionable that they have ended up that way.<sup>12</sup>

On the face of it, though, the Proviso on Inequality looks to be a departure from the Equal Outcomes Thesis.<sup>13</sup> How so? Well, the proviso directs our attention away from outcomes to certain features of the processes by which they arise. Would this not require departing from the intent of an outcome-driven theory? I do not believe so. My reason for thinking this is that one can remain within the bounds of an outcome-driven theory even though one thinks that how an outcome is produced can affect its overall goodness or badness.

Consider a more familiar example of an outcome-driven theory applying not to distributive justice but to acts, namely act consequentialism. On the face of it, act consequentialism presupposes a sharp contrast between acts on the one hand and the various events which comprise their consequences on the other. The overall goodness or badness of an act's consequences would

then be said to determine its wrongness or rightness. Understood this way, however, an act would have in itself no value at all: it would be neither good or bad; and this would surely be very implausible. Given this implausibility, it is open to someone who is attracted to such a theory to think that the act by which any given set of consequences comes about can itself form part of the resulting total outcome. Indeed, such a person might think that certain acts are so awful that their performance would make the resulting total outcome much worse than any other available outcome. If this were so, then it would be positively forbidden for the agent to set about producing it.<sup>14</sup>

Analogously, it seems implausible for egalitarians to deny that sometimes the choices people make can and do affect the objectionableness of the inequalities in the resulting outcome. It would, I suggest, be no departure from the intent of an outcome-driven theory to make allowance for that fact. So from now on I shall be assuming (unless I explicitly indicate otherwise) that anyone who accepts the Equal Outcomes Thesis also accepts the Proviso on Inequality.

My aim is to show that there are no good reasons for believing the Equal Outcomes Thesis. I want to begin by examining the most popular justification which egalitarians offer on its behalf.<sup>15</sup> As I shall show, this justification does not succeed.

3a. The argument I have in mind rests on an appeal to an idea we met in Chapter Three, to wit

The Equal Opportunities Thesis: Justice requires us to provide people with equal opportunities.

Roughly speaking, what the argument purports to show is that anyone who believes this thesis as it is standardly understood, is committed, on pain of inconsistency, to being a distributive

egalitarian. The suggestion is that there is a natural movement of thought that begins with equality of opportunity and that terminates in equality of outcomes. I shall call this line of thought the Argument from Brute Luck.

I suggest that we reconstruct the reasoning as follows. Endorsing the ideal of equal opportunity is, of course, perfectly consistent with thinking that inequalities in outcomes are free from injustice. However, the Equal Opportunities Thesis states a necessary condition on the justice of any inequality in an outcome. Inequalities between people over the course of their lives as a whole are just only if the opportunities they confronted at the outset were equal. Understood in this way, the thesis requires a moral division of labor between individuals on the one hand and society on the other. Individuals could themselves be thought responsible for inequalities between them but only to the extent that those inequalities arose in the context of an initial equality in the opportunities they faced. It is the job of society, on the other hand, to ensure that everyone's opportunities are equal, and thus to eliminate all inequalities for which the people concerned are not morally responsible.. So the first premise of the Argument from Brute Luck can be formulated as

The No-Responsibility Premise: Justice requires us to eliminate inequalities between people only if they themselves cannot be held responsible for the inequalities in question.

And now we need to know which are the inequalities of which this is true. It is the function of the argument's second premise to supply an answer.

The answer is derived by proceeding through a succession of stages; at each stage, we are invited to attend to a particular range of features of individuals for which those individuals themselves seem not to be, in the relevant sense, responsible.

The first, and least controversial of the stages involves people's family backgrounds. Nobody, after all, chooses when and to whom they will be born. Consequently, socio-economic inequalities resulting from these accidents of birth seem not to be the fault of those who end up worse off or to the credit of those who end up better off. Other things being equal, those from lower class families are much more likely to remain in that class while those from upper class families are much more likely to remain upper class. So the first stage of the as-yet-incomplete second premise of the Argument from Brute Luck reads

People cannot be held responsible for inequalities between them when those inequalities are due to the socio-economic class into which they were born...

However, if this is true of the social class to which one's parents belong, it is surely no less true of the talents (or lack of talents) with which one is born. And so we move to a second stage, giving us

People cannot be held responsible for inequalities between them when those inequalities are due to the socio-economic class they were born into or to talents they were born with...

Clearly we are now on a slippery slope. What about the physical constitution people are born with? Some are by nature much less healthy than others, or much weaker than others. What of differences in social identity? People do not normally choose to be classified as belonging to a certain race or gender or to have a certain sexual orientation. Consider next differences in emotional characteristics. Some are cheerful and robust, others psychologically fragile or prone to depression. But then why stop at the accidents of birth? What of all the lucky and unlucky events which occur during the course of any normal life?

The second premise of the Argument from Brute Luck simply generalizes the point which

made each of the earlier stages seem irresistible.<sup>16</sup> For consider: What do all of the following features of individuals have in common: Their parents' social class, their native talents, their physical and mental constitution, their social identity, the good and bad fortune which comes their way? Answer: they are all matters of luck, or more precisely, matters of brute luck - where brute luck is to be distinguished from option luck and people's option luck is understood to be the kind that results from any calculated gambles which they knowingly undertake.<sup>17</sup> (If we each bet on different horses in the Kentucky Derby, and your horse wins and mine comes in last, you will be much better off than me. But that inequality, being as it is fixed by our different option luck is one for which we are both, in the relevant sense, responsible.) And so, by this line of thought, it comes to seem natural to formulate the second premise as:

The Brute Luck Premise: People cannot be held responsible for inequalities between them whenever those inequalities are due to the effects of brute luck.

From the conjunction of this with

The No-Responsibility Premise: Justice requires us to eliminate inequalities between people only if they themselves cannot be held responsible for the inequalities in question.

we arrive at the conclusion that justice requires us to eliminate inequalities between people whenever those inequalities are due to the effects of brute luck. Put another way, these premises issue in as conclusion

The Equal Outcomes Thesis: Justice requires us to bring about outcomes in which people are equally well off.<sup>18</sup>

We should, I think, be struck above all by the boldness of the Argument from Brute Luck. It purports to show that anyone sincerely committed to providing equal opportunities for all is in fact committed to producing outcomes in which everyone is equally well off. But unfortunately, in

my view, when subjected to closer scrutiny, the argument can be shown to be unsuccessful. Consequently, it provides no reason in support of the Equal Outcomes Thesis. To see why, it will pay us to examine each of its premises in turn.

Before doing that, though, I should say something about the conception of responsibility at work in the argument. When is it true to say of a certain individual that he or she cannot be held responsible for the obtaining of a particular state of affairs? The official view of the egalitarians who make this argument appears to be something like this: A person cannot be held responsible for the occurrence of a state of affairs unless that state of affairs issues from the person's own choices.<sup>19</sup> However, at least on some occasions, these philosophers say things which suggest that a different conception of responsibility is at work in their thinking. For what they sometimes say is that people can rightfully be held responsible for states of affairs that obtain as a result of their own negligence or blameworthiness.<sup>20</sup> This seems to add a new element, for it suggests that a person cannot be held responsible for a state of affairs unless the person ought to have made some appropriate choice with regard to its coming to be. Whether the person did in fact make the required choice is irrelevant in assigning responsibility.

There appears to be a shift here from a purely metaphysical notion of responsibility as grounded in a person's actual choices to a moralized notion grounded in a view about the choices people should or ought to make. On this moralized account, the relevant conception of an individual's being responsible for a state of affairs is that of his or her rightfully being required to bear the costs of its obtaining.

This ambiguity in their thought undoubtedly makes it harder to assess the argument urged by these egalitarians. To circumvent these difficulties, I propose that we simply opt for the first,

metaphysical reading of responsibility. Doing so will both secure univocality across the premises and ensure that we hold the proponents of the argument to what is undoubtedly their official view.<sup>21</sup>

3b. The most direct way of exhibiting the falsity of the argument's first premise is to consider more carefully the significance of choice in our views about justice. The idea, remember, was

The No-Responsibility Premise: Justice requires us to eliminate inequalities between people only if they themselves cannot be held responsible for the inequalities in question.

The principle expressed here, it might be said, is the best explanation we have for two widely-held and very strong choice-related intuitions which underlie the ideal of equality of opportunity. The first is that, insofar as inequalities in the conditions of different people issue from choices which they themselves have made, those inequalities are morally acceptable. For instance, consider the case of Smith and Jones. Smith chooses the lazy life, being in this respect quite unlike Jones who, by sheer effort of will, lives a life involving very hard work. Her earlier mornings and longer work-days pay off and in due time she becomes much wealthier than Smith. This inequality, in that it arises from people's choices, it could be said, is completely just. Smith, we might say, simply does not deserve to be as well off as Jones.

The second choice-related intuition which might be offered in support of equality of opportunity, and hence of the No-Responsibility Premise, is this. There are many forms of social and economic disadvantage whose objectionableness seems to derive from the fact that they are predicated on features of their victims which they themselves have not voluntarily chosen. Take for instance, invidious forms of discrimination based on race or gender. Nobody chooses to be



born a certain color or with a certain sexual identity and yet people often suffer at the hands of others as a result of being so born. Surely among the reasons why this is unacceptable is the fact that this discrimination is directed against aspects of the person which are not freely chosen?

Given these reasons for believing the first premise, however, it is not hard to see the trouble lying in wait. For one thing, there are many cases in which people come to be worse off as a result of their own choices but where we nevertheless think that something ought to be done to assist them. Smith, say, unlike the rest of us, knowingly chooses to skate on thin ice in the winter. If, as a result, he should fall into the freezing water, he would surely nevertheless, have some claim on us for help. The fact that Smith is responsible for being worse off than more-cautious people seems morally irrelevant.

Secondly, it is far from clear that the brute injustice of invidious discrimination has anything to do with the fact that it is sometimes based on features of the victim which he or she has not chosen. A person might choose to take on a certain social identity, as when a white person decides to live as though she were black. Choices such as this would make no difference to our assessment of the injustice of the resulting discrimination.<sup>22</sup>

Hence, justice requires us to eliminate many kinds of inequalities which nevertheless issue from the various choices different people have made. Consequently, the No-Responsibility Premise, as I resolved to understand it, appears to be false.

3c. What of the argument's second premise? This, it will be recalled, was

The Brute Luck Premise: People cannot be held responsible for inequalities between them whenever those inequalities are due to the effects of brute luck.

Is it really morally impermissible to hold people responsible for inequalities which are due to the effects of brute luck? I do not believe so, for I think it obvious that the scope of involuntary disadvantage is too broad for this premise to be true.

Notice to begin with that it is only with reference a quite restricted set of ways of being disadvantaged that we think the demands of political morality require action on our part. All egalitarians, I am sure, would agree that invidious sexual or racial discrimination ought to be removed and its victims compensated for their suffering. But this idea of compensation and the underlying notion of equality do not intuitively lend themselves to being applied to every form of involuntary disadvantage. It seems patently wrong to say, for instance, that people who are “relatively disadvantaged” by having tastes or hobbies which are much more expensive than those of others have an enforceable claim on those others for some kind of compensation or assistance.<sup>23</sup> There is, I suggest, a very clear intuitive contrast between two kinds of cases here. In the first group are those involving people with special medical needs or people who are the victims of discrimination. About these cases, egalitarians are readily disposed to think that the sufferers have enforceable claims on us for help. In the second group are cases involving differences in what are properly described as tastes and leisure-time pursuits.<sup>24</sup> Even if it is not the responsibility of those who are disadvantaged in these latter ways, it is surely right to think that justice does not require us to compensate them for their bad luck. There is a vast moral gulf between supplying the disabled with wheelchairs on the one hand and epicures with truffles or caviar on the other.<sup>25</sup>

What is needed, though, is a deeper explanation of why our intuitions run this way. Two points come to mind. First, it seems to me that those who believe the Brute Luck Argument are

confusing justice with benevolence. Or at least they are doing so to the extent that they think we have an enforceable duty to satisfy people's wants considered as such. Benevolence, I take it, is the virtue directing us to promote the happiness of others, and the most obvious way of doing that is by satisfying their wants. But this virtue, I should think, falls outside the sphere of the enforceable duties we owe to each other. The members of a political community have a duty to meet the demands of justice and justice itself does not require that we promote the happiness of others. To a great extent, that promotion is up to them. Insofar as we do have duties of benevolence, they are owed to our friends and intimates or to strangers who are in grave need. The only enforceable moral duties we have to each other considered as members of a political community are the duties of justice.

Second, requiring the political community to indemnify people against being worse off than others in respect of their tastes and hobbies would not be consistent with treating them as autonomous individuals with their own lives to lead. If the community had a duty to intervene whenever some people were involuntarily worse off than others, people would be responsible only for those aspects of their fates which they had themselves freely chosen. But it seems to be a necessary condition on living autonomously that the threat that brute bad luck will intervene in one's life be a real one. The possibility of leading a successful life that has meaning requires that there be a non-negligible probability of failure.<sup>26</sup>

So there are compelling objections to each of the premises of the Argument from Brute Luck. Insofar as it is the means by which egalitarians reach the ideal of equality of outcomes, it would appear that that idea is sorely in need of justification.

4a. Of course, there are, in all likelihood, many reasons why egalitarians believe in the truth of

The Equal Outcomes Thesis: Justice requires us to bring about outcomes in which people are equally well off.

Consequently, what I want to argue next is that there are very good grounds for thinking this thesis false, whatever reasons might be offered to justify it. The objections which I am about to present fall into two groups. Those in the first group show that the Equal Outcomes Thesis fails to state a sufficient condition on an outcome's being distributively just. They emerge as follows.

The thesis, to begin with, is inconsistent with one of the most important components of the ideal of the Rule of Law. This ideal, as I understand it, is a set of principles conformity to which is a necessary condition on the justice of a society's scheme of distributive institutions. The component in question is the principle that the rules of just distributive institutions must take the form of predictable rules of conduct. For they must make it possible for people to determine in advance which of their activities shall be subject to government interference. If distributive rules were framed in such a way that they made ad hoc and unpredictable government regulation more or less inevitable, then those rules would be illegitimate.

A society which sought to abide by the Equal Outcomes Thesis would commit itself to an essentially relational conception of distributive equality. And this would necessarily require unpredictable interference in people's lives on the part of the government. According to the thesis, justice requires people to be equally well off. The legal system of such a society would have to contain rules mandating more or less continuous comparisons of the relative positions of different people. Adjustments in people's holdings would be called for whenever they would have the effect of worsening the position of the better off and improving the lot of the well off. But this

would make it impossible to predict when one's holdings would be seized because the government's reasons for doing so would be entirely unrelated to one's own actions and choices. They would always have to do with comparative facts concerning the lives of other people.<sup>27</sup>

A second objection is that the Equal Outcomes Thesis is inconsistent with the right to privacy, and distributive justice could not require of us that we engage in systematic violations of that right. For, understood properly, this right places limits on the degree to which government agencies are permitted to scrutinize people's private lives. If a government were charged with the duty of ensuring that everyone were equally well off, it would have to keep very detailed information concerning each person's life in order to make the right decisions about how to allocate resources to perform its duty. It is simply not the business of the government to invade people's privacy in these ways.

To be sure, the cogency of this second objection turns in part on how the notion of being well off is interpreted in the society in question. In so far as equality of income and wealth were the goal, perhaps no more bureaucratic scrutiny would be required than is found in most contemporary democracies. However, if equality of welfare were the goal, then this objection seems to me to be decisive. A government whose duty was to ensure that everyone's welfare levels were equal would have to engage in very close scrutiny of the details of its citizens' private lives. Consider how much information would be needed about the tastes and values of different people in order to decide which policies would make them equally satisfied with their lives. It is surely plausible to think that gathering and acting on such information is not the proper business of any government. And as we have seen, the egalitarians who are attracted to the Equal Outcomes Thesis are also attracted to measuring people's relative positions by reference in part to

their levels of welfare. It would seem then, that their views are subject to this objection.

4b. Now something very like the following might be offered by these egalitarians in response to this pair of worries: “These objections to the Equal Outcomes Thesis make no trouble for it at all. For they all appeal to values other than distributive justice in order to make their case. Predictability and privacy might well be significant values but they are nevertheless values which necessarily compete with the demands of justice. If those values are as important as the objections make out, then they would have to be balanced against equality in deciding which outcomes it would be best to bring about. So these objections do not show that the Equal Outcomes Thesis fails to provide a fully adequate analysis of our concept of distributive justice.”

This reply, which I shall call the Competing Values Reply is suggested by things which egalitarians who believe the Equal Outcomes Thesis have to say.<sup>28</sup> On reflection, though, I think it turns out to be much less plausible than it might seem at face value. Furthermore, this reply would be inconsistent with other things these same egalitarians say. Briefly stated, the reason for its implausibility is that the two values which figure in the objections must themselves be seen as components of the idea of distributive justice. A society which did not respect the significance of predictability, or of its citizens’ rights to privacy in the ways suggested by these objections would be failing to measure up to the demands of distributive justice itself. It would not simply be failing to honor other, discrete values which are in competition with justice.

To make the significance of this point clearer, I need to say something about the place of reductive analysis in the explication of the concept of distributive justice.

It is common in ethical theory to distinguish between two families of ideas: the concepts of

the right and the concepts of the good. Members of the first family include notions such as ought, and the concept fairness. The concepts of the good, on the other hand, include concepts like minimizing pain and equalizing the satisfaction of desire. Call an ethical theory reductive if it aims to produce an analysis of some or other concept of the right exclusively in terms of some or other concept or concepts of the good.<sup>29</sup>

Clearly, the notion of the demands of distributive justice is a concept of the right. Now it would seem that the only consistent way for an egalitarian to press the Competing Values Reply would be to do so from the vantage point of a reductive analysis of the notion of distributive justice. The analysis would say: what is necessary and sufficient to satisfy the demands of distributive justice is equality and equality must be understood to be a quantitative relation which obtains between two or more people when they each have equal amounts of something. As I say, this appears to be the only consistent way of urging the Competing Values Reply to the objections I have just made. For what is being said in that reply is, in effect, the following. "These objections are irrelevant because they have nothing to do with the concept of the demands of distributive justice. Insofar as that is the concept being analyzed, the Equal Outcomes Thesis states its necessary and sufficient conditions."

What I want to suggest first of all is that this is a mistaken way of analyzing the concept of distributive justice. This is because other concepts of the right, most notably the notion of fairness, must enter into any plausible explication of that concept. If I am correct, then the egalitarian aspiration towards reductively analyzing the concept the demands of distributive justice is fundamentally misguided.

To be sure, this would be of little importance were it not for the following fact. The very

same philosophers who are most likely to make the Competing Values Reply to the predictability and the privacy objections, are themselves committed to the idea that concepts like fairness and voluntary choice enter ineliminably into our understanding of the notion of distributive equality. In other words, they themselves reject a reductive analysis of the relevant notion of justice. And their rejection of reductionism, it seems to me, precludes their being able to offer the Competing Values Reply.

Consider, for instance, what G. A. Cohen says in the course of criticizing the idea of simple equality of welfare. The proposal he is criticizing requires that people be rendered equal in their overall levels of preference satisfaction, whether or not they are responsible for being lower-than-average in this respect.<sup>30</sup> One of the difficulties with such a proposal is that people are notoriously different with respect to their abilities to convert money into welfare. Of those who are extremely inefficient convertors, Cohen says

Some of them are inefficient because they are negligent or feckless in a morally culpable way: they buy their food at Fortnum's because they cannot be bothered to walk up to the Berwick Street market... Now there seems to me an egalitarian objection to a policy of ensuring that the Fortnum's customer's welfare level is as high as everybody else's. It seems to me that, when other people pay for his readily avoidable wastefulness, there is, pro tanto an exploitative distribution of burden which egalitarians should condemn. Equality of welfare should be rejected not because of other values but because it is inequalitarian.<sup>31</sup>

Fecklessly inefficient welfare convertors are, in Cohen's view, responsible for their lower-than-par welfare levels because they could and ought to choose more efficient forms of resource conversion. What interests me here, though, are two features of Cohen's counter case. The first is that it rests on an appeal to our intuitions about distributive unfairness. His point is that simple equality of welfare is unfair because it leads to what he considers to be exploitation, and that is a



species of unfairness. What this shows is that the concept of fairness enters ineliminably into Cohen's own conception of distributive justice.<sup>32</sup> The second feature of his counter example that interests me is what precisely it is being alleged to show: namely, that equality of welfare is objectionable because it is insufficiently egalitarian.

This is of interest because, from the point of view of a philosopher who endorsed the ideal of simple equality of welfare, this last claim would be false. For such a philosopher would say about Cohen's objection exactly what Cohen would presumably want to say about the objections from predictability and the right to privacy. The welfare egalitarian would say: "Insofar as we are concerned with distributive justice, equality of welfare is the right view. All that Cohen's counter case shows is that we must balance this value against the distinct and sometimes competing value of individual responsibility."

So it seems to me that a philosopher who believed the Equal Outcomes Thesis and who sought to make the Competing Values Reply to my first two objections faces a dilemma. Either his or her theory must reductively analyze the concept of justice, in which case it is hard to see how it has a chance of being plausible. Or, alternatively, he or she must show why the values of predictability and privacy, as they figure in the objections, have nothing to do with the demands of distributive justice.

Perhaps this second thing could be done. I shall simply leave it open that one could present a plausible account of distributive justice which said: justice is indifferent as to whether the government may take people's holdings without warning or violate their rights to privacy. Let me conclude by saying that, at the very least, the first set of objections to the Equal Outcomes Thesis have much greater cogency than many egalitarians seem willing to concede.

4c. In my second set of objections to the Equal Outcomes Thesis, I want to show how and why it misidentifies the nature of distributive inequality. For consider: Somebody who accepts the thesis is committed to thinking that unjust inequality obtains whenever there is comparative disadvantage of an involuntary kind between differently situated individuals. This is because

The Equal Outcomes Thesis: Justice requires us to bring about outcomes in which people are equally well off.

As I have been interpreting it entails

The Comparative Disadvantage Thesis: Any outcome in which one person suffers from an involuntary disadvantage in comparison with another (1) contains a distributive inequality; and (2) that comparative disadvantage is necessary and sufficient for marking the outcome in question as unjust.

This new thought, I want to argue, is fundamentally mistaken. The existence of comparative involuntary disadvantage is neither necessary nor sufficient for the existence of distributive injustice.

That it is not necessary can be illustrated by considering a case involving a form of disadvantage which egalitarians would reject as unjust. Consider, say, a society in which the means of production are all collectively owned. However, one group of citizens, the Poor, is excluded from exercising any rights of ownership over personal property. The rest of the citizens, the Rich, are not thus excluded: every Rich has rights to own and transfer personal effects at will. Furthermore, the Rich and their representatives have the legal power to prevent any of the Poor from making use of these resources. Although the members of this unlucky group would suffer from a great disadvantage in comparison with the Rich, it is wrong to think that it is the inequality which is responsible for making the society unjust. For we can imagine a second society free of this comparative disadvantage but which would be counted unjust by egalitarians for the very

same reason as the first. In this second society, let us imagine, everyone is excluded from having rights of property over personal resources. This society is ruled by a property-hating tyrant who decrees that no one, including himself, shall enjoy rights of control over personal property. The police frequently exercise their legal right to expropriate people from their dwellings and to seize their personal holdings.

In both societies, what is unjust is the fact that people are prevented from exercising legal control over their personal effects. Whether it is only some who are disadvantaged in this way, as in the first society, or whether the disadvantage is spread evenly over all, is irrelevant from the standpoint of distributive justice.

It is easy to misdiagnose the nature of distributive inequality because it is easy to confuse the requirement that the claims of each person in justice be universalizable with a superficially similar idea. This is that the claims which a person has in justice must be, by comparison, the same as the claims which have been accorded everybody else. This would be to confuse a trivial truth with a falsehood. It is trivially true that what is due to a person as a matter of justice is what would be rightfully due to anyone in a relevantly similar position. This must not be confused with the falsehood that what justice requires is that what is due to anyone in particular is determined by the advantages which some others already enjoy. To believe that distributive injustice takes the form of comparative disadvantage is to believe with respect to some particular claim in justice that

(1) What grounds this claim on the part of one person is the fact that there is someone else who has this claim.

Whereas the right thing to believe is that

(2) What grounds this claim on the part of one person is the fact that justice requires everyone to be accorded this claim.

(1) is false because it is consistent with denying everyone the claim at issue. (2), however, is true because it would be inconsistent with a policy of universal denial.

Furthermore, as I said, the existence of comparative disadvantage is not a sufficient condition for distributive injustice either. Many forms of injustice have to do with the absolute position people occupy rather than with their relative standing in relation to each other. Inequalities between the rich and the super-rich are morally insignificant. Indeed, most of the inequalities in the world which exercise the concern of egalitarians are inequalities between the well off on the one hand and the badly off on the other. The Comparative Disadvantage Thesis mistakenly focuses on the relative positions people occupy at the expense of how people stand in terms of some absolute scale.

4d. I have in this section examined a series of objections to

The Comparative Disadvantage Thesis: Any outcome in which one person suffers from an involuntary disadvantage in comparison with another (1) contains a distributive inequality; and (2) that comparative disadvantage is necessary and sufficient for marking the outcome in question as unjust.

I take them to demonstrate that it is false. But since it is entailed by

The Equal Outcomes Thesis: Justice requires us to bring about outcomes in which people are equally well off.

I take this to show the falsity of the above idea.

At this point, a brief summary is in order. I have argued that the idea of equality of outcomes is untenable both because the justification egalitarians offer for it does not stand up to close scrutiny and because the idea itself is implausible. So there are compelling reasons to think that some other conception of the egalitarian ideal must be found if egalitarianism is to be a

defensible view about the demands of distributive justice. In the final section, I shall say more about what that alternative might look like.

5. I began this chapter by distinguishing between two senses of expressions like ‘a just distribution:’ the outcome and the procedural senses. At the time, I suggested that (at least some) non-outcome-driven theories of justice could take as their primary focus not distributive outcomes but rather the activities and procedures by which those outcomes originate. Such theories I shall label procedure-driven. As I see it, there are two marks of a theory of this kind. The first is that on such a view, the justice of an outcome is inherited entirely from the process by which it came about. These views lack any process-independent criterion for determining which outcomes are just. Second, procedure-driven theories of justice do not take the goodness of outcomes as fixing the duties we owe to each other in justice. On such views, the primary duties we owe to each other in justice are agent-relative. Each has a duty to ensure that he or she does not treat others unjustly as well as a duty to refrain from benefitting from the unjust treatment of others. What I want to argue next is that there is a perfectly plausible version of such a theory which can properly be considered egalitarian.<sup>33</sup>

Now the idea of a theory of justice which was procedure-driven in form but recognizably egalitarian in content has seemed to many to be a mistake. So before I can argue for such a view myself, I need to examine the reasons why this has been thought to be so. The following considerations have seemed especially compelling.

Consider the kind of property rules which would be in force in a society governed by a procedure-driven conception of justice. Ex hypothesi, these rules would not be fashioned with the

aim of producing any particular distributive outcome. And from this it is thought to follow that the rules in question could apply only to the ways in which resources were transferred from one individual to another. The argument for this claim runs as follows.<sup>34</sup>

In the absence of an overall distributive outcome which the society had set itself to produce, its rules of property could only apply to particular transactions like contractual exchanges, gifts, and bequeathals. They would all have to be, as it were, rules of justice in transfer, as opposed to rules of justice in distribution. A rule of justice in transfer would say: “Whenever property is transferred in one of these ways, the transaction must meet the following conditions in order to be legitimate:...” A rule of justice in distribution, on the other hand, would say: “The overall distribution of property must meet the following conditions in order to be legitimate:...” The fundamental respect in which these rules would differ is this: Only the latter could make it permissible to take property from some in order to give it to others with the intention of bringing about a just pattern of holdings overall.<sup>35</sup>

As I have said, in a society governed by a procedure-driven view of justice there would be no overall distributive outcome which the property rules were set up to realize. And so, no rules permitting us to redistribute property in order to conform to some independent pattern could be recognized as valid. Consequently, any attempt to bring about a more equal distribution of resources would necessitate abandoning the procedure-driven view in favor of some outcome-driven alternative.

The conclusion reached by this route is that anyone who embraces a procedure-driven view of distributive justice is committed to endorsing a free market society. For, the line of thought runs, only the rules of such a society could be completely indifferent in the required way

about the underlying distribution of economic resources. Under this kind of economic system, all that justice would require is that nobody's rights be violated in any of the myriad transactions by which goods and services come to be exchanged. As long as no one's rights to liberty or private property were violated, then any resulting pattern of resources and entitlements over them would have to be considered just.

A key point to be made in reply to this argument is that no plausible theory of distributive justice could be wholly indifferent as to the underlying distribution of economic resources in a society. Indeed, the libertarians themselves see the necessity of including at least one kind of rule of justice in distribution in their theory. For a fully worked-out libertarian theory of property would have to contain some kind of proviso governing the permissibility of initial appropriations of previously-unowned resources.<sup>36</sup> However, the inclusion of such a proviso in the theory would mean that its proponents could not, in fact, ignore background distributive patterns entirely. And so the libertarians cannot consistently castigate egalitarians who hold a theory of justice containing rules that are similarly sensitive to the underlying patterns of distribution.

To explain: A proviso on initial appropriations casts an "historical shadow" over all future transactions involving the goods (and the goods made from the goods) to which the proviso originally applied. Even if some initial appropriation satisfied the proviso, subsequent natural and economic events could bring it about that anyone's later control over resources was, at that later time, in violation of the proviso. The distribution of property must, according to the libertarians, satisfy the conditions of the proviso on appropriation at all times in order to be morally legitimate. If it does not, then redistribution would surely be mandated in order to bring the pattern of holdings in line with the requirements of the proviso.<sup>37</sup> This shows that even within a libertarian

view, the background pattern of resource-distribution is not morally irrelevant.

So the property-rule argument designed to deny the possibility of an egalitarian procedure-driven conception of distributive justice does not work. For one thing, no plausible procedure-driven theory of justice could be completely insensitive to facts about the underlying distribution of economic resources.

More importantly, however, the argument goes awry because it conflates two ways of specifying the conditions to be satisfied in order for the distribution of property to be morally legitimate. One way would be to work backwards from an independent criterion of desirable or just outcomes. A rule of justice in distribution arrived at in this way would say: "The overall distribution of property must be such as to bring about the following outcome in order to be legitimate:..." A second way would be to specify the evils which are to be avoided by the various procedures of distribution. In this second case, to be sure, there would be no independent criterion of just outcomes being employed. But there would, presumably, have to be a least one criterion for determining which outcomes were unjust independently of the procedure by which it came about.

This is, I take it, how the libertarians' proviso on appropriation works. For the proviso tells us that, in certain cases governed by it, even if all the right micro-procedures for transferring property have been followed, the distributive outcome is nevertheless unjust. However, it is marked as unjust not because it fails to measure up to some independent criterion of just outcomes, but for some other kind of reason. What other kind of reason could there be? The only kind I can think of would have to pick out certain evils as procedure-independent injustices which are to be avoided in order for the procedure itself to be legitimate. So the form of a rule of



distribution arrived at in this second way would have to be as follows: “The overall distribution of property must be such as to avoid the following distributive evil(s) in order to be morally legitimate:...”

Where egalitarians who are drawn to a procedure-driven view of justice would differ from libertarians is this. They would entertain a much richer conception of the distributive evils to be avoided in order for the process, and thereby the outcomes, to be free of injustice.

So the mistake is to think that for a procedure-driven theory, all distributive injustices must either take the form of, or else be traceable back to, purely procedural defects. A defect in the process by which some range of benefits and burdens gets distributed might be of a purely procedural kind but it need not be. A paradigm case of a purely procedural injustice would be undue partiality exhibited towards certain people, say, in the allocation of certain benefits. But now consider the kinds of distributive injustice that move egalitarians in particular. Most egalitarians, I should think, agree that under laissez-faire and monopoly forms of capitalism, working class people suffer from exploitation. Clearly, an evil of this kind is not purely procedural by any means. Its occurrence in a process of distribution constitutes a substantive injustice and it thereby marks that process as unjust for more than merely procedural reasons.<sup>38</sup>

We can connect these points in the following way. Earlier in this chapter, I quoted Nagel’s remark to the effect that

egalitarianism... resembles utilitarianism formally, in being applied first to the assessment of outcomes rather than of actions.<sup>39</sup>

What led him to say this? The foregoing considerations suggest this answer: If there is one idea about which all egalitarians are in agreement, it must be that

(1) Justice requires us to avoid unjust inequalities in outcomes.

It is surely very easy to think that this entails that

(2) Justice requires us to aim at equality in outcomes.

But this would, in my view, be wrong. Affirming (1) while denying (2) is a coherent possibility and it is the one to which I think egalitarians ought to gravitate. It is open to us to think that what marks an outcome as unjust is some kind of defect in the procedure by which it was produced. But not all defects in a procedure need be purely procedural; some or all of them could be the substantive varieties of injustice which uniquely provoke egalitarian concern.

So a procedure-driven theory of distributive equality, as I see it, would have to contain principles enabling us to identify which features of a process of distribution would mark the resulting outcomes as that contain unjust inequalities. As I have said, a leading example of such a feature is the existence of exploitation: Insofar as people suffer from that evil because of the economic class to which they belong or the lack of talents with which they enter the market, the resulting socio-economic inequalities ought to be considered unjust.<sup>40</sup> Once the process of distribution is entirely free from this evil, then at least one of the necessary conditions for avoiding injustice in the outcomes will have been satisfied.

The task for someone attracted to such a theory of equality now becomes that of enunciating the set of conditions individually necessary and jointly sufficient for avoiding all such unjust inequalities in outcomes. In Chapter Six, I shall outline and defend the procedure-driven conception of egalitarian justice I find most plausible. According to it, each member of a political community has a claim be provided with equal, exploitation-free access to a set of basic resources and their associated distributive institutions. Specifying what such access consists in will go some

of the way towards completing the egalitarians' task as I have just described it. Before setting to it, though, there is a final set of questions to be answered.

If my rejection of the ideal of equality of outcomes is correct, then distributive injustice does not consist of involuntary comparative disadvantage. Rather, it must consist in disadvantage which can be shown to be unjust for some further reason. The problem now is how we are to identify the forms of unjust disadvantage. Solving that problem seems to require a sharper understanding of the relevant notion of advantage. It is to the examination of this topic that I shall turn in the next chapter.

## NOTES

1. As we shall see, a theory of distributive equality can count as being outcome-driven even if it allows that the choices which produce a given outcome can contribute to making that outcome better or worse, morally speaking.

2. So outcome-driven theories of justice, as I understand them, are forms of direct-consequentialism. I am unsure about whether or not all of the principles of such theories directly assess acts. Do some of the principles apply directly to the basic structure of societies? I am confident about thinking that a theory of this kind nevertheless says that each of us has the agent-neutral duty to see to it that the basic structure realizes the outcomes it identifies as best.

3. This thesis introduces the idea being well off, an idea which obviously admits of several interpretations. Egalitarians are apt to disagree amongst themselves as to the best way of understanding this idea. As we shall see in Chapter Five, some egalitarians (seem to) believe that people are equally well off in the relevant sense only if they have equal incomes; others believe that what matters is having command over the bundle of resources one most desires. Yet others say that people are equally well off only if they are equally content with their lives as a whole, measured, say, in the extent to which their preferences are satisfied. For the time being, these differences are unimportant and will not detain us further.

4. This seems right given how I understood the notion of distributive as opposed to allocative justice. It is anyway how most philosophers understand egalitarian principles. See for instance Nagel: 'The units about which the problem arises are individual persons, individual human lives.' ('Equality' in Mortal Questions, p. 111) and Rawls: 'The fundamental question of political justice [is] what is the most appropriate conception of justice for specifying the terms of social cooperation between citizens regarded as...normal and fully cooperating members of society over a complete life.' (Political Liberalism, p 20).

5. The first philosopher to make this objection against egalitarianism was, I think, Joseph Raz: 'Egalitarian principles would be indifferent between achieving equality through taking away from those who have and giving to those who have not.' (The Morality of Freedom, p 235). For further discussion see Parfit "Equality or Priority?" (Unpublished Mimeograph, Harvard University).

6. Nagel, "Equality," p. 106.

7. Ibid., p 107.

8. Ibid., pp. 116-7.

9. See, for instance Brian Barry's Theories of Justice, p 224 and G. A. Cohen's unpublished MS "The Pareto Argument for Inequality." (Mimeograph, All Soul's College, Oxford).

10. "The Basic Structure as Subject" in Political Liberalism, p 281.

11. I do not myself think Rawls is committed to the Equal Outcomes Thesis but I shall not take up that issue here.

12. We met this idea in Chapter Three when I discussed theories of equality which are sensitive to the choices people make.

13. This impression is strongly reinforced by the tendency amongst those who believe the Equal Outcomes Thesis to describe their views as being of the “Equal Opportunity” or “Equality of Access” kind. For instance, Richard Arneson defends a view according to which justice requires us to provide people with equal opportunities for satisfying their preferences. (“Liberalism, Distributive Subjectivism, and Equal Opportunity for Welfare” in Philosophy and Public Affairs, p 177). He goes on to say that ‘when persons enjoy equal opportunity for welfare in the extended sense, any actual inequality of welfare in the positions they reach is due to factors that lie within each individual’s control.’ (“Equality and Equal Opportunity for Welfare,” in Philosophical Studies, p 86.) G. A. Cohen’s theory says: Justice requires us to ensure that people have access to a comprehensive array of worthwhile things he refers to as ‘advantage.’ (“On the Currency of Egalitarian Justice,” Ethics, p 916). Both of them stipulate that access (or opportunity) is equal just in case no one ends up worse off than anyone else as a result factors other than their own choices.

14. Insulting one to make ten happier might be morally required according to such a theory. But killing one to achieve that effect might be thought to make the total outcome so much worse that one ought to refrain from doing so. For a helpful discussion of these issues see The Realm of Rights, Chapter 5.

15. Contemporary philosophical egalitarians offer two kinds of arguments against distributive inequality. We encountered arguments of the first kind in Chapter Three. These appeal to the claim that a given inequality is morally indefensible if those who are worse off because of it are worse off than anyone needs to be. In arguments of this kind, what does most of the work is obviously the thought that those who are at the down side of the inequality are not merely worse off than others, but are badly off. This is said to be unacceptable, morally, to the extent that it is, when and because those who are better off could reasonably be called upon to improve the lot of the badly off. As we saw in Chapter Three, arguments of this form are not, strictly speaking, arguments for distributive equality. They are, rather, arguments against certain forms of distributive inequality. They could not be used to show that justice requires people to be equally well off, the most they would show if they were successful is that justice requires that no one be badly off when something can be done about their lot.

16. If indeed any of these stages seemed irresistible. I fancy that liberals or libertarians would find them much easier to resist than egalitarians.

17. This distinction is due to Dworkin. See “What is Equality: Part Two” in Philosophy and Public Affairs, (1981)

18. In fact, the Argument from Brute Luck, as it stands also shows why most contemporary philosophical egalitarians affirm what I called the Proviso on Inequality. Inequalities due to differences in option luck are inequalities for which those who are worse off are responsible. They have gambled and lost.

19. This is derived from G. A. Cohen's definition of involuntary disadvantage as 'disadvantage for which the sufferer cannot be held responsible, since it does not appropriately reflect choices that he has made or is making or would make.' ("On the Currency," p 916). Cf., Arneson: 'the ideal of equal opportunity for welfare is roughly that, other things equal, it is morally wrong if some people are worse off than others through no fault or voluntary choice of their own.' ("Liberalism," p 177).

20. I am thinking in particular of Cohen's discussion of people he judges to be 'negligent or feckless in a morally culpable way,' people who are worse off than others because they 'cannot be bothered' to do certain things. ("On the Currency," p 911.)

21. That it is Arneson's official view is shown by his claim that if determinism is true, then his view collapses into simple equality of welfare. ("Equality," p. 86) That it is Cohen's official view is shown by his claim that 'the fundamental distinction for an egalitarian is between choice and luck in the shaping of people's fates.' ("On the Currency," p. 907.)

22. Although it might make a difference to our assessment of how bad it was for the person to be a victim of that treatment.

23. To be sure, this objection only applies to those egalitarians who understand the inequalities mentioned in the No-Responsibility Premise to include unchosen inequalities in welfare. But this is precisely how egalitarians who make this argument understand the premise. exactly this way. See for instance, G. A. Cohen's "On the Currency," especially his discussion of the case of a man made unhappy by his having an expensive hobby which he is unable to take up fully because of a lack of resources. Cohen claims that 'the egalitarian thing to do is to subsidize' the hobby. (Op. cit., p 923). Arneson says that his view can be arrived at by generalizing from a 'particular example involving physical handicap to all other expensive preferences that individuals are not plausibly regarded as bearing any personal responsibility for.' ("Liberalism," p 187).

24. I say 'properly described' because those who believe the Brute Luck Argument tend to describe cases of both kinds as involving "expensive tastes." This seems to me to be a misleading way of describing cases of the first kind.

25. That intuition runs against them here is conceded by at least some philosophers who adhere to the No-Responsibility Premise. For instance, Arneson says 'Intuitively, it does seem more plausible to compensate people for physical disabilities such as blindness than for expensive preferences such as a taste for fancy champagne over cheap beer.' ("Liberalism," p 187).

26. Obviously, there is a need for caution here. Egalitarians differ sharply with political philosophers of other persuasions over which aspects of people's lives are properly considered to

stem from bad luck as opposed to grave injustice. I do not believe that it gives any morally significant ground to the libertarians or the liberals to agree that some aspects of a person's fate should be fixed by brute luck.

27. I here repeat a line of argument which I attributed to libertarians in Chapter Two.

28. No philosopher I know of makes exactly the Competing Values Reply. But several of them say things which suggest that they would agree with it. For instance, G. A. Cohen says 'I take for granted that there is something which justice requires people to have equal amounts of, not no matter what, but to whatever extent is allowed by values which compete with distributive equality.' ("On the Currency," p 906) This strongly suggests that, on Cohen's view, what justice requires is equality which is a state of affairs in which people have equal amounts of something. Predictability and privacy would then presumably compete with distributive equality (and, consequently, with the value of justice). Similarly, Richard Arneson tells us that 'for the purposes of determining what count as fair shares from the standpoint of distributive justice' we should use the measure of how much preference satisfaction people derive from goods. We should then give everyone the same chance of satisfying those preferences. ("Liberalism," p 159). Then in a telling footnote he goes on to say: 'notice that the utility information that would be needed to implement a policy directly incorporating subjective criteria is either unavailable or obtainable only at an unacceptable moral cost, such as invasion of privacy. In many contexts these same feasibility considerations force us to rely on objective surrogates for utility information in making moral judgements. But this leaves open the issue of the theoretical primacy of subjective criteria.' ("Liberalism," p 161, footnote). If I have understood him right, Arneson's view is this. Distributive justice is, in practice, very likely to be outweighed by competing values such as privacy. But this does not mean that the demands of distributive justice are not met by providing people with an equal probability to satisfy their preferences for resources.

29. The most familiar example of a reductive theory of this kind is hedonistic act utilitarianism. What is on offer in that theory is an analysis of the notion doing what is right in terms of maximizing what is pleasurable for people. In passing, I should emphasize that the reductive analysis I discuss in the text concerns only the concept of justice. I am not talking here about a reductive account of the idea of what we ought, all things considered, to do.

30. Welfare egalitarians of this kind would, of course, deny the Proviso on Inequality.

31. "On the Currency," p. 911.

32. The concept of the morally offensive enters too: On Cohen's account it would be perfectly just to hold people responsible for being worse off than others by virtue of having unsatisfied racist preferences.

33. So procedure-driven theories of justice, as I understand them, are deontological in form. However, the principles of such theories do not all directly assess acts, for at least some of them apply to the basic structure of societies.

34. The argument that follows is a reconstruction of part of Nozick's case against Rawls's theory of justice. (See Anarchy, State and Utopia, pp 149-60). That part of his case, I think, is heavily influenced by the writings of Hayek which seek to reject the idea that there is such a thing as social or distributive justice.

35. It is important that our intention in redistributing property be to bring about a pattern of distribution which is just overall. That is, I take it, what would mark off what I am calling rules of justice in distribution from rules telling us what to do in order to rectify past injustices in transfer. Rules of the latter kind tell us to redistribute property not in order to ensure conformity with some independent pattern of distribution. Rather they direct us to bring about the pattern that would have obtained had the rules of justice in transfer been followed in the first place.

36. Samples of such a proviso include Locke's which says roughly: 'No appropriation is permissible unless the appropriator leaves enough and as good for everyone else.' and Nozick's which says roughly: 'No appropriation is permissible unless it does not worsen the position of anyone else.'

37. Cf., Nozick: 'Thus a person may not appropriate the only water hole in a desert and charge what he will. Nor may he charge what he will if he possesses one, and unfortunately it happens that all the water holes in the desert dry up, except for his. This unfortunate circumstance, admittedly no fault of his, brings into operation the Lockean proviso and limits his property rights.' (Anarchy, p 180).

38. In the following passage, Parfit seems to me to infer from the fact that a theory of justice identifies certain evils as substantively unjust that the theory must be outcome-driven in my sense: 'In some cases, justice is purely procedural. It requires only that we act in a certain way. For example, when some good cannot be divided, we may be required to conduct a fair lottery, which gives everyone an equal chance to receive this good. In other cases, justice is in part, substantive. Here too, justice may require a certain kind of procedure; but there is a separate criterion of what the outcome ought to be. One example would be the claim that people should be given equal shares.' "Equality or Partiality," p 12. This seems to me to be a mistake. One can identify substantive injustices without being committed to endorsing a positive criterion of what the outcomes ought to be.

39. "Equality," pp. 116-7.

40. This is why it seems to me that egalitarians must reject a reductive analysis of the concept of distributive justice. As I said earlier, the form such an analysis would have to take is this: Justice requires us to bring about equality and equality obtains whenever people have equal amounts of something, be it resources or welfare. Reductionism will not do because in order for an inequality to count as unjust, some further moral evil must be identified as being responsible for making it so.



## CHAPTER FIVE EQUALITY AND INTERPERSONAL COMPARISONS OF ADVANTAGE

1. Egalitarians believe that people should be equal in some important respect other than, for example, in their standing before the law. As I shall say, what egalitarians believe is that people should enjoy equal advantage in the societies to which they belong. But what exactly would this consist in? When would two or more individuals be equal in the respect(s) egalitarians hold to be required by the demands of justice? On this question, egalitarians commonly divide themselves into two internally heterogeneous groups.<sup>1</sup> Earlier egalitarians thought that in order for people to be equally advantaged, it would be necessary for them to have equal command over a certain set of resources. For instance, in John Rawls's theory of justice, citizens must have equal bundles of primary goods specified by a list that includes rights, liberties and opportunities, income and wealth and the social bases of self-respect.<sup>2</sup> In a similar vein, according to Ronald Dworkin, people must have equally good resource-bundles, where the idea of fair opportunity costs is used to determine whether or not any two such bundles are of equal value.<sup>3</sup> These both count as versions of equality of resources.

There is something of an emerging consensus among contemporary egalitarians that this kind of view is morally unacceptable. A number of philosophers have suggested that equality of resources would be consistent with grave and morally objectionable inequalities in the relative advantage of different people. And so, in its place, more recent egalitarians have proposed various readings of the idea of equality of welfare.<sup>4</sup> For instance, Richard Arneson maintains that people should be equal with respect to the opportunities they have for satisfying their preferences. And G. A. Cohen argues that people ought to have equal access to a diverse array of the components

of well-being, including their overall levels of enjoyment and such things as health and freedom.<sup>5</sup> Or again, Amartya Sen opts for equality of freedom to pursue our ends and requires that people enjoy equal basic capabilities for achieving what they want from life.<sup>6</sup>

The chief motivation offered by these welfare egalitarians for eschewing equality of resources is its alleged vulnerability to a variety of counter examples. The dialectical position is represented as being something like this. From some or other counter case, we are invited to draw the conclusion that equality of resources cannot do full justice to our egalitarian intuitions. In its place we are offered some construal of equality of welfare which is said not to be vulnerable to this sort of objection. The implicit thought is a step involving the generalization that no version of equality of resources could adequately fit our egalitarian convictions.

In this chapter, I want to argue that that generalization is fundamentally mistaken. The view I shall be defending in Chapter Six is that justice requires us to provide people with equal access to a set of basic distributive institutions. Since social and economic institutions are a species of resources, this counts as a version of equality of resources. Consequently, if my view is to be defensible, it must first be shown that the right way for egalitarians to make interpersonal comparisons of advantage is indeed by reference to (some of) the resources to which they have access.

My argument will be that there is no good reason to justify the dominant position that equality of welfare currently commands in egalitarian thinking. I shall begin by showing that the cases alleged to demonstrate the necessity of abandoning equality of resources do not demonstrate this at all. After examining the case against resourcism in more detail, I shall then present a number of objections to equality of welfare whose cumulative force I consider to be

decisive. Although I shall not be offering a full defense of my own institution-focused conception of equality of resources, I shall say one or two things in support of it as I proceed.

2a. The counter cases at issue in the debate all concern people with special medical requirements.

Kenneth Arrow was the first in a long line of egalitarians to object to the way in which such people would be treated in a society in which everyone received equal income and wealth.

Given a society with that kind of equality, Arrow invited us to

consider the hemophiliac who needs [very expensive] coagulant therapy to arrive at a state of security from bleeding at all comparable to that of the normal person. Does equal income mean equality?<sup>7</sup>

This seems to be a clear case in which a commitment to equality of wealth would not cohere with our egalitarian convictions.<sup>8</sup> Similarly Sen offers the case of a pregnant woman who

may have to overcome disadvantages in living comfortably and well that a man at the same age need not have, even where both have exactly the same income and other primary goods.<sup>9</sup>

And Richard Arneson imagines a scenario in which

Smith and Jones have similar tastes and abilities except that Smith has a severe physical handicap remediable with the help of expensive crutches.

Arneson complains that if the two are accorded equal resources, then Smith will have to

spend the bulk of his resources on crutches whereas Jones can use his resource share to fulfill his aims to a far greater extent.<sup>10</sup>

Finally G. A. Cohen presents the strange case of a man whose resource-share is the same as that of other people but who has

something wrong with his arms. He is not less able to move them than most people are...but...after he moves them, he suffers severe pain in his arm muscles.<sup>11</sup>

What these cases show, quite decisively I think, is that providing everyone with equal income and wealth would have unjust consequences in any society in which there were people with medical needs of these kinds. They provide evidence for what I shall call

**The Fact of Unfair Disadvantage (Medical Needs):** It would be unjust simply to give everyone the same shares of income and wealth because then those with special medical needs would be at an unfair disadvantage.

But the question that needs answering is what exactly this form of unfair disadvantage would consist in. Let us begin with the explanation welfare egalitarians would offer. People with special medical conditions, they would say, are blamelessly worse off with respect to welfare than healthy people. Even if they were to enjoy parity of income with those who were healthy, their welfare disadvantage would remain unaffected. And it is the existence of this welfare deficit which grounds our conviction that they ought to receive special assistance.

If this is right, then the Fact of Unfair Disadvantage (Medical Needs) would point to a fundamental flaw in equality of resources quite generally. For then the general lesson to be learned from these cases would be this: An exclusive concern with resources will inevitably cause us to overlook obvious and objectionable inequalities in well-being. Any resource-based theory of egalitarian justice must therefore be inadequate.

Indeed, this impression seems reinforced by the things resourcists sometimes say about the respective places of goods and welfare in their theories of equality. So for instance, Rawls says that his theory

does not look behind the uses which persons make of the rights and opportunities available to them in order to measure, much less to maximize the satisfactions they achieve.<sup>12</sup>

A welfarist would object that justice in fact requires us to look behind the uses people make of their resources in order to determine the welfare consequences those resources have for people when they make use of them. Unless we do so, a welfarist would say, we will be oblivious to the real nature of distributive injustice. For such injustice obtains whenever people enjoy unequal levels of welfare through no fault of their own.

However, it seems to me that the claim that no resource-based theory of equality could accommodate these kinds of cases is far too strong. Consider how a resourcist might explain the nature of the disadvantage revealed by the Fact of Unfair Disadvantage (Medical Needs). Among the resources which must be distributed equally in order for the demands of distributive justice to be satisfied, is access to the good of medical care, the resourcist might say. This is a complex resource whose components include goods (such as drugs and machinery) and services (like nursing and therapy). The only just way to distribute primary health care would be on the basis of need: people must have access to it when and because they need it. What the fact of Unfair Disadvantage (Medical Needs) shows is that equalizing money would be the wrong way to distribute access to health care. For if income and wealth were to be equalized, then those with special medical needs would be unfairly burdened by their conditions.

So it seems plausible to think that what the medical cases show is not the necessity of abandoning equality of resources. They show that any such theory, to be plausible, could not require us simply to equalize people's shares of income and wealth. For then the theory would rest on an inadequate conception of the resources whose distribution is regulated by the

requirements of justice.

2b. Some welfarist egalitarians, it seems to me, would be inclined to offer the following objection to what I have just said:

“Any resourcist theory which included health care among the resources which it says must be distributed equally is only resourcist in letter but not in spirit. This is because there is an inevitable welfare component in the grounds for egalitarian concern about the infirm. In seeking to help them, we want to alleviate their pain and suffering. And the pain and suffering people experience is irreducibly part of their welfare, hedonistically understood.”<sup>13</sup>

This objection is, I think, only superficially plausible. First of all, as I said, resource egalitarians (should) believe that primary health care ought to be distributed on the basis of medical need. The need to be free from chronic pain and suffering is among the most important medical needs and it is no concession to hedonism to think that. Hedonists, after all, believe that not only is pain intrinsically bad, but that pleasure is intrinsically good. And so far, nothing has been said to show that differences in people’s levels of pleasure are medically or, a fortiori, morally significant. Secondly, the welfarist objection I have just rehearsed is supposed to show more than just that hedonic welfare matters to egalitarians. It is supposed to show that an egalitarian concern for those who suffer is based on a desire to render people equal in their overall qualitative mental states. But this, it seems to me, completely misdescribes the intent behind the resourcist aspiration to guarantee equal access to health care. For the aim is to ensure that everyone is able to live decently from the point of view of their health; whether or not they have equally enjoyable lives is of no concern at all.

3a. It is clear that a common form of reasoning can be discerned in all of these counter examples. Because they have been so successful in shifting egalitarians from resources to welfare, it is worth stopping over their common structure. We need to know why they have seemed so powerful to egalitarians because that will help to reduce their attractiveness.

The reasoning in question takes the form of a reductio with two premises. The first attributes to resource egalitarians the belief that justice requires us to equalize people's holdings of monetary resources. Let us call this

The Equal Quantities Premise: The demands of distributive justice are satisfied only if people have the same levels of income and wealth.

Second comes a premise whose truth is thought to be illustrated by the various kinds of cases we have been examining:

The Unfair Disadvantage Premise: There could be significantly unfair forms of disadvantage in a society even if everyone had the same levels of income and wealth.

From these premises we were invited to conclude that equality of resources is an essentially flawed reading of the egalitarian ideal. I shall focus all of my attention on the Equal Quantities Premise.

I have been arguing, in effect, that resourcists are perfectly well able to deny what it says without abandoning their position. But in fact, that premise looks to be so much of a non-starter that its attribution to resourcists merits further discussion. Why should anyone think it plausible to attribute that idea to a resourcist? The most interesting answer I can think of is this.<sup>14</sup> The first premise entails something which egalitarians are strongly inclined to believe, whether or not they are resourcists. And most egalitarians take this further idea simply to be common cause amongst

themselves. What I have in mind is something I shall call

The Equal Quantities Generalization: The demands of distributive justice are satisfied only if people have equal amounts of something.<sup>15</sup>

If this generalization were true, it seems to me, equality of resources would have to be wrong. For it seems obvious that simply supplying people with equal amounts of resources could not satisfy the demands of distributive justice. For one thing, the only resource that seems readily available for this kind of equalization would be money. What would it be to give everyone the same amount of medical resources? By the same token, if the generalization were true, the attractions of equality of welfare would seem irresistible. Equal amounts of overall welfare has got to be a much more plausible aim for an egalitarian if equal income and wealth were the only other choice. But of course it is not.

And it is not for several reasons. The first is that, if any of the existing versions of equality of resources is true, then the Equal Quantities Generalization must be false and so, a fortiori, must be the premise which entails it. The reason for the inconsistency has to do with fact that both Rawls's and Dworkin's versions of equality of resources involve a commitment to non-reductive explications of the concept of the demands of distributive justice. A reductive analysis of the notion the demands of distributive justice would run as follows: Justice requires there to be equality and equality is that state of affairs in which people have equal amounts of something. Such an account would be reductive because no moral concepts would appear in the explicans: all that would appear there is the external relation of quantitative sameness together with the concept of whatever is to be equalized. In this case, the latter would be the appropriate conception of resources or primary goods.



As I say, the existing versions of equality of resources are inconsistent with such a reductive account. For, according to these views, what justice requires is not that everyone's shares be numerically equal but rather that everyone's shares be fair. For instance, the inequalities licenced by Rawls's Difference Principle are morally acceptable because they are required by fairness. Similarly, Dworkin employs the notion of fair opportunity costs in order to measure whether or not people's resource-bundles are equal. So resourcists must reject the Equal Quantities Generalization as false. Consequently, the premise which entails it must be taken by them as being false. Not only can resourcists consistently deny the first premise of the reductio, their conceptions of equality require them to do so.

There is, however, a second reason why equalizing monetary resources is not the only choice aside from equalizing welfare. This provides an addition justification for the claim that resourcists can deny the Equal Quantities Premise without abandoning their position. The point this time is that the extension of the term 'resources' in the expression 'equality of resources' does not have to be limited to income and wealth. Something counts as a resource in the relevant sense, I suggest, only if each of the following conditions is met. First, while resources are of course goods, 'goods' should be understood in the broadest sense of 'things useful for human beings.' Second, resources must be goods capable of direct social allocation and distribution; they are the sorts of things which human beings can intentionally distribute or redistribute directly among themselves. Their being available for use in such activities ensures that the distribution of resources is always open to public inspection. This kind of publicity is part of what distinguishes resources from welfare which, being only indirectly available for social distribution, is not readily open to the public eye. Third, and most important of all, in order for something to count as a

resource, the access which people have to it must be thought of as being subject to the demands of distributive justice.

In the literature, there are I think, two main readings of the term 'resources' in use. The first is the narrowest sense, in which it means 'income and wealth.' The second is the use to which Dworkin puts the term. In Dworkin's theory of justice, resources are understood to include people's talents and abilities as well as their holdings of material goods. I want to suggest that there is a third and more attractive reading available. I propose that the goods whose distribution is subject to the demands of egalitarian justice are in fact certain very general kinds of resources - such a health care and education - together with the social and economic institutions by which access to those goods is mediated. The major focus of equality of resources, consequently, should not be on the commodities people happen to possess or even on the services over which they have command. Its focus should be primarily on the institutions by which access to the important or basic resources is distributed between people.

A resource-egalitarian theory focused on the access people have to these goods, and the associated institutions by which they are distributed would enable egalitarians to give up entirely on the idea that there is something that justice requires people to have equal amounts of. In its place would be the claim that justice requires people to have equal access to the resources and institutions the theory identifies as being basic from the point of view of distributive justice.

Now, we cannot know a priori which resources and institutions are basic from that point of view, nor can we know a priori what they must be like in order for people to command equal access to them. In order to find these things out, we need a more general theory of just institutions. And this can only be fashioned by having recourse to general facts about human

beings as we know them, together with facts about the kinds of institutions or forms of society it is possible to develop. But there is nothing mysterious about this exercise, I have been engaging in its preliminary stages in my discussion of the medical cases. For what emerged is the suggestion that the system of health care is one of the institutions to which people must have equal access if justice is to be done. And access can be considered to be equal only if those with sufficiently urgent medical needs are able to have those needs seen to.

3b. If this is on the right track, it is necessary to clarify a point that emerged earlier on in the chapter. I quoted Rawls's statement to the effect that his theory of justice

does not look behind the uses which persons make of the rights and opportunities available to them in order to measure, much less to maximize the satisfactions they achieve.<sup>16</sup>

This, it seems to me, is a policy to which all resourcists are committed. But we must be clear about what exactly the policy is. What is out of the question for resourcists is "looking behind the uses" which people make of resources in order to measure the impact those resources have on their levels of welfare. But it does not follow from this that every difference in the use people make of a resource must be irrelevant to resource-egalitarians. This is especially true of those who defend a theory according to which justice requires equal access to the basic resources and their associated institutions. For in that case, some instances of differential use will count as unjust forms of disadvantage because they constitute inequalities in access to the resource or institution in question. Imagine that Smith and Jones, who have the same medical affliction, make quite different use of a certain medical facility. If what explains that difference is that Smith can afford the care while Jones cannot, then there is clearly a remediable and unjust inequality here. The fact

that welfare discrepancies are irrelevant does not entail that all discrepancies in the use of a resource are similarly irrelevant.

One strength of a view like this is that it would be well-placed to rebut an influential objection to equality of resources deriving from Sen. Sen complains that interpersonal differences between individuals can give rise to 'significant variations in the conversion of resources ... into freedoms.'<sup>17</sup> By way of replying, I shall make two points. The first is that if equality of resources means equal access to the relevant goods and institutions, then differences in the freedom people have to make use of a resource will indeed matter. To have access to a good or an institution is to enjoy effective freedom to make use of it. To require equality of access is to require that such freedom be fairly distributed between different people.

However, secondly, not every significant variation in the freedoms enjoyed by different individuals is unjust. Consider a public library in a society in which there are substantially equal opportunities for education. It is certainly true that, if such a library did not allow for easy access to the disabled or which had no books on tape for the blind or that contained no large-print books for the poorly-sighted, then it would not be a resource to which everyone had fair access. But once all of these kinds of complaints were attended to, the existence of differential access to the library would be unobjectionable. The fact that Smith might have much easier access than Jones in virtue of living much closer to it than Jones does, is, I should think, neither here nor there.

At this point, a brief summary will be helpful. So far, in this chapter, I have been concerned to rebut various arguments to the effect that equality of resources is an unacceptable reading of the egalitarian ideal. I want now to change direction. I shall argue that it is equality of welfare rather than resources which is subject to compelling objections.

4a. A theory of justice is welfarist if it includes the idea that facts about enjoyable mental states or facts about levels of preference-satisfaction (or facts of both kind) determine the duties we owe each other in justice.

Let us begin with the hedonistic component of equality of welfare. According to this, other things being equal, justice requires us to eliminate undeserved inequalities in hedonic welfare.

Imagine a scenario involving the following three individuals. Tormented, who is the worst off of the three, suffers from excruciating pain due to an unusual medical condition. Blissful, the best off of the three, is in a state of maximal enjoyment: nothing could be done to make him better off than he is. Located in the exact hedonic middle, as it were, is Satisfied whose mental state is one of contentment. However, if she were to be supplied with enough additional resources, Satisfied could be made much better off hedonistically speaking. In all the other respects that matter, the three are equally well off.

Now the choice confronting the government is this. It could either bring Tormented up to the level of Satisfied or else it could bring Satisfied up to the level of Blissful. Unfortunately, it has the resources to do at most one of these things. Insofar as we are considering this choice from the perspective of equality of hedonic welfare, both of these policies must be equally good from a moral point of view. There is nothing morally speaking better about removing Tormented's pain than there is about removing Satisfied's lack of bliss. But surely nothing could be further from the truth.

In the first place, why should we think that Satisfied has any claim on us in justice to be made as well off as Blissful is? And in the second place, why should we think that Satisfied's

claim on us is just as strong as Tormented's is? I see no reason for thinking either of these things.

What this shows, I suggest, is that we are unmoved by mere inequalities in hedonic welfare even if they are involuntary. We do indeed recognize a duty to assist those who suffer but not because we think equality of enjoyable mental states is something desirable for its own sake.

4b. Consider next the preference-satisfaction component of equality of welfare. This says that, other things being equal, justice requires us to eliminate undeserved inequalities in people's overall levels of preference-satisfaction.

My first objection to this view is that equality of preference-satisfaction would be likely to violate the standard of liberal neutrality. And its alleged neutrality between different ideas of what makes life valuable or of the good life for people is supposed to be one of the leading reasons in its favor.<sup>18</sup> The standard of liberal neutrality says, roughly, that the government should not make it harder for its citizens to lead the life they want just in virtue of the beliefs they happen to have about the good life. The government should be neutral between different reasonable views about what constitutes a good or a valuable life for a human being to lead<sup>19</sup>.

The way in which the theory seems likely to violate this standard is this: It would make egoistic lives much easier to lead than altruistic lives. Yet altruistic lives are surely not any less reasonable than egoistic ones. For consider. Richard Arneson tells us that, for the purposes of measuring a person's welfare the only preferences that count are what he calls 'self-interested preferences.' He then defines a preference as self-interested if it is

what a person would prefer if she were to set aside her sense of what is morally required or morally supererogatory, her altruistic concern for others, and her concern for what is nonmorally good from an impersonal standpoint.<sup>20</sup>

Now consider a case in which the government has the resources to send only one of two otherwise indiscernible twins to medical school. The two have the same MCAT scores and the same aptitudes and personality profiles. They also have the same first and second preferences: Each most prefers to become a doctor and each has the second-best preference of becoming a poet. But one twin, whom I shall call Altruist wants to become a doctor purely out of concern for others, that is, out of a desire to make other people's lives better, as he himself puts it. The other twin, Egoist, wants to become a doctor purely because of the glory and the romance which attaches in her own mind to a career in medicine. Following Arneson's suggestion, the government asks these equally-qualified candidates for medical school to set aside their altruism and concern for the impersonal good and then to express their preferences. Clearly, the government will equalize opportunities for welfare if it subsidizes Egoist's medical education and gives Altruist a grant to become a poet. This, it seems to me, would be in clear violation of the standard of neutrality. Altruist's moral values put him at an unfair disadvantage in relation to Egoist. His sense of self-respect is not being fairly promoted by his society because he would be required to overlook a fundamental part of his conception of the best life for himself in order that welfare can properly be equalized.

The second of the objections I have to this idea has to do with the adequacy of its response to a familiar charge which is leveled against it. For it is often said that people's preferences would be a very poor guide to promoting their welfare if those preferences were formed in awful social conditions. In general, the circumstances in which a person's preferences originate play a significant role in determining the content of those preferences. If those circumstances are blighted by cruelty or abuse or brainwashing, then we certainly could not infer

that satisfying them would be good for the person whose preferences they were. To take an extreme case, someone who is brainwashed as a child into believing the teachings of a strange cult might turn out to have very skewed preferences. But surely, we are inclined to say, satisfying these preferences would not make such a person's life go better.

Arneson responds to this worry as follows:

Taken by itself the concern about fair and healthy preference formation points toward the need for a supplement to a preference satisfaction principle, not the elimination of the latter. A preference satisfaction theory of justice needs an account of healthy preference formation together with a principle that determines rights pertaining to the education and nurturance of children and the nonmanipulation of adults. Suppose that account and that principle are given us.<sup>21</sup>

But it seems to me that this reply overlooks the significance of the objection to which it responds. Consider the total set of a person's preferences at any given time. This will presumably include preferences for various different kinds of resources. The theory of preference formation which Arneson is assuming to be in hand would have to include principles enabling us to identify which of a person's preferences for resources were "fair and healthy" and which were not.

Imagine that Self-Sacrificing grew up in an abusive family in which she was always given much less in the way of resources than most other children of her age. This leads Self-Sacrificing in later life to have a very strong preference for getting much less than everyone else. The theory ought to tell us that this preference is a bad guide to promoting her welfare, given the conditions of its formation. But this raises a problem. We want to know whether or not the formation-conditions for a certain preference were fair. How can we find this out unless we have a preference-independent criterion for determining which initial shares of resources were fair in the first place? What makes Self-Sacrificing want less than others is the fact that she grew up getting



too little. But in order to say that, we have to be able to identify what counts as her fair share independently of what Self-Sacrificing happened to want as a child.

What emerges is that a preference-satisfaction theory of welfare faces the following dilemma. On the one hand, the analysis is threatened by circularity: we wanted to analyze what a fair share of resources was in terms of what would satisfy people's preferences equally. And now it turns out that in order to know what would satisfy preferences equally, we need to know what having a fair share of resources would consist in. On the other hand, the analysis is threatened by inadequacy. If the theory lacks an account of fair preference formation, it will tell us that justice requires us to satisfy preferences like those of Self-Sacrificing. And that just seems plainly false.

5a. Perhaps all of these objections could be overcome by suitable emendations to equality of welfare. I want to end the chapter by trying to isolate and argue against what I think are the roots of that view's attractiveness.

It strikes me that what is at work in the thought of a philosopher who is drawn to equality of welfare is not really a prior commitment to hedonism or to the desire-satisfaction theory of welfare. It is, I think, something much more abstract and harder to get a grip on. I shall call it

The Equally Good Lives Thesis: Justice requires us to ensure that people have equally good lives.

Now I know of no proof of either the truth or the falsity of this claim. I do believe, however, that the balance of reasons goes against it. For in the end, it seems to me, the idea it expresses seems to me to be completely implausible. Allow me to explain further.<sup>22</sup>

Let us grant for the sake of argument that there is some feature (or set of features) which

all good lives have in common and which is (or are) such as to make those lives good. This feature (or set of features) would, of course, have to be an appropriately general characteristic (or characteristics) of lives. I mean that it ought not to depend on the specific circumstances in which the life was led or on the particular abilities or achievements of the person whose life it was. For we surely want to leave it open that many different kinds of lives could be good.

In order to discover whether two people are having equally good lives, some standard would be required for determining whether or not this was so. The question is how we are to arrive at such a standard. A natural place to begin would be by reflecting on the fact that how well people's lives go is fixed, in large measure, by what their aims and goals are concerning their own lives. Let us refer to these as people's existential aims: they are aims to lead a certain kind of life or to be a certain kind of person. And now it might be said, in order to know whether two or more individuals are having equally good lives, all we need to find out is whether or not they have in fact attained the same degree of success in achieving their existential aims.

Even with this relatively simple proposal, there are, as I see it, deep problems. To see them more clearly, it will help to draw a contrast between two kinds of standards for evaluating lives. I shall say that a standard is internal if it requires us to measure the goodness of people's lives using their own existential aims as our measuring-stick without requiring us to evaluate those aims themselves. A standard is external, on the other hand, if we must set about evaluating people's existential aims in themselves in order to determine how well their lives are going.

On this classification, the proposal we are considering counts as an internal standard. Notice, to begin with, that very few lives can be judged wholly successful or wholly unsuccessful in its terms. Most people fall short of achieving everything they want from life without failing

completely to get what they seek. Consequently, most of the comparisons we would have to make would be of the following kind: How large is the shortfall between Smith's life and Smith's existential aims in comparison with the shortfall between Jones's life and Jones's existential aims?

It seems to me that there would be grave difficulties in measuring such differences in relative shortfall. For there is, ex hypothesi, no common metric being used as between Smith and Jones. So we would have to fix on some appropriate baseline within different people's existential aims relative to which their existential success will ultimately be measured. But which baseline is that? For one thing, people's aims for themselves and their lives change over time, in response to changes in their values or beliefs or circumstances. Which of the times or periods of a person's life should be judged canonical for arriving at the appropriate baseline: the beginning of adulthood, middle age, or old age? It is natural to think of internal standards using the analogy of travel. Our aim in trying to ensure that people's lives turn out equally well can be thought of as like trying to ensure that each traveler journeys roughly the same proportional distance towards his or her own destination. But then it is no help to know that, at a particular time, while Smith is three-quarters of the way towards achieving her aims, Jones is only a quarter of the way towards realizing his. That would be like knowing that one traveler has traveled three-quarters of the way towards her destination in comparison with another who still has three-quarters of the way to go. When the destinations change, as they might at any moment, then the relations between the proportional distances traveled will be wholly altered. Similarly for the relative success in the achievement of aims.

Relatedly, I do not see how any decision about which period of people's lives to treat as canonical for fixing the standard of relative shortfall can avoid the charge of arbitrariness. Some

people's existential aims will stay stable over the course of their lives as a whole and so in their cases it will not matter. Yet those whose aims shift over time can surely claim that unless the baseline is changed each time their aims change, they are not being treated fairly.

Finally, it seems to me, internal standards are implausible in their own right. It seems simply false to say that two individuals have equally good lives just in case they have the same degree of success in fulfilling their existential aims, irrespective of what those aims happen to be. A further analogy might help to clarify the point. Someone might propose that two paintings ought to be judged equally good just in case they evidence the same degree of success in achieving the painters' aims. This would not do since it would have us rank a very good paint-by-numbers painting alongside a masterpiece. The painter's aims themselves, their difficulty and originality, must surely enter into our judgements about the relative goodness of their works. And this seems to me to be no less true for lives.

So it is not at all clear why, for the purposes of determining what share of resources individuals ought to get, we should prescind from evaluating the difficulty of the existential goals they set for themselves. Some might have unrealistically high ambitions and others unreasonably low ones. But surely the degree of fit between ambition and ability ought to enter into our judgements in this regard? Otherwise it would seem that those with unrealistically high goals will be getting too much than was fair at the expense of the more level-headed.

The upshot of this, I should think, is that the relevant standard for evaluating lives would have to permit us to evaluate different existential aims. In other words, it would have to incorporate some or other external criterion. Recall that our purpose in performing this evaluation would be to rank different lives. And our aim in doing that, in turn, would be to ensure that the

share of resources devoted to each person's life was no larger or smaller than that devoted to anyone else's measured by reference to our ranking. And so the question would be how we are to set about evaluating the existential aims of different individuals with a view to ranking their lives.

Imagine that Ambitious wants most of all to be a concert pianist. However, being only moderately talented, she must spend most of her time practicing in order to produce good performances. Torpid, on the other hand, who has the same musical abilities as Ambitious, is lazy and prefers to spend his time playing games on his computer. Ambitious clearly chooses the more demanding life. Should that entitle her to more or to less in the way of resources than Torpid? It is obvious that a government charged with the duty of answering questions like this would have to make some very invidious comparisons concerning the relative demandingness of the aims that its citizens set themselves. Whatever answer it gives will strike some citizens, with great plausibility, as being unfair. Torpid will complain, if the government devotes more to Ambitious, that it is unjustly rewarding her for being more ambitious than him. Ambitious will argue, on the other hand, should more be devoted to Torpid, that she is unfairly being asked to tolerate less while, in effect, he is being compensated for his lack of ambition.

What would make each of these answers troublesome is the suspicion that it was simply arbitrary. For it is hard to see what reasons could be given for or against either of them. However, perhaps good reasons could be supplied. Let us imagine them to be in hand. Even so, the Equally Good Lives Thesis would not yet be out of trouble. There would, I think, be two important worries left over.

The first is that the circularity we met in discussing the problem of healthy preference formation resurfaces here. We have moved, remember, from an internal to an external standard

according to which we are to evaluate people's existential aims with a view to ranking the goodness of their lives. Now in order for such a standard to be acceptable, it would presumably have to require us to evaluate the justice of people's existential aims. Those who sought to live lives of wanton extravagance at the expense of others, for instance, would surely have no claim on us for assistance in living that way. And our criterion for evaluating their aims ought to yield that result.

So what we want to know, in the case of each person's existential aims, is whether or not they are permitted by justice. Yet how can we find this out without a criterion for independently determining which shares of resources are just in the first place? Perhaps what makes someone want to live much more extravagantly than others at their expense is the fact that he or she grew up with too much. But once more, in order to say that, we would have to be able to say what counts as a just share independently of what the person happens to want from life. To complicate matters, there are people who count among their existential aims that of living with a just share of resources. How are such people to know how to live unless they have an independent means of determining what justice requires them to get?

It would seem that any theory of justice that included the Equally Good Lives Thesis faces the same dilemma as that facing equality of opportunity for preference satisfaction. The first horn is circularity: the thesis would have us analyze what counts as an equal share of resources in terms of what would make people's lives go equally well. If we are to assess the justice of people's existential aims, we need to know what their having an equal share of resources would consist in. The other horn of the dilemma is conceptual inadequacy: without the ability to evaluate the justice of people's existential aims, the theory seems lacking something of great importance. It would be

likely to yield strongly counter-intuitive results such as that wantons ought to get more than regular people.

The second problem with the Equally Good Lives Thesis can be stated more briefly. It is that a government aiming to implement the thesis would have to engage in an objectionable degree of paternalism in the way it treated its citizens. For its task would be to ensure that each citizen's life turned out as well as that of every other citizen. It ought to strike us as intrusive and demeaning for a government to busy itself with the task of making its citizens' lives go well. That is a task which is properly left in their own hands.

I shall end the chapter by speculating about what attracts philosophers to the Equally Good Lives Thesis. Before doing so, however, I want to confront a certain objection to equality of resources as I have been defending it.

5b. What marks a theory of egalitarian justice as resourcist is its rejection of the idea that equality requires us to promote people's welfare. But perhaps it will be asked how a theory of justice could do without this idea. The problem could be expressed as follows:

“How could any plausible theory of justice do without the assumption that we have a duty to promote people's welfare? After all, one of the functions of distributive justice is to regulate people's shares of socially determined advantages. So in order to know whether any particular society measures up to the demands of justice, we need to know if it is working to the fair advantage of its citizens. But that presupposes an account of what is to a person's advantage, that is to say, an account of what is good for them or of what is in their interests. Justice requires that everyone's interests be advanced in a fair manner. But this is simply another way of saying that

justice requires us to promote everyone's welfare equitably."

This is, I believe, a deep objection and it helps to account for the popularity of equality of welfare. As I see it, there is only one way for an egalitarian resourcist to get around it.<sup>23</sup> I shall describe this solution, which works by disambiguating the objection, in two stages.

Consider, to begin with, a familiar contrast between two kinds of interests one might ascribe to somebody. A person's volitional interests are those which are conceptually connected to his or her actual desires.<sup>24</sup> To have a volitional interest in something is to have that interest because one has an appropriate desire or set of desires for that thing. A person's categorical interests, on the other hand, are interests which the person would have had even if they lacked the relevant desire or set of desires. To ascribe to a person a categorical interest in some state of affairs alpha is to assert two things. It is to say first, that the obtaining of alpha would be good for that person. But it is also to claim that alpha's occurrence would be to that person's advantage whether or not the person actually wanted or sought alpha's occurrence.

The first stage in getting around the objection is to insist that people's volitional interests are irrelevant from the standpoint of justice. Whether or not people's wants are satisfied in a given society is of no direct relevance in deciding whether or not their society is working to their fair advantage.<sup>25</sup> What then of the second stage?

This would involve singling out one categorical interest in particular as being of fundamental significance from the point of view of distributive justice. We must ascribe to each person a basic interest in living his or her life by his or her own designs. Everybody, we must say, has an interest in living autonomously. And clearly, if this is among our fundamental interests, then the promotion of our welfare must be up to us and not up to other people.



It might naturally be wondered how this circumvents the worry. Well, what drives the worry is the thought that justice requires that each person's interests be promoted fairly. But if each person has an interest in living autonomously, then justice cannot require us to promote people's welfare. Rather it must require us to ensure that everyone is fairly placed to set about advancing his or her own welfare. People must be in a position to get on with their own lives just as long as the institutions within which they lead their lives are free from all distributive injustices.

The importance of the interest in living autonomously enables us to see more clearly why the paternalism involved in implementing the Equally Good Lives Thesis would be morally troublesome. We were left with an interpretation of that thesis according to which the government's distributive agencies would have the task of evaluating people's existential aims. Now clearly, the having of such aims depends, to a large extent on the having of beliefs about what makes human lives valuable or decent or worth living.<sup>26</sup> Let us call these, following Rawls, people's conceptions of the good. The idea, then, is that people's existential aims depend on their conceptions of the good.

It would appear that, in order to implement to Equally Good Lives Thesis, a government would have to evaluate different conceptions of the good. Yet this would appear to be in sharp conflict with the ideal of liberal tolerance: the ideal that a government and its citizens must tolerate a plurality of different reasonable conceptions of what makes human lives worth living. Indeed, it seems to be a plausible condition on the justice of a society that its laws be framed to take account of these differences. For there are deep and abiding disagreements in beliefs about and attitudes towards what makes human lives decent or worthwhile. Under ordinary conditions of social life, in which the free exercise of human reason is permitted, people will develop

different, though stable conceptions of value. For the most part, these different conceptions of the good are likely to be reasonable and only the exercise of coercion could prevent them from flourishing.<sup>27</sup>

It seems right to think that political morality requires us to respect people as free and equal moral persons. If different reasonable conceptions of the good emerge from the free exercise of human reason, then we have a duty to respect those conceptions. Respecting their views about what makes life decent or worthwhile is part of our duty to respect the dignity or the self-respect of others. Since they are autonomous agents, with an interest in living their lives in accordance with a conception of the good they themselves have chosen, evaluating that conception in order to bring about equality should strike us as demeaning to people. The government would be improperly judging between reasonable conceptions of the good, favoring some and discriminating against others. In doing so, it would be overstepping the boundaries of what is morally legitimate for it to do.

5c. I conclude that the balance of reasons does indeed go against believing the Equally Good Lives Thesis. But if this is right, then an important question raises itself: What made that idea seem so attractive in the first place? There are, I am sure, many different routes by which philosophers have reached it. But the one that seems to me hardest to resist starts from the thought that, from the point of view of justice, each person matters equally. Consequently, it might be said, whatever matters most from each person's point of view must matter equally from the standpoint of justice. But surely, what matters most from each person's point of view is having a life that goes well. And so it comes to seem inevitable that what justice requires of us is

to ensure that each person's life goes as well as anyone else's.

If my arguments are correct, then this line of reasoning must be wrong. Equality of resources, broadly conceived, necessitates a different account of what it means to say that from the standpoint of distributive justice, each person matters equally. For resourcism requires us to repudiate the idea that this gives us any reason to make people's lives turn out equally well. According to equality of resources, as I see it, that each person matters equally means that each is entitled to the same concern and respect in adjudicating the competing claims they make on each other. Justice requires not that we make each life equally good. It requires that we make the conditions for each life to turn out well as just - or as equal - as we can. On my view, we must do so by ensuring that access to the important social and economic institutions of society - the health care and education systems, the labor market, and so forth - is free from all injustice.

I conclude that equality of resources is the more plausible way of determining the relative advantage enjoyed by people in a complex society which cherishes the autonomy and self-respect of its citizens. I have been suggesting that the equality in advantage whose realization egalitarians seek should be determined by reference to the access people enjoy to a set of basic resources and associated distributive institutions in their society. But what exactly would this come to? In Chapter Six, I shall try to explain.

## NOTES

1. It very important to bear in mind that for the time being, I am setting aside the two-fold distinction I drew at the end of Chapter Four. Let us simply take it that the question of what equal advantage consists in is wholly independent of the question of whether equality is in outcomes or access. It will emerge that the questions are not, in practice, all that separate. But they are conceptually distinct and it will serve the interests of clarity to pretend that they are practically so too. (See below, footnote 4).

2. A Theory of Justice. I ignore as irrelevant to my present concerns the inequalities licenced or mandated by the Difference Principle.

3. "What is Equality: Part 2" Philosophy and Public Affairs, (Volume 10, Number 4, 1981).

4. When he first introduced the expression 'equality of welfare,' Ronald Dworkin distinguished between three varieties of the doctrine. These were: equality of preference satisfaction, equality of enjoyable mental states and equality of well-being, objectively understood. I think he was right to include views of each of these kinds under that heading, since I see no reason to identify the concept welfare exclusively with either of the first two conceptions of it to which Dworkin drew attention. In this I differ from some philosophers, including some whose views I classify as welfarist. The only minor difference I have with Dworkin is in thinking of the objective conception of welfare as consisting of a list of items that includes one or other (or both) of the first two conceptions among its components. Consequently, in this chapter, I shall take the fact that a theory of equality meets the following condition to be necessary and sufficient for marking that theory as welfarist. The theory tells us to make people equal in at least one two ways: their overall levels of preference-satisfaction or else their overall levels of mental enjoyment. Two things are worth noting about this condition. The first is that it is helpful to think of some welfarist theories as being restrictive in that they concern themselves only with people's preference-satisfaction or hedonic states. Other such theories can be thought of as being comprehensive. For they say that, in addition to making people equally well off in these ways, we must also ensure that people are equal in other ways, such as their basic capabilities, freedom, health and so forth. What Dworkin calls an objective theory of welfare I consider to be a comprehensive theory. Of the three philosophers whose views are subject to criticism in this chapter, Cohen and Sen are comprehensive welfarists, and Arneson is a restrictive welfarist. Second, it is important to see that I am setting aside all discussion of the voluntariness or otherwise of people's overall levels of welfare. That Arneson and Cohen defend choice-sensitive theories of equality of welfare is irrelevant to my present concerns. For this reason, the fact that they describe their theories as opportunity-based or access-based is not important in this chapter.

5. "On the Currency of Egalitarian Justice" Ethics, (1989). There is, unfortunately, another potential source of terminological confusion here. I use the term 'advantage' to mean 'whatever it is egalitarians believe people ought to be equal in.' Cohen uses the term in this and other papers of his to describe his own theory. That is, he uses it to stand for the comprehensive conception of welfare with respect to which he himself believes people ought to be equal.

6. "Equality of What?" in the Tanner Lectures on Human Values (1980) and Inequality Reexamined, (1992).
7. "Some Ordinalist Utilitarian Notes on Rawls's A Theory of Justice" Journal of Philosophy (1973), p 254.
8. Arrow presented this as an objection to Rawls's version of equality of resources. I shall not take up in detail the question of whether this is a decisive objection to Rawls's theory. I do not believe it is: see footnote 14. For Rawls's response see Political Liberalism (1993).
9. Inequality Reexamined, p 27.
10. "Equality and Equal Opportunity for Welfare" Philosophical Studies, 56 (1989), p 78.
11. "On the Currency of Egalitarian Justice," p 918.
12. A Theory of Justice, p 94.
13. This reply I think is suggested by G. A. Cohen's discussion of the strange counter case I mentioned earlier. His man who suffers from pain after having moved his limbs is supposed to reveal 'an irreducible welfare aspect' in our egalitarian convictions.
14. One less interesting answer is that Rawls says we should equalize people's holdings of income and wealth. This is less interesting because Rawls emphatically does not say that this kind of equality would be sufficient to render people equally advantaged. Another is that Dworkin's famous auction starts with the buyers having equal shares of currency in which to bid. This is less interesting because they are thought of as bidding, among other things, on insurance markets for health care insurance. These markets are deliberately sensitive to differences in native endowments such as health and talent.
15. As we saw in Chapter Four, G. A. Cohen is quite explicit about this idea. He says 'I take for granted that there is something justice requires people to have equal amounts of...' ("On the Currency," p 906).
16. A Theory of Justice, p 94.
17. Inequality Reexamined, p 33.
18. Arneson says that he is 'sympathetic to the project of elaborating a liberal political philosophy that requires the state to be neutral on the question of the nature of the good life. In a diverse democracy, people differ in their fundamental aims, and it is plausible to require the state to be neutrally even-handed in its treatment of all such differences in aims among citizens.' ("Liberalism, Distributive Subjectivism and Equal Opportunity for Welfare", Philosophy and Public Affairs, p 194).

19. We met this idea in Chapter Three, section 5 where I called it ‘the Neutrality Thesis.’

20. “Liberalism...” p 162.

21. “Liberalism...” p 168.

22. In thinking about these issues, I have been helped by the following: Richard Kraut’s paper “Two Conceptions of Happiness,” in the Philosophical Review, 1979; Joseph Raz, The Morality of Freedom, Chapters 12 and 13; Dworkin’s “What is Equality? Part One” in Philosophy and Public Affairs, 1981. T. M. Scanlon, “Preference and Urgency,” in Journal of Philosophy, 1975 and “The Moral Basis of Interpersonal Comparisons” in Interpersonal Comparisons of Well-Being (1991).

23. I do not consider in the text Dworkin’s way out of what is, in effect, this problem. (I say “in effect” because Dworkin does not describe the problem this way). Dworkin repudiates the suggestion that claims about people’s interests could enter in any way into the foundations of a successful theory of distributive justice. Instead he suggests that it is claims about people’s rights which are at the basis of such a theory. (See his objections to ‘the interests strategy’ and his defense of ‘the constitutive strategy’ in “What is Equality: Part Three” in the Iowa Law Review 73/1 (1987). I must confess to finding Dworkin’s approach very puzzling indeed. For I do not see how claims about rights can be defended without making claims about interests unless claims about rights emerge from some a priori process of reasoning like Kant’s Categorical Imperative. And Dworkin doesn’t say that his theory of rights emerges that way.

24. On some theories, the connection is said to require that the desires be suitably debugged for errors of fact and reasoning.

25. It might of course be of great indirect relevance, by providing evidence that the society was unjust. People do, after all, tend to be unhappy under unjust regimes. But their being unhappy is not what makes their society unjust.

26. I am speaking here about ordinary cases. The existential aims of ordinary people depend on their views about what makes human life valuable. Of course it is possible for a person to have such aims without any such views, but we would, I suggest, be inclined to think such a person both unusual and unfortunate.

27. In this and the previous two sentences, I draw heavily on Rawls’s ideas about what he calls the fact of reasonable pluralism. See Political Liberalism, especially Parts One and Two. For further helpful discussion, see Joshua Cohen, “Moral Pluralism and Political Consensus.”

## CHAPTER SIX TOWARDS AN EGALITARIAN THEORY OF DISTRIBUTIVE JUSTICE

1a. I have now reached the last stage in my defense of an egalitarian conception of distributive justice, the stage in which I shall outline and defend the view of the demands of distributive justice I believe to be most plausible. Before I proceed to that defense, it will, I think, be profitable to take a few steps back in order to draw some of the strands of the argument together.

In Chapter Four, I pointed out that egalitarians might avail themselves of a procedure-driven conception of distributive justice. Such a view would depend on identifying a distinctive series of distributive evils whose paradigm, I suggested, was economic exploitation. Evils of that kind, according to egalitarians of this stripe, are to be counted substantive injustices whose presence in a distributive procedure would clearly have the effect of rendering it unjust. On a procedure-driven view, an outcome inherits its moral features from the process by which it came about. Any outcomes resulting from procedures marked by these evils would thereby be rendered unjust. Accordingly, justice requires the members of a political community to create institutions which are as free of these evils as it is possible to make them.

So a procedure-driven conception of egalitarian justice can be seen as combining two aspects. It embodies, in the first place, a distinctively egalitarian view about what sorts of social and economic evils are to be considered distributive injustices. Its second aspect is its focus on the procedures by which benefits and burdens come to be distributed. A theory of this kind, consequently, cannot appeal to a procedure-independent ideal to specify which are the distributive outcomes mandated by justice. For such a theory involves the claim that once the procedures are free of injustice, the outcomes are to be considered just, whatever they turn out to be. In

consequence, the task of someone aiming to present such a conception of justice is to give an account of the conditions they take to be individually necessary and jointly sufficient for avoiding injustice in the procedures by which the benefits and burdens of social cooperation are distributed.

In the first part of Chapter Five, it will be recalled, I examined the medical counter cases thought by some egalitarians to illustrate the falsity of equality of resources. I denied this conclusion by arguing that health care is among the resources whose distribution is directly regulated by the demands of distributive justice. The way in which I aim to arrive at the necessary conditions on distributive justice in the present chapter is by generalizing this defense of equality of access to resources. What I shall be arguing is that there is a certain set of goods to which I shall give the name the basic distributive resources. The members of this set I specify intensionally as all and only the goods whose distribution is directly subject to the demands of distributive justice. I think it plausible to include three kinds of goods in the set of basic distributive resources: health care, education and the goods associated with occupations, including the occupation itself and the total income to be derived from it. Now access to these goods is mediated by a distinctive set of social and economic institutions: chiefly, the health-care and education systems together with the labor market. Justice, on my view, requires that access to these goods and the institutions associated with them be equal.

Consequently, pure procedural justice is secured in the case of single societies by guaranteeing each of their members equal access to health care, education and occupations. This in turn consists in ensuring that each has equal access to the system of social and economic institutions responsible for distributing access to those goods.



1b. My aim then, is to provide an argument for what I shall call

The Equal Access Conclusion: A society satisfies the demands of distributive justice if and only if its members have equal access to health care, education and occupations.

I shall refer to the two-premise argument from which it is derived as the Argument from Fair Advantage. Its major premise is a quite general principle concerning the demands of distributive justice. I take this principle to be common cause between all the parties to the dispute about the nature of those demands, both egalitarians and non-egalitarian alike. We can reach a formulation of it by way of the following considerations.

Distributive justice is the virtue exhibited by a society insofar as it meets at least two conditions. First, those of its institutions regulating the distribution of the benefits and burdens of social life must be ordered in accordance with the demands of justice. Second, the actual distribution of those benefits and burdens between and among the members of that society ought to be, in fact, just. Now it is a matter of considerable disagreement between political philosophers of different persuasions as to exactly which social institutions, and consequently, which benefits and burdens, are in question here. However, it is plausible to think that libertarians, liberals and egalitarians all agree that at least one set of institutions plays a central role in our reflections about distributive justice, namely the economic system. By this we can understand a society's property laws, its division of labor and its distribution of non-human productive resources. Liberals and egalitarians think that, in addition to the economy, (at least) the institutions of health care, and the education system ought to be regulated by the demands of justice. Given these disagreements, though, we need a name for those institutions, whichever they turn out to be, that ought properly to be subject to the requirements of justice. Let us refer to them, as I did earlier, as a society's

distributive institutions.<sup>1</sup>

Now, as I have said I believe that, underlying the dispute between libertarians, liberals and egalitarians, is in fact a substantial measure of agreement concerning a quite general condition on the justice of a society. It is this principle which I take as constituting the major premise of the Argument from Fair Advantage. I have in mind an idea similar to one we met first in the Introduction, namely

The Fair Advantage Premise: A society satisfies the demands of distributive justice if and only if its distributive institutions work to the fair advantage of each its members.

The dispute between these three groups of philosophers concerns the truth or falsity of various candidate second premises from which either egalitarian or non-egalitarian conclusions concerning the demands of distributive justice are to be drawn. Our task is to try and formulate the most plausible minor premise of the argument.

For instance, on the libertarian view, the appropriate second premise is supplied by a claim to the effect that the fair advantage of each citizen is secured by ensuring that their rights to liberty and private property are guaranteed. Some libertarians might go further and claim that public goods such as national defense and law and order ought to be provided in the society in order for everyone to be fairly advantaged. The conjunction of these claims with the major premise entails that the demands of distributive justice are met only if people's rights to liberty and private property are protected.

It is worth noting here that what libertarians must offer by way of a second premise contains a moralized conception of the idea of what is to the advantage of each member of society. For their implicit thought is that the only kind of advantage that counts from the point of

view of political morality is the having of rights to liberty and private property in the distinctive way libertarians conceive of those rights.

Liberals, as we have seen, would reject this as an inadequate view of what is to the fair advantage of each of the members of a political community. They would claim that this can only be secured by ensuring that there are welfare provisions guaranteeing that everyone reaches or is able to reach a minimum threshold of decent living. Their underlying thought might be expressed in this way: A society works to the fair advantage of its members only if none of its members is left badly off, in the sense of having unmet basic needs. Consequently, we would expect a liberal's formulation of the second premise of the Argument from Fair Advantage to reflect this thought.

Egalitarians, of course, differ sharply from views of both these kinds. For they need a second premise appealing to distributive equality in order to infer an equality-favoring conclusion from its conjunction with the Fair Advantage Premise. The idea that suggests itself, then, is that egalitarians would supply as the missing premise some or other claim involving the idea of equality of advantage. Now there are, to be sure, various ways in which this claim might be made out. The simplest and most obvious way of doing so would be reductive in aspiration. On such a view, the concept of the fair advantage of each would be analyzed in terms of the notion of each person's being as well off as everyone else is over the course of his or her life as a whole. As I have said on several occasions now, what would be invoked in such an analysis is a quantitative conception of equality. Equal advantage would be thought to consist in the having of an equal amount of some or other thing.

As to the nature of that further thing, the equalisandum, most contemporary egalitarians commit themselves to explicating its concept in partially welfarist terms. In other words, the

conception of advantage they would employ in their defense of the second premise would include the idea of people's overall levels of preference-satisfaction or else that of their being in desirable mental states.

From my point of view, neither of these egalitarian doctrines is satisfactory. For in order to reach the Equal Access Conclusion, the appropriate formulation of the second premise of the Argument from Fair Advantage would have to be

The Equal Access Premise: A society's distributive institutions work to the fair advantage of each of its members if and only if its members have equal access to health care, education and occupations.

I shall spend the remainder of the present chapter defending this claim. Notice, to start with, that, as I shall take it, this premise depends on a qualitative understanding of equality, in terms of which equality consists in each person's benefitting from a fair distribution of freedom to make use of certain goods. In addition, the relevant conception of advantage embodied in the premise requires us to eschew any reliance on welfarism. Consequently, in attempting to delineate the notion of what is good for the members of a society on which the premise depends, some other kind of account will have to be found.<sup>2</sup>

My justification for the Equal Access Premise falls into three parts, the first two of which address the question of fairness in interpersonal comparisons of advantage. First comes a defense of a particular conception of two features which I argue human lives must have in order for them to be considered good lives. The pair of essential or necessary components of worthwhile lives that I have in mind are autonomy and self-respect. The second part of my justification for the premise consists in defending its particular list of basic distributive resources. Here I shall argue that access to health care, education and occupations must be fair in order for the members of a

political community to be treated in accordance with the demands of distributive justice. In the third and final part of my defense of the premise, I shall lay out the conditions to be satisfied in order for access to these goods to be fair. I shall present four such conditions, taking them jointly to provide a complete analysis of the notion of equality of access as it is employed in the premise. If these conditions are indeed a full analysis of that notion, then when the conditions are satisfied, access to the three kinds of resources will, in the relevant sense, be equal.

In this way, I aim to show that distributive equality, understood as equal access, emerges as a virtue of any society which fully satisfies the requirements of the Fair Advantage Premise. In short, I hope to provide the strongest reasons I can for taking as true

The Equal Access Conclusion: A society satisfies the demands of distributive justice if and only if its members have equal access to health care, education and occupations.

Let us then move directly to the first part of my justification of the Equal Access Premise, the part concerned with autonomy and self-respect as essential components in the good life.

2a. An autonomous life is one lived in accordance with a design or on the basis of reasons that have been chosen by the person whose life it is.<sup>3</sup> The person's choices to live that way, in order to be autonomous or self-directing, must meet at least the following two conditions. The first is that they must be more or less reflective and informed choices. The person must stand back and make the choices knowing that they are, to the relevant extent, his or her own choices to make. A certain measure of reflective distance between oneself and one's choices is needed: one must have in mind, in making them, that they are choices which will affect how one's life will turn out. Secondly, the choices must be made in circumstances that are good for choosing in. A precise

account of what the circumstances must be like to satisfy this condition is hard to give. However, the following considerations seem to be especially salient. One is that the environment ought to be free of coercion and fraud as well as of the threat of such evils. Another is that there be an adequate array of options confronting the chooser, where he or she knows that these are the options from which the choices are to be made. Also, it seems plausible to think that the chooser must have adequate information about the full array of choices and their likely upshots.

Now of course, a self-directed life need not be marked by any particular external characteristics or achievements. Indeed, such a life might have the same external shape as one which was not autonomous: the two kinds of lives might well contain the same achievements and projects. But what would distinguish the two kinds of lives would be the fact that the self-directing person would have reflectively chosen to lead that kind of life. Instead of slavishly following the authority of others with respect to determining how to live, an autonomous person would regard him- or herself as the one ultimately responsible for the character of his or her life.<sup>4</sup> So autonomous lives are marked by a certain kind of achievement. The people whose lives they are have succeeded in directing their own affairs on the basis of reasons which they themselves have weighed up and taken to be the right reasons for them to be acting on.

It is worth mentioning that an autonomous life does not have to be one in which the agent aims to act on any single overarching goal, even the goal of living autonomously. It might just as easily be marked by a wide array of different projects and commitments, many of them requiring the active participation of others for their success. Its autonomous character would not derive from the person's single-minded pursuit of the goal of autonomy but rather from the way in which the projects that gave the person's life its character were chosen. For this reason, those critics of

the ideal of autonomy who reject it on the grounds that it would lead to the fostering of aggressive individualism seem to me to be mistaken. Or at any rate, they are mistaken if their complaint is that the ideal of autonomy is incompatible with the ideal of sound communal relations between people. What valuing the autonomy of each is incompatible with is this: a political community in which individuals are not encouraged to think and act for themselves. Those who prize the ideal of a community in which an undifferentiated and uncritical unity is fostered between distinct individuals clearly are rejecting the ideal of autonomy. But if we allow for there to be worthwhile communities of differentiated individuals who can and do nevertheless unite for the purpose of engaging in joint projects, then there should be no incompatibility between valuing autonomy and valuing communal relations between people. Autonomous individuals would unite in joint projects because they took themselves to have the right reasons for doing so and not because doing so was the unthinking basis on which their community had founded itself.

The suggestion that autonomy is a fundamental value for human beings is sometimes rejected because it is confused with a quite different idea: that of self-realization.<sup>5</sup> The key difference between them, I think, is that the various doctrines of self-realization all rely on a conception of the “true” or “authentic” self which is to be realized in order for self-realization to be effected.<sup>6</sup> Among those who hold conceptions of self-realization are, for instance, the members of various religions. Some faiths teach that one realizes oneself through meditation, others through good works and yet others by following the divine law. In addition, of course, there are many secular versions of the ideal, ranging from the Marxian account of self-actualization through engaging in meaningful productive work to the aesthetically inspired views of the post-modernists.

A society whose members prized the value of autonomy could not accept any such doctrine as foundational to the morality of their political community. For that might have the effect of sanctioning the use of state coercion in order to cause people to lead self-realizing lives. This would be objectionable since it would render people incapable of freely choosing the kind of life they want on the basis of the reasons that weigh with them. So the ideal of autonomy or self-direction differs from self-realization because it requires people to achieve a degree of reflective distance between their own values and projects and those of others.

If we think that how well each person's life turns out depends in part on its being lived autonomously, then we need to know what conditions must be satisfied in order for the autonomy of each individual to be properly respected by other individuals in his or her society. I believe there are two. One is that people must refrain from acting in ways that negatively undermine the autonomy of their fellow citizens. This requires that people refrain from acts of force or fraud directed at others. The second is that the members of the community must jointly do what is necessary to promote the autonomy of each individual. Given the kind of value autonomy is, however, this necessarily takes the form of ensuring that the political and economic environment is set up so as to put each person in a position to live in a properly self-directing way.

2b. What then of self-respect? Like the value of an autonomous life, that of a life evidencing self-respect, at least as I understand it, is a kind of personal achievement. Having self-respect, consists in taking a certain particular moral attitude towards oneself. The content of this attitude is that one has the standing which is appropriate to a moral person as such. Another way of expressing the content of this attitude would be that it involves the belief that one has the dignity



that properly belongs to all moral agents, a dignity or worth which is the same for all. Understood in this way, then, there is a conceptual connection between having self-respect and the idea of an equality of moral standing, something shared by all human beings. Within the broad community of human beings, each person is to be thought of as having equal moral worth. None is more or less important than any other.

Now the goods of self-respect and autonomy, understood in these ways, are intimately connected.<sup>7</sup> In order to live in way that manifests respect for oneself, one must see one's capacity for choosing how to live as something worthy of commanding the respect of others. One must believe that being free to lead one's life by one's own lights is among the reasons for one's standing within the community of moral agents. On the other hand, living autonomously requires that one respect oneself as a person with just that kind of standing. It requires having the confidence that one's capacity for choosing ought properly to command respect because of one's dignity or standing as a moral agent.

Self-respect, however, is not to be confused with self-esteem.<sup>8</sup> The latter is a question of taking pride in oneself on the basis of one's achievements or one's circumstances. A person can esteem himself highly on the basis of a wide array of such reasons, including reasons that ought to, or that in fact do, have the effect of undercutting his self-respect. We can imagine people esteeming themselves on account of their ready acceptance of their servile or degraded conditions. So although both self-respect and self-esteem are attitudes a person expresses towards him- or herself, what distinguishes them is their content. The content of self-esteem is not a matter of one's beliefs about one's moral status; rather it is matter of beliefs about aspects of the self only contingently related to one's moral person. Another difference between these attitudes is that

people cannot lack self-esteem without being aware of the fact that they lack it. Those who take no pride in themselves believe their achievements or character are worth little or nothing and they are acutely aware of thinking this about themselves. But people could be engaged in activities which we should rightly consider to demonstrate a lack of self-respect without their knowing it. For instance, a person might readily accede to being exploited by others without thinking that doing so undermined his or her standing as a moral person.

This shows, I believe, that the conditions to be met in order for people to live with self-respect are, to some extent, independent of their beliefs and desires. To be able to live that way, people must be in a position to see themselves as equally worthy members of the community of moral agents. Consequently, it is an objective matter as to whether or not any particular community's rules and principles treat its members as being of equal worth.

In spite of the differences between self-respect and self-esteem, there seems to be a plausible psychological generalization to the effect that one must have some degree of self-esteem in order to achieve self-respect. The idea is that in order to value oneself as a moral person, one needs to take pride in some of one's actual achievements or in some aspects of one's circumstances.

In my discussion of self-respect, I have so far been speaking, somewhat abstractly, of the community of moral agents or human beings in general. I want now to focus in particular on the political community understood as a group of moral agents who are bound together as an economic and political unit. A helpful way to focus the discussion is to ask the following question: What conditions must be satisfied in order for the self-respect of each member of the political community to be accorded its proper value by that community? The short answer to this question,

I believe, is that each person must be fairly placed to live a self-respecting life. The social and economic institutions of the society must in fact work in such a way as to make it possible for each member of society to adopt the attitude of self-respect for the right reasons.

2c. At this point, it is necessary to face an important and obvious challenge, one I shall call the Neutrality Objection. It runs as follows:

“No defensible theory of distributive justice could be premised on the conception of worthwhile lives which has just been outlined. For that conception consists of a pair of moral values that cannot do the job of justifying a theory of justice. For one thing, those values are very restrictive. People in fact live by a very wide array of values - or conceptions of what is good - which differ substantially from conceptions based on these two. The values of an autonomous and self-respecting life constitute at most one among many such conceptions of the good. However, more importantly, it would not be unreasonable for someone to reject this conception of value insofar as it was being offered as grounds for acceptance of a particular theory of justice. The values embodied in it are at most one moral ideal among many. A theory of justice needs to be able to command a reasonable moral consensus among people with distinct and perhaps incommensurable conceptions of the good.”

In response to this objection, I want to begin by noting that I whole-heartedly endorse its major premise. It is surely true that a theory of justice ought to be capable of commanding a reasonable moral consensus among people with different views about what makes human lives decent or worthwhile. The part of objection from which I dissent is the thought that the conception of value I have outlined is simply one moral ideal among many. I shall offer two

reasons why I take this thought to be mistaken.

The first is that the notion of autonomy I described earlier is a determinable of which a very wide array of lives would count as determinates. Autonomy is achieved by the kinds of choices one makes during the course of one's life, it does not consist in choosing to live a particular kind of life. So for instance, it would not be at all inconsistent with living autonomously for a person to choose to take monastic vows or to strive to attain a particular ideal of human perfection or else simply to decide to drift along without giving any special place to morality in his or her life. So the conception of value which I have outlined, it seems to me, would certainly not conflict with any of the reasonable doctrines of the good which could find adherence among the members of a liberal society.<sup>9</sup>

The second point I shall make is that there is no fully worked out theory of distributive justice - libertarian, liberal or egalitarian - with which I am familiar which does not in fact appeal to leading elements of one or both of these two values. I take this to be good evidence that they are among the proper foundations of any plausible theory of justice.

2d. In conclusion, it is worth drawing attention to an important consequence of thinking of autonomy and self-respect as fundamental in fixing what it is for human lives to go well. For the fact is that a life evidencing autonomy and self-respect would be a life containing what might be called reflexive goods. That is to say, it would contain goods that are achievements of the self with respect to the self. The importance of this fact may be expressed as follows: A person cannot succeed in making anyone but him- or herself lead an autonomous and self-respecting life. The best that each can do in promoting these values in others is to foster the conditions that will

enable them to live lives containing these achievements themselves. But each can reasonably demand similar conduct on the part of others in order to become autonomous and self-respecting. So in order for a political community to ensure that each of its members is fairly placed to live with autonomy and self-respect, it must provide each with the fair conditions in which to attain these states themselves. It must provide the public bases for autonomy and self-respect in the form of a fair distribution of the means for securing these values.<sup>10</sup>

3a. The obvious question then, is, What are the means for securing these goods and what would a fair distribution of them look like? In the present section, I shall answer the first part of the question by offering a justification for the resourcist conception of advantage embodied in the Equal Access Premise. I shall outline the case for thinking that there ought to be fair access to the three kinds of distributive resources it mentions, namely, health care, education and occupations.

As I said earlier, I take these to be the basic distributive resources, that is to say, goods whose distribution is properly and directly regulated by the demands of distributive justice. In arguing for this particular list of such goods, I shall consider evidence from two sources. The first is the partial conception of worthwhile lives described in section two. Evidence of the second kind emerges from reflection on the nature of these goods themselves and on their significance from a social and economic standpoint. Here the point will be to consider what they are good for and how their goodness connects with facts about the needs and interests of human beings understood in the light of the partial conception of the good I have just outlined. I shall suggest that the value these goods have can be comprehended under two broad headings. Part of their value falls under the familiar heading of instrumental goodness: each of these kinds of resources is good as an

instrument for securing or maintaining other goods. In particular, their instrumental value derives from their role as means for securing or maintaining the goods of autonomy and self-respect. The other salient part of their value, one which enters into the point of ensuring that they are fairly distributed, is, as I shall say the expressive value of doing so. These goods come to have expressive value when we distribute them fairly because they become a good way of signifying something about our attitude towards the members of our societies. We show our recognition of them as our moral equals by securing for them the public bases of a worthwhile life. The distributive resources have expressive value in that they are a reliable and public way of communicating that recognition.

Consider, then, health care. The instrumental value of this resource derives from the importance of being healthy enough to pursue one's projects. In order to give effect to an autonomy-expressing life plan, one obviously needs to be well enough to undertake it. Furthermore, it helps to know that, should ill-health strike one in the course of life, one will be able to obtain the kind of care required to recover, should that be possible. What I consider to be the expressive aspect of the good of health care derives from the fact that failure to take the health care needs of other people as grounding duties on us amounts to a failure on our part to recognize their humanity. For it is not a contingent fact about human beings that they are animals vulnerable to disease, suffering, aging and death. Further evidence of the expressive value of health care comes, I believe, from the inadequate provisions made in many contemporary societies for medical care. Failure to provide high-quality medical assistance for everyone is rightly seen by those who are left worse off not merely as a good of which they have been deprived. It is also seen by them as a failure on the part of the rest of the political community to recognize and act on

the moral importance of their needs.

The instrumental value of education is two-fold. In the first place, education makes it possible for people to discover and to actualize their native endowments. By receiving the right kinds of training in an atmosphere intended to foster cognitive and emotional development, children come to know what they are good at and to know how to go about having lives in which their talents and interests will be best served. In addition, education is properly concerned with allowing students to develop their powers of reasoning, both theoretical and practical. By providing a context in which to decide what kind of life to lead and by providing some of the crucial means to do so - a degree of sound judgement and self-esteem - education is of great import to living autonomously and with self-respect.

The expressive value of education derives from the fact that in taking it as a good with which we have a duty to supply all members of the community, we would signify our conviction that their powers of choice and reasoning matter equally. For it is a fact of human psychology that these powers do not come to fruition in a vacuum; they require nurturing and development. To the extent that we recognize these natural capacities as generating claims on us to promote their realization, we are expressing an attitude towards the members of our political community. Providing everyone with education expresses a conviction that each is a moral agent whose powers of choice matter from the standpoint of political morality.

Finally, consider the good of occupations. Here I think there are two different kinds of goods: the occupations or jobs that people actually do and the total income, after taxation, that they derive from engaging in it. The instrumental value of income is surely uncontroversial. Money is an all-purpose means for advancing one's ends whatever they happen to be.

Consequently, the work by means of which one earns it is valued, in part, for the sake of the income one derives from it. The income, in turn, is valued for the sake of the other ends one happens to have.

Whatever work one ends up doing as one's occupation is likely to play a significant role in determining how well one's life turns out. People who value their autonomy will regard the choice of an occupation as an especially important part of their choices about how to live. They will want to be able to choose from a wide array of occupations against a background which makes it possible to choose wisely. There is, furthermore, a close connection between the work that people do and their self-esteem. Other things being equal, people who take pride in their work are more likely to feel that their lives are worth something. And since, as I said in section two, self-esteem is correlated with having self-respect, it seems reasonable to think that occupations should be regarded as being instrumentally valuable for the promotion of self-respect.

The expressive value of occupations and money derives from their instrumental value. There would, I think, be a clear expressive point to the redistribution of money if it were done for the sake of bringing about fairness in the distribution of people's total earned incomes. The goodness of doing so would derive from the fact that it would express the idea that money was one of the shared benefits of social cooperation. Redistributing it to bring about fairness in the division of labor would signify the idea that all of the members of the community had a share in its creation. Furthermore, by ensuring that everyone was in a position to choose a job on terms that were, so far as possible, fair, a political community would show its recognition of the idea that from the standpoint of justice, the talents of each of its members have an equal worth.



3b. I want now to confront two objections to resourcism which affect the interpretation of it that I have offered. The first is a complaint to the effect that resourcism in general, and my own version of it in particular, faces the following dilemma. Either it ends up fetishizing resources, that is to say, valuing them for their own sake, or else it must illicitly appeal to some kind of welfarism in order to justify its commitment to valuing resources. The point might be expressed as follows:<sup>11</sup>

“Resources have no intrinsic value, any value they have must derive from the forms of human welfare they make possible. So, for instance, health care is good because health is wanted by most people for its own sake, occupations are good because of the realization of self they make possible, something which most people care about and so on. Yet resourcists believe that the way these goods are distributed is something that matters for its own sake. Do they not in effect think that mere goods should be treated as though they had intrinsic value? And if resourcists are to deny this, then they must surely be making tacit appeal to facts about what is important from the point of view of human welfare. Such resourcists must eventually have recourse to facts about what people do want (or facts about what they would want in some hypothetical situation of choice) in order to justify their claim that these particular goods are subject to the demands of justice.”

In reply it ought to be said that since my defense of resourcism is based upon a particular conception of what makes human lives worthwhile, in one sense, such an objector would be quite right to say that the resources on my list derive their value from their connection with human welfare. However, this does not amount to smuggling in a form of welfarism. At no point in the argument is an appeal made to what people want or would desire in appropriate circumstances. Of course it is undeniable that many people will want these resources, and that, consequently, the

having of them will contribute to the satisfaction of people's preferences. But this was not why I took them to be goods which are subject to the demands of justice. Nor is there, I believe, any fetishism of these goods: by arguing for their value in terms of the categories of instrumental and expressive value, I meant to be making it clear just how a resourcist is to think of their value without implicitly thinking of them as intrinsically good.

There is, however, a second worry about the list of resources I have outlined. For is it not simply arbitrary? Why are there three items on it and not one? Why these three and not others?

One thing to be said in reply to this worry is that health care, education and occupations seem well-justified choices given the evidence of considered egalitarian conviction. And this conviction is fueled in part by the history of egalitarian social movements. It is surely not unreasonable to think that most egalitarian movements for social transformation since the early Nineteenth Century have sought to change the levels of access to or the distribution of these goods in particular. I take the struggle for socialism to be the best evidence concerning the moral importance of occupations. For what most workers appear to have wanted is both more pay as well as working conditions in which their humanity was respected. In the present century, the focus of such movements has extended beyond those demands to a concern to ensure universal health care and equal opportunities for education. So if the attitudes of those excluded from full access to these three kinds of good is anything to go by, they ought to appear on a list of basic resources.

The charge of arbitrariness is wrong for two further and more important reasons. The first of these is that I have tried to show at a number of points how this list of goods is to be understood in the light of the conception of worthwhile lives outlined in section two. That

conception has, in effect, worked as part of the justificatory framework for these goods and their significance from the standpoint of justice is intended to be elucidated by reference to that framework.<sup>12</sup> Second, the kind of justification I have offered for this list, is I think relatively easy to generalize. It could, should it be necessary, be extended to include other resources beyond the three existing ones.<sup>13</sup>

3c. The first two parts of my defense of

The Equal Access Premise: A society's distributive institutions work to the fair advantage of each of its members if and only if its members have equal access to health care, education and occupations

are now complete. I have argued for an abstract view about what makes human lives good which appealed to the values of autonomy and self-respect and I have given a defense of the version of resourcism to which this premise commits me. In the remainder of the chapter, I shall specify the conditions I take to be individually necessary and jointly sufficient in order for access to these resources to be fair. I shall refer to the four principles I defend as the four Conditions on Fair Access. Since I take these conditions to constitute a complete analysis of the notion of equality of access at work in this premise, my defense of them forms the substance of my argument for the ideal of equal access as I understand it.

4a. The first, and simplest of the Conditions on Fair Access is a quite general one applying across the board to each of these goods. I have in mind

The Non-Discrimination Condition: Access to health care, education and occupations is fair only if no one suffers from invidious discrimination on grounds of race, ethnicity, gender, religious affiliation, disability or sexual orientation within the social institutions by which these goods are distributed.

In order to clarify the moral significance of this condition as I intend it, I shall explain how I understand the idea of removing invidious discrimination in the access people have to institutions. The paradigm of what it is so provide fair access to an institution is provided by the duties we owe in this regard to those who are physically disabled. Consider, then, what it is to provide fair access to a particular university to people who are wheel-chair bound. I take it that our duties towards such individuals go beyond that of ensuring that their applications for admission or employment are treated on the same footing as those from people who are not in wheel-chairs. Most of us recognize a duty to make positive provisions given the fact that these people suffer from an important shortfall on the side of personal capacity. For instance, we think that the physical layout of the campus must, if necessary, be changed to ensure that most of its buildings are wheel-chair accessible. We recognize that resources like libraries and sports facilities must accommodate those with special needs. Finally, we think that an atmosphere of respect ought to prevail, one in which the rest of the members of the university demonstrate their conviction that disabled members of the institution are fully-fledged members with same standing within the community as themselves.

What this case shows, I think, is that invidious discrimination can occur by act as well as by omission. An important consequence of this is that the remedies for this evil consist of duties both to provide certain special services on behalf of those who are victimized as well of duties to refrain from certain kinds of acts of exclusion.

This case can also be used to illustrate the reasons we have for thinking that invidious discrimination is a grave evil, one which justice requires us to eliminate. One such reason is that it restricts people's effective freedom by giving them fewer real options to choose from. Without changes in the physical layout of a campus, say, disabled people would lack the proper range of real options concerning where to be on it. This shows, I believe, that our understanding of the notion of freedom of access to an institution rests, in part, on a conception of fairness in the distribution of that freedom. Those who experience invidious discrimination must overcome obstacles in their way; these obstacles ought not to be there because it is unfair for anyone to be forced them to overcome them. The requirements on a fair distribution of freedom rule them out.

A second reason why this is such a grave evil is that it is a direct affront to the dignity or humanity of those who suffer it and it thereby directly undermines their self-respect. I conjecture that this is because the factors singled out as the basis of their unfair treatment within or exclusion from an institution are simply incapable of justifying the commission of such harms or the withholding of such goods. If this is right, then it would seem to follow that something more fundamental about people than any of the singled-out features must be the basis of their claim to fair treatment. The most plausible such ground must surely be the equal moral worth of all people as I discussed it in section two. If this is right, then the victims of such treatment can show why it is that their self-respect is being undermined by the treatment they receive. Something other than their standing as beings of equal dignity or worth is at the root of their suffering harms or their being deprived of goods. In order for them to be treated with the proper degree of dignity, we must ensure that the access they have to institutions like hospitals, schools, universities and businesses is free from discrimination.

Invidious discrimination on the basis of the other properties mentioned in the Non-Discrimination Condition is an evil for these same reasons. Since this is so, it is not unreasonable to think that we have analogous duties towards people with those properties. While these other properties are obviously not disabilities, the kinds of objectionable treatment to which they give rise and the kinds of duties we have with regard to fair access are the same. We must secure both an absence of ill-treatment as well as an atmosphere that is properly respectful of people from groups historically subject to invidious discrimination.

4b. By way of a condition on fair access to health care, I propose

The Health-Care Needs Condition: Access to health care is fair only if no one has urgent unmet health-care needs due to the fact that they do not command fair access to the best health care.

I should begin by explaining what I have in mind in using the expression 'health-care needs.' I here follow the practice of many philosophers in this part of ethics in using the term to refer to those among people's needs the meeting of which is necessary for their being healthy. These are understood to include medical needs narrowly construed (for drugs and treatment in times of illness) as well as needs for non-medical goods such as safe and comfortable living and working conditions. So as I see it, our duty to provide people with access to health care extends to having to ensure that their homes and workplaces are free of unnecessary environmental hazards. It also requires us to see to it that those who are especially vulnerable to variations in weather conditions and the like - chiefly the elderly and younger children - are well-resourced in respect of their health-care needs.

One of the major difficulties with this condition is its inclusion of the idea of the urgency

of needs. Part of the problem is to arrive at a plausible criterion for determining which needs are urgent for the purposes of understanding the condition.<sup>14</sup> We have an intuitive sense, I think, that cosmetic surgery (except in cases of disfigurement, say) would not count as meeting an urgent need, while kidney dialysis would. How is this to be worked up into a more general criterion?

I believe that the most promising approach is one similar to that adopted by Norman Daniels, among others.<sup>15</sup> According to this, a person is healthy if she is free from disease and deformity and disability. And disease, deformity and disability are themselves to be construed as deviations from the functional organization of typical human beings. The basic insight underlying this approach is that it falls to the biomedical sciences to determine what counts as the natural functional organization of the members of a particular species. Here, as Daniels points out, we can take a relatively broad view of what counts as a biomedical science. We can include both evolutionary biology and psychology as relevant to fixing on what it takes to be, medically speaking, normal for a human being.<sup>16</sup>

It seems right to think that we could devise a profile, for each stage of a person's life, of what is medically normal for human beings generally at that stage. Any significant departure from that norm, I think, would count as providing prima facie grounds for affording the person access to the best therapeutic interventions which will enable him or her to come as close as possible to normal functioning for that stage.

In determining which needs are urgent, I suggest that there is a spectrum of cases ranging from those that are virtually uncontested to those in which it is hard say whether we have a duty to provide people with the care they need. Uncontroversial cases, as I see it, include, say, people with physical handicaps who require wheel-chairs or those who are HIV-positive and require

drugs like AZT and special care. In the middle of the spectrum is a range of contestable cases: these are cases involving citizens who are not ill but who nevertheless make claims on medical resources. I have in mind people who are infertile, say, and who want to have children or women who seek to terminate their pregnancies for non-therapeutic reasons. About the contestable cases, I am inclined to say that wherever possible, access to the best quality medical care should be afforded. I realize, though, that this blurs the line between urgent and non-urgent needs to some extent. The hardest cases are those involving, say, people in persistent vegetative states. About people in these unfortunate circumstances, I am inclined to think that assisting them is not a matter of justice but rather of benevolence.<sup>17</sup>

The condition I have presented appeals to the idea of a person's failure to command fair access to the best health care. Such a lack of command might stem from any number of sources. The three most salient of these are: a lack of financial means, being geographically isolated from centers in which the best health care in the society is available, and finally a lack of standing within the political community. To get at what I mean by the latter, compare the position of elderly poor people of color in the contemporary USA with that of well-heeled younger white professionals. Most people in this second group can get the best treatment medicine has to offer and, should there be inadequacies in the treatment they receive, they have enough influence on the relevant authorities to remedy the deficiencies. The intent behind the Health-Care Needs Condition is that everyone ought to command that kind of access.

4c. The third Condition on Fair Access, the one applying to education is



The Educational Potential Condition: Access to education is fair only if no one has significant unactualized educational potential due to the fact that they do not command fair access to the best education.

In societies like ours, educational credentials function as a kind of passport to the occupational structure with there being a close correlation between having good credentials and getting a good job. There is, to be sure, nothing morally objectionable about this in itself: it is surely right that people be properly qualified for the jobs they end up taking. However, from an egalitarian point of view, economic inequalities taint the acceptability of the present system at both ends.<sup>18</sup> At the input end, children's class backgrounds affect the quality of schooling they receive. At the output end, the enormous disparities in earning power insofar as it is determined by educational credentials seem very unfair. Were access to the conditions of labor fair in the ways I shall suggest in the following section, then some of the unjust forms of differential access to the education system as we presently know it would, I believe, be eradicated. However, the third condition is intended to capture what seem to me to be irreducible forms of unfair access: those deficiencies in access that stem from a lack of financial means, or from being geographically isolated from places that offer the best education or from a lack of standing in the political community.

There are, to be sure, morally significant natural inequalities in educational potential between different individuals. Consequently, in striving to bring about fair access to education, the goal of egalitarians should not, I think, be to ensure that everyone ends up with the same qualifications. For equality of educational attainment would have the effect of leaving more-talented individuals with significant unactualized potential and this would be unfair to them. The intent behind the condition is to enable everyone to have a fair chance at getting the best education for which they are equipped by their motivation and talent.

4d. At this stage of the argument, it is necessary to confront objections from libertarians and liberals concerning the second and third of the Conditions on Fair Access. For libertarians, access to health care and education is fair just in case whatever access people have to it is fixed by their rights to private property in the special way that libertarians understand these rights. So, on their view, whether or not someone gets any health care or education at all depends on whether they themselves can afford to pay for it and or on whether they can find someone else willing to supply them with it. Why, the libertarians will ask, should it be thought that regulating access to these goods in this way would be unfair?

The strongest reply to this question, I think, is to appeal to the condition of those who would end up worst off should such a scheme be implemented. Those in grave medical need or who can afford little more than the barest minimum of education would end up worse off than anyone ought to be. Here, I think, we need to appeal to the idea of the equal dignity or worth of all the members of a society. I believe it is flatly inconsistent with thinking that each person is of the same worth from the point of view of political morality to go on to deny that we have a duty to ensure that no one is as badly off as this.<sup>19</sup> Regulating access to these goods by leaving it to the operation of the free market will have gravely unjust consequences for the autonomy and self-respect of the badly off.

Of course this reply invites the liberal questions: Why is it necessary to provide people with access to the best health care and the best education? Why is it not enough to ensure that everyone is in a position to obtain some minimum level of these goods?

Here I should want to argue that there is no reason, consistent with the equal moral worth of people, for thinking it permissible to restrict access to the best of these resources. Consider, in

this regard, the position of those who would have access only to the minimum levels of health care and education. These individuals can rightly claim that their self-respect is undermined by their having to make do with what is, ex hypothesi, inferior treatment. But if their dignity or humanity really does matter equally why should they be forced to accept this? After all, those who command access to the best are choosing to exercise that option for very good reasons. Wanting to receive the best health care and the best education is the rational thing to want. If some have access to the best, why should it not be made available to all?<sup>20</sup>

This brings us to the heart of the disagreement between non-egalitarian views of access to education and health care when compared with my own view. For it might be said that liberals and libertarians would have nothing to quarrel with in the second and third Conditions on Fair Access as they stand. Indeed, someone might say, liberals in particular would not disagree with my claim that justice requires that people be able to command fair access to health care and education.<sup>21</sup> I believe this impression is mistaken and I shall try to say why.

Let us say that people only command fair access to a good when their differential access to it can be shown to be justified by appropriate reasons. The chief disagreement between a view like mine and the liberal view, as I see it, concerns what is to count as an appropriate reason for differential access to the good in question. Very roughly, I take it that a reason is appropriate if it is internal to the distribution of the good in question. Or again: if it makes good sense from the point of view of distributing the good itself, given the kind of good it is.<sup>22</sup> The idea is that reasons of health alone must determine a person's access to health care and educational reasons alone must determine a person's access to education.

Both liberals and libertarians would reject this conception of appropriate reasons, for they

think it permissible to deny people access to the best health care and education if say, they suffer from a lack of resources. In other words, they allow reasons external to these goods to regulate access to them and this, in my view, would be unjust. Indeed, I suggest that both libertarian and liberal societies would fail to establish a just connection between individuals and these two kinds of distributive goods. This is because such societies would allow access to health care and to education to be determined by factors having nothing to do with the kinds of goods they are. A system in which people's wealth or standing, in particular, determine whether or not they obtain the best medical care and education, is fundamentally unfair. Those without wealth or standing are being unfairly excluded, and a grave injustice is being done to them.

4e. We have arrived at the final and most important of the Conditions on Fair Access, those to do with the access individuals have to occupations. There is a long history of egalitarian opposition to the way in which access to the conditions of labor is organized in modern societies. What motivates this opposition is clearly more than simply the thought that it would be unjust if people were denied access to a job because of their race or gender or sexual orientation. There is, I believe, a distinctively egalitarian conception of fair access to the conditions of labor and my aim in this and the next section is to try and say what exactly this is.

What moved the first egalitarians was the thought that some people in the societies of their day were shouldering a much greater burden of work than others.<sup>23</sup> The thought was, roughly, that these individuals were putting in more in the way of work than they were receiving in the way of wages. And this was held to be objectionable because other people in these societies were free not to do any work at all: they were able to live off the labor of others. In short, these egalitarians

believed that there was economic exploitation in the societies of their day. Now when it came to remedying the effects of exploitative access to work, these egalitarians tended to think that what was required was nothing short of the abolition of the labor market. To some extent their calls for this rather drastic remedy stemmed from what I take to be a mistaken view about the nature of exploitation.<sup>24</sup> It also seems to have stemmed from a mistaken view about the possibility of a complex economy without markets.

It seems clear that we cannot do without labor markets<sup>25</sup> but I want to suggest that these earlier egalitarians were on the right track. For I think it plausible to hold what I shall call

The No-Exploitation Condition: Access to a society's occupations is fair only if there is no economic exploitation in that society.

To suggest that people are being economically exploited is to suggest that they are being taken advantage of unfairly. We want to know what it takes for the use of somebody's skills or abilities to constitute exploitation in the relevant sense. I think it useful to try to distinguish between two kinds of economic exploitation.

The first of these I shall refer to as class exploitation. Intuitively, the evil in exploitation of this kind is the existence of objectionable inequalities in the way that labor comes to be divided in society. The unfairness in question concerns the way in which people come to be assigned to the various occupations they end up performing. To account for this, I propose

The Class Exploitation Thesis: A person X suffers from class exploitation if and only if (1) X belongs to an economic class whose members are collectively forced to choose between a restricted range of occupations; where (2) each of those occupations would work to X's unfair disadvantage in comparison with occupations falling outside this restricted range.<sup>26</sup>

I shall explain each of these conjuncts in turn. In order to understand the first, we need to know

what determines a person's economic class. The class structure of a society forms part of its economic structure, the network of relations between individuals based on their various powers over economic resources. It is in part by virtue of these powers that commodities come to be produced and exchanged. I take the criterion for fixing people's class positions to be based on the economic resources over which they exercise effective legal power.<sup>27</sup> A person's economic class, I shall say, is fixed by the range of occupations to which that person has access in virtue of the economic resources over which he or she has real control. In modern societies it is possible to distinguish between three basic classes of citizens using this criterion. Those who own or have enough money to exercise real control over the means of production form a class, namely, the capitalist class. Over and against the members of this class is ranged the vast majority of people. The chief economic resource over which the members of this majority have control is their own capacity to work. And this majority falls for the most part into one or other of the two remaining major classes: the working class and the middle class. The distinction between these classes, is, I think very hard to draw precisely. But it is a real distinction. Working class people have access to occupations which give them very little control over the conditions of their work. Other people have power over them in the workplace. Middle class people, on the other hand, have access to occupations in the managerial structure or else to jobs involving self-management.

It is undoubtedly true that in all the industrial societies we know of, there are other intermediate classes between these three. For instance, there are those who own small businesses, or are self-employed producers and do not employ other people. I shall set these cases aside in order to focus on the case that interests me: the class of people who are, by my account, exploited under laissez-faire and monopoly forms of capitalism, namely the members of the working class.<sup>28</sup>

A person is forced to do a thing when he or she has no reasonable alternative but to do it. Some forcings are the result of coercion on the part of other people, but being coerced is not a necessary condition for being forced to do something. Circumstances or the non-coercive doings of others can equally well force a person to do something she would otherwise not have done. I think it true that if one is forced to do a thing, one is also free to do it.<sup>29</sup> Even if the alternatives between which one is forced to decide are both unpalatable, they are nevertheless alternatives. One is free to take either option.

From this it follows that defenders of laissez-faire and monopoly capitalism do not rebut the charge that such societies are exploitative in my sense by pointing out that workers in them are free to do the work they do because they have the option of not working at all, say. (It is sometimes said by apologists for those social orders that workers can, for example, beg for money or go on the dole instead of working for a living). But it also follows that opponents of laissez-faire or monopoly capitalism cannot claim that because workers are forced to work for a living under those regimes, they are therefore not free in doing so.

In order to determine whether a class of people is collectively forced to choose between a restricted range of occupations, it will help to consider a much less controversial case than that of working class people in laissez-faire or monopoly capitalism. Consider then, the case of chattel slaves in a society with a legally tolerated system of slavery. Each slave is, in a clear sense, forced individually to perform the economic tasks assigned by his or her owner. This fact entails that the class of slaves is collectively forced to choose between a highly restricted range of occupational options. What makes this forcing possible is, in part, the underlying economic structure of the society. Some people are slaves and some are slave-owners and the assignment of people to

economic tasks occurs by virtue of the differential control people have over economic resources. Since the slaves do not have real control even over their own capacity to work, they are coerced into doing the jobs their owners give them. So it is impossible, without fundamentally transforming the economic structure of their society, for all of the slaves to leave their chains behind. Perhaps in such a society, some individual slaves were free to escape their condition, say by purchasing manumission from their masters or simply by running away to another country. But that would not detract from the truth of saying that most slaves under such conditions lacked the freedom as individuals not to work for their owners.

Working class people under laissez-faire or monopoly capitalist conditions have a much wider array of options than this. Indeed, each member of the class is free to escape it. By saving up enough money and by taking the necessary financial risks, each has the option of trying to move up the class hierarchy. However, the structure of such societies is such as to require a vast class of individuals who do not exercise control over any economic resources other than their own capacity to work. I suggest there are two reasons for this. The first is the underlying distribution of non-human economic resources. The bulk of those resources falls under the real control of the members of the capitalist class. People who enter the labor market with no economic resources other than their own capacity to work have nothing else to bargain with than that capacity. Second, and relatedly, there are not enough escape routes out of the working class to accommodate all the members of that class. A mass exit of people from the working class to the capitalist class could not occur without fundamentally changing the economic system as a whole.<sup>30</sup>

In what way do the occupational options of working class people constitute a restricted range? The answer, I believe, is that the range is restricted by comparison with the range of



options confronting members of the middle and capitalist classes. Members of the working class are forced to do work involving the use of largely unskilled manual labor in industry, agriculture, mining or the service sector. They lack the resources (in terms of training and capital) to get good jobs in other economic sectors or to become managers or owners of firms themselves. So much for the first conjunct of the Class Exploitation Thesis. I shall now discuss the second.

This, it will be recalled, said that all of the occupations in the restricted range would work to the unfair disadvantage of those who fill them in comparison with occupations falling outside this restricted range. In what ways would the occupations within the restricted range work to the unfair disadvantage of those who fill them?

Within the workplace, working class people are under the direct control of their employers or their employers' representatives. They enjoy, by comparison, less freedom than owners and managers do in determining how to spend their time at work. This means that they enjoy less autonomy on the job than people from other classes. And being under the control of others also affects the self-respect of working class people. They are in the subordinate position within the work-place with other people as their economic superiors.

Now, I do not believe that all inequalities in economic power are evil. Indeed, it seems plausible to think that an efficient division of labor in society presupposes some kind of division into those who make production decisions and those who carry them out. The evil of the work-place inequalities under laissez-faire and monopoly capitalism has to do largely with how they arise in the first place. For the basis of those inequalities is in the unequal distribution of the non-human economic resources of the society. These work-place inequalities, to be morally acceptable, would have to arise from choices made in the context of a much more even

distribution of productive resources. For it is morally desirable that insofar as there are inequalities of economic power in a society, they must have arisen from a fair process of bargaining in which nobody's class position puts him or her at a disadvantage.

Nor is the injustice of class exploitation simply due to the fact that people are forced by circumstances to do the work they do. For it is surely not the case that every form of unfreedom is morally significant. If a crowd of people in a subway station surges onto the train before me, taking up all of the room available on the train, it thereby renders me unfree to catch the train. But what these people have forced me to do is morally insignificant since I am not much inconvenienced by having to wait for the next train. But the absence of a fair distribution of occupational options in a society is morally significant. A person's choice of occupation is likely to affect the quality of his or her life as a whole. The fact that people from non-exploited classes have a much wider range of options to choose from than people from exploited classes is unfair. What is unfair is that a person's initial class position has such a powerful influence over his or her economic fate.

It might be objected: "How could the existence of what you call class exploitation be morally objectionable? After all, you grant that individual members of the working class are able to leave it, say by becoming owners of small businesses. Furthermore, you grant that their condition in no way amounts to a form of slavery. Under laissez-faire or monopoly capitalism, workers consent to the conditions of their work. Furthermore, they are free to form trade-unions and to engage in collective bargaining in order to advance their interests. So just what is unfair about an economic structure of this kind?"

In replying to this objection, I shall make two points. The first is this. The fact that an

economic structure forces some to do the work they do demonstrates that the consent of the workers who earn their living in that way is not itself of deep moral significance. To be sure, the fact that two parties consent to a certain arrangement sometimes shows that it is morally acceptable. But the consent must be given against a fair background: each must have reasonable alternatives to the arrangement they decide on. It is precisely the absence of reasonable alternatives for the majority of workers that makes it true of them that they are exploited.

Secondly, while it is true that the freedom to form trade unions provides workers with some of the means to advance their lot, it is not enough to ensure that there is a fair division of labor in society. Justice requires that, if it is possible, more should be done to ensure that the economic bases of self-respect are furnished for all citizens. As Mill says, 'to work at the bidding and for the profit of another...is not...a satisfactory state to human beings of educated intelligence, who have ceased to think themselves naturally inferior to those whom they serve.'<sup>31</sup>

What would be required in order for class exploitation to be eliminated is for there to be no economic class whose members are collectively forced to do the work they do where that work is to their unfair disadvantage. This would mean insuring much greater economic mobility and a much wider dispersal of economic power and opportunity. These aims are undoubtedly vague but it is hard to be more precise because it is hard to say exactly how much more is required of us in the way of providing opportunities for economic mobility.

However, in terms of its economic structure, a society without class exploitation, could, I believe, only take one of two forms. Either it would have to be some form of market socialism, the alternative I prefer, or else it would have to be what has been called a "property-owning democracy."

Without saying a great deal about these two different forms of economic organization, I should briefly indicate what they come to. A market socialist economy is one which seeks to combine the ideal of public ownership of the means of production with the efficiency of markets in most sectors.<sup>32</sup> Many different models have been proposed under this rubric but roughly what is envisaged is a system in which access to capital goods is dispersed widely enough to permit everyone to be able to set up firms which compete in the markets. Immediate control over capital goods rests with the owners of firms but the ultimate ownership is with the members of the society as a whole.

A property-owning democracy is one in which all of the means of production are privately owned but laws ensure that they are very evenly distributed amongst people.<sup>33</sup> Laws are framed to allow those with little property to accumulate more and to encourage the wide dispersal of the fortunes of those with a lot of property.<sup>34</sup>

4f. But even if a society were free of class exploitation, it would still not have satisfied all of the necessary conditions for the achievement of fair access to occupations as I understand them.

There is still likely to be an enormous range of economic inequalities between people. Some will end up doing jobs in which the work is much dirtier or more dangerous or more monotonous than the work others perform. Furthermore, in all likelihood these differences will be accompanied by vast disparities in wages. If our present economic system is anything to go by, people doing the worst jobs will receive the least by way of remuneration. On the other hand, those who do the jobs which are safest and most fulfilling, are likely to be paid a great deal more by comparison.

Egalitarians have rightly found the prospect of many of these inequalities troubling. The reason why they are so troubling is that people would enter the labor market, even a labor market from which class exploitation was absent, on very unequal terms. For some people possess talents which are relatively very scarce. Now people come to possess the talents with which they enter the market by virtue of a complex combination of natural and social contingencies, on the one hand, and by a string of more-or-less conscious choices on the other. However it is that this combination works, those whose talents are relatively scarce confront a much wider array of occupational opportunities than others because they are capable of taking on a much richer array of tasks than others.

I believe that, in themselves, these inequalities in talents and in the tasks for which they equip those who have them are not objectionable. It is surely plausible that many occupations require special skills and talents. Only those with the appropriate abilities can be good mathematicians or master builders, say. The division of labor made possible by the differences in endowments of these kinds is surely one of the chief benefits of social intercourse.

What is troubling about differences in talents, from an egalitarian point of view, is I think, that they are likely to be correlated with other inequalities and it is this correlation which can easily end up being unjust. In particular, the talented are likely to earn salaries at much higher rates than others and they are likely to have much greater standing than others in the economy. So, while inequalities in talents seem both unavoidable and desirable, this is not the case with the two kinds of socio-economic inequalities with which they are correlated. There is a further difference between them: the latter forms of inequality are amenable to social manipulation by morally legitimate means. By implementing an appropriate scheme of taxation, it is, in principle

possible to reduce these inequalities vastly, if not to eliminate them entirely.

These considerations suggest that there is a further kind of economic evil beyond that of class exploitation which justice requires us to eliminate. I shall call the evil in question talent exploitation and I propose that it can be understood by means of

The Talent Exploitation Thesis: A person X suffers from talent exploitation if the total income X receives does not reflect fair terms on which X can expect the willing economic co-operation of the other members of X's society.

The intuitive idea behind this thesis is that differences in talents should, in themselves, make no difference to what people can legitimately expect by way of the willing co-operation of others.

The thesis suggests that a person's total income is just only if it properly reflects fair terms on which the economic co-operation of others has been secured.

As it stands, of course, the Talent Exploitation Thesis is uninformative. What is wanted is some or other account of the fair terms of economic co-operation. I shall consider two such accounts, one of which entails denying that it is possible for untalented people to be exploited. It will be useful to consider this explanation first since that will enable us to see more clearly the rationale for the egalitarian explanation I shall then consider. The sceptical account is

The Open Careers Explanation: The terms on which X can expect the willing economic co-operation of the other members of X's society are fair only if X's total income reflects a labor market in which careers are open to talents.

Someone who accepted this might argue as follows:

“There could be no such thing as exploiting people whose economically disposable talents were not much in demand. For what justice requires is simply that all careers be fully open to talents. When there is fair access to education and when no-one suffers from class exploitation or from invidious discrimination, then the demands of distributive justice are fully satisfied. Under

these conditions, equally talented individuals will enjoy the same chances of entering any given occupation and the same chances of earning equally good salaries. It might, of course, be thought unfortunate if some people had ready access to occupations from which others were excluded by their lack of talent. But that is in the nature of economic competition. Good jobs are scarce and talented people rightfully ought to occupy them. So there is nothing unjust about their being remunerated at the highest levels the labor market will bear.

Furthermore, taxing talented people on what they earn in the market would be tantamount to exploiting them. Since the background institutions are free of unfairness, the fact that these individuals end up doing substantially better than others is completely just. ”

I believe egalitarians can reject this line of argument for the following reasons. From the standpoint of distributive justice, people are moral equals. Before the bar of justice, the worth of one is no greater or less than the worth any other. Now people’s talents are only contingently related to their moral worth from the standpoint of justice. For there is no kind of variation in moral worth to correspond to variations in talents. Consequently, talents ought not to have an undue influence on fixing the quality of people’s lives.

However, unless people’s total incomes are taxed in order to ameliorate large-scale inequalities in earnings, talents will indeed have an undue influence on fixing people’s lives. For without that kind of taxation, the society’s labor market will, in effect, be functioning as follows. The price which a person’s talents fetch in the market will determine the person’s moral worth from an economic point of view. And this would be unjust. For it is unfair that such contingent aspects of the person end up having such a great impact on their lives given the underlying equality between individuals conceived of as moral persons.

Another, and related reason why this would be unjust is that people's interests in living autonomously and with self-respect would not be fairly advanced. Those who enter the market with relatively scarce talents will, in all likelihood, do substantially better than the rest measured in terms of these interests. They will do better both because the range of their choices will be wider and because their overall monetary gains are likely to be much greater. Without taxation to remove these forms of unfairness, untalented people will be exploited. They will be being asked to co-operate with the talented on terms that favor the talented unfairly. In this way they will be exploited.

With this response in mind, I shall now indicate one possible way in which egalitarians might account for the fair terms of co-operation in order to vindicate their intuition that people ought not to be better off simply because they happen to have scarce talents.<sup>35</sup> The claim I have in mind is

The Fair Opportunity Costs Explanation: The terms on which X can expect the willing economic co-operation of the other members of X's society are fair only if X's total income reflects the fair opportunity costs of the work X does.

The main idea expressed in this explanation of the fair terms of co-operation is as follows. In order for the bundles consisting of the occupation-plus-leisure time possessed by different people to be shared out fairly, the value of each person's bundle must be appropriately fixed by the costs to other people of that person's having it. Roughly put, the point is that the costs to other people of an individual's doing the work he or she does must not impose unfair losses on them.

To get at the case of talent exploitation seen in terms of this account, it will help to imagine a world in which everyone is equally talented. To ensure that in imagining this, we have in mind a definite state of affairs, let us make the following assumptions. First, we need to assume



the existence of a cardinal scale for ranking people's economically disposable skills and talents. Perhaps we could simply use a measure like an IQ test for this purpose or perhaps a more complex scale could be developed. Let us say that, in the first percentile are those individuals who are just barely employable and in the hundredth percentile are those who are the most employable. Second, let us assume that in the imagined world with equal talents, everyone's level of talent was at the fiftieth percentile. This secures definiteness. One final assumption is needed: let us take it that there is a perfectly competitive labor market in this world.

Given these three assumptions, the only differences between workers would be with respect to their preferences for different kinds of work as well as their preferences for leisure time as opposed to working time. In this imaginary world, each individual would take the job that maximizes his or her overall preference satisfaction. Consequently, its labor market would be in equilibrium only when the different bundles of occupation-cum-leisure time selected by each worker were of the same value. (If they were not worth the same, then those with worse bundles would outbid those with better ones in the labor market). In this way, the opportunity costs of each person's occupation would be the same as those of the rest. These costs, so I shall assume, would thereby be fair, or at any rate not unfair.

If we accepted the Fair Opportunity Costs explanation of the fair terms of economic cooperation, then, it seems to me we could say that talent exploitation occurs when the income a person earns is less than it would have been if talents had been equally distributed. Appealing to the notion of fair opportunity costs seems plausible because, from an egalitarian point of view, when the income of individuals is uncorrected for differences in their talents, the talented are paying less than is fair for the opportunity to do the jobs they do. The costs of the occupation-

cum-leisure bundles of those with more talent are unfairly inflated by the scarcity of their talents.<sup>36</sup>

One chief drawback with this account of the fair terms of co-operation, as I see it, is that there is an important similarity between our world and the world with equal talents which we have just imagined.<sup>37</sup> Although people's talents vary in our world, so do their preferences for different kinds of work as well as for work in relation to leisure time. We can capture this insight as follows. There would be inequalities between the different bundles of occupation-cum-leisure even in the imagined world since, for example, some would want to do the dirty work, and some would want to work for longer hours. But these inequalities would not be morally objectionable because they would have been chosen by the workers under fair conditions. If this is right, then it is surely plausible that at least some of these inequalities in our world would be due to the very same factor: people's different preferences. In deciding how to create a society free from talent exploitation, this fact would have to be borne in mind.

Indeed, I believe it immediately puts paid to one way of attempting to allocate different labor burdens equitably. This would be to draw up a list of "especially burdensome" occupations which were judged to be so because they were generally considered boring or dangerous or dirty. These listed jobs could then be remunerated at a higher rate than others. This would be unfair because the jobs appearing on the list would be the jobs that at least some people would most prefer doing. That accident of preference would work to their benefit at the expense of those whose preferences were different.

Another way of trying to ensure occupational equity would be to require people to evaluate their own jobs with respect to their burdensomeness relative to their preferences. We might then reward unsatisfied workers more in order to compensate them for their unhappy

conditions. But this seems to be an obviously unworkable scheme. For one thing, people would have an enormous incentive to lie about their overall degree of job satisfaction. By claiming to find their jobs exceedingly burdensome even when it was not, they could increase their incomes. Even if people did not lie about this, it is very hard to assess the comparative burdens interpersonally. When is the same job really more onerous for one person than for another? Furthermore, people with lively social consciences might drastically underrate the extent of the burdensomeness of their toil. In addition, job satisfaction waxes and wanes. One might be well pleased with one's job some of the time and very unhappy with it for the rest of the time. In addition, there are some people who set very little store by the enjoyableness of the work they do. What matters to them is how much they earn and what they do with the rest of their time. These people might be happy to take on extra-toilsome work if they thought that they would get the right kind of financial rewards for doing so. Finally, there are some individuals who simply enjoy work which is very taxing. But if we remunerated either of these last two groups more on the grounds that they perform unusually burdensome work, we would be overcompensating them.

For these reasons I think that we could not bring about occupational fairness by means of either an objective categorization of labor or a subjective weighting of its quality to the worker. So it would seem that the only workable scheme for fully removing talent exploitation thus understood would be to have recourse to the familiar device of a system of progressive income tax.<sup>38</sup> For I can see no other way around these difficulties. Here, the goal would be to tax the high-income earners in order to provide supplemental transfers to those at the low-income end of the spectrum.<sup>39</sup> The trouble is that it is so hard to know just what is the appropriate level at which to tax people.<sup>40</sup>

5a. With the discussion of the four Conditions on Fair Access behind me, I can now bring this chapter to a close. First, there is one small step left in the argument, which I shall call

**The Fairness Stipulation:** The four Conditions on Fair Access provide a complete analysis of the concept equal access to health care, education and occupations.

It will be recalled that, at the beginning of this chapter, I outlined the Argument from Fair Advantage whose major premise was

**The Fair Advantage Premise:** A society satisfies the demands of distributive justice if and only if its distributive institutions work to the fair advantage of each its members.

The Fairness Stipulation brings to a close my defense of its minor premise, namely

**The Equal Access Premise:** A society's distributive institutions work to the fair advantage of each of its members if and only if its members have equal access to health care, education and occupations.

Since the conjunction of these two entails

**The Equal Access Conclusion:** A society satisfies the demands of distributive justice if and only if its members have equal access to health care, education and occupations

I have now given the strongest reasons I can for thinking that this conclusion is true.

5b. I shall end with a few brief remarks on the role of the concept of equality in my argument and, relatedly, on the question of the way in which the theory I have defended is egalitarian. In the Introduction, I distinguished between two kinds of egalitarianism. The first is committed to understanding equality to be a quantitative relation obtaining between individuals when they each have equal amounts of something. On the second kind of view, I said, equality is understood to be a species of fairness. In the light of the Fairness Stipulation, it is clear that my own view falls into

the second family, for it is a version of the doctrine of equality as fairness. But this raises an important question: what role, if any, does the concept of equality play in my account?<sup>41</sup>

In answering, I shall make two points. The first is to draw attention to the importance of the notion of the equal moral worth of individuals in my argument. This idea is at the basis of my conception of self-respect and it makes its appearance several times in the course of my arguments for each of the Four Conditions on Fairness.

The second point concerns my rejection of the idea that justice requires us to ensure that people are equally well off over the course of their lives as a whole. As I said in Chapter Five, equality of resources requires us to dismiss that interpretation of the claim that, from the point of view of justice, each person matters equally. I said then that the resourcist reading of this claim would have to be that people are entitled to equal concern and respect in the design of society's basic distributive institutions. I am now in a position to say something more than this. For as I see it, the fundamental egalitarian aspiration in the sphere of distributive justice is to place people in a position to participate in socio-economic life as complete equals. The root idea here is that the participation of everyone in the economy must be established on an equal footing in order for justice to be done. This is why the elimination of class and talent exploitation is of such great importance in my account. Exploitation systematically prevents those who are exploited from engaging in economic co-operation as equals. Until it is eliminated, people will be forced to relate to each other on terms that are fundamentally unfair. In other words, I take the ideal of equal participation in the social division of labor to be what is fundamental from the point of view of egalitarian justice.

## NOTES

1. See my discussion in the Introduction.

2. This is because, on my view, considerations of human welfare in either of these narrow senses are precluded from entering directly into considerations about our duties in justice. This will undoubtedly strike many readers as an utterly implausible way of approaching the matter, in spite of the arguments I offered in Chapter Five. I ask those who are inclined to think this to suspend judgement until the derivative principles concerning equality of access have been formulated. If it emerges that these are implausible and run contrary to our considered convictions, then a quite different approach will be needed. But it must first be shown that the derivative principles are indeed implausible.

3. My thoughts about autonomy have been shaped by the writings of Mill and T. H. Green and by Joseph Raz especially his The Morality of Freedom, Parts Four and Five.

4. There is distinction to be drawn between slavishly and unreflectively following the authority of others, on the one hand, and taking oneself to be under a natural obligation to follow others on the other. There is, I think, a range of cases here and the level of complexity needed to do full justice to them is absent in the text.

5. Many of Isaiah Berlin's sceptical remarks about positive liberty seem to me to rest on this mistake. See his "Introduction" and "Two concepts of liberty" in: Four Essays on Liberty. But even those who think positive freedom a good thing seem prone to the error. See, for instance, Charles Taylor "What's wrong with negative liberty?" in his Philosophy and the Human Sciences.

6. As Rawls suggests, Kant's views are something of a hard case here. To the extent that Kant's notion of autonomy depends on the idea of realizing one's noumenal self, his view seems to rely on a conception of self-realization. However, to the extent that it could be understood simply in terms of the kinds of reasons on which an autonomous moral agent ought to act, it is less clearly a doctrine of that kind. What is surely uncontroversial is that Kant would reject any attempt to force people to be autonomous (in either of these senses) and that is what is so objectionable about the various doctrines of self-realization. (I am grateful to Joshua Cohen for reminding me of Rawls's views about this topic).

7. I am very grateful to Judith Jarvis Thomson for getting me to think about these connections.

8. I have been influenced in thinking about this difference by David Sachs's interesting paper "How to distinguish self-respect from self-esteem." Aside from this, I am indebted to Joshua Cohen's "Democratic Equality" and the first two essays of Thomas Hill's Autonomy and Self-Respect.

9. Although the concept autonomy is too comprehensive in scope to count as what Rawls calls a political idea, it is broad and abstract enough to be applied by many different comprehensive views about the good. In this way, I hope it is comprehensive enough to pass the test of being

able to command a reasonable consensus. It clearly fails the test of being a political idea.

10. The idea of the public bases of autonomy invoked here is very much in the spirit of Rawls's idea of the social bases of self-respect.

11. No philosopher I know of offers this objection as a dilemma confronting resourcists. What I have done is to cobble together objections from two different sources. The fetishism charge comes from Sen (and is directed at Rawls see in particular "Equality of What?") while the charge of illicit welfarism comes from Larry Alexander and M Schwartzchild, where it is directed at Dworkin (see "Liberalism, Neutrality and Equality of Resources vs. Welfare" Philosophy and Public Affairs, 1987).

12. In addition, there is as yet outstanding evidence to be considered in assessing the list. For it still remains to be seen just what work the resources will do once my defense of the Equal Access Premise is completed. What needs testing is the degree of fit between the conditions on fair access I shall specify and our considered convictions about the justice and injustice of a society in which access of that kind was secured.

13. I should add that this might well be necessary. I have offered necessary and sufficient conditions on equal access partly for the sake of ease in falsification. I think it quite possible that these conditions are not in fact sufficient.

14. Another very worrisome trouble is to clarify the relation between urgency and the costs of providing health care. Is it plausible that meeting every urgent need would be too costly for a political community? If so, then what is the point of saying that we have a duty to meet such needs?

15. As I make clear in the text, I am indebted to Daniels's ideas on health care as they are expounded in his Just Health Care. I should, however, point out that while I adopt the outlines of his approach with respect to determining what counts as an urgent medical need, I dissent to some extent from his justification for including the claim on health care among the demands of justice. His argument appeals to the instrumental value of health in securing the good of fair equality of opportunity. On my view, providing people with fair access to health care is required by justice in part because of the connection that good with the conception of the good life outlined in section 2.

16. An obvious difficulty with this kind of approach is that of deciding on what counts as a typical member of the species. Not only is there wide variation between societies in terms of what counts as typical but there are variations within a single consociated group: a healthy eighty-year old will exhibit a quite different medical profile from that of a healthy thirty-year old. Furthermore, genetic predispositions to certain diseases (like sickle cell anaemia) vary across racial backgrounds. (If there are such things as racial backgrounds).

17. My main reason for thinking this is that people like this are incapable of living with autonomy and self-respect. This means that the claims they have on us in justice are different from the claims

of healthy people.

18. For an extended discussion of these inequalities in education, see Christopher Jencks *et al*, Inequality and Onora O'Neill, "Opportunities, Equalities and Education" in Theory and Decision, (1976).

19. Of course, if this is all that I had said in reply to the libertarians, they could rightly claim to have been shortchanged. However, the arguments I offered in Chapter Two were intended to put paid to their appeals to liberty and private property as grounds for thinking egalitarianism morally unacceptable.

20. Again, this is not all that needs to be said in reply to the liberal objections. However it is all I shall say here since I consider the arguments of Chapter Three to constitute a rebuttal of their complaints.

21. This objection was made to me by Joshua Cohen.

22. In thinking of appropriate reasons this way, I am indebted to Bernard Williams (see "The Idea of Equality" in Problems of the Self) and to Michael Walzer (see Spheres of Justice).

23. I am thinking of course of the Nineteenth Century socialists.

24. The mistake was, I think, to have a theory of exploitation which presupposed a labor theory of value. For we now know the labor theory of value is false. Consequently, any labor theory of exploitation must be false. The labor theory of value is false because the value of a commodity is not determined by the labor time necessary to produce it. From this it follows that the value of the commodity labor power is not determined by the labor time necessary to produce it. And since this is the case, labor power cannot be exploited in virtue of producing more value than the value needed to produce it.

25. This is for two reasons. As I stressed in Chapter Two, an egalitarian society would be severely unjust if it denied people the right to freedom of occupational choice. Furthermore, considerations of efficiency seem to mandate a labor market.

26. Clearly my account of class exploitation owes much to the work of G. A. Cohen especially his fine article on "The Structure of Proletarian Unfreedom" But I should explain why I reject Cohen's own account of exploitation. On that account, the worker in capitalism is said to be 'the person who creates the product' and the product is said to be that which has value. Cohen argues that the capitalist appropriates some of the value of the product, while the worker receives less value than the value of what he creates. Where I think this goes awry is in the first step: the worker does not create anything. He or she toils on some or other raw materials, thereby transforming them into the product. To be sure the capitalist appropriates some of the product's value. But since he was the owner of the raw materials in the first place, it is not at all clear that the laborer receives less value than the value of what he or she produces.



27. This conception of classes is, I believe, more-or-less the one devised by Marx and ably expounded by G. A. Cohen in his Karl Marx's Theory of History: A Defense.
28. I differ from those critics of capitalism who claim that exploitation is one of its essential features. The kind of capitalism Meade called a property-owning democracy and which Rawls endorses is, on my account, non-exploitative at least with respect to class. See further below.
29. Here I follow simply G. A. Cohen.
30. Joshua Cohen makes the following point: The fact that an economic system requires the existence of a class of people who work for others to make a living does not entail that that system requires a class of people who are forced to work for others to make a living. This is because the assignment of people to economic positions could occur randomly, say by the drawing of lots. I agree with him about that. But I do not think this shows that there is no forcing of people to take certain positions in actual laissez-faire or monopoly capitalist societies. A system which randomly assigned people to jobs would require a fundamental transformation, in the relevant sense, of the structure of such a society because everyone would have a equal chance at being a capitalist.
31. Principles of Political Economy, p 766.
32. For a recent and helpful discussion of the varieties of market socialism and a defense of one of them, see John Roemer, A Future for Socialism.
33. The term 'property-owning democracy' was introduced by J. E. Meade. For discussion of the economic system Meade thought answered to that term, see Efficiency, Equality and the Ownership of Property, Chapter Five. The underlying ideal, I believe, goes back to Rousseau. See On the Social Contract, especially Book II, Chapter xi.
34. In addition, financial intermediaries could be promoted to enable property-owners to pool their savings in high-earning but risky financial markets. These portfolios could be managed by financial experts while being owned by ordinary people who would earn the bulk of the resulting profits.
35. I am not entirely happy with this explanation for reasons that I shall point out as I proceed
36. I derive this account of exploitation from the ideas of various economists especially Hal Varian and Duncan Foley. These ideas made their way into political philosophy chiefly through Ronald Dworkin's excellent article "What is Equality? Part 2: Equality of Resource" to which I am indebted. See also Joseph Carens's helpful discussion of labor burdens in "Compensatory Justice and Social Institutions" and Varian's "Dworkin on Equality of Resources."
37. Another big problem is this: How do we arrange the tax scheme in our world to mimic the world in which talents are distributed equally? At what level are they equally distributed? Up or down? I take Dworkin's suggestion as to how to deal with related problems to be the place to

start here. His idea is that we ought to arrange the tax scheme to mimic the behavior of people in hypothetical insurance markets, where they are taking out insurance against being born untalented.

38. Here I follow Carens, op cit.

39. This, of course, raises the difficult question of the optimal rate of taxation. I shall simply stipulate that optimality is reached somewhere above the point at which the tax-and-transfer scheme would interfere too much with market incentives.

40. During and after a discussion with Ralph Wedgwood, it occurred to me that one way out of these difficulties would be to drop the Fair Opportunity Costs Explanation in favor of what might be called the Maximin Explanation. This would say: The terms on which X can expect the willing economic co-operation of the other members of X's society are fair only if X's total income is consistent with maximizing the total income of those whose incomes are lowest.

41. I am very grateful to T. M. Scanlon for raising this worry.

## CHAPTER SEVEN CONCLUSION

1. I began this dissertation by drawing attention to

**The Fact of Distributive Inequality:** There are vast differences in people's life prospects due to underlying inequalities in wealth, economic power, working conditions, access to health care and the like.

I have argued that what distributive justice requires of us in the case of a single society is to provide people with equal access to health care, education and occupations. The account of equal access I gave in Chapter Six, appealing as it did to the Four Conditions on Fair Access, enables us to see why it seems plausible to think that many of the inequalities in existing societies are so profoundly unjust.

There are, of course, many questions that remain unanswered concerning the theory I have outlined. By way of concluding, I wish briefly to take up one of these, namely that of the feasibility of an egalitarian society as I have envisaged it.

2. Let me begin by distinguishing between two not unrelated kinds of feasibility. The first I shall call political feasibility. The issue here is whether there currently exists (or perhaps in the short-term future could exist) the political means to begin implementing the demands of egalitarian justice in any of the countries of the world. The only relevant political means I have in mind here are the organization and the will of enough people to bring about equality by democratic means. For it seems both unlikely and probably immoral for equality to be brought about by, say, an armed uprising to overthrow the ruling elites of these countries. However, it should be noted that the democratic means available to those who prize equality are not restricted

to the ballot box and ordinary political debate. It seems to me, for example, that organized civil disobedience in service of egalitarian goals would be well within the limits of permissible democratic means.

I believe that an egalitarian society of the kind I would favor is certainly not politically feasible, in this sense, in the near or medium-term future. There are three main reasons why I say this. The first is that well-off people have much greater cultural and political influence in most countries of the world than their fellow citizens. The entrenched power of the ruling class in these societies is such as to be able effectively to block any sustained social movement towards significant equality. A massive shift of cultural and political influence in the direction of less well off people would have to occur, and such a shift looks very unlikely. Another reason is the genuine and well-founded fear many reasonable people feel in contemplating the changes necessary to build an egalitarian society. The wretched barbarities inflicted on millions of people in the name of equality during the course of the present century do not give grounds for optimism on this score. The task of those active in the egalitarian cause must be to demonstrate in theory and in practice their commitment to an exclusive reliance on morally legitimate means for securing change of an equality-favoring sort. Finally there is the complex question of the kind of economic system which an egalitarian society will have to contain. As I said in Chapter Six, there seems to me to be a choice here between some kind of property owning democracy and some version of market socialism. The task is to describe in convincing enough detail the workings of such a system to induce wide-spread and well-founded support for it. That task is as yet incomplete. However, it must surely be accomplished if the egalitarian ideal is to succeed in attracting wide-spread popular support.

Consider next the motivational feasibility of an egalitarian society. The question here is this: Could people as they are be motivated to conform themselves to the principles required to implement and sustain something like the conception of equality I have outlined? One's answer to this question depends, in part, on which aspects of which people one takes to be most salient. It is fairly obvious those who are very well off as things stand could not be motivated by anything short of coercion to give up the kinds of lives they currently lead. Indeed I am not sure that it would not be asking too much of the super-rich to forgo their current lifestyles entirely. However, I do not believe that the motivations that underlie their preferences for lives of such great opulence are in fact inconsistent with equality. If we identify these deeper motivations with say, wanting to live well, to be free from material insecurity and so forth, what I have just said is trivially true. But even if we include a preference for being materially better off than others among these more basic motivations, there is still no outright inconsistency. There is no reason why people who were willing to work hard enough in an egalitarian society should not be better off than others as a result of doing so.

If we allow, as I believe we should, that an egalitarian society of the kind I am envisaging will have to be built in several long stages, over the course of two centuries, say, that would be enough time for the well off and their descendants to adjust their wants and expectations accordingly. Of immediate and pressing moral concern is the need to ensure that no one is badly off. The leveling down required to secure that goal should not have drastic consequences for those who are best off in the world now. Next, I think, should come the implementation of egalitarian systems of education and health care: once more, I think, the losses in opulence at the top end of the scale would be tolerable. Finally, over the course of a century, a fully egalitarian

economy could be built. No one alive then could complain that they were being asked to forgo a lifestyle to which they had grown accustomed.

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