

The Journal of Contemporary Legal Issues

Volume 23 | Issue 2

Article 2

10-28-2022

Which Inequalities Matter?

Richard J. Arneson

Follow this and additional works at: <https://digital.sandiego.edu/jcli>



Part of the [Law Commons](#)

Recommended Citation

Arneson, Richard J. (2022) "Which Inequalities Matter?," *The Journal of Contemporary Legal Issues*: Vol. 23: Iss. 2, Article 2.

Available at: <https://digital.sandiego.edu/jcli/vol23/iss2/2>

This Article is brought to you for free and open access by the Law School Journals at Digital USD. It has been accepted for inclusion in The Journal of Contemporary Legal Issues by an authorized editor of Digital USD. For more information, please contact digital@sandiego.edu.

Which Inequalities Matter?

RICHARD J. ARNESON*

TABLE OF CONTENTS

I.	PRELIMINARIES	178
II.	EGALITARIAN WELFARISM.....	179
III.	OBJECTION: EQUALITY OF <i>WELFARE</i> IS NOT A TYPE OF EQUALITY WE HAVE MORAL REASON TO BRING ABOUT.....	181
IV.	OBJECTION: WE DO NOT HAVE MORAL REASON TO SEEK TO BRING ABOUT EQUALITY OF ANY TYPE	184
V.	FURTHER EXPLORATION OF THE IDEA OF DESERVINGNESS.....	189
VI.	FROM AXIOLOGY TO MORAL REQUIREMENTS FOR STATE ACTION	194
VII.	THE ONLY TYPE OF EQUALITY THAT IN ITSELF MATTERS IS EQUALITY OF WELFARE—OTHER CANDIDATE EQUALITY DOCTRINES MATTER AT MOST INSTRUMENTALLY, AS MEANS TO WHAT MATTERS FOR ITS OWN SAKE.....	201
VIII.	HOWEVER, THERE’S AN EXCEPTION	204

Why does equality across persons matter morally? An equal split can be instrumentally useful, for example, when a parent is dividing treats among hawk-eyed children, who will squawk at unequal distribution. Does equality of some sort matter morally and noninstrumentally, for its own sake? If so, which sort? If so, on what grounds?

The claim this essay shall explore is that the equality that matters morally in itself or for its own sake is equality in the lifetime well-being enjoyed by persons. Every term in this seemingly bland formulation contains a land mine that can explode into controversy. Stepping carefully

* © 2022 Richard J. Arneson. Distinguished Professor of Philosophy, University of California, San Diego.

around controversy, I for the most part limit myself to highlighting some issues that would need to be settled in order to arrive at a reasoned verdict on this claim. I defend the claim mainly by trying to show that some objections that might appear to be decisive against it are targeting particular stances on one or another of these issues that need clarification, and that some clarifications do not require commitment to the stance that prompts the apparently decisive objection. In other words, I pursue an evasive strategy of ducking and weaving. Readers will have to judge whether ducking some objections in this way leaves the doctrine under review still vulnerable to fatally damaging blows.

The strategy pursued here of defending an initially controversial assertion by making concessions to critics with a view to showing what is left as a residue to be a promising and plausible view worth further inquiry risks another kind of failure, that of suffering death by a thousand qualifications. The worry is that after the concessions there does not remain a sufficiently substantive and interesting claim to be worth further discussion. I try to guard against this disappointing upshot by indicating that the egalitarianism I defend is one that many thoughtful people deplore, especially if it is advanced, as I do, as a morally legitimate basis for state action.

I. PRELIMINARIES

The claim is that equality of welfare among persons is a morally desirable state of affairs. Persons are those with rational agency capacities—cognitive, affective, and volitional—at or above a threshold level. How to balance the welfare of persons against the competing claims to welfare of non-person sentient beings—human and non-human—is an important issue, one here set aside.

The claim is that *the* morally desirable equality among persons is equality of welfare. Achieving equality in welfare is the only type of equality that matters for its own sake; inequalities in other respects matter only instrumentally, as they impede or facilitate what matters. Equality of welfare among persons, or better, avoidance of excessive inequality, might be sought only among those who fall into an age group such as child, mature adult, and the elderly, or across all persons at each moment or period of time, or across the lifetime of each person. This essay specifies the individual lifetime as the unit of concern.

Welfare (or alternatively, well-being) is whatever in itself makes a person's life go better rather than worse for her. It's what a person seeks insofar as she is seeking to be prudent. A prudent person is one who effectively pursues her own welfare, not that of others (except insofar as the welfare of another is a means to one's own welfare or conceivably to some degree a partial constituent of it). Reasons of prudence are here contrasted with

reasons of morality. Each of us has nonderivative, ultimate reasons to give due consideration to other persons and to show due concern for them. Inquiry into morality is inquiry into what due consideration and concern for others require. Acting on these concerns successfully is not in and of itself making your own life go better for you. That is, welfare/well-being as understood here is not a moralized concept. What this means is best illustrated by example. Suppose for simplicity that what makes a person's life go better for her is enjoyment net of pain. Whether your life has high or low well-being depends only on the enjoyment you have, not on enjoyment you provide or pain you inflict on others. When someone you know has a baby and you express the conventional wish that the baby will have a good life, you probably do not mean just that the baby have a life good for her, one high in welfare (after all, this wish could be fulfilled if the baby grows up to be a successful, happy, flourishing Mafia mob boss). Your vague wish is that the child shall have a life both good for her and morally good, admirable.

II. EGALITARIAN WELFARISM

Welfarism is the claim that morality ultimately boils down to giving due consideration and concern for people's welfare. *Prudence* is concern for one's own well-being; *morality* is impartial concern for all persons' well-being.

The most familiar form of welfarist morality is utilitarianism. This says (1) one morally ought always to do whatever would bring about the best reachable consequences, impartially assessed; (2) the impartially assessed consequences of one's acts are better or worse, depending entirely on the aggregate total of individual well-being (utility) summed across persons they contain; and in John Stuart Mill's formulation, also (3) well-being (good for a person) consists entirely in "pleasure and the absence of pain."¹ Mill proceeds to offer a fascinating, convoluted, fancy account of how to conceive of pleasure, which need not detain us. In passing I note that it is very plausible that pleasure/enjoyment is one good thing in life, one component of well-being, and extremely implausible that it is the only good thing.

So understood, the utilitarian doctrine packs in a lot of extra content beyond bare welfarism. All of this content is controversial. Some of it is surely objectionable. (3) I have already rejected. (1) standing alone is called

1. JOHN STUART MILL, *UTILITARIANISM* (George Sher ed., 2001) (1868).

act consequentialism; it shall be considered shortly. What about (2), which on its face definitely has a welfarist flavor?

(2) is a claim of axiology, theory of value. Axiological views propose standards for assessing states of affairs, ways the world might go, as better or worse. Axiology also rank orders outcomes, states of affairs that might result from actions someone might choose. (2) asserts that states of affairs are rank ordered by the total of individual well-being summed across persons in them and that's it—nothing else affects the ranking.

Objection: (2) wrongly pays no heed to questions of fair distribution. But fair distribution matters morally; hence, it affects the moral ranking of states of affairs. We should care not only about boosting well-being, but also about fairly distributing it across persons. "Fairly distributing welfare" sounds odd, since one can't simply hand out significant achievement, good quality relations of friendship and love, or enjoyment, and attach them to people's lives. But one can facilitate or enable these goods to accrue to people. (2) is incorrect, so utilitarianism is incorrect—for that reason alone, if not also for other reasons.

Consider two alternative states of affairs we could bring about. In both, the aggregate total of well-being is the same. In both, the same 100 people exist. In one, all the well-being accrues to one person, the 99 get zero. In the other, the well-being is more evenly divided across the 100 persons; each gets some. There are no further relevant consequences to consider. Utilitarianism must rank the two states of affairs as on a par; neither is better than the other. The reasonable intuitive judgment here is that the more equal distribution is better, so equality of welfare is at least one component of fair distribution. Moreover, this concern for equality is not merely a tie-breaker. A state of affairs with a somewhat smaller well-being total, more equally distributed, is morally better overall than an alternative state of affairs with a somewhat larger sum total very unequally distributed. If (big "if" as we'll see) morality requires maximizing some function of individual well-being, this function appropriately balances greater total well-being and more equal distribution of it or greater well-being for the worse off.

The topic of fair distribution, along with the blows to utilitarianism that fair distribution considerations inflict, is not exhausted by equality. Consider two further states of affairs we could bring about. In both, the total sum of individual well-being is the same. In both, the same 100 people exist. The population happens to comprise two equal-sized groups—one consisting of morally deserving individuals, saints and heroes; the other consisting of morally undeserving individuals, sinners and scoundrels. In one state of affairs, the saints and heroes are far worse off than the sinners and scoundrels, and in the other, the reverse is the case. There are no further relevant differences between the two states of affairs. Utilitarianism

must rate the two states of affairs as equally valuable, but it's more plausible to hold that it is in itself, to some degree, a better world when the deserving flourish to a greater degree than the undeserving. If so, priority for the deserving qualifies egalitarian welfarism.

So far, egalitarian welfarism is a standard for assessing states of affairs and outcomes of what we might do, and has no implications for the determination of what is morally right and wrong—required, forbidden, and permissible. If we conjoin the claim (1) component of utilitarianism with egalitarian welfarism, or with desert-modified egalitarian welfarism, we get a nonutilitarian version of act consequentialism. Short of that, the axiology might be teamed up with a duty of beneficence, which says that to some degree, one morally ought to do what improves the world, brings about better rather than worse states of affairs. In this framework the duty of beneficence consorts with other moral duties, which together determine what one is morally required, forbidden, and permitted to do all things considered. A morality might assign greater weight to beneficence and lesser weight to other moral duties, and at the limit, beneficence rules the roost and becomes the sole duty in an act consequentialist morality.

III. OBJECTION: EQUALITY OF *WELFARE* IS NOT A TYPE OF EQUALITY WE HAVE MORAL REASON TO BRING ABOUT

Many people flatly deny that equality of welfare among persons has any value at all, and repudiate any suggestion that we have moral reasons to bring about equality of welfare. One basis for this view is the idea that equality, everyone's having the same or getting the same or being treated the same, has no value, so a fortiori equality specifically in individual welfare levels has no value. A different objection to equality of welfare is that welfare is not the aspect of people's condition that it is desirable to equalize. This section explores the second objection; the next section explores the first.

This second objection takes two importantly different forms. One holds that a proper consideration of individual responsibility precludes finding it plausible that everyone should end up with the same welfare. Ronald Dworkin expresses this thought by saying that each person has a nondelegable responsibility for how her own life goes.² If Ant works hard for pay, frugally saves for the future, and avoids unproductive exposure to risk of

2. RONALD DWORIN, *SOVEREIGN VIRTUE: THE THEORY AND PRACTICE OF EQUALITY*, ch. 1 (2000); *see also* RONALD DWORIN, *JUSTICE FOR HEDGEHOGS* (2011); JOHN RAWLS, *A THEORY OF JUSTICE* (rev. ed. 1999); JOHN RAWLS, *POLITICAL LIBERALISM* (1993).

injury and disease; whereas Grasshopper avoids paid employment and seeks fun now and in the short run, does not save for the future, and is negligent and reckless with respect to his long-term health; and Ant as a result ends up with high well-being and Grasshopper with low well-being, a transfer of resources from Ant to Grasshopper to equalize their well-being levels would be morally inappropriate. If Bold takes a reasonable gamble that might yield him a large well-being boost or a large well-being loss, whereas Cautious plays it safe and declines the gamble, again when risks resolve into outcomes, it would be morally inappropriate to equalize Bold-Cautious well-being levels.

Dworkin also observes that people form their own ideas of what constitutes a good life, and act on their ideas so formed. Their ideas about what is worthwhile in human life radically differ. Equalizing welfare according to some particular conception of the welfare of persons would be treating most people according to a view they repudiate. This might involve, for example, boosting the well-being of Christians according to some secular idea they think just reflects insignificant way stations in this vale of tears, or facilitating the delivery of delicious barbequed beef to fervent vegetarians, and so on. Such policies must violate the norm of treating all persons as equals. According to Dworkin this norm applies in particular to the state, and to citizens seeking to act via the establishment of state laws and policies. So a just state must limit its role to bringing it about that all enjoy fair shares of multi-purpose resources suitable for all, whatever their individual conceptions of the good. Even if there is a single correct account of individual well-being, it cannot shape the policies of a just state that treats all citizens as equals.

But these anti-welfarist arrows miss their mark. The posited link between individual responsibility and rejection of welfarism is weak. Consider this example:

JENS AND IAN are destitute and have identically poor well-being prospects. Jens reasonably voluntarily takes a gamble that gives him his only chance to escape from poverty, but might make his condition even worse. Ian is similarly placed, but his situation differs a bit from that of Jens, such that Ian reasonably declines the gamble that Jens takes. However these gambling risks unfold, there is no less reason to improve the welfare conditions of Jens and Ian, by virtue of the fact that the outcomes stem from choices they made and might have made differently. Their claim to further aid depends only on how badly off and well off each is. Each has made a reasonable choice and acted on it, and each is morally responsible for the choice made. But neither ends up less morally deserving than the other. Varying deservingness, as we have already seen, can affect the strength of the moral reasons to aid differently deserving persons. Acting in a way such that one is morally responsible for the action taken does not in itself dampen one's eligibility for help.

Or consider an example modelled on one introduced by Nir Eyal³:

SALLY sees children in peril in a burning building. The cost and risk to her if she attempts to rescue the children are too high to make it the case that she is morally duty bound to attempt a rescue. She is morally permitted to do nothing. But in fact she heroically rushes into the burning building and tries to rescue the children. Moreover, the expected costs and benefits to herself and the children in peril are such that the rescue attempt is reasonable and admirable—this is not a reckless gesture that would be discreditable for her to make. In the event Sally emerges from the rescue attempt badly burned. Her subsequent life will be very low in welfare unless she gets expensive emergency medical care. But we can suppose she already has received her Dworkin-fair share of resources, and from that fair starting point she has voluntarily and freely undertaken an imprudent (though morally admirable) risky gamble. She has, reasonably in view of her situation, declined to purchase medical care insurance that would cover her costs in the situation she finds herself. She is not entitled to extra resources, on a Dworkin responsibility-sensitive conception of justice, but a deservingness conception will say that her imprudent but morally deserving choice amplifies the reasons there are to provide her medical care to improve her lifetime well-being.

Reflecting on these and further examples we might devise, I suggest the Dworkin arguments against equality of welfare, based on appeals to individual responsibility, carry no weight and should not press us toward hedging our support for equality of welfare.

The same holds for the idea that due respect for persons requires refraining from treating them with a view to improving their welfare in terms of a conception of welfare they do not themselves embrace. The idea is hard to assess without identifying what is the best conception of well-being we can identify, with our current stock of relevant experience and arguments. If you are skeptical this task can be executed, you will not favor any version of equality of welfare. If there is no objective standard of what makes one's life go better or worse for one, such that in principle cardinal interpersonal comparisons of well-being are possible, then the equality of welfare norm is a non-starter. No doubt full comparability is a chimera. But the idea that we can sometimes have good reason to hold that a person's life is going badly for him, compared to others, suffices to make equality of welfare implementable. Dworkin suggests that even if we know what is valuable and worthwhile in human life, we cannot improve the quality of a person's life unless her own evaluations rate the induced shifts in her life to be improving her life. But this is a hard saying. Suppose that pleasure, significant

3. Nir Eyal, *Egalitarian Justice and Innocent Choice*, 2 J. ETHICS AND SOC. PHIL. 1 (2007).

achievement, and relations of mutual love are objectively valuable in well-being terms, and imagine that Sarah lives a life containing heaps of these. Adding the further detail that she subscribes to an odd philosophical theory that rates nothing valuable and any life to be valueless, and so does not endorse any feature of her life as being valuable for her and improving its quality, does not subtract to zero the value for her of all that she has enjoyed and gained. Arguably her endorsement of a philosophical theory lacking rational support that discounts her well-being attainments lessens their value to her not at all.

A further ground for doubt that if equality is in itself morally valuable, people's welfare is not the aspect of their condition that is valuable to equalize, starts with the idea that the equality that matters morally is relational equality—achieved when people regard each other as equals and treat each other as equals. I touch on this idea in section 7 of this essay.

IV. OBJECTION: WE DO NOT HAVE MORAL REASON TO SEEK TO BRING ABOUT EQUALITY OF ANY TYPE

The previous seven paragraphs have considered the claim that individuals' well-being levels are not the feature of their lives that it is morally valuable to equalize. A more sweeping objection asserts that equality of any sort—people's having or gaining the same or being treated the same—is never in itself a value, or something it is a moral duty, as such, to bring about. Harry Frankfurt has voiced versions of this view, though he has aimed fire mainly at the idea that economic inequality—that is, inequality in people's wealth or income—has in itself any normative significance. But some of his doubts about the value of equality appear to have a wide scope, and he has declared, "I categorically reject the presumption that egalitarianism, of whatever variety, is an ideal of any intrinsic moral importance," adding for emphasis, "I am convinced that equality as such has no inherent or underived value at all."⁴

Frankfurt adduces two reasons for rejecting egalitarianism altogether. He asserts that how one person's condition compares to that of another is not in itself morally or normatively significant, and hence, how one person's condition compares to that of any other's in the specific way of being equal or unequal is not in itself morally or normatively significant. He adds that, regarding money and resources, the normatively important and difficult matter is whether one has enough. The problem with great inequality of wealth among people in the world today is not that people are unequal in wealth, but the quite different fact that many people manifestly do not have sufficient (enough). What counts as a sufficient amount of money or other

4. HARRY FRANKFURT, ON INEQUALITY 65–66 (2015).

resources according to Frankfurt depends for each person on “what is needed for the kind of life a person would most sensibly and appropriately seek for himself.”⁵ This is a matter that is relative to the circumstances of each person and to what that person cares about, according to Frankfurt. How much one has relative to others does not in itself signify. Frankfurt further suggests that one has sufficient or enough resources when one either is content with how one’s life is going and is not actively seeking more or the defects of one’s present life that prevent reasonable contentment would not be alleviated by amassing further resources.

One possible response to Frankfurt’s dismissal of egalitarianism flatly asserts what he denies—that how one person’s condition compares to that of others does in itself have normative significance. True egalitarians, who hold that equality (measured with respect to what truly matters) is in itself morally valuable, will zig where Frankfurt zags, and end up with views opposed to his. But this response strikes me as unsatisfactory, insofar as Frankfurt’s line has some plausibility.

However, it turns out one can defend a view that is appropriately characterized as egalitarian but that accepts Frankfurt’s claim that it does not in itself matter morally, and perhaps does not itself matter normatively at all, how one person’s condition compares to that of another. This might seem to be playing fast and loose with the terms we deploy. How can there be a doctrine that is appropriately classified as egalitarian but that does not register as in itself good or bad that one person’s condition compares to that of another by being equal to hers or unequal?

The view that fits this description is the priority view discussed by Derek Parfit in his classic essay “Equality or Priority?”⁶ The distinction between equality and priority can be stated in terms of axiology, which assesses states of affairs or ways the world might go and rank orders them from best to worst. Axiology also ranks outcomes, states of affairs that would or might result from actions that might be chosen and done or policies that might be instituted.

Parfit’s version of the priority view says that a gain in well-being obtained for a person is morally more valuable, the larger the gain, and more valuable, the worse off in lifetime well-being the person would otherwise be. “Worse off” here tracks how badly off the person is in absolute terms, not in terms of how badly off she is compared to others. The sense in which this view

5. *Id.* at 11.

6. DEREK PARFIT, EQUALITY OR PRIORITY? (Lindley Lecture No. 30, 1991).

is reasonably classified as egalitarian emerges perhaps more clearly if we characterize it in welfare economics theory terminology.

Consider a fixed population of persons and three conditions affecting the ranking of states of affairs the population might reach: Pareto, Pigou-Dalton, and person separability. *Pareto* says that (1) if one person is better off in outcome x than in outcome y , and no one is worse off in x than in y , outcome x is morally better than y , and adds that (2) if no person is better off or worse off in x or y , then outcome x is equally as good as y . *Pigou-Dalton* says that a transfer of welfare without loss from a better-off person to a worse-off person, without reversing their ranking, and without affecting anyone else's welfare, is an improvement. The state of affairs after this transfer is better than the one prior to it. *Person separability* expresses the Frankfurt idea that it does not matter in itself how one person's condition compares to that of another: "The comparative goodness of two outcomes is invariant to the well being levels of unaffected persons."⁷ For example, if Jose's well-being rises from level 10 in x to 15 in y , the contribution this change in Jose's condition makes to the overall evaluation of the states of affairs x and y is not affected by whether everyone else's well-being level in both x and y is 10, or 0, or -100, or 1000. (The egalitarian will disagree.)

Despite its embrace of separability, the priority view incorporates the recognizably egalitarian Pigou-Dalton condition. Pigou-Dalton involves no commitment to the idea that equality in people's condition is in itself morally desirable or valuable in any other way, but by arithmetic it will hold that a movement toward equality (without reducing total well-being summed across persons) is always necessarily instrumentally valuable. A transfer of this sort always brings about a boost in priority-weighted well-being. Priority accordingly has been called "nonrelational egalitarianism," which sounds odd but is not a paradoxical or contradictory idea.

Pigou-Dalton is plausible, or so I think, but weak. A stronger view is that a transfer of welfare from a better-off person to a worse-off person, without switching the worse off to better off, and without affecting anyone else, is a moral improvement, provided that either no welfare is lost in the transfer, or not an "excessive" amount. The loss is "excessive," or not, depending on the correct moral weights that attach to (a) bringing about larger rather than smaller benefit for a person and (b) bringing about a

7. This characterization of the priority view is taken from MATTHEW ADLER, *WELL-BEING AND FAIR DISTRIBUTION: BEYOND COST-BENEFIT ANALYSIS* (2012). See also NILS HOLTUG, *PERSONS, INTERESTS AND JUSTICE* (2010); Matthew Adler and Nils Holtug, *Prioritarianism: A Response to Critics*, 18 *POL. PHIL. & ECON.* 101 (2019). Adler and Holtug both countenance extending the scope of the priority view to include the assessment of states of affairs across which the identity and number of persons varies. Parfit, insofar as he could be interpreted as endorsing priority, restricted its jurisdiction to assessment of states of affairs containing the same people.

gain to a person who is worse off, in absolute terms. That the priority view in this way incorporates an indefinite number of distinct positions, each embracing a different priority weighting, indicates it is better to speak of a family of prioritarian views, not a single view.

The egalitarian of course joins the prioritarian in endorsing Pigou-Dalton, and a sensible egalitarianism also affirms Pareto. Their disagreement with respect to separability is nontrivial, but also should not be overestimated. As Marc Fleurbaey has shown, for any egalitarian view upholding some particular weighting of greater total welfare versus more equal distribution of welfare, there will be a corresponding particular priority view, upholding a certain weighting of greater total welfare versus lesser priority for more welfare, the higher the welfare level of the person to whom higher welfare accrues, such that the prioritarian and egalitarian ranking of states of affairs that an act we might choose would for sure bring about will be the same.⁸ Hence the prioritarian and egalitarian views yield an identical assessment of those acts. There remains disagreement when we must choose among acts whose outcomes are uncertain at the time of choice. In light of this affinity and wide agreement in practical recommendations, I shall classify priority as an egalitarian welfarist view.

Pigou-Dalton (along with Pareto, separability, and, to capture the Parfit priority view accurately, a continuity condition⁹ as well) evaluates states of affairs as better or worse, or as morally better or worse. Nothing follows as to what anyone morally ought to do or refrain from doing. Act consequentialism says that one morally ought to do whatever would bring about the best reachable outcome, impartially assessed. Act consequentialism plus a prioritarian or egalitarian outcome ranking tells us that we should give weight, in deciding what to do, both to (a) how much well-being for people actions we could choose and do would bring about, and to (b) fair (equal) distribution of well-being. But act consequentialism is strong

8. See Marc Fleurbaey, *Equality Versus Priority: How Relevant Is the Distinction?*, 31 *ECON. & PHIL.* 203 (2015).

9. The idea of continuity is roughly that slight differences in the factors that affect moral status should not induce a big difference in moral status. But won't the line between an act that would produce an outcome just a tiny bit worse than the outcome of the act that would produce the best outcome the all-important line between the acts's being morally wrong and morally right, according to the act consequentialist? No. For the scalar act consequentialist, the act that would bring about the slightly worse outcome is just slightly less right (or more wrong) than the right act. Adler and Holtug give this rough characterization of the continuity idea: "If one outcome is better/worse than a second, this also holds for outcomes sufficiently close to the first." See Adler & Holtug, *supra* note 7, at 104.

medicine. Any morality that includes a substantial enforceable beneficence requirement, saying that each of us is morally bound, to some extent, to improve the world by bringing about better rather than worse states of affairs, will provide a link between claims to the effect that equality of welfare among persons is morally valuable and claims about what we morally must do.

Objection: Bringing about a transfer of well-being from a better better-off person to a worse-off person may be making a more deserving person worse off, and perhaps worse off than she deserves to be, and may be making a less deserving person better off, and maybe better off than she deserves to be. It's wildly implausible to suppose that bringing about more equal welfare across persons in such cases is improving the world, much less that we are duty-bound to bring about such changes in the world.

Reply: The imperative adequately to recognize considerations of deservingness as making a difference to what we morally ought to do does not necessarily torpedo egalitarian welfarism. Another possibility is that egalitarian welfarism needs modification. Welfare considerations do not rule the roost, because they compete with considerations of deservingness and should sometimes lose the competition. To see if this possibility is plausible, more needs to be said about the nature of deservingness and the role it should play in practical reasoning. Maybe deservingness and equality are like oil and water: they do not combine together well to generate overall reasons for choice and action. But maybe they do combine smoothly. Here's a toy example illustrating how this might be so.

SAM, BADLY OFF AND UNDESERVING. Suppose Sam is extremely badly off, heading for sure toward a life that overall will qualify as very low in well-being. A component of Sam's plight is that it is difficult to interact with him in a way that improves his quality of life. Sam has a personality with capacities that render him a poor transformer of resources into well-being gains. Give him a wrist watch, and it will soon cease functioning, so the gains in punctuality that knowing what time it is would give Sam, along with whatever welfare advantages would flow from that, do not accrue very much to him. Sally, already well off, has some ice cream that would give her a lot of pleasure, and that would provide Sam somewhat less pleasure if Sally gave it to him. But given how badly Sam's life is trending, the prioritarian or egalitarian moral value of getting him (say) 10 units of well-being easily outweighs the moral value of Sally's eating the ice cream herself and gaining (say) 15 units of well-being. However, there is a further fact: Sally is morally deserving, whereas Sam is cantankerous and selfish, definitely is below-average in deservingness. So the all-things-considered moral value of Sam's life improving by 10 is somewhat discounted by his subpar deservingness. Taking this moral discount factor into account, in this case the all-things-considered moral value of Sam rather than Sally getting the ice cream enjoyment is still somewhat higher than the comparable moral value resulting from Sally's getting and enjoying it; so, all things considered, the state of affairs in which Sam gets the ice cream enjoyment is a bit superior to the state of affairs in which instead Sally gets this enjoyment.

So far, the idea of “deservingness” as employed in this discussion is a placeholder. This blank needs to be filled in with plausible content, if that is possible.

V. FURTHER EXPLORATION OF THE IDEA OF DESERVINGNESS

A person may be deserving or worthy in many different ways. An athlete who performs in a contest excellently, assiduously, and with good sportsmanship deserves to win. Someone who has suffered a string of bad luck deserves a break (some good luck). Our interest here is in being deserving such that one is thereby an apt recipient of a high level of welfare or well-being. A common view is that possessing virtues (excellent character traits such as bravery, kindness, prudence, honesty, and so on) renders one deserving in this way and possessing vices (bad character traits) renders one undeserving or negatively deserving.

Another view is that what renders one deserving in the way that makes one an apt recipient of higher rather than lower well-being is specifically moral desert. This is deservingness that accrues to a person by virtue of scoring high by a certain moral standard. Roughly speaking, being morally deserving or undeserving, having moral worth or the opposite and being morally praiseworthy in the way that contrasts with being morally blameworthy or culpable, are alternative ways of picking out the same idea. There are different construals of what makes someone morally deserving in this special sense. Nomy Arpaly holds that one becomes morally worthy by doing what is right for the very reasons that make it morally right. She holds that for an agent to be morally praiseworthy for doing a right act is for her to be acting in response to the features of the act that make it right, and she is more morally praiseworthy, “the stronger the moral concern that led to her action. . . . Moral concern is to be understood as concern for what is in fact morally relevant and not as concern for what the agent takes to be morality.”¹⁰ This is clearly articulated plausible common sense, but there is a problem lurking close by.

The problem is revealed in a line of thought that Immanuel Kant suggests, whether or not he fully endorses it, at the beginning of his *Groundwork of the Metaphysics of Morals*. Kant observes, “It is impossible to think of anything at all in the world, or indeed even beyond it, that could be

10. Nomy Arpaly, *Moral Worth*, 99 J. Phil. 223, 233 (2002). See also NOMALY ARPALY AND TIMOTHY SCHROEDER, IN PRAISE OF DESIRE, ch. 7 (2013).

considered good without limitation except a good will.”¹¹ He adds, “A good will is not good because of what it effects or accomplishes. . . . it is good in itself.”¹² Even if the good will is entirely ineffectual and unable to bring about good consequences, “like a jewel, it would still shine by itself, as something that has its full worth in itself.”¹³

Kant identifies a good will as one oriented to doing one’s moral duty and as exhibited in doing what is morally right for the very reason that it is morally right. Such an act has moral worth. (It’s OK to be motivated, say in giving a gift, by love for the recipient, but one’s good will is controlling, one wouldn’t give the gift if that were contrary to duty. Moreover, if duty requires the giving, one would do it even love curdled and all motivation to give except respect for duty disappeared.)

However, it seems the goodness of an agent’s good will does not depend on its actual consequences because they can vary in quality in ways that are beyond the agent’s power to control. The suggestion seems to be that what confers moral worth on an individual or her actions must lie within her power to control. But whether one does what is actually morally right may equally lie beyond the agent’s power to control. To discern what is morally right and wrong to do on particular occasions, and to identify what moral principles determine what acts are morally right and wrong on these occasions, may require successfully executing complex moral reasoning, which you can do, and I cannot. So by the same standard that moves us to judge that the actual consequences of one’s acts do not determine their moral worth, we should also judge that whether the act that one chooses is actually the morally right act also does not determine the moral worth of one’s choice. At a first pass, this line of thought points us toward deservingness as conscientious effort: trying sincerely to discover what is truly right and do that.

To assert this is not to deny the common-sense moral appeal of Nomy Arpaly’s proposal as to what makes an individual morally worthy or not, and to what degree. Arpaly explicitly repudiates the no-moral-luck constraint. She is not overlooking it, and in taking this line she is insightfully articulating our common judgments. However, the problem is that no-moral-luck can also claim the support of ordinary common sense, so that oracle of wisdom is internally conflicted. We can’t have it both ways; we have to choose.

Perhaps some support for no-moral-luck can be garnered by taking care to note its narrow scope. Many claims to the effect that a person is not morally praiseworthy in some respect are not undercut in the slightest by

11. IMMANUEL KANT, *GROUNDWORK FOR THE METAPHYSICS OF MORALS* 15 (Jens Timmerman ed., Mary Gregor trans., Cambridge Univ. Press 2011).

12. *Id.* at 17.

13. *Id.*

the observation that the agent being appraised did not have it within his power to achieve the excellence in question. If I am not disposed to stand steadfast and firm in the presence of the fearful, and do not stand steadfast and firm on appropriate occasions, I lack the virtue of bravery. I am cowardly. The fact that my stomach turns to jelly when I perceive danger and when there is good reason to stand at my post and not run away, so that I cannot refrain from running away despite my best efforts, does not in the slightest lessen or modulate the judgment of cowardice my behavior invites. That's just what cowardice is. The same goes for other virtues and vices. It may not lie within my power to form correct practical judgments about what to do in complex, morally fraught situations, but that inability does not soften the fact that I lack the virtue of wisdom. It can be a matter of sheer luck beyond my power to control, that I lack moral excellences just as it can be a matter of sheer luck that I lack non-moral excellences such as the ability to run a mile fast or solve hard physics problems.

There is just one particular type of moral judgment that is defeated by the circumstance that it did not lie within the control of the agent, whether she did or did not do the good or bad, right or wrong thing that prompts the judgment of the agent for doing it. This is a judgment of moral blameworthiness/culpability or moral praiseworthiness when the latter is the opposite of blameworthiness. In ordinary interaction, "I couldn't help it" defeats the ascription of moral blameworthiness and equally repels the ascription of this type of moral praiseworthiness.¹⁴

A person might try to discover what is right and be mistaken. Identifying what she takes to be right, she might try to do it and fail despite a wholehearted attempt. Kant supposes we all believe we have "free will." Avoiding complications, let's accept that. It remains so that our choosing and doing is beset by causal forces, which can render choosing and doing what we take to be right to be variously easy and pleasant or difficult and painful, and sometimes almost impossibly hard, and perhaps sometimes, simply impossible. Following Kant's train of thought, we should accept: One is morally responsible and so morally praiseworthy or culpable at most for what lies within one's power to control. Also, one should not draw a sharp line between what is beyond one's power to control and what is so difficult as to be barely within one's power to control. We should instead adopt

14. A contrary view on this point is stated by Susan Wolf and further developed by Dana Nelkin. See WOLF, *FREEDOM WITHIN REASON*, ch. 4 (2011); NELKIN, *MAKING SENSE OF FREEDOM AND RESPONSIBILITY* (2011).

a companion principle licensing responsibility variations by degree: The more difficult and aversive it is to do what one takes to be right, then adjusting for the stakes in play, the more moral credit one gets for trying as best one can, and a sufficient degree of trying renders one morally praiseworthy even if one does not succeed in doing what one takes to be right.

Being a person, one will confront the moral question: what do I owe to others by way of consideration and treatment? ***Deservingness, first pass:*** The more one tries to dispose one's will toward identifying what one morally owes to others and doing that, the more deserving one is. But making such conscientious effort might be pointless. One knows one cannot identify what is right to do, or if one knew, one realizes could not do it. So, back to the drawing board: ***Deservingness, second pass:*** As just previously stated, but add: The conscientious agent makes efforts to learn what is morally right to the degree she thinks doing so is appropriate (sensible), and she makes efforts to bring it about that she conforms to what is morally right by her lights to the degree she thinks doing so is sensible, appropriate. Also, she tries (to the extent she thinks appropriate) to bring it about that her beliefs about appropriateness are correct, and so on. (There is a regress here; harmless I hope.) But obviously people will differ in their native traits and propensities, given them beyond their power to control, that affect the degree to which they become deserving by the second pass formulation. So we need to make yet another revision. ***Deservingness, third pass:*** The determination of how morally praiseworthy/blameworthy a person is proceeds in two stages. At stage one, the extent to which the person exhibits conscientiousness (second pass) is assessed. This yields a raw conscientiousness score. Each person's raw conscientiousness score is then adjusted to reflect appropriately the ways in which the circumstances of each agent, beyond her power to control, affect her level of conscientiousness actually exhibited. This yields (notionally, we can't accurately see into people's souls) the true conscientiousness score. Compare to ideal handicapping of golfers for a tournament, so that any golfer of any ability and facing whatever particular obstacles to a good game afflict her that day, has the same opportunity to win.

Deservingness as conscientious effort obviously will have highly revisionary implications for common sense understandings of who is more morally deserving, who less. These revisionary implications might be acceptable on reflection. Scoundrels and jerks as ordinarily conceived can be morally deserving.

One might hold that individuals become variously morally deserving, in the way just described or via some other conception. It's a further question, whether being deserving renders it the case that one's faring well, having high rather than low well-being, has greater moral value. Does deservingness

amplify the moral value of gaining well-being? I assume the answer is yes, but there's an issue to be resolved here. Another question is whether being morally deserving is situation-specific or is a quality that accrues cumulatively over one's lifetime. Suppose two miners are in peril, and a rescue effort can save one but not both. One miner has been careless or negligent with respect to bringing about the peril that both now face. He is undeserving with respect to the situation at hand. But over the course of his life, he rates as more deserving overall than the other. If differential deservingness gives us reason, to some degree, to save one miner rather than the other, what determines relevant deservingness? I assume cumulative lifetime deservingness (perhaps adjusted for age so as not to favor the elderly) is the relevant consideration, but again, there is an issue that needs to be settled. Another question is whether giving priority to getting welfare gains for the more deserving is appropriate only so long as one's will continues to be oriented in the way that renders one deserving, or is appropriate by virtue of deservingness accrued regardless of present orientation.¹⁵

Deservingness conceived as conscientious effort is no doubt difficult to ascertain even in a very rough way. Something of the same might be true of deservingness construed in other ways. If rewarding deservingness is impractical, then even if in principle it's what we owe to people, in actual social life it may recede as a reason available for choice of policy and conduct. Deservingness very coarsely conceived might be reliably empirically detectable but not an appropriate partial determiner of what we owe to people, and deservingness characterized in a subtle, fine-grained way might be in principle an appropriate partial determiner of what we owe to people but empirically (almost) undetectable and so not in practice a weighty consideration for treating people one way or another.

These complications aside, holding that deservingness considerations qualify and sometimes may offset straight priority-weighted or equality-weighted judgments about whose well-being it is more morally desirable to enhance leaves it entirely open what comparative weight deservingness considerations have in the balance pan, compared to priority for the worse off, in the determination of all-things-considered judgments about what should be done. The degree of modification deservingness considerations require in welfarist egalitarianism might be a lot or a little.

15. Dennis McKerlie opts for the former position in *Dimensions of Equality*, 13 *UTILITAS* 263, 274–75 (2001).

VI. FROM AXIOLOGY TO MORAL REQUIREMENTS FOR STATE ACTION

Suppose that greater well-being summed across persons, along with more equal distribution of it, is desirable. It's nice, other things being equal, if the world turns out that way. How do we get from there to a claim to the effect that there is an enforceable duty binding us to bring about this nice state of affairs, and in particular to a claim to the effect that it is part of the proper function of government to bring about this state of affairs?

It surely is not generally true that from the premise "it would be desirable that X occurs" one can find a sound path of reasoning to the conclusion "the government ought to use state power to bring it about that X occurs." I for one am inclined to entertain the proposition that it would be nice if the San Diego Padres won the World Series this year, but it is doubtful that there is any sound path of reasoning to the conclusion that it would be morally acceptable, let alone morally required, that the government take any steps to bring about this state of affairs.

Part of the reasoning path that must be traversed in the case at hand, the discussion to this point has already executed. This discussion has urged that greater well-being fairly distributed is a morally desirable goal, and that all of us are bound, to some degree, by a duty of beneficence, to act in ways that will improve the world and bring about better states of affairs by the moral standards that rank-order states of affairs. If act consequentialism is the correct doctrine determining what are right and wrong actions, beneficence rules the roost. Axiology, via beneficence, determines what is permissible, mandatory, and forbidden to do, on any occasion of choice. Short of act consequentialism, any morality that incorporates a significant beneficence requirement will dictate that we ought, to some extent, act in ways that will improve the world. How "significant" any such moral requirement is, we have allowed, is to be determined by ordinary reflective equilibrium methods. We survey a rich and varied array of examples and consider as best we can what particular judgments about what to do match our intuitions about the examples, and what general principles best explain and justify the particular judgments we remain committed to accept after extended reflection on the examples and on attempts to find principled justification for verdicts concerning them.

This is just the first step on a long march. What place does the egalitarian welfarist goal have in the full set of moral standards that rank order states of affairs that might be achieved by action from best to worst? My suggestion has been that it almost fills the space of axiology. It's virtually the sole standard that plays a role in shaping the moral assessment of state of affairs. This suggestion, for purposes of this essay, is just a hunch; I have not offered arguments to support it, beyond the bland generic appeal to reflective equilibrium methods once again. I have suggested that if you

find the liberal utilitarianism of John Stuart Mill attractive, then starting from that promising utilitarianism you should amend it, by reflecting on Mill's disregard of fair distribution issues.¹⁶

Grant that one morally ought always to do whatever would bring about the best outcome, and grant that what constitutes the best outcome is some function of the well-being of persons, the degree of flourishing of individual human lives. The utilitarian still goes wrong in supposing that the function is straight maximization: make the total of well-being summed across persons as great as possible. This ignores entirely the issue of fair distribution of well-being across persons. Once the fair distribution issue is on the table, it is manifest that it's better, to some degree, to bring about more equal distribution of well-being (or a distribution that gives priority to achieving a gain for a person, the worse off she would otherwise be).

More tentatively, I have also suggested that a fair distribution of well-being across persons favors the morally more deserving over the less deserving (or that gives priority to obtaining a welfare gain for a person, the more deserving she is). This claim is asserted only tentatively, for two reasons. One is that there are many competing ideas of deservingness and it could be that, under examination, none proves to be plausible. The same might be said of the idea of well-being, but we should be dubious of the thought that uncertainty about the nature of individual well-being, human flourishing, should fuel suspicion that there is no plausible conception of it. And anyway we have a simple doctrine, then objective list idea of what in itself makes your life go better for you, that *is* plausible, even if it does not really qualify as a "theory" of well-being.¹⁷ In contrast, a plausible view about desert might well yield the conclusion that individuals do not merit different deservingness scores, and if that view should command our allegiance, the idea of rewarding the deserving drops out as a consideration shaping what ought to be done to improve the world.

Egalitarian welfarism, in my hedging assertion, "almost" fills up the space of axiology. Only "almost," because if you accept that priority should go to boosting the well-being of the more deserving as well as of the worse off, it is hard to resist the further claim that, leaving well-being and its

16. A fine interpretation of Mill's liberal utilitarianism is developed in DAVID BRINK, *MILL'S PROGRESSIVE PRINCIPLES* (2015).

17. Richard Arneson, *Human Flourishing versus Desire Satisfaction*, 16 *SOC. PHIL. & POL'Y* 113 (1999). See also Richard Arneson, *Does Fairness Require a Multidimensional Approach?*, in *OXFORD HANDBOOK OF WELL-BEING AND PUBLIC POLICY* 588 (Matthew Adler and Marc Fleurbaey eds., 2016).

possible distribution to the side, it is just a better world, assessed from the moral perspective, if people are more morally deserving rather than less.

Egalitarian welfarism also does not fill up the space of axiology if act consequentialism should prove false and beneficence becomes just one moral duty, albeit a strong one, among others. Suppose there is a beneficence duty, limited by moral constraints and moral options. Sometimes we are not permitted to do what would maximize any equality-adjusted function of well-being (doing that would violate moral constraints) and sometimes we are not required to do what would maximize any equality-adjusted function of well-being (we are permitted, to some degree, to do whatever we choose so long as we do not thereby violate constraints against wronging others). But then it becomes puzzling, why the correct axiological standards for rank ordering outcomes should not allow, at least to some degree, that a world in which moral constraints are fulfilled and moral options are respected is a better world, from the moral perspective. This is a point on which Amartya Sen has pressed hard. He has urged that moral rights serve not only as constraints which each of us must respect, at least up to some point, but also as goals each of us ought to pursue, at least to some degree. If you can prevent a violation of Josefina's large right not to be bashed only by violating Tom's small right not to be annoyed, taking rights seriously may at least permit and perhaps sometimes require that one violate the less important right oneself to prevent violation of another's more important right by persons other than oneself.¹⁸

If negative rights to noninterference enter practical reasoning in two ways, as constraints to be respected and as part of the goal that beneficence bids us promote, one might suppose they must be powerful limits and dampeners on any duty of beneficence there may be to bring about some function of better lives for people. But this would be a mistake. This supposition does not follow. Constraints might be small potatoes for all that has been conceded—having an impact on practical reason at several points, but having small shaping impact overall on the determination of what we ought to do.

A big gap still remains. If we grant that each of us is bound by a significant duty of beneficence, and even if we grant that egalitarian welfarism largely determines what makes some states of affairs (or outcomes of actions we might perform) morally better than others, it is still a long stretch from there to any claim to the effect that boosting equality-adjusted individual well-being is a proper task of government, one it ought to carry out. Friends have significant duties to friends, many of us think, but few of us think that it is any part of the proper role of governments to enforce friendship

18. Amartya Sen, *Rights and Agency*, 11 PHIL. & PUB. AFFS. 3 (1982).

duties or even to take indirect steps to facilitate fulfillment of friendship duties. Not every moral duty that people have rightly forms an entry on the “to do” list for any government.

Seriously filling this gap in the argument is a task this essay cannot fulfill. What government should, and should not, do is a large and messy topic, to understate the point. Here I merely point to a strategy of argument that is promising. The rough idea is to conceive of states as devices that facilitate the fulfillment of moral duties that exist independently of government and would still be binding in their absence. In broad outline this strategy draws inspiration from the writings of John Locke. A properly functioning state cheapens the cost of fulfilling moral duties that would still lie on people’s shoulders (to some degree) in a stateless condition.

The most uncontroversial illustration of this idea is the state’s contribution to maintaining peaceful order. Absent the state, people living in close proximity to each other are bound to live peaceably with their neighbors, respecting their moral rights and using violence and threat of violence and physical forcing sparingly as needed, to deter wrongdoers and would-be wrongdoers from violating people’s rights. This peaceful arrangement is fragile, since there will always be some bad apples who are disposed to act wrongly toward others for their own gain when they believe they can get away with this predation. Other bad apples are unduly ready to resort to violence to settle squabbles whose rights and wrongs are complex and hard to discern, so that even people conscientiously trying to play fair with others may find themselves in strong and prolonged disagreement. And preparing to resist others bent on predation can make the preparer himself look like a predatory threat to others, so squabbles tend to turn violent, and trust and mutual cooperation to erode or fail to form in the first instance.¹⁹ A secure rule of law is a public good with respect to the group of affected persons. The good falls on those who contribute to risky law enforcement and those who shirk this action alike, so one expects it to be undersupplied. When people coordinate to form a state, with a claimed and at least somewhat effective monopoly on the use of violence, the rule of law becomes easier and less costly to supply. Hence we can then be morally required to supply more of it.

19. The locus classicus on this topic is Thomas Hobbes, *Leviathan*, pt. I, ch. 17. See also the discussion of this chapter’s argument by Gregory Kavka, *Hobbes’s War of All Against All*, 93 *ETHICS* 291 (1983).

Rescuing people who fall into peril is another illustration of the same. Picture people sunbathing and swimming at beaches, and some of them drowning. Rescuing those who start to drown can be excessively costly and risky for those present, so no duty actually to try to rescue them is triggered by their plight. A state that has the capacity to tax citizens and use the funds to hire lifeguards and post timely warnings can bring it about that the costs of keeping beaches safe falls to a level such that the duty of beneficence, specifically a duty to rescue at reasonable cost and risk to oneself, kicks in, and now applies. Given this, we may lack a duty actually to carry out rescues, but have a duty to coordinate with others to bring about the establishment of state policy that ropes us all into an effective scheme to carry out rescues. This stylized scenario frequently recurs, taking diverse forms.

One might balk at this line of thought on the ground that even on the assumption that we are bound by moral duties of beneficence, that does not by itself imply that such duties are enforceable. But the egalitarian welfarist clearly has in mind coercive state policies to boost people's well-being fairly distributed, starting with coercive taxation to provide funds to be used for this purpose.

To my mind there is no special problem about justifying coercion or state coercion. Any genuine moral duty is apt for enforcement, provided the enforcement stays within limits of due proportionality. Moral duties to be civil and polite, if duties at all, are in principle apt for enforcement—applying sanctions to noncompliers with a view to increasing duty fulfillment and spreading the costs of fulfilling the duty fairly among the class of persons on whom the duty falls. But if the duty to be polite and civil involves small stakes, apt enforcement staying within the limits of due proportion might be limited to raised eyebrows or perhaps rude comments urging noncompliers to heed politeness norms.

As a general matter, there are moral risks to enforcement of norms by imposing disliked consequences on noncompliers, and these moral risks as a general matter are lessened when enforcement is carried out by a well-functioning state rather than by private individuals acting to enforce norms that are not embraced and supported by the state. People may differ as to the content of norms supposedly in place in a community, and may differ as to the aptness of sanctions and the occasions on which they are appropriately imposed. Private enforcement can trigger outrage, reprisal, squabbles, feuds. It's a familiar fact that a well-functioning state, which singles out norms to be enforced and specifies legal means of enforcing them, can help each of us achieve greater fulfillment of justice by her own lights, even if we disagree about what is just and each of us believes that some norms the state embraces and enforces are misguided.

But isn't being coerced to act against what one takes to be right and fair a great violation of one's fundamental rights to liberty? No. Not necessarily. When the state coerces us to do what morality forbids, such as waging an unjust war, or coerces us not to do innocent acts that morality allows, such as engaging in acts of same-sex sex, this is morally horrible. It is horrible even if the coerced person subjectively agrees with the unjust policies being enforced. But being coerced not to do what morality forbids, and being coerced not to interfere with persons doing what morality allows, have a different status. If I'm being coerced to do what is actually right, might I have a complaint, provided the coercion's imposition on me does not exceed what is proportionate?

Think of it this way: what is my underlying will regarding being coerced? If my underlying will is to conform to what morality truly requires, then my underlying will is not violated, rather fulfilled, when I am coerced to do what is right against my own subjective opinion as to what is right. (I suppose my underlying will takes precedence over my occurrent will, which is set by my current beliefs.) If on the other hand my underlying, prevailing will is to conform to my current opinion regarding what is morally right, whether or not that opinion is correct, then coercion imposed on me in this matter would be coercion fully against my will, and would be limiting my autonomy. But in this case my underlying will is morally problematic—I want to get my way, whether or not my doing that is actually morally wrong or violates the moral rights of others, which ought to prevail in the situation. My will looks to be vicious. Here the sheer fact that if I suffer coercion, my autonomy is infringed is not, I submit, a good moral reason to refrain from coercing me. It does not follow that other people, whether acting as vigilantes or acting through the state, should be imposing coercion on others right and left. Coercion may be counterproductive, or might bring about side effects that should inhibit those contemplating coercion from imposing it. But the sheer fact that my freedom is restricted against my will, including my deep underlying will, is not in itself a reason for withholding coercion directed at me.

Robert Nozick long ago posed an excellent question for egalitarians. If you believe in equality, why not act yourself to improve the current unequal distribution, if you are better off?²⁰ You could distribute your wealth to

20. See ROBERT NOZICK, *ANARCHY, STATE, AND UTOPIA*, ch. 8 (1973). The issue gets further discussion in G. A. COHEN, *IF YOU'RE SO EGALITARIAN, HOW COME YOU'RE SO RICH?* (2000). Cohen is exploring what those committed to egalitarianism ought to do in

some poor people, and if your transfer was sagely contrived, you could thereby significantly improve their lives, at no excessive cost to your own quality of life, by your own egalitarian standards, which you claim to be binding on all of us, yourself included. If you along with other egalitarians conformed to your own principles, you could very significantly increase the degree to which fair distribution prevails, without imposing coercively on others who hold different views. If, as seems to be the case, egalitarians generally do not go in for such voluntary do-goodism, this raises the suspicion that their true concern is to get state power in their hands and use it to coerce people against their will who are just minding their own business and not harming anybody, rather than to improve the lives of the poor and destitute.

Nozick's question has a straightforward answer: Egalitarians should in many circumstances do far more than they tend to do, to bring about greater equality. Their foot-dragging in this regard is wrong and, so far as we can discern, inexcusable. But this answer leaves open the question, what might be accomplished by coercive state policies aimed at promoting equality (of the relevant sort, here we set this question to the side)? And would such policies be justified?

To the first question, one answer is that effective state policies might greatly increase the extent to which egalitarian justice is fulfilled, compared to the situation in which no such policies are instituted, whether or not egalitarians engage in much, little, or no voluntary transfers of their own resources to promote equality. A further response is that, according to the line of argument sketched in this section, effective coercive policies that would promote egalitarian welfare would be morally justified. A third response is that a defect of voluntary transfers carried out by individuals at their discretion, even if they successfully made great progress toward fulfillment of egalitarian aims, is that they would result in unfair distribution of the moral burdens of equality promotion. If the equality-favoring persons acted voluntarily to bring about a fair treatment of those now badly off, the equality-averse would be failing to shoulder their proper burden of the task of promoting equality.²¹ Judicious equality-promoting state policies would provide assurance to all that the long march toward greater prosperity

their own personal lives, not whether there is an argument somewhere in this vicinity against justified state coercion to advance egalitarianism.

21. On the principle of fairness applied to the issue of fair sharing of the burdens of duty fulfillment, see Aaron Finley, *The Principle of Fairness and Natural Duties* (2021) (Ph.D. dissertation, University of California, San Diego) (on file with author). On the justifiability of enforcing fair play duties against those who would shirk them, see Richard Arneson, *Paternalism and the Principle of Fairness*, in *PATERNALISM: THEORY AND PRACTICE* 134 (Christian Coons and Michael Weber eds., 2013).

fairly shared was resulting in fair distribution of the costs and harms to individuals who should be contributing toward this progress.

This does not amount to saying that using state power to advance egalitarian aims is always a morally superior course of action that relying on voluntary compliance, no matter how draconian the squashing of individual liberty against people's beliefs the coercive imposition would involve. Such bitterly contested uses of state power against intensive and extensive community sentiment would surely provoke rancor and squabbles and social division that would derail progress toward egalitarian justice fulfillment. But Nozick's challenge to egalitarians, "Give your money to the poor or shut up!," does not block the egalitarian from seeking to use state power, with good reason all things considered, to promote controversial egalitarian justice fulfillment in many circumstances.

VII. THE ONLY TYPE OF EQUALITY THAT IN ITSELF MATTERS IS
EQUALITY OF WELFARE—OTHER CANDIDATE EQUALITY
DOCTRINES MATTER AT MOST INSTRUMENTALLY, AS
MEANS TO WHAT MATTERS FOR ITS OWN SAKE

Most philosophers who write under the banner of egalitarianism are not welfare egalitarians. A few might see equality of welfare as a part of some larger egalitarian concern. But the more common view is that the equality across persons that is morally valuable and a constituent of social justice is relational equality. People should regard one another as equals and relate as equals.²² They should build and sustain institutions and practices that accord to all who are touched by them a status of equality that brings about relating as equals. From this perspective, the distributional concerns that loom large in this essay should be regarded as at most valuable insofar as their promotion might be instrumentally valuable in fulfilling relational egalitarian requirements.

This root and branch challenge to welfarist egalitarianism merits a more thorough development and assessment than the present essay can attempt. In conclusion I point to two prominent relational egalitarian ideals. One is the ideal of a society whose members equally enjoy protected civil liberties

22. See especially Elizabeth Anderson, *What Is the Point of Equality?*, 109 *ETHICS* 207 (1999); Samuel Scheffler, *What Is Egalitarianism?*, 31 *PHIL. & PUB. AFFS.* 5 (2003); Niko Kolodny, *Rule Over None II: Social Equality and the Justification of Democracy*, 42 *PHIL. & PUB. AFFS.* 287 (2014); and for an overview and synthesis, KASPER LIPPERT-RASMUSSEN, *RELATIONAL EGALITARIANISM: LIVING AS EQUALS* (2018).

including freedom of speech and association and thought, basic liberty of the person in the spirit of self-ownership, and the values linked to the equal protection of the laws. A second is the ideal of social equality, attained in a society in which relations of asymmetric power and authority—some having power over others, some issuing commands that others obey—either do not exist, or are continuously avoidable by those holding the short end of the stick by way of taking acceptable exit options, or are regulated by a truly democratic state which all have equal opportunity to influence.

No doubt there are egalitarian welfarist doctrines that roundly reject liberal civil liberties and that embrace social hierarchy. I suppose that any plausible—really, any sane—egalitarian welfarist principles, applied to modern circumstances, will embrace these core elements of liberalism as supremely important, but important entirely for their instrumental value in boosting the fulfillment of egalitarian welfarism or desert-modified egalitarian welfarism. This embrace of relational equality liberal values will be a liberalism of lore, not of fundamental principle. On this view, egalitarian and relational welfarists will be upholding pretty much the same social edifice, a long tunnel, but viewing it from opposite ends. What one sees as means to what matters, the other sees as what matters.

The disagreements between the two approaches may not show up in a large range of circumstances, but in dangerous and extreme conditions, when some things must be given up, what the one approach will maintain must be sustained at all cost so far as is possible, the other will cheerfully jettison for the sake of saving what really matters so far as possible. Egalitarians will then be fighting on opposite sides of the barricades.

The disagreements here are hard to settle, because they show up clearly by postulating contrary-to-fact hypotheticals, and if the circumstances envisaged involve somewhat distant possible worlds, it is hard to wrap one's mind around what is being envisaged and form a clear judgment as to what hypothetically ought to be done in those circumstances.

Here's a toy example.

SOCIAL SCIENTISTS OF THE 23RD CENTURY, let's suppose, have somehow determined that common-sense self-ownership—the idea that each person has substantial authority and protected liberty to direct her own life and make choices according to her own values and aims, having protected control over her own body especially when her choices affect mainly her and not other people—is inimical to human flourishing widely shared. Individuals generally just face intractable obstacles to making reliably sensible decisions about how to conduct themselves. If we replaced common-sense self-ownership with a different regime, in which each person at birth is assigned substantial legal and moral control over the life of the person in the world born just after her, the fulfillment of any plausible interpretation of egalitarian welfarist values would be substantially advanced. The rights formerly assigned to each person over herself are now rights that each person has over the individual adjacent to her in birth order. We end up surprisingly with better quality lives and with good quality life distributed more fairly across persons.

Would this regime, supposing it could be instituted, be a remarkable valuable reform or a tyrannical dismemberment of individual liberty? Egalitarian welfarism says the former, but the example is hard to conceive and parse.²³

A more real-world issue arises if some people having asymmetrical power and authority over others boosts the fulfillment of welfarist egalitarianism just a bit, compared to alternative arrangements in which such social hierarchy is eliminated. Bosses have such power and authority over employees, the employees lack good exit options that would be hierarchy-free, and these relations of equality are not regulated by a state which all have equal opportunity to influence. Imagining the scenario, we tend to imagine bosses squeezing their workers, making their lives more miserable, and manipulating the democratic political process to bring about policies protecting their profits. But that's as may be. The boss might be my department chair in a public university, using her power and authority to keep me somewhat on the straight and narrow path, and if people of my ilk had equal opportunity for political influence, the result would be more rent-seeking, not justice for all.

The egalitarian welfarist, in company with any other consequentialist, will say that power is a resource, and should be placed where it will do the most good, impartially assessed. Objecting, the strong relational egalitarian will give no weight to satisfaction of welfarist aims in the all-things-considered determination of right policy. A milder position still opposes egalitarian welfarism. The mild relational egalitarian maintains that avoidance of unavoidable hierarchy, not regulated by an egalitarian political process, is a consideration that weighs on the scales, has some weight in determining right policies. In the example, the bossed Arnesons have grave character flaws, or other rational agency deficits, which might require some intrinsically bad hierarchy to counterbalance their likely bad effects. But it would be morally better, surely, if these people repaired their rational agency deficits, so social equality could prevail, without generating excessively bad side effects.

The egalitarian welfarist digs in her heels. It would be better, other things equal, if I along with my ilk had better traits, but it would also be better yet if my department chair and others occupying slots of power and authority

23. The example as sketched involves a violation of Rawlsian equal basic liberties, and presumably involves domination in the Philip Pettit sense. See PHILIP PETTIT, *JUST FREEDOM: A MORAL COMPASS FOR A COMPLEX WORLD* (2014). The example would not involve a problematic Kolodny relation of social inequality.

over me and my ilk also had better traits, and in that case others having discretionary power and authority over my life would still be instrumentally better, or might turn out to be that, assessed in egalitarian welfarist terms. In this imagined case there would be nothing in the social hierarchy arrangements to regret, nothing in itself bad in the sheer existence of social hierarchy. The egalitarian welfarist taking this line might reasonably be a fierce opponent of almost all existing hierarchies, on instrumental grounds. If power corrupts, and absolute power corrupts absolutely, we need to dismantle it to achieve tolerably good lives for people, with good quality life fairly distributed across them. But that is an empirical surmise, not an assertion of what normatively in itself matters.

VIII. HOWEVER, THERE'S AN EXCEPTION

Suppose that clamping down on freedom of speech and association, in given circumstances, would for sure boost the fulfillment of egalitarian welfarist principles over the long term. Perhaps free expression of opinions on matters of public concern has become a Halloween caricature of deliberative democracy. People wrangle endlessly, become ever more divided into polarized factions, and become less disposed to cooperate in mutually beneficial ways and extend needed help to those in peril. Should we then, following the dictates of our fundamental moral principles, endorse long-term repression of free speech, as needed to boost people's welfare prospects?

Surely not. Freedom of expression along with the freedom of association that facilitates it is not justified only by its likely efficacy in promoting fulfillment of whatever we take the correct fundamental moral principles to be at a given time. We value freedom of expression as a likely good means for bringing it about over the long run that we come to discover flaws present and now undetected in our current normative beliefs, even those in which we now repose high confidence. Being fallible, we should be open to the possibility that some of our cherished beliefs, we know not which, are incorrect, and that blocking free speech will cut off our chances of improving our beliefs in the future. We need not have any worked out views as to what sort of free speech regime would be ideally suited to improvement in the beliefs society's members come to adopt over the very long run—perhaps this problem as stated in this way is intractable. For sure, it is a hard problem. We simply need to have good, overwhelming reasons for believing that wide sustained suppression of free speech would be a spectacularly bad strategy for improving future beliefs. Of course, this concern for free expression is one important consideration, to be weighed against others kin. Deciding what to do, all things considered. We should not hold, let free speech reign, even though the heavens should fall. But to reiterate, it is a concern that matters, for its own sake.

So even in the best case scenario for the case for egalitarian welfarism, it does not for now fully determine just social policy. Something else matters, namely, the unknown probability that from the standpoint if the ideal limit of inquiry, something else matters.

