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Word count: 74,109
Abstract

University of Manchester

Candidate: Charles Place

September 2012

Doctor of Philosophy

Thesis title: Justice as Sharing

This research aims to rehabilitate equality of outcome as a distributive ideal for egalitarians. I propose an ideal, Justice as Sharing, that claims the core egalitarian intuition is to share power and resources, and that the ideal distributive pattern is one of simple equality. In chapter two I show how in some circumstances, egalitarian ideals hold strong appeal to most of us and our intuitions suggest that we are more attracted to egalitarian ideals than many might expect. In chapter three, I discuss the state of nature as a philosophical device which is used to help us go ‘back to basics’, and strip away the contingent elements of our thinking. In his *Second Discourse*, Rousseau tells a story about the emergence of inequality in the state of nature. This leads me in chapter four to explore the anthropological evidence around the actually existing state of nature of hunter-gatherers, and show that these are strongly egalitarian societies that share both power and resources. From these ancient values, I propose an egalitarian ideal called Justice as Sharing in chapter five. This ideal says that the process of sharing, through redistributive taxation or the provision of health care, is a good in itself. Equality of outcome and sharing have intrinsic value. Justice as Sharing is then compared to other ideals of distributive justice from chapter six. In chapter seven, I suggest that Rawls’ argument to ‘democratic equality’ provides support, as it also argues for equality of outcome. As it attaches intrinsic value to equality, Justice as Sharing faces the Levelling Down Objection which, in chapter eight, I argue does not represent a strong critique so long as the egalitarian accepts that he should be a pluralist about the values that he holds. In chapter nine the ideals of priority and sufficiency are assessed to be effective humanitarian values, but fail to convince the egalitarian as they are untroubled by inequality itself. Similarly, in chapter ten I conclude that luck egalitarian theories are unconvincing for the egalitarian as they have no problem with inequality if it is judged to be fair. The concept of desert is important to these discussions as it is often used to add weight to arguments against distributive equality. In chapter eleven, I argue that the egalitarian can accept desert but does not have to accept that the outcomes delivered by the market reflect desert. In chapter twelve I discuss theories that value distributive equality as a means to social equality. These theories identify the problems associated with inequality, but do not attach intrinsic value to equality which distinguishes them from Justice as Sharing. In chapter thirteen I consider whether the scope of distributive justice should be global or apply only to a particular political association such as the state. I remain neutral on issue of scope. Finally, in chapter fourteen I conclude that Justice as Sharing is feasible as an ideal of distributive justice, in particular as a theoretical ideal that can guide political policy making.
I declare that no portion of the work referred to in this thesis has been submitted in support of an application for another degree or qualifications of this or any other university or other institution of learning.

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Chapter 1 - Introduction

Which ideal of distributive justice should an egalitarian hold? This research attempts to provide an answer to that question. Over recent decades differing ideals have been put forward and extensive analysis has shone philosophical light on many areas but it could be argued it has made life even more confusing for the egalitarian. We can see that confusion reflected in the Labour Party over the past twenty years. The ideological confidence of the Right in the 1980s, and the collapse of Marxist-inspired regimes at the end of that decade, led to a lack of theoretical confidence and clarity in the Left (Cohen 2011, p.211-214). New Labour made it clear that it was no longer interested in promoting equality of outcome, despite it being a core ideal of both right and left in the traditional Labour Party (Hickson 2004; Page 2007). Around the time that I was beginning this research, Blair described New Labour’s ideology as a mixture of different egalitarian ideals: to prioritise those with least and to establish equality of opportunity, explicitly rejecting ‘levelling down’ and declaring New Labour’s ease with the existence of the very rich (BBC 2003).

As an egalitarian since late childhood, this research began as an attempt to put my own ideological thoughts in order: what is it about inequality that has troubled me, and what is good about equality? Why do I feel loyal to the intuitions of the twelve year old me? Towards the end of this project, the public debate has shifted again to a degree: with campaigns against the large rewards given to bankers and concern expressed about the increased inequality of outcome in our society. There has been interest in research suggesting that more equal societies are healthier and happier societies for all their members, rich or poor (Wilkinson & Pickett 2009; O’Neill 2010). Ever watchful of the zeitgeist, Peter Mandelson has said recently that perhaps he was not right to have been so ‘intensely relaxed’ about extreme wealth (Malik 2012). The debate about core values continues within the Labour Party (Hattersley & Hickson 2011), although there is resistance to a return to promoting traditional equality of outcome as an ideal (Miliband 2012). The links between academic philosophy and everyday politics can appear distant but it is abstract principles that often inspire politicians and activists (Cohen 2011). So, with that thought in mind, I will attempt to make the case for equality of outcome and to suggest a fresh way of understanding egalitarian intuitions about redistribution.
In the next chapter, I begin by looking at Cohen’s example of the camping trip from his essay \textit{Why Not Socialism?} (2009). Cohen uses the situation of a group of friends to demonstrate that people would choose egalitarian values when deciding on how to organise their lives on a camping trip, and he claims that this makes a compelling preliminary case for how we should organise society. I agree with Cohen that the camping trip shows how we have strong egalitarian intuitions and would not always choose the market-based values of our societies, but I disagree with Cohen about which ideal of equality best reflects these egalitarian intuitions. I go on to use the camping trip example throughout the research to bring my thoughts together, and to compare differing egalitarian ideals.

Cohen’s camping trip in some ways resembles the state of nature and so, in the third chapter, I examine the state of nature as a philosophical device. I discuss how the state of nature has been used for a range of purposes, and how differing claims for its historical accuracy have been made. I suggest that one core use of state of nature devices is in getting ‘back to basics’ by attempting to strip away the contingent elements in our thinking about human nature. In particular, I focus on Rousseau’s use of the state of nature in his \textit{Second Discourse} to tell a story about the emergence of inequality in human society. Rousseau’s narrative is of interest to this project because it is anthropological and I too want to provide an anthropological account from the state of nature.

Anthropology provides us with an account based on the actually-existing state of nature. In chapter four, I explore the anthropological evidence about hunter-gatherer society in detail. The evidence tells us that humans outside of the state hold strong ‘political’ values about how their societies should be, and that these values are egalitarian. These societies resist domination by any individual, and share power and resources. It is this sharing of resources that I concentrate on, because these groups are fiercely egalitarian in terms of distributive justice. The accumulation of resources by an individual is prevented by an obligation to share within the group, and sharing has a central role in the culture of the community. I argue that this state of nature story is of interest to ourselves, as it gives us reason to question many of our assumptions about human nature, society and egalitarianism.
The anthropological evidence is the inspiration for my distributive ideal: Justice as Sharing. Justice as Sharing, presented in chapter five, says that power and resources should be shared. As the contemporary consensus is power should be shared, it is in terms of resources that it is most radical and most interesting. In terms of distribution, Justice as Sharing claims that equality of outcome is the ideal pattern of distribution and I suggest that sharing is a way to understand what goes on when we redistribute through taxation, for example. The act of sharing is also a good in itself and the good society shares. I argue that there is some intrinsic value to the outcome of equality and so, all things being equal, there is something good about an equal distribution of resources. This is the egalitarian ideal that, I argue, best reflects the values that we see on the camping trip.

In the remainder of this research, I put Justice as Sharing in the context of other egalitarian ideals. By comparing and contrasting them to Justice as Sharing, I hope to show why the egalitarian would choose Justice as Sharing and how it better reflects egalitarian intuitions. In chapter six I look at the ways in which ideals of equality have been understood and analysed in the contemporary discussion. Following Rawls, arguments for simple equality appear to have disappeared (there have been exceptions but without achieving influence). Simple equality has been referred to as what theories of distributive should not be. After years (centuries?) of forming the background ideal for the egalitarian, simple distributive equality has become what egalitarians appear to view as the paradigm of unacceptability in egalitarian thought. Justice as Sharing is an attempt to rehabilitate the ideal of simple equality.

In chapter seven, I discuss Rawls’ difference principle. Given his importance any discussion of distributive justice must give Rawls a central role but there is another reason to emphasise Rawls’ work. Rawls’ theory is the last influential theory of distributive justice that accepts that a pattern of distributive equality – of simple equality or equality of outcome – is a valid position to hold (1999a). My argument shares ground with Rawls, in the sense that it can draw support from Rawls’ argument to ‘democratic equality’ in A Theory of Justice. Rawls rejects democratic equality for the difference principle, because to prefer democratic equality over the distributive pattern that results from the difference principle would be to provide the least advantaged with fewer resources. Rawls therefore avoids the Levelling Down
Objection (LDO) but Justice as Sharing faces this problem and I explore this in chapter eight.

For some, the LDO presents a knock-down argument against intrinsic egalitarianism as these egalitarians would choose to ‘level down’ in order to prioritise equality, so making things worse for some even if they are better for no one. I argue that Justice as Sharing may indeed level down in some circumstances, but that there are situations in which this could make sense. There are situations where we might choose to level down in terms of resources, because of other values we might hold that benefit from increased equality. I conclude that the main lesson to be drawn from the LDO is that we should be pluralists about moral principles, and so the LDO does not deliver a knock out blow and Justice as Sharing survives to fight on.

In chapter nine I consider the ideals of priority and sufficiency. Supporters of these values claim that they better represent what many egalitarians care about than Justice as Sharing. By giving priority to those with least, or ensuring that everyone has sufficient resources, these theories provide coherent ideals of distributive justice particularly for people who are concerned with the situation of the poorest. Despite this, I argue that they are unsatisfactory ideals for an egalitarian as they are unconcerned about inequality itself and may be untroubled with large inequalities. Ultimately, priority and sufficiency are humanitarian rather than egalitarian ideals.

In chapter ten, I examine perhaps the most influential post-Rawlsian ideal of equality: luck egalitarianism. Luck egalitarians aim to differentiate between choice and circumstances, and so take account of people’s responsibility for their own actions. This approach has many strengths but again I argue that it is unsatisfactory for the egalitarian. It is a theoretically rigorous ideal of equality of opportunity that insists on equality at the starting gate, but is not troubled by the results of the race as long as the race is fair. Ultimately luck egalitarianism accepts the outcome of the market and the inequality that results. Justice as Sharing addresses a core egalitarian intuition directly that does not trouble the luck egalitarians: that inequality is a problem, whatever its cause, and the greater the inequality, the greater the problem.

In these discussions, the concept of desert is never far away even if it is not always acknowledged. I look at desert and its role in these discussions in chapter eleven. Desert intertwines with ideas of agency and responsibility, and it is often
difficult to pick apart. I suggest that the egalitarian can take a variety of stances on desert, either rejecting it altogether from a hard determinist perspective, acknowledging a limited role or accepting desert. What the egalitarian does not need to do, however, is accept that the outcomes of the market reflect desert. Accepting desert does not necessarily mean that the distributive inequalities of the market are themselves accepted. Justice as Sharing does not accept the inequalities that the market creates, but it can accept desert.

One reason that we might not accept distributive inequality is the negative effect it has on the relationships between people. Ideals of social equality value equality for this reason, and these theories hold much of the same ground as Justice as Sharing. As I discuss in chapter twelve, the ideal of social equality can be held as a radical ideal of equality, whereby distributive inequality is judged to damage the relationships between people to some degree. This radical ideal is a very similar ideal to Justice as Sharing and the egalitarian who accepts one is likely to be sympathetic to the other. Justice as Sharing could be interpreted as belonging to this theoretical ‘family’ but I argue that Justice as Sharing is distinguished by attaching intrinsic value to equality and to the act of sharing itself.

Having placed Justice as Sharing in context amongst other ideals, I move on to consider its scope in chapter thirteen. In recent years the scope of distributive justice has become an important area for egalitarians, with the debate divided between those who believe that the state provides the limit of distributive justice and cosmopolitans who argue that it should be global in scope. In reviewing the arguments, I conclude that both sides have strong positions: where one stands depends whether the entitlement to resources is understood to result from a person’s status as a member of the human species or their membership of a political community. The effects on distributive justice are dramatic, however. With Justice as Sharing, a global scope would lead to redistribution from the rich world to the poor world with little concern for the least advantaged in our societies. The poorest in the rich world could expect to have their resources redistributed to the poorest in the poor world, whilst if the scope was confined to the state then the poorest in that society would expect to have additional resources. I do not reach a conclusion over the scope of Justice as Sharing myself, leaving this question open.
Finally in chapter fourteen, I briefly look at the issue of feasibility, again following Cohen’s lead in *Why not Socialism?*. The evidence from the actual state of nature demonstrates that Justice as Sharing is clearly not against human nature, as it has sustained stable communities throughout human existence. The way that some people work in our kind of societies – in public service, for example – shows that even in a market-based system motivation is not always self-interested, and that people can be motivated by a different ethos. Then I consider Carens’ theory (1981) that shows how a market-based system could use unselfish motivation to run a functioning and efficient economy. I move on to suggest that the most feasible and realistic role for Justice as Sharing is as an abstract ideal to underpin the everyday policy making and political activity of egalitarians. In that sense – as an ideal - it aspires to be realistically utopian.

Throughout this research, there are certain philosophers who play a prominent role. One is Rousseau. The radicalism and idealism of his thought influenced me, and there is a clear link between his state of nature account and my use of contemporary anthropology. Cohen’s camping trip provides a fixed point to refer to, and his thoughts on egalitarianism appear regularly due to his astute commentary on contemporary discussions. Rawls’ *A Theory of Justice* provides another baseline to my thinking. I have tried to place my argument squarely in the contemporary debate over egalitarian ideals in the Anglo-American literature. There are areas of communitarian and feminist thought that I might have explored, but it seemed necessary to draw the boundaries at a certain point, and the current Anglo-American discussion provides strong criticism for Justice as Sharing, so requiring me to mount a defence of my theory.

Cohen has emphasised the tension in Rawls’ work between the public and the personal (1992, 2000, 2002, 2008). Cohen argued that if a Rawlsian public conception of justice was held by citizens who are more talented, then they would not require the incentives allowed under the difference principle. For Cohen, the individual has political responsibility and is a political actor in the choices that they make. Nagel, by contrast, has argued that the state and the individuals should be separate as “institutions, unlike individuals, don’t have their own lives to lead” (1991, p.59). Nagel’s point hits home to many in our time and place because of the concern that attachment to some greater good threatens the autonomy of individuals. It is the role
of institutions to promote greater equality or to improve health care, for example, but not my role or your role. If I am able to be a doctor, it does not mean that I am obliged to do so. I have my own life to lead. Cohen could be accused of making demands of individuals, asking them to lead lives for the benefit of others inspired by the public conception of justice that many would find unacceptable. Nonetheless Cohen’s claim that some personal decisions are political, or can have political consequences, is an important one. The divide between personal and the institutional world are not clear.

Following Wolff (1998), I think we should be concerned with the ‘ethos’ of a society. The ethos of a society is reflected in both the institutional structure and the behaviour of individuals and non-state actors. If one society has a more egalitarian ethos than another – as say Norway has in contrast to the United States – then this is reflected in the tax system, and in the acceptance of the public to support the institutions that set the tax rate, and to pay the tax itself. Institutional demands like the minimum wage are part of this, and the wages paid by government organisations. It is also reflected in the payment that organisations outside the control of government pay their employees, so that in a society with a more egalitarian ethos it is accepted that there is less distance between the lowest and highest paid employee, and it influences the choices made by individuals in that society. If we accept that a society has an ethos – affecting institutions, culture and individuals - then the difference between public and private worlds is not so problematic.

Finally, I will mention the debate over the ‘currency’ of distributive justice. We need to consider the ‘currency’ because “when we are assessing a state of affairs to see whether it meets the appropriate standard of justice, we need to know what it is about people we should measure. Is it their standard of living, their happiness; their health; their wealth or something else again?” (Wolff 2007, p.126). Do we seek equality of welfare, equality of resources, equality of capability, equality of income? The answer to the question of currency matters because egalitarians – of all sorts – need “a standard of interpersonal comparison which specifies the conditions under which some individuals are worse off than others” (Clayton & Williams 1999, p.446). For example, you might be richer than I am but unhappier. If wealth is the currency of justice, then there may be a reason for the egalitarian to redistribute wealth from rich you to poor me. If happiness – or a sense of wellbeing – is the currency of justice then
you are worse off than I am. There might be a justification for redistribution from happy poor me to unhappy rich you.

The debate over the currency has been intense over recent decades. Rawls's answer to this question of currency is that the “basic structure of society distributes certain primary goods, that is, things that every rational man is presumed to want” (1999a, p.54). When considering distributive justice specifically, Rawls identifies the ‘least advantaged’ as those with the least income and wealth (1999a, 2001). He is explicit that, in a well-ordered society, it is income and wealth that identify them – not race or social class – and that it is income and wealth that are redistributed to them by the basic structure of society (2001, p.59). Dworkin, like Rawls, rejects welfare as the appropriate currency (2000). Arneson (1989) claims that Dworkin and Rawls are mistaken when they dismisses welfare as currency. Resources have only instrumental value; what really matters to people is welfare they can achieve with those resources (1989, p.237). Following on from Arrow’s criticisms (1973), Sen argued that Rawls focuses too much on income and wealth in a fetishistic way and that what we should focus on is ‘capability’ (1980). Like welfarists, Sen argues that resources themselves are not what matters – what matters is what goods do for people, how they help people to be fed properly, be healthy, to have mobility, achieve self-respect, to take part in community life and be happy (1993, p.36). Daniels, like Rawls, is sceptical about the ability to produce a uniform currency to capture comprehensively our concerns (1990, p.293).

The issue of currency remains unresolved in contemporary debate, so I have decided to take a neutral stance on the currency of distributive justice during this research. I will use ‘resources’ as the currency of Justice of Sharing, but I believe that other currencies – whether welfare, capability or wealth – could be substituted without significant problems. The ideal of sharing towards equality of outcome remains an appealing ideal for egalitarians, whatever currency is chosen.
In a recent essay, Cohen presents what he thinks is a “compelling preliminary case for socialism” (2009, p.1, emphasis in original). He imagines that “you and I and a whole bunch of other people go on a camping trip” (p.3), and uses this device to suggest that, in certain circumstances at least, we favour strongly egalitarian principles of social organisation. On the camping trip, the things that we bring along – pots and pans, fishing rods, canoes and coffee – are controlled collectively, even if they are privately owned. What happens is that “somebody fishes, somebody else prepares the food, and another person cooks it. People who hate cooking but enjoy washing up may do all the washing up, and so on. There are plenty of differences, but our mutual understandings, and the spirit of the enterprise, ensure that there are no inequalities to which anyone could mount a principled objection” (p.4).

Cohen suggests that on such trips, or in similar circumstances, these norms of equality are accepted by most people, including those who do not usually hold egalitarian beliefs. In fact, these norms are not even questioned. To show this, we can imagine a different type of camping trip “where everybody asserts her rights over pieces of equipment, and the talents, that she brings, and where bargaining proceeds with respect to who is going to pay what to whom to be allowed, for example, to use a knife to peel the potatoes, and how much he is not going to charge other for those now-peeled potatoes” and so on (p.5). Cohen also asks us to imagine a situation where one individual is a successful angler, who catches a lot of fish but demands extra advantages in exchange for the fish he has caught, or where someone discovers an apple tree and tries to claim the apples as their own. Such behaviours appear out of place, and wrong, in this context. Cohen suggests that our reaction to the camping trip demonstrates that we are strongly attracted to egalitarian ideals and a sense of community. Many of the ideals that underpin capitalism – such as calculation of self-interest - appear strongly counter-intuitive in these circumstances.

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2 Cohen’s essay is called “Why Not Socialism?” (2009). The subject of this research is egalitarian ideals of distributive justice, rather than ‘socialism’, however Cohen’s essay directly connects to the debate over egalitarian distributive ideals, and in particular to the argument I am going to make. I will not use the term ‘socialism’, but prefer the use of egalitarianism. ‘Socialism’ can carry, I think, implications about the organisation of the economy and control of the means of production that are not the subject of this research. The word is used by Cohen in this context as he is writing for a non-academic audience.
Cohen moves on to ask if the ideals we embrace on the trip are applicable to society in the wider political sense. He says we need to know in what way, and how, society differs from the model of the camping trip, because it appears to make a strong case for ideals of equality and community and yet often we do not expect these ideals to govern our own societies. He asks if the ideals of the camping trip are desirable for the kind of societies we live in now, and whether those ideals are feasible (2009).

In this research, I am interested in egalitarian distributive justice. Although Cohen’s example raises issues such as the control of the means of production, my interest here is with the philosophical ideals of equality. What are the ideals that Cohen himself suggests? Cohen recognises that there are competing egalitarian principles that could underpin the experience of the camping trip, and he says that the “simple circumstances of the trip, unlike more complex ones, do not force a choice amongst them” (p.13). He then moves to propose his preferred ideal of a ‘radical principle of equality of opportunity’. This ideal is discussed in detail elsewhere by Cohen (1989, 2008), and equality of opportunity will be discussed later. Equality of opportunity allows inequality of outcome if that inequality is judged to be fair or just in the sense that it results from people’s choices rather than their circumstances. The radical ideal of equality of opportunity favoured by Cohen means that “differences in outcome reflect nothing but differences of taste and choice, not differences in natural and social capabilities and powers” (p.18). So, for Cohen, if a member of our camping trip chooses to spend a lot of time fishing and catches a lot of fish, he may be entitled to those fish. For example, if he had chosen to spend years developing fishing skills that he did not have some inborn ability to perform, and he spent longer fishing than other campers, then his fishing success would reflect his choices rather than circumstances beyond his control and so, as regards the principle of equality of opportunity, there is no problem with the inequality that results. Significant just inequalities could therefore exist. The successful fisherman might choose to keep the twenty fish that he caught for himself, and the rest of the campers could eat their less exciting rations, without the principle of equality of opportunity being broken.

Cohen suggests that a ‘principle of community’ constrains the operation of the egalitarian principle by forbidding certain inequalities that the principle allows (p.12). This principle of community is put under strain by large inequalities, and so it acts to
reduce the inequality that could come about. By ‘community’ Cohen says he means “that people care about, and, where necessary and possible, care for, one another, and, too, care that they care about one another” (p.34). Significant inequalities mean that the bonds of community are strained, as the richer and the poorer person have different lives and differing options. The other aspect of community that Cohen emphasises is a ‘communal form of reciprocity’ which he contrasts with market forms of reciprocity. He defines the communal form of reciprocity as “the anti-market principle according to which I serve you not because of what I can get in return by doing so but because you need or want my service, and you, for the same reason, serve me” (p.39). This reciprocity is interested in cooperation for its own sake, not simply as a means to an end. The reciprocity of the market is different, because there you act to help others only in order to achieve a self-interested end. Cohen argues that on the camping trip some inequalities that are generated may be just, but that does not mean that they should be allowed to undermine or threaten the community. So the successful fisherman will not hoard his fish, but allow others to gain from his good fortune or extra effort.

I believe that Cohen does make a compelling preliminary case for egalitarian values. His camping trip shows us how there are contexts in which we all seem to accept equal distribution, and not only accept it but value it. He shows that we accept reciprocal norms that are not based on the calculation of self-interest, but on some sense of community and joint venture. We can think of other situations where these values would seem appropriate, such within a group of shipwrecked sailors or within a military team. These values are even more evident in the family, for example, where one would not expect people to act out of self-interest or to calculate return. In fact, to act in this way would appear abhorrent to most people.

The natural observation is that these ‘non-market’ values diminish as the personal connections between people weaken. The close relationships of the family make ‘market’ values very strongly counter-intuitive, and only slightly less so amongst a group of companions who are on a camping trip. These non-market values’ intuitive appeal reduces as the group gets bigger, and so many people may feel that ‘market’
values become more appropriate. For a large association of people, such as a modern state, the values of the camping trip recede and the values of the market dominate. The egalitarian may acknowledge that this weakening occurs, but would not accept that there these non-market values lose role amongst larger groups, such as between citizens of a state or even between all humans. The egalitarian believes that there is something good about equality and community, not matter what the size of the ‘community’.

My interest is in the nature of these ideals, the values of ‘equality’ and ‘community’. Cohen has identified his ‘radical equality of opportunity’ as the ideal of equality that he believes is expressed in the relationships of the camping trip. As he acknowledges, the two principles he identifies may be in conflict at times, with the community principle ‘trumping’ his ideal of distributive equality so that significant inequality of outcome does not emerge. We are familiar with how another value might overrule an egalitarian principle: a desire to promote efficiency, for example. It might be accepted that unequal pay is needed to boost productivity. In this way, egalitarians are used to accepting that ideals of equality may be tempered by other ideals or values. What does not convince me in Cohen’s account is the conflict between two egalitarian principles. His egalitarian principle of equality of opportunity permits inequalities to arise that his egalitarian principle of community then constrains. I want to suggest that Cohen’s equality of opportunity is not the ideal of equality to best reflect the intuitions brought out by the camping trip.

When we consider the camping trip, I believe that the ideal that best reflects these intuitions is that of sharing. The campers share the workload of the campsite, and share the resources that they bring or obtain on the trip. In fact, it takes some effort to discuss what is going on in Cohen’s example without using the word ‘share’. To ‘share’ can have several meanings: we can share a book (where we both use the same item), share a point of view (where we both hold the same beliefs), share a pie (where we divide the pie between us). Many of these aspects of sharing are applicable to the camping trip, but here I am concerned particularly with what we might call sharing as a form of economic exchange. Price (1975) distinguishes sharing from reciprocity. Sharing is a form of exchange that allocates goods “without calculating returns, within an intimate social group” (1975, p.4). Price tracks sharing back to basic behaviours such as mothering, and sees it as dependent on emotional bonds such as
In terms of exchange, sharing is the ‘anti-market’ value that is demonstrated on the trip. Sharing suggests that we do not take account of self interest, just as the parent who shares with her child does not consider reciprocal return. The successful fisherman who catches twenty fish shares his catch with the other campers as the act of sharing appears the correct approach to responding to the surplus resources. The same applies to the discovery of the apple tree, or other examples we could think of.

In this context, sharing the fish caught implies imposing a particular distributive pattern. Sharing as a distributive concept aims at equality of outcome. By ‘equality of outcome’ is meant the pattern of all ending up with the same amount of whatever is being distributed. So each member of the camping trip would be given the same amount of fish (or apples or whatever). Sharing the resources available on the camping trip means distributing equally so that the outcome is that all have an equal amount. We could see that the same understanding of sharing as a distributive concept would apply to sharing a packet of sweets or a supply of petrol or blankets.

Importantly, the act of sharing also signifies a particular relationship between the people who share together. It both promotes and expresses an ideal of equality. To share with you is to express an interest in you, to care for your wellbeing, to act without consideration of self interest. Sharing also implies that those who share together are equals in some important sense. One might be interested in the extent to which sharing towards equality of outcome is voluntarily engaged in by the members of the group or coercively enforced. The example of the camping trip is instructive here: there appears to be no coercive structure to enforce sharing. We are not told that there is a mechanism to enforce sharing on the successful fisherman, for example. Yet we do not gain the impression that it the fisherman’s choice to share his catch

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3 It is, of course, possible to share as an act of self-interest. I might share my good fortune with you only because I expect that you will then share your good fortune with me, and I have calculated that you are likely to have more good fortune than me and so I will stand to benefit. However, this would be seen as going against the concept of sharing – think of the folksy phrase ‘sharing is caring’. In a similar way, I might be kind to you only because I want you to think well of me and so act in some way to assist me achieve my ends. The possibility of such self-interested kindness does not mean that ‘kindness’ itself does not normally express the idea that it is not self-interested.
amongst his fellow campers. If it was his free choice then one would expect there to be no adverse consequences for him if he were to choose not to share. It seems that this would not be the case: the ethos of the camping trip expects him to share his catch, and we would expect disapproval and censorship of his decision not to share. In the terms of the camping trip, there is an expectation of sharing and there would be consequences in the context of a small social group: anger, criticism and possible exclusion. In such a group these reactions could be understood as the attempt to coercively enforce norms. Understood as an ethos, there seems to be an element of choice – you can leave the camping trip at any time – and a duty to comply with the norms.

In this research my aim is to integrate the concept of sharing into an egalitarian ideal of distributive justice. I believe that this will also be more successful in integrating the idea of ‘community’, and in expressing the egalitarian values of the camping trip.

Cohen’s camping trip is a device that he uses to emphasise a point he wishes to make. The camping trip is not necessary for Cohen’s argument. He could simply have argued that we hold egalitarian intuitions in certain circumstances, and then moved on to discuss whether these intuitions are desirable and feasible for the modern state. The camping trip serves a purpose nonetheless by adding weight to Cohen’s premise that we value egalitarian values. It tells us a story about people like us and asks the question – ‘surely it’s like this?’, and hopes to establish that there are times and places where non-market egalitarian values are the ones that we all feel are appropriate. The device of the camping trip serves in some ways as a ‘state of nature’. So let us look briefly at the state of nature as a device, before I propose my own version.
Chapter 3 – The State of Nature

The ‘state of nature’ has played an important role in the history of modern political philosophy. It is used by Hobbes in *Leviathan*, Locke in his *Second Treatise on Government* and in Rousseau’s *Discourse on the Origin of Inequality* and these works are fundamental to the development of Western political thought. In recent decades, it has been used to explore concepts like knowledge (Craig 1990) and truth (Williams 2002). What do we mean by the ‘state of nature’? In its traditional role in political philosophy, it is most widely understood as the “situation where no state exists and no one possesses political power” (Wolff 1996, p.7), or human life in the “absence of political authority” (Rawls 2007, p.196). It has been described as “the state of man outside of society” (Scruton 1996, p.529) but that is unsatisfactory, unless you assume that the state is required for humans to live in society. We could take the state of nature to mean life without government or the political state in the sense that we understand it, involving coercive structures to enforce the authority of the state.

Why bother with the state of nature in political philosophy? As Wolff points out, a “natural starting-point for thinking about the state is to ask: what would things be like without it?” (1996, p.7). For Williams (2002) and Craig (1990, 2007) state of nature theories are narratives which start from human prehistory. Williams wants to connect philosophy to the wider humanities, such as history, and his interest is in developing a genealogy, which he defines as “a narrative that tries to explain a cultural phenomenon by describing a way in which it came about, or could have come about, or might be imagined to have come about” (2002, p.20). So, although it might claim to be a true account or possibly true, the state of nature can also be a simplified and imaginary environment that is used to construct a “fictional narrative, an imagined developmental story, which helps to explain a concept or value or institution by showing ways in which it could have come about” (2002, p.21). The absence of political authority provides a starting point from which the process of reaching agreement on the establishment of political authority, and the nature of that authority. Craig suggests “there is something liberating about prehistory. If we can get agreement that “things must have been like that”, then we can proceed without the painful business of assembling detailed evidence” (Craig 2007, p.188).
Political philosophers have used the state of nature to justify the emergence and existence of government, and to examine the degree to which citizens are obliged to obey such a government. Hobbes’ use of the state of nature in *Leviathan* is probably the most famous, where the life of man outside of government is “solitary, poore, nasty, brutish, and short” (1968,p.186). In this condition of warre, people agree to submit unconditionally to the power of the state in order to provide security. From Locke’s more benign state of nature, people agree to a conditional agreement with government that excludes absolutism (1980). In contemporary philosophy, Nozick (1974) used the device explicitly to justify the minimal or ‘nightwatchman’ state. Rawls’ ‘original position’ appears to serves a similar purpose, in the sense that it provides a starting point for agreement about the state (1999a). All social contract doctrines require an ‘initial situation’ in which the social contract is made (Rawls 2007, p.16), and the state of nature has often been used to provide this initial situation. This is an important role for the state of nature in political theory, perhaps its most important role, but it is not an area I will explore in depth as it does not relate directly to the theory that I propose.

As Craig (1990, 2007) and Williams (2002) point out, the extent to which state of nature narratives claim to be historically accurate is not always clear. Is Hobbes’ state of nature intended to be real history or hypothetical? Hobbes acknowledges the possibility that “there was never such a time” as his state of nature, agreeing that “it was never generally so” but he also argues that there are places where it existed when he wrote *Leviathan*, giving the example of America where people live without government “in the brutish manner”(1968, p.187). Hobbes also gives the example of the relationship between contemporary monarchs who live in constant states of preparedness for conflict with other heads of state. He suggests that “it may be perceived what manner of life there would be, where there were no common power to feare; by the manner of life, which men that have formerly lived under a peacefull government, use to degenerate into, in a civill Warre” (1968, p.187). Hobbes here is suggesting that the state of nature is useful as a philosophical device, a thought experiment to explore what would occur if the authority of the state collapsed. In a sense, there are two differing state of natures in Hobbes’ theory. There is the state of nature that he says actually exists amongst the natives in America or between the rulers of states, and the hypothetical state of nature that could exist when government collapses, and becomes a ‘failed state’. This analysis is further complicated by the
context of Leviathan being written following the actual collapse of the state in the English Civil War.

Craig says that clearly sometimes claims of truth matter: if Nietzsche’s *On the Genealogy of Morality* claimed to be only a fictional account of how morality came about, its power would have been weakened (2007, p.186). As Nietzsche is aiming to subvert the orthodox understanding of morality of his time, the strength of his attempt to subvert would be weakened by offering a fiction. Yet at other times, Williams argues that fictions can help explain things by explaining how things might have come about. He gives Nozick’s explanation of the emergence of the minimal state in *Anarchy, State and Utopia* as an example. Nozick “derives the political from the non-political, by showing how the state (or a bit less) might arise from a State of Nature in which people have (roughly speaking) only economic motivations and moral ideas of individual right. But everything we know of human evolution, development and history tells us that there could not have been a pre-political condition with just those properties” (2002, p.32). Nozick himself does not believe that the state arose this way, because the conditions never existed, and “the most he can mean is that if that condition had existed, the state could have emerged from it” (p.33).

So state of nature accounts can vary from claiming that they are providing a narrative of what actually happened to simply using a fictional device that we can understand as relating to ourselves. State of nature theories tell us how something *did, might have or we imagine could have* come about in an environment before or outside of the political state. Craig points out that often “when we are dealing with a real piece of writing in the state of nature tradition it may well be unclear, even indeterminate, what selection of these purposes that author had in mind” (2007, p.196). This can leave the approach “uncomfortably stretched across two very disparate procedures: one involving perfectly genuine, even if largely conjectural, assertions about human prehistory, the other turning essentially on claims about more or less contemporary human psychology” (p.197). We can see that the state of nature can be understood as woven from a variety of fictional and historical and philosophical cloths, which can also be turned to a variety of ends.

This all appears quite odd: the intermixing of actual history with fiction, conjecture with invention. Craig suggests that “perhaps the defining feature of the tradition is not an argumentative strategy but a literary device, that of presenting a
generalisation about the human condition as a sketchy description of the early life of
the race. In that case we misrepresent it if we see it as a type of genealogy, namely
that in which the facts appealed to are prehistorical (and hence likely to be so
conjectural that we might be inclined to use the word ‘fiction’) (2007, p.193). Craig
argues that “state of nature theories are “imaginary” then, at most in the sense that
they weave fictions around factual claims about human nature” (2007, p.193). This is
not necessarily a problem. In political philosophy, state of nature narratives often take
the following form: “once upon a time, there were beings who lived without much
political organisation at all. Then they realised that life would be nicer if they did A, so
they agreed to do it, and once they had done it they saw that life would be nicer still if
they did B as well, so in due course they did that, too. Then a few of them spotted that
C would be a further improvement, and with a little effort they soon convinced
everyone else. So they did C, and then they had a secular liberal democratic
constitution, and they all lived happily after” (Craig 2007,p.195) Craig suggests that
this kind of story can serve as a recommendation for secular liberal democracy, even
though the only realistic thing about it is that we can recognise these people – making
these choices - in ourselves. Plausibility about the progression from stages A to C is not
so important, as long as the theory doesn’t claim to tell us an historical truth about
how secular liberal democracies come about. The state of nature becomes a way of
highlighting the ways in which something is worthwhile. Maybe at the most basic level
these stories help us to understand an idea simply because, as humans, we are story
telling creatures. In the same way, an example like Wilt Chamberlain example serves
as a micro-story that helps make Nozick’s point (1974, p.161). We grasp ideas better
when they are put to us in this way.

This research is interested in ideals of equality, and there is one of the classic
state of nature stories that is of particular interest. In the Second Discourse, Rousseau
uses the state of nature to directly address the issue of equality. For Rousseau,
inequality is unnatural – a corruption of the true nature of man. In a sense, that
connects to Cohen’s camping trip which in some ways represents a state of nature.
Cohen is concerned with the agreements made informally amongst the campers, not
the distributive principles laid down by government or a state. He suggests that –
taken outside of the distributive regulations of our everyday lives – we would choose
different principles. Starting afresh on the camping trip, we choose differently from the principles of the political states that we live in. Both Rousseau and Cohen argue that when we consider people in a different situation, we arrive at different conclusions about how society should be.

Rousseau’s state of nature aims to present a complete account of mankind outside of political authority. In *A Discourse on Inequality*, Rousseau charts the emergence of mankind from its origins in the state of nature to the mankind of civilised society. Rousseau’s account is more anthropological in intention than the other philosophical theories, such as Hobbes or Locke. His account is a genealogy which begins in pre-history, and it appears to make quite strong claims for truthfulness, although he himself says clearly that “one must not take the kind of research which we enter into as the pursuit of truths of history, but solely as hypothetical and conditional reasonings, better fitted to clarify the nature of things than to expose their actual origin” (1984, p.78). He produces a narrative of human social evolution that aims to show that equality is the ‘natural’ state of humankind. In *A Discourse on Inequality* Rousseau wants to establish that inequality is the result of civilisation and the institutions of the state, not the natural condition of mankind, and so subverting and challenging the assumptions of his age.

Rousseau’s state of nature is the setting for the development of mankind. Natural or savage man is “an animal less strong than some, less agile than others, but taken as a whole the most advantageously organised of all. I see him satisfying his hunger under an oak, quenching his thirst at the first stream, finding his bed under the same tree which provided his meal; and, behold, his needs are furnished” (1984,p.81). Living in their natural state, hunting and battling with wild beasts, exposed to the elements, these humans are physically robust and vigorous. Like animals, they have pity but are preoccupied with self-preservation and fulfilling their immediate needs. This preoccupation is what Rousseau categorises as ‘*amour de soi*’. Natural man lacks language, commerce, and romantic love. Their lives are essentially solitary. Rousseau claims that this way of life was the “simple, unchanging and solitary way of life that nature ordained for us” (1984,p.85).

There is little inequality in Rousseau’s state of nature. Rousseau distinguishes between the inequalities between individuals that are natural, and those that are the result of socialisation. He suggests that many of the differences between people that
are seen to be natural, such as the differences in character or intelligence, are in fact the result of socialisation. This leads Rousseau to conclude that there is much less inequality in the state of nature, since “if we compare the prodigious diversity of upbringings and of ways of life which prevail among the different classes in the civil state with the simplicity and uniformity of animal and savage life, where everyone eats the same foods, lives in the same style and does exactly the same things, it will be understood how much less the difference between man and man must be in the state of nature than it is in society, and how much natural inequality must be increased in the human species through the effects of instituted inequality” (1984, p.105).

The degree of natural inequality that does exist has less effect on outcomes, because “where there is no love, what would be the use of beauty? What is intelligence to people who do not speak, or cunning to those who have no commerce with others?” (1984, p.105). Rousseau also argues that the weak cannot be oppressed by the strong in the sense that they are in the state, as the strong have the capacity to steal from the weak but no capacity to extract obedience. Rousseau claims that the “bonds of servitude are formed only through the mutual dependence of men and the reciprocal needs that unite them, it is impossible to enslave a man without first putting him in a situation where he cannot do without another man, and since such a situation does not exist in the state of nature, each man there is free of the yoke, and the law of the strongest is rendered vain” (1984, p.106).

We can see here that Rousseau needed his savage to be essentially solitary. As he is solitary, he is not at risk from oppression by social structures or the institutions of the state. As social interaction is limited, with no language, no trade, and no differences in wealth and status, inequality between individuals is limited to the minor differences of natural inequality. For Rousseau, “so long as they applied themselves only to work that one person could accomplish alone and to arts that did not require the collaboration of several hands, they lived as free, healthy, good and happy men” (1984, p.116). Rousseau has established his natural man in the state of nature: free from oppression, and equal.

In this first state, the life of man seems little different from the life of an animal. What separates man from the animals? The difference is that man has free will, and most importantly, the ‘faculty of self improvement’. It is this faculty of self-improvement that “drags man out of that original condition in which he would pass
innocent and peaceful days” and, through this urge and ability to advance himself ultimately “makes man in the end a tyrant over himself and over nature” (1984, p.88).

Rousseau tracks this journey from natural man to civilised man. First man developed the capacity for reflection, as a response to the competition for resources. He gains a concept of comparison of others, and the “first stirring of pride” appeared (1984, p.110). He also spends some time with others for some joint end, and limited language emerges. Simple stone tools began to be used and created “the first revolution, which established and differentiated families, and which introduced property of a sort” (1984, p.112). Families became the basic unit of human existence, language developed further, and humans became less fierce and robust. It is at this stage that humans began to be interested in commodities.

This process continued with people becoming more sociable, and embarking on cooperative ventures with others. With increased interaction, people began to compare themselves to others and “public esteem came to be prized. He who sang or danced the best; he who was the most handsome, the strongest, the most adroit or the most eloquent became the most highly regarded, and this was the first step towards inequality and at the same time towards vice” (1984, p.114). As people now cared about how they were regarded by others – that Rousseau calls ‘amour-propre’ - they also became offended when they felt that they were not shown sufficient respect by others, and felt insulted. This led to revenge and cruelty. Rousseau’s concept of amour-propre becomes increasingly dominant in human psychology, as humans became preoccupied with how others saw them.

Rousseau identifies his ‘fall of man’ occurring with the move from hunter-gatherers to agriculture, when “the first man who, having enclosed a piece of land, thought of saying ‘This is mine’ and found people simple enough to believe him” (1984, p.109). The root cause of these problems emerging was “the instant one man needed the help of another, and it was found to be useful for one man to have provisions enough for two, equality disappeared, property was introduced, work became necessary, and vast forests were transformed into peasant fields which had to be watered with the sweat of men, and where slavery and misery were soon seen to germinate and flourish with the crops” (1984, p.116).

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4 The concept of amour-propre will be explored in more detail in chapter 12.
Humans in society are akin to domesticated animals, less healthy and spirited than their wild counterparts and so “in becoming sociable and a slave, he grows feeble, timid and servile” (1984, p. 86). Inequality in particular brings problems. Health problems are brought about by “the extreme inequality of our ways of life, the excess of idleness among some and the excess of toil amongst others, the ease of stimulating and gratifying our appetites and our senses, the over-elaborate foods of the rich, which inflame and overwhelm them with indigestion, the bad food of the poor, which they often go without altogether, so that they over-eat greedily when they have the opportunity; those late nights, excesses of all kinds, immoderate transports of every passion, fatigue, exhaustion of mind, the innumerable sorrows and anxieties that people in all classes suffer, and by which the human soul is constantly tormented: these are the fatal proofs that most of our ills are of our own making” (1984, p. 84).

This process continued as agriculture and early industry developed, with hierarchy and social conflict following. Eventually “the usurpations of the rich, the brigandage of the poor and the unbridled passions of everyone, stifling natural pity and the as yet feeble voice of justice, made men greedy, ambitious and bad” (1984, p. 120). This created ‘a state of war’, not unlike Hobbes and Locke. In contrast to Hobbes and Locke, Rousseau emphasises the conflict between those with property and those without.

The state of war threatens the rich more than the poor, as their property is at risk. Obtained by force, the property of the rich is now at risk from force. So the rich lead the others into the state, with its promises of justice for all, and protection from common enemies, and “all ran towards their chains believing that they were securing their liberty” (1984, p. 122). This was the origin of the state which “put new fetters on the weak and gave new powers to the rich, which irretrievably destroyed natural liberty, established for all time the law of property and inequality” (1984, p. 122). For Rousseau, the state is established by the powerful on behalf of the powerful. Most people are tricked into accepting the state, as the state will act to entrench the advantages of the rich. Here Rousseau’s theory is similar to Hobbes and Locke. The two Englishmen do not see this move to the state as the rich pulling the wool over the eyes of the poor, but all three theories suggest that a major factor, if not the most

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5 It is interesting how Rousseau’s comments apply to the health of modern societies, but on a world-wide scale where the developed world is beset by ‘rich world’ problems such as type 2 diabetes and cardiovascular disease, and yet in the poor countries millions are malnourished.
important factor, in submitting to authority is the desire to protect property. This is emphasised in both Hobbes and Locke. It is Rousseau who suggests that the inequality in distribution leads only those with property to have reason to enter the state, and that inequality itself creates the conflict in the state of nature.

So Rousseau’s account takes mankind from its most primitive existence in the state of nature to the state. From this story it follows “that inequality, being almost non-existent in the state of nature, derives its force and its growth from the development of our faculties and the progress of the human mind, and finally becomes fixed and legitimate through the institutions of property and laws. It follows furthermore that that moral inequality, authorised by positive law alone, is contrary to natural right, whenever it is not matched in exact proportion with physical inequality” (1984,p.137). Rousseau uses the state of nature to make his case about inequality. Firstly, that most inequality between individuals is not ‘natural’. Secondly, that inequality is corrosive and unhealthy. His state of nature appeals to an empirical account of how human beings lived prior to entering political society.

In certain key ways, Rousseau’s state of nature is inaccurate. In particular, his claim that the original condition of humans is essentially solitary is wrong, and this is important for his argument. Humans, as highly social primates, have always lived in groups. Yet in other important ways, Rousseau gets the anthropology impressively accurate given the information available to him. In particular, the anthropological evidence suggests he is correct about the state of nature being one of equality, and that inequality and oppression emerge with the move from the simple social structures to more complex forms associated with the move towards agriculture. This will become clear when the anthropological evidence about the actual state of nature is discussed in the next chapter. Rousseau has used his state of nature to us a story: an account of the emergence of inequality. This account says we are wrong to assume that inequality is natural to humans, and suggests that inequality is a both the cause and effect of unhealthy self-regard.

Rawls’ *A Theory of Justice* uses a device, the original position, that shares a similar role to the state of nature in earlier contract theories but does not use the state of nature itself. It is worth briefly discussing, as I am mainly concerned here with the
philosophical purpose of state of nature theories. In A Theory of Justice, Rawls aims to establish the terms of fair agreement as to establish the institutions of the state. To this end, he uses the idea of the ‘original position’. The original position is intended “is to set up a fair procedure so that any principles agreed to will be just” (1999a, p.118).

In order to avoid individuals exploiting their advantages, such as being more intelligent, being socially well-connected or having more marketable skills, Rawls places everyone behind a ‘veil of ignorance’. This veil of ignorance prevents them knowing any of the factors about themselves that might influence the choice that they make in the original position. They do not know anything about themselves that might influence the choices they make; they do not know their gender, their race, their level of motivation. They also do not know about their conception of the good, about what they believe to constitute a good life. By stripping away these contingent factors, Rawls hopes to appeal “to the distinction between the humanly essential and the humanly accidental” (Fisk 1975, p.54). As a result of choosing ‘blind’, they are impartial. The veil of ignorance serves as an intuitive test of fairness, like making sure that the person who cuts up a cake does not know which piece of cake they will get (Kymlicka 2002, p.63).

Rawls then constructs an argument that people in this position would choose certain principles of social justice. Rawls is not interested in choosing to submit to the state’s authority as such. His main area of concern is what kind of society would be agreed to, in the sense of the state’s institutional ‘basic structure’ in terms of legislation and taxation.

How is Rawls’ original position like the state of nature? The device – original position or state of nature – has the same intention. Rawls’ original position is “meant, like the state of nature in the social contract tradition, to describe a situation in which free and rational beings determine the principles that will regulate their subsequent conduct” (Lamore 2003, p.369). Rawls’ intention, like Hobbes, Locke, and Rousseau, is “to abstract from the influence of existing conditions” (Freeman 2003, p.10). The state of nature theories of Hobbes and Locke claim that free and rational beings agree to principles that regulate their future conduct. Unlike Rawls’ theory, they are not behind a veil of ignorance. So Locke’s property owners know who they are, and choose to establish a political system that will institutionalise their property rights. Rousseau’s wealthy choose to trick the poor into accepting a political system that will protect their advantage. Rawls’ original position places people behind a veil of ignorance, so that a
Lockean property owner or Rousseau’s rich do not know where they would end up in the society that have agreed to.

Rawls is clear that the original position is intended to be both hypothetical and nonhistorical. It is not supposed that the agreement between the parties “has ever, or indeed ever could actually be entered into. And even if it could, that would make no difference” (2001, p.16). He is explicit that the original position is not intended to describe anything like actual events or even possible events. Rawls is not attempting in any way to construct a genealogy. In a reflection of Hume’s attack on earlier social contract theories, Dworkin criticised Rawls’ original position pointing out that “a hypothetical contract is not simply a pale form of an actual contract; it is no contract at all” (1975,p.18). Since the agreement made in the original position is not binding, it is not significant.

Rawls’ response is to explain that “the significance of the original position lies in the fact that it is a device of representation or, alternatively, a thought-experiment for the purpose of public- and self-clarification” (2001,p.17). Dworkin says that the reason to use “the device of a hypothetical agreement to make a point that might have been made without that device” (1975,p.18), and it is true that the device of the original position is not essential to Rawls argument. This is probably true of classic state of nature theories. All of them could allow the state of nature to serve as a hypothetical thought experiment, although to varying degrees they also present their accounts as genealogies. They could all stand without the device of the state of nature, or be presented in a different way to make the same point.

So, we return to the question: if the state of nature as a device is not necessary for the argument being put forward, what is the point? The state of nature is used to add force to an argument. Perhaps Craig’s suggestion is correct, and that it is as much a literary device as a philosophical one. Its main purpose is to help us storytelling creatures understand. Certainly, an essential part of its role is to get ‘back to basics’ in way or another. I think all philosophers using the state of nature use it to this end. Hobbes wants to show how we need the state, and that ultimately what matters most is peace and security. Locke seeks to demonstrate that the state relies on our consent, and to establish a right to property. In his Second Treatise on Government, Locke uses
the state of nature to establish the natural law that “no one ought to harm another in his life, health, liberty, or possessions” (1980, p.9). In the state of nature, for Locke the expanses of America, it is clear that “the fruit, or venison, which nourishes the wild *Indian*, who knows no inclosure, and is still a tenant in common, must be his” (p.19). A law of reason “makes the deer that *Indian’s* who hath killed it” (p.20). Locke is saying it is self-evident that the Native American hunter is entitled to the deer that he has killed. It is obvious that a natural law of reason means that the carcass is now his property, and he has the right to protect it, and so must any state that develops. So in the *Second Treatise*, Locke is asking: surely the Indian that kills the deer in the unowned forests of North America has the right to the animal? If we get back to basics, in the forest with no government, surely it is the case that the deer belongs to the hunter who killed it?

Locke uses the state of nature to support his claim that private property is natural to humans. By contrast, Rousseau wants to show that we are wrong to assume that inequality is a natural part of being human by showing how man’s natural way of living is one of equality. Rawls’ original position device aims to demonstrate that we would choose his principles of social justice if we were our true selves in some way, choosing from behind a veil of justice. Cohen’s camping trip is asking us to think again about how and why we value non-market principles when we are living together outside the structure of the state.

These philosophers use the state of nature or related devices to help us question our conventional assumptions in one way or another. We can easily take conventionalism to be common sense “whenever the conventions governing a practise are so pervasive and deeply buried that they become invisible” (Murphy and Nagel 2002, p.74). Gauthier talks about the ‘deep structure’ of our thought, and how we are often unaware of the contingent elements of our way of understanding the world (1977). According to Gauthier, we often see our relationships and society in terms of radically contractual relationships where “my neighbour, according to our ideology, is the man with whom I can make a mutually profitable agreement” (1977, p.159).

The state of nature can question our strongest intuitions, and hope to strip away conventional and contingent beliefs about society from universal human truths. This is what Locke and Rousseau wanted it to do, albeit with very different ends in sight. Nozick points out that the more fundamental the starting point “the more it
picks out basic, important and inescapable features of the human situation” (1974, p.7). So what purpose will the state of nature serve in this research? State of nature theories “can remind us of the contingency of our institutions and standards, communicating a sense of how easily they might have been different, and of how different they might have been” (Craig 2007, p.182). I want to use the state of nature for this traditional philosophical purpose: to take us back to basics, to strip away contingencies from our thinking, to question our assumptions about how society should be and, in particular, to question our assumptions about distributive justice.

The assumption that I want to question is that egalitarianism is somehow contrary to human nature: that humans always live in societies that have an unequal distributive pattern, and that attempts to enforce equality of outcome can only come at an unacceptable price paid by a reduction in an individual’s autonomy. More generally, we assume that the kind of society that we live in is needed for autonomy to be protected and that inequality is a price we must pay – however reluctantly – for society to function effectively. We assume that distributive inequality is ‘a fact of life’, and that it has always been this way. In fact, many contemporary egalitarians believe that there is no reason to pursue simple equality of outcome. These are the claims about human nature and society that I hope to subvert with my story of the state of nature.

In my argument, the state of nature cannot play an essential role, but hopefully it is an interesting and helpful one. It will be used as a heuristic device: a start point to develop my argument. There is one importance difference between the orthodox state of nature, and the state of nature that I will use. The state of nature that I will use actually exists. So rather than being a fiction or at least partly imaginary, it will make much stronger claims about being a factual account and hopes to demonstrate the contingency about our assumptions all the more strongly as a result. We will find that there are good reasons why Locke might not be so keen to finish off the tale of the successful hunter and his dead deer. This narrative will be subversive, as the facts suggest that Locke’s imaginary fiction may be wrong, even if it is plausible. The plausibility of Locke’s story is increased by our own assumptions around the way we understand society and the relationships between individuals and the resources that are obtained. We will find that anthropology suggests that Rousseau’s conjecture
about early human society and equality was often right. So let us return to the state of nature and finish off Locke’s story.
Chapter 4 - Anthropology – the actually existing state of nature

If the state of nature is the condition of humankind before, or outside of, government then the state of nature certainly existed and fragments still exists today. Locke’s hunter and Rousseau’s savage are appeals to what would now be anthropology, after all. The anthropological evidence tells us that all humans once lived in hunter-gatherer groups. Before the relatively recent advent of pastoralism and farming, humans were hunter-gatherers and this way of life continued to thrive for thousands of years after the arrival of agriculture. Hunter-gatherer societies were once ubiquitous: the original condition of humankind.

Who is a ‘hunter-gatherer’? It is a description applied to people “who subsist primarily by gathering undomesticated plants and animals” (Ellen 1994, p.200). Hunter-gatherers “obtain their food from wild products by hunting wild animals, by fishing and by gathering wild roots, fruits and the honey of wild bees” (Woodburn 1982, p.432). People’s subsistence strategies may vary significantly whilst being described as ‘hunter-gatherers’, for example the diet of people in tropical and subtropical areas being mostly vegetable, compared to arctic and sub-arctic regions where the diet has a large proportion of meat (Ellen 1994, p.201). Ellen suggests that the mode of subsistence of hunter-gatherers could also be described as ‘food collecting’ identified by “a way of life in which populations extract from the environment without sustained efforts to regulate it” (1994, p.201).

Anthropologists sometimes distinguish hunter-gatherers societies as ‘simple’ or ‘complex’. The terms simple and complex suggests that complex hunter-gatherers are in some sense more evolved or developed that those described as simple, and so these terms are not ideal, nonetheless the division into categories identifies significant differences (Kelly 1995). Simple hunter-gatherers usually live in smaller, more mobile settlements and do not depend on stored food. Simple hunter-gatherers will lack caste or class hierarchies, and warfare will be rare and slavery absent. Complex hunter-gatherers will often rely upon stored food, and live in larger and more settled groups.

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6 The term ‘forager’ is often used interchangeably with ‘hunter gatherer’.
They are more hierarchical politically, exploit low status individuals, and are more prone to warfare (Kelly 1995).

These categories of simple and complex are associated with the concept of ‘immediate return’ and ‘delayed return’ systems (Woodburn 1982). In immediate-return societies there is only a short interval between food being acquired and it being eaten, so that “people obtain a direct and immediate return from their labour” (Woodburn 1982, p.432). Food is “neither elaborately processed nor stored” (p.432). Tools and equipment will be “simple, portable, utilitarian, easily acquired, replaceable” objects that do not require a great deal of labour to manufacture (p.432). Immediate return systems are associated with simple hunter gatherer societies. By contrast, in delayed-return systems the return from labour is not immediate, and “people hold rights over valued assets of some sort” (p.432). These assets could be processed and stored food, materials in dwellings, wild products that have been improved or managed in some way, and equipment such as boats, nets, stockades, or traps. Delayed-return systems produce complex societies (Kelly 1995).

In modern times the overwhelming majority of people, of course, live in delayed-return societies whether they are agricultural or post-industrial. Hunter-gatherers are now estimated at less than a quarter of a million people, representing 0.003 per cent of living humans (Ellen 1994, p.201). Most of us are probably not aware that until twelve thousand years ago “virtually all humanity lived as hunter and gatherers” (Lee and Daly 1999, p.1). Agriculture has been the dominant way of producing subsistence for only about six thousand years (Ellen 1994), whilst hunter-gathering was the way that humans and their ancestors lived for two and half million years (de Garine 1994). As recently as 1500AD, hunter-gatherers occupied a third of the globe, “including all of Australia and most of North America, as well as large tracts of South America, Africa, and northeast Asia” (Lee 1998, p.xii).

It seems that simple or immediate-return societies were once ubiquitous: the original condition of humankind. Woodburn argues that immediate-return societies “constitute the simplest known form of human social system” (2005, p.18). There are good reasons to believe that such societies are the ‘ancestral society’ within which we evolved (Charlton 1997), and so “modern simple foraging societies provide the best source for inferences about behaviour characterising human evolution” (Erdal and Whiten 1994, p.176). If this is the case, then hunter-gatherers’ “significance for
understanding human prehistory and social evolution, and for making informed generalisations about human culture and social organisation, is immense” (Ellen 1994, p.201). The study of hunter-gatherers lays “bare for us the elements of being human” (Wilson 1975, p.18). Hunter-gatherers developed ways of living, both in relation to each other and the world around them, and so they may be able to teach us lessons about our own future (Lee and Daly, 1999).

If the philosophical device of the state of nature is intended to take us ‘back to basics’ in order to separate out the contingent from the essential, then the actual state of nature may serve a similar purpose for us. Lee points out that “what is daily fare for anthropologists may provide serious challenges to the orthodoxy of other disciples” (1998, p.ix). These kind of societies are “so unlike Western societies that it is difficult for us even to conceive how they function successfully, and for this reason they are particularly valuable in helping us to reassess our own way of viewing the world” (Gowdy 1998, p.xxi).

So how is life different from what we might expect in the actually existing state of nature? There are two assumptions that we might hold about simple hunter-gatherers. The first assumption would be that life is a constant struggle against scarcity. Common sense tells us that as human societies have developed the amount of resources available and the capacity to use those resources effectively has increased. In the state of nature, life must be hard. Human social development must be progressive – life must have got better. The second assumption we would probably make is that decision making within the group would be dominated by the ‘big man’ or chief, a powerful individual who through his physical or psychological capabilities can enforce his will. This would appear to be a ‘natural’ source of order in the state of nature in the light of what we know about the natural world and early human history (Boehm 1993). As will become clear, these assumptions are mistaken: foragers do not live lives of constant struggle, and their societies are profoundly egalitarian. An ethos of sharing is fundamental to this egalitarianism.

7 For example, see asides in political philosophy such as O’Neill’s footnote that the lives of Stone Age hunter-gatherers “were, no doubt, marked by terrible forms of suffering and deprivation” (2008, p.134).
We can start by imagining that a hunter-gatherer has killed a large game animal, continuing Locke’s story of the Indian hunter. After his success, he will return to his community. The hunter does not live just with close family members, but in a community or group. If we are looking to find man in his original condition, we would expect this group to be a simple or immediate-return society of hunter-gatherers. For Locke, of course, this hunter has a clear right of ownership to the deer that he has killed.

On return to camp, the ownership of the deer will be defined. The deer may be seen as belonging to the hunter. Anthropology tells us that the “notion of single ownership of a kill is very widespread in hunter-gatherer societies” (Woodburn 1998, p.51). Yet ownership as a concept is different; the possession of produce taken from nature is actually custodianship since “what a man appropriates through his labour, he appropriates on behalf of the collectivity” (Ingold 1986, p.227, emphasis in original). Ingold suggests that the hunter does not intend to appropriate for himself as an individual, but as a group member. For hunter-gatherers ownership “conveys different but related meanings depending on the context, such as ‘host’, ‘guardian’, ‘master’, as well as ‘owner’ in the Western sense” (Ichikawa 2005, p.154).

‘Ownership’ in some sense is clearly defined, although it may not be the case that the successful hunter is actually the owner (Ichikawa 2005). The nominal owner of the carcass may be the owner of the hunting tool used to make the kill rather than the hunter, so that in some groups “for an animal killed with a spear, the owner of the animal is the owner of the spear that gave the fatal blow to the animal” (2005, p.154). The device of attributing ownership to the owner of the hunting tool that killed the quarry may appear almost capitalist, but that would be to misinterpret the nature of the relationship between owner and resource. It does not seem to be the case in simple societies that the hunter approaches the owner of a tool in order to use that particular tool, and that, in return, the tool owner obtains ownership. In some situations, the use of others’ weapons appears to be an attempt almost to randomise ownership, as if “the society seems to want to extinguish in every way possible the concept of the meat belonging to the hunter” (Marshall 1976, p.287). Arrows are often distributed in such a way as to make it likely that the successful hunter will not be the owner by, for example, frequently giving, lending or exchanging arrows so that the majority of arrows in a hunter’s quiver will belong to others (Lee 1979, Marshall 1976).
So ownership within hunter-gatherer groups is familiar in the sense that individual ownership is usually established (although the owner is not always the successful hunter). Importantly, even if the hunter is the owner of the carcass, he does not control the distribution (Hawkes, O’Connell and Blurton Jones 2001). He does not control the resources he has obtained. He may oversee its disposal, according to the group’s rules about this should be done but there is not a choice in how this is done. Hawkes suggests that in this way the large game carcass is like a public good (1993). It can be argued that “the process of distribution is more like appropriation from the public domain” (Hawkes, O’Connell and Blurton Jones 2001, p.131).

The meat that the hunter obtained will be shared. Sharing is fundamental to the lives of hunter-gatherers. The fact that people share is “part of the received wisdom of anthropology” (Burch 1988, p.95). For anthropologists, “sharing important resources, such as food, widely beyond direct kin is one of the core features characterising human societies” (Kameda et al 2002, p.12). It is difficult for us to grasp the significance of sharing in these societies. Sharing in simple societies “is both an index of cooperation and a key symbol of what it is to be human” (Knauft 1991, p.393). The hunter has to share his meat with other members of the community, as “the obligation to share food and the taboo against hoarding is no less strong and no less ubiquitous in the primitive world than the far more famous taboo against incest” (Lee 1988, p.267). This is reinforced by folklore and myths “where long cycles of vengeance follow a failure to share” (Myers 1988, p.60).

What do we mean by ‘sharing’? In the context that we are discussing here, sharing the carcass means dividing up the meat between the members of the group. Ingold suggests that “as a kind of behaviour, sharing appears in the form of events of distribution whose consequence is the consumption of food by individuals other than the procurer” (1988, p.282). Sharing can be seen as a principle of unrestricted access to resources held in common, or as a distributive process whereby resources held by an individual are divided up and redistributed (Ingold 1986).

Bird-David emphasises that ‘sharing’ has two meanings in English that “are almost diametrically opposed. The first stresses a division of things between individuals, the second the joining of individuals in common action, experience, or usage.” (2005, p.203). The first sense involves the division of one object into many parts, whilst the second does not involve this dividing up. The sense of ‘sharing’ we
understand depends on the nature of the object to be shared. If we are going to ‘share’ an apple, for example, we expect it to be divided whilst to ‘share’ a book will mean that we read it together (Bird-David 2005).

Although Bird-David raises difficulties with the imposition of Western concepts onto hunter-gatherer sharing, it appears that the way that ‘sharing’ is used in these discussions is in the sense of a division amongst individuals. Sharing is used when discussing resources – particularly large game – that we understand will be divided, as we would expect an apple that is to be shared. Sharing, in this sense, involves division and distribution. Yet, in another sense, this is insufficient. We risk misunderstanding the process if we see sharing in this way. The concept of sharing can also contain the idea of holding something in common: we can share the same understanding, or share an allotment or the use of an object. We might share a water source, where we take what we need as and when we need it. As we shall see later in this chapter, sharing within hunter-gatherers appears to have much more significance than simply the division of a resource.

Unlike other cooperative mammal predators, differences in the size and strength of individuals do not appear to influence the distribution so that “women, small children, old people, and even people not present at the time get shares” (Hawkes 1993, p.345). During sharing “the whole emphasis is on donor obligation and recipient entitlement” (Woodburn 1998, p.49) so “recipients treat the food they are given as a right; no expression of thanks is expected or forthcoming” (Endicott 1988, p.117). The person who receives a share is not expected to demonstrate gratitude, so that the words “‘please’ and ‘thank you’ are almost completely unknown in these peoples’ vocabulary. Since sharing is a given, why say ‘thank you’?" (Lee 1988, p.264, emphasis in the original). The sharing of the kill is not an act of generosity but the fulfilment of an obligation. Shares will often be demanded, and usually takes place in response to requests from those who lack something to those who have it (Lee and

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8 Within hunter-gatherer groups, the process of sharing may involve several stages. The meat may be initially distributed amongst those involved in the hunt, then another stage of distribution occurs as those individuals pass on to others, and a further stage of sharing takes place within households (for example, Endicott 1988, Ichikawa 2005). Elements of the division and distribution process may be ritualised, with certain parts of the carcass to be given to certain individuals.
Daly 1999). Peterson suggested that it should understood as ‘demand sharing’: sharing is not akin to generosity, but about responding to the demands of those in need (1993). A close watch kept on other group members to ensure fair divisions, which Erdal and Whiten describe as “vigilant sharing” (1994, p.177).

Why do hunter-gatherers share? From our perspective, it might appear a natural response when confronted by the rigours of primitive life. Hunter-gatherer sharing would then be analogous to the behaviour of small groups in an extreme situation (shipwrecked, for example) where sharing of resources occurs. When limited resources become available to a small group, it does not surprise us if there is an egalitarian distribution amongst all group members. Seen in this way, sharing is a response to scarcity, serving an instrumental role in crisis situations. By sharing the members of the group maximise their chances of survival in what appears to be a short-term situation where group members may die without receiving resources from other group members.

Historically, it was usually assumed that hunter-gatherers lived a life on the edge of subsistence. Food needs to be shared when available in order to allow people to survive. This would seem to make sense, given the lack of material wealth that hunter-gatherers control. However, the anthropological evidence suggests that sharing amongst hunter-gatherers is not a response to scarcity. The reason for this is that hunter-gatherers do not live an existence of scarcity. Compared to early agricultural mankind, they live an existence of relative surplus, and “are normally free from market obsessions with scarcity” (Peterson 1993, p.863). Nutritional research amongst the Hadza in the 1960s, and repeated in the 1990s, showed that the nutritional status of this group was “exceptionally good by East African standards” (Woodburn 1998, p.61). The hunter-gatherer’s position is more stable than many working in agriculture, as a result of exploiting a wide variety of food they are less vulnerable to famine due to crop failure or disease. Hawkes demonstrates that an individual or family can choose from a range of subsistence options (such as gathering roots or tubers, or hunting large or small game) that provide adequate calories (1993, p.348). Within hunter-gatherer societies, “people are almost always able to meet their nutritional needs very adequately without working long hours” (Barnard and Woodburn 1988, pg. 12). This identifies another significant fact that might surprise
many of us: hunter-gatherers do not work that hard. “Hunters keep banker’s hours, notably less than modern industrial workers (unionised)” (Sahlins 1974, p.35.). Lee describes how amongst the “!Kung of southern Africa, for example, spent only twelve to nineteen hours per week getting food. Young people were not expected to work until they were well into their twenties; nor were people expected to work after the age of forty or so” (1998, p.xv). Hunter-gatherers “are healthy, suffer from little disease, enjoy a very diverse diet, and do not experience the periodic famines that befall farmers” (Diamond 1992, p.167). This is also in a world where hunter-gatherers have been pushed to the margins with the most productive land taken by societies based on agriculture. Before the hegemony of agricultural and industrial societies, hunter-gatherers had access to greater ecological opportunities. They were characterised by Sahlins as the ‘original affluent society’ (1974). So sharing is not a response to constant crisis. It is not analogous to the survivors of a catastrophe dividing up their last can of beans. Sharing is a way of life.

The human “propensity to share has puzzled anthropologists, who have long noted the prevalence of sharing among human groups and its rarity in other animal species” (Bliege Bird and Bird 1997, p.49). One fundamental question is why does the successful hunter share the fruits of his success? It is often explained as serving an economic purpose, in the sense that it improves access to resources. Some argue that sharing evolved as a response to the erratic nature of success in hunting, where “food sharing among hunter-gatherers serves as a buffer against instability in the food supply. If a man with more food than he requires immediately shares it with others, he may be given food some day when he is short of it” (Ichikawa 2005, p.158). Sharing is particularly focussed on large game animals, where large amounts of calories become available at one time. The individual hunter can only utilise a part of this calorific bonanza, and so sharing allows an individual to spread his success over a longer period rather than experience feast then famine. This “risk-minimising explanation” (Layton 2005, p.136) appears a plausible explanation for the emergence of sharing. This interpretation is supported by the fact that the resources that are most widely shared are those which are acquired most sporadically (Hawkes, 1993).

In contemporary Western terms, sharing could be therefore be interpreted as a process similar to an insurance scheme. Sharing your success today ensures that I will share my success with you tomorrow, and it serves as “a kind of social insurance”
that provides protection from the variability of the food supply in a particular environment (Cashan 1980, p.117). We minimise the risk of being left without food, protecting ourselves from food shortage (Winterhalder 2001). This social insurance model is reciprocal. There is a clear reason why the successful hunter would agree to alienate the majority of the carcass, as he thereby ‘insures’ himself against lack of success in the future.

Other explanations have been put forward that provide motivation for the hunter to provide meat to his community. One suggestion is that he benefits from increased prestige through hunting success, as he provides highly-desired food with high nutritional value (Hawkes 1993). This prestige may lead to increased influence, and it may also benefit the successful hunter reproductively. Hunting success increases sexual access to females, and so the hunter is able to produce more offspring. It has been proposed that successful hunters have more wives and have more children (Kaplan and Hill 1985; Hawkes 1991). Another way of interpreting that process is called “costly signalling” (Zahavi 1995). The successful hunter signals his ability, skill and honesty through sharing his hunting success, and making him a more attractive reproductive partner. He therefore gains more opportunity to mate. The hunter is motivated to hunt, in order to make himself attractive and so maximise the likelihood of his genes being passed on successfully.

It has been suggested that sharing may also be used to cement alliances, and so gain political advantage, as chimpanzees appear to do (Patton 2005). The difficulty of this argument is that sharing is strongly associated with an egalitarian culture within simple hunter-gatherer groups, and that these groups actively resist domination by individual males (see below). The mobility of hunter-gatherer groups may also make it difficult to accumulate property, as it requires to be moved about, so accumulation may be disadvantageous (Cashdan 1980). One hypothesis suggests that if the hunter has his fill of meat, then he has little advantage to paying the social price of preventing others with little from taking a share. The successful hunter therefore ‘tolerates’ the theft of meat as it easier than defending it (Blurton Jones 1984).

All these explanations may have played a role in the emergence of sharing (Winterhalder 2001). They all provide reasonable explanations of human motivation to share. The assumption behind all these explanations of sharing is that it is instrumental at the individual level. There is a gain for the successful hunter in sharing
the meat from his kill, whether in terms of insurance against his lack of success in the future, or in terms of increased prestige or reproductive opportunities. It can thus be argued in the orthodox tradition is that it as essentially reciprocal, and economically based. In this view, sharing is a form of exchange. The successful hunter today alienates his entitlement to the resources he has obtained in order to be able to access a share of another hunter’s success in the future (or in order to trade off with reproductive opportunities or political influence). Sharing can therefore be understood in terms of an agreement for mutual advantage, as in some political theories, or as the logical outcome of a process that could be modelled by computers, as in economic game theory.

The tendency to understand the process as a form of exchange was reinforced by Sahlins when he characterised food sharing as ‘generalised reciprocity’ (1974). The obligation to reciprocate “is not stipulated by time, quantity, or quality: the expectation of reciprocity is indefinite” (p.194). Sahlins says that an indication of generalised reciprocity is “a sustained one-way flow. Failure to reciprocate does not cause the giver of stuff to stop giving: the goods move one way, in favor of the have-not, for a very long period” (p.194). In Sahlins analysis, “generalised reciprocity” is at one end of a continuum of transactions. Sahlins uses the term to describe gift giving, sharing, hospitality, help, and generosity. “Balanced reciprocity” is used by Sahlins to describe direct exchange of goods, and here one-way flows are not tolerated and a failure to reciprocate within a limited time disrupts the relationship (p.195). At the other end of his continuum from “generalised reciprocity”, Sahlins uses the term “negative reciprocity” for the “attempt to get something for nothing with impunity” (p.195). This would include theft, gambling, trickery or a Plains Indians’ horse-raid.

The problem is that Sahlins has overextended the concept of reciprocity (Price 1975). Sahlins expands the definition of reciprocity to include behaviours that would not usually be classed as reciprocal. As Price points out, the concept of reciprocity “is exchange based on equal return or counteraction by each of two sides” and it “calls for the intellectual calculation of returns” (1975, p.8). Using Sahlins’ own description of sharing, it appears that sharing is not reciprocal as goods move in one direction, possibly indefinitely. Such a process does not fit with the standard concept of reciprocity, and it does not appear to be an ‘economic’ exchange. Classifying sharing as “generalised reciprocity” does not make it reciprocal.
Price argues that sharing is “the most universal form of human economic behaviour, distinct from and more fundamental than reciprocity” (1975, p.3). For Price, sharing “is the allocation of economic goods and services without calculating returns” (p.4). So the calculation of return, which could be seen as necessary to the concept of reciprocity, is not seen in sharing, and “as a relationship between people, sharing is usually an unequal exchange, because some people are consistently in a better position to give” (p.6, emphasis in original). Sharing and reciprocity are different processes. For Price, if sharing were to be reciprocal, it would not be sharing.

Following Price, Woodburn (1982, 1988, 1998, 2005) and others (for example, Gibson 1988, Kent 1993, Widlok 2004) reject the idea that sharing is an instrumental or reciprocal process. Woodburn argues that “to treat this type of sharing as a form of exchange or reciprocity seriously distorts our understanding of what is going on” (1998, p.50). The core of Woodburn’s argument is that the entitlement to a share of another’s success is not dependant on the contributions that the claimant has made. These contributions do not equal themselves out over time: “meat yields do not balance out and are not balanced in other ways. Donors tend to remain on balance donors over long periods. Recipients tend to remain on balance recipients over long periods” (Woodburn 1998, p.49). Observing hunter-gatherers in Malaysia, Endicott records that a “very good hunter might not ever receive as much meat in return as he himself produces. Yet this imbalance does not seem to bother or even occur to the Batek. There is no evidence that they keep track of the amounts and kinds of foods given or received” (1979, p.64 quoted in Kent 1993, p.499). Kent reports cases of sharing taking place from a successful hunter to his much less effective (unrelated) neighbour, where the recipient family do not reciprocate with other non-hunting related tasks (1993, p.493). Some individuals simply hunt more and are more successful, and this pattern will remain consistent for individuals over years (Hawkes 1993). Hawkes’ review of hunter-gatherer societies does not support the view that risk minimisation or delayed-return reciprocity explains sharing: the bottom line is that the “empirical picture does not show that one must give to receive” (1993, p.345).

Hawkes also points out that “the risk reduction reciprocity model assumes that hunters control, and so can adjust, the distribution of the meat of their prey” (2001, p.130). As this is not the case, it is not clear how a reciprocal model could work as the hunter is in no position to control distribution (Hawkes 1993; Woodburn 1998; Hawkes,
O’Connell and Blurton Jones 2001). Endicott notes that such a “system of sharing is obviously open to possibility of abuse by people who are simply lazy, and there were at least three able-bodied adults among the upper Lebir Batek in 1975-6 who seemed to take more out of the sharing network than they put in” (1988, p.118). The spouses appeared to make an effort to compensate for their partner’s laziness. Endicott “once asked why the group did not tell one man, whose laziness was causing some resentment, to leave the group. The horrified answer was: ‘Because he is a Batek’.” (1988, p.118). The lazy person has an entitlement, not through contribution, but through membership of the group. Although there is frustration and resentment at the couch potato’s failure to contribute, this does not negate his entitlement to a share.

The failure of contributions to balance out is, of course, a significant problem for attempts to explain sharing as an essentially reciprocal process, analogous to an insurance scheme. The facts do not fit. Additionally, sharing continues amongst peoples who have access to the ability to store excess meat, and so could take advantage of individual excess production (Woodburn 1998, Ichikawa 2005). Endicott observes “even when food is abundant, the sharing goes on according to the same principles” (1988, p.116). Amongst the Basarwa in Botswana, “a family can survive and even thrive economically” without sharing (Kent 1993, p.483). Some foragers also share wild plants, where there is little risk to minimise (Lee 1979, Kent 1993). So sharing cannot therefore be maintained simply as a response to the sporadic supply of calories from large game animals.

At a biological level, the hunter would also be motivated to provide for the group if by doing so he were to increase the chances of his genes being passed on to the next generation. Apparently altruistic behaviour – such as the behaviour of social insects – can turn out to be “selfish” in this way, as it makes genetic sense for the sterile worker to sacrifice itself for the colony as the survival of the colony is the best hope of that worker’s genes being successfully passed on. However members of hunter-gatherer sharing groups are not always biologically related, so any such explanation is unsatisfactory (Kent 1993). If hunters had more children, it might provide a clear reason for the ‘selfish gene’ of the hunter to continue providing for the group, however Kent’s study shows no difference in the number of wives or offspring between successful and less successful hunters (1993).
If these ‘economic’ explanations are insufficient and unsatisfactory, Kent suggests that it is because they have been “given pre-eminence in societies where economics are not necessarily the most prominent factor in structuring society” (1993, p.506). In our societies we understand and interpret relationships in economic, or at least instrumental and reciprocal, terms. We therefore apply this way of thinking when we try to understand hunter-gatherers but “terms such as wealth, banking, and insurance are inappropriate metaphors for strongly egalitarian groups” (Kent 1993, p.503). Kent, the anthropologist, is identifying the same set of ideas that Gauthier, the philosopher, called the ‘deep structure’ of our thought (1977). We understand the world around us, and the structure of societies, in our own terms. We assume that a motivation of self-interest (economic, social or reproductive) will provide us with a robust model. The problem is that the hypotheses that attempt to understand sharing in this way all face problems that suggest that they are insufficient to explain its prevalence. Hunter-gatherers “construct a sort of egalitarianism far removed from the tenuous equality constructed between symmetrical units in reciprocal exchange” (Gibson 1988, p.175).

Woodburn argues that the sharing of hunter-gatherers is the expression of a “political ideology” and that “the motor of the system is more political than nutritional” (1998, p.50). As Cashdan points out, if the nature of hunter-gathering as a mode of subsistence required sharing – due to the lifestyle or the environment – there would be no requirement for social sanctions to encourage compliance (1980). Yet “the maintenance of an egalitarian society requires effort. Egalitarian relations do not come easily; they are not the natural result of the absence of stratification” (Kelly 1995, p.296). The explanatory hypotheses may indicate how sharing emerged as a pattern of behaviour, but humans have internalised sharing as a good in itself and as part of a set of normative values. This is the key difference between Woodburn’s argument and those discussed earlier: whatever factors may have played a role in the emergence of sharing, it has become an element of an ideological commitment to social values.

Sharing can only be understood in the context of hunter-gatherer egalitarianism, where “equality is what matters and the threat of inequality is of more concern than the threat of hunger” (Woodburn 1998, p.50). Woodburn argues that “equality is actively promoted and inequality is actively resisted through a set of coherent interlocked and mutually reinforcing institutional procedures” (2005, p.21).
The obligation to share, access to knowledge and freedom to move are the three most important mechanisms (2005). Sharing is an element of an egalitarian social ethos. This egalitarian ethos does not just include the distributive aspects of social life, but “is a set of underlying values” that will be “internalised by members of that group, and inform their behaviour” (1998, p.105). The egalitarian ethos extends to the political structure of these groups, in the sense of leadership, authority and hierarchy.

This egalitarianism is remarkable to those unfamiliar with the anthropological evidence. The average zoologist or political philosopher might expect that the simplest human societies would be dominated by the strongest male, who would demand submission and gain reproductive advantage. We would expect this because “the African great apes with which we share an ancestor have marked social dominance hierarchies with authoritative leadership, and so do humans living in chiefdoms, kingdoms, and states” (Boehm 1993, p.227).

However, the kind of human societies that we are looking at here, simple or immediate return, “lack recognisable leadership roles and status differentials among adult men. Egalitarianism tends to be pervasive in such societies.” (Knauf 1991, p.392). People hold few rights over others, in terms of hunting, domestic labour, and sexual behaviour (Barnard and Woodburn 1988). Women’s status appears to be higher (Leacock 1998). These societies are decentralised, and “instead of individuals striving to be “first amongst equals” aggressively assertive, or powerful – striving to be big men - there tends to be active and assiduous devaluation of adult male status differentiation” (Knauf 1991, p.395). They live a life “in which the open hoarding of goods or the imposition of one’s will upon another is at odds with cultural norms” (Kelly 1995, p.297). As one hunter-gatherer told an anthropologist: “Of course we have headmen!...In fact, we are all headmen...Each one of us is headman over himself!” (Lee 1979, p.348).

As highlighted in that comment, it is important to emphasise that hunter-gatherer societies do not suppress individuality and autonomy. Ingold argues that in their societies “a supreme value is placed upon the principle of individual autonomy” (1986, p.222). They appear to be preoccupied with autonomy and individualism (Gardner 1991). Sharing can be understood as making it “possible for people to depend on one another, in a general way, without losing autonomy. It is thus based on

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9 We can take ‘autonomy’ to mean the opportunity for an individual to freely choose the options open to you: “the autonomous person is the one who makes his own life” (Raz 1986, p.375).
the same principle as the relation of trust. In sharing, as in trust, one avoids any form of pressure or coercion” (Ingold 1999, p.408). In the Western liberal tradition, attempts to impose egalitarian distributive structures are identified strongly – or tainted – with the control of individual autonomy or freedom (for example, Nozick 1974). The Soviet and Communist attempts at egalitarian social engineering provide strong empirical support for this argument, and it is a widely accepted critique. If there are parallels between social justice in simple human societies, and ideas of social justice in modern states, then we can say that hunter gatherers are concerned with individual autonomy. Hunter-gatherer egalitarianism constrains autonomy in the economic zone, but has little to do with autonomy in other areas (Cashdan 1991,p.560).

In order to protect autonomy, simple societies intentionally suppress attempts by any adult to dominate them (Boehm 1993, 2000). There may be leadership positions, but “the main political actors idealistically define themselves as peers, and on a practical basis they make certain that their basic parity is not too seriously damaged by individual domination” (Boehm 1993, p.239). This does not mean that people who contribute more are not acknowledged: “good performers are generally heeded and enjoy receiving that attention, but they are prevented from attaining dominance” (Erdal and Whiten 1994, p.177). Attempts to dominate or take on a position of power are actively resisted, and consensus within the group is sought when making decisions (Knauft 1991). A variety of ‘levelling mechanisms’ are used to achieve this end. For example, public opinion, criticism and ridicule, and refusing to obey others are all identified by Boehm in his survey of egalitarian behaviour (1993). Members of the group may move away, and join other bands, in order to escape domination (Boehm 1993, Woodburn 2005). A significant number of such societies use assassination to rid themselves of aggressive domineering men. This decision will be made communally, and “if the rest of the group wants an abusive individual executed, his own clansmen may do the job” (Boehm 1993, p.237). There is, in effect, a ‘vigilant sharing’ of power to avoid domination in decision making where members of the group maintain a close watch, just as there is a vigilance to ensure meat is shared (Boehm 1997, p.104).

In these egalitarian societies, sharing is a necessary element of this process. Within the moral code “linked with the notion that sharing is virtuous is the notion that
accumulation is deeply objectionable and unacceptable. To accumulate is to deny other people the shares to which they are entitled” (Woodburn 1998, p.54). Sharing is an intentional levelling device used to prevent individuals becoming dominant through control of resources. Differences between individuals would result in unequal outcomes if this levelling process were not in place, and such outcomes would threaten the equality of group members just as would the emergence of a dominant individual.

Sharing is designed to counteract the vagaries of fortune. Despite the explicit recognition of the differences between individuals “where, in the west, such differences are popularly elevated as the root cause of social inequality, among hunters and gatherers they remain matters of idiosyncratic variation” (Ingold 1986, p239). Sharing is a “levelling mechanism to equalise unequal situations, such as those resulting from hunting success rates that vary between individuals” (Kent 1993, p.506). Accumulation is seen as immoral (Woodburn 2005). Ingold even suggests that identifying ownership of resources is a “pretence of appropriation” set up so that it can be cancelled out through sharing (1980, p.160).

The purpose of sharing is “creating and maintaining social bonds that unite people into a group. In this sense, sharing is the basic adhesive that holds the society together” (Kent 1993, p.506). Understood in this way, it is not economic – to minimise risk, for example – but ideological. The purpose is to level inequalities, as equality is an end in itself. The most important goal is not sustained calorific intake but equality between group members. Sharing does not make sense economically but “it does make sense, however, as a means of binding individuals together and promoting egalitarianism” (1993, p.493). Widlok suggests that sharing food with others “is not primarily a sharing out between dyads of givers and receivers but a sharing in, extending the circle of people who can enjoy the benefits of the shared resource” (2004, p.61). Understanding sharing in terms of transfers and exchange leads to a failure to understand this aspect of sharing, where sharing “creates a shared base, triggering the emergence of social groups and shared identities. The act of sharing itself creates this sharing in, a group of people who share not only some resource but a moral base of mutual engagement” (2004, p.61).
What significance does this have for the discussion of social justice in our kind of societies? Price identifies sharing as distinct from reciprocity and redistribution (1975). Sharing takes place in the “intimate sector” of society, and is confined to this sphere. Reciprocity occurs within the “private sector” and redistribution in the “public sector”. Whereas the flow of goods is symmetrical between parties in reciprocity, it is asymmetrical in both sharing and redistribution (1975). The difference between sharing and redistribution is that the latter is controlled centrally.

Although Woodburn agrees with Price that sharing is not reciprocal, Woodburn claims that sharing within hunter-gatherer society is analogous to redistribution (1982, 1998). Sharing is “imposed on the donor by the community” (1982, p.441). More specifically, Woodburn believes that sharing is analogous with taxation of the successful in our societies, as the “successful pay more than the less successful and are obliged to do so. They are not able to establish greater claims in future through having paid more tax and do not derive much prestige from having contributed more to the tax pool than they have withdrawn in benefits” (p.441-2). Woodburn acknowledges that this may appear to be a crude analogy, but “it does bring out the important fact that we are dealing here with a socially imposed levelling mechanism” (p.442).

Bird-David (2005) suggests that Woodburn is using Western analytical ideas to explain processes within hunter-gatherer societies where those concepts are not applicable. Woodburn’s explanation of egalitarian ideology intended to limit inequality “predicates perceiving a comparison of people, which in turn predicates perceiving them as moral individuals, each by himself” (2005, p.211). Bird-David argues that Woodburn is imposing abstract concepts onto people who do not see their relationship with others in terms of equality/inequality but in terms of their connections, so that the levelling involved in sharing is “moved not by an egalitarian ideology but by the force of kinship ties, by relations more than just comparisons” (2005, p.207). Bird-David emphasises the “process of shared eating, not just the distribution of meat shares”, and claims that the sharing of large game “involves not division into shares, but separation for joint consumption, and the manifestation and regeneration of relations” (2005, p.214).

Bird-David’s observations may be valid, but a defender of Woodburn can respond that they are not really problematic for Woodburn’s position, only representing a different perspective on the same understanding. Redistributive
taxation is for Woodburn an analogy, and it could be argued that redistributive taxation is itself an expression of relations between citizens. The levelling flow of resources from citizen to citizen through the institutional process of taxation manifests and regenerates relations, as well as being the expression of an ideology. Sharing resources in a modern state involves ‘sharing in’ to those who take part in the process, whatever the role in the process. The sharing of resources leads to shared identities. The sharing of resources through a system of health care (such as the NHS) could be understood as ‘sharing in’ where accessing health care means taking part in accessing resources shared by society for those who need them, and those who contribute via taxation are also part of this process.

What is significant to our discussion of distributive justice is that it appears there are strong political ideals in foraging societies. If the anthropologists whose arguments we have outlined are correct, these societies hold normative values about the structures of their societies. In simple human societies there are clear ideals of how people should stand ‘economically’ (in terms of resources) and ‘politically’ (in terms of status and influence) to each other.\(^\text{10}\)

Although the origin of these behaviours may be ecological or economic, they represent the expression of a “deep-rooted egalitarianism” (Lee 1988, p.268). In these societies, “equality is perceived as meritorious, as worthy, as honourable, and inequality as unacceptable, as disreputable and even as evil and dangerous” (Woodburn 2005, p.22). The “universality of egalitarianism in hunter-gatherers suggests that it is an ancient, evolved human pattern” (Erdal and Whiten 1994, p.176). It has been hypothesised that egalitarian ‘levelled down’ social organisation may go back as far as early hominids nearly 2 million years ago (Shultziner et al 2010, p.331). Boehm believes that “as of 40,000 years ago, with the advent of anatomically modern humans who continued to live in small groups and had not yet domesticated plants and animals, it is very likely that all human societies practised egalitarian behaviour and that most of the time they did so very successfully” (1993, p.236). These ideals appear

\(^{10}\) Kent suggests that groups who have less egalitarian patterns of sharing, such as the Alaskan Nunamiut or Kenyan Okiek, have a less egalitarian ethos generally (1993). She argues that there is a direct connection between the equal distribution of resources and the equal distribution of what we might see as political power. Hierarchy and the private accumulation of resources go hand in hand.
to be ubiquitous within such societies, and these societies are believed to have once been ubiquitous\textsuperscript{11}.

We can see the relationship between the ideals of these societies and Cohen’s camping trip: both Cohen’s fictional campers and actually existing hunter-gatherers hold similar values about the organisation of their communities. The strong intuitive appeal of egalitarianism, and in particular of sharing as a distributive ideal, has deep roots. The evidence from the state of nature is that this simple egalitarianism expressed through sharing has been the dominant political ideal for most of human existence. Egalitarianism, far from being a modern ideology, may be the most ancient of political values. In the next chapter, I will suggest an egalitarian distributive ideal with sharing at its core.

\textsuperscript{11} The vast majority of people no longer live in these societies, of course. Most human societies moved on to pastoralism and agriculture, and through more hierarchical systems such as the ‘big man’ and chiefdoms (Johnson and Earle 2000). The reasons why societies changed systems of production and inequality emerged are much debated, but it is believed to be a result of the capacity of other systems to cope with greater density of humans, ecological factors, or with moving onto fixed resources (Cohen M 2009, Smith et al 2010).
Chapter 5 - Justice as Sharing

As we have just seen, in the actual state of nature hunter-gatherers hold distinct values about how society should be. Similar values appear to be intuitively appealing for the people on Cohen’s camping trip. I will now summarise how we might interpret those values in terms of political theory. The aim is to contribute to the debate about distributive justice, and in particular to go some way towards rehabilitating simple equality as the normative ideal of choice for the egalitarian.

Of course, it is important to keep in mind the difference between a society like ours, and the societies of hunter-gatherers. It is reasonable to maintain that any attempt to understand hunter-gatherer societies in our terms is misguided, as the way we understand the world around us, social interaction, and society is so different (Bird-David 2005). Despite the differences, however, both ourselves and hunter-gatherers are modern humans and there are humans who live as hunter-gatherers in the contemporary world. It is also reasonable to claim that there is an essential human core that does not change between time and place. After all, that is a premise of the philosophical use of the ‘state of nature’ and leads us to its purpose: to take us back to basics. The fact that the state of nature assumes that there is an essential human core does not demonstrate that this is the case. My argument and the classic state of nature theories may just be making the same – mistaken – assumption. I do not see that there is a way to prove that this is the case. Our experiences in travelling around the world could support such a view: that people behave in certain ways and hold certain values that represent such a core, despite cultural differences. These values might be love for family, for example, and the behaviours might include caring for others, spirituality, story telling, art, and play.

So, like some anthropologists, I will argue that the anthropological evidence allows us to claim that there is a hunter-gatherer perspective about how human society should be and that perspective is relevant to our own society. This is ‘political’ in the sense that it is about how society should be structured, about how decisions should be made, and how resources should be distributed. I believe we can say that

12 ‘Hunter-gatherer’ is used here to refer to ‘immediate-return’ or simple hunter-gatherer groups. The distinction between ‘immediate-return’ or ‘simple’ and ‘delayed-return’ or ‘complex’ was discussed previously.
there is a distinctive political ethos which appears to be ubiquitous or, at least very widely held, amongst hunter-gatherers. By ‘ethos’ we mean a set of underlying values and principles which are applied in practise, and usually internalised by the members of the group (Wolff 1998, p.105). This ethos is supported by the structures of the society: how decisions are made, how resources are distributed, and the culture, the myths and stories that are told.

This ethos is simple, and we can suggest that at its core is a principle:

(a) *No individual should be allowed to dominate to the extent that they threaten the autonomy of others*

We could suggest that this is the underlying normative principle of human societies in the state of nature. Using Rawlsian language, we might say it has priority over all other principles of social justice. In terms of contemporary political theory, it sounds very orthodox, overlapping with the ‘harm principle’ as clearly to harm another is to dominate them, or attempt to do so. On the other hand, it is a revelation\textsuperscript{13}. In the state of nature, humans did not live, or want to live, in societies dominated by ‘big men’ or chiefs. As a normative ideal for society, it provides each individual with a moral space around themselves which should not be violated by others and hunter-gatherer societies have a range of mechanisms to ensure that the group does not become dominated by the aggressive individual\textsuperscript{14}. The autonomy of the individual, and in a sense of the group itself, is to be protected from the domineering individual.

We can call principle (a) ‘the domination principle’. As we noted, the domination principle would be not be unfamiliar to many liberals and so far it appears relatively uncontroversial. As we have also seen, however, the ethos of hunter-gatherer groups is strongly egalitarian. The domination principle leads to two further positive ideals that are central to the hunter-gatherer ethos:

(b) *Power (over decision making) should be shared within the group*

(c) *Resources should be shared within the group*

The sharing of power and the sharing of resources are the means to ensuring the domination principle is protected. Principle (b) and principle (c) together form the

\textsuperscript{13} Although beyond the scope of this discussion, the nature of these societies has been used to question the need for the coercive state (Barclay 1990).

\textsuperscript{14} In reality, to avoid domination by aggressive men.
positive ‘institutional’ structure to prevent domination, and the positive expression of the good society.

Principle (b) that states power should be shared is again familiar to people in our kind of societies. It is widely accepted in the contemporary Western world. We can see how hunter-gatherer societies ensure collective decision making fulfils a similar role to the democratic structures of our societies. Hunter-gatherer decision making may come much closer to a democratic ideal than our complex structures, due to the constraints of group size, but the normative ideal is similar. Like the hunter-gatherer’s ideal of sharing power, liberal democracy hopes to allow members of the society a voice in decision making and prevent domination. Democratic societies have formal legal institutional protection for individual autonomy, whilst the hunter-gatherer groups use informal social regulation to make sure that an individual can say what they think, and do what they want, including leave the group to join another.

Principle (c) is the element of the ethos that provides the challenge to current thinking. As we have seen, hunter-gatherers share most resources in their societies. Locke’s native American is not entitled to keep the deer that he has killed, but instead must share it within the group that he belongs to. Mechanisms exist to prevent individuals accumulating significant resources, and the failure to share is one of the strongest taboos. The accumulation of significantly more resources by an individual threatens the egalitarian nature of the society, allowing the resource-rich individual to dominate. So inequality of resources – wealth, in effect – threatens to breach the domination principle. There is no reason to give principle (b) priority over principle (c). Together both principles provide the values of the good society.

Sharing – both power and resources – is fundamental to this ethos. Sharing protects the group from domination. Sharing power in decision making reduces the ability to dominate of any individual, but it is not sufficient in itself. It is the sharing of resources that prevents inequality allowing ‘economically’ successful members to dominate the group. Hunter-gatherer groups act to stop or reduce the development of unhealthy self-regard and competition for status over others. Equality of outcome is the only way to achieve this. Sharing resources and power has a positive force as well as well as preventing domination. As domination is bad, equality is good. It is equality that prevents domination. It is sharing that produces equality, and it is sharing that expresses the relationship between members of the group. Sharing does not demand
a calculation of contribution or desert. The process of sharing demonstrates the nature of the relationship between individuals. Sharing is a good thing in itself.

Claiming that sharing is a good in itself may seem to be in conflict with the claim that (b) and (c) are the means to (a). If sharing is intrinsically valuable – if it is a good in itself – how can it be a means to end (a)? The argument above would appear to suggest that (c) sharing resources within the group is instrumentally valuable in order to achieve (a) no individual is allowed to dominate others. I want to argue that, in addition to any instrumental value as a means to prevent domination, there is intrinsic value to sharing resources. We can see this if we consider sharing decision making through some kind of democratic process, for example. Sharing decision making prevents domination, but the sharing of decision making has clear positive value above and beyond a domination-prevention mechanism.

To illustrate this with regards to sharing resources, let us return again to the camping trip. We can imagine a situation where there is domination of the campers by one or two individuals, and resources are still shared out. A military unit out camping, for example, where decision making is not shared but the resources are. The sharing out of resources – say the fish that are caught – still appears to be a good thing. Sharing is clearly not sufficient in itself to prevent domination, as our military camping trip would demonstrate. Despite this, there is something good about the sharing of resources even when it does not act to prevent domination of the group and the restriction of individual autonomy. Another example might be sharing amongst a family on a camping trip: the father or mother may not share decision making but share resources with their children. Again sharing is a positive process even if decision making remains controlled by a few members of the group. In both these examples, there would be something wrong about the failure to share irrespective of the effect on decision making. We can see there is a value in sharing above and beyond the prevention of domination.

We could also imagine a camping trip where decision making is shared, but resources are not. In this situation, there is no domination of individuals by others and there is no sharing of resources, so the fisherman who caught all twenty fish keeps

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15 This would be likely to happen in the real world if a contemporary military unit went camping for recreational purposes. There would be no pretence of shared decision making, or protecting individual autonomy, but resources such as fish caught or rations delivered would be shared out irrespective of rank.
them all for himself (smoking some for later, perhaps). This is the situation that a Nozickian libertarian might envisage as ideal: individual autonomy protected, including the autonomy to accumulate resources. As certain individuals began to accumulate resources and significant differences in holdings arose amongst the campers, could a degree of domination by individuals be avoided? Some people might maintain that it would be possible, but there are egalitarians who are unlikely to accept that such relationships would not be affected at all and that the decision making ‘sphere’ and resources ‘sphere’ could be kept separate from each other. Some egalitarians claim that it is a ‘deep social fact’ that significant differences in resources must affect the relationships between people (O’Neill 2008). I think most of us – certainly egalitarians – agree that it is better if the fish are shared out\(^\text{16}\). Many egalitarians claim that the value in sharing is that it is a means to other valuable outcomes such as ‘fraternity’ or ‘sense of community’\(^\text{17}\), and that is what is better when resources are shared.

Let us put aside all issues of domination, and consider the situation where the fish are shared out amongst the campers without any effect on the social relationships between individuals. Even when there is no effect whatsoever – positive or negative – on the relationship between people, I claim that there is something good going on. All other factors remaining unchanged, and given two outcomes – the fish shared, or the fish retained by the fisherman – I believe that the fish shared outcome is to be preferred. Sharing doubtless does have important instrumental value, but it is also a good in itself. The good society shares.

So the actual state of nature provides us with an alternative egalitarian ethos. The existence of this ethos does not mean much, of course. Even if we accept that such an ethos is an appropriate understanding of hunter-gatherer values, and even if hunter-gatherers have lived under this ethos for hundreds of thousands of years, that does not in itself give us any reason to accept it. To a contemporary Western political or economic theorist, this simple egalitarianism is stood waiting to be knocked out by

\(^{16}\) One response to this is that by allowing a fisherman to accumulate more fish for himself, he may have a greater incentive to catch fish. This might result in there being more fish for others (if there is mechanism in place to redistribute some of his catch as ‘taxation’, for example). This is an issue that will emerge again in this research, with Rawls’ difference principle and the Levelling Down Objection. If we assume that there is sufficient resources for everyone, then the fisherman may be less productive but this is a price we may be happy to pay (as appears to be the case in hunter-gatherer societies).

\(^{17}\) This will be discussed in greater detail in chapter 12.
the first hard-headed realist to walk by. It is pie in the sky stuff, cloud cuckoo land utopianism.

The obvious question is: ‘how does this apply to contemporary societies?’ It can be granted that hunter-gatherer communities live in this way, with these values, effectively and with lives that are much better than we might have imagined. Yet we live in societies of divided labour, built up of complex relations between millions of individuals, where the normative values of hunter-gatherers have little relevance. It would not be possible to turn back the clock (without a major environmental catastrophe) to a situation where labour is undivided. There are far too many people in the world to allow people to live in this way and, after all, this egalitarianism passed away with the development of later human societies. The existence of an egalitarian ethos is clearly insufficient to motivate our acceptance of it as a worthwhile normative goal. Other later human societies have institutionalised human sacrifice and slavery and the existence of such societies are not given as reasons to hold such values. We cannot claim that because people held this ethos, it should be held by ourselves.

Accepting this, one thing that the evidence from the state of nature can do is call into question some of our assumptions. It asks us to question whether simple equality, or equality of outcome, is being too easily discounted in contemporary debate. It suggests that we may have been influenced too much by the ideology of our own societies – by the ‘deep structure’ of our thought. It questions whether Cohen is correct to claim that “the primary egalitarian impulse is to extinguish the influence on distribution of both exploitation and brute luck” (1989, p.908). Considering Cohen’s own example of the camping trip, our primary egalitarian intuitions do not appear to me to be to remove the effect of exploitation and brute luck. If we think again about the successful fisherman, I do not agree that our initial egalitarian impulse is that we should distinguish between the effects of choice and circumstance on his fishing success. During the camping trip, our intuitions appear to be much simpler. Maybe the primary egalitarian impulse is to share: to share power and to share resources.
The state of nature tells us that this egalitarian normative ideal of sharing power and resources is not a recent development in human thought but an ancient political good. We can take this ancient political good, and put forward an egalitarian ideal that I will call ‘Justice as Sharing’. I believe that this better represents our intuitive response to Cohen’s camping trip, where the sharing of resources and responsibilities appears to be a core value. This discussion is focused on the implications for distributive justice, but it should be emphasised that the sharing of wealth is a twin pillar with the sharing of power. I will not look into the sharing of power and the protection of individual autonomy as I have assumed that it is readily accepted as a political ideal within our societies. The sharing of power is necessary, but not sufficient, for equality between individuals. It is the distributive ideal that is controversial and interesting.

Justice as Sharing consists of the following normative ideals about distributive ethics:

1. The sharing of resources within society is a good in itself
2. Equality of outcome is the distributive ideal
3. Calculations of desert and contribution do not affect distribution
4. Reduced productivity may be a price worth paying

By looking at these components of Justice as Sharing, we can see how this ideal of equality would apply to societies like ours. We can also see the ground that it shares with other egalitarian theories, and where it differs.

1. Sharing resources within society is a good in itself

For Justice as Sharing, the act of sharing resources is a good. Redistributive taxation is a mechanism to share resources, and taxation from the wealthier citizen to the poorer citizen is a good in the same way as when the successful fisherman shares out his fish on the camping trip. The redistribution of resources, and the consequent levelling, indicate that the relationship between people is more than a mutual agreement between self-interested individuals. Sharing is a cultural and social ethos.
The importance and significance of the relationship between people is expressed through the sharing of resources between them. Sharing is the appropriate form of distribution between family members, or friends on a camping trip, or members of the hunter-gatherer group. The act of sharing itself says that we have a relationship that is based on other values than that of self-interest. It extends those values to others in our community, and makes clear that we hold an idealistic view of our relationship with them.

Sharing resources demonstrates that it is not believed that having more resources is the result of having necessarily worked harder, or been cleverer or in any way more virtuous. Rich people may have worked harder or they may have been luckier. Sharing resources also says that society is trying to constrain the competition for status, power and wealth. It says there are more important things than permitting the accumulation of resources, and that the nature of relationship between people is more important and so both integrates and expresses Cohen’s ‘principle of community’. For the egalitarian, these idealistic values can and should be extended to the values of the state. The institutions of the state can express such ideals.

This ideal may appear very abstract, but we can apply it to a specific policy area such as health care. The provision of health care by the NHS, for example, can be understood in terms of sharing. The NHS requires that all contribute through taxation, and some contribute much more than others. This contribution is often redistributive, as the richer pay more tax and experience fewer health problems than the poor. The NHS itself extends health care to all citizens, irrespective of contribution or desert. It can be understood as a project that expresses normative values, beyond the instrumental value of ensuring healthy citizens and workers. It expresses the ideal that all citizens are equal, and equally entitled to their share of the resources that they need to ‘share in’ (like the ‘demand sharing’ of hunter-gatherers). The NHS says something about the state and society that we choose to care for each other, outside and beyond the market. Sharing is, understood in this way, intrinsically idealistic. The NHS is an institution that expresses this value of concern and community.
2. Equality of outcome is the distributive ideal

Justice as Sharing claims that equality of outcome is the appropriate goal for egalitarians. The ideal society would be equal in the distribution of power and of resources. Unlike many contemporary egalitarian theories, Justice as Sharing does not shy away from this egalitarian intuition. I would claim that the core egalitarian intuition is not to provide individuals with equal chances in life, or to exclude the effects of brute luck or exploitation. The core egalitarian intuition is to believe that a more equal society is a better society, and that the ideal society would be one where everyone had the same amount of resources. Equality of outcome is in itself a good.

Since equality of outcome is the ideal, the existence of any inequality is a problem. For Justice as Sharing, the reason for the inequality is not what makes an unequal pattern of distribution troubling. It is the existence of inequality. Of course, inequality may be tolerated for other reasons or values that compete with Justice as Sharing. One could be a moderate egalitarian but still accept Justice as Sharing as the egalitarian ideal of choice. For example, a politician might accept that to the extent that the state should - or is felt able to - promote equality, it should promote equality of outcome. It could be argued that equality of outcome or simple of equality did form this background ideal for the British Labour Party until the mid-1990s, for example (Hickson 2004). This ideal of equality might have been given differing weights by moderates or more radical politicians, but it was an ideal that was accepted by a wide range of the Labour movement.

Justice as Sharing values equality to ensure that people stand in a relation of equality to each other, and that no individual is allowed to dominate. In this way, Justice as Sharing values distributive equality as a means to ensure social equality. It values equality as necessary to prevent the social rat race for status and power which celebrates ‘success’ and advertises ‘failure’. Inequality will always lead to ourselves seeing each other in relation to others, comparing and leading some to struggle for dominance or superiority. This applies even if choice and circumstances are compensated for. When a race for economic success is run in society where there are winners and losers, it will damage the relationship between members of that society.
Making the race as fair as possible will not remove the problem. Like O’Neill’s ‘non-intrinsic egalitarianism’ (2008), it could seem that the main motivation for distributive equality is the achievement of equality in social relations between people. Justice as Sharing’s egalitarianism appears to be motivated by values that are not intrinsic.

Yet Justice as Sharing would maintain that economic inequality necessarily creates social inequality. As inequality is bad in itself, economic inequality must result in social inequality. To be rich requires others not to be rich, and to be poor. In a society where the majority of the population earn £20,000, the minority who earn £25,000 would be ‘rich’ in terms of that society, and those who earn £15,000 would be ‘poor’. This would not create significant social inequality, but it must create a degree of social inequality and for Justice as Sharing this limited inequality would still be a problem.

Justice as Sharing sees equality of outcome as a good in itself. We can imagine again a situation where economic inequality had no effect whatsoever on the relationships between people: perhaps the poor are all uninterested in such earthly matters, and the economically successful are unusually humble. If we attach intrinsic value to equality, we would still believe that is something better about an equal distribution of wealth. Justice as Sharing does say there is something better about an equal pattern of distribution when social relationships are unaffected, and therefore Justice as Sharing does attach intrinsic value to equality.

3. Calculations of desert and contribution do not affect distribution

Justice as Sharing does not attempt to calculate desert or contribution. As the ideal is simple equality of resources, there is no rationale for calculating the degree to which an individual has contributed: the pie is not to be divided in this way, so the investigation of individual’s contributions has no relevance.

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18 There is empirical evidence to support the idea. A range of social and health problems, including crime, drug abuse, mental illness, appear to be linked to the degree of inequality in a society (Wilkinson & Pickett 2009).

19 I will return to this again when discussing theories that are troubled by inequality’s effects on social relationships in chapter 12. Justice as Sharing holds a great deal of ground in common with that approach.
Justice as Sharing can deny the existence of desert, or acknowledge that a person can deserve things (this will be looked in a later chapter). What Justice as Sharing does say is that the market does not reward according to desert. It is not true that people are paid more because they deserve more. Being paid more is usually a matter of luck in one form or another. Aiming for an ideal of simple distributive equality irrespective of each individual’s performance, Justice as Sharing is ‘blind’ to our circumstances.

For societies like our own, Justice as Sharing may appear to be simplistic: too simple to cope with the complex nature of people, their motivations and behaviours. Other contemporary ideals of equality seem to take far greater account of this complexity, aiming to acknowledge differences in taste, choice and circumstances. The proponent of simple equality will always face this problem of individual responsibility, and it has been seen as Rawls’ central weakness. Following Philips (2004,2006), the proponent of Justice as Sharing can respond by saying that equality of outcome is the best way of ensuring that people’s circumstances do not dictate where they end up. When I discuss the theories that emphasise the difference between choice and circumstances, I will conclude that the egalitarian should choose equality of outcome.

4. **Reduced productivity may be a price worth paying**

Common sense thinking in our kind of societies says that people will produce less without the incentive of accumulation. The further that a society approaches a distributive pattern of simple equality, the lower the incentive for the more talented and productive to work. They will stop working hard, as there is no benefit in doing so. Any extra resources that they create will be transferred to the untalented and unproductive. This will prevent or reduce economic growth, and people will end up with fewer resources. The whole society will be levelled down. This appears to be a critical flaw in Justice as Sharing.

Even if we accept this that this would be the case\textsuperscript{20}, the argument that this is a problem is built on a single premise: that it is better to have more stuff. In our kind of

\textsuperscript{20} There are plenty of reasons to believe that this common sense thinking is simplistic. The claim that people would stop working hard is unconvincing. The economic orthodoxy that
societies, it is possible that we already have enough, or too much, stuff. What is important is not creating more resources for distribution, but to redistribute the resources more equally. Making society more productive is no longer a priority, as increased resources are not required. There are sufficient resources available, and so the argument that increasing equality will damage incentives for the most productive to work hard loses a great deal of its strength. Efficiency and productivity no longer make a valid reason to tolerate inequality.

Not only do we have enough resources, but perhaps we produce too much and use up too much. If this is the case, and our economic system is built on unsustainable patterns of growth, then it is necessary to change our way of economic life (Jackson 2009). The emphasis on productivity and economic growth requires consumerism which is built on an understanding of humans as materialist individuals. A person’s status is judged by the extent that they own material goods, or are in position to do so. This economic success is positional, and the essence of the economic competition that sees ourselves in relation to the relative success or failure of others. If increased equality leads to decreased production and economic efficiency as a result of dampening down this competition, this then may become a positive reason to move towards increased equality. Equality of outcome therefore has an instrumental value as a means to putting a brake on the acquisitive cycle. Given environmental concerns about our economic system that relies on growth, it may be that reduced productivity is not only a price worth paying but a goal worth working towards.

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financial incentives are required to make the talented work hard is challenged every day by the existence of the public sector, where military personnel and clinical health care staff (for example) work hard without any ‘bonus’ culture. Similarly in sport, it is unconvincing to claim that footballers try harder than cricketers because they are paid more. The motivation to succeed is obviously much more complex than the desire for wealth, as very rich people often tell us. The successful fisherman on the camping trip is probably skilled because he enjoys fishing, after all. He probably spent many years paying money and going out of his way to fish.
In the preceding chapter, I put forward an ideal of equality. By doing so, I have put my hat in a ring with a lot of competing egalitarian hats. I am suggesting that egalitarians should prefer Justice of Sharing over other ideals of equality, and that it expresses the values of Cohen’s camping trip better than these other ideals. So I need to identify where Justice as Sharing fits in. Egalitarians differ significantly about why we value equality, and what kind of equality we should want for society and what the pattern of distribution within an ‘equal’ society would look like. As a result, the reasons why egalitarians value distributive equality, and what it is about equality that they value, have been much picked over with ever increasing and sophisticated distinctions between variants of egalitarianism.

There are various distinctions that can be useful in analysing egalitarian theories and may help us here. Perhaps the most important is the difference between theories that attach either instrumental or intrinsic value to equality (Clayton and Williams 2002b). Equality may be worthwhile because it is instrumentally valuable, as it is valued as a way to achieve another end. For example, it may reduce social antagonism or increase happiness, and if those are aims that are felt to be worthwhile, the pursuit of equality becomes worthwhile. With instrumental egalitarianism “the value of equality is wholly derived from the value of other ideals” (Temkin 2003a, p.768). These ideals can also be classed as derivative egalitarians as they “value equality as a constitutive element of some wider ideal” (Clayton and Williams 2002b, p.4). For example, a utilitarian might derive his justification for equality from the wider ideal of maximising well-being within society.

On the other hand, equality may be seen as a valuable outcome in itself and so it is seen to be intrinsically worthwhile. This intrinsic value can also be called ‘non-instrumental’ where equality is “a distinct moral idea with independent normative significance” (Temkin 2003a, p.768). An equal pattern of distribution is a state of affairs that represents a worthwhile end irrespective of any other ideal or factors: it is a good in itself. The realisation of that idea of equality is therefore intrinsically valuable. A non-derivative egalitarian attaches the ultimate value to achieving equality itself, not deriving its value from some other normative goal. Intrinsic egalitarianism has also
been called ‘fundamentalist’ as it relies on a fundamental intuition about the goodness of equality (Hasuman & Waldren 2011).

Related to this distinction between intrinsic and instrumental egalitarianism, Parfit (1998, 2002) suggested another way of understanding different types of egalitarianism and this analysis has been influential in recent discussion\(^{21}\). He identifies two core positions that egalitarians may hold: telic (short for teleological) and deontic (short for deontological) versions of egalitarianism. Like intrinsic egalitarians, telic egalitarians understand equality as worthwhile in itself, and accept what Parfit calls the ‘principle of equality’ which says: “it is in itself bad if some people are worse off than others” (2002, p.84). Telic egalitarians believe that inequality is bad, and so have a problem with inequality no matter where and when it existed\(^{22}\). For a telic egalitarian, inequality in the past and in societies that have no relationship to each other is bad (2002, p.88). Inequality due to natural endowments, beyond the control of people, is also bad. So for the telic egalitarian, inequality “is a property that makes outcomes worse” (McKerlie 1996, p.275). For the telic egalitarian, equality is therefore a property that makes outcomes better. The telic egalitarian view is non-derivative and claims that equality is intrinsically worthwhile.

In contrast, the deontic egalitarian believes that inequality is unjust rather than bad (Parfit 2002, p.90). It is the injustice associated with inequality that is the problem. When deontic egalitarians “claim that inequality is unjust, our objection is not really to the inequality itself. What is unjust, and therefore bad, is not strictly the state of affairs, but the way in which it was produced” (2002, p.90). As what is wrong with distributive inequality is the injustice about how the pattern of distribution emerged, Parfit argues that the scope of deontic egalitarianism is limited to people who have a relationship with each other. The scope of deontic concern does not extend to

\(^{21}\) Parfit’s distinction has been examined in detail, with further distinctions identified. For example, Lippert-Rasmussen suggests further dividing deontic egalitarianism into ‘genesis-focused’ and ‘outcome focused’ (2007). Norman argues that deontic egalitarianism incorporates two positions, one of which is universalistic and the other sees equality in terms of a society (1998).

\(^{22}\) Norman points out that because the scope of telic egalitarianism is extended to all times and places, “it seems to commit us to identifying the worst-off person who has ever lived and trying to reduce everyone to that level. Since it also seems to commit us to identifying the best-off person who has ever lived and trying to raise everyone who has ever lived and trying to raise everyone to that level, I suspect that TE lapses into incoherence at this point” (1998, p.39). Norman’s point is that egalitarianism based on outcomes makes more sense when ‘socially located’ within a political community.
inequalities that result from natural inequalities. It is the actions of other agents that matter (McKerlie 1996). When Parfit argues that it is often unjust if some are worse off than others, he implies that it is sometimes the case that it is not unjust that some are worse off (Lippert-Rasmussen 2007). Parfit suggests that contractarian approaches that appeal to ideas of mutual advantage and reciprocity belong in the deontic camp (2002, p.94). The deontic egalitarian claims that equality is instrumentally valuable, and that the motivation derivative from other values such as injustice. Importantly, Parfit suggests that the deontic position avoids the Levelling Down Objection.

Raz (1986) provides further analysis of principles that can be useful in understanding equality. He suggests that principles can be either satiable or insatiable. Satiable principles “are marked by one feature: the demands that principles impose can be completely met. When they are completely met then whatever may happen and whatever might of happened the principles cannot be, nor could they have been, satisfied to a higher degree” (Raz 1986. p.235). An insatiable principle is one which it is “always possible in principle to satisfy to a higher degree” (p.236).

Satiable principles are also diminishing principles. Diminishing principles are principles where the more that a person has of whatever is being distributed, the weaker the motivation to provide him with more. An example of a diminishing principle would be ‘feed the hungry’ (p.236). The hungrier a person is the greater the need to feed them, and, once he is fed, the motivation to feed him diminishes. It is also a satiable principle, of course, because the person can be fed until he is no longer hungry and then the principle ‘feed the hungry’ is satisfied, providing no motivation to feed him anymore. Non-diminishing principles do not lose strength in this way. Raz suggests that an insatiable principle could be either diminishing or non-diminishing, as some principles may be insatiable but “even if they are inexhaustible and conformity with them is a matter of degree is never complete, it is possible that the greater the degree of conformity achieved the weaker becomes the reason to try for greater conformity” (1986 p.237).

Classical utilitarianism would be both an insatiable and a non-diminishing principle (Raz 1986). As it aims to maximise the amount of pleasure or well-being in society, utilitarianism is an insatiable principle because there could always be more well-being. It is non-diminishing, as it would always aim to move towards greater well-
being and there does not appear to be anything in utilitarianism that reduces the motivation to improve well-being as the amount of well-being increases. On the other hand, a telic egalitarian principle may be diminishing even if it is insatiable (as perfect equality can never be achieved). The greater the degree of inequality, the greater the weight given to addressing the inequality; as inequality decreases, the motivation to reduce the inequality also weakens.

It should be emphasised that most people who are egalitarians are not *pure* or *strict* egalitarians in the sense that equality is the only value that they hold to be worthwhile. It is, of course, possible to accept a variety of values about society that may conflict at times. For example, a desire to promote equality may conflict with a wish to promote productivity or efficiency. It is possible, and likely, that egalitarians also hold other values and have a pluralistic approach to their ideal of equality.

Intrinsic or telic egalitarians – although they are hard to find at the moment - argue that distributive equality is good in itself. These egalitarians promote a “straightforward moral ideal of substantive equality, that is to say, the idea that a society in which people are equally well off (as determined by some appropriate measure) is for that reason a morally better society” (Scanlon 2002, p. 41). This argument maintains that equality is a good thing, irrespective of other effects it might have and it does not require other ideals to justify itself. Telic egalitarian holds that equality is a good in itself, and it “asks us to see as having value something that is in an important sense divorced from benefits for people. Achieving equality does not necessarily mean improving the quality of any life” (McKerlie 1996, p.285). Given two alternative distributions, the person that values equality as a good in itself would choose the distribution closer to equality even if it does not make anyone’s situation better in terms of whatever is being distributed. This might mean preferring a distribution where people are more equal over a distribution where people had more resources. So, for example, a distribution where all citizens had 10 units of wealth might be preferred to a situation where some citizens had 12 units and others had 20 units. The egalitarian has chosen a distributive pattern where in terms of wealth everyone’s life is worse over a pattern where everyone has more but there is less equality. To someone who attaches intrinsic value to equality, it may be worth compromising a degree of efficiency or liberty for the sake of increased equality (Nagel
The telic egalitarian could respond that equality does improve the quality of lives through the advantages of living in a more equal society which outweighs the advantages of having more of whatever resource is being distributed. To many this appears strongly counter-intuitive, and leaves the position open to the Levelling Down Objection which will be discussed later.

The belief that equality is a good in itself leads to the promotion of equality for its own sake. It is interested in ‘equality of outcome’, meaning that it is concerned where people end up in life rather than equalising the position that they start from. ‘Simple equality’ takes this position, and represents what most non-academic discussion refers to when they talk about distributive equality. According to Miller, an idea of equality can be described as ‘simple’ when “it holds that equality requires the equal possession or enjoyment of some advantage X. A society is egalitarian, on this view, when all its members are equal in respect of X” (1995, p.197). Arneson’s defines simple equality as “the condition in which everyone in society has the same amount of money, the same income and wealth” (1995, p.227). This could be expanded to include a wider range of goods, as Rawls (1999a) does, such as liberty, rights, opportunities and self respect. The key point is that simple equality is a very simple idea: everyone should have the same amount of resources (or whatever is being distributed). Assuming it was possible to achieve, the society built on this ideal of equality would result in distributive equality amongst all its citizens. There would be no significant difference in the wealth of the richest or poorest. It is possible, of course, to hold this ideal of equality whilst accepting that it can never be completely satisfied – that simple equality will not be achieved – but it is the ideal that is to be worked towards.

The belief that there is something good about equality in itself, that it is intrinsically valuable, is deeply unfashionable. Simple equality as a normative ideal is viewed as obsolete and inapplicable to our societies. Walzer says it would lead to a conformist society as individuals are equalised in terms of income and wealth (1983). Rustin argues that it has become “unteachable” because social conditions in the developed world have changed so much (1995, p.19). For Miller, simple distributive equality is “both unjust and impossible to implement” (1998, p.35). Defining equality in terms of outcome is seen as displaying “a distressing lack of sophistication” (Philips 2004, p.1). Dworkin says “flat, indiscriminate equality is not just a weak political value,
or one that is easily overridden by other values. It is no value at all: there is nothing to be said for a world in which those who choose leisure, though they could work, are rewarded with the produce of the industrious” (2000,p.2). Steiner argues that strict egalitarianism should be rejected because of its “moral implausibility. Strict egalitarianism underwrites levelling down, exploitation, the ‘slavery of the talented’ and the indiscriminate subsidization of expensive tastes……strict egalitarianism looks to be ineligible as an account of the demands of distributive justice” (2011, p.111). It is hard to think of a contemporary theory of distributive equality that promotes equality as a good in itself\(^\text{23}\).

Yet the ideal of equality that I proposed in the last chapter – Justice as Sharing – sees equality as a good in itself, and promotes equality of outcome. For Justice as Sharing there is something intrinsically worthwhile about distributive equality, and so the outcome that comes closest to fulfilling the normative ideal is one of simple equality (where everyone has the same amount of resources). Of course, as has been mentioned, most egalitarians allow that other values can at times compete, and even outweigh, an egalitarian ideal. It can also be accepted that simple equality can never be achieved completely, as people’s actions will always disrupt the pattern. Nonetheless, Justice as Sharing is committed to the ideal of simple equality.

Despite the obvious problems with achieving or maintaining absolute equality, simple equality was – until recent decades – the ‘background’ ideal of egalitarians (Philips 1999). Recognising that simple equality was not as simple as it looked, egalitarians “still regarded it as the measure against which to judge the improvements they favoured” (1999, p.48). This can be seen in Rawls’ work. Rawls’ categories himself as a liberal, yet it is a pattern of simple equality that he argues is morally justified in A Theory of Justice. The difference principle may then depart from this pattern, but simple equality is Rawls’ start point – the distribution that would be initially agreed to from behind the veil of ignorance. Until the last twenty or thirty years, simple equality was the start point of radical egalitarianism and non-Marxist

\(^{23}\) Carens (1981, 1986) and Nielsen (1985) have made perhaps the only significant attempts over the past thirty years. Carens work concentrates on how a pattern of distributive equality might be possible, and will be discussed later. Nielsen’s theory argues that economic equality is both a worthwhile goal and a right \textit{contra} Rawls. In some ways, it shares ground with Justice as Sharing, however his theory is heavily influenced by Marxism being concerned with issues of class, exploitation, and capitalism. I will not examine his theory in detail because his work does not appear to have had much influence on the contemporary discussion, and the importance of Marx to his theory would take me beyond the boundaries of this research.
socialists. Despite an awareness that a pattern of distributive equality would never be perfectly achieved, and the price of achieving it might be too high, it was the inspiring ideal for egalitarians.

Justice as Sharing goes against the contemporary orthodoxy, and represents an attempt to rehabilitate the ideal of simple equality. Justice as Sharing therefore faces the problems associated with simple equality or equality of outcome referred to in the criticisms above: that it allows the lazy to take advantage of the hard working, that it is unable to account for the complexity of modern societies, that it would ‘level down’ reducing people’s quality of life in order to prioritise equality of outcome. In fact, it is seen as unjust by many who see themselves as egalitarians. As it gives intrinsic worth to equality, it is also viewed as philosophically weaker than competing theories as it appeals to intuitions (and intuitions that many do not share). To make a case for Justice as Sharing, I need to do so against the competing ideals of equality. These ideals do not accept equality as a good in itself. They understand distributive equality in some form as a worthwhile end, but one whose end is derived from other values.

For some egalitarians, the primary motivation for equalising resources is the relief of distress. It is justified to take from the rich to feed the poor as “it seems wrong that some or much of society should be amply provided for, while many, or even a few, suffer hardship” (Rawls 2001, p.130). When distributing resources, it makes sense that “a benefit morally matters more the worse off the individual to whom it accrues” (Holtug 2007, p.132). This seems to be a strong egalitarian intuition: if some people live in poverty whilst others are wealthy, then the redistribution of resources may be justified by concern to alleviate this distress associated with a lack of resources. In a society with scarcity, this ideal attaches instrumental value to equality – as it aims to relieve distress rather than increase equality as an end in itself. Utilitarians justify redistribution on these grounds (Singer 1993).

Historically, this approach to redistribution appeared little different from the urge to make sure that workers received the product of their labour as it was the workers who were also those who lived in poverty (Cohen 2000). In the contemporary rich world, this no longer is the case. The poorest in our societies are now often those out of work, living on welfare benefits, so the relief of distress no longer appears to be the same as the entitlement to the fruits of one’s labours. As society has changed, becoming wealthier and the conditions of many of those in work improving, the
difference between an interest in working towards equality and relieving distress has become more apparent.

Parfit suggested an approach he calls the ‘Priority View’ (2002). Under the Priority View, benefitting people matters more the worse off they are, and the approach gives “priority to the worse off, not because this will reduce inequality, but for other reasons” (2002, p.103). It gives priority to helping those with least because they will receive greater benefit. In effect, it gives extra weight to helping those with less. This prioritarian approach is interested in the absolute level of the worst off, as opposed to the egalitarian who is interested in relative levels: “it makes no difference to our concern whether there are other people who are better off” (Parfit, 2002, p.105). The focus is only on the poor, and not on the rich. A related ideal is the ‘doctrine of sufficiency’. The doctrine of sufficiency claims that “what is important from the point of view of morality is not that everyone should have the same but that each should have enough. If everyone had enough, it would be of no moral consequence whether some had more than others” (Frankfurt 1987, p.21). Frankfurt argues that what matters is that lives are good enough so that each individual can flourish, and that should not be judged in comparison to others (1987, p.32). The problem is poverty, not inequality. Prioritarianism and the doctrine of sufficiency are not interested with how well off the rich are. They are concerned with how well off the poor are.

Prioritarianism is influential in contemporary real world politics. New Labour’s emphasis was on reducing poverty rather than on reducing the degree of inequality in society. It is not the existence of wealthy individuals that is a problem and requires addressing, but the relief of the distress for the poorest. The doctrine of sufficiency is clearly satiable: when everyone has sufficient, the needs of distributive justice are satisfied. Supporters of prioritarianism would probably claim it is also satiable, although its critics could argue that they would always be wanting to redistribute to those with the least even if the least had more than sufficient for their needs. Both principles are diminishing as there is clearly less need to redistribute as the degree of need decreases.

For many contemporary liberal egalitarians, egalitarianism is motivated primarily by justice. It is inequality that results from injustice that justifies
Opportunity based theories like Dworkin (2000), Cohen (1989), Arneson (1989) and Roemer (1993) are intended to eliminate unchosen inequalities. They are egalitarian in the sense that they aim to allow everyone the same opportunity to succeed, and to remove all the effects of ‘brute luck’ on a person’s prospects. Inequality that results from injustice is a problem, whilst inequality that results from free choice is not a problem.

This approach is deontic in Parfit’s taxonomy. Inequality is a problem because it is unjust, not because it is intrinsically bad. The view is derivative from ideas of justice, and the motivation for equality is instrumental as it aims to achieve justice in distribution rather than equality. Fairness is the primary ideal. This ideal is presumably insatiable in practise, in the sense that a state of perfectly fair or just distribution can never be fully achieved. It is likely that their proponents would argue that that this approach is diminishing, in the sense that the greater the injustice the greater the motivation to address it. So, for example, a society where a person could not attend university through colour or caste would be a greater injustice than a society where a child of poor parents was less likely to attend university than a middle class child. The injustice in the former case appears greater because there are strong formal barriers put in place by the institutions of society, whilst the factors reducing the opportunities of the poorer child are subtler and harder to address. Presumably, the need to address that injustice diminishes as the injustice becomes less severe.

Opportunity-based theories of egalitarian justice are influential in contemporary thinking and politics: the desire to level the playing field and allow the hard-working and talented to succeed in life. The aim is a genuine meritocracy where the talented and hard-working can succeed irrespective of the cards dealt them in life. A society built on this ideal would make sure that each person’s situation was the result of their freely made choices. All factors that were beyond a person’s control

Marx’s egalitarianism could be seen as motivated by injustice in this sense, although Marx famously rejected the concept of ‘justice’. The Marxist argument for equality is largely motivated by the denial to the worker of the value of the goods that have been produced by the worker. By paying the worker less than the value that has been added to the product, the capitalist has taken away the rightful earnings of the worker. In effect, the wealth is stolen from the worker who has produced it. The primary reason that this is wrong for Marx is not that the worker is poor, or that this leads to the worker being treated as a lesser citizen, but because the capitalist is not entitled to take the wealth away from the worker. In contemporary terms, the problem is one of injustice or unfairness.
would be accounted for. This society would ensure that each individual had a fair start. Differences in wealth that resulted from differences in choices made – to work hard, for example – would create no problem.

Another influential group of theories see egalitarianism as primarily motivated by the desire for individuals to stand as equals in relation to each other. This approach would claim that a degree of distributive equality is required to ensure that people treat each other with the respect they are entitled to, and to avoid the domination of those with less by those who have more. Those who argue for this approach in contemporary discussion often contrast themselves to the opportunity based theories.

Miller argues that there are two distinct kinds of equality that egalitarians value, and that they are often confused in contemporary discussion (1998). For Miller, one kind of equality is concerned with distributive justice and he contrasts with the second kind of equality that Miller calls “equality of status, or simply social equality” (1998, p.23, emphasis in the original). Miller claims that this is not a distributive ideal, but a “social ideal, the ideal of a society in which people regard and treat one another as equals” (1998, p.23). This kind of ideal does not, Miller argues, necessarily entail distributive consequences as we are not concerned about unfairness in the distribution of wealth but “objecting to social relations that we find unseemly – they involve incomprehension and mistrust between rich and poor, for instance, or arrogance on one side and forelock-tugging on the other” (1998, p.24).

Walzer made a similar argument when he suggested that there are different ‘spheres’ of justice, and that each sphere has its own internal principles for distribution (1983). Walzer proposes ‘complex’ equality in opposition to simple equality, and says that dominance of one citizen by the other is the main enemy of equality. Society should be arranged so that the ‘sphere’ of economic inequality does not influence the ‘sphere’ of political equality. So, like Miller, Walzer argues that it is when the distribution of money affects the distribution of political influence, for example, that it becomes a problem. Walzer argues that money becomes a particular problem when it allows someone with a lot of money to dominate others in this way (1983, p.22). Walzer believes that egalitarians have placed too much weight on the distribution of wealth, when the real problem is social or political inequality. For Walzer, inequalities in wealth are not problematic in themselves.
If we were concerned with social equality we might argue that the inequalities in wealth between citizens result in social divisions, leading to people with less resources feeling alienated from society. The argument is that that distributive equality is an expression of a citizen’s relation to each other, and that that is the motivation for redistribution as opposed to a compensation for the vagaries of fortune (Wolff 1998; Anderson 1999; Hinton 2001; Philips 2004; Scheffler 2005; O’Neill 2008; Hausman & Waldren 2011).

The motivation for the move to equality here is usually understood to be instrumental as it aims towards achieving something other than distributive equality, and it is derivative as the reason to reduce inequality is to achieve something other than equality for its own sake. A fundamental issue here is the extent that distributive equality is required to make sure that this equality in social relations can be achieved. How a society would look depends on the degree of distributive equality that is required to make sure that citizens stand as equals, and are treated as such. This affects the degree to which this principle is satiable. If social equality can be achieved once a degree of distributive equality exists, then the principle can be satisfied. If social equality can never be achieved whilst there is any distributive inequality – because economic inequality will necessarily result in a degree of social inequality – then the principle will be more difficult to satisfy completely. It would appear to be a diminishing principle, as the need to correct inequality reduces as the degree of social inequality reduces. If the link between social and economic equality is relatively weak, then the degree of distributive equality might be relatively modest by egalitarian reckoning. It could be that it might reflect the kind of distributive pattern that we might find in the prioritarian society, where the conditions of the poorest is raised up to the level where they can relate as equals to those with more. On the other hand, if the link between social equality and economic equality is stronger, then the society created might be almost indistinguishable from that of simple equality.

These three approaches to egalitarian distributive justice will be looked at in the coming chapters, and I aim to show that Justice as Sharing provides a better ideal for egalitarians. I will argue that proritarianism and sufficiency are better understood as humanitarian rather than egalitarian ideals. I will argue that equality of opportunity accepts inequality based on choice too readily to satisfy the egalitarian. The strongly
egalitarian theories that promote distributive equality on grounds of social equality shares much with Justice as Sharing, but I will claim that equality still holds intrinsic value. To begin this process I will look at Rawls’ work, as the last major egalitarian theory to accept simple equality as worthwhile goal.
Rawls’ work has dominated political philosophy over the past forty years. Cohen suggests that his work ranks with Plato and Hobbes, and that Rawls “grasped his age, or, more precisely, one large reality of his age, in thought. In his work the politics of liberal (in the American sense) democracy and social (in the European sense) democracy rises to consciousness of itself” (2008, p.11). Rawls’ work is of particular interest for me because in his concept of ‘democratic equality’ he argues for an ideal of simple equality. This egalitarianism shares much of the same ground as Justice as Sharing. In this chapter, I will argue that Rawls’ difference principle is intended to be much more strongly egalitarian than many acknowledge, but that its toleration of inequality makes this easy to forget.

In A Theory of Justice Rawls proposes two principles of social justice. Rawls’ first principle of justice states that “each person is to have an equal right to the basic liberties compatible with a similar system of liberties for all” (1999a, p.266). The classic liberal rights, liberty of conscience and thought, political liberty and freedom of association, are given pride of place. The protection of basic liberties is to take priority over other considerations of social justice. For Rawls, the “basic equal liberties protected by the first principle cannot be justified, or compensated for, by greater social and economic advantages” (1999a, p.54). Distributive justice is to take second place.

Rawls addresses distributive justice in his second principle, known as the difference principle. The difference principle has dominated the discussion around distributive justice since its publication. This principle of justice states that “social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged, consistent with the just savings principle and (b) attached to positions and offices open to all under conditions of fair equality of opportunity” (1999a, p.266). This principle guarantees fair equality of opportunity for all citizens, requiring institutional measures to compensate for the factors such as class, race and gender that may affect the ability of some to compete against others, but the difference principle also applies “to the distribution of income and wealth” and it demands that “while the distribution of wealth and income need not be equal, it must
be to everyone’s advantage”(1999a, p.53). The critical part of Rawls’ argument is that inequality must be tolerated to provide the greatest benefit to the least advantaged.

The three principles are arrived at through Rawls’ version of the social contract, and represent what are fair terms of cooperation that intend to meet the needs of citizens. Rawls’ calls his theory of justice ‘justice as fairness’. Rawls uses the heuristic device of the Original Position, where individuals are placed behind a Veil of Ignorance to agree upon the basic structure of the ideal society. Unaware of where they will end up in society, people will chose principles of justice that are blind to an individual’s assets and capabilities. Rawls argues that they will choose principles that protect the position of the worst off.

Marty compares Rawls’ method to the situation where the mother asks a child to divide a pie for the family, ensuring that the child who slices will get the last piece (1981). The slicer will make sure that the pieces are as equal as possible so that the last piece is no worse than the others, aware that otherwise the smallest piece may be theirs. Without needing to appeal beyond self-interest of the individual dividing the pie, a just distribution of pie will emerge. This is essentially Rawls’ method, as the individual behind the Veil of Ignorance does not know where he will end up in society – which slice of the pie he will get. Rawls says the individual will act to protect the position of the weakest, which may be end up being his position (1999a, p.133).

This division would be one of equality, of course. Not knowing which slice of the social pie we were going to get, we would choose an equal division. However, Rawls then moves on to argue that people would choose to maximise the minimum that they could end up with if they were to be amongst the least disadvantaged group in that society. If there is a distribution that would increase the amount received by the worst off, then this would be agreed behind the Veil of Ignorance as those in the original position would have to assume that they might be amongst the worst off. If the total size of the pie will be bigger by allowing some to have larger slices, then all the slices will be larger, and so those with the worst slices will still be better off than they were before. For this reason, the difference principle will be chosen over simple equality.

So the difference principle will allow inequalities in the distribution of income and wealth, so long as it is to the benefit of the least advantaged group in society. This would occur through allowing incentives for the most talented which leads them to
work harder, producing more, and creating more wealth to be distributed across society (1999a, p.68). Rawls says that “the second principle insists that each person benefit from permissible inequalities” so that a representative individual from any section of society would “prefer his prospects with the inequality to his prospects without it” (1999a, p.56). The argument claims that “meeting some needs of citizens requires the equal provision of certain primary goods, such as basic liberties and opportunity. We may better meet other needs, for example, for income and wealth, if some inequalities are permitted, provided they work to the advantage of all and do not undermine protections of liberty and opportunity” (Daniels 2003, p.242).

Despite allowing some inequality of income and wealth, Rawls emphasises that “the difference principle is a strongly egalitarian conception in the sense that unless there is a distribution that makes both persons better off (limiting ourselves to the two-person case for simplicity) an equal distribution is to be preferred” (1999a, p.66). The difference principle does not tolerate any inequality that improves the lot of the least advantaged, it only tolerates an unequal distribution if there is no other more egalitarian scheme of distribution that would improve things to the same or a greater extent. If an increase of 10% on income would act as sufficient incentive for the more talented, there would be no justification to allow a larger premium. The difference principle allows only the minimum degree of inequality that can achieve the aim of maximising the situation of the least advantaged. It is therefore far less tolerant of inequality that is often assumed (Van Parijs 2003).

As Van Parijs says “the core of the principle is a simple and appealing idea: social and economic inequalities should be evaluated in terms of how well off they leave the worst off” (2003, p.200). As has been made clear, Rawls’ theory is much more egalitarian than a simplistic reading suggests, and “rather than supporting a ‘trickle down’ of gains from inequality, the difference principle mitigates the effects of the social and natural lottery by requiring a maximal flow downward” (Daniels 2003, p.251). For Rawls, his principles of justice taken together produce a “tendency to equality” (1999a, p.86).

Nonetheless, the difference principle is expressed in consequentialist language. It is a matter of debate the extent that Rawls is concerned with outcomes for individuals or for the lifetime expectancies of categories of people (Van Parijs 2003) however, whatever the detail, it is the outcome of where the least advantaged group
end up that counts. The principles of justice demand strict equality of some basic primary goods, such as rights, liberties and opportunities, but do not require equality of income and wealth. So, for Parfit, Rawls is a non-relational egalitarian as the difference principle requires that the worst-off group are made as well-off as they can be, and does not concern itself with reducing the amount of inequality (2002). Rawls’ difference principle can be understood to express the Priority View, which claims that “benefiting people matters more the worse off these people are” (Parfit 2002, p.101). Rawls’ difference principle can therefore be interpreted in this way as it gives priority to the least advantaged.

A simplified and consequentialist version of Rawls’ theory filters out its strongly egalitarian foundations, and finds welcoming cheers in real world capitalist politics. There is a bastardised version of Rawls that appears the dominant political ethos of the contemporary Anglo-American world: equal formal procedural rights as a given for all, and toleration of incentives for the successful on the grounds that they are needed to produce wealth that everyone benefits from. Equality of outcome is left as a foolish envy-driven notion that will make all of us poorer. The difference principle does not limit in absolute terms the degree of inequality tolerated, and so it can appear to support any degree of inequality that makes society as a whole, and therefore the least advantaged, better off, although it seems clear that Rawls did not have that intention.

Given the dissonance between the tendency to equality intended by Rawls, and the lack of a tendency to equality in contemporary Western politics, it is interesting to look at the reasons that Rawls gives for allowing inequality. It is of particular importance to this research to examine the move that Rawls makes to take him from a position of simple equality to the difference principle. Barry (1989) and Cohen (2002) have discussed this in some depth.

Barry points out that Rawls makes two arguments for the difference principle. The most noticeable and noticed argument derives the difference principle from the Original Position, yet Barry claims that this is weaker than another, independent, argument Rawls makes in chapter 2 of A Theory of Justice. These two arguments are not intended to be entirely separate, rather designed to be different ways of presenting the same argument, but Barry believes that Rawls is mistaken to believe that they are the same (1989, p.215).
This ‘alternative’ argument for the difference principle “runs from equal opportunity to equality of income and from there to the difference principle via the notion of a Pareto improvement on equality” (Barry 1989, p.214). Rawls starts with the “system of natural liberty” where “a basic structure satisfying the principle of efficiency and in which positions are open to those able and willing to strive for them will lead to a just distribution” (1999a, p.57). Like a perfect Lockean or Nozickian free market, this system of natural liberty relies on “pure procedural justice” to produce its just outcome (1999a, p.58). This system of natural liberty requires a formal equality of opportunity, but, as there is no attempt to preserve equality, the effects of natural assets, social circumstances and luck on distribution will be significant. Rawls says that such a society “permits distributive shares to be improperly influenced by these factors so arbitrary from a moral point of view” (1999a, p.63). As their influence on the distribution of wealth and income is morally arbitrary to Rawls, it is also unacceptable.

So Rawls moves from the system of natural liberty (which could be characterised as laissez-faire capitalism with formal equality of opportunity) to a system that attempts to remove the effects of social circumstances. The ‘liberal interpretation’ organises the basic structure of society so that “the expectations of those with the same abilities and aspirations should not be affected by their social class” (1999a, p.63). For Rawls this liberal conception is an improvement on the system of natural liberty, but it still unconvincing as the natural distribution of talents will affect the distribution of wealth and income. After adjusting to allow equality of opportunity, the share of wealth that an individual receives will be decided by the “outcome of the natural lottery” that has distributed ability and talent (1999a, p.64). The talented individual will become successful, whatever their background, but the talents are, for Rawls, still morally arbitrary. The luck of being born talented is no more deserved than the luck of being born rich, and so the liberal conception remains unsatisfactory.

From the liberal conception, Rawls moves to ‘democratic equality’. Under democratic equality, a person cannot benefit “neither on account of inherited wealth, nor on account of the family into which he is born, nor by virtue of his natural talents and luck” (Roemer 1996, p.172). Rawls is clear that “the notion of desert does not apply” to his principle of distributive justice (1999a, p.89). Rawls believes that the natural talents of individuals are “in some respects a common asset” to be deployed for the benefit of all so “those who have been favoured by nature, whoever they are,
may gain from their good fortune only on terms that improve the situation of those who have lost out” (1999a, p.87). A Rawlsian society is not structured on meritocratic principles where the talented are freed of impediments to compete with each other. Rawls is explicit in his disapproval of meritocracy: “equality of opportunity means an equal chance to leave the less fortunate behind in the personal quest for influence and social position” (1999a, p.91). For Rawls, even the motivation to succeed, to try hard and persevere depend on a secure family background: “even the willingness to make an effort, to try, and so to be deserving in the ordinary sense is itself dependent upon happy family and social circumstances” (1999a, p.64). Barry is sure that Rawls “is saying that everything about the sources of differential occupational achievement is contingent and morally arbitrary” (1989 p.225, emphasis in the original). Others feel that Rawls wants to try to take account of individual responsibility (Kymlicka 2002, Van Parijs 2003), and this is one of the areas where it is possible to find tension in Rawls’ theory. I feel, however, that Barry is correct and that Rawls’ position is clear in this area.

Removing morally arbitrary factors to equalise opportunity means equality of outcome (Barry 1989, p.224). Rawls therefore comes to a position of equality as a starting point, which he will depart from to arrive at the difference principle. It is not just any old place to start, but where Rawls has arrived at through the moves recounted above. Rawls’ theory values equality. In *Political Liberalism*, Rawls says that because the parties regard themselves as free and equal moral persons, “the obvious starting point is for them to suppose that all social primary goods, including income and wealth, should be equal: everyone should have an equal share” (1993, p.281). In both the argument from the Original Position, and the argument Barry lays out, Rawls suggests that simple equality is the distributive pattern that is morally justifiable.

The reason that Rawls moves on from this position of equality is that he believes that the least advantaged group in society can gain additional resources by allowing some inequality. The difference principle aims to maximise the income and resources of those in the worst position. Departure from equality is to be tolerated only so far as it helps the least advantaged, and “the difference principle picks out the most egalitarian of all the Pareto-optimal arrangements satisfying the requirement that everyone should gain from inequality” (Barry 1989, p.227). Rawls says that the talented individuals’ “better prospects act as incentives so that the economic process is more efficient, innovation proceeds at a faster pace, and so on” (1999a, p.68). Fellow
citizens, including the least advantaged group, therefore benefit from the increased 
economic efficiency of society.

This move is not unjust, because “injustice, then, is simply inequalities that are 
not to the benefit of all” (1999a, p.54). To Rawls, it is intuitively obvious that this move 
is justified because those most in need gain. The moral motivation for the move is 
simply that: the least advantaged groups benefit more under the difference principle, 
therefore it is to be preferred. This move is motivated in consequentialist terms, 
whereas up to this point Rawls avoided consequentialist justification. Rawls arrived at 
that position of equality through ethical argument about morally arbitrary factors 
affecting outcomes. The position of democratic equality – or simple equality, as it 
appears to be in chapter 2 of A Theory of Justice – is justified in terms of justice, whilst 
the difference principle is justified instrumentally by the consequences for the least 
advantaged. Lyons highlighted this problem for Rawls: his position can “seem like the 
amalgam of a moral egalitarianism and a non-moral acceptance of beneficial 
inequalities” (1975, p.153). There is no intrinsic moral advantage in the difference 
principle over simple equality. The moral force for this move comes from a prioritarian 
concern for the situation of least advantaged.

The interesting and important point I want to emphasise is that without this 
last move to the difference principle, Rawls’ argument is strongly egalitarian. Rawls 
views equality as something valuable in itself, to be relinquished only for the 
consequentialist improvement in the lot of the least advantaged.

Rawls rejects the suggestion that anyone might rationally object to the 
inequalities that result in a society whose basic structure follows the difference 
principle. The difference principle only tolerates inequality that helps those with least, 
so to object is to object to helping the worst off group in society. Such an objection, 
Rawls argues, is irrational. The only motivation that he acknowledges could make a 
person object is envy, and Rawls is clear that envy is both irrational and lacks a moral 
foundation (1999a, section 80d).

Rawls response uses an argument that has been called ‘The Levelling Down 
Objection’, which will be discussed in detail in the next chapter. The Levelling Down 
Objection is an argument against egalitarians who value equality as an intrinsic good 
which is worth pursuing in its own right. Such an egalitarian would choose the position
of simple equality over the distribution created by the difference principle, even though everybody is better off under the difference principle. The egalitarian has therefore chosen to ‘level down’ to the disadvantage of everyone. Under a Rawlsian position of democratic equality no individual is better off than they would be under the difference principle. It therefore appears irrational, to Rawls and many others, to choose to ‘level down’ when everyone could have more.

Rawls’ move to the difference principle and the argument of the Levelling Down Objection are based on a premise that it is better to have more stuff than not to have more stuff. Rawls himself does not believe that it is always better to choose a situation where people gain more resources over a situation where they end up with less. For example, the priority he gives to the first principle of justice over the difference principle, and he is explicit that distributive justice takes second place to procedural justice. He makes it clear that increased economic benefits cannot override the liberal rights covered by the first principle (1999a, sec.39). Rawls does not extend a consequentialist argument to the first principle. He does not argue, for example, that allowing more educated citizens more influence over the political process (for example, additional votes for university graduates) would improve or protect the liberty available to the least educated, and therefore one should tolerate inequality in political influence in order that the least educated would benefit.

The Levelling Down Objection does not acknowledge that you might object to the inequalities produced by the difference principle for positive reasons. If you value equality of outcome, for example. For someone whose ideal of equality is simple equality, then the difference principle is not to be preferred to simple equality. The Levelling Down Objection, and Rawls’ use of this argument, only work if the consequentialist logic of interest in improved economic outcomes is accepted.

Lyons identified this problem when discussing the difference principle: “suppose that a society had been organised on egalitarian lines by unanimous agreement, freely entered into. Suppose, further, that its members realise that they could improve their material conditions by accepting Rawlsian inequalities, which benefit everyone. But, despite this, they freely and unanimously reaffirm their commitment to egalitarian institutions, thus refusing possible benefits. Now, from a self-interested standpoint, they may well be regarded as irrational. But there seems little reason to call them, or their institutions, unjust or in any way defective from the standpoint of justice” (1975, p.153).
In regards to the difference principle, it may be possible to prefer the position of simple equality because you give more weight to the moral arguments that led you there than to the argument from rational self-interest that led to the Pareto-superior position. A problem for Rawls is that he has used moral justification to lead us to one position, and then used a far more prosaic economic motivation to take us to his difference principle.

Rawls’ theory of distributive justice contains elements that create problems for those on both sides of the debate. To many egalitarians, Rawls appears as an apologist for liberal capitalism and the economic inequalities that are tolerated in our societies. Daniels alleges that justice as fairness shares with liberals the implicit assumption that political equality and economic inequality are compatible (1975, p.253). To liberals, Rawls denies the individual’s responsibilities and overrides the entitlement of those who work hard to the resources that they create. His theory gives no credit to the talented and the successful. Rewards for hard work and talent are not deserved, they are only tolerated to help the unsuccessful.

One way to get a picture of how egalitarian Rawls intended his theory to be is to consider what would look like in the conditions that Rawls might hope would exist. In ideal Rawlsian conditions, there seems little doubt that a Rawlsian society is likely to be very egalitarian in its distribution of wealth. The citizens will have absorbed and accepted the principles that underpin the basic structure of society. A Rawlsian society will be a well-ordered society and stable, where citizens “acquire the corresponding sense of justice and desire to their part in maintaining them” (1999a, p.398). As the ethos is generally accepted by citizens in this ideal society, the talented citizens will not require significant rewards to encourage their productivity, and therefore very little inequality will be needed to produce the pattern of distribution that benefits the least advantaged. In a Rawlsian world, the tendency to equality will be very strong.

The point is that the degree of inequality that will be justified by the difference principle becomes a matter of how much the talented require to motivate them. The tendency to equality in a Rawlsian society now relies upon the outlook of those people (Cohen 2002). If they are happy to work hard for the good of society for little extra, then there will be little inequality in a Rawlsian state. If, on the other hand, they are greedy bastards then the inequality is potentially huge.
What is most important here is that if they are greedy, and work only for large additional incentives, then, for Rawls, the resulting inequality will be just. The unequal outcome will not only be Pareto-superior, it will also satisfy the demands of Rawlsian justice. In this way, a very unequal society can still be just, if that inequality is required to improve the lot of the least advantaged. The poorest have no entitlement to object, as this is to their advantage and, for Rawls, any objection is motivated by envy. The successful can rest in the knowledge that the advantages they enjoy are, in fact, to the benefit of the least advantaged. Perhaps Rawls has only himself to blame if his intended tendency to equality is overshadowed by the difference principle’s toleration of inequality.

Although it may seem surprising, Justice as Sharing occupies much of the same ground as Rawls’ theory. Rawls puts forward an argument for ‘democratic equality’ by which he means simple equality of outcome. At this point, Rawls’ theory is strongly egalitarian. The morally justified distributive pattern is simple equality. Justice as Sharing would not accept that the distribution under the difference principle is to be preferred to that of democratic equality. The fact that there is greater equality in itself makes democratic equality preferable to the difference principle. Rawls’ reason to depart from simple equality is motivated by a pragmatic concern with stimulating production that will, in turn, benefit the least advantaged. Inequality becomes, in effect, a tap to be adjusted to produce the optimum economic consequences compatible with the difference principle. The flow of inequality is controlled to ensure that the incentive is at the optimum level to provide the best outcome for the least advantaged.

Rawls’ move rests on one premise: people would prefer to have more wealth over greater equality. The choice between democratic equality and the difference principle is a choice between more equality or more stuff. The egalitarian can respond that there are circumstances where people might choose to have more equality over more resources. Justice as Sharing claims that more equality is in itself a good, and that it may well outweigh the advantages of more resources. If the least advantaged have more income and wealth, but there is greater inequality, will the least advantaged always be in a position to be preferred? Some primary social good may be increased by a more egalitarian distribution of income and wealth, as self-respect amongst the least advantaged may increase. Self-respect could increase because of the negative
factors associated with inequality\textsuperscript{25} so reducing the degree of inequality leads to a reduction in these negative symptoms of inequality.

Justice as Sharing also challenges the premise that a state of affairs with increased resources is always to be preferred to one with less resources. In our societies, do we need more stuff? Maybe we already have too much stuff\textsuperscript{26}. If this is the case, any dampening productive effects of equality of outcome is in itself an advantage. Justice as Sharing’s dominant principle is the importance of sharing as an end in itself. To share is to put yourself in a particular relation to others. Like Rawls’ theory, it does not attempt to calculate contribution. Unlike Rawls’ difference principle, it says that there are more important things than having more resources. It is shamelessly idealistic about society, people and the relationship that can develop between them. I suggest that this is the egalitarian ethos that we should aim for. Sharing is good, and if the consequence of sharing is that less is produced, then this may be tolerable or even an advantage. On the other hand, if we are in a situation where we feel we need to increase economic activity we might choose to allow inequalities in order to increase productivity. Under Justice as Sharing this is done reluctantly and the resulting inequality is troubling, even when we have chosen to allow it.

\textsuperscript{25} These are the factors Rawls (1999), Scanlon (2002) and O’Neill (2008) identify with inequality: including social stigma, low self esteem, domination by the economically successful. Rawls himself would presumably argue that with a shared conception of justice, these factors would not result from the inequality within a Rawlsian society. However, O’Neill suggests it is a ‘deep social fact’ that these problems result from substantial inequality, which could provide a reason to choose simple equality over the difference principle.

\textsuperscript{26} On a personal level, people may choose to consume less resources. On a political or society-wide level, it could be argued that political institutional action is required.
Chapter 8 - The Levelling Down Objection

The Levelling Down Objection (LDO) is seen as one of the strongest challenges to egalitarianism, particularly approaches that attach intrinsic value to equality. It is “perhaps the most powerful and prevalent anti-egalitarian argument” (Temkin 2002, p.126). I will describe the Levelling Down Objection, and how it works in a variety of situations. The claim that the LDO is a knock-down argument against egalitarianism will be disputed.

Some egalitarian theories – such as Justice as Sharing - appear to require that distributions between people are equalised, even when none of those people benefit from that process and even if some might lose. For Justice as Sharing, since inequality is in itself bad it should be removed. The egalitarian who believes in Justice as Sharing would move to a more equal pattern of distribution even when nobody gains and some people lose. The Levelling Down Objection asks how that can be the case: how can an egalitarian theory justify a move to equality if no person benefits? The LDO therefore “appeals to cases where, if some inequality were removed, that would be worse for some people and better for none” (Parfit 2002, p.110). In these cases, the egalitarian appears to be levelling down for no purpose other than to achieve a normative ideal of equality for its own sake. Parfit asks us to imagine a society where we “suppose that those who are better off suffer some misfortune, so that they become as badly off as everyone else. Since these events would remove the inequality, they must be in one way welcome, on the Telic view, even though they would be worse for some people, and better for no one. This implication seems to many to be quite absurd. I call this the Levelling Down Objection” (2002, p.98).

When we consider what matters about our lives, most would agree that what we are concerned about is what we might call our ‘overall well-being’. This includes everything about our lives, and much of our overall well-being will depend on very personal factors such as our experiences in childhood, our current relationships with others, the way that we view the world around us and our capacity for personal happiness. Overall well-being would also be affected by a very wide range of factors including health, housing, security, education, wealth and so on whose provision is influenced by the political institutions.
If we consider our overall well-being and the question of levelling down, then the LDO does indeed present a very strong challenge to egalitarians.

We can use simple examples to illustrate this. Imagine a distribution (a) where some people have 100 units overall well being and most people have 50 units.

(a)  

| 100 units | 50 units |

Compare distribution (a) with distribution (b), where everyone has 50 units:

(b)  

| 50 units |

The Levelling Down Objection claims that it would be absurd to choose distribution (b) over distribution (a) because nobody benefits from the move to greater equality in (b). Some people have lost 50% of their well-being for the sake of increased equality, and the majority have gained no extra well-being to make sure that an equal distribution is achieved. None have gained and some have lost out, yet it appears that Justice as Sharing would prefer (b) to (a). For those sympathetic to the LDO’s challenge, this is a very serious problem for Justice as Sharing. It is an ideal that would choose a pattern of distribution that makes everyone worse off.

It certainly does appear absurd to level down in this way. If we wish to level down overall well-being as we value equality of outcome, we seem committed to some strongly counter-intuitive acts. Using the example above, if we think of a street where half the street have 100 units of overall well-being (because their families are happy, for example) and the other half have 50 units (because they are lonely, say). If the egalitarian wants well-being to be distributed equally, the egalitarian would say that there is something better about (b) even though that involved the half of the street with greater overall well-being suffering (through the families splitting up).
Even more absurd from the perspective of the LDO is a situation where an egalitarian would level down and everyone loses. If by reducing inequality we reduce the amount of well-being available for everyone, then the egalitarian who values equality as an end in itself would choose to level down and make everyone lose out.

We can imagine distribution (c) with society divided between half the people with 150 of well-being and the other half with 140 units:

(c)  

| 150 units | 140 units |

Compared to distribution (d) where everyone has 100 units:

(d)  

| 100 units |

Again, if an egalitarian chooses to move from (c) to (d), levelling down everyone to 100 units, it seems clear that the LDO represents a strong challenge to such a move. People have lost a significant chunk (28.5% to 33.3%) of their well-being to gain an equal distribution, when the degree of inequality was limited in the first place. The move from (c) to (d) seems to ask a heavy price to be paid for a modest reduction in inequality.

We can see that it does not seem to make much sense to level down in these cases. There really does appear to be little to be said for equalising our overall well-being if that involves reducing some people’s well-being in this way. If we accept that much of our well-being is related to factors beyond the usual area of political control – such as relationships and individual psychological outlook – an egalitarian who acted to level down would be required to interfere in areas that we would usually regard as well beyond the business of any state.

If we move from equalising overall well-being to equalising resources, this absurdity is mostly avoided. This is not a change in metric of distribution for convenience but a change that reflects what it is we expect the basic structure of our
political association to distribute. We do not expect political institutions to change how we are distributed happy marriages or individual contentment. We do expect a range of resources to have their distribution affected by these institutions including income and wealth through such mechanisms as taxation and the minimum wage, for example.

Yet even if we are concerned with resources rather than overall well-being, the LDO remains a challenge. In the move from distribution (a) of resources to distribution (b) the egalitarian is still committed to making some people worse off and nobody better off in terms of resources. In the move from (c) to (d) the egalitarian is making everyone worse off. No one benefits from this commitment to equality and some – or all – lose out.

Different scenarios of ‘levelling down’ resources will have differing strength of appeal however. It doesn’t seem to make much sense to move from (c) to (d) for the sake of equality, but adjusting the pattern of distribution will affect the strength of the LDO’s challenge. In (c) to (d) everyone lost out significantly to remove a relatively limited inequality in resources.

If we adjust again the numbers and the extent of inequality, the power of the LDO changes accordingly. So distribution (e) might be that a small number of people could have a great deal of resources, say that a few people have 200 units of resources and the majority have 20 units:

\[
\text{(e)} \\
\begin{array}{c}
\text{200 units} \\
\text{20 units}
\end{array}
\]

Whilst in distribution (f) all the people have 19 units of resources:

\[
\text{(f)} \\
\begin{array}{c}
\text{19 units}
\end{array}
\]
The LDO will still claim that there is no reason to move from (e) to (f) because in (f) everyone is still worse off than they are in (e). For an egalitarian, however the move from (e) to (f) does appear to be less troubling than the move from (c) to (d). Here a large inequality in resources is removed, and the majority of people lose only 5% of their resources. The reduction in inequality is high and the loss of resources relatively low, although it is the majority with least who still lose out. Nonetheless, if you are concerned with how well the poorest group are doing in terms of resources then the LDO still appears a strong challenge to the egalitarian.

Imagine a final move from distribution (g) with huge inequality in resources, where a few have 1,000 units and the majority have only 10:

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The distribution (h) moves everyone to 10 units:

(h) 10 units

In the move from (g) to (h) the change benefits nobody. Those with 1000 units have been reduced to 10 units. The majority remain on 10 units. A rich few have lost a great deal, and the poor majority have gained nothing. The LDO is still applicable, as compared to (g) the situation in (h) is better for no one: the rich have lost their wealth, but the poor have gained nothing. The LDO appears weaker here, and the appeal of levelling down to (h) appears stronger.

As can be seen moving through these examples, the strength of the LDO’s challenge to egalitarian distribution weakens. As we adjust the metric and the numbers, our intuitions are pushed this way and that. It appears absurd to level down in terms of overall well-being, whilst in other circumstances it might well make sense to level down in terms of resources. The greater the inequality that is reduced the stronger appeal the move to equality will have for most egalitarians\(^\text{27}\). The lower the loss of resources, in effect the lower the price paid for the move to equality, the weaker the LDO appears. So the move from (g) to (h) will appear reasonable to more egalitarians that the move from (c) to (d). Despite this variation, the LDO remains applicable in all these examples. Moving to the more equal distribution requires that at least some of the people lose resources, and none gain resources.

Which variants of egalitarians are caught by the LDO? Parfit claims that the LDO is only effective against telic egalitarianism, rather than deontic egalitarianism (2002). Since deontic egalitarians do not believe that inequality is a bad in itself, they are not required to acknowledge that that reducing inequality is in some way better even if no one benefits, and some lose. Parfit believes that the LDO represents a very strong challenge to telic egalitarianism. Clayton and Williams (2002) make the same point but in terms of derivative and non-derivative egalitarianism: non-derivative egalitarianism is caught by the LDO because it attaches value to the achievement of

\(^{27}\) From an egalitarian perspective, the strength of the LDO appears to weaken if a smaller number of people are affected by a loss of resources to correct a larger inequality. This, of course, reflects the type of unequal distribution of in many societies where a small number of people have massively more wealth than most.
equality itself rather than some other value. Either way Justice as Sharing appears vulnerable.

O’Neill suggests that the LDO can be recast to catch many forms of deontic egalitarianism (2008). He argues that only a deontic egalitarianism with a thin, formal commitment to equality could avoid the LDO and a deontic egalitarianism that aimed to promote distributive equality would still face the LDO. Deontic egalitarianism has a problem with inequality that is brought about by injustice or wrongdoing and so the deontic egalitarian might still have reason to level down, as long as the inequality was the result of injustice (O’Neill 2008). As discussed in detail later, O’Neill’s non-intrinsic egalitarianism does not claim there is something good about equality in itself (2008). For O’Neill, the egalitarian should value of equality because of the effects of inequality on the relationship between individuals, so equality is not intrinsically valuable. This theory is derivative, as it values distributive equality as instrumental to a wider ideal. Yet O’Neill claims that it is a ‘deep social fact’ that distributive inequalities damage the relationships between people, and so there will be this problem of damage to social relations whenever there is substantial distributive inequality. This gives the non-intrinsic egalitarian a reason to level down, as there will be a gain in the nature of the relationships between citizens, and so the non-intrinsic egalitarian faces the LDO just as the telic or non-derivative egalitarian does. Norman’s ‘socially-located egalitarianism’ is similarly caught by the LDO, although he sees it is as a variant of deontic egalitarianism in Parfit’s taxonomy (1998). These egalitarians also therefore have similar reasons to reject the LDO.28

In the previous chapter, we saw that in A Theory of Justice Rawls moves from simple equality to the difference principle, whereby distributive inequality is justified to the extent that it improves the condition of the least advantaged (1999a). In Rawls’ theory there is a strong tendency to equality, and inequality is tolerated only as a means to stimulate economic growth, thereby producing more resources and so providing a larger slice of pie for the poorest. As we also saw in the last chapter, the metric of Rawls’ difference principle is primarily income and wealth rather than overall well-being.

28 For further discussion of the LDO that question its strength and intuitive appeal, see Brown (2003), Mason (2001), Tungodden (2003). Christiano and Braynen reject the LDO, and propose a ‘common good conception’ of equality that favours Pareto-optimal states when everyone is better off and so avoids levelling down (2008).
Rawls can see no reason why anyone could object to this move from simple equality to the difference principle other than envy (1999a, sec.80). Rawls defines envy as “the propensity to view with hostility the greater good of others even though their being more fortunate than we are does not detract from our advantages” (1999a, p.466). When we are experiencing envy “we are willing to to deprive them of their greater benefits even if it is necessary to give up something ourselves” and so envy is “collectively disadvantageous: the individual who envies another is prepared to do things that make them both worse off” (1999a, p.466). Rawlsian envy is unashamedly a negative and irrational emotion. There is little difference for Rawls between the jealous admirer who kills himself and the object of his love to avoid her being in the arms of another man, and the citizen who objects to another having more when it does not harm himself or even benefits himself.

Within the logic of the difference principle and its associated public conception of justice, the least advantaged in a Rawlsian society know that any inequality that exists must be to their benefit. So, Rawls asks, how could anyone object to a situation where everyone benefits? To object to the distribution under the difference principle – as opposed to simple equality – is to want to cut off ones nose to spite ones face. In effect, this is the Levelling Down Objection – how could a situation where everyone is worse off be preferable to one where everyone is better off?

This is the element of Rawls’ theory that is strongly prioritarian, as Rawls is giving priority to the improvement in the conditions of the poorest over a normative ideal of equality. Parfit highlights that one of the key strength of prioritarianism is that it does not face the Levelling Down Objection, as it is concerned with improving the situation with those with least not with achieving an equal distribution (2002). So “whereas egalitarianism is motivated by envy, it might be said, prioritarianism is likely to be motivated by a compassion and a concern for the least well off and wish to better their condition. And whereas envy is a disreputable emotion, compassion for the least well off is a morally admirable feeling” (Norman 2002, p.44).

Temkin suggests that the LDO and related arguments are motivated by a position he calls ‘the slogan’ (2002). The slogan says that “one situation cannot be worse (or better) than another if there is no one for whom it is worse (or better)” (2002, p.132, emphasis in original). Parfit refers to this position as “the person-affecting claim” (2002, p.114). The slogan, or person-affecting claim, maintains that
outcomes should be assessed only to the extent that they affect people. A change is for the better if people’s situations are made better by it, and worse if their situation is made worse (Temkin 2002). Temkin claims that “like certain other slogans – for example, each person is deserving of equal consideration and respect – the Slogan enjoys widespread acceptance. It underlies many arguments in philosophy and economics, and those appealing to it span a wide range of theoretical positions. In addition, most believe the Slogan expresses a deep and important truth. So, like a powerful modern-day Ockham’s razor, often the Slogan is wielded to carve out, shape, or whittle down the domain of moral value” (2002,p.133).

For Temkin, it is the slogan, or person-affecting claim, that gives the LDO its rhetorical force. The slogan is accepted as so obviously true that it does not need explaining or defending. We can see this in Rawls’ appeal against envy in defence of the difference principle: Rawls’ argument appears to be basically ‘how can it be worse if everyone is better off?’ Temkin gives examples of other important arguments, such as Nozick’s Wilt Chamberlain parable and Locke’s theory of acquisition, that he believes implicitly invoke the slogan (2002, p.135-6). If the fans choose to pay to watch Wilt Chamberlain play basketball, and no one else is affected, how can that be wrong? If you mix your labour with the land, and produce wealth, leaving enough for others so that they are not adversely affected by your efforts, how can that be a problem? Holtung (1998) accepts that the slogan underlies many arguments in moral philosophy, and even suggests that in rejecting the slogan we would be rejecting many of these arguments. It does seem that the egalitarian who rejects the slogan, will surely reject Nozick – the egalitarian is likely to think that there is something else going on beyond the appeal to person-affecting values of the Wilt Chamberlain story.

Temkin says that he can demonstrate that the slogan – or person-affecting claim – misses things that are of importance, and is therefore significantly weakened (2002). He believes “that many ideals, including justice and equality, are impersonal, or at least have an impersonal component” (2003a, p.778). He disputes that individual well-being is all that matters when evaluating outcomes. To demonstrate this, he puts forward an argument against the slogan where he imagines the afterlives of a group of saints and sinners in relation to proportional justice. In his example, there are two afterlives A and B. In A, the saints have a much better quality of afterlife than the
sinners. In B, the quality of the sinners’ afterlives has improved so much that it is now better than the saints’ afterlives (the saints are unaffected):

Example A

Example B

So in example B, no one has a worse afterlife than in example A. The saints have the same kind of afterlife as in example A, and the sinners have a much better afterlife. So, according to the slogan or person-affecting claim, example B is a better outcome than example A. Yet this is unacceptable to most from the standpoint of proportional justice, as the sinners now have a better quality of eternity than the saints. This means that there must be something going on beyond the person-affecting claim of the slogan, as example B is not to be preferred to example A. Temkin’s conclusion is that if one accepts that there are objectively valuable outcomes beyond the way that they affect individuals for better or worse – for example, proportional justice – then there are reasons to reject the slogan (2002).

Broome (1991) criticised Temkin’s example by saying that the saints would be affected by the situation in example B, as they would suffer an injustice and that is bad for the person, and so example A is to be preferred to example B. Temkin’s response is that if the saints and sinners were in separate heavens and unaware of each others’ afterlives, and therefore the saints could not feel badly done to, the outcome would still seem wrong. Or if, as saints after all, the saints were genuinely untroubled by the circumstances of the sinners, and they were not affected adversely by the sinners having better afterlives than them, it would again still seem wrong (2002). Ramsay acknowledges Temkin’s point about the slogan and desert, but says that it remains
compatible with a range of moral principles and still serves its purpose underpinning the LDO (2005).

Temkin makes the point that “advocates of the Levelling Down Objection are mesmerised by ‘pure’ equality’s terrible implications. But equality is not the only ideal that would, if exclusively pursued, have implausible or even terrible implications. The same is true of justice, utility, freedom and probably every other ideal. Recall Kant’s view that ‘justice be done though the heavens should fall’. Do we really think, with Kant, that it would be wrong to falsely imprison an innocent man for even five minutes, if that were necessary to save a million innocent lives?” (2002, p.155). Nor do we believe that a principle of utility, or freedom, should be followed without compromise with other principles. We can say that we should not reject these principles, but simply allow that morality is complex and that values and principles will conflict at times.

Like elsewhere in philosophy, the nature of the example influences our responses. The LDO says that that egalitarianism has strongly counter-intuitive implications (Norman 2002, p.43). If the example suggests that the egalitarian would prioritise equality when it is strongly counter-intuitive, then the strength of the LDO increases. It can be claimed that in a world of sighted and blind, an egalitarian might choose to blind the sighted, so that they are equal with the blind (Parfit 2002, p.98). The egalitarian could respond by saying that egalitarianism was limited to the distribution of resources, “but they must admit that, on their view, it would be in one way better if, in some natural disaster those who were better off lost all of their extra resources, in a way that benefitted no one. That conclusion may seem almost as implausible” (Parfit 2002, p.98). For Parfit, to suggest this kind of economic levelling down could be in one way better is almost implausible as suggesting we blind the sighted to equalise them with the unsighted. Is this really the case?

To use Parfit’s own example, we can imagine a city where the very rich live in an area that is geographically separate from the poor. The rich’s extra resources are destroyed in a hurricane – their houses, their speedboats, cars. Strangely, they are not insured and all their savings are lost too (maybe the financial institutions collapse in the aftershock of the hurricane?). Now, in this city, the rich are now living at the same level as the poor. It is the move from (f) to (g) in the examples above, where the very rich minority are equalised with the poor majority. The Levelling Down Objection claims that there is nothing better about this change of circumstances as the rich have
lost, but the poor have not gained. Yet an egalitarian might quite easily see ways that this could be better. The removal of a large degree of inequality would be expected to lead to a different relationship between citizens due to the nature of the negative effects associated with inequality (see later chapter on social equality). An egalitarian would expect there to be something better about the kind of society that no longer has a super-rich elite and a poor majority. This does not seem to me to be implausible that there is something good about this outcome, and that it could be in (at least) one way better. There might even be quite a lot that is good about it.

In the same way, O’Neill’s non-intrinsic egalitarian would have reason to prefer \((g)\) to \((f)\), because the “non-intrinsic egalitarian can allow that certain kinds of egalitarian social relations have a value that is not reducible to the effects on individual welfare that those social relations may have” (2008, p.142). There can be values that the LDO, or the person-affecting claim that lies behind it, do not capture. It is also interesting that the difference between the nature of what is levelled down in the two examples – the sighted and the rich – does appear to make a significant difference. The egalitarian finds the idea of blinding the sighted to increase equality as implausible as everyone else. The idea of there being something better about the rich finding themselves at the same level of resources is not implausible. Taken overall, in terms of the society and way that people stand in relation to each other, there may be significant advantages of \((g)\) over \((f)\).

So the egalitarian can respond to the Levelling Down Objection, and remove much of its force. There are two responses. Firstly, unlike the claim made by strong supporters of the LDO, the egalitarian can maintain that it could be rational to prefer greater equality (Norman 1998, p.51). If the egalitarian thinks that “certain egalitarian values have a significance that is independent of the effects of equality on individual well-being, then we may think that the value of equality can sometimes trump the value of maximising (or a fortiori of merely increasing) well-being” (O’Neill 2008, p.142). Let me use a real world example. Imagine a government with egalitarian ideals implemented a policy whereby the gap between the highest paid and the average paid

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29. This different response probably reflects the understanding that it is not the business of the basic structure of the state – or anyone else – to distribute eyesight, but it is appropriate for the state to influence the distribution of wealth. A principle might have application may have in one area but not be relevant to another area: so an egalitarian principle could be applicable only to distributive conflicts in society (Tungodden 2003, p.9). Appeals to intuition on such grounds – that holdings of working eyes, kidneys or spleens would be equalised – therefore miss the mark.
in public service was reduced. This might mean that the highest paid managers in a hospital were paid £200,000 per year and the average pay for clinical staff was £25,000. Imagine the government decreed that the highest paid hospital employees would be paid £100,000 per year. The average wage of the clinical staff remains unchanged. Is there really nothing better about that second – more equal – distribution? If the level of welfare or resources of the highest paid is reduced, it is plausible that the average employees will prefer the more equal distribution because it expresses a certain kind of relationship between the employees. The average employee may feel there is something better about a hospital where the degree of inequality between themselves and their bosses is reduced. There may be other advantages: the clinical staff may feel more positive about the management and so engage more constructively with them, staff morale might increase leading to increased productivity and reduced sickness and so on.

The average employee who supports this levelling down is not necessarily acting out of envy, but from what Norman calls “a reasonable resentment of inequality” (2002, p.44). The employees of the hospital form a mutual association, and the inequality in rewards between the managers and staff damages the relationship between them. The resentment of staff is not envy but an expression of their belief that the managers are given too much reward. Reducing that inequality – although it is levelling down - leads to reduced damage, and increased mutual trust and respect. The egalitarian can argue that the same process takes place in society if inequality is reduced. Justice as Sharing would choose to level down at times, because it places significant value on the value of equality as an expression of the relationship between individuals and as equality has value in itself. Justice as Sharing also views inequality as a problem, so the reduction of inequality in itself moves society towards a better outcome.

Secondly, the egalitarian can acknowledge that there can be other values which at time may conflict with their ideal of equality. Even for a strong egalitarian who values equality for its own sake, it is not difficult to accept that there will be times when other values will trump egalitarianism (McKerlie 1996). O’Neill calls this the ‘Pluralist Response’ (2008). The egalitarian will not hold onto equality at all costs in all circumstances: they will not cast everyone into poverty for a 1% reduction in inequality. The LDO only appears a knock-down argument if it is assumed that the
egalitarian will hold his ground in the face of such absurdity, and if it is assumed that the person-affecting claim captures everything that is important about outcomes. This does not mean that there are no circumstances under which the LDO could create problems for egalitarian claims, or does not merit consideration. We could agree that “the main lesson of the Levelling Down Objection is that we should be pluralists about morality” (Temkin 2002, p.155).

To hold on to Justice as Sharing at all costs is irrational, and the LDO shows this. It is irrational to impose an equal pattern of distribution if this would mean greatly reducing the resources available to the extent that individual welfare was significantly affected. As the examples at the beginning of this chapter showed, the strength of the egalitarian intuition to level down changes with the situation: levelling down exerts a different ‘cost’ in differing situations, and the intuitive appeal of levelling down reduces as the cost of levelling down increases. If, on the camping trip we have been using as an example, there was only one camper who had the skills to catch any fish and the effect of insisting that he shares out all his catch – as Justice as Sharing demands – was to be that he stopped fishing altogether so nobody got any fish, then we might choose to let him keep more of the fish he caught because we prioritise his productivity over equality of outcome. Or if we imagine the example of the hospital again, with the salaries of the senior managers reduced from £200,000 to £100,000 whilst the clinical staff remain on salaries of £25,000. If the effect of reducing the managers’ salaries was to result in patients receiving worse treatment, the egalitarians amongst the clinical staff might prefer that the managers salaries were increased again because they hold another value – the welfare of their patients – in addition to equality and would choose in this situation to prioritise patient welfare. Even if we hold a radical ideal of equality, we should be pluralists. The LDO’s importance is to demonstrate this, but that is a limited achievement and it does not give us a reason to abandon Justice as Sharing.

Justice as Sharing advocates redistributing resources from the successful to the unsuccessful, and so it also faces the problem of free riding. A ‘free rider’ is someone who takes advantage without contributing. Free riders fail to reciprocate. In terms of distributive justice, free riding means receiving redistributed resources without contributing. This might mean avoiding paying local taxes but still having your bins
emptied and your street cleaned. Free riding also suggests a degree of unworthiness in the claim to redistributed resources: claiming when you are able to contribute. The vulnerable are not free riding (as it is usually used) if they are incapable of contributing. The disabled veteran on benefits is not seen as a free rider. It is those who do not contribute without good reason who are most definitely free riding. Free riding is a problem as it seen as unfair that one person should take advantage of what’s on offer without contributing themselves. The free rider exploits the contribution of his fellow citizens.

So how can it be justified to subsidise the couch potato spending his time watching daytime television on redistributed welfare benefits? Egalitarian theories of distributive justice that redistribute resources from the successful to the unsuccessful face this difficulty. Any justification for redistribution that does not take account of individual responsibility is particularly vulnerable. The most successful response is to make the egalitarian theory take account of people’s choices, so that the free-rider loses the opportunity to ride for free. Freely made choices not to work, for example, are not subsidised by other citizens who choose to work. This is the approach taken by the ‘luck egalitarians’ discussed in chapter ten, and it seems to effectively address the problem of the free ride.

Theories that do not distinguish between choice and circumstances continue to face the problem. There does not appear to be a way for the theory that does not make the distinction between choice and circumstance to remove the possibility of exploitation by the free rider. If the entitlement to redistributed resources is dependant on citizenship or membership of humanity alone, then the free rider has a license to take advantage.

Rawls faces this problem in *A Theory of Justice*. Rawls discusses free-riding in Section 42 (1999a, pp.236-238) but his focus is on the free-rider who chooses not to contribute to the public good through non-payment of tax, for example, and the requirement for a state with coercive powers to ensure compliance. The critic of Rawls could claim that Rawls is missing the point as the real free-rider problem is created by his own difference principle. The difference principle requires that resources are taken from the successful and hard-working and redistributed to those who are the least advantaged in society. Many, or at least some, of the least advantaged may not have been working as hard as the successful even though they might have the capability to
do so. The difference principle redistributes to the least advantaged irrespective of the contribution made by the least advantaged. Rawls talks about the importance of reciprocity to his society, yet the difference principle does not distinguish between the deserving least advantaged and the undeserving least advantaged. The free-rider problem for Rawls is therefore the redistribution from the hard-working to the lazy that the difference principle requires.

To illustrate this, Kymlicka uses the example of two people who make different choices about how they spend their time (2002, pp. 72-73). With an equal start in terms of resources and personal capabilities, one person chooses to play tennis as much as possible and work as little as possible. The other chooses to work hard as a gardener to produce extra income. The difference principle only tolerates the resulting inequality between tennis-player and gardener to the extent that it benefits the tennis-player (representing the least advantaged in Kymlicka’s micro-example). The gardener’s choice to spend her time making additional income is penalised, whilst the tennis-player’s choice to spend his time doing what he wants is subsidised. As Kymlicka points out, Rawls’ difference principle here does not act to counteract disadvantage but to subsidise leisure. The tennis-player can free ride on the gardener’s productivity.

Rawls talks about wanting his theory to reflect the choices that people make, and that the starting place for social justice is the “attempt to mitigate the arbitrariness of natural contingency and social fortune” (1999a, p. 82). The basic structure allows inequalities “to arise from men’s voluntary actions in accordance with the principle of free association” (1999a, p. 82). These comments can allow the difference principle to be interpreted as an opportunity-egalitarian principle that takes account of people’s choices (Van Parijs 2003, p. 214). Rawls also emphasises that the difference principle “expresses a conception of reciprocity. It is a principle of mutual benefit” (1999a, p. 88). Yet his theory does not provide a way to ensure that citizens act in a reciprocal way. In Kymlicka’s parable, the gardener does not appear to get much benefit from the redistribution to the tennis player. The least advantaged reap the fruits of redistribution under the difference principle, irrespective of their contribution.

Rawls’ theory is perhaps not as badly damaged by the free-rider problem as it appears. He does not directly address the free-rider problem but his theory provides
a possible response. As discussed elsewhere, Rawls is clear that success in the race for wealth and status is morally arbitrary. For Rawls, people do not deserve their place in society, their talents, or the motivation to use them. Even the psychological characteristics such as motivation or laziness are created by factors beyond an individual’s control. Success is undeserved from a moral standpoint as the factors that affect a person’s success in society are the result of life’s lottery. Failure must also be similarly morally arbitrary as the factors that affect that person’s capability are also not deserved or earned. If the hard-working man is not responsible for his success, then the lazy one is not responsible for his failure. We could imagine Rawls’ response being that if free-riding is morally arbitrary, then the free rider does not deserve punishment or the withdrawal of redistributed resources.

We can also expect that Rawls would hope that the shared conception of social justice and the sense of reciprocity within society would lead the free-riders to cut back on their free riding. Rawls emphasises that the conception of social justice is intended to be accepted by citizens as fair, and when “the basic structure of society is publicly known to satisfy its principles for an extended period of time, those subject to these arrangements tend to develop a desire to act in accordance with these principles” (1999a, p.154). Rawls suggests that there would be less reason to exploit the system when people believe that it reflects principles of social justice that they accept.

Wolff argues that the egalitarian might choose to tolerate a degree of free riding (1998). His point is that the egalitarian may have to choose between a system that reduces the opportunity for exploitation for free riders, and a system that prioritises respect for its citizens. Wolff is critical of egalitarian attempts to avoid the free rider problem by making a redistributive structure that is exploitation proof. He argues that the process that would be required to ensure fairness (in the sense of being exploitation proof) would be at odds with the egalitarian desire to demonstrate equal respect for all its citizens. A state that attempted to distinguish between the deserving and undeserving poor would be required to know a great deal about its citizens. It would need to have sufficient information to “know how much of an individual’s fortune was a result of his or her choices and how much a result of unchosen circumstances” (1998, p.110). The amount of resources redistributed to an

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30 Rawls himself might not be satisfied with this response, as it might conflict with his emphasis on reciprocity. As Kymlicka (2002) points out there is a tension between what Rawls says he wants, and what his theory entails.
individual would depend on the outcome of this data search. Wolff suggests that citizens would be required to take part in a process of scrutiny leading to ‘shameful revelation’ about themselves that is inherently humiliating. Each individual who is in need of redistributed resources has their failure laid bare – their lack of talent or lack of effort. This may produce a ‘fair’ system that free riders cannot exploit, but Wolff argues that the price of obtaining this information is too high. Wolff’s argument reflects the idea of the need for each citizen to have self-respect, and have respect demonstrated by the political structure of society. The egalitarian ethos of hunter-gatherers does not appear to have a robust defence against exploitation by the free rider. As discussed earlier, in hunter-gatherer society a failure to contribute leads to criticism and resentment (Endicott 1988). Significantly, however, failure to contribute sufficiently does not lead to a loss of entitlement to shared resources.

In this way, Justice as Sharing has a response to the free rider problem. As it prioritises the sharing of resources as an expression of the relationship between people and as a good end in itself, Justice as Sharing chooses with Wolff (1998) to prioritise Respect over Fairness. Like Rawls in A Theory of Justice, Justice as Sharing also questions the extent to which an individual’s success or failure can be attributed to circumstances within their control. Justice as Sharing, Rawls and Wolff do not claim that there is no expectation of reciprocity. Free riding can be a problem, but it is not seen as so serious a problem to the extent that it overrides the entitlement to redistributed resources.

A degree of free-riding can be tolerated, and that toleration may be a worthwhile thing in itself for what it says about the society. Levine argues that “free riding, and being free ridden upon are inevitable facts of social life” (1999, p.410). A similar argument is made about liberal states tolerating groups such as the Amish that free-ride by benefiting from a stable social order that allows them to live their lifestyle without contributing themselves (Spinner 2000). By tolerating free riding that does not threaten the state or attempt to undermine it, the state demonstrates its values of toleration. In a similar way, a political structure that redistributes resources may be valued more as an expression of the relationship between people than an exploitation-proof adjuster of fortune.

The degree of a problem that free-riding creates also depends on the extent to which you believe that people will free ride. An egalitarian can start from the premise
that most people will not free ride most of the time. It is reasonable to suppose that in
an egalitarian society that chooses to show its citizens the respect of not judging the
worthiness of their claim, the degree of free riding might paradoxically reduce. It
would not disappear, of course. A system built on respect may be exploitable but less
likely to be exploited. If you accept the premise that individuals are self-interested
utility maximisers who will exploit the system at any opportunity, then any system that
tolerates free riding will lead to a free-riding, couch-surfing bonanza. A society built
on this premise, and that accepts people are responsible (all things being equal) for
their position in life, with winners and losers, and with worthy poor and unworthy
poor, may well increase the internal justification to free ride amongst those judged to
be undeserving. As Wolff points out, it is the poor who will be the focus of state drive
to eliminate free-riding (1998). What reason do the undeserving poor have to engage
with the society that has declared them such?

So I believe that Justice as Sharing can face down the challenge of the Levelling
Down Objection and the free rider problem. Despite first impressions, neither delivers
a knock out blow to Justice as Sharing. The LDO reminds us that we should remain
pluralists, and the free rider problem highlights that Justice as Sharing would prioritise
respect for people over exploitation-proof principles. In the next chapter, I will look at
alternative distributive ideals that avoid the LDO and claim to capture our egalitarian
concern more effectively.
Chapter 9 - Priority and Sufficiency

It has been questioned whether the ideal of equality itself is actually the motivating ideal behind ‘egalitarian’ concern over states of affairs. Raz claims that the reason that we often want to move towards equalising the pattern of wealth distribution is not because equality itself is of value, but because a more equal pattern will help those who are worst off (1986). Concern for others is the true motivation behind apparently egalitarian rhetoric: ‘inequality’ is often invoked when “the wrong is poverty and its attendant suffering and degradation, not the inequality. But the inequality is an indication that there may be resources which can be used to remedy the situation” (Raz 1986, p.229). So when we feel concerned for the worst off groups, our concern with the apparent relative nature of inequality is, in fact, a concern for the relative nature of need: “its relevance is in showing that their hunger is greater, their need more pressing, their suffering more hurtful, and therefore our concern for the hungry, the needy, the suffering, and not our concern for equality, makes us give them priority” (1986, p.240). Nagel talks about a strong egalitarian principle which is “constructed by adding to the general value of improvement a condition of priority to the worst off” (1979, p.110).

The ideal of giving priority to those with least has become known as ‘prioritarianism’. Its most influential contemporary advocate has probably been Parfit (2002). In response to the problems caused by the Levelling Down Objection to telic egalitarianism, Parfit proposes the ‘Priority View’ as an alternative ideal31, that “captures egalitarianism’s concern for the worst off members of society, but without exposing it to the Levelling Down Objection” (Porter 2010, p.2).

The Priority View claims that “benefitting people matters more the worse off these people are” (Parfit 2002, p.101). This is the core ideal of prioritarianism: giving ‘priority’ to those with least32. As Parfit points out, egalitarians would usually agree with giving priority to helping the worst off. The difference between the egalitarian

31 Parfit’s ‘Priority View’ is used here interchangeably with ‘prioritarianism’.
32 Variations on prioritarianism have been proposed, for example the ‘weighted priority view’ whereby “benefiting people matters more the worse off those people are, the more of those people there are, and the greater the benefits in question” (Crisp 2003, p.752). Other examples include Arneson’s ‘responsibility-catering prioritarianism’ (Arneson 2000b) which aims to combine prioritarianism with elements of luck egalitarianism that take account of personal responsibility, or Persson’s relational prioritarianism (2001).
and the prioritarian is the reason why priority is given to helping the worst off: the egalitarian is aiming to reduce the amount of inequality, whilst the prioritarian wishes to supply benefit to those who would benefit most from the additional resources (2002, p.104). In this way, prioritarianism avoids the Levelling Down Objection as it would never lead us to ‘level down’ by reducing the resources available to some when no others would benefit. Prioritarians “want everyone to fare as well as possible, but they give greater weight to the worse off in their deliberations” (Temkin 2003b, p.64). In this way, like a utilitarian, they are interested in increasing well being. If we were initially egalitarians but then “are convinced by the Levelling Down Objection. By moving to the priority view, we can retain many of our earlier views. Thus, according to Parfit, the levelling down objection can be part of an argument in favour of the priority view” (Jensen 2003, p.91).

The prioritarian does not believe in equality for its own sake: it is not in itself bad if some people are worse off, or better off, than others (Parfit 2002, p.104). Echoing Raz, the relational aspect of egalitarianism – the being worse off in relation to others – is not the problem for the prioritarian: “what is bad is not that these people are worse off than others. It is rather that they are worse off than they might have been” (p.104, emphasis in original). Yet this could seem odd – the worse off you are would seem to depend on others being better off. Being ‘worse off’ (and so benefits having greater moral weight) appears to be a relational position.

To clear up confusion, Parfit uses the example of people at different altitudes: if one person is at a higher altitude than another, it is harder for the higher up person to breathe than the person at a lower altitude. In one sense, it might seem harder for the higher person to breathe because he is higher than the lower person, but Parfit says that it would be hard for the higher person to breathe irrespective of the presence of the other: “in the same way, on the Priority View, benefits to the worse off matter more, but that is only because these people are at a lower absolute level. It is irrelevant that these people are worse off than others. Benefits to them would matter just as much even if they were no others who were better off” (2002, p.104, emphasis

33 Persson (2001,2008, 2011) claims that Parfit’s version of prioritarianism still faces problems from levelling down. This is because it could choose a situation where possible people were created whose level of welfare was very low, as they still gain from being created. Another problem is that the effect of levelling down reduces the moral value of benefits received. Porter rejects Persson’s claim (2010). Brighouse and Swift argue that a prioritarian would have reasons to level down with regard to a range of positional goods (2006).
Going to a lower altitude would make it easier to breathe irrespective of who else is on the mountain or where they are. Parfit claims that the main difference between the egalitarian and the prioritarian is that the egalitarian is “concerned with relativities: with how each person’s level compares with the level of other people. On the Priority View, we are concerned only with people’s absolute level” (2002, p.104, emphasis in original).

Utilitarians are also concerned with how people fare without being concerned about reducing inequality *per se*. Like utilitarians, prioritarians “think that it is better that a unit of utility is being enjoyed by someone rather than not being enjoyed by anyone” (Porter 2010, p.3). Parfit distinguishes prioritarians from utilitarians, for whom “the moral importance of each benefit depends only on how great this benefit would be. For Prioritarians, it also depends on how well off the person is to whom this benefit comes. We should not give equal weight to equal benefits, whoever receives them. Benefits to the worse off should be given more weight” (2002, p.101, emphasis in original). Utilitarians will usually agree that benefits should be directed towards the worse off because, as a result of diminishing marginal utility, they will create greater increases in utility than benefits directed towards the better off. The utilitarian will often choose an egalitarian distribution for instrumental reasons as such a distribution will increase the amount of utility or well being. Despite this, there is no moral value for utilitarianism in helping the worse off: if helping the better off would produce a larger increase in utility, the utilitarian would be in favour of helping the better off.

For the prioritarian, there is a moral value in directing benefits to the worse off. In contrast to diminishing marginal utility, the prioritarian subscribes to the “law of diminishing moral goodness” (Parfit 2002, p.106). The moral value of distributing resources increases the worse off a person is, and this is a ‘law’ so that it is always the case. This law does not seem to have anything to say about how we should distribute resources to those who already have equal amounts (Persson 2001). Persson has also suggested that it represents an unacknowledged commitment to an impersonal value that appears in conflict with the Person Affecting Claim which says all that matters is the benefits for individuals (2001, 2008). The law of diminishing goodness is in itself an impersonal value, so “Parfitian prioritarians are as much as egalitarians committed to an impersonal value, a value that is not a value for individuals. For these prioritarians claim that it is better if a certain benefit is given to someone worse off, Leslie, than to
someone better off, Richie, though, definitionally, the benefit cannot be better for Leslie than for Richie, since it is the very same benefit (e.g. the same pleasure). If they had not been committed to this impersonal value, their position would be indistinguishable from utilitarianism” (2008, p.301, emphasis in original). In one sense, prioritarianism is committed to an impersonal value here, but I do not think that Persson’s point is convincing. Whilst it is true that the same pleasure – the enjoyment of a glass of beer – would be the same benefit, it is not necessarily the case that the same amount of money would have the same benefit. The distribution of the same amount of money would expected to provide the worse off person with more benefit than a better off person as the utility of money should be increased for the worse off. The pleasure provided by a glass of beer may well be the same for the rich man and the poor man, but the value of £1000 is likely to differ and we are much more likely to be talking about the distribution of wealth than pleasures.

Parfit also suggests that prioritarianism can come in either telic or deontic forms, like egalitarianism. The telic form would be concerned with outcomes (that benefit the worst off), whilst the deontic form would be concerned with the choices that we make (with the intention of benefitting the worst off). Persson points out that prioritarianism sounds like a deontological doctrine as it talks about which acts to perform, although, like telic egalitarianism, it rejects concepts of desert or justice (2001).

To summarise, the egalitarian has a non-instrumental interest in promoting equality (as equality has value for the egalitarian) whilst the prioritarian has an instrumental interest as equalising distribution will lead to benefits being directed towards the worst off. The prioritarian has a non-instrumental interest in directing benefits at the worst off (as that is a good in itself for the prioritarian), where the utilitarian attaches instrumental value in directing benefits in this way, as it is likely to lead to the greatest increase in utility. In this way, prioritarianism can be understood as standing on the ground between egalitarianism and utilitarianism.

For Parfit, it is the problem of the Levelling Down Objection that leads the egalitarian to reconsider their values and prefer prioritarianism. The appeal of prioritarianism is “not as a position expressing what the egalitarian does care about, but rather as a position expressing what the egalitarian should care about. More accurately, it may seem the reflective egalitarian is forced to extended
humanitarianism – that is, that it is the closest thing to an egalitarian position that one can plausibly adopt” (Temkin 1993, p.247, emphasis in original). With the emphasis on helping the ‘worst off’ and the suggestion that it is a better alternative to orthodox egalitarianism, prioritarianism echoes Rawls’ work on distributive justice. It seems to make a similar claim: ‘okay, so you care about people and how they are doing and that’s made you believe in equality, but if you think carefully about this, you might help the people you want to help more by adjusting your egalitarianism’. At first glance, Rawls’ difference principle certainly appears prioritarian with its emphasis on the ‘least advantaged’ (1999a). Parfit comments that Rawls’ theory “seems to be an extreme version of the Priority View: one which gives absolute priority to benefitting those who are worse off” (2002, p.116, emphasis in original).

Despite the obvious similarities, Rawls’ difference principle differs from prioritarianism. Given two patterns of distribution, where in one pattern everyone has the same, and in the other one the worst off group have the same amount of resources as in the first pattern and another better off group have more, the prioritarian will prefer the unequal pattern where the better off group have more (Parfit 2002, p.118). The egalitarian will prefer the equal pattern where everyone has the same because of the additional value attached to an equal outcome, whilst the prioritarian will prefer the additional benefit attached to the some being better off. Parfit goes on to discuss how Rawls’ own view is not clear: does Rawls intend that ‘inequality is unjust unless it benefits the worst off group’, or that ‘inequality is unjust only if it harms the worst off’ (2002, p.118)? Parfit says there is confusion in Rawls’ own writings, and he suggests that Rawls would prefer the second interpretation. This is a less egalitarian interpretation of Rawls’ theory, of course, and brings Rawls closer the priority view. Others have pointed out that Rawls’ theory is always about relativities – like egalitarianism – unlike prioritarianism: “for Rawls it is because they are worse off than others that benefits to the worse off matter more, whereas on the Priority View the value of the benefit depends only on how badly off they are in absolute terms” (Brighouse & Swift 2006, p.471).

One problem for prioritarianism is that it would require us to move benefits towards the worst off, even if the benefits to the worst off are very small and the cost to those a bit better off is large (Crisp 2003, p.754). Crisp highlights this difficulty with
his ‘Beverly Hills’ example, where fine wine can be offered to different groups of 10 rich or 10,000 super-rich individuals. The benefit gained by allocating priority to the worst off and giving the wine to the 10 rich individuals would be much less than the benefit by giving wine to the 10000 super rich: “it seems somewhat absurd to think that the Rich should be given priority over the Super-rich to the extent that aggregation is entirely forbidden in the case of the latter. Indeed, what the Beverly Hills case brings out is that, once recipients are at a certain level, any prioritarian concern for them disappears entirely. This implies that any version of the priority view must fail: when people reach a certain level, even if they are worse off than others, benefitting them does not, in itself, matter more” (2003, p.755). The priority view is designed to help the worse off, but what happens when the worst off are well off or even rich?

The ‘doctrine of sufficiency’ appears to avoid this problem (Frankfurt 1987, 1997, 2000; Crisp 2003, 2004; Huseby 2010). The doctrine of sufficiency shares much of the same ground as prioritarianism in its critique of egalitarianism, but claims that “with respect to the distribution of economic assets, what is important from the point of view of morality is not that everyone should have the same but that each should have enough” (Frankfurt 1987, p.21, emphasis in original). It is being in need that counts, not being worse off (Temkin 2003b). If people have sufficient resources to live their lives as they wish, then the moral demand for redistribution has been satisfied. The doctrine of sufficiency is built on a telic principle that “it is in itself bad if a person is not sufficiently well off” (Huseby 2010, p.180). Once everyone is sufficiently well off – has sufficient – the principle is satisfied. There is a level at which a person is content, and when this level has been reached there is no further need to redistribute resources (Huseby 2010). One potential difficulty that the doctrine of sufficiency faces is to identify that level – of being ‘sufficiently well off’. Prioritarianism may face the ‘Beverley Hills’ problem of what to do when the worst off are themselves well off, but at least it is usually accepted that the ‘worst off’ group are identifiable.

Christiano suggests three possible levels of sufficiency (2007). The bottom level is ‘subsistence’ – simply having enough to meet the most basic of human needs,

34 In his example, Crisp appears to be giving a set amount of wine to each person irrelevant to the number of their group, so that the ten rich get as much wine per person as the super-rich. Crisp does go on to say that “even if the benefits to each of the Rich and Super-rich are identical and their numbers are the same, there still seems to me nothing to be said for giving priority to the “worse off”” (p.755). From Crisp’s perspective, there is no advantage to giving the wine to one group or the other as they both live far above any reasonable level of sufficiency.
such as food and shelter. This is still reasonable, as there are many (millions) of people whose basic needs are not met. The next level would be a ‘decent minimum’ which would be “the share of goods a person needs to live a decent life” (2007, p.60). Of course, the conception of a ‘decent’ life is open to all kinds of differing understandings. Above the decent minimum, Christiano suggests ‘maximal sufficiency’ which is “the level at which a person has enough so that one can no longer contribute to that person’s well being by giving the person more” (2007, p.60). We can see immediately here that the level of sufficiency chosen will greatly influence the degree and nature of the redistribution to those below that level.

To identify the level that is sufficient, Crisp suggests the idea of an impartial, compassionate spectator to decide on the level at which a person or group requires assistance (2003). This spectator will be moved by compassion to prioritise distribution of resources to those in need, but will be not be moved to compassion by those who already have enough. In this way, the rich would never be given priority as their situation does not elicit compassion, and so the problem of prioritising those with plenty would never arise. In fact, as soon as the threshold – whatever that might be exactly – is reached, there is no longer any interest in people’s wellbeing: benefits above the threshold are so unimportant that “all benefits to individuals above the threshold matter less than just one nontrivial benefit to any individual below it” (Cascal 2007, p.300). It is clear that the sufficiency view has no problem with inequality itself: “if everyone had enough, it would be of no moral consequence whether some had more than others” (Frankfurt, 1987, p.21).

So, like utilitarianism, both prioritarianism and the sufficiency view will often embrace economic egalitarianism. An equal distribution may often be the best way to achieve their ends: to give priority to the worst off, or the make sure that everyone has sufficient to meet their needs. As we have seen, what distinguishes them from egalitarianism is that that their motivation is not to achieve equality as an end in itself, but as a way of directing benefits towards those who need them most. Temkin labels these approaches ‘extended humanitarianism’ (1993)\textsuperscript{35}.

Parfit’s claim that the Priority View is not concerned with people’s position in relation to others faces problems. Aren’t the worse off always worse off in relation to

\textsuperscript{35} Miller also uses the term ‘humanitarian’ to distinguish these kind of weighted principles from ideas of social justice (1999).
others? The ‘worse off’ people in the USA may feel that they are suffering. As part of the worst off, the prioritarian would be committed to redistributing resources to those people. Yet in global terms, in comparison with the worst off in Liberia or Tajikistan, the worse off people in the USA would not be entitled to redistributed resources. Following the law of diminishing moral goodness, there would be no motivation to help the worse off in the developed world until they were at a same level as the worse off in the poorest countries. The worse off Americans believe that life is hard for them – but in fact this is not the case, and the reason that it is not the case is that others are much worse off than them. However, this again appears to be a relational matter; it is the relative lack of suffering that means that the worst off are not entitled to redistributed resources. This suggests that the argument is at least in one important sense relational: one man (the rich world’s worse off) may think he is finding life tough, but in fact others are finding it much harder (the poor world’s worse off), and therefore that man finds himself without entitlement to assistance. Only when the entire world was at the level of affluence of the developed world, would the worse off in the USA would be entitled to that assistance.

So the question of scope is fundamental here. If we are ‘extended humanitarians’, and our primary concern is the relief of suffering or distress, then prioritarianism and sufficiency appear strong ideals that take account of the suffering of the poorest people. On a global scale, this would mean that our resources and effort would be directed towards the poorest people of the developing world. The worse off in our own societies would not be of interest to us, as they would not be part of the worse off, and benefitting them would not carry anything like the moral weight that benefitting the poorest in the world. It is possible that prioritarianism or sufficiency could be applied within the boundaries of political association like the state. This would then of course mean that the worse off in our own societies would be the focus of our concern. The main proponents of these approaches seem to see these theories as motivated by the relief of suffering and so applied globally.

Parfit is clear that the prioritarianism has universal scope: “if it is more important to benefit one of two people, because this person is worse off, it is irrelevant whether these people are in the same community, or aware of each other’s existence. The greater the urgency of benefitting this person does not depend on the relation to
the other person. It depends only on her lower absolute level” (2002 p.105, emphasis in original). If prioritarian concern for the worst off extends beyond state borders to include the world’s poor then it will not – in the actual world - face the Beverley Hills problem raised by Crisp (2003). The prioritarian will not find himself needing to prioritise distributing benefits to the already rich until world poverty is eliminated.

Despite Crisp’s criticism of prioritarianism, the sufficiency view faces similar problems with relative need. Frankfurt suggests that there are “two distinct circumstances in which the amount of money a person has is enough – that is, in which more money will not enable him to become significantly less unhappy. On the one hand, it may be that the person is suffering no substantial distress or dissatisfaction with his life. On the other, it may be that although the person is unhappy about how his life is going, the difficulties that account for his unhappiness would not be alleviated by more money” (1987, p.38). Yet what is sufficient is relative, unless we limit redistribution to meeting the most basic of needs. The money we feel that we need to have not to suffer dissatisfaction could often be relative; the worse off group in the rich world may have a mobile phone and a television and access to health care and education, and still feel that they are dissatisfied with their situation (when others have cars and foreign holidays). Crisp’s compassionate spectator might agree that they do not have enough. The compassionate spectator might feel sorry that their children have never been abroad on holiday unlike all their class mates, or that the family do not own their own home. The apparent absurdity of Crisp’s own example of the Beverley Hills rich and super-rich might not seem absurd to the compassionate spectator if his only terms of reference was Beverley Hills.

On the other hand, if Crisp’s compassionate spectator takes a global view, then all that the doctrine of sufficiency is concerned with is meeting the most basic of needs, such as having enough to eat and shelter. If only the most basic of needs are to be met for the doctrine of sufficiency to be satisfied, then the condition of the worst off in the developed world could actually get a lot worse before there was a need to be concerned about how they are doing. Only when they approached the level of poverty of the poorest in the world, would we start to feel compassion for them. The same conclusion applies to prioritarianism – if it is global in scope. The degree of inequality
in our own societies could actually increase without the prioritarian being troubled as in global terms they are relatively rich\textsuperscript{36}.

So both the priority view and the sufficiency principle face this problem. If they are applied universally, then they are a weak brew as regards our own societies. These principles would have little to say about the situation of the worse off in our societies, as both principles would be uninterested in distributing resources except towards the poorest in the world. The prioritarian because that group would be the worst off, and from the sufficiency principle because the poorest would be those who did not have enough and elicited compassion. In a global context, they would be very radical principles where they might suggest a similar response to that suggested on utilitarian grounds by Singer to a humanitarian crisis (1972). This is what makes Temkin’s categorisation of these approaches as ‘extended humanitarianism’ so appropriate (1993). It is this feeling of compassion for those lacking the basic means to live their lives, when we have so much, that motivates our concern for the poorest in the world.

This leads us to why prioritarianism and the doctrine of sufficiency are unsatisfactory to the egalitarian. In this research, I am considering differing ideals of equality and in particular their relationship to distributive justice. As Casal points out, sufficiency, equality and priority are not mutually exclusive principles but could be combined, although their proponents see them as competing ideals (2007, p.299). Prioritarianism is a coherent and attractive ideal for many, but to what degree is it an ideal of equality? For the humanitarian, prioritarianism or the doctrine of sufficiency make sense as a plausible alternative to egalitarianism. If you are concerned about the huge inequalities in the distribution of wealth across the world, and the urgency to help the poorest who struggle to feed, clothe and obtain shelter, they are robust ideals that give a rationale about why we should aim to help those with least, and improve upon the moral neutrality of utilitarianism. In fact, they could be seen as ‘improved utilitarianism’. They also avoid – or most agree that they avoid – the problems created for telic egalitarianism by the Levelling Down Objection.

I think there are two areas that make prioritarianism and sufficiency unconvincing to the egalitarian. Firstly, these ideals are untroubled by inequality itself.

\textsuperscript{36}If the prioritarian was using taxation to move resources to the worst off in the world, the worse off in developed world could presumably face increased taxation in order to redistribute from them towards the poorest.
Despite priority being given to helping the worse off, prioritarianism “licenses vast increases in inequality, if necessary for improving – however slightly – the worse off” (Temkin 2002, p.130). It is explicit that sufficiency has no problem with gap between rich and poor, so long as everyone has sufficient resources to meet the agreed level of need. Yet many egalitarian do feel that there is something wrong with a distributive pattern where the gap between individual wealth is wide. That gap is a problem for an egalitarian.

Secondly, as we have discussed, these ideals may not be concerned by the relative poverty in a rich country. The relative poverty in our kind of societies is simply not bad enough to be a worry for the extended humanitarian. So, again, for the prioritarian inequality itself is no problem. There is nothing troubling about the situation of the relatively poor within the rich society. This is a problem for the egalitarian whose intuition is that the inequality within our own societies is a legitimate cause for concern.

So the ideals of prioritarianism or sufficiency are unconvincing for the egalitarian because they are not ideals of equality. The egalitarian is losing too much in abandoning an egalitarian ideal for these rivals: he is giving up his egalitarianism.
Chapter 10 – Luck Egalitarianism

Many egalitarians would argue that the problem with Justice as Sharing is it fails to take account of people’s choices. This objection came to the fore following Rawls’ work around distributive justice: whatever Rawls says about wanting people to act in a reciprocal manner, and to retain responsibility for their own choices, the difference principle does not take account of this and makes people subsidise the choices of others (Kymlicka 2002). The difference principle “supposes that flat equality in primary goods, without regard to differences in physical condition or handicap, is basic and true equality” (Dworkin 2000, p.116). There are seen to be two significant ways in which Rawls’ theory is unsatisfactory as it is “both an overreaction and also an insufficient reaction to the problem of undeserved inequalities. It is insufficient in not providing any compensation for natural disadvantages; and it is an overreaction in precluding inequalities that reflect different choices, rather than different circumstances” (Kymlicka 2002, p.87). The difference principle is, in effect, a blunt instrument, that “must be rejected on the grounds of its insufficient sensitivity to the effects of both luck and choice on people’s lives” (Hinton 2001, p.81).

So liberal egalitarian theories were developed in response to these difficulties with Rawls’ argument, and in particular in response to the failure of Rawls to take account of freely made choices. The ideal of equality behind these theories was that “not all inequalities are intrinsically bad because not all inequalities are unfair. The clearest case of inequalities which are not unfair are those which are the result of the differing free choices of different individuals where everyone had the opportunity to end up as well off as anyone else by making the same choices as that other person and the consequences of all choices could be predicted with certainty” (Otsuka 2004, p.152). If an individual chooses to work hard, as opposed to sit and watch daytime tv, distributive justice should take account of that. Above all, these post-Rawls theories aim to make sure that these choices are taken account of.

This is often seen as a response to the strength of the libertarian challenge to egalitarianism37 (Anderson 1999; Kymlicka 2002; Williams 2006; Wolff 2007). Criticism

37 For this reason, Williams (2006) suggests the label ‘post-libertarian egalitarians’ to describe Dworkin’s equality of resources with other contemporary theories (such as Arneson 1989;
of Rawls from libertarians such as Nozick (1974) appeared to many egalitarians to hit home. Williams calls this the ‘agency objection’ (2006). The agency objection says that if we assume that people are responsible agents who act freely so that the choices that we make can be judged, then people should be able to make their own decisions about how to live their lives. We should not be responsible for the choices of others, or made to pay the price of the choices that they make, or give up what we have gained through our own choices. Egalitarianism – particularly a theory like Justice as Sharing - however, “involves unjustifiably denying our decision-making powers, or forcing us to share the costs of others’ decisions. Egalitarian principles should, therefore, be rejected on the grounds that they unjustly limit liberty or unfairly spread liability” (Williams 2006, p.499). In response, egalitarians embarked on a project to accommodate the agency objection, and to “make a distributive space for personal responsibility” (Steiner 1998, p.108).

The theories that were developed can be said to hold the ‘opportunity conception’ of justice (Wolff 1998). The theories differ over what it is that should be distributed, on what should be the ‘currency of egalitarian justice’ but they can be seen as all based on Dworkin’s grounding idea that “no one should suffer because of brute bad luck” (Cohen 1989 p.922). Anderson (1999) labels this group ‘luck egalitarians’ as they are concerned, above all, with what people can change and what they can’t change, and differentiating between brute luck and option luck. Option luck is the “matter of how deliberate and calculated gambles turn out – whether someone gains or loses through accepting an isolated risk he or she should have anticipated and might have declined” whilst brute luck is “a matter of how risks fall out that are not in that sense deliberate gambles” (Dworkin 2000, p.73). So losing out on a stock exchange investment is option luck, and being hit by a meteorite is brute luck (unless you could have reasonably expected to know about a likely meteorite shower). This is an important concept for opportunity based theories of distributive justice, as their “core idea is that inequalities in the advantages the people enjoy are acceptable if they derive from the choices that people have voluntarily made, but that inequalities deriving from unchosen features of people’s circumstances are unjust” (Scheffler 2005, p.5). Cohen (1989) says that the achievement of luck egalitarianism is to incorporate the most powerful idea of the right: the idea of choice and responsibility.

Cohen 1989; Rakowski 1991; Van Parijs 1995) and the left-libertarians (such as Otsuka 2003; Steiner 1994; Vallentyne and Steiner 2000).
Dworkin’s ‘equality of resources’ (1981, 2000) is probably the highest profile of these theories, and I will concentrate on it here. For the reasons already discussed, Dworkin aims to create a theory of distributive justice that takes account of the choices that people make. For Dworkin, the idea of an economic market is integral to his theory. Dworkin asks us to imagine that a group of shipwreck survivors have to divide the resources of their uninhabited island equally amongst themselves. He suggests a way of dividing the resources so that everyone is happy with what they get, and personal preferences can be accounted for.

First, someone spends a great deal of time dividing up the islands’ resources into bundles, and the group agree to what he calls the ‘envy test’ which says “no division of resources is an equal division if, once the division is complete, any immigrant would prefer someone else’s bundle of resources to his own bundle” (2000, p.67). So the aim is to pass the envy test by dividing up the bundles so that no one would choose another person’s bundle over their own.

To achieve this, the islanders attend an auction where each is given an equal number of clamshells to act as currency, and they bid for the bundles of resources. The economic market of the auction allows each individual to choose what bundle of resources he wants, and allows him the responsibility of spending his clamshells as he sees fit. The process ensures that each islander has the bundle that he prefers, and so the envy test has been met. The islanders also have, for the moment, an equal amount of resources. This will change as actions and events change the make up of the bundles. After time, some people will prefer the bundles of others to their own. Here the difference between brute luck and option luck is important, as the reasons why the distribution will no longer pass the envy test will be a mixture of option luck and brute luck. Some may have worked hard to increase their bundle of resources, others may have seen their bundle diminish through illness or through laziness.

Dworkin wants his theory to accommodate the choices that people make, so that the outcomes that result from option luck are allowed and those that result from

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38 Phillips (1999) points out that Dworkin’s “equality of resources” is misleading in a sense, as it is not concerned with the amount of resources that people end up with – as it might suggest – but is really about equality of opportunity.

39 Heath argues that Dworkin misunderstands the mechanism of the auction, and leads him “to draw practical conclusions from the thoughts experiment that do not follow, such as his claim that the principle of equality generates a presumption in favour of the market as a mechanism for the distribution of resources” (2004, p.313).
brute luck are eliminated. He believes that inequalities that result from option luck would pass the envy test, if the decision to prefer a bundle takes account of the choices made over the whole process instead of just the outcome. To show this, he uses the example of Adrian who “chooses resources and works them with the single-minded ambition of producing as much of what others value as possible; and so, at the end of a year, his total stock of goods is larger than anyone else’s. Each of the other immigrants would now prefer Adrian’s stock to his own; but by hypothesis none of them would have been willing to lead his life so as to produce them. If we look for envy at particular points in time, then each envies Adrian’s resources at the end of the year, and the division is therefore not equal. But if we look at envy differently, as a matter of resources over an entire life, and we include a person’s occupation as part of the bundle of his goods, then no one envies Adrian’s bundle, and the distribution cannot be said to be unequal on that account” (Dworkin 2000, p.83).

Having said that Adrian’s success does not conflict with the envy test, Dworkin contrasts Adrian’s success with Claude. Claude has worked as hard as Adrian but is not as skilful so his bundle of resources does not increase like Adrian’s. This is unacceptable for Dworkin, as the difference in outcome between Adrian and Claude is not the result of option luck: Claude is not lazier than Adrian, just less talented at the trade they chose. Dworkin emphasises that equality of resources is not a ‘starting-gate theory’ where people start off equal but the inequalities that result over time are subsequently accepted as fair (2000, p.89). His theory aims to be both ambition-sensitive, by taking account of people’s choices, and endowment-insensitive which means it does not reflect the difference in natural talent between individuals.

To achieve this, Dworkin suggests a hypothetical insurance market as a model. The hypothetical insurance is taken out against the possibility of suffering a handicap, and also against the possibility of not being talented (2000,p.96). People would agree a certain level of premium to insure themselves against disability, and a separate hypothetical payment to insure against being untalented (like Claude). The hypothetical workings of the insurance market would not lead to everyone insuring themselves against failing to be super-talented, as the premium required to insure against this possibility would be so high. The premium paid to insure against being talented enough to succeed at a more modest level would be much lower. The insurance model is hypothetical, and is used by Dworkin to justify using the taxation
system to duplicate the results of the insurance. In this way, taxation paid is equivalent to the insurance payments made to protect oneself against future loss, due to brute luck such as suffering illness or being untalented. The services provided by the state, such as welfare or unemployment benefit, and health care, are the equivalent of the insurance payouts.

Dworkin’s theory institutionalises the hypothetical insurance market. So the hypothetical insurance justifies progressive taxation to compensate the less talented for their lack of success. It does not rely on the state making judgements about individuals, and the degree to which their success or lack of it is due to option luck or brute luck. For this reason, Dworkin denies that he is a ‘luck egalitarian’ (2003). What Dworkin does emphasise is that when an individual chooses their life path, they are responsible for that choice, so that “whatever he becomes – poor beachcomber or rich lawyer – he chooses to become one and could have chosen to become the other. His career is therefore his choice, not part of his circumstances. It is not less his choice if his decision is influenced by traits of character. Most lazy people have not chosen to become lazy, but they are free to overcome their laziness, even though they must sometimes make extra effort at the cost of “welfare” to do so” (2003, p.193).

Redistributive taxation aims to redress approximately the elements that are due to circumstance, and allow those to take advantage of the increased resources that are the result of choice. For Dworkin, there is no problem with the lawyer being richer than the beachcomber, once this has been taken account of. The insurance argument “strongly suggests a procedural view on what equality of resources demands, in the sense that whatever result emerges from the hypothetical insurance market is morally legitimate by virtue of responsible choice” (Van der Veen 2002, p.55).

Dworkin’s theory appears to achieve what he set out to do: it reconciles egalitarianism with taking account of the difference between people’s choice and their circumstances. Kymlicka claims that the idea of the envy test “expresses the liberal egalitarian view of justice in its most defensible form. If it could be perfectly enforced, the three main aims of Rawls’ theory of justice would be fulfilled, i.e. respecting the

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40 It is interesting that some European states pay out unemployment benefits as a proportion of the income earned before the period of unemployment. This acts very much as an insurance scheme, but results in preserving inequality – so the high-earner receives a high level of unemployment benefit, often more than the salary of a less well paid person who continue to work. I am not suggesting that Dworkin’s theory would have this outcome but it shows what can happen on an insurance market based model.
moral equality of persons, mitigating the arbitrariness of natural and social contingencies, and accepting responsibility for our choices” (2002, p.75)\(^\text{41}\). The envy test also accommodates the strong liberal intuition that the state should not lay out what constitutes the good life for an individual (Clayton 2002). So Dworkin’s argument “has the merit of squaring up, and attempting to answer, a number of hard questions. What is the currency of justice? How do we make room for issues of responsibility within egalitarian theory? How do we determine the appropriate level of compensation for people of low earning power or who have disabilities? A coherent systematic picture emerges which provides a response to Nozick, and repairs defects identified in Rawls’s position. This explains the central place of his work in the literature” (Wolff 2007, p.129).

Although I have focussed on Dworkin’s work, there are a range of luck egalitarian theories each with a different emphasis (for example Arneson 1989; Cohen 1989; Rakowski 1991). These opportunity based theories, or luck egalitarians, share the same basic ideal of equality, and so face the same problems. They rely, in varying degrees, on making judgements about the choices that people make, the circumstances that they are in, and the degree to which people are responsible for those choices. They aim to replace the allegedly simplistic difference principle with a “fine-grained, person-by-person allocation of distributive shares” (Hinton 2001, p.73).

As a result some of these theories find themselves in strange places, perhaps most obviously discussing the problem of expensive taste. Theories that aim to equalise welfare, or something related to that concept, say that an individual should be compensated for unchosen aspects of their lives that affect their well-being. So Cohen discusses compensation for those with a miserable disposition (1989, p.930), and Arneson discusses compensating people who have expensive tastes (1989). Roemer

\(^\text{41}\) Scheffler (2005) says that the supporters of luck egalitarianism are mistaken to believe that they gain support from Rawls. He disputes Kymlicka’s claim that Rawls’ theory is intended to take account of responsibility and personal choice. Scheffler argues that Rawls does not aim to produce a theory that is ambition-sensitive and endowment-insensitive, and suggests that “the best explanation of the fact that Rawls’s theory of justice does not respect the distinction between choice and circumstances is that Rawls is not attempting to respect it. He simply does not regard the distinction as having the kind of fundamental importance that it has for luck egalitarians” (2005,p.11). I agree with Scheffler’s analysis.
finds himself arguing that compensation for expensive tastes would depend again on the group in society that a person comes from and that group’s median preferences. In this way, the “child of impoverished aristocrats” may be eligible for compensation for his love of claret, whilst presumably the child of just plain poor people wouldn’t (1993, p.203).

Roemer put forward the idea of the ‘egalitarian planner’ to implement Dworkin’s theory in the real world (1993, 1995, 2003). Roemer’s approach is to compare groups within society rather than trying to compare individuals. He attempts to resolve the problem about how the state can decide what proportion of an individual’s success, or failure, is due to circumstances by comparing the individual to the group of society that they belong to. This approach aims to ensure that “an individual should not be disadvantaged by characteristics of her type” (Roemer 2003, p.265).

So the egalitarian planner, given the task of implementing an opportunity-based conception of distributive justice, would divide society into types or groups. These types would be made up of factors that are felt to be relevant, such as gender, race, levels of parental education, and wealth. Essentially, the egalitarian planner aims to equalise across groups, so that the privileged groups do not keep the elements of their success that is statistically due to where they were born, and the disadvantaged do not suffer in the same way. To use a contemporary British example, group A (daughters of Pakistani manual workers) might be compared with group B (the sons of university-educated parents worth more than £1 million). Within each group there is a range of income, so that the average woman in group A earns £8000 a year and the average man in group B earns £6000. This gives the egalitarian planner a way of taking account of the difference in brute luck between these two groups, as it can be assumed that the average member of group A is working as hard as the average member of group B. The difference in average income between groups can therefore be attributed to brute luck.

Variations within the group can be fairly attributed to option luck. If two individuals in group A vary significantly in their income, this can be assumed to be the result of the choices that they have made. In the same way in group B, the hard-working or prudent individual will earn more than the lazy or the individual who has chosen to prioritise leisure. The egalitarian planner can therefore assume that these
differences in income, comparing like with like, are acceptable from the perspective of
distributive justice. The difference between groups is attributed to brute luck and is
therefore unacceptable. The egalitarian planner therefore redistributes wealth across
groups so that the top 10% of group A earn the same as the top 10% of group B, and
the average is the same, and the bottom performers in each group have the same
income and so on.

I suggest we take Roemer’s scheme as the most pragmatic and best thought
out approach to implementing an opportunity-based conception of distributive justice.
It avoids counter-intuitive conclusions like compensating people for expensive tastes
yet keeps the core value of opportunity based theories. It seems to get something
important right, balancing out the difference between the advantages of the rich and
the disadvantages of the poor, and takes account of other issues such as gender and
race. Also, the egalitarian planner has taken account of the problems of implementing
this kind of distributive justice as it is a compromise between normative ideals and
practical considerations. Despite this, Roemer still faces the same problems. As he
acknowledges, it does not take account of individual differences within types. So that,
for example, a rich white individual might suffer more disadvantage if they were
brought up by abusive rich white parents than a poor black woman brought up by
loving and supportive parents. Under the egalitarian planner, the rich white person is
then discriminated against, in effect, despite suffering severe brute luck. A person in
the least advantaged group, with helpful and ambitious parents, may succeed whilst a
peer with critical and uninterested parents fails, but again the egalitarian planner does
not capture this. So, by creating a more practical scheme, Roemer must compromise
on the very ideal of equality that the luck egalitarian aims to implement. The more
pragmatic and generalised Roemer’s scheme becomes, the less it distinguishes
between choice and circumstance.

Whatever system is used, any attempt to implement this approach to
distributive justice requires that data about individuals needs to be collected, and the
redistributive pattern would depend on the data that was collected (Wolff 1998).
Philosophically, Wolff acknowledges that luck egalitarianism is a strong approach as it
has created exploitation-proof principles for distributive justice, however he argues
that the real world consequences would be that people’s self-respect would be
damaged, and the luck egalitarian goal of fairness is in tension with the egalitarian
desire for each citizen to be shown equal respect. He asks us to imagine a situation where an individual is out of work when there is work available in society, so objectively there is an opportunity to work. The individual would have to demonstrate – in order to be eligible for the compensation for his lack of talent – that he is failing to find work when others are able to do so (1998). The least advantaged people are therefore required to submit to a process of scrutiny by the state, and what Wolff calls ‘shameful revelation’ about themselves as to claim welfare they would have to demonstrate their unemployment was due to their own inability to work. Such investigations over choice and circumstance will often have consequences that appear to go against strong egalitarian intuitions about how we should treat each other. Wolff argues the egalitarian will sometimes face a choice between fairness and respect, and unfairness (in the form of free riding, for example) “can be a price worth paying: sometimes unfairness is to be tolerated if fairness conflicts with respect” (1998, p.117).

Like Wolff, Anderson argues that the luck egalitarians “fails the most fundamental test any egalitarian theory must meet: that its principles express equal respect and concern for all citizens” (1999, p.289). Anderson raises a range of objections to the consequences of making judgements between option and brute luck. Making people accountable for their actions in this way involves making them face the consequences of their choices, as Roemer makes clear that it is not the role of the state to protect people against “outcomes that are the consequences of causes that are within their control” (1993,p.147). For example, Anderson illustrates how some luck egalitarian theories would distinguish between people who are congenitally blind and those blinded when taking a risk, or people who choose to live in an area with a higher risk of natural catastrophes. By making people responsible for their choices, these theories would discriminate against those who choose a dangerous job such as the military or firefighting, or a job where rewards are sacrificed for being a carer (Anderson 1999). These kinds of consequences might be acceptable to a libertarian, but for many egalitarians they appear strongly counter-intuitive as these individuals are choosing to take greater risks – or forego greater rewards – in order to do something that is seen as helping the greater good.

Another problem is the degree to which we can ever know the extent to which a person’s achievements is due to choice rather than circumstance? Arneson argues that by thinking through the concept of desert in terms of receiving redistributed
welfare benefits, we are led to the conclusion that an attempt to implement fine-grained deservingness is so fraught with difficulties that it should be abandoned (1997). The factors that affect circumstances can be so personal that any institutional attempts to compensate cannot cope: again we can think of the wealthy neglected child who may be more disadvantaged than the loved poor child. It may be that “the degree of weight that the luck egalitarian places on the distinction between choice and circumstances seems, on its face, to be both philosophically dubious and morally implausible. Philosophically, the question is whether the distinction is deep enough to bear the kind of weight that luck egalitarians place on it” (Scheffler 2005, p.17).

So luck-egalitarians face three significant problems. Firstly, the practical problems of implementing such a complex concept of distributive justice whereby the state has to judge the extent to which your success is due to option luck or brute luck. Secondly, the objections raised by Wolff (1998) and Anderson (1999) which show the luck egalitarian agenda conflicts with strong egalitarian intuitions. Finally, there is the question about whether it can ever be possible to make the kind of judgements about the decisions that people make, and the background factors that affect those decisions.

The left-libertarians offer an alternative way to resolve these concerns about choice and circumstance. Left-libertarians aim to combine the self-ownership and property rights of traditional libertarianism with a degree of distributive equality (Steiner 1994; Van Parijs 1995; Vallentyne and Steiner 2000; Otsuka 2003). Like other libertarians, left-libertarians believe in ‘self ownership’ as a core claim. This self-ownership is the strongest possible ownership of themselves, in the same way “that a (full) chattel-slave owner owns a slave” (Vallentyne, Steiner and Otsuka 2005, p.202). This means that people should be able to do what they want with themselves even to the extent of selling themselves into slavery. The key difference between traditional libertarians and left-libertarians is that the left-libertarians hold that everyone is entitled to a share of resources, irrespective of their individual actions. Their second core claim is that the world’s natural resources, in some sense, belong to everyone (Vallentyne, Steiner and Otsuka 2005). The ownership of natural resources is shared out, and this ownership is held by all citizens. By maintaining that the rights to the world’s resources are held in common, left-libertarianism “recognises both a strong

42 Subject to the proviso of not harming others.
individual rights of liberty and security and also grounds a strong demand for some kind of liberal equality” (Vallentyne, Steiner and Otuska, 2005, p.201). These two principles – of self-ownership and equality – are independent of each other.

This shared ownership of natural resources provides the basis for a degree of distributive equality. Most left-libertarians argue that shared ownership can be used to provide citizens with a basic income. In effect, the basic income can be seen as the interest on the capital that each individual owns in the natural resources. The level of basic income may or may not be sufficient to meet basic needs, but in our kind of societies Van Parjis would expect it to be sufficient (1995). This basic income is “an income paid by the government to each full member of society (1) even if she is not willing to work, (2) irrespective of her being rich or poor, (3) whoever she lives with, and (4) no matter what part of the country she lives in. The choice of the expression is meant to convey the idea that, owing to its unconditional nature, we here have something on which a person can safely count, a material foundation on which life can firmly rest, and to which any other income, whether in cash or kind, from work or savings, from the market or the State, can legitimately be added” (Van Parijs 1995,p.35). So it is unconditional, and in marked contrast to luck egalitarianism, it makes no attempt to pass judgements on individuals. In fact, basic income does the opposite. As the quote from Van Parijs shows, it is deliberately ‘blind’ to an individual’s situation.

Advocates of a basic income say that this gives the individual the freedom to choose the kind of life that they want to live, and respects that choice. This is what Van Parijs calls ‘real freedom’ meaning “the real freedom to choose among the various lives one might wish to lead” (1995, p.33). Basically, if people want to sit on their couch and watch daytime tv then this is not a problem. So the left-libertarian provides each citizen with an unconditional income, in effect redistributed wealth, on the grounds that the natural world’s resources are held in common. The citizen is also guaranteed the strongest bundle of property rights available. This right to the income is not dependant on contribution or desert. One strength of an unconditional basic income is that it makes no attempt to impose a conception of the good, about how a person should live their lives (Van Parijs 1995; Levine 1998). A person is free to do whatever they choose: to live a life of idleness on a modest basic income, or top this up with work in the market.
Left-libertarianism has been criticised on the grounds that the concept of self-ownership is itself flawed (Fried 2004, Lippert-Rasmussen 2008) or not appropriate for egalitarians (Cohen 1995). A related concern is that the two core principles – self-ownership and egalitarian distribution are prone to conflict with each other (Quong 2011)\(^4\), or lack coherence (Risse 2004). Fried argued that left-libertarians give too much ground to the right-libertarians, and in the real world where self-ownership is used as a principle that equates taxation with slavery by “conceding the libertarian notion of self-ownership is the moral high ground to begin with, they may well give up more ground than they bargain for” (2004, p.92).

Despite these concerns, out of all the theories that attempt to take account of the difference between choice and circumstances, it is perhaps the left-libertarians who have the strongest approach. A basic income avoids the problems raised by Wolff (1998) and Anderson (1999), and also addresses the issues of helping those with the least that would concern the prioritarian or humanitarian. Judgements about people do not have to be made and everyone is entitled to a share. People are protected from their circumstances, to a degree, and yet also able to reap the benefits of their choices. Left-libertarianism appears to succeed “by combining the libertarian commitment to full (or nearly full) self-ownership with an egalitarian principle for the ownership of natural resources, left-libertarians offer an account of justice that appears firmly committed to both individual liberty, and to an egalitarian view of how opportunities or advantage must be distributed” (Quong 2011, p.64).

Like most contemporary egalitarian theories, and unlike Justice as Sharing, left-libertarians do not have a problem with inequality in itself. People accumulating resources is not a problem if other factors, such as equal opportunity, social equality or the situation of the least advantaged, are addressed. The bottom line is that left-libertarians and luck egalitarians “believe that it is not unfair if some people are worse-off (or better-off) than others as a result of their voluntary choices” (Scheffler 2005, p.32). These theories can be called ‘starting gate’ theories, as they “advocate putting individuals in equivalent conditions of choice (taking into account differential decision-making abilities) and consider it fair to let the consequences of choice be borne fully by

\(^4\) Quong suggests that the way to resolve this problem is to move from equal ownership of natural resources to a Rawlsian equal ownership of the benefits of cooperation, so that – for example – a Rooney retains self-ownership of his footballing ability but the income derived from cooperative society’s value of his footballing skills is subject to egalitarian distributive principles (2011).
individuals, not matter how unequal the resulting outcomes may be” (Fleurbaey 2002, p.83). They are committed to a ‘before’ and ‘after’ (Steiner 1998, p.108). Once brute luck has been eliminated, the resulting outcome is not a problem. For luck egalitarians, inequality that is the result of option luck is not troubling, and the results of option luck are delivered by the market. If someone becomes a merchant banker through their own effort, then their wealth is not a problem. Any theory that gives priority to fair equality of opportunity “implies that it is more important for the similarly endowed and motivated to have equal chances of achieving unequally advantaged positions than for the least advantaged to enjoy the greatest possible benefits” (Brighouse and Swift 2006, p.484). So “it is not only libertarians, then, who think that labor market determinations are just. Albeit with substantial and far-reaching qualifications, liberal egalitarians do too” (Levine 1999, p.411).

Justice as Sharing, like Rawls’ theory, fails to take account of individual choice and circumstance. So the agency objection scores a direct hit against Justice as Sharing. Philosophically, many luck egalitarian theories appear robust and convincing arguments. Yet if you are egalitarian, they seem to miss something huge. It is odd for egalitarians to accept the mechanism of the market and its outcomes in the way that these approaches seem to. We know what the market pays so we can make choices, but in terms of social justice “the unequal rewards attached to our different endeavours look pretty arbitrary. There is something rather shady about attributing to personal choice what turn out to be vast differences in social standing and income when the choices were about a particular use of one’s talents, not the relative social standing of nursing and banking” (Philips 2004, p16). The focus on individual choice and circumstance turns the focus of egalitarian concern away from the structure of society that creates the difference between rich and poor. Ultimately, many liberal egalitarians accept that the economic outcomes produced by the market are just (Levine 1999). It is strange that egalitarians find themselves troubled by one individual who chooses to be a beachcomber and another a lawyer, rather than why there might be so much inequality in our societies. This is perhaps a result of the focus on micro-examples, and the quest for exploitation proof principles. Of course, the interventions required to minimise the distributive effect of unchosen circumstances would lead to a significant process of redistribution. Nonetheless, once this had been done – and option luck had been accounted for – the luck egalitarian would be at ease with the inequality that resulted from the choices that people make.
By adopting this approach to distributive justice on his camping trip, Cohen finds himself having to temper the inegalitarian outcomes permitted by his principle of equality with his principle of community (2009). So he allows an individual to accumulate resources on that grounds that this is just if his strong equality of opportunity is satisfied, but then requires another principle to ensure that large inequalities do not occur. Justice as Sharing claims that the egalitarian should be concerned with reducing the degree of inequality between people. Rather than be concerned to level the playing field to ensure that the race to becoming a banker is fairer, Justice as Sharing is concerned to reduce the inequality that results from the banker’s wealth. The big issue is the degree of inequality created by the market, not the fairness of the race to claim these market rewards. These liberal egalitarian theories “leave untouched the really big questions about inequality” (Philips 2006, p.32). From a radical egalitarian perspective, the luck egalitarians are simply barking up the wrong tree.
Chapter 11 - Desert

In discussions around distributive justice, the question of desert looms large although it is often not addressed directly. If we reject the luck egalitarian project of integrating the agency objection into our egalitarian ideal, we must also look at the problem of desert. Concepts of desert and entitlement get mixed up in the debate, and appeals to the intuitive attraction of desert add weight to claims that redistribution is often unjust. So desert is important for egalitarians and they need to consider its implications.

The idea that people deserve things appears intuitively obvious to most people. People who have acted wrongly ‘get what they deserve’, and people ‘deserve success’ after years of hard work to achieve an end. Despite the strength of this idea in everyday thinking, theories of distributive justice have been criticised for failing to take account of the importance of desert (MacIntyre 1985; Scheffler 1992; Miller 1999). Scheffler pointed out how the perception that programs of economic redistribution were seen to rest “on a reduced conception of individual agency and responsibility” (1992, p.300). This conflicts with strong intuitions about an individual’s responsibility for their choices and actions, and for their associated economic success or failure. As has been discussed in the previous chapter, this problem was the driving force behind attempts to accommodate an increased sense of individual responsibility in egalitarian theories. Associated with the concept of responsibility is the concept of desert. Accepting that we have responsibility for our actions means that how hard we try, at studying, training, working, is under our control. If the effort we make is under our control, then we are responsible for the effort that we make. It is “widely assumed that effort generates desert” (Levine 1999,p.405). Everyday thinking says that a hard-working person deserves success, and is therefore entitled to the economic fruits of that success.

So what does it mean to deserve something? Olsaretti suggests “personal desert is a three-place relation between a person, a good or treatment she is said to deserve, and the grounds in virtue of which that good or treatment is deserved”

\[\text{\textsuperscript{44}}\text{I will focus here on desert in the latter sense, rather than deserving punishment.}\]
Someone has to do something (an act of some kind) to deserve something (whatever is deserved) and there is some way of judging (that the act satisfies the requirement). When it is examined, desert is a complex and diverse concept (Young 1992, Baiasu 2006). Deserving to win the world chess championship is different from deserving life imprisonment which is different again from deserving compensation for medical negligence (Young 1992, p.320). In distributive justice, desert appears to be different again. Lamont suggests that the reason desert appears so difficult to pin down is that the concept allows the introduction of external values (1994).

One influential contemporary discussion around desert is by Miller (1999), and I will use his work as a guide here. Miller suggests that there are two main ways which we think are important when talking about desert in the sense of an individual deserving a reward due to something the individual did. Firstly, the performance that forms the basis of the desert must be the act of the individual agent themselves. So the athlete who wins a race has done so without the enhancement of outlawed drugs, or that the winner of a prize for best essay has written the essay independently. Secondly, performance should be positively appraised. People should agree with evaluation of the performance – the winning of the race, being employee of the month or whatever. People agree that the winner deserves the prize because it was the best gymnastic display or whatever. Although the performance often might be judged to be socially useful, it is not necessarily so. For example, it is not incoherent to suggest that the mastermind of a robbery deserves a greater share of the loot than the getaway driver (Miller 1999, p.135). This kind of judgement Miller calls ‘primary’ as they “fall within the core of the concept” of desert (1999,p.133). In terms of distributive justice, these primary judgements are often used to support an argument that people deserve extra income because they have worked harder or been more productive.

Miller suggests a further ‘secondary’ category of judgements about desert “which still invoke the concept but are parasitic on primary judgements” (1999, p.133). This is when we say that someone deserves something due to their personal characteristics rather than their performance, for example when we say a runner deserves to win the race because of past performance before the race has been run. Miller suggests that this really is about merit, and what we expect to happen: so we expect the fastest runner to win the upcoming race. Goodin calls these judgements
‘predictive’ as they are predictions of outcomes rather than true desert judgements (1985).

Finally, Miller describes what he calls ‘sham’ desert judgements “in which “A deserves B” means no more than “It is right or fitting for A to be given B” without the grounds for the judgement being performance-based desert” (1999,p.138). Examples of sham desert judgements might be that ‘everyone deserves a good life’ or ‘you deserve a cup of tea’. In sham judgements, “we could replace “deserves” with “should have” and absolutely nothing would be lost, whereas in the case of genuine desert judgements “deserves” supplies the ground for “should have” (Miller 1999,p.138). Egalitarian statements like ‘everyone deserves an equal share of wealth’ or ‘everyone deserves equal respect’ are sham judgements of the kind Miller describes. ‘Everyone deserves an equal share of wealth’ does not mean that every individual has done something that has resulted in their being assessed to being due an equal share; it means ‘everyone should have an equal share’.

Miller represents what has been called the ‘conventional view’ of desert-based justice, where desert comes from the “basis of our achievements, the outcome of our actions, or the quality of our performance” (Olsaretti 2006, p.438). The conventional view requires that the person is responsible for their actions and choices, because to deserve something is to be responsible for the actions that led the person there.

Why is desert important? There seems to be something important about it, strong reasons why it matters, and why it is a problem when it is not accounted for. Desert is an inherently moralized notion, assuming that people ought to get what they deserve (Goodin 1985). If desert is valued, it becomes important that people get what they deserve as far as possible. As Miller says “it is implicit in the idea of desert that it is good or desirable for A, who has performed P, to have B; the world is in a better state when he has B than when he does not have it” (1999, p.136). When we consider distributive justice, this implication remains. If it is implicit that the person who works hard deserves the added value that he has created through his work, then the world is in a better state when he receives his due reward than when he does not.

This is, of course, a very powerful idea in political thought and real world politics. It is a central intuition behind Nozick’s parable, where people pay an extra fee
to watch the basketball star Wilt Chamberlain play and Nozick asks us if it is then not obvious that Chamberlain is entitled to that extra income (1974 p.161). In the same way, in his Second Treatise Locke asks us if it not clear that the native American who kills a deer in the forests of North America is entitled to claim ownership of the carcass. In Kymlicka’s example of the lazy tennis player and the hard-working gardener, Kymlicka again asks us: surely the hard working gardener should be allowed to retain the money he has made from selling the produce he grew through his own hard work (2002 p.72)?

Running alongside the idea of entitlement in these examples is the idea of desert. The appeal to our intuitions includes desert, and that the world is a better place if people gain reward for individual effort. Wilt Chamberlain has worked hard to make himself a star basketball player, and he could choose not to play, so he deserves the additional money that his fans have paid to see him play. Locke’s native American deserves ownership of the deer he killed, and Kymlicka’s gardener deserves the reward of his hard gardening work. What these examples ask us is “surely these people deserve their success, and surely the world is a better place if they are given what they deserve?” These are primary desert judgements, using Miller’s analysis, as the individual’s performance has led to the appraisal that they are entitled to a certain benefit; it is the hard work of the gardener that means we think he should have the reward of the income he has generated.

These appeals have been a very powerful challenge to the egalitarian who want to redistribute from the economically successful to the unsuccessful. When they have been discussed, it is often in terms of taking account of an individual’s responsibility for his actions. As we have seen, theories that do not appear to take account of responsibility have attracted criticism, and some egalitarians have made strenuous efforts to make sure that their theories can accommodate responsibility. This is linked to the idea of desert. If a person is responsible for their actions, it would seem clear that they deserve to obtain the advantages (or disadvantages) that their freely chosen action led to.

This may be to confuse desert with entitlement. Nozick might argue that he is not saying that Wilt Chamberlain deserves the money from the fans’ tickets, but that...

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45This confusion is easily made, and in other areas of the discussion around desert it becomes very difficult to disentangle. It can be argued that deserving something is really being entitled
he is entitled to it. It could be the same for Locke: the purpose of his example is to
demonstrate that the hunter in the state of nature is entitled to the deer that he hath
killed, rather than he deserves it.

Entitlement comes from qualification for something under an existing set of
rules, which is different from desert (Miller 1999). Entitlement and desert may often
coincide, but they are not the same. You could be entitled to welfare benefits as you
have become unemployed after an accident that has left you unable to work. I might
be entitled to welfare benefits but have made no efforts to find work and have nothing
stopping me working. In this situation, we are both entitled to benefits but you would
be said to deserve the welfare benefits in a way that I do not. We might use the
example of political appointments in classical Athens that were awarded by lot: we
would say that the person was entitled to that position but we would not say that he
deserves it. Again here is the idea implicit in desert that the world is a better place if
people get what they deserve. Entitlement appears a morally neutral concept.

Nozick, Locke and Kymlicka use the appeal of desert to add intuitive appeal to
their examples, even if it is unacknowledged. Wilt Chamberlain, Locke’s hunter and
Kymlicka’s gardener deserve the benefits of their actions in addition to being entitled
to them. From the perspective of entitlement alone, Nozick might have chosen the
example of the son of the rich parents who is given a large amount of money, or a
lottery winner who wins a million dollars. This would disrupt the distributive pattern
just as Wilt Chamberlain’s earnings do. From a Nozickian perspective, the son would
be just as entitled to the gift of his parents or the lottery winner to his prize as Wilt
Chamberlain is to the payment from his fans. Kymlicka’s gardener deserves the income
from his produce, although if he had discovered valuable resources on his land his
entitlement might be as strong.

Nozick and Kymlicka do not use these ‘entitlement only’ examples, of course.
Their own examples make their case more effectively as they gain strength from the
to something under the rules, for example being entitled to the prize under the rules for the
giving of that prize (see Barry 1965, Feinberg 1970). For a summary, see Baiasu (2006).

It might appear odd that I lump Kymlicka together with Locke and Nozick. Kymlicka is clearly
not a libertarian, nor arguing for a minimal state, nor arguing against redistributive taxation.
Nonetheless, his example of the gardener and the tennis player is little different from the
examples of Wilt Chamberlain and the savage hunter, and in his appeal to the intuitive appeal
of entitlement and desert, he shares the same ground. Kymlicka is a representative of those
who wish to promote redistribution that takes account of responsibility.
intuitive appeal of desert. The strength of their argument is increased by the intuition that *the world is a better place* if the basketball player and the gardener are allowed to keep the wealth they have obtained. We can see here the role that desert often plays in discussions about distributive justice. It mixes in with ideas around entitlement and responsibility. The discussion reflects and overlaps with discussion around moral agency, responsibility, and luck. The extent that individuals are responsible for their actions has implications for the extent to which they deserve reward, and arguments for entitlement gain a lot of strength from the association with desert.

For Locke, Nozick and Kymlicka desert is ‘natural’ in some sense. Their examples aim to demonstrate that you can deserve, and be entitled to, the economic rewards that you have created. This desert is created outside of society: Locke is explicit that his hunter is in the state of nature. Kymlicka’s example suggests that the existence of the state is irrelevant, and Nozick’s theory follows Locke that the entitlement to property is created by individuals’ actions. So here the concept of desert is ‘pre-institutional’. It is claimed that desert exists outside of, and before, the existence of government and the laws of property.

Fundamental to the discussion of desert in relation to distributive justice is the extent to which desert is an institutional concept. Miller defines an ‘institution’ as “any regular pattern of human activity in which people are given tasks to perform, encouraged to behave in one way or another, assigned rights and obligations and so on” (1999, p.138). This is a definition that includes competitive sports, systems of honours, as well as institutions such as commercial, religious, educational organisations. It presumably includes society itself, and any human social structure.

If desert is an institutional concept, the institution needs to exist for the desert to exist (Arnold 1987, Cummiskey 1987). Firstly, the thing that is deserved – the benefit – only exists because the institution that provides the benefit exists. The institution is the awarding body. The Olympic games need to exist for an athlete to deserve a medal, an office hierarchy must exist for someone to deserve promotion (Miller 1999). Secondly, the “performance that constitutes the basis of the desert qualifies as such only because the relevant institution exists” (1999, p.139). You can only deserve promotion if there is a hierarchy to be promoted within, or only deserve to win a prize if there is a competition being run. The institution of the economy,
exchange or trader, money or barter, have to exist as preconditions for wealth. The institution of a bank and a financial system has to exist for a banker’s bonus to be paid. Yet there is a powerful intuition that desert matters outside of institutions (Feinberg 1970, McLeod 1996). In terms of distributive justice, this intuition is that people deserve what they work for, either through the effort that they have made or the contribution that they make to productivity (Lamont 1994).

Sher emphasises the idea that effort deserves reward is deep-rooted: “whatever else we think, most of us agree that persons deserve things for sheer hard work. We believe that conscientious students deserve to get good grades, that athletes who practise regularly deserve to do well, and that businessmen who work long hours deserve to make money. Moreover, we warm to the success of immigrants and underprivileged who have overcome obstacles and poverty. Such persons, we feel, richly deserve any success they may obtain” (1987, p.53). Pojman points out that the notion of justice being served by people getting by what they deserve is embedded in human history and can be seen in the religious concepts of all the main religions (1997).

Murphy and Nagel argue that this intuitive idea the people deserve reward for hard work “slides into the much broader notion that all pretax income can be regarded as a reward for those virtues” (2002, p.36). The view that people are entitled to what they earn “arises naturally within the everyday outlook of participants in a capitalist economy” (p.36). In fact, the market rewards are only created within the system that already has taxation as a fundamental part of it and “pretax income, in particular, has no independent moral significance. It does not define something to which the taxpayer has a prepolitical or natural right” (2002, p.74). For Hsieh, the concern with “pre-institutional desert claims is with respect to how they count against redistributing market earnings in a more egalitarian manner. In general, preinstitutional desert claims have been taken to provide a prima facie moral reason against redistribution of market earnings, however unequal, because to deserve a benefit is a reason to be able to keep that benefit” (2000,p.94). We have seen that with Locke, Nozick and Kymlicka’s examples. The examples all cry out: “surely X deserves/is entitled to benefit

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47 It could be argued that Robinson Crusoe could accumulate wealth on his desert island. However, that ‘wealth’ would be limited in many ways and no market could exist as he would have no one to trade with. Perhaps on his island, Robinson’s ‘wealth’ would be better understood as a ‘hoard’, and only when Man Friday the merchant appears could it begin to act as wealth in that way that we understand it.
Y?” The examples are designed to provide just that prima facie moral reason against redistribution.

For Rawls, desert is not the criterion that provides an entitlement to earnings. Rawls sees the appropriate concept for distribution as one of ‘legitimate expectations’ whereby an individual is entitled to what the individual legitimately expects from the social institution rather than the ‘common sense’ position that wealth should be distributed according to moral desert (1999a, Section 48). Rawls “holds that people deserve the product of their efforts only in the sense that if they are entitled to it under the rules of a just system, then they have a legitimate expectation that they will get it” (Nagel 2003, p.68). Rawls does not question the concept of moral desert, “rather, the thought is that a conception of moral desert as moral worth of character and actions cannot be incorporated into a political conception of justice in view of the fact of a reasonable pluralism. Having conflicting conceptions of the good, citizens cannot agree on a comprehensive doctrine to specify an idea of moral desert for political purposes. In any case, moral worth would be utterly impracticable as a criterion when applied to questions of distributive justice. We might say: only God could make those judgements. In public life we need to avoid the idea of moral desert and find a replacement that belongs to a reasonable public conception” (2001,p.73).

Rawls’ view of the role of desert in distributive justice is usually seen as uncompromising. Most liberals would accept that desert exists outside of social institutions and it should to some degree affect outcomes (Nagel 2003). Liberals have sought to accommodate the intuitive appeal of desert with an attempt to acknowledge that there are many factors that influence the degree to which someone is deserving. Miller suggests that there is a continuum, where specific deserts may be institutional but there can be actions such as courage or self-sacrifice that “deserve recognition or reward in some form even though the form may legitimately vary a good deal from place or place” (1999,p.142, emphasis in original). For Miller, desert is basically pre-institutional and that is what allows us to evaluate the performance of the institutions that do exist. We understand desert and want to see it rewarded, and so we can evaluate our institutions by the extent that they succeed in rewarding desert rather than other factors such as wealth or caste. Desert “requires that superior performance attract superior recognition in whatever form the institutions mandate” (Miller 1999,
Miller goes on to argue that if people are paid for productive work, then people whose productivity is higher deserve higher pay.

If distributive justice is concerned with income and wealth, then, in a market economy, the critical issue is the extent to which the market rewards for performance are based on desert. Again, this is different from entitlement although the concept of entitlement and desert are easily confused. If we say that entitlement is achieved by qualification under a set of rules, we might say that a banker is entitled to the million pound bonus that the city institution has given him. That is not the same as saying he deserved it, as desert includes the concept that the world is a better place if he receives his million pound bonus. Under our system, the banker is entitled to his bonus just as an heiress is entitled to inherit a fortune. When we say an individual deserves something we are often merely saying that, in the normal course of events, that individual would receive it. In this way, we confuse desert with entitlement and with just what happens to happen. The value and reward in a market economy vary according to a range of factors, such as supply and demand, that do not reflect moral desert (Rawls 1999a, p.274). A talented poet or philosopher may not be in demand in a way that a writer of vampire novels is, and consequently earn very little from their work. It does not appear to be the case that the popular novelist deserves more wealth, however much he is entitled to it. The world does not seem to be a better place because the popular novelist earns more than the poet.

Entitlement depends on a set of rules created by the institutions of a society. Therefore a banker in a country that taxes the wealthy at a higher rate is entitled to less than a banker in a country that taxes at a lower rate. Does the amount that they deserve change? Does a British chief executive in 2010 deserve much greater relative wealth than a British chief executive in 1978? Or a Scandinavian banker deserve less than an American one? They are entitled to differing amounts, but does the degree of desert change? One reply might be that the American works harder or produces more wealth than the Scandinavian banker, yet the reason the Scandinavian would earn less is because of the institutional structure and wider culture of the country he happens to work in. Assuming equal effort and performance between the Scandinavian and the American, it seems clear that the degree of desert has not changed even though the rules that create the entitlement have.
There are two strong but conflicting intuitions at work. One intuition is that desert is at least partly pre-institutional, and to deny desert any influence in distributive justice is wrong. It is to reject the importance of personal responsibility. The other intuition is that the banker does not deserve more than the nurse (assuming equal hours worked and effort and so on). The egalitarian appears to be faced with either denying desert and responsibility, or accepting the market’s outcomes after the effects of brute luck have been neutralised. The luck egalitarians take this second position, and appear to have successfully acknowledged the role of responsibility and desert in distributive justice. Yet I have argued that the luck egalitarians have gone too far in accepting the unequal outcomes of the market, and claimed that the radical egalitarian should prefer Justice as Sharing over the opportunity based conception. So how would Justice as Sharing deal with the problem of desert?

Denying desert is not unreasonable (Waller 1987). It makes sense from an egalitarian perspective. The egalitarian hopes that “knocking the props out from under the notion of positive desert doubly undercuts opponents of economic redistribution. Without some such notion they can no longer claim that the poor deserve their plight, and hence ought not to be assisted; nor can they claim that the rich deserve their wealth, and hence ought not have it taken from them by the tax collector” (Goodin 1985,p.577). The egalitarian might say that desert is not important at all as life is determined by circumstances beyond our control rather than by our own choices. In fact our choices are not choices at all, but reflections of our circumstances. Taking a hard determinist position, denying free will plays a significant role and claiming that our concern with choice and personal responsibility is an illusion, means that desert is no longer a problem. Yet hard determinism appears to simply ignore the powerful intuition that people do sometimes deserve things. The history of egalitarianism as a political force often gave significant weight to the idea that people deserve to be paid more for the work that they did and the risks that their work involved.

The egalitarian who is uneasy with hard determinism can still temper the edge of desert by weakening the role of free will. It is possible to construct a strong argument that our view of free will and the degree to which people make autonomous decisions is irrational. The liberal world view of people making rational objective choices about the good life they wish to follow and the paths they choose is open to
criticism. As the communitarian critique of liberalism highlighted, we are far more the contingent creatures of our society and culture than liberals often allow. Despite the luck egalitarian attempt to account for the difference between choice and circumstance, it can be argued that the intuitive attraction of choice and of personal responsibility is one of the widespread beliefs of our kind of society, and represents a myth rather than any kind of scientific fact. We do not need to accept hard determinism to accept that we have much less personal choice than we think we do. The more that we accept that we are following paths laid out for us by factors beyond our control, the narrower the application of desert becomes. So the egalitarian can argue that desert is much less important than we think, and is not a strong enough factor in where people end up to be worth adjusting for.

All is not lost for the radical egalitarian uncomfortable with determinism. It is possible to accept desert as a meaningful concept, as accepting desert will not necessarily entail accepting many of the inequalities of market outcomes. As we have seen, luck egalitarians argue that taking account of personal agency and autonomy means that a person deserves the element of their success that is down to their choices, hard work or ‘option luck’. Miller argues that accepting desert means that a person is rewarded for the contribution that they make, and that individuals deserve the value that their autonomous efforts create so “a just society is, in considerable part, a society whose institutions are arranged so that people get the benefits they deserve” (1999, p.155).

The more radical egalitarian could acknowledge that work does deserve reward and that people do deserve success. Young suggests the example of Steffi Graf achievement of winning the Grand Slam of women’s tennis (1992, p.324). Acknowledging that Graf deserves her success does not mean that she deserved her talent, or more importantly, that she deserves the wealth that her success brings her although she is entitled to it (p.325). Market desert claims can be seen as illegitimate, not because people cannot be morally deserving, but because the market does not distribute in a way that reflects desert (Hsieh 2000). The egalitarian response to the difference in income between nurse and financier is to say that it is not a difference of desert but of luck. Not the luck of personal circumstances, of hard work, talent and ambition, but the vagaries of market reward. As the difference in income is arbitrary, there is no moral reason to maintain that difference. Both the work of the financier
and the nurse have moral significance that deserves payment, but the working day of
the nurse is not worth less than the working day of the financier in any way that has
moral significance. In fact, the working day of the nurse may have more moral
significance than the banker.

Therefore there is no moral reason not to equalise income between the
financier and the nurse. There may be a moral reason to maintain payment to both for
the work that they do, but no moral reason to maintain the difference in payment.
Justice as Sharing, which values equality as a worthwhile end in itself, is not prevented
by desert from working towards equality of outcome.
Chapter 12 - Ideals of Social Equality

Over preceding chapters, I have been reviewing the main competing ideals of equality in contemporary debate. I have put forward what I believe are good reasons for the egalitarian to prefer Justice as Sharing. Finally, I will look in detail at the ideal of equality that appears closest to Justice as Sharing. For some egalitarians, equality is primarily “a moral ideal governing the relations in which people stand to one another” (Scheffler 2005, p.21). Understood in this way, distributive equality is an expression of a person’s relation to one another, and that that is the motivation for redistribution as opposed to a compensation for the vagaries of fortune (Miller 1998; Wolff 1998; Norman 1998; Anderson 1999; Hinton 2001; Philips 2004; Scheffler 2005; O’Neill 2008; Hausman & Waldren 2011). It provides a potentially strong and radical ideal of egalitarianism. I will also look at the relationship between this ideal that O’Neill categorises as ‘non-intrinsic’ (2008), and the ideal of Justice as Sharing that claims that equality is a good in itself.

To understand this ideal, Rousseau’s concept of _amour-propre_ is a good place to start. Rousseau presents probably the first expression of the normative ideal of self-respect in a political sense. This ideal motivates this strand of contemporary egalitarianism, and it is Rousseau who develops the ideas that many contemporary egalitarians are still working through. In this way, as in others, Rousseau can be seen as the first modern radical egalitarian.

As we have seen, in Rousseau’s state of nature natural man lives alone and is uncorrupted by society. This man develops _amour de soi_ or ‘love of self’ which is the natural desire to preserve oneself. _Amour de soi_ exists before human rationality and is shared by many other animals (Dent 2005, p.70). As society develops and Rousseau’s natural man spends his time around others, _amour de soi_ is superseded by _amour-propre_. The move from natural savage to social man leads man to compare himself to his peers: “each began to look at the others and to want to be looked at himself; and public esteem came to be prized” (Rousseau 1984, p.114). By comparing themselves to others in society, Rousseau argued that “from those first preferences there arose, on the one side vanity and scorn, on the other, shame and envy” (1984, p.114). For Rousseau, this is an aspect of civilised man not present in the state of nature: “the
savage lives within himself; social man lives always outside himself; he knows how to live only in the opinion of others, it is, so to speak, from their judgement alone that he derives the sense of his own existence” (p.136). *Amour-propre* is the name that Rousseau gives this self-regard in relation to others.

Like other concepts of Rousseau’s, such as the General Will, there is debate around the meaning of *amour-propre*. It has been translated as ‘wanting to be envied’ or ‘vanity’ (Simpson 2007, p.67). Dent interprets it to be “a desire or need to secure recognition from others, for an acknowledgement of oneself in their eyes and actions” (2005, p.39) and Kolodny describes it as “a special kind of self-concern, specifically, for how one relates to others” (2010, p167). Rawls emphasises that amour-propre can be either negative or positive: “in its natural, or proper, form (its form appropriate to human nature), *amour-propre* is a need which directs us to secure for ourselves equal standing along with others and a position among our associates in which we are accepted as having needs and aspirations which must be taken into account on the same basis as those of everyone else” (2007, p.198). This we in turn grant to others, and so, each individual gives the other the same respect and protection. For Rawls natural *amour-propre* shares common ground with the liberal stress on the individual, and the equal value of each person. Rawls contrasts this with unnatural, or perverted, *amour-propre* which “shows itself in such vices as vanity or arrogance, in the desire to be superior to and to dominate others, and to be admired by them. Its unnatural or perverted object is to be superior to others and to have them in positions beneath us” (2007, p.199). This is, of course, the antithesis of the natural form.

It was often widely accepted that Rousseau’s *amour-propre* is simply what Rawls calls the unnatural or perverted version (see for example: Broome 1963, Brooke 2001). Rousseau’s *Discourse on the Origin of Inequality* seems to support this narrow and negative view of *amour-propre*, and leads to translation such as ‘wanting to be envied’ or ‘vanity’ which suggests that *amour-propre* is inherently undesirable. Within the second Discourse, *amour de soi* appears to be the innocent, natural state of humans and *amour-propre* is associated with negative consequences for the well-being of mankind. This leaves a potential problem for Rousseau. If the consequences of *amour-propre* are necessarily negative and *amour-propre* necessarily develops within society, then all human societies would be condemned to be a battleground as humans consumed by *amour-propre* inspired struggles for dominance. Society always
corrupts people so if they are living in society then they must be corrupted. This could appear to be what Rousseau is saying in the second Discourse, and this would leave Rousseau at odds with the radical optimism of his work as a whole.

Over recent years, scholars have argued for accepting the wider view that amour-propre can have both positive and negative aspects (Dent 1998, 2005; Rawls 2007; Neuhouser 2008; Kolodny 2010). In Emile Rousseau says that the child’s amour-propre may turn into a positive or negative factor as he grows up. He may grow up to crave a superior position over others, to dominate and yearn for adulation. On the other hand, correctly cultivated amour-propre may lead the desire for self-regard from others to an urge for equality with others not dominance. Emile should be educated so that “he pities these miserable kings, slaves of all that obey them. He pities these false wise men, chained to their vain reputations. He pities these rich fools, martyrs to their display” (1979, p.244). Dent (2005) argues that amour-propre can mean that there is a desire for one to be given equal consideration to others, for one’s voice to be heard, to be treated with respect. Amour-propre would not necessarily require others to be treated worse than yourself, to be given less consideration, for their voice to be drowned out by your own. It is an excess of amour-propre, of a desire to be dominant over others, that creates the problems for society. The elevation of some will lead to the shame of others as the comparison of self to those around you will involve the assessment of your place in society, but this would not happen in the society that Rousseau envisages in The Social Contract. Rousseau believes humans are not necessarily corrupted by society, as “it is only the spirit of society together with the inequality that society engenders which changes and corrupts in this way all our natural inclinations” (1984, p.136, my emphasis).

For Rousseau the evils of human society are created by the desire for domination and status. The inequality that results affects all citizens as all become preoccupied with their place in society’s firmament, and even the successful citizens find themselves dependant on the view of others for their achievements. For Rousseau, such a society is unhealthy and unnatural. Inequality is bad as it affects everyone, either as believing they are better than the less successful or leading people

48 This is an interesting echo of the ethos of hunter-gatherers discussed in detail earlier. Anthropologists have shown how hunter-gatherer societies are constructed to suppress the desire of some individuals to dominate and achieve positional status over others. Like Rousseau, these societies accept that the accumulation of resources and power threaten the well-being of others and the community.
to believe that they are worse than those above them. In the unequal society people are preoccupied with how others perceive them, and live through the view of others.

So Rousseau claims that there is a necessary connection between equality and self-respect. Mutual respect and self-respect can only be achieved in an equal society. Rousseau does not clearly distinguish between economic and political equality. There is no doubt in his *Discourse on Political Economy* that he believed that redistribution through taxation was justified, although there often appears to be a friction between the radicalism of his ideas and the conservative elements of his character. He acknowledges in *The Social Contract* that degrees of wealth and power between citizens can never be absolutely equal, asking the reader: “do you want coherence in the state? Then bring the two extremes as close together as possible; have neither very rich men nor beggars” (1968, p.96). It is that ‘coherence’ that the egalitarian theories of social equality aim to achieve.

Rousseau’s concept of *amour-propre* and his account of the corrosive effects of inequality are reflected in contemporary discussion. We can see certain themes running through egalitarian arguments for equality and against inequality, and Rawls directly links these reasons to Rousseau’s ideas on equality (2007, p.244). People disagree about the extent to which these reasons for equality are egalitarian in themselves, and the degree therefore to which equality is intrinsically valuable. Scalon argued that it is our concern with other values that leads us to object to inequality, and that these other values are not necessarily egalitarian in themselves (2002). I will discuss this further below but first we can review the reasons why egalitarians argue for inequality to be reduced or removed, following the breakdown used by Rawls (2001, 2007), and O’Neill (2008):

(a) **It seems wrong that some suffer hardship when others have plenty.** We may want to reduce inequality by redistributing wealth as the poorest cannot meet their needs. This reason may be not be that the inequality is the problem, but that a concern that all have their basic needs met (Rawls 2001). Locke could go this far when he says in the *Second Treatise of Government* that everyone is bound “as much as

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49 Rousseau’s views on economic equality and redistribution are unclear when taken from across his work as a whole. For a discussion, see Weirich (1992).

50 A similar list of objections to inequality – to avoid unfairness, protect impartiality, sustain self-respect, show equal respect, nuture fraternity, prevent domination - has been suggested by Hausman & Waldron (2011).
much as he can, to preserve the rest of mankind” (1980, p.9). The motivation here does not appear egalitarian as much as humanitarian (Temkin 1993, Scanlon 2002).

(b) To prevent domination by one section of society. Social and economic inequality could lead to one part of society gaining influence at the expense of others. It would appear a basic social fact that in most, if not all societies, people with higher social and economic status have more influence over decisions that are made. If we have a problem with being dominated by others then we need to be troubled by political or economic inequality (Scanlon 2002, Rawls 2007). One important point here is the extent to which this remains a problem when social inequality is removed whilst significant economic inequality remains. If it is accepted that economic inequality necessarily leads to domination by the wealthy, then this provides a reason for radical economic equality.

(c) Significant inequalities lead to those of lower status being seen as, and seeing themselves, as inferior. Rawls argues that inequality in social or economic status “may foster widespread attitudes of deference and servility on one side and a will to dominate and arrogance on the other. For how people view themselves depends on how they are viewed by others – their sense of self-respect, their self-esteem, their confidence in themselves rests on other people’s judgements and assessments” (2007, p.245). In a system with status, not everyone can have a high status and status is itself a positional good – you can only have a high status if someone else has a low status.

(d) Inequality weakens the self-respect of those who are not successful. Rawls identifies self-respect as the most important of the primary goods that are the subject of his principle of distribution (1999a,p.386). Self-respect for Rawls has two aspects: a person’s sense of their own value, and the person’s confidence in one’s ability (1999a). This self-respect has a social basis (2001). Inequality weakens the self-respect of the unsuccessful through the suggestion that they have less value to society, and their lack of success weakens their confidence in themselves. It is possible that this is a greater problem in the modern liberal capitalist democracies than in other societies. There is supposed equality of opportunity in our societies: a significant number of people would claim that our societies are, or approach, meritocracies. In a meritocracy, it is not your birth or your name or your gender or your ethnicity that
prevents you from becoming a doctor or a millionaire. Your lack of success in the eyes of other citizens cannot be attributed to concrete external factors beyond your control. For the less successful, responsibility for lack of success and position in society appears to lie with them. Inequality may therefore lead to even greater weakening of self-respect than it does in more traditional societies. We can speculate that is why the least successful are so resistant to the attempts of government to improve their health but continue to smoke, misuse substances like drugs and alcohol, eat unhealthy foods, and ignore encouragement to exercise. The state can build expensive health centres in deprived areas, but people lack the self-respect to care for their health. The root cause of this may be the inequality in society that leads them to believe that they are the losers in life’s race, and they bear responsibility for that. Achieving meritocracy, or fairness, may therefore increase the damage done to the self-respect of the unsuccessful (Scanlon 2002).

(e) Inequality creates servility and deferential (or antisocial) behaviour.

Inequality’s damage to self-respect changes people’s behaviour. In the past, this took the form of behaviour that explicitly recognised the superior social position of others. The days of forelock tugging and cap doffing may be over, but the position of the poorest leads them to defer in other ways. They may accept lower standards from the environment around them, from their children’s schools or from their treatment by health services. We might also suggest that inequality in our societies is as likely, or more likely, to cause antisocial behaviour than servility. Those who feel excluded express their frustration at their position in society through rejecting the norms of the mainstream. Despite the protection provided by the modern liberal state, many of the countries like USA and Britain have problems with drug use and low level criminality amongst the least advantaged. The greater the degree of inequality, then the degree of resentment and frustration may also be greater.

(f) Inequality undermines healthy relations within society.

This argument for equality would claim that inequality damages society by preventing people from seeing each other as worthwhile individuals. It is closely related to the reasons (c), (d), and (e) above, as relations between citizens are damaged by one group looking down on another, and the self-respect of the other being undermined. It
would be expected that the greater the degree of inequality, the larger the damage to relationships.

As O’Neill points out, the reasons (b) to (f) fit together as a unified whole, sharing “a common underlying basis in a particular kind of egalitarian vision of how people might live together as equals” (2008, p.128). Reasons (b) through (f) connect with each other and express very similar ideas about self-respect and the social basis of that self-respect, reflecting Rousseau’s concept of *amour-propre* and the damage done to individuals and to society by inequality. Out of this emphasis on self-respect and the relationships between citizens emerges an account that prioritises equality as a means to social equality.

Scheffler summarises this approach as an ideal that “highlights the claims that citizens are entitled to make on one another by virtue of their status as citizens, without any need for a moralized accounting of their particular circumstances. Indeed, it insists on the very great importance of the right to be viewed simply as a citizen, and to have one’s fundamental rights and privileges determined on that basis” (2005, p.22). By ‘moralized accounting’ Scheffler is referring to the attempts by theories such as luck egalitarians to take account of choices that people have made. Others such as Miller (1998) and Anderson (1999) provide similar arguments for equality: of citizens living together as social equals. Norman argues that egalitarianism is best understood as ‘socially-located’ within a community (1998).

The controversial aspect of (b) to (f) is not the statements themselves, which for many in our societies would be uncontroversial. They are acceptable to many who would not consider themselves egalitarians; a contemporary Republican or Conservative might subscribe to these values. Nozick could easily accept that inequality in status is a bad thing, and that no citizen should be deferential or servile to another. Social relationships have changed from the world that Rousseau lived in, or even that Rawls grew up in. In this respect, part of the intuitive motivation behind (b) to (f) could be seen as obsolete: there is not much forelock tugging and cap doffing in our societies. Miller (1998, 1999) emphasises the difference between social equality and distributive equality. For Miller, social equality does not necessarily require distributive equality. The distributive implications of social equality “depend on
sociological claims about the way in which differences in income or education, say, are converted into inequalities of social class” (1998, p.36). In Walzer’s analysis, they are different spheres: the sphere of income and wealth, and the sphere of social relationships (1983). Walzer argues for differing values in differing spheres, so that distributive inequality should not affect social or political equality, and if it does not adversely affect these other spheres, it is no longer a problem.

This is the controversial aspect: the extent to which distributive equality is required to achieve this political and social equality. For the radical egalitarian, a radical redistribution of resources is necessary to achieve this goal. O’Neill suggest that it is “a deep social fact that we can realise the values embedded in the egalitarian considerations (b) – (f) only where substantial inequalities have been eliminated” (2008, p.131). If that is the case, then this egalitarian view becomes fiercely egalitarian. Depending upon your definition of ‘substantial inequalities’, it would appear to demand equality of outcome, or near as dammit. This argument occupies much of the same ground as Justice as Sharing. In order to avoid domination and to promote values of community, we seek distributive equality.

If it is not true that distributive equality is required for people to stand as equals in relation to each other, and for a person to have self-respect, then the distributive implications are much weaker. It might be possible to have social equality achieved with significant economic inequality, if reason (a) is satisfied so that citizens all have their needs met as in the welfare state, and there is effective formal equality. It could be argued that this is the case in our societies: the state, the law and the culture give each citizen equal weight and equal respect. The poor man can obtain equal treatment before the law, he can be represented in government or become part of government, and he will be treated with equal respect in day to day life. In this case, the egalitarian motivated by social respect should be satisfied with our contemporary societies or perhaps even less economic equality.

The middle ground might be the egalitarians who argue that a further degree of equality is required to make sure that citizens have a relationship as political and social equals. This may require more economic equality than we see in contemporary societies, but fall short of the radical redistribution towards simple equality of outcome. Egalitarians such as Anderson appear to hold this middle position, and she argues strongly for a concept of equality based on the equal standing of citizens (1999).
The distributive patterns are secondary in Anderson’s theory, and goods are to be distributed “according to principles and processes that express respect for all” (1999, p.314), but it is not clear how much distributive equality would be required to achieve this. Inequality that does not affect this relationship is not problematic for her as “once all citizens enjoy a decent set of freedoms, sufficient for functioning as an equal in society, income inequalities beyond that point do not seem so troubling” (1999, p.326). Hausman and Waldren agree, arguing against O’Neill that “moderate inequalities of wealth do not undermine fraternity or lead to subservience” (2011, p.583).

So, if we accept as egalitarians the normative ideal that we should be aiming for is to create a society where people stand as equals in relation to one another, the critical question becomes the degree of economic equality required for this to occur. Clearly, a large degree of inequality related to political and social issues – of the concerns (b) to (f) - can be addressed through the institutions and practices of the state. Status in class-based society is clearly a positional good – you can only be higher up in such a society because someone is lower down, you can only be a duke when most people are not. This discussion is about societies that are presumed not be class-based in this way, and the issue is the importance of economic equality. In a society where social equality is promoted and the basic structure of society does not require subservience or prevent advancement, the main positional good becomes economic success. Just like status in a class based society, you can only become economically successful if there are those who are relatively unsuccessful. It is possible to argue that this is not the case: me being wealthy does not prevent in any way you becoming wealthier. There is not a finite supply of wealth, and my behaviour – as a successful entrepreneur, for example – will create more wealth that you can take advantage of, by providing me with a service or product that I want. In this way, my wealth can even help you become wealthier. Yet there is another sense in which economic success is a positional good – you can be wealthy or poor in relation to others. Poverty and wealth are relational as well as absolute. The poorest in the UK in 2012 are objectively much wealthier than the poor in the UK fifty years ago, yet there

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51 Even contemporary Britain, it could be argued, is not class-based (for all its queens and earls and princes) because this is a society where such fairy tale jobs do not prevent the son of Pakistani taxi driver becoming a doctor or a Member of Parliament. The existence of feudal rank could be seen as an endearing (or absurd) tradition rather than an impediment to social equality.
is a way in which they are as poor as the poor of fifty years ago. They are still in the same position in the economic pile.

If the main kind of inequality in our type of societies is economic inequality, then it would seem that the reduction of distributive inequality would be the means to increase social equality. O’Neill suggests the name ‘non-intrinsic egalitarianism’ for an ideal of equality that justifies reducing inequality by appealing to elements of reasons (a) to (f) (2008). O’Neill contrasts non-intrinsic egalitarianism with Parfit’s telic version of egalitarianism which claims that it is itself bad if some people are worse off than others (2002). Under this version, equality has an intrinsic value and inequality is bad. O’Neill describes the claim that it is itself bad if some people are worse off than others as “extravagant and undermotivated” (2008, p.123). This accusation would also stand against Justice as Sharing, of course. For O’Neill, inequality is a great evil but the reasons (a) to (f) explain what is bad about it. He suggests that by subscribing to the intrinsic justification for equality, the egalitarian provides a much weaker justification for the move to equality than using the reasons (a) to (f). These reasons add weight to the egalitarian argument by illustrating what is wrong with inequality rather than appealing to abstract ideals.

I want to look at the relationship between non-intrinsic egalitarianism and the view that equality has intrinsic value and is a good in itself. If it is a deep social fact that economic inequality damages the relationship between people, then the egalitarian goal of political and social equality requires radical redistribution. If this is a necessary connection – that inequality always damages the relationship between people – then the reasons (b) to (f) must occur whenever there is inequality. O’Neill does not say that there is a necessary connection, he is claiming social equality can only be achieved “where substantial inequalities of condition have been eliminated” (2008, p.131). So he is not making the stronger claim that distributive equality always leads to social inequality, only that ‘substantial’ inequalities need to be removed. The size of ‘substantial’ is not specified, but if we go one step further than O’Neill and say it is a deep social fact that inequality must create these problems, then there may be little difference between saying that inequality is bad in itself and saying that it is bad for
these reasons (b) to (f). In this case, O’Neill’s non-intrinsic egalitarianism could appear to be hard to distinguish from the telic version52.

There is a difference here from other justifications for redistribution. As we have seen, it is not necessarily the case that increased distributive equality is required

52 Imagine that we are discussing the development of children, and we are believers that a child should be loved. Some of us might claim that ‘it is in itself bad if a child is not loved’. This is analogous to a telic version of egalitarianism: we are unhappy with a state of affairs that is the unloved child and say we believe the positive claim that ‘it is good for a child to be loved’. Other people might suggest a range of reasons why we might want children to be loved. We might say that (p) the self-esteem of the child will be damaged, or that (q) the child will find it difficult to be happy, and so on. It could be argued that these reasons (p) to (q) are what we are really concerned about, not the fact that a child is unloved. Or consider the claim that ‘rotten teeth are bad’. Some of us might accept that there is something intrinsically bad about rotten teeth, but again others might argue that what we care about is not that the teeth are rotten but the consequences of the rotting teeth. These might be (x) pain (y) halitosis and (z) difficulty eating. What we really object to is (x) to (z), and so rotten teeth is not an intrinsically bad state of affairs. Say we agree that (p) to (q) always occur when a child is not loved, and (x) to (z) always occur when teeth are rotten. Not only that, but the relationship appears causal: the more rotten the teeth, the greater the extent of (x) to (z). The less loved the child, the greater the problems with (p) to (q). Perhaps there is another way of understanding the relationship between the lack of love for a child and (p) to (q), and rotten teeth and (x) to (z). That is that it is the relationship between problem and symptom. The problem of lack of love produces symptoms (p) to (q), and the problem of rotten teeth produces symptoms (x) to (z). I am not clear that when we say ‘rotten teeth are a bad thing’ that we are saying that something different from saying ‘rotten teeth are a bad thing because they always result in pain, bad breath and difficulty eating’. If we said that rotten teeth do not always produce those unpleasant symptoms, we would not be saying that there is anything intrinsically wrong with rotten teeth. However if we agree that rotten always teeth always result in these problems, then perhaps understanding rotten teeth in terms of (x) to (z) is to ignore the intrinsic badness of rotten teeth and instead claim the problem is with the symptoms of the badness of rotten teeth. I suggest that the reasons for equality (b) to (f) might similarly be understood as the demonstration of the statement ‘it is in itself bad if some people are worse off than others’. These reasons are the problems created by inequality – we might say the symptoms that inequality produces – and show us why inequality is intrinsically bad. There does not seem to be any influential argument for equality as a good in itself in contemporary discussion. Reviews of the subject refer to it, but who is arguing for it? It is possible that it is not argued for because it is not worth arguing for, of course. It is weak position, which has become exposed and abandoned as untenable. Another possibility is that equality as good in itself is disguised in some ideals of social equality, such as those of O’Neill (2008) and Scanlon (2002). They are concerned with the bad outcomes of inequality, and see these as the proper objects of egalitarian concern rather than inequality itself. I am suggesting that those objections may be better understood as the symptoms of inequality. As inequality is in itself bad, it creates these problems – in proportion to the degree of inequality present – that are identified in current philosophical thought as the cause of the badness. I cannot see a way to demonstrate that this is the case, but can only suggest it and further exploration is beyond my task here.
so that people do not live in distress due to lack of resources. It can be argued that our societies achieve this – certainly on any historical or worldwide comparison – as no one is going to starve or even be without shelter, education or health care due to the state’s failure to provide. So it is not a deep social fact that inequality will also provoke humanitarian concern. Similarly, if egalitarianism is motivated by justice it is not necessarily the case that redistribution will be required. If a society could be arranged so that disadvantages that are due to brute luck are compensated for, and only freely-made choices are reflected in the distribution of resources, then the resulting inequality would not be a problem. This may be difficult to achieve or may turn out to be impossible in practice, however there is a clear theoretical situation where inequality could exist without injustice.

So there does seem to be a difference between the most radical ideal of social equality and humanitarian or justice-based theories of distributive equality. If it is a deep social fact that economic inequality always leads to a degree of social inequality, then there is some problem with any society that has any distributive inequality. This would apply in the real world and theoretically. Even in theory, an unequal pattern of distribution would always lead to a degree of social inequality and it would not be possible to have a society with distributive inequality that did not create some problem for social equality between citizens.

What is clear is that Justice as Sharing shares much of the same ground as a radical ideal of social equality. O’Neill describes non-intrinsic egalitarianism in one sense as broadly telic as it appeals to an egalitarian understanding of how states of affairs can be valuable (2008, p.130). Justice as Sharing would be a ‘pure’ telic view, as it claims that there is something intrinsically good about distributive equality. Both make similar claims that inequality creates problems between people, and their relationships and that the greater the inequality, the greater the problems created. The egalitarian who accepts Justice as Sharing is likely to feel that O’Neill’s non-intrinsic egalitarianism gets a lot of things right, and expresses what is wrong with inequality. The difference between Justice as Sharing and O’Neill’s non-intrinsic equality is that for Justice as Sharing the distributive inequality is a bad thing in itself. Justice as Sharing claims any inequality is bad. This badness reflects the size of the inequality, of course, and if the inequality is very small then badness will be correspondingly small. Also for
Justice as Sharing the act of sharing resources expresses a relationship of mutual respect and concern. Sharing is a good thing in itself and Justice as Sharing claims that there is an intrinsic good to equality in distribution, above and beyond any non-intrinsic value.

To see that difference we can return again to the camping trip. In the chapter on Justice as Sharing, we imagined a situation where there is no domination that threatens the autonomy of the group and decision making is shared out, but resources – such as the fish or apples – are kept by the person who was lucky/hard-working/skilled enough to obtain them. We may doubt that this would not affect the relationships between campers in some way, but let us put that doubt to one side and agree that there is no detrimental effect of the kind (b) to (f) created by this inequality. Now imagine the same situation but where the resources are shared out amongst the campers, so the only difference between the two situations is the sharing out of the resources (such as the fish or apples) and all social relationships remain unchanged. Justice as Sharing has a reason to prefer the equal distribution as it claims that there is something good going on in the second pattern of distribution, and that the process of sharing and the outcome of simple equality are intrinsically of value. Here is the distinction between radical ideals of social equality and Justice as Sharing.
Who gets a share of Justice as Sharing? What is the scope of egalitarian distributive justice? Is it from each state’s rich to its own poor that wealth is to be redistributed, or is it from rich to poor across the world? These are questions of fundamental importance. As we have seen in the discussion of ideals of priority and sufficiency, for example, the issue of scope determines the nature of the world that emerges. The poor of the rich world would not even enter into the picture if the scope of priority or sufficiency is global, and the rich world’s poor might even have wealth taken from them to give to the global poor. This would apply to other ideals: the opportunities of the global poor are unfairly restricted by their circumstances to a much greater degree than the rich world’s poor. If we believe in global equality, there is much more equalising to be done between the rich and poor on a global scale than between rich and poor in our own societies.

So we can see that an egalitarian needs to address the issue of scope. The orthodox position is that the boundaries of the state are the boundaries of distributive justice, however in recent decades this has been challenged. Until this challenge, it has been often just assumed that the state is appropriate unit, and so relatively little effort has been made to explore the scope of distributive justice (Nagel 2005). The debate is essentially between those who believe distributive justice should be confined to the boundaries of the state and those who believe that it should be global in scope.

The orthodox position has been that it is through citizenship of a state that entitlement is created. Rawls (1999a, 1999b, 2001) can be seen as the paradigm of this ‘political conception’ that argues the extent of the scope of distributive justice should be the extent of the state. For Rawls, justice “should be understood as a specifically political value, rather than being derived from a comprehensive moral system, so that it is essentially a virtue – the first virtue – of social institutions” (Nagel 2005, p.120). The sovereign state puts a person in a relationship with others that they do not have with non-compatriots as a result of being subject to the same ‘basic

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53 Nagel uses the term ‘political conception’ to describe this approach (2005). It could also be called the ‘nationalist’ approach, however this potentially causes confusion between state and nation, and perhaps has negative implications. ‘Political conception’ also establishes the link to the state as the unit of political association.
structure’ of political institutions. Without this shared relationship of political association through institutions, the individual has a different relationship with other people. So under the political conception, we have two possible relationships to others with regards distributive justice: if we share citizenship then we are both subject to distributive justice. If not fellow citizens, we have a different relationship of being fellow humans. For the political conception, being fellow humans is not enough to pull us into a relationship that includes distributive justice. Murphy describes this kind of view as ‘dualist’, meaning that there are differing principles at differing levels: between the personal and the institutional (1998)\textsuperscript{54}. The point is that under the political conception there are different principles of distributive justice for citizens than there are for non-citizens.

It is important to emphasise that holding the political conception does not mean that you hold no interest in the well being of people beyond the boundaries of your state. In particular you may hold a strong humanitarian concern for others, and you may “even hold that there is a secondary duty to promote just institutions for societies that do not have them. But the requirements of justice themselves do not, on this view, apply to the world as a whole, unless and until, as a result of historical developments not required by justice, the world comes to be governed by a unified sovereign power” (Nagel 2005, p.121).

For many egalitarians this restriction on the scope of distributive justice is not justified. It appears arbitrary that one person should have a much poorer life than another just because of where they happen to be born. Rawls himself bases his theory of justice on the fundamental idea that it is morally arbitrary where in society you are born, and the character and the talents that you are born with (1999a). If this is arbitrary from the perspective of justice, why should being born in a poor country be any different? Surely “nationality is just one further deep contingency” (Pogge 1989, p.247)?

Those who reject the political conception and believe in global distributive justice are usually called ‘cosmopolitans’. Essentially cosmopolitans argue that whatever distributive principle is promoted should be applied across the world:

\textsuperscript{54} As Nagel points out, this analysis also works beyond the dualist conception: Rawls distinguishes between the personal, the institutional, and the international (2005).
distributive justice applies to all human beings equally. Caney distinguishes between ‘radical’ cosmopolitans who claim there are global principles of distributive justice, and also that there are no valid principles of distributive justice that apply only to the state or the nation (2001, p.975). ‘Mild’ cosmopolitanism does not reject the claim that there are, or could be, principles that apply only to states or nations. What cosmopolitans all share “in common the conclusion that the current system is extremely unjust and that a redistribution of wealth from the affluent to the impoverished is required” (Caney 2001, p.976).

The leading cosmopolitan theories shares certain premises: “they all argue that cosmopolitanism contains (and derives its plausibility from) the following intuitively appealing claims: (a) individuals have moral worth, (b) they have this equally, and (c) people’s equal moral worth generates moral reasons that are binding on everyone. Now, as they point out, if we accept these (very plausible) ethical claims it would be mysterious to claim that the duties imposed by a theory of justice should include only fellow citizens” (Caney 2001, p.977). This is the central thrust of the cosmopolitan challenge to the orthodox political conception. In its intuitive appeal, it works in the same way as Singer’s argument following the famine in Bangladesh (1972). It is the fact of being human, and being in need, that is sufficient to justify the entitlement to redistributed resources.

What is important to the utilitarian like Singer is the increase in utility that comes from the relief of suffering. The divide between states has no significance in deciding who requires assistance. We can see here that these arguments share ground with Raz (1986) and the theories of priority and sufficiency. The prioritarian gives priority to those with least, as they will benefit more from redistributed resources. The doctrine of sufficiency requires that everyone should have enough. From the perspective of these theories, egalitarian redistribution is motivated by the humanitarian concern for others, irrespective of their belonging to a state or political structure.

Another approach to cosmopolitanism is rights based. These theories claim that people across the world have rights, including the right to economic resources.

Miller (2002a) points out that ‘mild’ cosmopolitanism would include almost all theories, including any who argue that there are global duties of justice that transcend state borders, such as helping the starving. Miller suggests “it is hard to think of anyone who does not qualify as a cosmopolitan in this diluted sense” (2002a, p.975).
Again, these rights are held by virtue of being individual human beings rather than by virtue of belonging to a particular state or political association (Steiner 1994; Pogge 1989, 2002). For Steiner, universal rights entitle all people to a share of the world’s resources, and this generates a basic income to which all are entitled to receive (1994). Steiner argues that all moral agents hold a set of just rights that provide the basis “for the moral assessment of sets of legal rights, and is thus determined independently of them. And that independence implies that those rights are global in scope: their correlative duties are ones owned by each self-owner to all others, and not merely to fellow inhabitants of the same legal jurisdiction” (2011, p.111). Steiner’s left libertarianism is based on two fundamental rights, a right to self-ownership and a right to an equal share of the value of global natural resources (1994). These rights are independent of legal authority, and so exist independently of the legal structure of the state, and extend globally. Van Parijs also argues for a basic income, on the grounds that it is needed to provide ‘real freedom’ to live the life that you choose (1995). Like Steiner, Van Parijs believes that this should have global scope: when “speaking of real freedom for all we must mean it: for all. In other words, we must pursue the objective of introducing substantial redistributive mechanisms on a world scale, indeed ultimately an individual basic income at the highest sustainable level for each human being” (1995, p.228, emphasis in the original).

One group of cosmopolitans support their argument that principles should apply globally with empirical claims. These cosmopolitans claim that the world is interlinked and interdependent in a way that makes the division into discrete states inappropriate (Beitz 2000, Pogge 2002, Abizadeh 2007). For this group, what matters is still that people belong to the same institution or organisational structure in some way and the point is that people are politically and economically connected across the globe, and so the principles of justice apply globally.

Beitz claims that contemporary states are interdependent to the extent that treating them as discrete units is unjustified (2000). The degree of interdependence between states means that the world should be seen as a single society, and the Rawlsian difference principle should be applied internationally. Beitz argued that the cooperative surplus is generated within a global system of economic cooperation and so the original position should be global. The ‘least advantaged’ would then be the
global poor, and redistribution is required towards them across state boundaries. Like Beitz, Abizadeh believes that Rawls’ own theory actually supports cosmopolitanism. He argues that attempts to defend the political conception using Rawls’ concept of the basic structure as the focus for distributive justice fail, as the basic structure is comprised of three elements – cooperation between people, the pervasive impact on people’s lives, and coercion – all of which apply globally. In this way, the Rawlsian basic structure supports cosmopolitanism (2007, p.358). Pogge argues that the poverty and problems of the developing world are the price paid for the lifestyle of the rich world (2002). Pogge’s argument reflects the Marxist argument that the working class were paying the price of the capitalist class’ affluence, only it is the global poor who pay the price for the affluence of the rich world. Our affluence is dependent on the misery of the developing world, and therefore redistribution is justified to redress this injustice.

It has been claimed that these arguments are based on “questionable empirical propositions about how the world actually is” (Brown 2006, p.627). It can be contested the extent to which the global economic order is intertwined or interdependent. If it could be demonstrated, for example, that there was a much weaker connection between the troubles of the Congo and the European Union, for example, then the case to redistribute resources from the EU to the Congo would be significantly weakened. It might be shown, for example, that the poverty and suffering of the Congo was primarily the result of poor governance by the Congolese themselves rather than the EU exploiting their natural resources or cheap labour. Beitz (1983) himself acknowledged that Rawls’ theory of justice is understood as a cooperative scheme for mutual advantage, which does not equate to the world order as it exists. He adjusted his argument to claim that all people should be included in a hypothetical contract as the morally relevant features that justify inclusion in such a contract are not dependent on contingent factors such as nationality or citizenship.

Nonetheless, there is clearly a large degree of economic interdependence across state boundaries, and between the rich and poor of the world. The situation of Chinese migrant workers in Shenzen seems little different from that of English working-class in Northern mills a century ago. The labour that provides our consumer goods is now thousands of miles away but the economic connection is arguably the same.
Those who hold onto the political conception in the face of the appeal of universal entitlement must see something different going on. In some important way, for them distributive justice must be based on something other than simply being a human being. There has to be a significant way in which there is a difference between being a member of a state and being a member of the world as regards distributive justice. Caney explains that in order “to establish that principles of justice apply only within the state and not at the global level one would have to supply an account of how the domestic realm differs from the global realm in a morally significant way. More precisely, one must show that (1) all principles of distributive justice apply only when some property (or set of properties) is present; (2) that property (or set of properties) exists at the domestic level; and finally (3) that property (or set of properties) does not exist at the global level. Only if one can perform each of these three tasks can one show that principles of distributive justice obtain at the domestic level but not at the global level” (2008, p.488). For Caney those who reject the global scope must demonstrate that “the global realm is disanalagous to the domestic realm” (2008, p.488).

So what is the difference? Rawls says that the difference between his view and the cosmopolitan is that the “ultimate concern of a cosmopolitan view is the well-being of individuals and not the justice of society” (1999b, p.119). His political conception is concerned with the justice of a society – which in most cases, means the justice of the state. In the same way, Rawls does not believe that his principles of justice do not apply to the civil society or to the family or individuals’ behaviour (1999a, 1999b).

Rawls “depicts a conception of democratic citizenship within a bounded society as the source and context of reasoning about justice” (O’Neill 2003, p.360). Only between members of this ‘bounded society’ does the scope of distributive justice apply, as it is only within the context of the relationship between members of this society are the terms of political cooperation agreed. The disanalogy between the global and the state is that –as regards distributive justice - the citizens of the state have a fundamentally different relationship with other citizens than they do with other humans.

Rawls provides three main reasons to justify reducing inequalities within ‘domestic’ society (1999b). These are to reduce suffering amongst the poor, to reduce stigmatization, and to make sure that there is fairness in public life (1999b). Related arguments in favour of distributive equality come from a group of egalitarians whose
main concern is what we have called ‘social equality’. As we have seen, these egalitarians argue that the problem with inequality is that the inequalities in wealth between citizens results in social divisions, leading to people with less resources feeling alienated from society. The argument is that that distributive equality is an expression of people’s relation to each other, needed for people to be social equals, and that that is the motivation and justification for redistribution. We might assume due to their use of language that these egalitarians see a necessary connection between belonging in some way to a political community and the scope of distributive justice. For example, Scheffler’s discussion of egalitarianism describes it as a social ideal that understands society as a social ideal of a cooperative arrangement among equals, and as political ideal that “highlights the claims that citizens are entitled to make on one another by virtue of their status as citizens” (2005, p.22). Scheffler says that as a moral ideal “it asserts that all people are of equal worth and that there are some claims that people are entitled to make on one another simply by virtue of their status as persons” (2005, p.22), but is the social and political ideal that has distributive implications. By implication, this would support the political conception.

Cosmopolitans maintain that there is no reason to limit these concerns to the relationship between citizens. Why be concerned with stigma between citizens but not between a person in the developing world and in the rich world (Caney 2008)? O’Neill argues that the important factor is people with whom we have relationships that are affected by inequality, so egalitarians should not be troubled by ‘divided world’ examples or the conditions of ancient peasants (2008, p.135). For O’Neill, this should not prevent the egalitarian being concerned with distributive justice beyond the boundaries of the state. As we have relationships with people beyond our borders – including relationships that involve domination and unacceptable differences in status – the scope of egalitarian social justice is inconsistent with a strong version of the political conception. O’Neill suggests that the relative strength of the social relations between peoples or societies will “determine the degree of concern we should have for distributive inequalities that obtain between those peoples or societies” (2008, p.138). O’Neill appears to argue that the closer the relationship between people, the greater the reason to act in order to reduce inequality. O’Neill’s suggestion

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57 ‘Divided world’ examples are ones where two populations are have no contact and are unaware of the existence of the other population. This raises the issue of whether an egalitarian should be concerned with inequality between the two populations. Parfit claims that telic egalitarians would be troubled as the existence of any inequality is problematic (2002).
creates many unanswered questions: does this mean there is a ‘sliding scale’ of concern over inequality, and a similar effort to reduce distributive inequality? I am to be more concerned about inequality between myself and a Ukranian (for example) than between me and an Armenian? Or distribute more to a person from Tunisia than from Chad? In one way, this might make sense – that, for example, the British people have a reason to be more concerned with former colonies due to the connections between the states. Overall, this appears a strange compromise of principles: it makes sense to extend the scope of justice globally, or to restrict it to citizens, but under O’Neill’s approach who decides the strength of relationships and between who? If Germans have more contact than the Dutch with the Ukraine, do the Germans then redistribute more to the Ukraine than the Dutch?

The issue here is one of the relationships between people, and the nature of that relationship. Those who hold the political conception argue that there is something significantly different about the relationship between fellow citizens and those beyond the boundary of the state. Miller argues that this cosmopolitans make the mistake of sliding from saying that every individual has equal moral worth to claiming that we owe the same duties to each individual (2002b, p.82). Individuals who belong to the same state are affected by inequality within the state in a way that they are not affected by inequality beyond the boundaries of the state. In one sense this is a communitarian argument, as it is that belonging to the same community is significant. The aspect that appears to be important here is belonging to the same political community, by which we usually mean a state or nation. This means being subject to the same institutions: the same legal framework, the same taxation and rules of participatory political institutions. The scope of association also entails being subject to the same duties. These kind of associative duties to others arise out of common membership of a community (Scheffler 2001, Seglow 2010). One can use the example of military conscription: belonging to the political community that requires the duties of military service. Military conscription is a duty, like paying taxes, and a duty that it is not possible to avoid, and that the institutions of the state will coercively...
enforce if necessary. For some, this justifies limiting the scope of distributive justice to the limits of what we might call governmental coercion. It is the fact that the state restricts autonomy that justifies distributive justice (Blake 2002), or the fact that laws allowing coercion are agreed within the bounds of the state (Nagel 2005).

For Blake, it is the coercion of the state institutions that provide the disanalogy between state and the world (2002). He acknowledges a duty to respond to absolute deprivation, but maintains that the duty to assist relative deprivation (such as we might find in a rich country) exits only when people share citizenship. There is, he argues, a “principled division between citizen and stranger” (2002, p.265). The contact between states that cosmopolitans such as Pogge (2002) and Beitz (2000) emphasise is not based on coercion, but on economic interaction. For Blake, the coercion within the state is justified by hypothetical consent (2002). This is not analogous with the economic interaction between states.

Sangiovanni argues that Blake is mistaken to emphasise coercion (2007). He suggests we imagine a state where for some reason the coercive elements of the state – the judicial and enforcement institutions such as the police – no longer function, yet the state itself continues to function, albeit with increased crime. In Sangiovanni’s example, society does not fall apart, and people generally comply with the law, and so the law continues to function even without coercion (2007, p.11). Yet if coercion is required to justify distributive justice, this would no longer apply to this coercion-free state. Like Miller (2002b), Sangiovanni suggests that rather than coercion it is the reciprocal relationships within the state that makes the relationships between citizens different from those that cross state borders.

Despite the disagreement over establishing what it is about the state and belonging to the state that makes the difference — whether it is coercion, being subject to laws, political institutions or reciprocal relationships — what those who hold the political conception agree on is that there is something about the situation of citizens that is necessary for the citizen to be subject to distributive justice. Just as the cosmopolitans believe there is something about being a human in itself that means that you should be subject to distributive justice, for the political conception there is something about citizenship that makes one the subject of distributive justice. These views can be seen as broadly contractualist (O’Neill 2008, p.136).
Under the political conception, the associative duties of distributive justice within the state are different to the duties owed to other humans. There seems to be something in this: if egalitarians from the rich world find themselves in a poor country, they are likely to feel conscious of the great difference in wealth between themselves and the ordinary people of the poor world. Despite being average in income at home in the rich world, in this poor country they find themselves amongst the elite, staying in the best hotel in town. The only locals using the hotel to have a coffee will be politicians and businessmen, with bodyguards and blacked out four wheel drive monsters waiting outside. The egalitarians are very likely to be troubled or guilty about the difference in their lifestyles, and feel aware of the difference between their situation and that of ordinary people. Yet there is another thought that we might experience (and I suggest we would): that there is a difference between our duties to the poor as relatively rich foreigners, and those of the wealthy locals. We would feel uncomfortable, but also feel that our responsibility and duty towards the poor was less than those of the wealthy locals. We might feel glad or proud that our societies are not as unequal, and that there is redistribution in terms of welfare, health and education in our state. When we consider the booming economies of India or China, we believe that the wealthier citizens of those states owe duties to their poorer fellow citizens that we do not. Many people feel that giving aid to the poor in India, when India has a space programme and nuclear weapons, is inappropriate. The primary duty to help India’s poor is India’s duty.

The cosmopolitan would not agree that a wealthy Indian owes greater duties to a poor Indian than an American or a Frenchman. Those who hold the political conception would, as they hold that there is a difference between the duties owed to different people. The relationship of the Indians to each other is not analogous to the relationship between a Dutchman and an Indian. Nagel suggests that the difference comes down to “a special involvement of agency or the will that is inseparable from membership of a political society. Not the will to become or remain a member, for most people have no choice in that regard, but the engagement of the will that is essential to life inside a society, in the dual role each member plays both as one of the society’s subjects and as one of those in whose name its authority is exercised. One might even say that we are all participants in the general will” (2005, p.128).
Nagel uses Rousseau’s concept of the general will, which is notoriously difficult to pin down. The general will includes both the democratic ideal and the acceptance of legislative coercion, and has been defined as “the will of the whole body of the citizens in declaring law to themselves for their common good” (Dent 2005, p.233). Compared to the moral basis for cosmopolitanism, the political conception is difficult to express precisely in a similar way. Analytical philosophy may have been suspicious of the vague normative concept of the general will. Although it is difficult to capture, the concept of the general will is important to this discussion as it expresses the normative ideal behind belonging to a political community. Not the political community as the contractually agreed protector of rational self interest, but political community as a force for good, and for making a better society. I believe that it is reasonable to suggest that this normative ideal has often been one of the motivating ideals of egalitarianism: building a better society. For many egalitarians, the institutions of the state are the route to social justice and a better society. This more equal society is both created by, and imposed upon, members of society. Our autonomy is restricted, we are in a situation that we did not choose and we cannot reasonably change, yet we are part of a political association that forms a community.

For the egalitarian who holds the political conception, it is society that creates the structures that implement distributive justice. There is something about political society that is different from the individual level and from the global. If we use the example of the National Health Service in Britain, we can understand that this as an institutional means to implement one concept of distributive justice in health care. The NHS was established with normative ideals in mind, and openly expressed, about providing health care for all irrespective of their ability to pay. Redistributive taxation imposed by the state supports the NHS. It involves coercion in terms of taxation (Blake 2002), duties (Seglow 2010) and reciprocity (Sanigovanni 2007), and it is certainly part of the basic structure (Rawls 1999a). Yet it seems to be more than this, in that it is an idealistic project, realistically utopian in a Rawlsian sense. Egalitarian (and many other) citizens in Britain still support the NHS, and there is a belief that it is an institution that is built on an ideal of social justice, and that its functioning – for all its imperfections - expresses that ideal. At the risk of sounding a little foolish, we could say that the NHS expresses the general will of Britain. It is also part of the British identity: something we are aware of when we have dealings with healthcare abroad, and that others notice when they are here. It is a British project, bounded by the state, as it is British citizens
who took part in the political processes that led to its creation, and continue to pay for it through taxation, and continue to support it politically and through engagement with it.

For some egalitarians, this kind of institution is the core of distributive justice rather than the humanitarian concern for the distress of the global poor. For these egalitarians, there is a clear difference between the level of association of a state and the whole world. The world is not organised or governed in such a way that the general will, or normative ideals of social justice, can be agreed and imposed. It is only through political association that this can be done. Until this happens, and there is some kind of global government, then distributive justice – beyond humanitarian concern – is matter for societies that govern themselves in the way that states do.

Some cosmopolitan critics see the political conception holding the premise that there should be a system of states as a given, when there is no reason to accept this. It is seen as an essentially conservative position, accepting the world as it is (Caney 2008). Cosmopolitans might have a point here: political philosophers who construct radical abstract theories about how society should be then lose their imagination when someone suggests that these radical theories should apply to everyone. Perhaps they are reluctant to apply social justice globally because of the dramatic implications of that move, for suddenly we would all going to be poorer in the rich world as resources as redistributed to the global poor. On the other hand, it is not necessarily the case that those who argue that the appropriate scope for distributive justice as the state attach particular normative significance to the state. Those who see the state as the boundary of distributive justice might do so because the state happens to be the unit of political association during the period of history that these theories have been developed and are being argued over. If the type of political association was the village or town, it might be accepted that the scope of distributive justice was the village or town. If the type of political association was a large geographical and national area such as a federal European Union, then such a union would then be the scope of distributive justice.

On this line of argument, it is the unit of political association that is important. States just happen to be the unit of political association that currently dominates. If there existed one unit of political association across the globe – if there was a global government – then the unit of political association would be global, and all of the
world’s population would be its citizens and so the scope of distributive justice would be global. So the political conception is not necessarily fetishistic in its attachment to the state: the attachment could be to the political community.

There appears to be incommensurable premises at the roots of this disagreement over the scope of distributive justice. As we have discussed, egalitarians who believe that distributive justice is grounded in the fact of being a person in some way will be led to supporting global scope. There does not appear to be a good reason to restrict distributive justice to the arbitrary boundaries of the state. Egalitarians who believe that distributive justice is grounded in the political community will reject cosmopolitanism, and see the boundary of that political association as the natural boundary of distributive justice. The divide between the political conception and cosmopolitans reflects a distinction between egalitarian theories who see something of significant independent moral worth in the political community, and those who see political association as merely a means to an end.

Lenard suggests that cosmopolitanism faces problems with motivation (2010). The bounded community provides both a source of obligation to others, and the motivation to carry out these obligations (2010, p.359). ‘Shared humanity’ is insufficient to motivate people to act in the way cosmopolitanism would demand, and in a way that states as bounded communities have been able to (Dobson 2006, Lenard 2010). This connects to the problems with Singer’s argument which powerfully made the case that people should redistribute wealth to the poorest on the grounds of utility to relieve suffering (1972). The trouble is that people don’t do this. But they do pay taxes to redistribute to fellow citizens who on a global scale easily have enough. Of course, this empirical fact does not demonstrate that cosmopolitans are wrong. It might just be a reflection of the world as it is, not as it should be. After all, my own argument is an argument for how I think the world should be and can easily be criticised for not reflecting the world as it is (certainly, our bit of it).

For Justice as Sharing, as for many egalitarian ideals, the scope of its application would have dramatic consequences on the pattern of distribution that emerged from its application. To share resources within a political community like a contemporary state will have different implications from sharing resources globally.
Sharing resources globally would lead to possibly everyone in the rich world taking a far smaller proportion of the world’s resources and lead to a significant ‘levelling down’. Sharing resources within a state would have significantly less dramatic consequences, and within the rich world would result in patterns of distribution where possibly most people may not see reduced resources. Justice as Sharing seeks to extend an idealistic non-market based understanding of relations between people and there does not appear to be a reason for that idealism to end at the boundaries of the state.

Although Justice as Sharing may be compatible with cosmopolitanism, I believe that there are good reasons to share amongst your political community that do not apply to the wider global community. My argument for Justice as Sharing began with Cohen’s camping trip which led me to the anthropological account of the state of nature. On the camping trip, it appears to be a premise of Cohen’s argument that the scope of distributive justice – of his proposed ideals of radical equality of opportunity and an ideal of community – is confined to the campers on the trip. The campers form the community amongst which the successful fisherman shares his catch. Cohen is arguing that amongst the campers egalitarian ideals are intuitively appealing. These ideals are not assumed to apply to people not on the camping trip or in Africa or Asia. The scope of distributive justice on the camping trip is amongst the campers.

Similarly the egalitarian ideals of hunter-gatherer groups in the state of nature are applied to members of the community. The sharing of resources takes place amongst members of the group just as the sharing of decision making is confined by the boundaries of the group. This sharing is acting to promote certain relationships within and between members of the community. An individual may choose to leave or join that community and so the entitlement to shared resources would change for those individuals. When developed as a more abstract political ideal, Justice as Sharing retains a focus on the relationships between members of the political community and the positive effects of sharing and equality amongst them. Justice as Sharing locates distributive justice within that community.
How feasible is Justice as Sharing? Does it ignore basic truths about human nature and so make itself implausible? Even if it is accepted that it makes sense theoretically, does it make sense in practical politics? Justice as Sharing might appear to be utopian in the negative sense of being ‘pie in the sky’. Many might argue that Justice as Sharing goes against basic facts of how human beings behave, and say that to aim at equality of outcome is to aim at the unachievable, since people will always act to disrupt distributive patterns by their actions. I will give a brief overview of ways in which Justice as Sharing can be defended, and how it can serve as a feasible ideal for egalitarians. The hope would be that Justice is Sharing is ‘realistically utopian’ political philosophy in the more positive sense that Rawls uses it, as “probing the limits of practicable political possibility” (2001, p.4).

Cohen says that there are two reasons that an egalitarian ethos – like that in evidence on the camping trip - might be seen to be not feasible for wider application, and that it is important to distinguish between these arguments (2009). The first objection is that egalitarianism is in some way beyond the limits of human nature as people are “insufficiently generous and cooperative to meet its requirements” (2009, p.55). We could call this the ‘human nature’ objection. The ‘human nature’ objection claims ‘ought’ implies ‘can’, and so “if there are characteristic things that humans cannot muster the will to do, then human nature (in the sense of the limits of human motivational capacities) would stand as a prior set of facts that constrain what political philosophy can soundly prescribe or morally require” (Estlund 2011, p.207). In terms of Justice as Sharing, this would mean to say that we ‘ought’ to work towards equality of outcome means that people need to be capable of behaving in the way that Justice as Sharing demands. So if it is against human nature to behave in this way because many or most people are motivated primarily by self interest, this would undermine – possibly fatally - Justice as Sharing.

The first defence of Justice of Sharing’s feasibility against the ‘human nature’ objection comes from the evidence that I have presented earlier. The state of nature story that I told about the egalitarian ethos had the purpose of helping to develop and add weight to my argument for Justice as Sharing. The anthropological evidence from
the actual state of nature also demonstrates the feasibility of this kind of egalitarian ethos, albeit in the particular circumstances of hunter-gatherer societies. There are many arguments that we can imagine that would claim that this does not mean that such an ethos would transfer to complex, large societies such as our own. Nonetheless, what the evidence from the actual state of nature does show is that humans can and do live together in societies that hold this kind of egalitarian ethos. Justice as Sharing is an expression of this very ancient set of political values, and as we have seen it has sustained stable communities for most of human history. So it is clearly not the case that such an ideal of equality is impossible. It is possible. These egalitarian values cannot be against ‘human nature’.

As Cohen points out, there are also many contemporary examples of people who are motivated by non-market incentives (2009). The work ethic of many people in public service does not rely on financial incentive\(^59\). They do not work for nothing, as an act of pure altruism, but their motivation is often not primarily financial. Such workers – nurses, teachers and soldiers, amongst many others – have opportunity to free ride (in the sense of being lazy at work) because their conditions of employment usually provide them with a high degree of protection from dismissal and their pay is not primarily dependent on performance. Yet many of these people work hard, and strive to improve their performance and the service provided by their organisation, although there is no financial incentive for them\(^60\). We can see the importance of an ethos here, and the potential for people to be motivated by factors other than self-interest. So both the evidence of hunter-gatherer societies and groups within our societies show the human nature objection is not that strong a challenge.

The second objection to doubt the feasibility that Cohen gives is “that, even if people are, or could become, in the right culture, sufficiently generous, we do not know how to harness that generosity; we do not know how, through appropriate rules

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\(^{59}\) Despite my agnosticism around the currency of distributive justice, in this chapter the currency used is income and wealth. This reflects Carens’ discussion, and an attempt to use examples that connect to ‘real world’ political debates over policy making.

\(^{60}\) It would be useful to have empirical evidence to support this claim, but I was unable to find some and constrained by lack of knowledge where to look. My claim is based on my experience working in the public sector. It could be claimed that the behaviour of people who work hard in this way can be still explained as self-interested behaviour because the motivated individual is seeking promotion or some other goal. Yet this is at odds with my experience of people working in the public sector. In fact, to be seen to be actively seeking promotion in this way is viewed as undesirable in the ethos of these work cultures (for example, nursing or soldiering), and the most respected workers are those who are perceived to be working hard because it is the right thing to do, not because they have a self-interested agenda.
and stimuli, to make generosity turn the wheels of the economy” (2009, p.55). The people on the camping trip can easily see and work out what they need as a community, but this is not the case in a much larger society. Through prices, the market provides two distinct roles: it provides information about what is wanted, and it provides a motivation for others to provide it (2009, p.63). Market prices show how much something is wanted, and provide the incentive to supply that demand. Finding a basic structure that performs these functions and yet is compatible with egalitarianism appears to be a major problem.

One attempt to solve this problem is by Carens (1981, 1986). Carens notes that it is assumed that equality of outcome may be seen as theoretically desirable but not realistic, even by philosophers who are sympathetic such as Barry (1973) and Nagel (1973). He argues that there is no necessary connection between income equality on the one hand and freedom and efficiency on the other hand and he attempts “to sketch an aspect of the ideal state by identifying the conditions under which income equality can coexist with freedom and efficiency” (1981, p.3). To achieve this, Carens constructs a theoretical model that aims to keep the efficiency and effectiveness of the market combined with an egalitarian distribution of post-tax income. He describes his own argument as follows: “assume that people are motivated by a certain kind of moral incentive, namely the belief that they have an obligation to earn as much pretax income as they can” (1981, p.95). Carens believes that people can be socialised by the culture of this
society that they have this obligation (p.103-124). This might seem fanciful but the anthropological evidence discussed earlier in this research shows how the ethos of a human society can vary dramatically, for example between our own and those of hunter-gatherers. Carens’ society “uses markets to signal optimal intersections between the demand and supply of goods and services, but taxes all incomes to equality, thus using the information function of markets while dropping their standard motivational and distributive functions” (Gilabert 2011, p.54). As Carens himself acknowledges, it is crucial for the success of his project that people contribute as much as they can even though they will be taxed to equality (1986). Carens extends the non-commercial ethos that we see in some people in our societies to the wider society as a whole. Carens’ work provides a comprehensive and coherent theoretical exploration of how a modern society could effectively meet people’s needs and still achieve equality of outcome.

Estlund argues against accepting the human nature objection as a valid objection to a theory like Carens (2011). His response is not to deny that human nature is selfish but rather to claim that this does not refute a theory of social justice. He argues that because people might find it difficult to do something – such as comply with an egalitarian distributive scheme like Carens’ or Justice as Sharing – it does not mean that that something is not the right thing to do: “even if a large dose of selfishness is part of human nature, this does not refute theories of justice that require people to be less selfish than that” (2011, p.221). Estlund suggests that the kind of selfish behaviour that create problems for egalitarian institution does not demonstrate that society should not be run in this way, any more than the fact that some people are cruel undermines a moral principle that we should not be cruel. Fundamental principles of social justice should not be judged by what people will not do, because that is not the same as what they cannot do. Although Estlund allows the people are selfish, the discussion above shows that people do not always need market style motivation to work for the common good and so his argument is further strengthened: even with our societies, many people can and do act in the kind of way that Justice as Sharing would require.

So the objections can be defended against. The evidence from anthropology shows that individuals can be motivated by things other than self-interest, and Carens’ theoretical scheme to combine the market with a radical egalitarian ethos
demonstrates that it may be possible to run a modern society along these principles. Despite this, many people may be unconvinced by this defence. Carens’ scheme is hypothetical, and no such society has ever existed. He may have simply demonstrated that in theory it is possible, but nothing more. The evidence of non-self interested motivation in hunter-gatherer societies, or in pockets of public service, does not prove that a modern state could run effectively on these lines. The critic could say that Justice as Sharing remains utopian in the negative sense of being unrealistic.

There is another way in which Justice as Sharing can serve as a realistically utopian ideal which I believe is more important. This is as a normative goal for egalitarians. What I mean by that is that it can serve a practical purpose, despite being an abstract philosophical ideal, by providing theoretical inspiration to egalitarians. When egalitarians are engaged in real world politics, it is of use to them to have a clear idea of the normative goal that motivates them. Cohen claims that the relationship between theory and practise is more complex than some think, and that “the point of theory is not to generate a comprehensive social design which the politician then seeks to implement. Things don’t work that way, because implementing a design requires a whole cloth, and nothing in contemporary politics is made out of whole cloth. Politics is an endless struggle, and theory serves as a weapon in that struggle, because it provides a characterization of its direction, and of its controlling purpose” (2011, p.212).

Understood in this way, abstract theory can serve with provide real world politics with foundation values or core principles. These values may not even be realistic at all. Cohen points out how “the theories of Friedman, Hayek, and Nozick were crazy, crazy in the strict sense that you would have to be crazy to think that such proposals (e.g., abolition of all regulation of professional standards and of safety at work, abolition of state money, abolition of all welfare provision) might be implemented in the near, medium, or long term. The theories are in that sense crazy precisely because they are uncompromisingly fundamental: they were not devised with one eye on electoral possibility” (2011, p.212). These theories inspired and reinvigorated the political Right in the US and UK, although they are in themselves almost absurd as electoral manifestos. Cohen goes on to argue that the very uncompromising idealism of these theories makes them influential in real world
politics as “politicians and activists can press not-so-crazy right-wing proposals because they have the strength of conviction that depends upon depth of conviction, and depth comes theory that is too fundamental to be practicable in a direct sense” (2011, p.212). So, for example, many Tory activists might wish for Nozick’s nightwatchman state with a flat rate of tax that pays only for security but acknowledge that this is not going to come to pass as a political reality in Britain. Nonetheless, they know what they believe and that gives them theoretical direction and purpose. They may know that they want to reduce the tax burden on the more productive members of society, and to push back the size of the modern state as these policies represent steps in the right direction for them.

For the Left, of course, the same applies. Abstract theory can inspire practical politics. Understood in this way, a principle of equality that appears uncompromising like Justice as Sharing can be feasible as a political ideal, even if you do not accept that it would ever come to pass in the real world. A ‘fundamentalist’ ideal may provide direction to decision making or allow one to evaluate policy. We can see how Justice as Sharing can serve as an ideal of social justice. Let us assume that the British Labour Party has some ideological confusion or uncertainty at the moment about its core ideals. We could see that in the Labour Party’s attitude to the very wealthy. Traditionally, Labour Party orthodoxy was that it was not good for people to become extremely rich and for there to be a large gap between rich and ordinary people. This ‘Old Labour’ orthodoxy could be seen as holding that equality of outcome was a good thing and that an aim of any Labour government would be to reduce economic inequality. New Labour famously rejected this stance, with Peter Mandelson saying in 1998 that he was “intensely relaxed about people getting filthy rich as long as they pay their taxes” (Malik 2012). When asked about the gap between rich and poor, Tony Blair answered that the role of government is “to make sure that those at the bottom get the chance” to succeed rather than to increase taxes on the like of David Beckham (BBC 2003). We can see here how Blair absorbed ideas of equality of opportunity and how both he and Mandelson explicitly rejected equality of outcome. They had no reason to object to the inequality the results from extreme wealth, as they had no theoretical objection to it. We can also see that if a Labour politician held Justice as Sharing as an ideal, then they would have a rationale to have a different response than that of Blair and Mandelson. Rather than being intensely relaxed about the widening gap between rich and poor, they would have had a rationale for being troubled by
increasing inequality even if they felt that it needed to be tolerated for other reasons. They would have a reason to believe that it would be a good thing in itself for the wealth of the richest to be shared through redistributive taxation, even though they may have felt that they had limited options to implement it.

Justice as Sharing is feasible as an ideal for real world politics even if a government inspired by Justice as Sharing would not be able to produce a state of affairs of equality of outcome. Policies that would increase equality may be encouraged as equality is a good in itself. Justice as Sharing could serve as a normative goal to steer what Popper called the ‘piece meal social engineering’ of policy makers (2002). For example, Justice as Sharing would therefore give a government a reason to be concerned about inequality between the highest paid and lowest paid in the public sector. If we take again the example I used earlier, we can imagine the hospital where there is one pattern of distribution where the average worker earns £25000 and the top manager £200000. There is another pattern where the average worker still earns £25000 but the top manager earns £100000. Justice as Sharing would suggest that there is something better about the second pattern. Another example might be promoting policies that provide incentives for non-state organisations to reduce the gap between the lowest paid and highest paid workers. To achieve this, the government might reduce the rate of corporation tax or employer’s national insurance contributions for a company that had achieved a degree of income equality amongst its employees. Justice as Sharing would also provide a rationale for why an organisation like the National Health Service may be intrinsically good in the sense that citizens share the same health care system. There would therefore be a clear reason to maintain the NHS structure as an institution that is ‘blind’ to the choices that people make, and to resist moves towards a model based on individualised insurance.

So Justice as Sharing is feasible as an ideal, even if it is not as a state of affairs. It would be possible to hold Justice as Sharing as an ideal and believe that it would never come to exist, but that it was ideal worth working towards and that the closer that society moved towards it, the better it would be.
Chapter 15 - Conclusion

In this research, I proposed an egalitarian ideal of distributive justice: Justice as Sharing. By doing so, I hope to have made some ground in rehabilitating equality of outcome as the normative goal of choice for egalitarians. Throughout I used Cohen’s camping trip as a story to link and clarify my discussions, and I agreed strongly with Cohen that people would expect egalitarian values to dominate on such a trip, finding the values of capitalism inappropriate in that context. Where I disagreed with Cohen was in the ideal of equality that was highlighted: Cohen argued that the example supported his ideal of radical equality of opportunity, and that just inequalities that resulted should be tempered, although not eliminated, by an ideal of community. As the camping trip could be seen as akin to a state of nature account that encourages us to reconsider our outlook and ‘go back to basics’, I then turned to the state of nature for inspiration. The state of nature that I went back to was the actually-existing one of hunter-gatherer society.

By presenting the anthropological evidence in detail, I demonstrated that a radical egalitarian ethos is not at odds with human nature. People have lived in strongly egalitarian societies for most of human existence, and these values have produced stable and long-lasting forms of political association. To the anthropologist this is old news, but for many of us (philosophers and economists and wider society) it is something that we are not really aware of and it should make us question further the premises with which we understand our political world. The belief that inequality is in some way unavoidable or even ‘natural’ is deeply embedded in our understanding of the world. In wider society, it may even have increased its dominance over recent decades as the Left has lost its ideological mojo. The anthropology I have presented here gives us reason to review our assumptions.61

The egalitarian ethos found in the actual state of nature served as a blueprint for Justice as Sharing. This aims to be an ideal of social justice, and in particular distributive justice, that could integrate egalitarian intuitions and an ideal of community. Justice as Sharing sees distributive equality as an equal pillar to political or

61 Of course, many others have argued that our culture’s premises about humans being atomistic and self-interested and how we are motivated need to be changed (for example, Taylor1989; Midgely 1995, Anderson 2000).
legal equality. The emphasis on sharing is an original aspect of my argument. I have argued that the process of sharing resources within society is in itself a good, expressing the relationship between people as one based on values that are not market based. Using Cohen's example of the camping trip, I suggested that that sharing was a vital element in understanding how we feel people ought to behave towards each other in those circumstances. In fact, it is quite difficult to talk about how we would expect the campers to behave towards each other without using the word. When we think or talk about sharing, we are thinking about the process as well as the outcome. So the concept of sharing holds something valuable about the act itself, in addition to the pattern of distribution that results. Justice as Sharing extends that expression of community to the structure of the state. The basic structure of an egalitarian society – or the elements of a society that are egalitarian – can be understood as a form of institutional sharing. Redistributive taxation or the egalitarian nature of institutions such as the NHS can therefore be seen as good in themselves. Justice as Sharing is shamelessly idealistic as it aims to extend the values of the family or small group to society as a whole. I hope to have achieved something here by putting forward a different way of understanding egalitarian redistribution.

After presenting Justice as Sharing, I moved on to look at how it relates to other ideals that are influential in the contemporary debate and so place it in context and defend it from likely objections. I argued that Justice as Sharing shares ground with Rawls' difference principle. In A Theory of Justice, Rawls argues for simple equality as the morally justifiable distributive pattern and then allows a degree of inequality to increase the amount of goods available for the least advantaged group. Rawls' argument can therefore be understood as an argument for simple equality as the just distributive pattern. Like Justice as Sharing, he remains vulnerable to the failure to distinguish between people's choices and their circumstances. Overall, I believe large parts of Rawls' theory support Justice as Sharing.

Like any theory that attaches intrinsic value to equality, Justice as Sharing faces the levelling down objection. I argued that there are times when Justice as Sharing might level down, but that this does not represent a knock-down argument. By accepting a pluralistic view that allows other values to be taken account of, the LDO loses much of its force. The intuitions behind the power of the LDO might lead the

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62 This reflects feminist thinking about ethics based on care which I have not explored further in this research (see for example Held 1995, 2006).
egalitarian to adopt prioritarianism or the sufficiency view. These ideals could be seen as viable rivals to Justice as Sharing and I argued that, although they are coherent positions that capture how many people feel about the injustice of poverty, they are best understood as humanitarian values. As they are potentially untroubled by much of the inequality within our own societies, they do not capture an important egalitarian intuition.

Luck egalitarianism, despite its theoretical strength, fails to convince for similar reasons. Given that the difference between brute luck and option luck, between choice and circumstances, can be sorted out, then these theories appear to be untroubled by any just inequalities that are then created. So, as long as the race is fair, the resulting inequalities of that race are not a problem for the luck egalitarian or left-libertarian. We can see this highlighted by Cohen’s need to temper the just inequalities that might result from his preferred principle of equality on the camping trip. Justice as Sharing disagrees and maintains that inequality is a problem, even if is understood to be fair. Related to the agency objection that inspired the luck egalitarian, the question of desert looms large in these discussions even if it is not always acknowledged. I argued the egalitarian who agrees with Justice as Sharing can take a range of positions on desert, because the important point is that Justice as Sharing does not acknowledge that the returns of the market reflect desert.

The ideal that appears closest to Justice as Sharing justifies egalitarian distributive patterns on the grounds that it is necessary for social equality. Understood in this way, equality is primarily a social ideal about the relationship between people and significant distributive inequality damages that relationship. Justice as Sharing holds this view, but in addition sees equality as being a good in itself. Even if there was no damage to relationships created by inequality, Justice as Sharing would still say there is something good about sharing resources and in more equal distributions.

In a brief discussion of feasibility, I argued that Justice as Sharing could serve as a normative goal for egalitarians in real world politics despite its abstract and theoretical nature. One limitation of my argument is that it is confined to the debate amongst egalitarians. It does not provide reasons for the non-egalitarian to subscribe to Justice as Sharing, although it is doubtful whether such an argument can be made convincing given the incommensurability between opposing views of social justice (MacIntyre 1985). Egalitarian theories of distributive justice that attempt to take
account of personal responsibility – such as luck egalitarians and left-libertarians – are on stronger ground here, and can claim to have accommodated the ‘agency objection’ to egalitarianism. Justice as Sharing makes no such claim, and so remains open to this powerful line of anti-egalitarian criticism. I believe that there is little that can be done about this problem – it is something that Justice as Sharing must take on the chin.

Another related limitation is that Justice as Sharing’s appeal to egalitarians is based on an appeal to egalitarian intuition. I believe that this appeal is strong, and comparing Justice as Sharing to competing ideals through this research I hope to have shown the ways in which it better expresses an egalitarian ideal of distributive justice. Although my research may appear ambitious, my ambition is more limited than it might appear as my hope is to put forward another way for one group of egalitarians – like myself - to understand their own values. I cannot claim to have constructed a ‘knock-down’ or watertight argument for Justice as Sharing. Carens describes Rawls’ *A Theory of Justice* as offering “a model of political theory as an engineer’s blueprint” where “every principle and argument is carefully related to every other one like the beams of building” (1995, p.47). My argument makes no claim to the careful construction of Rawls’ work. Instead, I suppose it is closer to an alternative model of political theory that Carens suggests is represented by Walzer’s *Spheres of Justice*. This model offers “an impressionist painting of our moral landscape. He says, in effect, ‘See. Isn’t it like this?’ I am not suggesting that he just points to what people already think is right and wrong. To see a landscape through a painting is not the same as to view it with the naked eye….once we’ve seen the artist’s painting, the landscape actually looks different to us, though in important ways what the artist sees was always already there” (1995, p.47). This is what I hope to have achieved: encouraging egalitarians to look again at how they understand distributive justice.

The work I have done so far identifies areas where I think there is further work to be done. During my discussion, I remained agnostic about the scope of Justice as Sharing. I discussed scope at length, as I think the scope of distributive justice is important for any theory of distributive justice, but I did not come to a conclusion. Justice as Sharing is compatible with a global cosmopolitan view of social justice or one
bounded by the limits of political association. That is a strength in one sense, as it can be applied both globally and within a state, but there may be further work to see if it the theory fits better with one. As I have shown, the patterns of distribution that would result from Justice as Sharing would change dramatically depending on the scope of its application. My thoughts are that it may work better with scope that is bounded by the limits of political association.

The relationship between Justice as Sharing and non-intrinsic egalitarianism like O’Neill’s is also worth exploring further. As I discussed briefly in a footnote in chapter 12, I think it is interesting that what O’Neill (2008) and Scanlon (2002) see as the non-intrinsic problems with inequality could alternatively be seen as the result of the intrinsic badness of inequality. As I suggested, the problems created by inequality might be understood as the symptoms that result from its badness. The empirical evidence of problems associated with inequality in society (Wilkinson & Pickett 2009) are seen by O’Neill as providing “supplemental instrumental, non-egalitarian reasons” to favour egalitarian policy making and to favour his understanding of what is wrong with inequality (2010, p.406). O’Neill argues that there is “nothing in their account that should lead us to think that the fundamental normative commitment of egalitarianism should be to an ideal of equal distribution, as opposed to an ideal of egalitarian social relations” (2010, p.406). O’Neill’s claim may be valid, but on the other hand, it may be possible to construct an argument that this is the empirical evidence of the symptoms of inequality’s badness.

The state of nature provides another area which could be developed. There is further work around the relationship between the story that I have given – which claims to be an accurate account of really existing societies that reflect the original condition of humans – and the fictional or hypothetical accounts in traditional state of nature. Perhaps there is space to combine the facts of the state of nature with the choices that people might make in a hypothetical ‘primitive’ condition. Again, this might include environmental concerns. Given the gift of foresight, would we choose a market capitalist ethos? There is also the possibility that egalitarianism is, in some sense, ‘natural’ to human beings. This is an idea that I wanted to explore initially when I began this research, but the complications that emerged led me to accept that discretion was the better part of valour.
The conjecture would be that egalitarian ideals are deeply rooted in human evolution. In *A Theory of Justice*, Rawls notes that a human sense of justice might have evolutionary origins (1999a, p.440). Midgley argues that we should understand human life in the context of our evolutionary past, and that understanding and acknowledging our extreme sociality is of major importance in understanding ourselves (1991, 1994, 1995). Rather than interpreting our relationships in contractual terms, we should understand that “far from being originally solitary, the earliest human beings were heirs to a long, complex tradition of group life, deep social affection and interdependence, a tradition which dates from many ages before their emergence as a separate species and their famous rise in intelligence” (1995, p.119). Morality can be understood in Darwinian terms (Ruse 1991, 1998). This suggests a way to extend the hypothesis of De Waal (1996, 2006) that human morality has its roots in the social behaviour of primates. De Waal’s hypothesis suggests that human nature is designed by evolution to care about the welfare of others: “all species that rely on cooperation – from elephants to wolves to people – show group loyalty and helping tendencies” (2006, p.15). Humans are naturally social and empathetic and de Waal argues at the most basic level human morality is a product of evolution. The moral values that we have developed help human social groups flourish and succeed.

By extending this idea to human political values, it may be possible to construct an argument that puts these political values in an evolutionary context. The hypothesis might be that the political values of hunter-gatherers in the state of nature evolved to suit human beings, and to control the urge to dominate amongst some adult males and so to promote group cohesion and well-being through the sharing of power and resources. Such sharing became a human social good, and led to stable and long lasting communities.

There are many potential complications for this argument, of course. There is the naturalistic fallacy to start, and the theories that explain such behaviour in instrumental biological terms. It appears problematic to say that we are naturally egalitarian creatures, when a key role of this egalitarianism is understood to be the suppression of some humans’ desire to dominate. Why did the desire to dominate not become sidelined in evolution? This egalitarianism appears designed to suppress that ‘natural’ trait, and so may be better understood as an evolved cultural trait. Nonetheless, it could be that humans flourish best in egalitarian societies, which also
may explain why the empirical evidence suggests that inequality is bad for humans (Wilkinson & Pickett 2009, O’Neill 2010).

Such an argument would place humans in context as animals, and suggest that there is type of social organisation that best suits our species (just as there is an organisation that best suits other species of social animals). Such a zoological understanding of ourselves leads to another area of interest. Economic orthodoxy would have it that a society that prioritised Justice as Sharing would become less economically efficient and productive. This is because there would be lower rewards for the most talented or ambitious, and so these individuals would not work as hard and less would be produced. Usually this is seen as a major problem and Rawls, for instance, famously allows incentives into his difference principle to address this. However, there is an argument that I mentioned but did not develop in this research that would see this potential suppression of productivity as positive. If we assume that (in the rich world at least) there are sufficient resources to meet all reasonable needs, and that our desire to consume more goods is irrational and has a negative impact on the resources of the world, then there is a case that we should aim to design society so as to temper our consumerism and productivity (Victor 2008; Jackson 2009; Schor 2010). A more egalitarian society may lead to a degree of suppression of productivity, and thereby reduce the use of resources and environmental damage. So there is potentially an instrumental environmental argument in support of Justice as Sharing. Perhaps our ancient political values would leave us more at ease with our place in the world.
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