

1

Some Questions for Egalitarians

Matthew Clayton and Andrew Williams

I. Introduction

How should benefits and burdens be distributed between people? This is one of the fundamental questions of distributive ethics. The ideal of equality is one long-standing answer to that question. Nevertheless, in recent years the nature and defence of the egalitarian ideal have become the subject of renewed philosophical debate. Two questions figure prominently in the debate. First, Derek Parfit asks the question, 'Equality or Priority?'¹ Should those with a concern for equality value a diminution of the *gap* between the better and worse off for its own sake. Or should they attach priority to benefiting the badly off, even if this *increases* the gap between them and the better off? The second question is Amartya Sen's: 'Equality of What?'² If we are to distribute benefits and burdens equally, what dimensions of people's lives should be compared in order to establish whether one person is worse off than another: should egalitarian interpersonal comparison be conducted in terms of wealth and income, or a wider set of resources, or the extent to which people are satisfied with their lives, or certain opportunities to acquire or do certain things in life, or something else again?

These two questions may seem far removed from the debates about equality which arise in everyday discussions of social and economic policy. Such debates often centre on whether some proposed policy change, ranging from pension or welfare reform to the restructuring of education or the health service, serves the cause of equality. In some cases we can assess the worth of a policy change from an egalitarian point of view without delving too deeply into the questions raised above. For instance, the commonly held view that the

Thatcher governments in Britain between 1979 and 1990 impeded the realization of equality can be defended without asking whether we should be concerned to reduce the gap between the rich and the poor, or whether our fundamental concern should be to reduce the absolute disadvantage of the least advantaged. If real income is taken as a plausible indicator of advantage, neither goal was furthered: between 1979 and 1990/1 the number of individuals with real incomes (allowing for family circumstances and housing costs) below 40 per cent of the average rose from 1.7 million to 7.7 million while the real income (after housing costs) of the bottom tenth of the population is estimated to have fallen by 14 per cent.³

In other cases, however, we may need to scrutinize the ideal of equality more deeply. Consider, for example, educational justice. We may think that equality justifies targeting above average educational resources on economically disadvantaged children to compensate them for their worse start in life. On the other hand, we may think that equality favours enhancing the education of those with more productive potential, notwithstanding their social advantages, on the grounds that a more prosperous economy can benefit the poor to a greater extent. Or, in the case of health care, we may be unsure about whether equality supports or condemns the rationing of scarce medical resources according to a policy which exhibits a bias in favour of the interests of the young rather than the elderly. Faced with uncertainty in these matters, there seems no alternative but to confront fundamental issues about how the ideal of equality must be characterized if it is to serve as a plausible guide to political change.

This collection addresses those issues, which are now central to distributive ethics. Its aim is to survey some of the main disputes involved in characterizing the ideal of equality. Of course, some deny that equality has any importance. Others might deny that any distributive pattern can be better or worse from the point of view of political morality.⁴ These objections, while serious, are rejected by the contributors to this volume. They agree about the importance of distributive ethics and, furthermore, that equality has some role within that field. They disagree, however, about how best to construe the egalitarian impulse. Although this is by no means an exhaustive categorization, we employ the questions raised by Parfit and Sen to illustrate some of the debates.

II. Parfit's Question

The question 'equality or priority?' asks us to consider a distinction between two conceptions of egalitarian justice. In the first, *strict*, sense of the term, egalitarians claim that an unequal distribution of benefits and burdens across different people is, in itself, unjust or morally bad. Consequently, a diminution of the gap between the advantaged and disadvantaged would be an improvement. On a less strict interpretation, egalitarians do not regard the gap between the better and worse off as having ethical significance in itself. Instead, what matters is that the interests of the worse off should be given greater weight when we are assessing social and economic policy. Strict egalitarians are concerned about how people fare *compared* to others; they value the reduction of *relative* deprivation. The less strict view is concerned with the *absolute* level of advantage that people enjoy: the less well off a person is, the more urgent morally it is to benefit her. Parfit calls egalitarians of this kind *non-relational egalitarians* or *prioritarians*. One of the main claims of Parfit's paper is that left-wing thinkers have often confused equality and priority, which is unfortunate because these ideals rest on different foundations, have different implications, and are susceptible to different kinds of objection.⁵

To illustrate the difference we might consider Rawls's second principle of justice: that 'social and economic inequalities are to meet two conditions: they must be (a) to the greatest expected benefit of the least advantaged (the maximin criterion [or difference principle]); and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.'⁶ The first part of this principle is often understood as the priority view applied to the distribution of wealth and income.⁷ Rawls's claim is that when deciding the shape of tax policy and benefit arrangements our first concern should be to maximize the wealth of those in the group with least wealth. Once this has been achieved our concern should be to maximize the wealth of the next least wealthy, and so on, until, finally, we should be concerned to maximize the prospects of the most wealthy. In short, priority should always be given to raising the wealth of those with less, even when we can raise their wealth to a lower degree than we can that of the more wealthy. Understood in this way, the difference principle mandates economic inequality because the prospect of a greater than average level of wealth may encourage the productive to work harder than they

otherwise would and, thereby, produce more wealth which can be redistributed to the least advantaged. Thus, the difference principle's concern for the least well off may lead us in a different direction than that proposed by strict egalitarians.

The second part of Rawls's principle of social and economic justice relates to fair equality of opportunity. This is the familiar idea that differences in life-prospects – in terms of educational and occupational attainment and the enjoyment of wealth and income – are unjust to the extent that they are produced by differences in social backgrounds. The upshot of this is that justice favours a reduction of the gap in life-prospects between those born into deprived backgrounds and those who have more privileged backgrounds. This ideal is egalitarian in the strict sense.⁸ So, Rawls's conception of justice exhibits both egalitarian and prioritarian concerns. Inequalities that benefit the worst off are permissible provided that the competition for unequal rewards ensures that everyone has equal opportunity to acquire positions of relative advantage.

III. Equality

Sometimes the achievement of strict equality will be a by-product of the successful pursuit of some distinct goal. Under some circumstances choosing an equal distribution might, for example, coincide with maximizing the prospects of the least advantaged. One could therefore prefer an equal distribution even if one did not value equality. Strict egalitarians, however, do not have a merely coincidental preference for equality. They claim that equality is an important value which we should *aim* to achieve. Nevertheless they may still value equality in different ways. So, in order to assess their claim, it is important to distinguish the various ways in which equality might be of value.

In doing so, it is useful to draw two distinctions.⁹ First, equality might either be instrumentally valuable because of its effects, or intrinsically valuable for reasons other than its effects. *Instrumental egalitarians* might aim for equality in order, for example, to secure the self-respect of the least advantaged or reduce certain forms of social antagonism. *Intrinsic egalitarians* display a less contingent commitment to equality. To understand their view a second distinction is relevant. Those who are *derivative egalitarians* value equality as a constitutive element of some wider ideal. This view is articu-

lated by Scanlon, among others.¹⁰ An attractive ideal of social cooperation, he claims, involves public knowledge that everyone is an equal. Unlike instrumental and derivative egalitarians, *non-derivative egalitarians* attach ultimate value to the achievement of equality. For example, they might think it regrettable that some are unavoidably worse off than others even though they are unaware of their relative disadvantage. Temkin defends this view, though he accepts that other goods, such as benefiting people, have ultimate value, and the good of equality must be weighed against such goods in order to arrive at a judgement concerning what is best all things considered.

These various conceptions of the value of equality are liable to different types of criticism. Some are sceptical about the instrumental or derivative benefits of equality, but perhaps the most politically influential and philosophically interesting anti-egalitarian argument applies to non-derivative egalitarians: *the levelling down objection*.¹¹ Since these egalitarians value a reduction of the gap between the better and worse off for its own sake, they are committed to regarding a worsening of the condition of the better off as, in some respect, valuable *even when this does not benefit the worse-off at all*. Many find this counter-intuitive: how can a move from one state to another be in any respect better if it is better for no one and worse for some? Temkin's paper is primarily devoted to clarifying and rebutting this objection. He argues that the ideal of equality is similar in many respects to certain other commonly held ideals, such as punishing people according to their deservingness. Since the value of these ideals does not necessarily rest on anyone being benefited by their application, we need not worry if the ideal of equality fails to exhibit this feature as well. If Temkin is right, critics of equality must either abandon their appeal to the levelling down objection to equality or give up various other beliefs which they typically hold.

IV. Priority

The ideal of equality tends to attract people who are concerned about the plight of the badly-off. If such individuals are also persuaded by the levelling down objection they may embrace a non-relational construal of the ideal to accommodate their concern, thereby converting to prioritarianism. Since attaching priority

to the interests of the worse-off does not value the reduction of inequality for its own sake, but only as a by-product or as a means of raising the level of the worse-off, it escapes the levelling down objection.

Defence of the priority view is associated with the various forms of contractualism articulated by Rawls, Nagel, and Scanlon. Rawls's conception of *justice as fairness* appeals to the idea that principles of social justice are principles which would be agreed to in a hypothetical context, the *original position*, where individuals are deprived of information that may jeopardize the fairness of their agreement. In this position individuals are uncertain of the probability of occupying any particular position in society, and are duty-bound to agree only to principles which they can abide by, and to respect certain other constraints on their choice.¹² Rawls argues that, placed in such a situation, rational self-interested individuals would adopt the maximin rule, which prefers social arrangements that attach priority to benefiting the least advantaged, rather than utilitarianism, which seeks to maximize the sum of benefits which individuals enjoy.

Rawls's view has, of course, been subject to wide-ranging criticism. Some critics claim that even if Rawls is right in theorizing justice in terms of the kind of hypothetical choice he describes, maximin is a defective principle of rational choice. Some argue that, at best, his hypothetical choice situation supports the adoption of utilitarianism constrained by the maintenance of some social minimum.¹³ Others, however, are sceptical about some of the constraints Rawls places on the information available to individuals within the original position. For example, Nagel questions whether justice requires the choice of principles to be made without any information concerning the probability of enjoying different levels of advantage.¹⁴

Despite, and in part because of, these criticisms, Rawls's view has motivated alternative versions of contractualism. For Nagel, the original position is appealing because it attempts to ensure that we place ourselves in everyone else's shoes and assess whether social arrangements are acceptable to each individual. He argues that this leads naturally to the ideal of seeking principles which can achieve free and unanimous agreement or, in Scanlon's version, principles which no one can reasonably reject. This, in turn, leads to an alternative defence of prioritarian thinking. If we value everyone's endorsement of principles of justice then those principles must attend

in the first instance to the fate of the worst-off since, because they fare worst from the operation of social arrangements, their complaints are, other things being equal, strongest: the worse off you are, the greater is your legitimate complaint and, therefore, the greater is the *moral* urgency to benefit you.¹⁵

For this reason, Nagel proposes attaching priority to the interests of the worse-off. However, his ideal of unanimous endorsement is not unequivocally prioritarian. He claims that although one's level of disadvantage is an important determinant of the strength of one's complaint, a possibly competing determinant is how much one loses from the prevailing arrangements compared to another member of the feasible set of arrangements. For this reason, he claims that the ideal of unanimity may support giving greater benefits to people who are already well off rather than lesser benefits to people who are badly off. Thus, unlike Rawls's difference principle, Nagel's view does not give *absolute* priority to the worse-off. If Nagel is right, there is further work to be done in terms of quantifying the weight of the different determinants of the strength of an individual's complaint.

A third defence of prioritarian justice appeals to the ideals of equality and efficiency. Roughly, the argument rests upon the prima facie appeal of equality and the claim that the introduction of certain inequalities may be *Pareto superior*, that is, better for some and worse for no one. The latter is the case, because the presence of unequal financial rewards attached to different occupations can act as an incentive for the productive to take more socially beneficial jobs or to work harder. The consequence of such incentives is beneficial to everyone: while the productive gain from higher than average earnings, the less productive benefit from the greater benefits that the productive create. Moreover, if departures from equality are constrained by the difference principle, any inequality must maximize the advantage of the worst-off and, consequently, the gap between the better- and worse-off will be narrower than alternative Pareto-superior departures from equality. Thus, Rawls asserts that the difference principle selects the Pareto efficient distribution closest to equality.¹⁶

Various problems beset the Paretian egalitarian argument for prioritarian justice. For instance, it has been argued that different ways of combining equality with Pareto efficiency – depending on which ideal, if either, has priority – produce different results. Thus,

without further elucidation the view is indeterminate.¹⁷ In addition, while not objecting to the ideal as such, Cohen argues that the widely held view that Paretian egalitarianism supports the offer of inequality-generating incentive payments to the productive is unsound.¹⁸ If Cohen's argument succeeds then, practically, there may be far less at stake in the choice between equality and priority than is commonly thought.

V. Sen's Question

In formulating their competing views of distributive justice, egalitarians and prioritarrians face certain common tasks. The most widely debated involves specifying a standard of interpersonal comparison applicable to issues of distributive justice. Such standards specify the conditions under which some individuals are worse off than others. They enable egalitarians to establish whether inequality exists, whilst prioritarrians employ them to identify those individuals whose claims are morally most urgent. We shall refer to the question of how to characterize the relevant standard as *Sen's Question*, after the author of the classic essay 'Equality of What?'.¹⁹

Defending the appropriate answer to Sen's Question involves addressing various issues. For illustration of one such issue, suppose two individuals have access to the same goods but one attains fewer goods due to factors which lay within his control. In asking whether an inequality exists, or whether priority should now be attached to benefiting one individual, should our standard of comparison focus upon *achievement* or only upon *access*? Some egalitarians favour the latter position. They emphasize that in opposing only *involuntary* inequalities their view escapes the familiar conservative criticism that egalitarianism is blind to personal responsibility. It can, for example, distinguish the claims of the involuntarily unemployed from those who have chosen not to work. There is, however, a price to be paid for avoiding such a criticism.

Imagine that Cautious Carl and Daring Dan could both lead equally secure lives, but Dan becomes paralysed in some risky sport, for which he is uninsured. It appears that access egalitarianism does not require that Carl finance health care or a mobility allowance for Dan. Yet many think that justice, and not merely charity, demands at least some publicly funded redistribution even in cases where individuals bring disaster upon themselves. Conceding that

equality is not the only important distributive principle, they could defend that conviction by appeal to some non-egalitarian concern, perhaps expressed by a sufficiency principle. However, if they wish to defend it on egalitarian grounds, it seems they cannot attend exclusively to access in making interpersonal comparisons.

Access versus achievement, however, is not the only important issue addressed within the debate over Sen's Question. Another even more complex problem concerns the *goods* upon which a plausible standard of interpersonal comparison should focus. Here, it is common to distinguish *welfare*, *resources* and *capability* as the main alternatives, although hybrid views combine various elements and are common.²⁰ One way to understand the range of answers, and their accompanying difficulties, is to begin with a deliberately simple resourcist form of interpersonal comparison.²¹ Consider the claim that justice requires the equal distribution of wealth, construed as *impersonal resources* such as natural assets, or manufactured goods and services. No individual should, therefore, be able to acquire resources which possess a higher market value than those available to any other individual.

Various problems might beset such a proposal. Perhaps the most obvious of these relates to the narrowly economic standard the proposal involves. Why on earth, a critic might ask, should egalitarians, or prioritarists, focus simply on wealth? As Sen himself has frequently argued, that proposal appears doubly defective. First, it is obviously *incomplete* insofar as it can treat two individuals as equal even if one has a severe physical disability the other lacks. Many, however, are convinced that justice requires compensation for at least some disabilities even if their victims are no worse off than others in financial terms. Second, and less obviously, the simple proposal appears strikingly *superficial*. After all, in our personal decision-making we care about wealth insofar as it enables us to improve the quality of our lives. Surely then when distributing wealth to others we should care about it in a similarly derivative manner. We should focus ultimately upon the extent to which individuals attain, or can achieve, what they care about or, perhaps, what they have reason to care about.

VI. Welfare

A number of competing answers to Sen's Question can be construed as attempts to avoid one, or both, of these worries. Consider first welfarist accounts of interpersonal comparison, which focus upon the extent to which individuals' personal preferences are satisfied. In giving a central role to subjective satisfaction rather than monetary reward, such metrics appear to escape the charge of superficiality. However, they soon encounter their own distinctive problems. Anti-welfarists argue that welfare is completely *irrelevant*, whilst hybrid-welfarists argue that welfare, like impersonal resources, is an *incomplete* metric. To sample just a few of their arguments, we shall initially consider the problems of *malformed*, *expensive*, and *cheap* tastes.

The problem of malformed tastes arises because some individuals might exhibit the same level of preference satisfaction as others because subconscious psychological processes have tailored their preferences to their modest circumstances.²² Yet it seems quite unjust to treat such individuals as no worse off than others merely because they show similar levels of satisfaction. Thus, any plausible and complete welfarist metric requires an account of authentic preference formation in order to escape worries about malformed tastes.²³ Whilst this preliminary objection might be overcome, the two remaining problems – related to expensive and cheap tastes – create a more profound threat to welfarist metrics: the *anti-welfarist dilemma*.²⁴

To understand the dilemma's source, note that in order to equalize actual welfare it will be necessary to allocate more resources to individuals with especially costly ambitions. Many find such pandering to expensive tastes unfair. They deny that individuals are entitled to any more resources than others merely because their ambitions are more costly to achieve. If so, they must reject forms of egalitarianism which focus upon actual welfare. Welfarists can, however, escape this difficulty by claiming that their reluctance to subsidize expensive tastes is appropriate only because such tastes are voluntarily acquired. When tastes are involuntarily acquired, their bearers have fewer opportunities for welfare than others, and so are entitled to more resources.

By shifting from a metric of achievement to one of access, welfarists can escape the problem of expensive tastes. In doing so, however, they then face the related problem of cheap tastes. Imagine some

individuals require fewer resources than others in order to enjoy the same access to welfare. Due to natural or social luck they have preferences which, though not malformed, are nevertheless relatively easy to satisfy. Access to welfare metrics treat those individuals as the beneficiaries of good fortune, and so deny that they are, *ceteris paribus*, entitled to as many impersonal resources as others.²⁵ Anti-welfarists, however, claim that such denial is unfair. They conclude that since welfare metrics must either pander to those with expensive tastes or penalize those with cheap tastes, welfare should play no role whatsoever in interpersonal comparison.

The force of the anti-welfarist dilemma remains debatable.²⁶ Even if the dilemma is inconclusive, however, others have argued for the irrelevance of welfare on distinct grounds, or for the less radical conclusion that welfare is not the only relevant consideration in interpersonal comparison.²⁷ We now turn to the most influential version of that latter criticism.

VII. Capabilities

Recall the claim that it is unfair to disregard an individual's disability even if she is as wealthy as others. Some argue it is also unfair to do so even if her welfare is as high. They appeal to the common conviction that certain disabilities are, in themselves, grounds for entitlement. For that reason no metric of advantage can be plausible unless it also incorporates information about additional goods. The resulting focus upon what Sen has termed individual *functioning* and *capability*, is one of the main rivals to both pure welfarist and resourcist accounts of interpersonal comparison. It has gained many adherents, and plays an important role in measuring poverty in developing countries.²⁸

Like welfarist proposals, capability metrics are a natural response to the earlier charge of superficiality levelled against simple resourcist metrics. Yet, unlike such proposals, they do not focus only upon what specified individuals care about, but instead employ a less subjective account of need. Sen, for example, refers not only to being happy, but also to functionings such as escaping morbidity, mortality, and malnutrition, as well as achieving self-respect and participating in community life.²⁹ According to their critics, however, capability accounts have their own peculiar problems. For example, some critics claim that without appealing to perfectionist

ideals of personal well-being it is impossible to explain why certain capabilities have moral relevance whilst others do not, or to establish the relative importance of differing capabilities. Those ideals, they suggest, give content to the capability approach by identifying the manner in which differing functions impact upon an individual's quality of life.³⁰ Welfarists, who are frequently sceptical about the validity of any perfectionist ideals, might reject the capability approach for that reason.³¹ Other anti-perfectionist critics grant that such ideals may well be acceptable guides to personal conduct but still question their role within *political* morality. Rawlsian anti-perfectionists, for instance, claim that respect for basic civil liberties is inevitably accompanied by deep divisions over what makes life worth living, even amongst reasonable individuals who accept the fundamental values of liberal democracy. Since in their view an adequate conception of justice must be capable of winning the allegiance of those individuals, they object to capability metrics which rely upon perfectionist assumptions unable to pass that test.³²

The welfarist and anti-perfectionist objections raise perennial questions within moral and political philosophy. Thus, the criticisms canvassed so far are likely to remain the subject of debate. The same may be true of a less familiar objection which was first directed against welfarism but can be generalized to capability metrics.³³ This objection asserts that capability metrics sometimes give implausible results because they are blind to individuals' own attitude to their disabilities. To understand the anti-welfarist form of the objection imagine some individuals experience feelings of intense guilt which result in their enjoying considerably lower levels of welfare than others. Nevertheless, because they regard those feelings as the appropriate response to their own failings, they much prefer their presence to their absence. Even some of those drawn to welfarism accept that individuals who do not regard their luck as *misfortune* are not relevantly worse off than others, and so cannot claim compensation.³⁴ There appears then to be a case for revising welfarist metrics to accommodate such convictions.

If that case is sound, the objection can be extended to capability metrics. After all, any disability which could be thought relevant to interpersonal comparison might be welcomed by some individuals. For example, even if most women would regret being infertile, some might welcome liberation from the risk of involuntary conception. Where a disability is welcomed should we accept the

individual's own apparent judgement that it does not constitute a disadvantage? If we answer 'no', we allow that individuals may legitimately claim compensation for conditions about which they themselves are perfectly happy, but accepting such a conclusion seems counter-intuitive. If we answer 'yes', we might be tempted to revert to a suitably revised form of welfarism. However, we might, instead, return to resourcism, and ask whether any of its more sophisticated variants prove acceptable. In answering that question the natural starting point is Rawls's social primary goods metric.

VIII. Resources

Rawls now grants that, under realistic circumstances, his list of social primary goods is an incomplete metric. His solution is to suggest that the list should be supplemented by an account of those capabilities essential to be a 'normally cooperating member of society'.³⁵ Unfortunately, it is difficult to assess Rawls's resource-capability hybrid since its details are left unspecified. Rawls's solution also appears open to the type of objection often directed at sufficiency principles. It is silent once the relevant capability threshold is crossed but provides no reason to deny that inequalities in capabilities might still be morally relevant even after that point. After all, the difference principle is itself premised upon the importance of inequalities in earning potential between normal cooperators, and aims to ensure they work to everyone's benefit. Why then shouldn't other differences in personal endowment also be regarded as important?

In the absence of an answer, it might be worth considering alternative resourcist proposals, of which Dworkin's is the leading example. Like Rawls, Dworkin denies the need to make interpersonal welfare comparisons between individuals who differ in their personal endowment. Yet, despite this affinity, their two views exhibit important philosophical differences. For example, information about individuals' preferences plays an important role in Dworkin's view. Thus, the requirement that nobody prefer any other individual's endowment to her own is fundamental to his defence of an equal distribution of impersonal resources. This *envy test*, as economists have misleadingly dubbed it, can naturally be extended to circumstances in which individuals vary in their *personal* resources.³⁶ Without any reference to ideal-based accounts of human need, the resourcist can claim that personal resources are unequal where some prefer the

opportunities which others enjoy in virtue of their physical and mental capabilities. Dworkin employs such a claim in explaining why, under realistic conditions, justice demands more than an equal distribution of wealth.³⁷

Although Dworkin conceives inequalities in impersonal and personal resources similarly, his response to them is dissimilar. In the former case, impersonal resources can be redistributed until each individual's share has the same competitive value. However, Dworkin rejects radical proposals to redistribute personal resources or to distribute impersonal resources until each individual's comprehensive endowment, encompassing both types of resource, has the same value. Instead he defends compensatory redistribution that mimics the operation of a fair insurance market in which each individual faces the same risk of suffering bad luck.³⁸ He concedes that his proposal does not fully satisfy the envy test.³⁹ However, like its competitors, Dworkin's proposal is open to objections. Some focus upon alleged deficiencies in his account of the insurance market's operation.⁴⁰ Others challenge envy elimination as an adequate interpretation of the egalitarian aim.

Opponents of perfectionist and welfarist metrics are drawn to the envy test because it enables interpersonal comparison to shun appeal to ideals without succumbing to the anti-welfarist dilemma. But those unmoved by such considerations may fail to see the appeal of the test, or may find it counter-intuitive. They might claim that the existence of envy is neither necessary nor sufficient for inequality. For illustration, consider two cases which involve variation in reproductive endowments. Suppose it is more costly in a host of ways to *bear* than to *beget* children. In those respects, it is more burdensome for women than for men to exercise their procreative capability. Many women, however, attach great value to child-bearing. Though they might prefer its costs to be reduced, they do not regret being born with their reproductive endowment rather than the masculine alternative.⁴¹ Under such conditions envy over differing reproductive endowments appears to be absent. Nevertheless, many are convinced that justice to women demands that they should be compensated for having to bear so high a burden in exercising their procreative capability. For that reason they regard envy as unnecessary for distributive injustice. Now consider a less familiar, though not completely unrealistic, scenario. Imagine that a man regrets that he cannot bear children and would prefer

to have been born with a female reproductive endowment. Even so, unless he can appeal to something more than his mere preference for an alternative endowment, many deny the existence of any morally relevant inequality. If their conviction is sound, then unredressed envy does not even suffice for injustice.

These cases seem to show that individuals can be more needy than others even if they do not prefer the others' resources or less needy yet still prefer those resources. Under such conditions the claims of envy elimination and of need diverge. Finding a satisfactory answer to Sen's Question depends in part on establishing which claim, if any, to honour. But that is a task for another occasion.⁴²

Notes

- 1 D. Parfit, 'Equality or Priority?' in this volume. See also D. McKerlie, 'Equality and Priority', *Utilitas*, 6 (1994), pp. 25–42.
- 2 Sen, 'Equality of What?', in S. McMurrin (ed.), *The Tanner Lectures on Human Values*, I (Salt Lake City: University of Utah Press and Cambridge: Cambridge University Press, 1980); rpr. *Choice, Welfare and Measurement* (Oxford: Blackwell, 1982).
- 3 J. Hills et al., *The Future of Welfare: A Guide to the Debate* (York: Joseph Rowntree Foundation, 1993), pp. 34–8. Hills notes that the latter estimate includes the self-employed who, it is sometimes argued, have a greater tendency to underreport their income compared to other groups. If this group is excluded, the real income of the bottom 10 per cent is estimated to have fallen by 6 per cent.
- 4 See, for example, R. Nozick, *Anarchy, State, and Utopia* (Oxford: Blackwell, 1974), part 2, esp. pp. 149–50.
- 5 Parfit, 'Equality or Priority?', esp. sections VII, IX–XIII.
- 6 J. Rawls, 'Reply to Alexander and Musgrave', in this volume, section III.
- 7 For an alternative interpretation, see T. Pogge, *Realizing Rawls* (Ithaca: Cornell University Press, 1989), p. 197. For further discussion of the relationship between Rawls's position and the priority view, see the Appendix to Parfit's chapter in this volume.
- 8 See *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), p. 73. Note, however, that Rawls's final statement of fair equality of opportunity on p. 303 appears more prioritarian.
- 9 We owe these distinctions to Joseph Raz. See p. 177 of his book *The Morality of Freedom* (Oxford: Clarendon Press, 1986), ch. 9 of which contains a brilliant discussion of the value of equality.
- 10 T. Scanlon, 'The Diversity of Objections to Inequality', in this volume, sections I and III. See also D. Miller, 'Equality and Justice' and R. Norman 'The Social Basis of Equality', both of which appear in A. Mason (ed.) *Ideals of Equality* (Oxford: Blackwell, 1998).

- 11 For statements and discussion of this objection see Parfit, 'Equality or Priority?' sections V and XII; and L. Temkin, 'Equality, Priority, and the Levelling Down Objection'.
- 12 See *A Theory of Justice*, ch. 3.
- 13 See, for example, J. Waldron, 'John Rawls and the Social Minimum', *Journal of Applied Philosophy* 3 (1986), pp. 21–33. The social minimum is a so-called *sufficiency principle*, which asserts that no one should be allowed to fall below a particular threshold of advantage. Some argue that sufficiency principles are an alternative to egalitarian and prioritarian principles. See H. Frankfurt, 'Equality as a Moral Ideal', *Ethics*, 98 (1987), pp. 21–43. However, even if it is true that satisfying sufficiency is one of the most morally pressing demands of political morality, it does not follow that, once satisfied, justice has been done. Equality or priority may remain important objectives above the relevant threshold.
- 14 T. Nagel, 'Equality', in this volume, section VII; 'Rawls on Justice', reprinted in N. Daniels (ed.) *Reading Rawls* (Stanford: Stanford University Press, 1989), pp. 10–12.
- 15 See Nagel, 'Equality', sections VI–IX, and his book *Equality and Partiality* (New York: Oxford University Press, 1991); Scanlon, 'Contractualism and Utilitarianism', in A. Sen and B. Williams (eds), *Utilitarianism and Beyond* (Cambridge: Cambridge University Press, 1982).
- 16 Rawls, 'Reply to Alexander and Musgrave', in this volume, section IV. For further discussion, see R. Martin, *Rawls and Rights* (Lawrence: University Press of Kansas, 1985), ch. 5.
- 17 For criticism along these lines, and the objection that paretian egalitarianism has difficulty in meeting certain minimal formal requirements of principles of justice, see A. Williams, 'The Revisionist Difference Principle', *Canadian Journal of Philosophy*, 25 (1995), pp. 257–82.
- 18 See G. A. Cohen, 'The Pareto Argument for Inequality', *Social Philosophy and Policy*, 12 (1995), pp. 160–85, an abridged version of which is reprinted in this volume. For Cohen's critique of Rawlsian defences of inequality more generally see his 'Incentives, Inequality, and Community', in G. Peterson (ed.) *The Tanner Lectures on Human Values*, 13 (Salt Lake City: University of Utah Press, 1992), pp. 262–329; and 'Where the Action Is: On the Site of Distributive Justice', *Philosophy and Public Affairs*, 26 (1997), pp. 3–30.
- 19 See S. McMurrin (ed.), *The Tanner Lectures on Human Values*, I (Cambridge: Cambridge University Press, 1980), and rpr. in S. Darwall (ed.), *Equal Freedom* (Ann Arbor: University of Michigan Press, 1995).
- 20 For example, in 'On the Currency of Egalitarian Justice', *Ethics* 99 (1989), pp. 906–44, Cohen defends *access to advantage*, which combines all three elements.
- 21 Few resourcists recommend such a proposal, though Hillel Steiner's left-libertarianism came close to doing so, prior to its inclusion of children's genetic information within the common pool of resources. See, for example, 'Three Just Taxes', in P. Van Parijs (ed.), *Arguing for Basic Income* (London: Verso, 1992). Other resourcists focus upon goods additional to wealth. Thus, Rawls initially proposed a list of social primary goods,

which includes 'basic liberties', 'freedom of movement and free choice of occupation against a background of diverse opportunities', 'powers and prerogatives of offices or responsibility in the political and economic institutions of the basic structure' and 'the social bases of self-respect', as well as 'income and wealth'. See *Political Liberalism*, p. 181 (New York: Columbia University Press, 1993). As discussed later, Rawls also now regards a 'normal' set of capabilities as relevant. Dworkin focuses upon two types of resources. As he explains, 'Personal resources are qualities of mind and body that affect people's success in achieving their plans and projects; physical and mental health, strength, and talent. Impersonal resources are parts of the environment that can be owned and transferred: land, raw materials, houses, television sets and computers and various legal rights and interests in these.' See 'Foundations of Liberal Equality', in G. Petersen (ed.), *The Tanner Lectures on Human Values*, XI (Salt Lake City: Utah University Press, 1989), p. 37, and S. Darwall (ed.), *Equal Freedom*, p. 224.

- 22 On the importance of *adaptive preference formation*, see J. Elster, 'Sour Grapes – Utilitarianism and the Genesis of Wants', A. Sen and B. Williams (eds) *Utilitarianism and Beyond*.
- 23 Note that the problem also applies to resourcist views insofar as they rely upon preference information in order to identify inequalities. For Dworkin's discussion of the principle of authenticity employed in equality of resources, see 'What is Equality? Part Three: The Place of Liberty', *University of Iowa Law Review* (1987), sec. V.A.
- 24 For a thorough treatment of the dilemma, see R. Dworkin, 'What is Equality? Part I: Equality of Welfare', *Philosophy and Public Affairs* 10 (1981), sec. VIII.
- 25 Arneson's *equality of opportunity for welfare* appears to deny that individuals with cheap tastes who initially enjoy equal access to welfare but then willingly cultivate more expensive tastes are entitled to any more resources to finance their new ambitions. Cohen's equality of access to advantage grants them more resources than Arneson's metric since it includes a resource as well as a welfare component. However, it still denies them as many resources as others enjoy, even if they do not themselves regard their greater capacity to convert resources into welfare as a piece of good fortune.
- 26 For further discussion, see R. Arneson, 'Liberalism, Distributive Subjectivism, and Equal Opportunity for Welfare', in this volume, pp. 190–2.
- 27 For example, as well as employing the problem of expensive tastes, Rawls objects to welfarist metrics by appealing to the need for 'a practicable public basis of interpersonal comparisons based on objective features of citizens' social circumstances open to view'. Scanlon argues that 'the strength of a person's preferences, insofar as this is taken to be independent of value judgments about there is reason to prefer, lacks sufficient connection with the idea of what is good for a person – what makes his or her life better'. See, respectively, *Political Liberalism*, p. 181 and 'The Moral Basis of Interpersonal Comparison', J. Elster and J. Roemer (eds), *Interpersonal Comparisons of Well-being* (Cambridge: Cambridge University Press, 1991), p. 38.

- 28 See M. Nussbaum and J. Glover (eds), *Women, Culture and Development* (Oxford: Clarendon Press, 1995), and United Nations Development Programme, *Human Development Report, 1997* (New York: Oxford University Press, 1997).
- 29 See 'Capability and Well-Being', M. Nussbaum and A. Sen (eds), *The Quality of Life* (Oxford: Clarendon Press, 1993), pp. 36–7.
- 30 For the most sophisticated statement of perfectionism, both as a political morality and conception of well-being, see J. Raz, *The Morality of Freedom*.
- 31 See Arneson, 'Equality and Equal Opportunity for Welfare', *Philosophical Studies* 56 (1989), sec. V.
- 32 Note, however, that some argue that ideal-based capability metrics can be constructed which satisfy the relevant anti-perfectionist constraints. Rawls, for example, points out that his list of primary goods is justified by means of an ideal-based account of citizens' needs rather than simply an empirical description of the content of preferences. But, more recently, he also stresses that the relevant ideal is a 'political' conception of person's capacities and interests, which can be endorsed by individuals who hold competing conceptions of the good. See 'Social Unity and Primary Goods' in Sen and Williams (eds) *Utilitarianism and Beyond*, and *Political Liberalism*, ch. V.
- 33 See Scanlon, 'Equality of Resources and Equality of Welfare: a Forced Marriage?', *Ethics* 97 (1989), pp. 116–17.
- 34 See Cohen, 'On the Currency of Egalitarian Justice', sec. V.A.
- 35 'See *Political Liberalism*, ch. V, sec. 3, where Rawls conjectures that 'a sufficiently flexible index can be devised in that it gives judgments as just or fair as those of any political conception we can work out' and adds that 'as Sen urges, any such index will consider basic capabilities, and its aim will be to restore citizens to their proper role as normal cooperating members of society' (p. 186). For application to the case of health, Rawls refers to 'Social Unity and Primary Goods', p. 168, and Norman Daniels's work on health care.
- 36 Note the test has little to do with envy as a psychological phenomenon. For further discussion see 'What is Equality? Part Two: Equality of Resources', pp. 285–6, and C. Arnesperger's excellent survey 'Envy-Freeness and Distributive Justice', *Journal of Economic Surveys*, 8 (1994), pp. 155–86.
- 37 See 'What is Equality? Part Two: Equality of Resources', pp. 292–3.
- 38 See 'What is Equality? Part Two: Equality of Resources', sec. III, and 'Justice in the Distribution of Health Care', in this volume.
- 39 It does, nevertheless, escape objections to the forcible transfer of bodily parts and the so-called *slavery of the talented*. For the latter objection, see 'What is Equality? Part Two: Equality of Resources', pp. 311–12.
- 40 See, for example, J. Roemer, 'Equality of Talent', *Egalitarian Perspectives* (Cambridge: Cambridge University Press, 1994). For further objections, and an alternative resource-egalitarian approach to Dworkin's, see P. Van Parijs, *Real Freedom for All* (Oxford: Oxford University Press), ch. 3, esp. secs. 3.4–3.5.

- 41 Because bearing the relevant costs is not in itself valuable to the women concerned, they differ from the guilt-afflicted individuals previously mentioned.
- 42 For helpful discussion we thank J. Burley, P. Casal, K. Watson and participants in a seminar on *Equality and its Critics* at Yale's Ethics, Politics and Economics Program.