

VALUING DISTRIBUTIVE EQUALITY

by

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Abstract

Distributive equality can be valued in different ways, which can be rendered as definitions of ways to value distributive equality. Those definitions can be used to investigate the value, if any, that distributive equality is held to have by particular principles which regulate distributive shares. Distributive equality can be valued as a matter of justice in two different ways; it can be an intended consequence of a principle of justice and it can be among the grounds for a principle of justice. The definitions of those two ways of valuing distributive equality can be used to investigate the value, if any, that distributive equality is held to have by Rawls's interpretation of the second principle of justice. Distributive equality can be valued for reasons relating to social relations rather than justice. When distributive equality is valued for reasons relating to social relations, a definition of that way of valuing distributive equality can be specified by reference to the reasons provided. When distributive equality is valued for reasons relating to social relations, the relevance and implications of that way of valuing distributive equality with regard to the prior question of how society should be organized can be investigated by reference to the reasons provided.

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Chapter 1

Chapter 1: Introduction

My primary aim is to investigate whether we should care about distributive equality. In pursuing that aim, I will not address the question of whether the value of distributive equality can be derived from characteristics of persons; for example, persons as morally equal participants in a scheme of social cooperation. That approach to understanding the value of distributive equality is constrained by the assumption that it is a derivative value. As a result, the question of whether we should care about distributive equality is often reduced in the literature to discussions of the form that distributive equality might take, including what aspect of distributive shares should be equalized and the relative importance to attach to such equality. Instead, I will focus on principles which regulate distributive shares and on the value that distributive equality is held to have by those principles. In particular, I will discuss three different ways of valuing distributive equality in order to investigate whether we should indeed value it in any of those ways.

I will begin in the chapter that follows with Rawls's view of the relation between justice and distributive equality as can be discerned from his interpretation of the second principle of justice and his arguments for it. Rawls's *A Theory of Justice* is one of the most comprehensive and influential works on the subject of justice written in the twentieth century.¹ It and several of Rawls's other works address questions of egalitarian justice in constitutional democracies and market economies, given the liberal assumption of plural conceptions of the good. Rawls's theory also reflects a thorough understanding

¹ John Rawls, *A Theory of Justice*, Cambridge: Harvard University Press, 1971; and John Rawls, *A Theory of Justice*, Cambridge: Harvard University Press, revised edition 1999. All references to *A Theory of Justice* are to the 1971 edition unless otherwise noted.

of the relevant past traditions; in particular, he addresses problems with the dominant utilitarian theory and with libertarianism, while making useful revisions to the natural rights theory of social contract. In addition, much of what has been written about distributive equality in the past few decades is part of the more general response to Rawls's theory. All of this makes Rawls's view of the relation between justice and distributive equality a good starting point for my investigation.

I will stipulate two ways of valuing distributive equality as a matter of justice and then employ those two definitions to investigate the value that distributive equality is held to have by Rawls's interpretation of the second principle of justice. By the first definition, a principle of justice requires equal distributive shares or reduced inequalities as a distributive outcome among members of society. By the second definition, the ideal of distributive equality, or a prima facie claim to equal distributive shares, is among the grounds for a principle of justice. As my investigation will show, Rawls's view of the relation between justice and distributive equality is conditioned by his particular conception of society or of valuable social relations among members of society.

In the subsequent chapter, I will investigate potential challenges to Rawls's view of the value of distributive equality by setting aside the question of what justice requires and instead considering valuable social relations. That is, I will investigate whether, contrary to Rawls's view, there might be something valuable about relations among members of society that in turn makes distributive equality valuable. In particular, I will consider such a proposal put forward by Martin O'Neill in a recent paper.² In order to draw a contrast with Rawls's view, I will specify O'Neill's view as a third definition of

² Martin O'Neill, "What Should Egalitarians Believe?" *Philosophy & Public Affairs*, 36 (2008) pp 119-56.

valuing distributive equality. In developing his view, O'Neill draws on discussions of valuable social relations by Scanlon, Nagel and Rawls, and makes use of Parfit's distinction between Telic egalitarianism and Deontic egalitarianism. As such, O'Neill's view can be seen as a recent advancement on an important collection of discussions on the subject and therefore a reasonable point of focus for my purposes. As my investigation will show, O'Neill's view is also conditioned by his particular conception of valuable social relations.

Given that their views of the value of distributive equality are conditioned by their respective conceptions of valuable social relations, Rawls's and O'Neill's views cannot be taken as conclusive. That is, they do not exhaustively address the question of what either justice or valuable social relations may require regarding distributive equality. As a result, I will not conclusively answer the question of whether we should care about distributive equality. But hopefully my investigation will help to better locate that question among other related issues.

Finally, I must clarify my use of certain terms. By Rawls's theory of justice, distributive shares include basic rights and liberties as socially distributable goods. Basic rights and liberties are necessary conditions for individuals' pursuit of their conceptions of the good, for which the other components of distributive shares are the means. Without equal basic rights and liberties, individuals would be unequally restricted in their use of those means. However, as constitutional elements of justice, equal basic rights and liberties are of only limited interest for my purposes. Hereafter I will use the terms 'distributive shares', 'distributive equality', 'inequalities' and 'inequality' to refer to shares of social and economic advantages as distinct from basic rights and liberties or,

more precisely, to shares of anything regulated by Rawls's second principle of justice. In doing so, I will assume equal basic rights and liberties as guaranteed by Rawls's first principle of justice as being among the necessary conditions for the realization of valuable social relations.

Chapter 2

Chapter 2: Does Rawls value distributive equality?

Valuing distributive equality as a matter of justice

Before I investigate whether Rawls values distributive equality, I will stipulate what that means. The question is whether distributive equality is a moral value or normative ideal. That is, whether there is something valuable about distributive equality which Rawls cares about as a matter of justice. At this stage I will stipulate two definitions of what it means to value distributive equality as a matter of justice:³

For any principle of justice, distributive equality is valued if:

- 1) the principle has as an intended consequence of its application either distributive equality or reduced inequalities; or
- 2) the ideal of distributive equality is grounds for accepting the principle, including accepting any consequences of its application.

These two definitions of value distinguish between consequences and grounds. Consequences are the distributive outcomes that result from the application of the principle in question; that is, the relevant goods that each person or group of persons ends up having when those goods are distributed in accordance with the principle. An intended consequence is one that is identified with the purpose of the principle, as opposed to a coincidental consequence that is the by-product of achieving some purpose not identified with it. Grounds provide reasons that make the case for accepting the

³ These two definitions are more useful for my purposes than Parfit's definition of Deontic Egalitarianism ("Equality and Priority", *Ratio*, December 1997, pp 202-21).

principle in question. The ideal of distributive equality as grounds for a principle provides reasons for accepting the principle independently of its consequences; for example, even when the distributive outcomes are not fully specified by the principle or cannot be predicted. Although these two definitions overlap, they are distinct from each other. The first refers to valuing certain consequences as shown by intent, and the second refers to accepting a principle for reasons that relate its application to the ideal of distributive equality.

An analogy regarding the value of autonomy may help to clarify the distinction between the first and second definitions.⁴ A principle which has the purpose of promoting greater autonomy is analogous to a principle of justice which has distributive equality or reduced inequalities as an intended consequence, in accordance with the first definition. In that case, the principle may require freedom of speech because of its contribution to people living more autonomous lives, or better exercising their autonomy. A distinction can be made between such a principle and one which requires freedom of speech as a matter of recognition of persons as autonomous, even if that freedom does not help them to live more autonomously. The latter principle is analogous to a principle of justice which has among its grounds the ideal of distributive equality, in accordance with the second definition. Such principles can be thought of as recognizing a prima facie claim to equal distributive shares as a matter of justice.

The first definition seems to conflate distributive equality and reduced inequalities in an objectionable way. It can be argued that they should instead be treated as two distinct values since great inequalities may persist even after inequalities are reduced and

⁴ I am grateful to Alistair Macleod, Andrew Lister and Rahul Kumar for highlighting the need for greater clarity regarding this point and suggesting this analogy.

therefore the reduction is an insignificant step towards distributive equality. Distributive equality and reduced inequalities can be treated as distinct values; however, it is reasonable to conflate them as intended consequences of principles. This is because many types of inequalities are inevitable; not only because equal distributive shares of many goods is unrealistic but also because of the conflict with other important values such as individual responsibility and freedom of choice. Great inequalities may persist because these other values are important. But, if inequalities are intentionally reduced despite the importance of these other values, then it seems reasonable to assume that the value of that reduction is not insignificant. Associating the value of reduced inequalities with the value of distributive equality explains why even slight reductions in inequality can be significant.

It is not contradictory to speak of the value of distributive equality while at the same time acknowledging inevitable inequalities, for two reasons. First, inevitable inequalities need not be without limit. If we accept that the notion of distributive equality admits of degrees of equality, then a reduction in inequalities may be valuable as a way of increasing the degree of distributive equality. Secondly, distributive equality may be an ideal such that, even though we recognize it as unachievable, we value any tendency towards it. In other words, we value any tendency towards the ideal of distributive equality for reasons provided by that ideal as a *prima facie* claim to equal distributive shares. In that case, we need to justify any tendency away from distributive equality that is not strictly inevitable.

When applying my two definitions as methods for determining whether distributive equality is in fact valued, the value of distributive equality should not be

confused with the value of whatever is being distributed. For example, the principle ‘no child shall be left behind’ recognizes at least one and possibly two values. The first value is that of children not being left behind, which is valuable for the individual children and most likely valuable for society as a whole. The second, potential value is that of equality among children of the property of not being left behind. The value of children not being left behind is maximally achieved if no child is left behind and, in that case, the children’s distributive shares are equal in that respect. But the value of that maximal achievement should not be double-counted as the value of distributive equality. The question is whether distributive equality is a value in addition to the value of children not being left behind. Equality among children of the property of not being left behind may be nothing more than a by-product of maximally achieving the good of children not being left behind, perhaps through some minimum standard of education. In that case, it is the standard of education and not distributive equality that is valued. As a result, it will be permissible for some children with learning difficulties to not complete the ‘minimum’ standard of education if the alternative involves compromising the education provided to others.

Rawls’s interpretation of the second principle of justice

Rawls situates his theory of justice as distinct from libertarianism and from utilitarianism, which is his primary target. Both libertarians and utilitarians show a disregard for distributive outcomes. Libertarians accept whatever distributive outcomes are produced by a competitive market economy as a system of procedural justice. As a result, morally arbitrary factors such as social contingencies and natural abilities greatly affect distributive shares of social and economic advantages. Utilitarians apply a standard of

justice that considers only aggregate rather than distributive outcomes. As a result, significant disadvantages for some are justified by lesser advantages for others, so long as there is a net gain overall. Given these problems, Rawls provides an alternative theory of justice by which distributive outcomes are to be evaluated. The question for us is whether distributive equality is a value that is to be applied in making such evaluations.

As an egalitarian, Rawls is often assumed to value distributive equality. This assumption is supported by Rawls's focus on the consequences of applying his two principles of justice together with his claim that his difference principle expresses a preference for distributive equality:

Then 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.⁵

I will investigate whether that preference amounts to valuing distributive equality by considering Rawls's interpretation of the second principle of justice and his arguments for it, as well as other possible arguments.⁶ That interpretation is stated as follows:

Social and economic inequalities are to be arranged so that they are both (a) to the greatest expected benefit of the least advantaged and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.⁷

Rawls's interpretation of the second principle of justice is made up of two separate principles: (a) the difference principle and (b) the principle of fair equality of

⁵ Rawls, *A Theory of Justice*, p 76 and pp 65-66 revised edition.

⁶ Much of the following on Rawls's second principle of justice relies on Chapter 2 of *A Theory of Justice* and on Part 2 of his *Justice as Fairness: A Restatement*, Cambridge: Harvard University Press, 2001. As mentioned earlier, the first principle of justice is not especially relevant to the value of distributive equality.

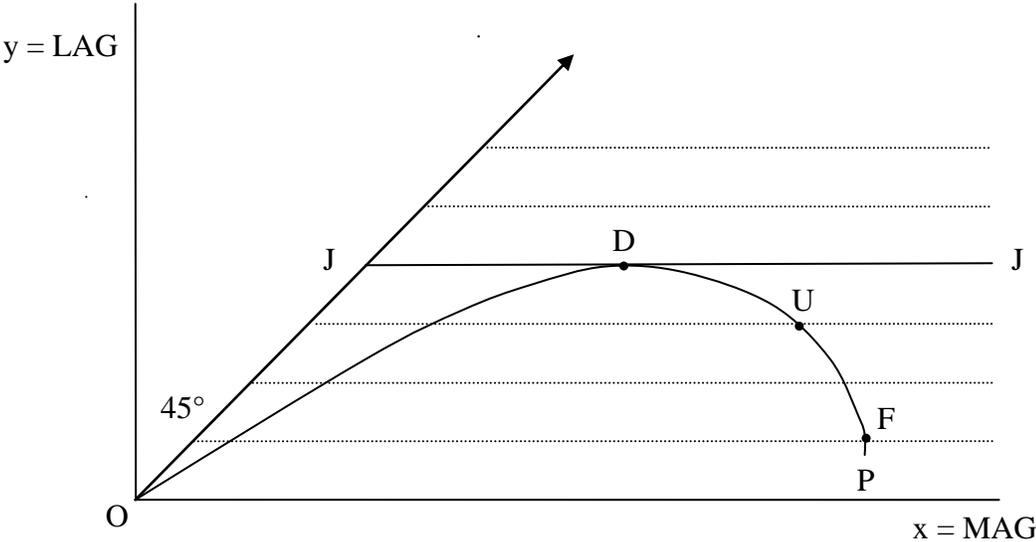
⁷ Rawls, *A Theory of Justice*, p 72 revised edition. The final statement of the two principles in §46 has the additional requirement of consistency in the application of the difference principle with the just savings principle in order to achieve justice between generations. I will set that requirement aside.

opportunity. The difference principle is subordinate to the principle of fair equality of opportunity and together they are subordinate to the first principle of justice which guarantees equal basic liberties for everyone. In other words, the extent and equality of the basic liberties for everyone must not be compromised by the distribution of social and economic advantages under the difference principle and those distributive outcomes must be achieved under conditions of fair equality of opportunity.

The principle of fair equality of opportunity is more stringent than the libertarian principle of formal equality of opportunity or careers open to talents because it seeks to eliminate the effects of social contingencies on peoples' chances of obtaining positions of social and economic advantage. People with the same abilities and the same willingness to use them should have the same or similar chances regardless of their initial place in the social system. As a result, many of the inequalities associated with social contingencies are eliminated. Some such inequalities remain because the institution of family and other social factors affect peoples' willingness to pursue positions of advantage. But, as I will discuss, the principle of fair equality of opportunity when combined with the difference principle is even more stringent. As a result, potential distributive outcomes are largely determined by the distribution of natural abilities or the 'natural lottery'. The difference principle is then applied to determine which of the potential distributive outcomes are permissible. The operation of the difference principle in this regard can be seen in Figure 1.⁸

⁸ This figure is similar to Figure 6 in *A Theory of Justice*, p 66 revised edition, and to Figure 1 in *Justice as Fairness: A Restatement*, p 62.

Figure 1: Rawls's Difference Principle



For the sake of simplicity, Figure 1 shows a society of only two groups engaged in cooperative production; the least advantaged group (LAG) on the y axis and the more advantaged group (MAG) on the x axis. The distance along each axis is measured in terms of the expected shares of an index of primary goods for representative persons of each group. The comparison is in terms of expected rather than actual shares because the principles of justice are applied to the basic structure of society rather than as requirements of allocative justice. The principles are applied to the basic structure for two reasons. First, the major institutions of society have a profound impact on the life prospects of people, depending on their ‘starting places’ in terms of social position and natural ability. Secondly, the reasonable assumption of plural conceptions of the good precludes distributions on the basis of welfare. The index of primary goods is made up of goods including liberties, opportunities, income and wealth that everyone requires as the conditions and means for pursuing his conception of the good regardless of what that conception is. These goods are distributable social goods in the sense that liberties and

opportunities are defined by the rules of the major institutions and the distribution of income and wealth is regulated by those rules. The least advantaged group are defined as those members of society who have the lowest expected lifetime shares of the index of primary goods. For example, the least advantaged group may be those unskilled workers who cannot expect the background conditions of fair equality of opportunity to afford them any social mobility. Once the least advantaged group is identified, the other members of society are by definition the more advantaged group.

The OP curve in Figure 1 shows the potential distributive outcomes as cooperative production expands the stock of goods available for distribution. Point O marks the hypothetical initial position of equal shares that people would have if differences due to social contingencies and natural abilities did not influence distributive shares. This hypothetical equal position represents the equality among the parties in Rawls's Original Position thought experiment, where impartial agreement on the two principles is achieved because the distribution of social contingencies and natural abilities is unknown. As the equal division of the smallest possible stock of goods, point O is also the origin point of the 45° line that marks the ideal of distributive equality given any fixed stock of goods. The OP curve is a 'contribution curve' in the sense that, as it rises to the northeast, cooperative production contributes to the expected distributive shares of the least advantaged group. But at point D the OP curve turns downward to the southeast as the more advantaged group are no longer willing to increase production on that basis. Instead, production expands at the expense of the least advantaged group until point U. After point U, production contracts at the continued expense of the least advantaged group until point F which marks a feudal system of production.

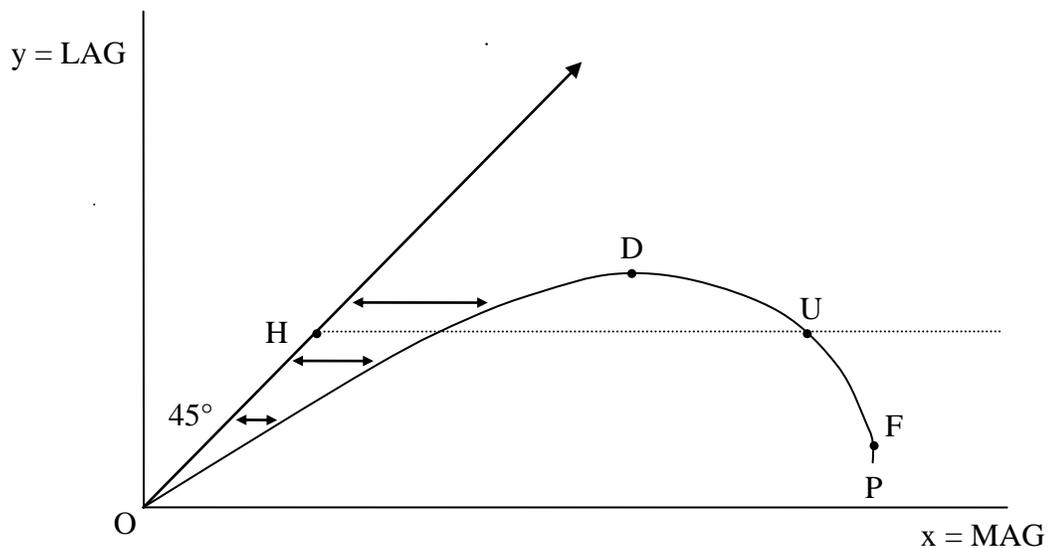
Point D marks the distributive outcome that is to the greatest expected benefit of the least advantaged group, as required by the difference principle; it is the maximally just distributive outcome. This is indicated by the JJ line which is the highest 'equal-justice' line reached by the OP curve. The equal-justice lines are horizontal because only vertical changes in the OP curve mark any additional benefit to the least advantaged group. Any expansion in production beyond point D is not permitted by the difference principle. In contrast, a utilitarian would permit expansion in production until point U where the sum of utilities is maximized (if we assume utilities to be linear in indexes of primary goods, as Rawls does for the sake of this comparison). At point U, aggregate production or the size of the pie available for distribution is also maximized.

Is Rawls's 'preference' for distributive equality about intended consequences?

A principle that requires the least advantaged members of society to be maximally benefited may seem to value distributive equality as an intended consequence by my first definition of value. For example, imagine a two-person society where the expected shares of primary goods are three units for the least advantaged Larry and seven units for the more advantaged Mary. If two units are taken from Mary and given to Larry, then Larry is maximally benefited as the least advantaged member of society. This is because any more units would make him more advantaged than Mary and the principle would then require redistribution of units back to Mary. Thus, 'maximally benefiting the least advantaged group' has the same meaning as 'achieving distributive equality' as a matter of definition. But, as we can see from Rawls's explanation of the difference principle, that is not what he intends. Instead of eventually achieving distributive equality, benefiting the least advantaged group coincides with increasing inequalities as the more

advantaged group are benefited even more by expanding production. This is shown in Figure 2 by the OP curve moving further away from the 45° line that marks the ideal of distributive equality until expanding production maximally contributes to the expected distributive shares of the least advantaged group at point D. From this we can conclude that Rawls does not value distributive equality as an intended consequence of the difference principle.

Figure 2: The Difference Principle: Distributive equality intended or preferred?



Rawls’s claim that “unless there is a distribution that makes both persons better off [...] an equal distribution is to be preferred”⁹ may seem to suggest that he values distributive equality as a hypothetically preferred consequence if the intended consequences of the difference principle were unachievable. That is, equal shares somewhere along the 45° line would be preferred to any distributive outcome along the OP curve to the southeast of point D. For example, the equal shares at point H in Figure

⁹ Rawls, *A Theory of Justice*, p 76 and pp 65-66 revised edition.

2 would be preferred to point U even though the benefit to the least advantaged group is the same. In other words, if the more advantaged group were not willing to constrain production to point D, then a system that enforces distributive equality would be preferred to letting them have their way. While this is not the same as distributive equality as an intended consequence, perhaps distributive equality is valued as an alternative consequence. However, Rawls clearly thinks that the intended consequences of the difference principle are achievable since he argues that the two principles of justice would be adopted as a public conception of justice by most members of society. More importantly, he recognizes that the more advantaged group require incentives to expand production to point D so that the least advantaged group can be maximally benefited as intended.¹⁰ This need for incentives puts the difference principle at odds with distributive equality as a hypothetical alternative consequence. The shape of the OP curve reflects Rawls's assumptions about the incentives required to achieve the various levels of production. Enforcement of equal distributive shares would detract from those incentives so that production to point D would be unachievable. From this we can conclude that Rawls does not value distributive equality even as a hypothetically preferred consequence if the intended consequences of the difference principle were unachievable.

It seems unlikely that Rawls values reduced inequalities as an intended consequence, given that maximally benefiting the least advantaged group coincides with increasing inequalities. But, on the other hand, Rawls is not insensitive to inequalities, so the question should be investigated. In particular, Rawls may intend three ways of reducing inequalities: 1) by limiting inequalities to those at point D; 2) by reducing

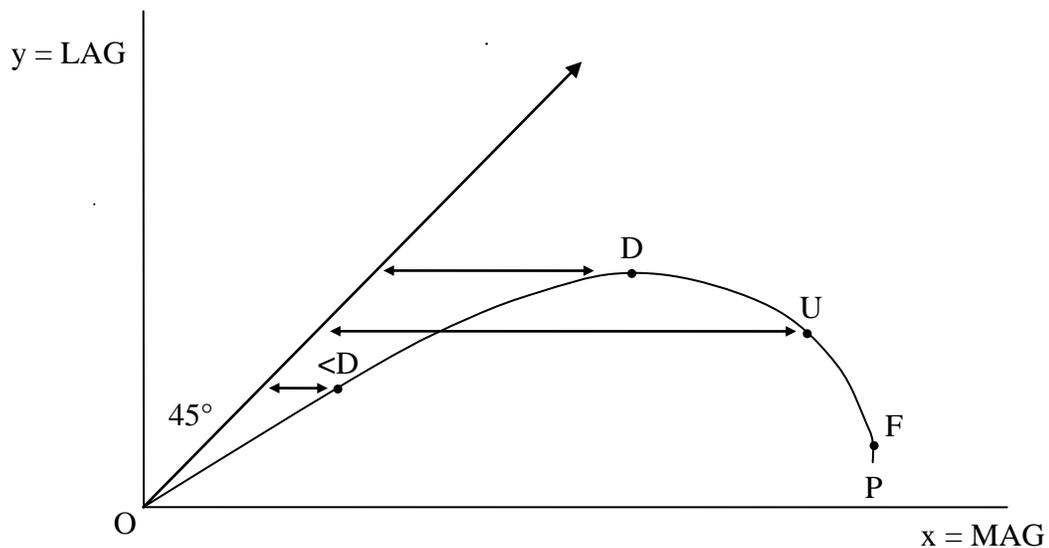
¹⁰ For example, see *A Theory of Justice*, p 78 or p 68 revised edition.

inequalities from the bottom up by always benefiting the least advantaged group; and 3) by reducing inequalities through the operation of the principle of fair equality of opportunity in combination with the difference principle. I will consider each of these in turn.

Rawls describes the inequalities of any distributive outcome on the OP curve to the southeast of point D as excessive and unjust. In particular, the maximum inequalities allowed by utilitarianism at point U are greater than those allowed by Rawls's difference principle at point D. Thus, compared to utilitarian and feudal social systems (among others), the difference principle seems to have as an intended consequence a reduced upper limit on inequalities. But that is not what it means to value reduced inequalities by my first definition of value. By that definition, an intended consequence is one that is identified with the purpose of the principle, as internal to the principle and not in comparison to the purpose of alternative principles such as utilitarian ones. The question is whether or not inequalities in society will be reduced as an ongoing or lasting consequence of the difference principle being applied. The answer to that question is yes, but not as an intended consequence. Inequalities will be reduced because the more advantaged group are required by the difference principle to constrain production to point D and, as a result, inequalities will be less than they otherwise would be, as can be seen in Figure 3. The horizontal distances between the 45° line and points D and U mark the inequalities for each of those levels of production. However, any distributive outcome along the OP curve to the southwest of point D is also preferred to point U. While those distributive outcomes are not maximally just, they are not unjust. For example, point <D is preferred to point U. At that point, inequalities are reduced even further. But reduced

inequalities cannot be an intended consequence of the difference principle since point D is preferred to point <D and point D is clearly an intended consequence. The inequalities at point D are greater than those at point <D. It is a contradiction to intend as a consequence both reduced inequalities and increased inequalities at point D. Given that the distributive outcome at point D is valued while knowing that it involves both reduced inequalities relative to point U and increased inequalities relative to point <D, reduced inequalities cannot be valued in addition to the value of whatever is being distributed. Therefore, the reduction in inequalities between point U and point D is not valued as a way of increasing the degree of distributive equality. If it were valuable in that sense, then a reduction in inequalities between point D and point <D would also be valuable; but it is not.

Figure 3: The Difference Principle: Reduced inequalities an intended consequence?



Reducing inequalities from the bottom up by always benefiting the least advantaged group is in one sense different from limiting inequalities to those at point D.

As my earlier mention of the principle ‘no child shall be left behind’ suggests, a bottom-up reduction in inequalities can also achieve distributive equality in the minimum standard sense. For example, all children could have equal distributive shares in the sense of having completed some minimum standard of education. Of course, some children will still be better educated than others. As a result, relative and absolute inequalities may remain the same or even increase if, for example, an M.A becomes the new B.A. Therefore, this way of reducing inequalities should instead be thought of as a way of achieving a type of distributive equality. As such, if it is valued as an intended consequence, then distributive equality is valued by my first definition. However, always benefiting the least advantaged group as required by the difference principle is not the same as intending distributive equality in the minimum standard sense. Everyone has the same minimum measure of distributive shares as the least advantaged group simply because of how that group is defined. The difference principle does not require any minimum standard of distributive shares to be maintained. If production were to contract, then the distributive shares of the least advantaged group would be reduced.¹¹

Rawls requires distributive outcomes to be subject to conditions of fair equality of opportunity so that people’s prospects are not determined by their initial position in society. For example, if equal opportunities for education are provided, then social mobility will allow some people to achieve greater distributive shares than they could otherwise expect. That requirement is even more stringent when combined with the difference principle. Without the difference principle, the principle of fair equality of opportunity could result in a meritocracy. In that case, the education system would be

¹¹ Rawls, *Justice as Fairness: A Restatement*, p 64.

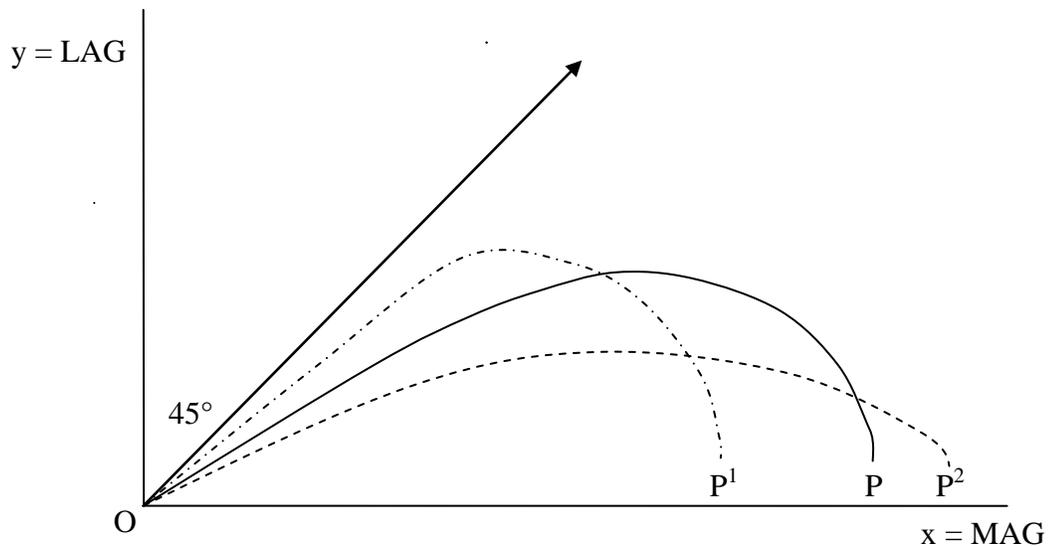
designed so that it produces the greatest return in terms of aggregate production. Then equality of opportunity would mean “an equal chance to leave the less fortunate behind in the personal quest for influence and social position.”¹² However, the difference principle requires that the social system maximally benefit the least advantaged group rather than maximize production. As a result, the education system is to be designed for additional purposes such as enhancing cultural achievement and participation in political society.

At first glance it may seem that Rawls’s stringent conditions of fair equality of opportunity will reduce inequalities since they do not simply favour those who have abilities suited to high productivity. That is, without such conditions the OP curve would be flatter and wider as the inequalities between the two groups would be greater at each level of output as production expands. But that is not the case. Fair equality of opportunity eliminates one basis of inequality, but it does not reduce inequalities. Instead it amounts to adjusting the criteria for determining who is in what group, whether least advantaged or more advantaged. The number of positions of advantage will be the same as it would be without fair equality of opportunity since that number is determined by the system of production at each level of output. People’s chances of obtaining those positions will largely depend on their natural abilities and the opportunities for education that they have taken up, rather than on any social contingencies. But the reward for such positions relative to other positions such as unskilled worker need not change as a result. Relative rewards are determined by the incentives required to expand production to point D. Given the pressures of supply and demand, it is possible that such incentives may need to be higher if the positions of advantage are occupied by people with suitable

¹² Rawls, *A Theory of Justice*, p 91 revised edition.

abilities rather than by people of a certain social background. But we have no way of knowing that and, therefore, we might equally assume an OP curve shaped like any of those shown in Figure 4.¹³

Figure 4: Fair equality of opportunity in combination with the difference principle



It is not Rawls's intention that conditions of fair equality of opportunity should reduce inequalities. Instead such conditions are instrumental to establishing a system of procedural justice superior to libertarian procedural justice which disregards morally arbitrary differences in people's starting places.¹⁴ Fair equality of opportunity largely eliminates the influence on people's distributive shares of their initial place in society. Of course, natural abilities will still greatly influence distributive shares and they are also morally arbitrary. But, as Rawls puts it:

Now the difference principle is not of course the principle of redress.
It does not require society to try to even out handicaps as if all were

¹³ Rawls claims that increased competition should prevent an especially flat OP curve but he also notes that the ratio of two groups' shares has no limits (*Justice as Fairness: A Restatement*, pp 67-8).

¹⁴ Rawls, *A Theory of Justice*, §14.

expected to compete on a fair basis in the same race. [...] The difference principle represents, in effect, an agreement to regard the distribution of natural talents as in some respects a common asset and to share in the greater social and economic benefits made possible by the complementarities of this distribution. Those who have been favored by nature, whoever they are, may gain from their good fortune only on terms that improve the situation of those who have lost out.¹⁵

Those with natural abilities less suited to high productivity will not be compensated; they will be among the least advantaged group with the lowest expected distributive shares.

The distribution of natural abilities is morally arbitrary but its effects are neither just nor unjust since it cannot be changed in the way that a morally arbitrary class system can be changed.¹⁶ But as the least advantaged group cooperate with the more advantaged group who have ‘complementary’ natural abilities, they will benefit from the expansion of production to point D. That will provide them with greater benefits than they could otherwise expect. Importantly, their distributive shares will not be eroded by an expansion of production beyond that point. But the inequalities that result are unpredictable since the rewards attached to the various positions requiring different natural abilities are a matter of supply and demand.

At this point we can conclude that Rawls’s ‘preference’ for distributive equality is not about the intended consequences of his interpretation of the second principle of justice. He does not value either distributive equality or reduced inequalities as an intended consequence of that principle. Rather than reducing inequalities, Rawls wants to restrict how they come about. In particular, the greater benefits of cooperative production

¹⁵ Rawls, *A Theory of Justice*, pp 86-7 revised edition.

¹⁶ Rawls, *A Theory of Justice*, p 302.

for the more advantaged group cannot be gained at the expense of the least advantaged group.

Is distributive equality grounds for the second principle of justice?

It is now time to apply my second definition as a method of determining whether or not Rawls values distributive equality. Is the ideal of distributive equality grounds for accepting Rawls's interpretation of the second principle of justice, including accepting indeterminate inequalities as a consequence of its application? In other words, does Rawls recognize a prima facie claim to equal distributive shares? What does it mean, as I mentioned earlier, to accept a principle for reasons that relate its application to the ideal of distributive equality? I will explain that in two steps. First, by explaining how Rawls relates the application of the difference principle to the ideal of distributive equality. Secondly, by explaining why that relation does not provide reasons for accepting the difference principle. Rawls's arguments for the difference principle and for the principle of fair equality of opportunity do not rest on grounds of distributive equality, instead they appeal to reciprocity. Finally, I will explain Rawls's 'preference' for distributive equality despite the fact that he does not value it.

Rawls relates the application of the difference principle to the ideal of distributive equality in two ways: 1) equal distributive shares is a starting point to defining which inequalities are intolerable and thus which are acceptable; and 2) the difference principle selects the Pareto-efficient outcome closest to distributive equality.¹⁷ If either of these aspects of that relation amounts to a prima facie claim to equal distributive shares, then

¹⁷ Rawls's most concise discussion of this relation is in §36 of *Justice as Fairness: A Restatement* (pp 122-6).

that may provide a reason for accepting the difference principle. That is, the ideal of distributive equality may be among the grounds for the difference principle if not the sole grounds. I will discuss each aspect in turn.

In Rawls's Original Position thought experiment, the parties take equal distributive shares as the starting point of their deliberations on the choice between the difference principle and a restricted principle of average utility.¹⁸ Given these alternatives, the parties opt for inequalities which benefit everyone starting from equal distributive shares. But taking equal distributive shares as a starting point to defining acceptable inequalities in this way does not amount to a prima facie claim to equal distributive shares. This is because that starting point is the product of the conditions of the Original Position which Rawls stipulates as a device for achieving unanimity in the choice of principles. Because none of the parties knows his particular social position, natural abilities or conception of the good, they each have an identical interest in the primary goods to be distributed. Therefore, as individuals, they each notionally claim an identical distributive share and that is their natural starting point. If the parties were not equally situated, then the more advantaged group would prefer the principle of average utility and the least advantaged group would prefer the difference principle. But, because they are equally situated, they can all see that the incentivizing effects of the inequalities allowed by the difference principle will benefit each of them as a potential member of either group.

¹⁸ Rawls argues for the difference principle over a restricted principle of average utility on the assumption that the first principle of justice and the principle of fair equality of opportunity have already been chosen (*Justice as Fairness: A Restatement*, p 120). Because of the priority of these principles, the principle of average utility is restricted by a social minimum. As a result, the maximin rule is not relevant to Rawls's argument.

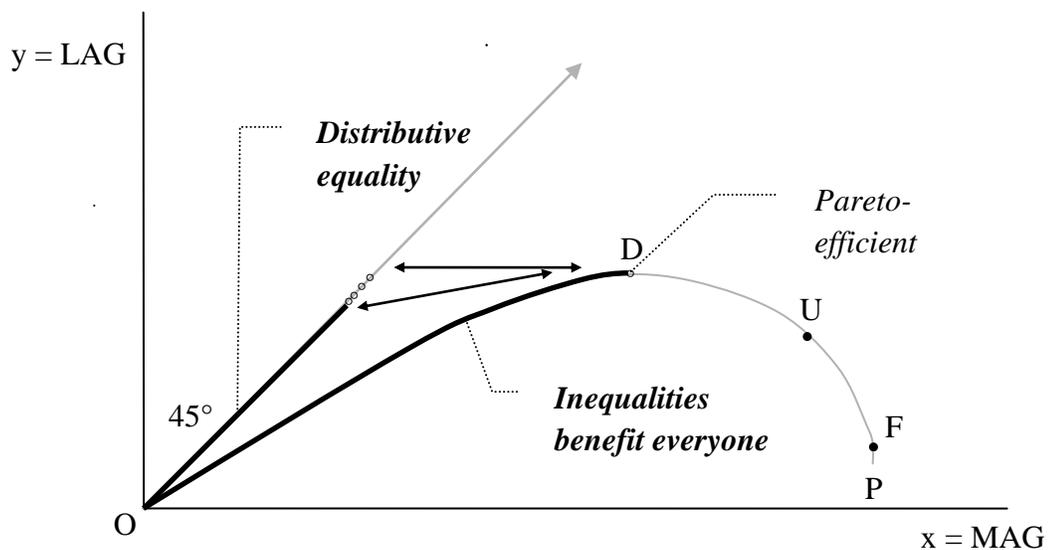
The parties in the Original Position are equally situated only for the sake of impartial unanimity; there is no prima facie case against participants in a cooperative society seeking distributive shares that reflect their relative natural advantages and disadvantages. As mentioned earlier, Rawls views the distribution of natural abilities as morally arbitrary, but the resultant inequalities are not unjust. Rawls does not view the parties' notional claims to equal shares as a matter of justice because the principles regulating cooperative production have not yet been selected and, without such principles, there can be no legitimate expectations on which claims are based. Point O on the OP curve represents the equally situated parties in the Original Position prior to cooperative production rather than any distributive outcome among persons with different natural abilities. In the initial stages of cooperation, production will be limited and therefore the inequalities are unlikely to be great. For that reason, the OP curve should realistically begin somewhere near equal distributive shares. But taking equal distributive shares as a starting point to defining acceptable inequalities is not about the likely starting point of cooperative production. From this we can conclude that this aspect of the relation between the ideal of distributive equality and the application of the difference principle does not provide a reason for accepting that principle on grounds of distributive equality.

The distributive outcome which maximally benefits everyone is point D, which is also the Pareto-efficient distributive outcome that comes closest to distributive equality. But this selection by the difference principle of the Pareto-efficient distributive outcome closest to distributive equality also does not amount to a prima facie claim to equal distributive shares. Instead it is useful for dispatching utilitarianism on its own terms. We can see this if we consider the problems that arise from recognizing a prima facie

claim to equal distributive shares. These problems include difficulties in balancing that prima facie claim with the value of benefiting everyone by maximally benefiting the least advantaged group as required by the difference principle and, alternatively, in overriding that claim. I will discuss each of these problems in turn.

As discussed earlier, given Rawls's assumptions regarding the requirement for incentives, the difference principle cannot have as an intended consequence a distributive outcome that benefits everyone by maximally benefiting the least advantaged group while also achieving distributive equality. This is because the lack of incentives will limit production to some indeterminate point such that any distributive equality that could be achieved would be at the cost of foregone benefits. That is, there would be some other achievable distributive outcome along the OP curve such that at least one group gains benefits without the other group losing benefits. These conflicting considerations are shown in Figure 5.

Figure 5: Possible values to be considered when choosing principles of justice



The distributive outcomes on the OP curve from point O to point D benefit everyone; that is, both groups gain benefits from the expansion of production. The 45° line is the set of equal distributive shares that may or may not be achievable if the more advantaged group were not incentivized to expand production; thus it marks the ideal of distributive equality rather than the possibility. The segment of the OP curve from point D to point F is the set of Pareto-efficient distributive outcomes; that is, at each point there is no other achievable distributive outcome such that either group could gain benefits without the other group losing benefits. Point D is the only achievable distributive outcome that maximally benefits everyone and is Pareto-efficient. Clearly, if the choice between allowing inequalities which benefit everyone and distributive equality were simply a matter of comparing the benefits gained by each group under either system, then allowing inequalities is the best choice. But that says nothing about the possible grounds for the difference principle. The ideal (or value) of distributive equality may provide a reason for accepting the difference principle independently of its consequences.

The ideal of distributive equality may be among the grounds for the difference principle if that value can be balanced with the value of benefiting everyone. However, given Rawls's assumptions regarding the requirement for incentives, there is a fundamental conflict between the two values that precludes that possibility. We can see this if we consider the motivation of the more advantaged group. Clearly, they will be motivated to expand production since it benefits them; that and not inequalities per se is their incentive. If they value benefiting everyone, then they will be motivated to constrain production to point D on the basis of that value. However, if they are told that benefiting everyone is desirable but only so long as inequalities are also further

constrained for the sake of a greater degree of distributive equality, then they will have no motivational basis on which to form their expectations. Because of the requirement to benefit everyone, they know that they should not expect to expand production beyond point D. But a greater degree of distributive equality is achieved at point D-1 than at point D. An even greater degree of distributive equality is achieved at point D-2 but, in that case, the value of benefiting everyone is even further compromised. Clearly, the motivational effects of the two values are conflicting. More importantly, expectations cannot be formed on the basis of some balance between the two. For example, the more advantaged group cannot decide to constrain production to point D-1 because that achieves a greater degree of distributive equality than point D and provides further benefits to everyone than point D-2. They cannot make such a decision on that basis because they might equally constrain production to point D-2 as the midpoint between D-1 and D-3. The more advantaged group may still form expectations, and some middle path of distributive outcomes may be achieved as a result, but that cannot be because some balance of the two values is a widely upheld conception of justice. The difference principle cannot be grounded on some balance of the values of distributive equality and of benefiting everyone while denying the conflicting motivational effects of those values. Moral values are nothing if not motivating.

Raz suggests another way in which the difference principle may be grounded on the ideal of distributive equality.¹⁹ He argues that the following principle (7) values distributive equality in the 'strictly egalitarian' sense of aiming at an equal distribution of

¹⁹ Joseph Raz, "Chapter 9: Equality", *The Morality of Freedom*, Oxford, Oxford University Press, 1988, pp 216-44 (*Oxford Scholarship Online*, OUP, January 2008, <http://dx.doi.org/10.1093/0198248075.001.0001>). In this chapter, Raz also argues against the possibility of distributive equality being valued as by principle (7).

a certain good, on grounds generated by existing inequalities in the distribution of that good:

- (7) Inequality in the distribution of G to Fs is justified only if it benefits all Fs (or alternatively: only if it benefits the least advantaged F).²⁰

Principle (7) seems analogous to Rawls's difference principle. Raz claims that principle (7) values distributive equality because it can be understood as being made up of the following three principles:

- (1c) All Fs are entitled to the maximum G there can be; and
- (6a) If some Fs have more G than others then those others are entitled to the extra G necessary to bring them to the level of the better off; and
- (D) When (1c) and (6a) are in conflict (6a) is overridden (i.e., inequalities are tolerated) provided all benefit to a certain degree in consequence.²¹

Principle (7) values distributive equality because principle (6a) recognizes a prima facie claim to distributive equality. Principle (1c), which requires production of G to be expanded to the point of maximally benefiting everyone, seems analogous to Rawls's difference principle requiring the least advantaged group to be maximally benefited. If the least advantaged group are maximally benefited as required by the difference principle, then everyone is maximally benefited since the more advantaged group are by definition advantaged more. The value of distributive equality is among the grounds for principle (7) but inequalities are tolerated because principle (1c) overrides principle (6a). In other words, a priority rule is used to resolve the conflict between the value of benefiting everyone and distributive equality. By analogy, perhaps both the value of

²⁰ Raz, "Chapter 9: Equality", *The Morality of Freedom*, p 232.

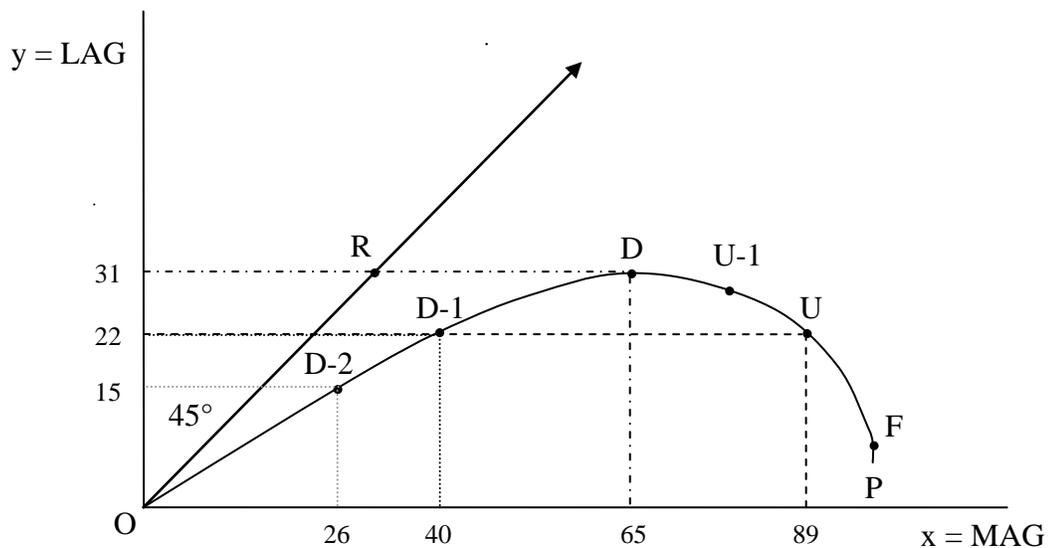
²¹ Raz, "Chapter 9: Equality", *The Morality of Freedom*, p 233. Raz presents these three principles in a generalized form whereas I have translated them here to reflect the content of principle (7).

benefiting everyone and distributive equality are grounds for the difference principle, and production to point D is permitted only because the value of benefiting everyone has priority.

The apparent consequences of applying the difference principle may seem to support the suggestion that the difference principle is analogous to Raz's principle (7) by which both benefiting everyone and distributive equality are valued as grounds. We can see this if we consider whether those two values are values in addition to the value of whatever is being distributed.

Benefiting everyone as required by the difference principle is clearly a value in addition to the value of the benefits being distributed. Benefiting everyone is not merely the maximal dispersion of those benefits because benefiting everyone always comes at the cost of foregone benefits, as can be seen in Figure 6.

Figure 6: The value of benefiting everyone



Constraining production to point D comes at the cost of the additional net benefits which would be distributed if production were expanded. For example, relative to point U where aggregate benefits amount to 111 units, the distributive outcomes at points D, D-1 and D-2 which benefit everyone each involve a net loss of benefits. It may be argued that the distributive outcome at point U-1 comes at a similar cost and it does not benefit everyone. But that only shows that if the distributive outcome at point U-1 were chosen over point U, then whatever distinguishes those two distributive outcomes is valued in addition to the benefits being distributed.

It may seem that distributive equality is clearly a value in addition to the value of the benefits being distributed since distributive equality always comes at the cost of foregone benefits. For example, the maximal equal shares that could be achieved will be short of those at point R where aggregate benefits amount to 62 units, compared to 96 units at point D and 111 units at point U. But this 'cost' of achieving distributive equality is not analogous to the cost of benefiting everyone. By Rawls's theory of justice, benefiting everyone comes at a cost of foregone benefits because production is constrained to point D. That constraint reflects the values that the two groups hold when the two principles of justice are adopted as a public conception of justice. For example, they may hold that the inequalities which incentivize the more advantaged group to expand production should be limited by a requirement to benefit everyone. In that case, the more advantaged group will be willing to forego benefits because they value benefiting everyone. If instead they valued only distributive equality and not benefiting everyone, then the shape of the OP curve would change to reflect their revised attitudes towards incentives. Depending on the other values they held, the OP curve may even

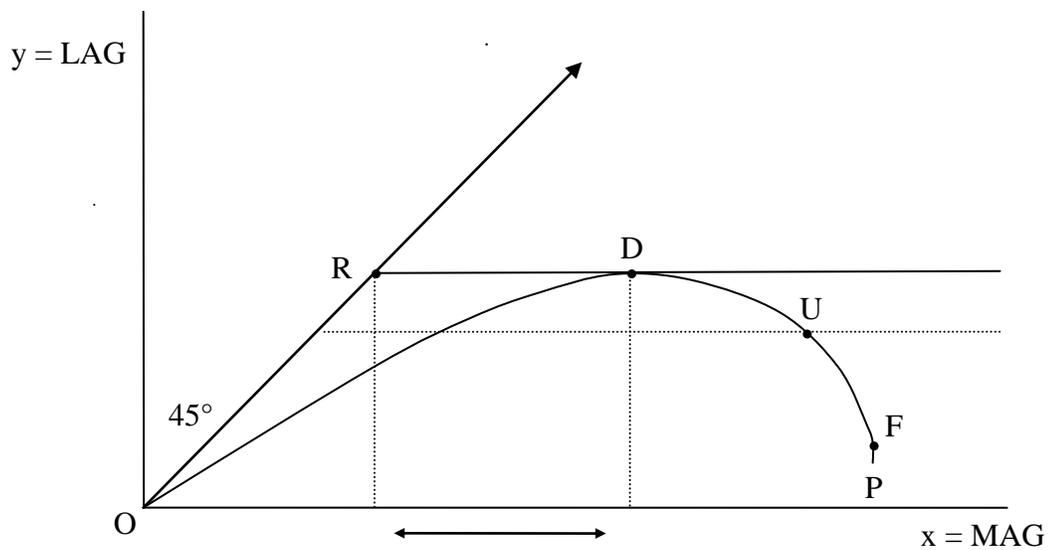
track the 45° line marking the ideal of distributive equality. In that case, the more advantaged group may be willing to work so hard that aggregate benefits would amount to 111 units, or 55.5 units for each group, instead of the 22 units for the least advantaged group and 89 units for the more advantaged group at point U. Then distributive equality would not involve any cost in foregone benefits. But we can set that fantasy aside since we know that everyone in both groups has a particular interest in pursuing his own conception of the good. We also know that, by Rawls's theory of justice, the more advantaged group require incentives to expand production to point D. As a result, the shape of the OP curve is fixed. The question is whether production is constrained to point D at least partly because point D is the Pareto-efficient distributive outcome closest to distributive equality and distributive equality is valued in addition to the value of the benefits being distributed.

As the egalitarian utopia I just described suggests, valuing distributive equality need not involve any cost in foregone benefits. But, given that valuing distributive equality is clearly at odds with the requirement for incentives that Rawls recognizes, we can assume that it does always involve some cost in foregone benefits if distributive equality is in fact among the grounds for the difference principle. Given that assumption and the evidence of foregone benefits, I will set aside the question of whether distributive equality is a value in addition to the value of the benefits being distributed. As a result, there is nothing about the apparent consequences of the difference principle that denies the possibility of distributive equality being among its grounds as a prima facie claim to equal distributive shares. There is also nothing about those consequences that supports that suggestion. This is because, at point D, a system of cooperative production grounded

on the value of benefiting everyone is fully realized and there is no further role for the value of distributive equality in restricting inequalities. However, alternatively, this apparent redundancy may be understood as supporting the suggestion that a prima facie claim to equal distributive shares is overridden by a priority rule which favours benefiting everyone.

We can get behind appearances and perhaps better understand the likely grounds for the difference principle by considering the intended consequences of Raz's sub-principles, as shown in Figure 7.

Figure 7: Raz's strictly egalitarian principle (7)



By principle (7), instead of the equal distributive shares at point R , the inequalities at point D are tolerated only because of the prior requirement by principle (1c) to maximize the benefits for everyone. We can think of principle (1c) as promoting benefits in a Telic sense whereby maximizing those benefits as a good in themselves is the purpose of the principle. There is greater benefit for the more advantaged group at point D than at point

R and no lesser benefit for the least advantaged group. Except for the prior requirement to maximize the benefits for everyone, redistribution of G from the more advantaged group to the least advantaged group and wasting some G if it cannot be redistributed would be permissible ways to achieve equal shares for the two groups.

The reference to inequalities in principle (7) suggests principle (6a) because all inequalities are prima facie intolerable; they are tolerable only if they benefit everyone. In contrast, Rawls's difference principle begins with an assumption of beneficial inequalities and defines those that are not beneficial to everyone as intolerable. Thus Rawls prefers the distributive outcome at point D to that at point U.²² For Raz, except for its priority, the requirement to maximize the benefits for everyone could be instrumental to the purpose of achieving distributive equality. For Rawls, the requirement to maximally benefit everyone by maximally benefiting the least advantaged group ensures that inequalities do in fact benefit everyone maximally. In contrast to Raz's principle (1c), Rawls's difference principle describes a distributive requirement. Unlike the two-person society of Larry and Mary, Rawls recognizes that maximally benefiting the least advantaged group requires incentivizing the more advantaged group. As a result, the distributive outcome at point D is maximally just rather than simply a tolerable solution to a problem of conflicting principles.²³

The argument which I have just presented is inconclusive because it begs the question by claiming that a maximally just distributive outcome cannot involve merely

²² The distributive outcome at point U maximally benefits everyone in the sense that production is maximized but both Raz and Rawls treat 'benefits everyone' as a distributive rather than aggregative requirement.

²³ This point is frequently overlooked. For example, Lamont and Favor describe Rawls's difference principle as tolerating inequalities so long as the least advantaged group are better off than they would be under strict equality ("Distributive Justice", *Stanford Encyclopedia of Philosophy*, 5 March 2007).

‘tolerating’ inequalities. It remains possible that Rawls mentions that point D is the Pareto-efficient distributive outcome that comes closest to distributive equality because the ideal of distributive equality is among the grounds for the difference principle. However, Rawls’s mention of point D as the Pareto-efficient distributive outcome that comes closest to distributive equality can be explained even while the grounds of the difference principle remains an open question. This is because it is a reference to consequences rather than grounds.

As discussed earlier, the reduced inequalities at point D relative to point U is not an intended consequence of the difference principle. It is a by-product of maximally benefiting the least advantaged group. The Pareto-efficiency of point D is also a by-product of achieving that purpose. Thus the intended consequences of the difference principle can account for the apparent coincidence of values at point D. However, all of the consequences of the difference principle, whether intended or not, must be considered as part of any comparison with the principle of average utility since the grounds of that principle is the value of its consequences. Similarly, the value of Pareto-efficiency remains on the table so long as the choice between the difference principle and the principle of average utility is being deliberated. But, as discussed earlier, Rawls’s theory of justice is not about consequences in the allocative justice sense. As his arguments for the principle of fair equality of opportunity emphasize, Rawls is interested in establishing a system of procedural justice superior to a libertarian system. This system may be grounded on the distributive value of benefiting everyone, as I have suggested; but the resultant distributive outcomes are to be determined by a fair procedure involving competitive market forces of supply and demand. As a result, the distributive outcomes

are indeterminate both in the sense of the inequalities between the two groups and in the sense of aggregate production. From this we can conclude that Rawls mentions that the difference principle selects the Pareto-efficient distributive outcome closest to distributive equality only for the purposes of comparing his theory of justice to utilitarianism.

Utilitarians intend to maximize aggregate production while Rawls intends to maximally benefit the least advantaged group. Both of these intended distributive outcomes are by definition Pareto-efficient. But, as an egalitarian Rawls does not wish to directly compare his theory of justice to utilitarianism on strictly utilitarian grounds of aggregate production and Pareto-efficiency. So instead he compares the two theories on the basis of the relative degree of distributive equality that the coincidentally Pareto-efficient point D achieves. On that basis, Rawls's theory of justice is egalitarian in comparison to utilitarianism:

[The difference principle] is egalitarian in a sense [...] it selects the efficient point on the OP curve closest to equality [...].²⁴

Thus, utilitarianism has been dispatched on its own terms.

We can now answer the question of whether the selection by the difference principle of the Pareto-efficient distributive outcome closest to distributive equality amounts to a prima facie claim to equal distributive shares. Given that Rawls is only interested in the Pareto-efficiency of point D for the purposes of comparing his theory of justice to utilitarianism, we can conclude that it does not. The comparison is external rather than internal to his theory of justice. This aspect of the relation between the ideal of distributive equality and the application of the difference principle does not provide

²⁴ Rawls, *Justice as Fairness: A Restatement*, pp 68-9.

reasons for accepting that principle on grounds of distributive equality. Distributive equality is not among the grounds for the difference principle.

As I have already suggested, distributive equality is also not among the grounds for the principle of fair equality of opportunity. Instead it is grounded on a notion of equality among persons that “requires us to view persons independently from the influences of their social position.”²⁵ Fair equality of opportunity ensures a fair system of procedural justice that does not discriminate on the basis of social contingencies when awarding positions of advantage. It is not about allocative justice and distributive outcomes. Persons whose natural abilities are more suited to high productivity will be among the more advantaged group and can expect greater distributive shares as a result. But, because the principle of fair equality of opportunity is applied in combination with the difference principle, those persons “may gain from their good fortune only on terms that improve the situation of those who have lost out.”²⁶ No one is to be treated as if he were expendable.

As discussed earlier, Rawls’s ‘preference’ for distributive equality is not about the intended consequences of his interpretation of the second principle of justice. We can now also conclude that distributive equality is not among the grounds for that principle. Rawls ‘prefers’ distributive equality without valuing it as a matter of justice. That ‘preference’ is only an expression of his preference for the difference principle over the principle of average utility.

²⁵ Rawls, *A Theory of Justice*, p 511 and note 34 cites B. A. O. Williams; also see p 73 and note 11.

²⁶ Rawls, *A Theory of Justice*, pp 86-7 revised edition.

Rawls's egalitarian appeal to reciprocity

It could be objected that Rawls describes his theory of justice as egalitarian in two senses and my discussion of the grounds for the second principle has dealt with only one of them:

- 1) [The difference principle] is egalitarian in a sense [...] it selects the efficient point on the OP curve closest to equality [...].²⁷
- 2) Then the difference principle is a strongly egalitarian conception in the sense that unless there is a distribution that makes both persons better off [...] an equal distribution is to be preferred.²⁸

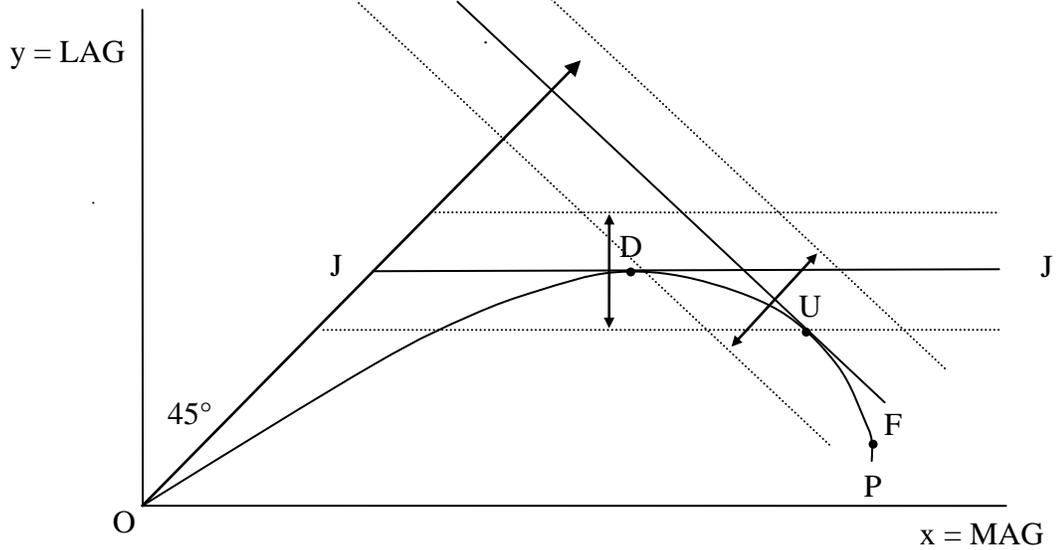
The first sense relates the application of the difference principle to the ideal of distributive equality and raises the possibility of a prima facie claim to equal distributive shares. I have argued that this aspect of the relation does not amount to such a claim; instead it is in comparison to utilitarianism. With regard to the second sense, I have argued that Rawls does not intend distributive equality or reduced inequalities as a consequence of the second principle of justice. I have also argued that either distributive equality or benefiting everyone may be grounds for the difference principle, but not both. If the choice comes down to those two principles, the evidence points to Rawls valuing benefiting everyone, but it is not conclusive.

Rawls's two senses of egalitarian are related and neither one amounts to a prima facie claim to equal distributive shares. The first one about his theory of justice in comparison to utilitarianism highlights that utilitarians choose to maximize production while he chooses to benefit everyone by benefiting the least advantaged group. The second sense is also about that choice on his part, as can be seen in Figure 8.

²⁷ Rawls, *Justice as Fairness: A Restatement*, pp 68-9.

²⁸ Rawls, *A Theory of Justice*, p 76 and pp 65-66 revised edition.

Figure 8: The Difference Principle and the principle of average utility



Rawls's 'equal-justice' lines are horizontal because only vertical changes in the OP curve benefit everyone by benefiting the least advantaged group. In contrast, utilitarian-justice lines indicate a requirement to increase aggregate utility by maximizing production. For Rawls, greater justice is indicated by progressively higher equal-justice lines. This upward direction points towards the 45° line of distributive equality in a way that is reminiscent of the two-person society of Larry and Mary that I described earlier. That is, except for the OP curve being fixed as it is by Rawls's assumptions regarding incentive requirements, the maximally just distributive outcome would be equal shares for Larry and Mary or for the least advantaged group and the more advantaged group. But, as discussed, such distributive equality is not even a hypothetically preferred consequence of the second principle of justice. Instead the OP curve marks inequalities that incentivize expanding production that makes both persons better off. In contrast, greater justice is indicated by utilitarian-justice lines that move in a progressively outward direction. In a two-person society where both persons have the same utility function, the direction will

be parallel to the 45° line of distributive equality and therefore never approach it. As such, it does not indicate any requirement to make both persons better off.

By now it may seem that there can be only so many ways in which Rawls as an egalitarian can ‘prefer’ distributive equality without actually valuing it. But in every instance, Rawls’s ‘preference’ for distributive equality is actually a preference for benefiting everyone by benefiting the least advantaged group instead of maximizing aggregate utility by maximizing production. Benefiting everyone by benefiting the least advantaged group is a distributive requirement, but it is not a requirement for any particular distributive outcome in the allocative justice sense. As discussed earlier, both aggregate production and the inequalities between the two groups are indeterminate. Rawls is concerned about the distributive shares of primary goods that everyone requires as the conditions and means for pursuing his conception of the good only in the sense that securing such conditions and means is the proper aim of a system of cooperative production.

The requirement to maximally benefit the least advantaged group is not about the question of who gets what relative to whom. Instead, it is about the nature of the relations between the two groups. Both groups are free and morally equal citizens and therefore they owe each other mutual respect in the sense of being willing to give reasons whenever the other group’s material interests are affected.²⁹ The focus is on the least advantaged group because whoever is left most badly off by the terms of cooperative production has the strongest basis on which to object to those terms. No matter what the distributive shares they end up with, if the least advantaged group are maximally benefited, then they

²⁹ Rawls, *A Theory of Justice*, p 337 and note 3 cites B. A. O. Williams.

should have no reason to object. Because the two principles of justice are applied to the basic structure of society as a neutral system of procedural justice, the more advantaged group cannot exploit the natural misfortune of the least advantaged group.³⁰ Instead, everyone is encouraged “to regard the distribution of natural talents as in some respects a common asset and to share in the greater social and economic benefits made possible by the complementarities of this distribution.”³¹ It is on this basis that distributive outcomes are to be evaluated; as they will be if, as Rawls argues, his view is generally adopted as a public conception of justice. The more advantaged group do not deserve their natural abilities more suited to high productivity and their greater distributive shares as a result, but that is not a matter of justice since nothing can be done about it. Instead Rawls recognizes that the least advantaged group do not deserve to be worse off than they might otherwise be and that is a matter of justice since something can be done about it. From this we can see that the requirement to benefit everyone by benefiting the least advantaged group expresses a deep sense of reciprocity as grounds for the second principle of justice. Rawls is concerned about the terms of cooperative *production* because expanding production can benefit everyone. But, at the same time, he is also concerned about the terms of productive *cooperation* as justifiable to everyone.

Finally, from everything that has been discussed we can understand why Rawls does not value distributive equality. Distributive equality is a notion of allocative justice that is incompatible with Rawls’s conception of a fair and efficient system of procedural

³⁰ Rawls, *Justice as Fairness: A Restatement*, p 124.

³¹ Rawls, *A Theory of Justice*, pp 86-7 revised edition. See Rawls, *Justice as Fairness*, pp 124-6 for three reasons for the more advantaged group to be encouraged to hold this ‘common asset’ view of natural abilities.

justice grounded on the value of reciprocity.³² But, as Rawls makes clear, his theory of justice is not *the* theory of justice necessarily superior to all other theories. It remains an open question whether distributive equality is in fact a value in addition to the value of whatever is being distributed and, given that it may be, whether we should care about it.

³² Rawls, *Justice as Fairness: A Restatement*, pp 50-2.

Chapter 3

Chapter 3: Is the ideal of egalitarian society grounds for distributive equality?

Valuing distributive equality for reasons relating to social relations

Rawls does not value distributive equality as a matter of justice. But perhaps we should, since Rawls's theory is not definitive of justice. The question then is why should we? In a recent paper, Martin O'Neill offers a possible answer to that question: We should value distributive equality because inequalities are objectionable.³³ O'Neill presents reasons for objecting to certain economic inequalities not because they are unjust in the first instance but because of the badness of the kinds of social relations that inequalities bring about. Thus his are 'strongly egalitarian' reasons for objecting to inequalities because they are grounded on the value of egalitarian social relations.

O'Neill does not claim that distributive equality should be valued as a matter of justice, but he also does not preclude it. Since O'Neill's view can be interpreted as opposing Rawls's conception of justice at a fundamental level, perhaps it should be taken as raising questions of justice. Quite simply, O'Neill rejects setting aside the question of who gets what relative to whom. In addition, his reasons are not the sorts of reasons that Rawls could easily ignore since, like Rawls, O'Neill is also concerned about social relations. However, given that commonality, I will set aside questions of justice and instead consider O'Neill's view on its own terms as another way of valuing distributive equality that Rawlsians perhaps should consider.

³³ O'Neill, "What Should Egalitarians Believe?" *Philosophy & Public Affairs*, 36 (2008) pp 119-56.

I will outline O'Neill's reasons for objecting to certain economic inequalities and then begin my investigation by specifying his view as a third definition of what it means to value distributive equality.

O'Neill's reasons for objecting to inequality

Citing Scanlon, Parfit, Nagel and Rawls, O'Neill lists six reasons for objecting to inequality on grounds of its badness, five of which are strongly egalitarian reasons.³⁴ We might hold that inequality is bad because:

- (i) inequality creates stigmatizing differences in status;
- (ii) inequality leads to unacceptable forms of power and domination;
- (iii) inequality weakens self-respect, especially the self-respect of the worst-off;
- (iv) inequality creates servility and deferential behaviour; and
- (v) inequality undermines healthy fraternal social relations and attitudes in society as a whole.

Unlike weakly egalitarian reasons about freedom and democracy, these five reasons are strongly egalitarian or distinctively egalitarian at a deep level because they can "best be understood as elements that together constitute a complex background picture of how people should live together as equals."³⁵ That is, they constitute a picture or conception of what I will call egalitarian relations or egalitarian society while leaving open the question of whether such a society is just. It is in this regard that these five reasons are unlike the mainly humanitarian reason for favouring distributive equality because:

³⁴ O'Neill, "What Should Egalitarians Believe?" pp 121-3.

³⁵ O'Neill, "What Should Egalitarians Believe?" p 125.

- (vi) the alleviation of inequality is often a condition for the reduction of suffering and deprivation.

Importantly, inequality is not bad in itself; that is, it is not the existence of inequality that is bad.³⁶ Instead, “the badness of distributive inequalities can be explained by reference to the badness of the kinds of social relations that such inequalities bring about.”³⁷ This explanation of the badness of inequality distinguishes O’Neill’s view from both Telic egalitarianism and Deontic egalitarianism as defined by Parfit.³⁸ Citing Parfit, O’Neill describes the beliefs held by Telic and Deontic egalitarians as follows:³⁹

Telic egalitarians claim that:

- 1) It is in itself bad if some people are worse off than others;
- 2) Inequality is bad; and
- 3) The scope of egalitarianism encompasses all cases of inequality, with regard to everyone who ever lives.

Deontic egalitarians claim that:

- 4) We should aim for equality, not to make the outcome better, but for some other moral reason;
- 5) Inequality is not bad, but unjust; and
- 6) The scope of egalitarianism is restricted to those cases of inequality that result from injustice, and thereby to cases of inequality that result from wrongdoing.

³⁶ O’Neill, “What Should Egalitarians Believe?” p 133.

³⁷ O’Neill, “What Should Egalitarians Believe?” p 137.

³⁸ O’Neill, “What Should Egalitarians Believe?” pp 120-34. O’Neill cites Derek Parfit, “Equality or Priority?” *Lindley Lecture at the University of Kansas* (Lawrence: 1991) and reprinted in *The Ideal of Equality*, ed. Matthew Clayton and Andrew Williams (Basingstoke: Palgrave Macmillan, 2000), pp 81-125.

³⁹ O’Neill, “What Should Egalitarians Believe?” pp 120-1; he cites Parfit, “Equality or Priority?” pp 84-90.

With regard to these claims, O'Neill describes his 'Non-Intrinsic egalitarianism' as rejecting both 1) and 4), accepting 2), and rejecting both 3) and 6).⁴⁰ That is, he accepts only that inequality is bad while rejecting the Telic and Deontic reasons for objecting to inequality. He also rejects the Telic claim that all instances of inequality are bad. With regard to 5), O'Neill rejects that inequality is never bad unless it is unjust while allowing that inequality can be bad precisely because it is unjust.⁴¹

Since inequality is not bad in itself or intrinsically bad by O'Neill's account, it is possible to value distributive equality without holding the purely Telic egalitarian view that it should be promoted because it is good in itself.⁴² Instead distributive equality is valuable because of its effects; that is, because of the intrinsic value of egalitarian social relations which, for reasons (i) to (v), may not be realized if inequalities persist. Such relations are valuable independently of the positive effects that they may have for individual welfare. For example, being servile or too deferential may be bad for people even if it does not affect their sense of well-being. Because of this, such relations can be impersonally valuable independently of any value from the standpoint of particular individuals. That is, the idea of how people might best live together can give rise to impersonal reasons that count in favour of promoting greater distributive equality. In this sense, O'Neill's five egalitarian reasons for objecting to inequality can be thought of as a broadly Telic egalitarian view.⁴³

⁴⁰ O'Neill, "What Should Egalitarians Believe?" p 121.

⁴¹ O'Neill, "What Should Egalitarians Believe?" p 132.

⁴² O'Neill, "What Should Egalitarians Believe?" p 127-31.

⁴³ O'Neill, "What Should Egalitarians Believe?" pp 146-7.

O'Neill's five egalitarian reasons for objecting to inequality do not make his view a purely Deontic egalitarian view since they do not appeal to injustice or unfairness.⁴⁴ O'Neill is not claiming that inequalities are unjust; the badness of inequalities does not depend on how they were produced. As a result, inequalities which are due to luck or natural disasters can be as bad as any other inequalities. However, reasons (i) to (v) for objecting to inequalities do not apply to all inequalities. The inequalities must be among persons or groups who stand in really existing social relations with one another. They need not be fellow citizens or have economic relations, but there must be some plausible basis for comparative judgments and therefore the possibility of egalitarian relations among them. Reasons (i) to (v) are likely to be stronger reasons to be concerned about inequality in situations where the relations are more intimate, such as among fellow citizens. Thus, distributive equality is a political value; that is, "a value that relates to the nature and consequences of relationships among people."⁴⁵ But it is not one that is limited to concerns about justice within a particular state or to inequalities that are traceable to wrongdoing. However, O'Neill's five egalitarian reasons for objecting to inequality can be thought of as a broadly Deontic view in the sense that they may ultimately appeal to "what individuals might be owed by virtue of respecting the dignity of human agents."⁴⁶ As such, the reasons describe the concerns of a substantive form of Deontic egalitarianism by which the duty to treat people on the basis of equality may, all things considered, involve a duty to promote greater distributive equality.⁴⁷

⁴⁴ O'Neill, "What Should Egalitarians Believe?" pp 131-9.

⁴⁵ O'Neill, "What Should Egalitarians Believe?" p 139.

⁴⁶ O'Neill, "What Should Egalitarians Believe?" pp 131.

⁴⁷ O'Neill, "What Should Egalitarians Believe?" pp 142-4.

When O'Neill's five egalitarian reasons for objecting to inequality do apply, they are strong reasons to promote greater distributive equality because of the connection between the realization of the conception of egalitarian society which they express and distributive equality. According to O'Neill, in most such situations it is a 'deep social fact' that the conception of egalitarian society expressed by reasons (i) to (v) can be realized only if certain inequalities are eliminated.⁴⁸ This is because, firstly, "reductions in inequality almost always bring about improvements in the states of affairs of the sort favoured under considerations [(i) to (v), and]; secondly, such improvements are generally possible only when inequalities are reduced and greater distributive equality is achieved."⁴⁹ This deep social fact does not always obtain; for example, it does not obtain when two opposing factions in a society take turns at oppressing one another and as a result end up with approximately equal shares over time. In such cases, even though there is a plausible basis for comparative judgments and therefore at least some possibility of egalitarian relations, O'Neill's five egalitarian reasons for objecting to inequality will not reliably mandate reducing inequalities. That is, they are not reasons for preferring a society of two opposing factions with approximately equal shares over a society with greater inequalities.

Specifying O'Neill's view as a third definition of value

How might we understand O'Neill's egalitarian reasons for objecting to inequality as defining another way of valuing distributive equality? We can begin by comparing his view to my two definitions of what it means to value distributive equality:

⁴⁸ O'Neill, "What Should Egalitarians Believe?" p 131 and pp 149-51 for situations which are the exception.

⁴⁹ O'Neill, "What Should Egalitarians Believe?" p 131.

For any principle of justice, distributive equality is valued if:

- 1) the principle has as an intended consequence of its application either distributive equality or reduced inequalities; or
- 2) the ideal of distributive equality is grounds for accepting the principle, including accepting any consequences of its application.

O'Neill's description of the upshot of his view suggests that, if it were taken to be a matter of justice, then it would amount to valuing distributive equality by my first definition of value:

If this 'deep social fact' really does obtain, then Non-Intrinsic egalitarianism will reliably mandate the elimination of inequalities of condition, given that this is the only reliable route available for promoting the egalitarian values that generate considerations [(i) to (v)].⁵⁰

If a principle of justice were to mandate the elimination of inequalities, then distributive equality would be valued as an intended consequence of that principle. In that case, we could say that distributive equality is valued as by my first definition. But, by O'Neill's view, distributive equality is not mandated as a requirement of justice. If it were, then his would be a purely Deontic egalitarian view limited to inequalities that are unjust rather than, for example, inequalities that result from natural disasters. Therefore, O'Neill does not value distributive equality in the way defined by my first definition. Instead, O'Neill values distributive equality on grounds of the badness of the kinds of social relations which certain inequalities bring about; that is, for reasons (i) to (v) for objecting to inequalities. These reasons express O'Neill's conception of egalitarian

⁵⁰ O'Neill, "What Should Egalitarians Believe?" p 131.

relations; it is that conception which provides the reasons.⁵¹ From this it follows that O'Neill values distributive equality on grounds of that conception of egalitarian relations.

How does valuing distributive equality on grounds of O'Neill's conception of egalitarian relations compare to my second definition by which distributive equality is valued on grounds of the ideal of distributive equality? Is it analogous to accepting a principle for reasons that relate its application to the ideal of distributive equality, independently of that principle's consequences?

As my discussion of it in the previous chapter suggests, my second definition of valuing distributive equality on grounds of the ideal of distributive equality is rather mysterious. By that definition, distributive equality is intrinsically valuable in itself and therefore ideally worth promoting on that basis. That is, there is a prima facie claim to equal distributive shares that requires no further justification. Given this intrinsic value of distributive equality, my second definition describes a broadly Telic egalitarian view; although perhaps one derived from the equality of persons and the treatment owed to them and thus Deontic in that sense. From this we can see that my second definition is similar in some aspects to O'Neill's way of valuing distributive equality. But, since it need not be derived from a conception of persons as equals, it is not clear why we should value distributive equality as by my second definition. O'Neill's way of valuing distributive equality overcomes this difficulty. By O'Neill's view, distributive equality eliminates inequalities which are bad or harmful. Since the elimination of harms can be thought of as a form of additional benefit and the resultant social relations can also be valuable, the sense in which distributive equality is valuable in addition to whatever is

⁵¹ O'Neill, "What Should Egalitarians Believe?" pp 129-30 and p 147.

being distributed is clear.⁵² From this we can see that O'Neill's way of valuing distributive equality differs from my second definition of value in two ways: 1) his conception of egalitarian relations and not the ideal of distributive equality is grounds for accepting the principle entailed by his view, and 2) that conception does not provide reasons for accepting that principle independently of its consequences. Instead, O'Neill's view expands on my first definition by offering explicit grounds for valuing distributive equality as an intended consequence, as he also suggests:

[We] need not view ourselves as facing a strict dichotomy between ideals of social equality and ideals of distributive equality; rather, we can see the former as providing a foundation for the latter, via the provision of the set of Non-Intrinsic reasons [(i) to (v)] that count in favor of distributive equality.⁵³

Setting aside the possibility that O'Neill's way of valuing distributive equality raises questions of justice, we can specify his view as a third definition of what it means to value distributive equality as follows:

For any principle, distributive equality is valued if:

- 3) the conception of egalitarian society as expressed by reasons (i) to (v) is grounds for accepting distributive equality or reduced inequalities as an intended consequence of the principle's application.

Unlike my two definitions of value, O'Neill's way of valuing distributive equality is circular because distributive equality is valued as an intended consequence on grounds which are not independent of that consequence. Distributive equality appears twice in

⁵² O'Neill, "What Should Egalitarians Believe?" pp 123-4 and p 130.

⁵³ O'Neill, "What Should Egalitarians Believe?" pp 129-30 and note 29.

this definition. It is valued as an intended consequence on grounds of the value achieved as a consequence of distributive equality; that is, the value of achieving O'Neill's conception of egalitarian relations by eliminating inequalities for reasons (i) to (v). Distributive equality is not simply instrumental to or realized as a by-product of achieving valuable egalitarian relations. Instead it is a deep social fact that distributive equality is both a sufficient condition for achieving that aim and a necessary one.⁵⁴ The logical form is a contingent-biconditional such that the value of distributive equality will be identified with the value of egalitarian relations if a) there is a plausible basis for comparative judgments and therefore the possibility of egalitarian relations and b) the deep social fact obtains. In contrast, by my second definition of value, the ideal of distributive equality is valued as grounds for accepting any consequences of a principle of justice, independently of those consequences. For example, such a principle may have as an intended consequence greater inequalities, despite its recognition of a prima facie claim to equal distributive shares.

O'Neill's way of valuing distributive equality is circular, but it is not viciously so. A society in which distributive equality is both a sufficient and necessary condition for achieving egalitarian relations is conceivable. In order to consider whether we should care about distributive equality in that way, we must try to understand such a society. In particular, we must understand why certain inequalities in such a society give rise to the harms which O'Neill lists and the implications of the deep social fact that only distributive equality will eliminate those harms.

⁵⁴ O'Neill, "What Should Egalitarians Believe?" p 131.

The social bases of status, power and self-respect

O'Neill's egalitarian reasons for objecting to inequality may seem like largely subjective and morally insignificant reasons arising from envy and jealousy:

- (i) inequality creates stigmatizing differences in status;
- (ii) inequality leads to unacceptable forms of power and domination;
- (iii) inequality weakens self-respect, especially the self-respect of the worst-off;
- (iv) inequality creates servility and deferential behaviour; and
- (v) inequality undermines healthy fraternal social relations and attitudes in society as a whole.

If these forms of badness or harms are simply the product of envy and jealousy, then O'Neill's way of valuing distributive equality is not one which we should consider. This is because envy and jealousy are non-social or private bases for status, power and self-respect, whereas the value of distributive equality, if any, is by its nature a social or political value since it involves interpersonal comparisons of socially regulated distributive shares.⁵⁵ However, such harms may be the product of the social bases of status, power and self-respect, which in turn affect interpersonal behaviours and social relations more generally. If that is what O'Neill is claiming, then we perhaps should consider his way of valuing distributive equality.

Basic social structures including the rules of the major institutions which regulate the distribution of material goods within states, markets and other associations at least partly determine the distribution of status, power and self-respect and therefore the

⁵⁵ I am grateful to Henry Laycock for highlighting the need for greater clarity regarding this point.

possibility of such harms. As a result, it makes sense to refer to status, power and self-respect as distributable goods in their own right in addition to material goods such as income and wealth, and to the interconnections among these various goods. Status, power and self-respect could be lumped together with income and wealth in descriptions of the ‘distribution of positions of economic and social advantage’ or of ‘expected distributive shares’. However, status, power and self-respect are different from income and wealth in the sense that they are comparative goods reflecting conceptions of the relative standing and moral worth of persons, both as perceived by individuals and as upheld by social institutions. Assessments of status, power and self-respect are necessarily made by way of comparison; as such, they are analogous to the ‘wealthy’ sense of wealth rather than to the absolute sense. Given this, the social bases of status, power and self-respect must facilitate such comparisons.

O’Neill argues that certain inequalities or relative distributive shares of material goods such as income and wealth cause harmful differences in status, power and self-respect, which in turn harmfully affect interpersonal behaviours and social relations. In particular, certain inequalities result in stigmatizing differences in status, unacceptable forms of power and (I assume) improper weakening of self-respect. From this it follows that assessments of status, power and self-respect are made on the basis of comparing distributive shares.

It is difficult to understand how relative distributive shares per se can be among the social bases of status, power and self-respect. Although it is true that distributive shares provide a ready basis for interpersonal comparisons, it is not clear how relative distributive shares can be a ‘social’ basis for those goods rather than a private basis on

which feelings of envy and jealousy arise. While it is also true that the distribution of income and wealth, for example, are regulated by the rules of the major institutions within basic social structures, that does not seem to be reason enough to take relative distributive shares as the socially upheld measure of status, power and self-respect in any society. For example, although it is true that wealth is potentially a source of power and in that case only relative wealth can secure real power since power is by definition relative, it is difficult to conceive of a just society in which the socially upheld rules permit the distribution of power on that basis. For example, it is difficult to conceive of a society in which private individuals can in accordance with public regulations employ militias. Alternatively, as a less extreme example, it is difficult to conceive of a society in which a few privately owned firms can control the market for a certain consumer item, free from any regulatory limits and competitive forces.

O'Neill does not explain how relative distributive shares might be among the social bases of status, power and self-respect. Instead he effectively argues that, in most situations where there is a plausible basis for comparative judgments and therefore the possibility of egalitarian relations among persons, it is a matter of deep social fact that inequalities are the social bases of status, power and self-respect. This is evidenced by his claim that in most such situations the harms described by reasons (i) to (v) can be avoided and the conception of egalitarian society expressed by those reasons can be realized only if certain inequalities are eliminated.⁵⁶

How might we assess O'Neill's deep social fact? It is not simply an empirical claim, for two reasons. First, as O'Neill notes, the deep social fact does not always

⁵⁶ O'Neill, "What Should Egalitarians Believe?" p 131.

obtain. Secondly, and more importantly, he is not merely claiming that relative distributive shares do determine the status, power and self-respect of individuals. Instead, he is claiming that relative distributive shares ought to determine the distribution of those goods. Otherwise, the harms need not be real in any meaningful sense; rather they could be mere slights, improperly perceived, that could be shrugged off as morally insignificant even if they are hurtful. For example, members of Rawls's more advantaged group might slight members of the least advantaged group for the sake of enhancing their own improperly perceived self-esteem. In that case, O'Neill's reasons for objecting to inequalities would not be strong reasons in their own right. Instead they would simply be further possibilities to consider regarding the viability of any proposed scheme of social cooperation. However, that is not O'Neill's claim; instead he presents his deep social fact as a moral fact.

The meaning of 'social' in social bases of status, power and self-respect

As Rawls makes clear, we should think of ourselves as being able to choose how our society will be arranged, including the terms of cooperative production and other forms of interaction. Although certain psychological facts condition our interests in status, power and self-respect, we are still able to choose among a range of social bases for those goods. For example, we can choose whether to have public awards such as the Order of Canada and the basis on which to make such awards, as well as the relative acclaim or status associated with them. In contrast to this ability to choose, O'Neill seems to claim that relative distributive shares are a fixed social basis of status, power and self-respect, yet not because of any psychological fact since the deep social fact does not always obtain. The deep social fact is a social fact since it does not always obtain, but it is not a social

fact in any meaningful sense of ‘social’. As a result, relative distributive shares may be a social basis of status, power and self-respect, but not in any meaningful sense of that term.

Alternatively, perhaps O’Neill has simply omitted a premise from his reasoning that explains how relative distributive shares might be among the social bases of status, power and self-respect. Using ‘good’ to indicate egalitarian and ‘bad’ to indicate non-egalitarian in accordance with O’Neill’s conception of egalitarian relations, his reasoning can be represented as follows:

Inequalities → Bad relations

Distributive equality → Good relations

Good relations → Distributive equality

∴ Distributive equality

O’Neill’s reasons for objecting to inequalities are represented by the first premise of this reasoning; certain inequalities cause non-egalitarian relations in the form of the harms which O’Neill describes. His deep social fact is represented by the second and third premises; achieving greater distributive equality by eliminating certain inequalities is both a sufficient and a necessary condition for achieving egalitarian relations. However, O’Neill’s reasoning is missing a premise regarding what amounts to good or bad relations. Clearly, relations in which no one is harmed by being socially stigmatized, subject to domination or denied properly perceived self-respect are comparatively good relations. But such relations are simply identified with distributive equality as a matter of deep social fact. O’Neill does not provide independent reasons for accepting his premises that certain inequalities cause such morally significant harms and only eliminating those

inequalities can rectify those harms. As a result, we do not know what it is about egalitarian relations as O'Neill conceives them that explains the identification between such relations and a particular distributive outcome. We know that it has nothing to do with how the product of social cooperation should be distributed, since O'Neill's view encompasses inequalities arising from luck and natural causes. But we do not know anything positive about the nature of such egalitarian relations that might help us to assess O'Neill's deep social fact.

The only substantive information that O'Neill provides about his deep social fact is that it does not always obtain. The deep social fact does not obtain where, despite there being a plausible basis for comparative judgments of distributive shares, equalizing those shares does not result in egalitarian relations because distributive equality is not a sufficient condition for such relations. For example, when two opposing factions take turns at oppressing one another and as a result end up with approximately equal shares over time. Clearly, despite their distributive equality, the two factions do not have valuable egalitarian relations. However, O'Neill argues that the value of distributive equality can still be identified with the value of egalitarian relations because distributive equality does not have any value in such situations.⁵⁷ Distributive equality is not valuable in such situations because it neither benefits anyone nor is impersonally valuable since it has no good effects in terms of reasons (i) to (v). In contrast, in situations where distributive equality is valuable by virtue of having good effects in terms of those reasons, that value is identified with the value of egalitarian relations.

⁵⁷ O'Neill, "What Should Egalitarians Believe?" pp 149-51.

Again, O'Neill's reasoning is clearly circular; but perhaps we can still discover something about his conception of egalitarian relations. The deep social fact fails in such situations only because the O'Neill's conception of egalitarian relations is not upheld. In particular, the two opposing factions do not enjoy harm-reduction-benefits as a result of their distributive equality because they do not hold that certain inequalities ought to be eliminated in order to avoid the harms which O'Neill lists. If they did hold that view, they would not be so keen on oppressing one another. Instead they each perceive themselves as potentially and properly dominating the other faction despite their distributive equality. What does it mean to hold that certain inequalities ought to be eliminated in order to avoid the harms which O'Neill lists? What is the connection between such inequalities and those harms that the two opposing factions do not observe?

A closer look at the possible nature of the harms which O'Neill lists will help to answer the question that I have just posed. Citing Scanlon and Rawls, O'Neill views status-harms as getting to the centre of what is seriously harmful about inequalities.⁵⁸

O'Neill quotes Rawls as follows:⁵⁹

Significant political and economic inequalities are often associated with inequalities of social status that encourage those of lower status to be viewed both by themselves and by others as inferior. This may arouse widespread attitudes of deference and servility on one side and a will to dominate and arrogance on the other. These effects of social and economic inequalities can be serious evils and the attitudes they engender great vices.

⁶⁰

In addition to the links between O'Neill's reasons (i), (ii) and (iv) recognized here by Rawls, O'Neill describes further links to reasons (iii) and (v):

⁵⁸ O'Neill, "What Should Egalitarians Believe?" p 126.

⁵⁹ O'Neill, "What Should Egalitarians Believe?" p 126.

⁶⁰ Rawls, *Justice as Fairness: A Restatement*, p 131.

Needless to say, the existence of social relationships characterized by stark hierarchies of status, and marked relations of domination, deference, and servility, preclude the existence of the sort of healthy fraternal social relations mentioned under consideration [(v)]. It would be plausible to add that, just as the interpersonal manifestation of inequalities of status is linked to the generation of servility and domination, so the inner experience of reduced social status is associated with the loss of self-respect (linking to consideration [(iii)]).⁶¹

O'Neill goes on to describe further harms caused by status-harms:

Such offensive status-harms, when they are internalized, prevent individual agents from viewing themselves as self-authenticating sources of valid claims [...], living as equals among others of the same status. In doing so, they undermine our sense of self-respect (consideration [(iii)]), and are thereby corrosive of the secure sense of standing and of agency that is essential to our dignity as agents.⁶²

The contrast between these descriptions of harms by Rawls and O'Neill is interesting. Rawls recognizes the possibility of certain inequalities resulting in serious harms; however, the focus is on the individuals making the assessments of status and power. Those individuals are accused of perpetrating evil and succumbing to vice and in that way causing harm. O'Neill simply focuses on the harms that result from such assessments and judges those harms as unhealthy, offensive, detrimental and corrosive. He does not discuss how such harms come about.

Although O'Neill does not mention it, Scanlon provides a clearer description of how status-harms might come about:

The leading historical examples of objectionable inequality are caste systems and other social arrangements involving stigmatizing differences in status. In these systems, members of some groups are

⁶¹ O'Neill, "What Should Egalitarians Believe?" p 127.

⁶² O'Neill, "What Should Egalitarians Believe?" p 128.

marked as inferior by, for example, being excluded from roles and occupations that are seen as most desirable [...]. What is objectionable is being marked as inferior to others in a demeaning way.

In the historical cases I am referring to, inequalities based on caste, race or gender are a matter of law or of entrenched social attitudes. But purely economic inequalities can be objectionable for the reason I am here discussing. One consequence of extreme inequality in income and wealth can be that it forces the poor to live in a way that is reasonably seen as humiliating. Here again, the evil is comparative—it is not merely an objection to having ragged clothes, or poor housing, but of having to live and to present oneself in a way that is so far below the standard generally accepted in the society that it marks one as inferior, and as someone that others would not want to associate with. This provides a reason not only to improve the lot of the poor, but also, even if their lot is, in absolute terms, not so bad, to object to the creation of a much higher standard of living for others.⁶³

Scanlon's analogy between the potential effects of economic inequalities and a clearly objectionable caste system makes clear that the harms which O'Neill lists might come about because individuals are 'marked as inferior to others in a demeaning way'. That is, they are so marked by their lower standard of living, even if that standard is quite adequate. In other words, the social merit of individuals is indexed to income and wealth (as spent on their apparent standard of living). They might do good deeds or be interesting intellectuals, but that does not make them desirable company.

Quite simply, Scanlon is describing a meritocracy of wealth. The status-harms that occur in such a society could be prevented by eliminating certain inequalities. However, just as he notes that caste systems should be abolished, there are other possible remedies besides denying the opportunity to be relatively wealthy.⁶⁴ Rawls argues for such remedies including a social system in which "those with higher status normally earn

⁶³ T. M. Scanlon, "When Does Equality Matter?" unpublished manuscript, pp 6-7.

⁶⁴ T. M. Scanlon, "When Does Equality Matter?" unpublished manuscript, p 7.

or achieve their position in appropriate ways that yield compensating benefits for the general good”⁶⁵ and “citizens recognize and view one another as equals.”⁶⁶

Scanlon accepts Rawls’s ‘strategy’ for avoiding status-harms by diversifying the social bases of status, whereby non-comparing groups of otherwise equal citizens have diverse conceptions of what amounts to an important accomplishment.⁶⁷ However, O’Neill rejects that strategy as inadequate; given his deep social fact, such harms are not so easily avoidable.⁶⁸ From this we can only conclude that O’Neill’s conception of egalitarian relations is not about relations over time in the sense of individuals interacting with one another, including through their social institutions. Instead, it is about relations as they hold at each point in time, as indicated by individuals’ relative distributive shares. Rather than shaping society by choosing the terms of cooperative production and other forms of interaction, it seems that O’Neill would simply rely on redistribution in order to eliminate certain inequalities which are harmful by virtue of a meritocracy of wealth as the fixed yet social basis of status, power and self-respect.

Does O’Neill actually value distributive equality?

As I have argued so far, O’Neill values certain social relations as they hold at each point in time, as indicated by individuals’ relative distributive shares. That is, he values relations identified with the elimination of certain inequalities which otherwise would result in harmfully ‘stark hierarchies of status and marked relations of domination,

⁶⁵ Rawls, *Justice as Fairness: A Restatement*, p 131.

⁶⁶ Rawls, *Justice as Fairness: A Restatement*, p 132.

⁶⁷ T. M. Scanlon, “The Diversity of Objections to Inequality,” pp 216-8. See also Rawls, “Social Unity and Primary Goods” (1982) in (ed.) Samuel Freeman, 1999, p 374f for Rawls’s argument that equal citizens do not need equal distributive shares to maintain their equal status.

⁶⁸ O’Neill, “What Should Egalitarians Believe?” pp 126-30, including notes 21, 23, 24, 26 and 28.

deference, and servility'. Before discussing the implications of that conception of social relations, I will briefly discuss whether O'Neill actually does value distributive equality.

O'Neill is concerned about the elimination of only certain harmful inequalities and not all inequalities. He does not view inequalities as intrinsically bad. Eliminating only harmful inequalities clearly will not result in distributive equality. It may not even result in a greater degree of distributive equality if greater harmless inequalities are permitted at the same time. However, it should result in distributive equality in the minimum standard sense which I discussed in the previous chapter. That is, there will be a maximum limit on the permissible distributive shares of benefits associated with harmful inequalities and, as a result, everyone's distributive shares will be equal in the sense of not exceeding that limit. Unlike any minimum standard for Rawls's requirement to maximally benefit the least advantaged group, O'Neill's upper limit on such benefits can be maintained regardless of whether production expands or contracts or fortune is favourable or not. This is because excessive distributive shares of those benefits can always be wasted if not redistributed. Alternatively, and perhaps more likely, the limit on those benefits can be adjusted to suit the context. For example, just as 'wealthy' might have different meanings in Calgary and Calcutta, what amounts to stark hierarchies of status might reflect the differing aggregate amounts of benefits available for distribution at any point in time.

However, we might question whether O'Neill actually does value distributive equality in the minimum standard sense which I have just described. Such distributive equality is identified with valuable social relations by virtue of O'Neill's deep social fact. But, that does not mean that O'Neill simply derives the value of distributive equality from

the value of such relations. Instead, O'Neill claims that distributive equality matters to people and, as a result of that, the value of distributive equality is identified with valuable social relations. This personal valuing of distributive equality distinguishes his view from Telic egalitarianism. However, we might question whether people actually do care about distributive equality by O'Neill's view. It seems more accurate to describe them as caring about not being marked as inferior by their lesser distributive shares and being shunned as a result. Caring about distributive equality is only a proxy for caring about that. Similarly, the objection to caste systems that Scanlon outlines is not about the inequalities that come about as a result of the discrimination prevalent in such a system. Instead, it is an objection to the social bases for assessments of merit being an affront to human dignity. It seems more accurate to describe people as caring about affronts to their human dignity by O'Neill's view. Yet, that description is also perplexing since, if they really do care about being marked as inferior by virtue of their lesser distributive shares, then they should do something about changing the social bases of status, power and self-respect.

If we accept that O'Neill actually does value distributive equality, then we are also accepting that relative distributive shares are fixed among the social bases of status, power and self-respect as a matter of deep social fact, despite the usual meaning of 'social'. Alternatively, we must find some independent reason for preferring such social bases of status, power and self-respect and the social relations which that entails.

The implications of O'Neill's conception of egalitarian relations

What are the implications of O'Neill's deep social fact that only distributive equality will prevent the harms which he lists? Should we prefer social relations based on a meritocracy of wealth such as his view entails? As a step towards answering that question, I will consider why we care about social relations.

Consider the recent devastating earthquakes in China. The human and material losses were great but, in addition to the suffering caused by that, the despair due to corrupt government officials hampering the recovery program threatened to make it a real tragedy. The concern was not that China is nominally a communist state and, given that social-ideological background, government officials should not be seeking greater distributive shares for themselves. Instead, the concern was simply that the disaster victims were not always fairly treated. Similarly, in the United States where it is accepted that private firms providing disaster recovery services should make a profit, the concern regarding the aftermath of Hurricane Katrina was that the state did not oversee the fair treatment of the victims. The aspect of social relations that matters to us is how people interact with one another, including through their major social institutions. When we care about distributive shares as a proxy for that, as we often do, we care about how the relative distributive shares came about and not simply the differing effects of those shares on our lifestyles. That is, we care about the nature of the interactions that gave rise to those shares.

O'Neill's view is correct to the extent that the regulation of distributive shares can reflect our relative social merit. This is clearest in cases where a central distributing agent

is obligated to be neutral in its distribution of certain goods. Scanlon discusses this with regard to his 'equal benefits' reason for objecting to inequalities.⁶⁹ His 'equal benefits' reason for objecting to inequalities is on grounds of procedural fairness; that is, on grounds of the justice owed to particular persons by any central distributing agent. For example, both Jewish villagers and Arab villagers by virtue of their equal citizenship are owed the same standard of streets by the state of Israel. But Scanlon's 'equal benefits' reason is not a concern about the villagers' relative distributive shares of village streets and about how that may directly affect their relations with one another; instead it is a concern about equal citizens being treated justly by their state. The presumption is that the state of Israel should be neutral in its distribution of goods, not that its citizens should get any particular distributive shares of any particular goods. As Scanlon also points out, justice need not require equal benefits; distributing unequal shares of certain goods to citizens may be justified in some cases without detracting from anyone's relative social merit.

The regulation of distributive shares is in part the social basis of our relative social merit, but it is also more complex than that. Our concern about how people interact with one another is also about just that, how they interact. For example, do public regulations require them to make an effort to contribute or can they free-ride? The objection to state-sponsored free-riders is not that they are being accorded relatively higher social merit by the state. Instead, it is that they do free-ride and that necessarily comes at a cost to others. However, by O'Neill's view, a disaster victim could be encouraged to free-ride until his distributive shares achieve the requisite parity with the shares of others.

⁶⁹ T. M. Scanlon, "When Does Equality Matter?" pp 9-15; and O'Neill, "What Should Egalitarians Believe?" p 133. See also T. M. Scanlon, "The Diversity of Objections to Inequality," pp 207-8.

I can imagine that someone who really cares about distributive equality might do so because it is viewed as a proxy for caring and largely unselfish interaction among equals, free of paternalism.⁷⁰ For example, it is viewed as a better sort of society than the one which Rawls describes in which the more advantaged members of society need incentives to maximally contribute to the least advantaged members. But that is unrelated to O'Neill's concern about relative social merit. For O'Neill, the degree of 'intimacy' of relations that makes comparative judgments plausible and his conception of egalitarian relations possible is simply a matter of proximity. For example, two people who are eating from the same bowl are in a position to accurately compare their relative distributive shares. By O'Neill's view, one should properly feel harmed if the other behaves like a hog, but that is not because either of them should be unselfishly concerned about the other's nourishment. In addition, it is not necessarily because either of them should be concerned about them each having their fair share, since O'Neill's is not a Deontic egalitarian view.

Finally, I will sketch two examples of the policy implications of O'Neill's view. First, consider the recent U.S. federal government decision to put the two largest U.S. mortgage lenders Fannie Mae and Freddie Mac under 'conservatorship'. The federal government effectively forcibly acquired nearly 80% of the two companies in return for providing financing to prevent further defaults by mortgage-borrowers. As a result, many people will be able to keep their homes while still paying off mortgages which are much greater than the current market value of those homes, but at least they will have somewhere to live. But, in addition to taxpayers, the shareholders of the two companies

⁷⁰ I cannot actually imagine how such a society would not be paternalistic, but that is irrelevant to my point.

are paying a large price for that rescue. The share prices of the two companies have fallen about 90% and no dividends will be paid out for at least a few years. O'Neill could analyse this case as a good way to eliminate inequalities. The shareholders did well over recent years as the housing boom pushed up demand for mortgages and the margins on them. Now it is time to redistribute those profits to the mortgage-borrowers who are suffering from a disastrous 'market correction' in home values which triggered a recession which has unemployed many of them. However, we must remember that the United States has a market economy and the various stakeholders in almost all companies are regularly subject to such boom and bust cycles. For example, the recent rising cost of oil has created bonanza profits for some companies while eliminating profits for other companies. In addition to the shareholders, many of the suppliers and customers of those companies have been greatly affected one way or the other. Should we contemplate government intervention to eliminate inequalities in all of these cases? In other words, should we contemplate a socialist society with a nationalized economy simply because of the not unexpected vagaries of any market economy? Is that a good reason for making such a choice?

The forced 'conservatorship' of Fannie Mae and Freddie Mac has been justified on another basis. During the recent housing boom, both of the companies and their agencies engaged in fraudulent home valuation practices so that more mortgages could be approved. Quite simply, many homes were knowingly over-valued. Since it is not clear to what extent the mortgage-borrowers participated in that practice, they are still required to repay at least the capital amount of their mortgages, although on improved terms. But the chief executives of the companies have been fired. Since they via the board of

directors managed the companies on behalf of the shareholders, their being fired can be taken as symbolic of the decision to sacrifice the shareholders' interests. Although the 'conservatorship' will coincidentally equalize the distributive shares of the mortgage-borrowers and shareholders, the objective was to both stop the rout and to stem the damage, while still holding everyone responsible for the market transactions that they had entered into. Importantly, the intervention was justified for reasons related to the fraudulent nature of the interactions among lenders and borrowers and not for reasons related to distributive shares. The question for us is whether such reasons are the right sort of reasons.

As a second example, consider the potential status associated with owning a beautiful beachfront property, which is a positional good by virtue of the limited supply. In many parts of Australia, private ownership of beachfront property is not permitted. This is because, given the climate there access to beaches is viewed as a great good that all should be able to share in and there are not enough beaches near places of employment for everyone to have beachfront properties. As a result, instead of the status potentially associated with owning a beachfront property, many people associate status with driving a Ferrari to the beach. Everyone could conceivably have a Ferrari since there is no limit on manufacturing them, but most people cannot afford one. As this example shows, the social bases of status need not be fixed and people will seek out substitutes. By O'Neill's view, instead of prohibiting private ownership of beachfront property, the Ferraris should be taken away and everyone given a tiny apartment in massive apartment buildings along the beachfront. This would greatly reduce inequalities relative to people having to travel different distances via various means of transport to the beach.

Admittedly, my second example is a bit silly and unfair to O'Neill. But, rather than accuse him of supporting such policy decisions, I simply want to draw attention to the problem that substitution of social bases of status presents for policy makers who hold his view. I suspect that such substitution explains why O'Neill's deep social fact does not obtain in the case of the two opposing factions which he describes. As suggested earlier, relative distributive shares may be redundant as a proxy for what people really care about; that is, they care about not being marked as inferior and similar affronts to their human dignity. In the case of the two opposing factions, both factions are seeking greater relative status despite their distributive equality. This shows that distributive equality is redundant as a proxy for what they care about, and dangerously so. O'Neill would object that the two factions simply do not value distributive equality for the good effects that it can achieve. But it is not clear how they could ever come to value it, given that O'Neill's deep social fact is not about how they should interact with one another in the first instance, but rather about how their interaction may be affected by their relative distributive shares.

Rather than pursue this perplexity any further, I will simply note that consideration of O'Neill's way of valuing distributive equality should not distract us from the prior question of how we should organize our society. In particular, it should not distract us from the question of how we should interact with one another, since that is what really matters.

Summary and Conclusions

Conclusion: Distributive equality and the prior question of social relations

Having investigated three different ways of valuing distributive equality, I have not determined whether we should indeed care about distributive equality. Instead, I have shown that the question of whether or not we should value distributive equality is secondary to the question of how society should be organized. Considerations of distributive equality may have a role in addressing that prior question, but I believe that it would be a mistake to allow such considerations to limit the range of possible answers or to otherwise distract from what really matters. That is, it would be a mistake to allow considerations of distributive equality to distract from our concern about how people should interact with one another over time. However, this is not to say that distributive outcomes are unimportant. In order to properly address the question of how people should interact, we must consider how their interaction will affect one another's distributive shares.

Using Rawls's theory of justice as the context for my investigation, I stipulated two definitions or two different ways in which we might value distributive equality as a matter of justice. First, we might value distributive equality or reduced inequalities as the intended consequence or distributive outcome that results from the application of a principle of justice. Alternatively, we might value the ideal of distributive equality as grounds for a principle of justice independently of its consequences. Rawls does not value distributive equality in either of these ways. Instead, he is concerned about achieving greater benefits through social cooperation and about the fair distribution of

that social product as a matter of procedural rather than allocative justice. Although Rawls believes that the proper aim of a system of social cooperation is to secure the conditions and means for all members of the system to develop their moral powers and pursue their individual conceptions of the good, he is not concerned about achieving any particular distributive outcome that might facilitate that aim. Instead, he believes that the members of society are responsible for formulating their own conceptions of the good in accordance with their individual legitimate expected distributive shares. In this regard, Rawls does not recognize any prima facie requirement to redress the morally arbitrary effects of the 'natural lottery'. Instead, he claims that the issue is not a matter of justice since the effects of the natural lottery cannot be changed. However, he does address the issue in another way by using the notion of an initial claim to equal distributive shares as a device for achieving impartial unanimity among hypothetical members of society regarding the choice of principles of justice. In doing so, he recognizes that morally equal members of society are each owed justification whenever their material interests are adversely affected; however this does not amount to a prima facie claim to equal distributive shares.

Rawls's conception of society and of persons as members of a society clearly conditions his view of the relation between justice and distributive equality. In particular, his assumption that the more naturally advantaged members of society require incentives to expand production for the benefit of everyone is a barrier to valuing distributive equality. While I have not discussed it, it could be argued that the effects of the natural lottery regarding productive output cannot be changed but the pricing of that output need not be left to the market forces of supply and demand. Such a challenge might raise the

question of distributive equality as a matter of justice. That aside, my investigation has shown the nature of the conflict between the value of distributive equality and the value of achieving greater benefits through cooperative production, including the question of how distributive equality might be a value in addition to whatever is being distributed.

I have investigated O'Neill's way of valuing distributive equality as a potential challenge to Rawls's view of valuable social relations. O'Neill argues that we should value distributive equality on grounds of the valuable social relations that distributive equality usually brings about as a matter of deep social fact. This way of valuing distributive equality is circular, as shown by my specification of O'Neill's view as a definition of a third way of valuing distributive equality. However, it is not viciously circular and a society such as he describes could conceivably exist. As I argued, such a society would uphold a meritocracy of wealth, wherein relative distributive shares are among the social bases of status, power and self-respect. I also argued that distributive equality is at most a proxy for what the members of such a society really care about; that is, a proxy for their concern about not being marked as inferior and other affronts to their human dignity. Ultimately, I was perplexed by O'Neill's apparent failure to recognize our ability to change the social bases of status, power and self-respect and in that way avoid such affronts to human dignity. Setting that perplexity aside, I briefly investigated whether we should prefer the sort of social relations that O'Neill's view entails. As a result, I found that, contrary to O'Neill's view, we are more deeply concerned about the nature of the interactions over time that give rise to distributive shares than we are about whether particular social relations as indicated by relative distributive shares hold at any point in time. That is, instead of relativities, we are concerned about social relations in a

more meaningful sense as relations among persons independently of their distributive shares.

[End.]