

# 5

## Equality or Priority?<sup>1</sup>

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In his article 'Equality', Nagel imagines that he has two children, one healthy and happy, the other suffering from a painful handicap. He could either move to a city where the second child could receive special treatment, or move to a suburb where the first child would flourish. Nagel writes:

This is a difficult choice on any view. To make it a test for the value of equality, I want to suppose that the case has the following feature: the gain to the first child of moving to the suburb is substantially greater than the gain to the second child of moving to the city.

He then comments:

If one chose to move to the city, it would be an egalitarian decision. It is more urgent to benefit the second child, even though the benefit we can give him is less than the benefit we can give to the first child. This urgency is not necessarily decisive. It may be outweighed by other considerations, for equality is not the only value. But it is a factor, and it depends on the worse off position of the second child.<sup>2</sup>

My aim, in this lecture, is to discuss this kind of egalitarian reasoning.

Nagel's decision turns on the relative importance of two facts: he could give one child a greater benefit, but the other child is worse off.

There are countless cases of this kind. In these cases, when we are choosing between two acts or policies, one relevant fact is how great the resulting benefits would be. For Utilitarians, that is all

that matters. On their view, we should always aim for the greatest sum of benefits. But, for Egalitarians, it also matters how well off the beneficiaries would be. We should sometimes choose a smaller sum of benefits, for the sake of a better distribution.

How can we make a distribution better? Some say: by aiming for equality between different people. Others say: by giving priority to those who are worse off. As we shall see, these are different ideas.

Should we accept these ideas? Does equality matter? If so, when and why? What kind of priority, if any, should we give to those who are worse off?

These are difficult questions, but their subject matter is, in a way, simple. It is enough to consider different possible states of affairs, or outcomes, each involving the same set of people. We imagine that we know how well off, in these outcomes, these people would be. We then ask whether either outcome would be better, or would be the outcome that we ought to bring about. This subject we can call *the ethics of distribution*.

Some writers reject this subject. For example, Nozick claims that we should not ask what would be the best distribution, since that question wrongly assumes that there is something to be distributed. Most goods, Nozick argues, are not up for distribution, or redistribution.<sup>3</sup> They are goods to which particular people already have entitlements, or special claims. To decide what justice demands, we cannot look merely at the abstract pattern: at how well off, in the different outcomes, different people would be. We must know these people's histories, and how each situation came about. Others make similar claims about merit, or desert. To be just, these writers claim, we must give everyone their due, and people's dues depend entirely on the differences between them, and on what they have done. As before, it is these other facts which are morally decisive.

These objections we can here set aside. We can assume that, in the cases we are considering, there are no such differences between people. No one deserves to be better off than anyone else; nor does anyone have entitlements, or special claims. Since there are *some* cases of this kind, we have a subject. If we can reach conclusions, we can then consider how widely these apply. Like Rawls and others, I believe that, at the fundamental level, most cases are of this kind. But that can be argued later.<sup>4</sup>

There are many ways in which, in one of two outcomes, people can be worse off. They may be poorer, or less happy, or have fewer opportunities, or worse health, or shorter lives. Though the difference

between these cases often matters, I shall be discussing some general claims, which apply to them all.

To ask my questions, we need only two assumptions. First, some people can be worse off than others, in ways that are morally relevant. Second, these differences can be matters of degree. To describe my imagined cases, I shall use figures. Nagel's choice, for example, can be shown as follows:

	The first child	The second child
Move to the city:	20	10
Move to the suburb:	25	9

Such figures misleadingly suggest precision. Even in principle, I believe, there could not be precise differences between how well off different people are. I intend these figures to show only that the choice between these outcomes makes much more difference to Nagel's first child, but that, in both outcomes, the second child would be much worse off.

One point about my figures is important. Each extra unit is a roughly equal benefit, however well off the person is who receives it. If someone rises from 99 to 100, this person benefits as much as someone else who rises from 9 to 10. Without this assumption we cannot make sense of some of our questions. We cannot ask, for example, whether some benefit would matter more if it came to someone who was worse off. Consider Nagel's claim that, in his example, it would be more urgent to benefit the handicapped child. Nagel tells us to assume that, compared with the healthy child, the handicapped child would benefit *less*. Without this assumption, as he notes, his example would not test the value of equality. Nagel's conclusion is egalitarian because he believes that it is the *lesser* benefit which *matters more*.

For each extra unit to be an equal benefit, however well off the recipient is, these units cannot be thought of as equal quantities of resources. The same increase in resources usually brings greater benefits to those who are worse off. But these benefits need not be thought of in narrowly Utilitarian terms: as involving only happiness and the relief of suffering, or the fulfilment of desire. These benefits might include improvements in health, or length of life, or education, or other substantive goods.<sup>5</sup>

## I

What do Egalitarians believe? The obvious answer is: they believe in equality. On this definition, most of us are Egalitarians, since most of us believe in some kind of equality. We believe in political equality, or equality before the law, or we believe that everyone has equal rights, or that everyone's interests should be given equal weight.<sup>6</sup>

Though these kinds of equality are of great importance, they are not my subject. I am concerned with people's being *equally well off*. To count as Egalitarians, in my sense, this is the kind of equality in which we must believe.

There are two main ways in which we can believe in equality. We may believe that inequality is *bad*. On such a view, when we should aim for equality, that is because we shall thereby make the outcome better. We can then be called *Teleological* – or, for short *Telic* – Egalitarians. Our view may instead be *Deontological* or, for short, *Deontic*. We may believe we should aim for equality, not to make the outcome better, but for some other moral reason. We may believe, for example, that people have rights to equal shares. (We might of course have beliefs of both kinds. We might believe we should aim for equality both because this will make the outcome better, and for other reasons. But such a view does not need a separate discussion. It is enough to consider its components.)<sup>7</sup>

We can first consider Telic Egalitarians. These accept

*The Principle of Equality:* It is in itself bad if some people are worse off than others.<sup>8</sup>

In a fuller statement of this principle, we would need to assess the relative badness of different patterns of inequality. But we can here ignore these complications.<sup>9</sup>

Suppose next that the people in some community could all be either (1) equally well off, or (2) equally badly off. The Principle of Equality does not tell us that (2) would be worse. This principle is about the badness of inequality; and, though it would be clearly worse if everyone were equally worse off, our ground for thinking this cannot be egalitarian.

To explain why (2) would be worse, we might appeal to

*The Principle of Utility:* It is in itself better if people are better off.



When people would be on average better off, or would receive a greater net sum of benefits, we can say, for short, that there would be more *utility*. (But, as I have said, these benefits need not be thought of in narrowly utilitarian terms.)

If we cared only about equality, we would be *Pure Egalitarians*. If we cared only about utility, we would be *Pure Utilitarians* – or what are normally just called *Utilitarians*. But most of us accept a *pluralist* view: one that appeals to more than one principle or value. On what I shall call the *Pluralist Egalitarian View*, we believe that it would be better both if there was more equality, and if there was more utility. In deciding which of two outcomes would be better, we give weight to both these values.

These values may conflict. One of two outcomes may be in one way worse, because there would be more inequality, but in another way better, because there would be more utility, or a greater sum of benefits. We must then decide which of these two facts would be more important. Consider, for example, the following possible states of affairs:

- (1) Everyone at 150
- (2) Half at 199                      Half at 200
- (3) Half at 101                      Half at 200

For *Pure Egalitarians*, (1) is the best of these three outcomes, since it contains less inequality than both (2) and (3). For *Utilitarians*, (1) is the worst of these outcomes, since it contains less utility than both (2) and (3). (In a move from (1) to (3), the benefits to the half who gained would be slightly greater than the losses to the half who lost.) For most *Pluralist Egalitarians*, (1) would be neither the best nor the worst of these outcomes. (1) would be all-things-considered worse than (2), since it would be *much* worse in terms of utility, and only *slightly* better in terms of equality. Similarly, (1) would be all-things-considered better than (3), since it would be much better in terms of equality, and only slightly worse in terms of utility.

In many cases the *Pluralist View* is harder to apply. Compare

- (1) Everyone at 150

with

- (4) Half at  $N$       Half at 200.

If we are *Pluralist Egalitarians*, for which values of  $N$  would we

believe (1) to be worse than (4)? For some range of values – such as 120 to 150 – we may find this question hard to answer. And this case is unusually simple. Patterns of inequality can be much harder to assess.

As such cases show, if we give weight to both equality and utility, we have no principled way to assess their relative importance. To defend a particular decision, we can only claim that it seems right. (Rawls therefore calls this view *intuitionist*.)

I have said that, for Telic Egalitarians, inequality is bad. That seems to me the heart of this view. But I shall keep the familiar claim that, on this view, equality has value. It would be pedantic to claim instead that *inequality* has *disvalue*.

We should next distinguish two kinds of value. If we claim that equality has value, we may only mean that it has good effects. Equality has many kinds of good effect, and inequality many kinds of bad effect. If people are unequal, for example, that can produce conflict, or envy, or put some people in the power of others. If we value equality because we are concerned with such effects, we believe that equality has *instrumental* value: we think it good as a means. But I am concerned with a different idea. For true Egalitarians, equality has *intrinsic* value. As Nagel claims, it 'is in itself good'.

This distinction, as we shall see, is theoretically important. And it makes a practical difference. If we believe that, besides having bad effects, inequality is in itself bad, we shall think it to be worse. And we shall think it bad even when it has no bad effects.

Nagel sometimes blurs this distinction. He mentions two kinds of argument 'for the intrinsic value of equality'<sup>10</sup>; but neither seems to deserve this description.

The first kind of argument is *individualistic*, since it appeals to what is good or bad for individuals. Nagel's example is the claim that, when there is inequality, this weakens the self-respect of those people who are worse off. But what is claimed to be bad here is not inequality itself, but only one of its effects. Nor, to judge this effect bad, need we be egalitarians. Other effects we may think bad only because our conception of well-being is in part egalitarian. Thus we may think it bad for people if they are servile or too deferential, even if this does not frustrate their desires, or affect their experienced well-being. But though such a view is, in one way, egalitarian, it too does not claim that equality has intrinsic value. As before, it claims only that inequality has bad effects.

Nagel's second type of argument is *communitarian*. According to this argument, he writes,

equality is good for society taken as a whole. It is a condition of the right kind of relations among its members, and of the formation in them of healthy fraternal attitudes, desires, and sympathies.

For this to be a different type of argument, it must claim that such relations are not merely good for people, but have intrinsic value. This, however, would still not be the claim that *equality* has intrinsic value. What would be claimed to be good would still not be equality itself, but only some of its effects.<sup>11</sup>

The difference can be shown like this. Consider what I shall call the *Divided World*. The two halves of the world's population are, we can suppose, unaware of each other's existence. Perhaps the Atlantic has not yet been crossed. Consider next two possible states of affairs:

- (1) Half at 100                      Half at 200
- (2) Everyone at 145

Of these two states, (1) is in one way better than (2), since people are on average better off. But we may believe that, all things considered, (1) is worse than (2). How could we explain this view?

If we are Telic Egalitarians, our explanation would be this. While it is good that, in (1), people are on average better off, it is bad that some people are worse off than others. The badness of this inequality morally outweighs the extra benefits.

In making such a claim, we could not appeal to inequality's effects. Since the two halves of the world's population are quite unconnected, the inequality in (1) has no bad effects on the worse-off group. Nor does the equality in (2) produce desirable fraternal relations between the two groups. If we are to claim that (1) is worse because of its inequality, we must claim that this inequality is in itself bad.

Suppose we decide that, in this example, (1) is *not* worse than (2). Would this show that, in our view, inequality is *not* in itself bad?

This would depend on our answer to another question. What should be the *scope* of an egalitarian view? Who are the people who, ideally, should be equally well off?

The simplest answer would be: everyone who ever lives. And, on the Telic View, this seems the natural answer. If it is in itself bad if some people are worse off than others, why should it matter where or when these people live? On such a view, it is in itself bad if there are or have been, even in unrelated communities, and in different centuries, people who are not equally well off. Thus it is bad if Inca peasants, or Stone Age hunter-gatherers, were worse off than we are now.

We may reject this view. We may believe that, if two groups of people are quite unrelated, it is in no way bad if they not equally well off. This might be why, in my example, we deny that (1) is worse than (2).

If that is our reaction, might we still believe that, when it holds between related groups, inequality is in itself bad? This seems unlikely. Why is it only in these cases that we object to inequality? Why would it make a difference if these groups were not aware of each other's existence? The obvious answer is that, in such cases, inequality cannot have its usual bad effects. It would be coherent to claim that inequality is in itself bad, but only when it holds between related groups. But, though coherent, this view does not seem plausible, since it would involve a strange coincidence.

We might claim, more plausibly, that inequality is in itself bad, but only when it holds within one *community*. But that would suggest that our real view is that such inequality involves social injustice. And we may then be *Deontic* Egalitarians.

## II

Let us now consider this second kind of view. Deontic Egalitarians believe that, though we should sometimes aim for equality, that is *not* because we shall thereby make the outcome better, but is always for some other reason. On such a view, it is not in itself good if people are equally well off, or bad if they are not.

Such a view typically appeals to claims about justice. More exactly, it appeals to claims about *comparative* justice. Whether people are unjustly treated, in this comparative sense, depends on whether they are treated *differently* from other people. Thus it may be unfair if, in a distribution of resources, some people are denied their share.

Fairness may require that, if such goods are given to some, they should be given to all.

Another kind of justice is concerned with treating people as they deserve. This kind of justice is *non-comparative*. Whether people are unjustly treated, in this sense, depends only on facts about *them*. It is irrelevant whether others are treated differently. Thus, if we treated no one as they deserved, this treatment would be unjust in the non-comparative sense. But, if we treated everyone equally unjustly, there would be no comparative injustice.<sup>12</sup>

It is sometimes hard to distinguish these two kinds of justice, and there are difficult questions about the relation between them.<sup>13</sup> One point should be mentioned here. Non-comparative justice may tell us to produce equality. Perhaps, if everyone were equally deserving, we should make everyone equally well off. But such equality would be merely the effect of giving people what they deserved. Only comparative justice makes equality our aim.

When I said that, in my examples, no one deserves to be better off than others, I did not mean that everyone is equally deserving. I meant that, in these cases, we are considering benefits that no one deserves. So it is only comparative justice with which we shall be concerned.

There is another relevant distinction. In some cases, justice is *purely procedural*. It requires only that we act in a certain way. For example, when some good cannot be divided, we may be required to conduct a fair lottery, which gives everyone an equal chance to receive this good. In other cases, justice is in part *substantive*. Here too, justice may require a certain kind of procedure; but there is a separate criterion of what the outcome ought to be. One example would be the claim that people should given equal shares.

There is an intermediate case. Justice may require a certain outcome, but only because this avoids a procedural flaw. One such flaw is partiality. Suppose that we have to distribute certain publicly owned goods. If we could easily divide these goods, others might be rightly suspicious if we gave to different people unequal shares. That might involve favouritism, or wrongful discrimination.<sup>14</sup> We may thus believe that, to avoid these flaws, we should distribute these goods equally. The same conclusion might be reached in a slightly different way. We may think that, in such a case, equality is the *default*: that we need some moral reason if we are to justify giving to some people more than we give to others.

How does this view differ from a view that requires equality for

substantive reasons? One difference is this. Suppose that we have manifestly tried to distribute equally, but our procedure has innocently failed. If we aimed for equality only to avoid the taint of partiality or discrimination, there would be no case for correcting the result.<sup>15</sup>

We can now redescribe my two kinds of Egalitarian. On the Telic View, inequality is bad; on the Deontic View, it is unjust.

It may be objected that, when inequality is unjust, it is, for that reason, bad. But this does not undermine this way of drawing our distinction. On the Deontic View, injustice is a special kind of badness, one that necessarily involves wrong-doing. When we claim that inequality is unjust, our objection is not really to the inequality itself. What is unjust, and therefore bad, is not strictly the state of affairs, but the way in which it was produced.

There is one kind of case which most clearly separates our two kinds of view. These are cases where some inequality cannot be avoided. For Deontic Egalitarians, if nothing can be done, there can be no injustice. In Rawls's words, if some situation 'is unalterable . . . the question of justice does not arise.'<sup>16</sup>

Consider, for example, the inequality in our natural endowments. Some of us are born more talented or healthier than others, or are more fortunate in other ways. If we are Deontic Egalitarians, we shall not believe that such inequality is in itself bad. We might agree that, if we *could* distribute talents, it would be unjust or unfair to distribute them unequally. But, except when there are bad effects, we shall see nothing to regret in the inequalities produced by the random shuffling of our genes.

Many Telic Egalitarians take a different view. They believe that, even when such inequality is unavoidable, it is in itself bad.<sup>17</sup>

### III

It is worth developing here some remarks of Rawls. As I have said, Rawls assumes that injustice essentially involves wrongdoing. When he discusses the inequality of our inherited talents, he writes:

The natural distribution is neither just nor unjust . . . These are simply natural facts. What is just and unjust is the way that institutions deal with these facts.

This may suggest a purely deontic view. But Rawls continues:

Aristocratic and caste societies are unjust because . . . the basic structure of these societies incorporates the arbitrariness found in nature. But there is no necessity for men to resign themselves to these contingencies.<sup>18</sup>

This use of the word *resign* seems to assume that natural inequality is bad. And Rawls elsewhere writes that, in a society governed by his principles, we need no longer 'view it as a *misfortune* that some are by nature better endowed than others'. These remarks suggest that Rawls is in part a Telic Egalitarian. An objection to natural inequality is, I believe, one of the foundations of his theory, and one of its driving forces. If Rawls denies that such inequality is unjust, that may only be because he wishes to preserve the analytic link between injustice and wrong-doing. And, given the substance of his theory, that may be merely a terminological decision.

Rawls's objection to natural inequality is not so much that it is bad, but that it is morally arbitrary. This objection, as Rawls suggests, can be reapplied at several points in one natural line of thought.

We can start with external goods. In some cases, we enjoy resources whose availability, or discovery, is in no sense due to us. Such resources simply appear, like manna falling from the sky. There will be inequality if such manna falls unequally on different people. Let us call these *windfall* cases.

In such cases, the inequality is entirely due to differences in the bounty of nature. Such differences are, in the clearest sense, morally arbitrary. If some people receive less than others, that is merely their bad luck. Since such inequalities have this arbitrary cause, we may conclude that they are bad. Or we may conclude that we ought to redress these inequalities, by a redistribution of resources.

Consider next cases in which we are not merely passive. We do some work, either in discovering resources, or in converting them for use. We plant seeds, prospect and mine, or fish the sea; we till the soil, and manufacture goods.

Suppose that we all work equally hard, and with equal skill. In such cases, the human input is the same. But there may still be inequality between us, which results from differences in the natural input. These might be differences in mineral wealth, or in the climate, or in the fruitfulness of the soil, or sea. Because of such variations, some of us may soon become much better off than others. These are cases of *productive luck*.<sup>19</sup>

Some of these cases hardly differ from pure windfalls. Perhaps we

merely have to shake our trees, or stroll over to where the fruit fell. And all these cases may seem relevantly similar. Since we all work equally hard, and with equal skill, the inequality is again due to differences in the bounty of nature, which we believe to be morally arbitrary. Can the other element, the equal human input, make this fact irrelevant? Can it justify the resulting inequality? We may decide that it cannot, and that such inequality also calls for redistribution.

Now consider inequality of a third kind. In these cases, there are no differences either in external resources, or in the efforts people make. The inequality is entirely due to differences in people's native talents. These are cases of *genetic luck*.<sup>20</sup>

We may decide that such genetic differences are, in the relevant respect, like differences in nature's bounty. As Rawls says, they are not deserved. Our native talents are inner resources, which, like manna, merely fell upon us.

In some of these cases, people receive greater rewards simply for *having* certain natural endowments. These are like pure windfalls. But, in most of these cases, people develop and use the talents with which they were born. We must ask again whether this infusion of effort cancels out the arbitrariness of genetic luck. Can it justify the resulting inequalities?

This may be the most important question in this whole debate. Many people answer Yes. But, like Rawls and Nagel, we may answer No. We may conclude that these inequalities should also be redressed.

Consider next a fourth kind of case. The natural input is the same, and we all have equal talents. But inequality results from differences in how hard we work. These are cases of *differential effort*.

We must here note one complication. There are two uncontroversial ways in which, when people work harder, they should sometimes be paid more. They may work for a longer time, or in a more unpleasant way. In such cases, overtime or hardship pay may be mere compensation, which does not create real inequality. These are not the cases that I have in mind. I am thinking of people who enjoy working hard, and who, because they do, become much better off than others.

Of those who appeal to the arbitrariness of the natural lottery, many stop here. Differences in effort seem to them to justify such inequality. But we may press on. Such differences involve two elements: the ability to make an effort, and the decision to try. We



may decide that the first is merely another native talent, which cannot justify inequality.

This leaves only inequalities that are the result of choice. To most Egalitarians, these inequalities are of no concern. That is why some writers argue for equality, not of well-being, but of *opportunity* for well-being.<sup>21</sup> But some of us may still press on. We may decide that it is bad if some people are worse off than others, even when this is merely because these people do not enjoy working hard, or because, for some other reason, they make choices that leave them worse off. These may seem to be merely other kinds of bad luck.

The line of thought that I have just sketched raises many questions. I shall make only three brief comments.

First, to some people this reasoning may seem a *reductio*. If these people find the last step absurd, they may be led to reject the others. But that would be too swift, since there could be grounds for stopping earlier.

Second, we should state more clearly what such reasoning might show. The reasoning appeals to the claim that certain kinds of inequality have a morally arbitrary cause. Such a claim might show that such inequality is *not* justified. But it may not show that such inequality is *unjustified*, and ought to be redressed. These are quite different conclusions.

If such inequality is not justified, people have no positive claim to their advantages, or to the resources which they now control. But this conclusion only clears the decks. It means that, *if* there is a moral reason for redistribution, those who are better off can have no principled objection. It would be a further claim that there *is* such a reason, and that the aim of such redistribution should be to produce equality.<sup>22</sup>

The difference can be shown like this. Utilitarians would also claim that, if some distribution of resources has an arbitrary natural cause, it is not justified. Since that is so, they would claim, there can be no objection to redistribution. But, on their view, the best distribution is the one that would maximize the sum of benefits. Such a distribution would not be morally arbitrary. But it may not be an equal distribution.

Third, Rawls regards Utilitarians as his main opponents. At the level of theory, he may be right. But the questions I have been discussing are, in practice, more important. If nature gave to some of us more resources, have we a moral claim to keep these resources, and the wealth they bring? If we happen to be born with greater

talents, and in consequence produce more, have we a claim to greater rewards? In practical terms, Rawls's main opponents are those who answer Yes to such questions. Egalitarians and Utilitarians both answer No. Both agree that such inequalities are *not* justified. In this disagreement, Rawls, Mill, and Sidgwick are on the same side.

#### IV

I have distinguished two kinds of Egalitarian view. On the Telic View, we believe that inequality is in itself bad, or unfair. On the Deontic View, our concern about equality is only a concern about what we should do.

Why does this distinction matter? It has theoretical implications. As we shall later see, these views can be defended or attacked in different ways. There are also practical implications, some of which I shall mention now.

Each view has many versions. That is especially true of the Deontic View, which is really a group of views. Telic and Deontic Views might, in practice, coincide. It might be true that, whenever the first view claims that some kind of inequality is bad, the second claims that we should prevent it, if we can. But when we look at the versions of these views that are in fact advanced, and found plausible, we find that they often conflict.

The Telic View is likely to have wider scope. As I have said, if we think it in itself bad if some people are worse off than others, we may think this bad whoever these people are. It may seem to make no difference where these people live: whether they are in the same or different communities. We may also think it irrelevant what the respects are in which some people are worse off than others: whether they have less income, or worse health, or are less fortunate in other ways. *Any* inequality, if undeserved and unchosen, we may think bad. Nor, third, will it seem to make a difference how such inequality arose. That is implied by the very notion of intrinsic badness. If some state is in itself bad, it is irrelevant how it came about.

If we are Deontic Egalitarians, our view may have none of these features.

Though there are many versions of the Deontic View, one large group are broadly contractarian. Such views often appeal to the ideas of reciprocity, or mutual benefit. On some views of this kind, when goods are cooperatively produced, and no one has special

claims, all the contributors should get equal shares. There are here two restrictions. First, what is shared are only the fruits of cooperation. Nothing is said about other goods, such as those that come from nature. Second, the distribution covers only those who produce these goods. Those who cannot contribute, such as the handicapped, or children, or future generations, have no claims.<sup>23</sup>

Other views of this type are less restrictive. They may cover all the members of the same community, and all types of good. But they still exclude outsiders. It is irrelevant that those other people may be far worse off.

On such views, if there is inequality between people in different communities, this need not be anyone's concern. Since the greatest inequalities are on this global scale, this restriction has immense importance. (Here is one way to make this point. If Egalitarians oppose inequality only within particular communities, their view may, on a global scale, call for *less* redistribution than a Utilitarian view.)

Consider next the question of causation. The Telic View naturally applies to all cases. On this view, we always have a reason to prevent or reduce inequality, if we can.

If we are Deontic Egalitarians, we might think the same. But that is less likely. Since our view is not about the goodness of outcomes, it may cover only inequalities that result from acts, or only those that are intentionally produced. And it may tell us to be concerned only with the inequalities that we ourselves produce.

Here is one example. In a highly restricted way, Gauthier is a Deontic Egalitarian. Thus he writes that 'If there were a distributor of natural assets . . . we might reasonably suppose that in so far as possible shares should be equal.'<sup>24</sup> But, when assets are distributed by nature, Gauthier has no objection to inequality. He sees no ground to undo the effects of the natural lottery.

On such a view, when we are responsible for some distribution, we ought to distribute equally. But, when we are not responsible, inequality is not unjust. In such cases, there is nothing morally amiss. We have no reason to remove such inequality, by redistribution.

Is this a defensible position? Suppose we are about to distribute some resources. We agree that we ought to give people equal shares. A gust of wind snatches these resources from our hands, and distributes them unequally. Have we then no reason to redistribute?

It makes a difference here why we believe that we ought to distribute equally. Suppose, first, that our concern is with procedural

justice. We believe that we should distribute equally because that is the only way to avoid partiality. Or we believe that equality is the default: what we should aim for when we cannot justify distributing unequally. When there is natural inequality, neither belief applies. Nature is not discriminatory; nor is she an agent, who must justify what she does. On such a view, *if* we distribute, we should distribute equally. But we have no ground for thinking that we *should* distribute. If the distributor is Nature, there has been no partiality. Nothing needs to be undone.

Suppose, next, that we are concerned with substantive justice. Our aim is not merely to avoid procedural flaws, since we have a separate criterion for what the result should be. On such a view, we might believe that, wherever possible, we should intervene, to produce the right result. But, as before, that belief need not be part of such a view. As in the case of procedural justice, we might believe only that, *if* we distribute, we should distribute equally. When inequality arises naturally, our view may not apply.

Things are different on the Telic View, according to which such inequality is in itself bad, or unjust. On this view, we have a reason to redistribute. The onus of the argument shifts. If people oppose redistribution, they must provide contrary reasons.

It is worth mentioning some of these reasons. Some would claim that, even if *we* should distribute equally, once there has been a natural distribution, it is wrong to intervene. Such a claim may seem to assume that what is natural is right, or that the status quo is privileged – assumptions that are now hard to defend. But there are other ways in which people might defend such claims. They might appeal to the difference between acts and omissions, or between negative and positive duties, or something of the kind.<sup>25</sup>

In some cases, such a view is plausible. Suppose that some natural process threatens to kill many people. We could save them if we intervened, and killed one person as a means to save the many. Many believe that, even though the deaths of many would be a worse outcome than the death of one, we ought not to intervene in such a way. We should allow this natural process to bring about the worse of these two outcomes.

Could we apply such a view to inequality? If some natural process has distributed resources in an unequal way, could it be similarly claimed that, though such inequality makes the outcome worse, we ought not to intervene? That seems less plausible. In the case of killing, our objection might appeal to the special features of this

act, our relation to the person killed, her right not to be injured, or to the fact that her death is used as a means. There seem to be no such features when we correct a natural distribution. If the wind blows more manna into the laps of certain people, and we concede that, as an outcome, this is worse, there seems no ground for a constraint against redistribution. If we remove and redistribute these people's extra manna, so that everyone has equal shares, we do not injure these people, or use them as a means.

It may next be claimed that, once a natural distribution has occurred, people acquire entitlements. In pure windfall cases, such a claim seems far-fetched. The fact that the manna fell on you does not make it *yours*. But similar claims are widely made. Thus it may be said that you staked out a valid claim to the ground on which the manna fell, and that this makes it yours. Or it may be said that, once you interact with the manna – or mix your labour with it – it becomes yours.

Such claims may have some force if they are made within some existing institutional scheme, or agreement. But we are here discussing a more fundamental question. What should our institutions, or agreements, be? If such claims are not convincing, as answers to that question, we may conclude that, in pure windfall cases, we ought to redistribute. It may then be harder to defend such claims in cases of productive luck. If we reject such claims here, it may then be harder to defend them in cases of genetic luck, and so on down the series.

For those who hold a Deontic View, there is no need even to make these claims. On such a view, since natural inequality is not in itself bad, there is no argument *for* redistribution; so there need not be an argument against. This, for conservatives, is a stronger position.

## V

Let us now consider two objections to the Telic View.

On the widest version of this view, any inequality is bad. It is bad, for example, that some people are sighted and others are blind. We would therefore have a reason, if we could, to take single eyes from some of the sighted and give them to the blind. That may seem a horrific conclusion.

If Egalitarians wish to avoid this conclusion, they might claim that their view applies only to inequality in resources. But, as Nozick

says, such a restriction may be hard to explain. If natural inequality is in itself bad, why is that not true of the inequality between the sighted and the blind?

Should we be horrified by this conclusion? To set aside some irrelevant complications, let us purify the example. Suppose that, after some genetic change, people are henceforth born as twins, one of whom is always blind. And suppose that, as a universal policy, operations are performed after every birth, in which one eye from the sighted twin is transplanted into its blind sibling. That would be a forcible redistribution, since new-born babies cannot give consent. But I am inclined to believe that such a policy would be justified.

Some of us may disagree. We may believe that people have rights to keep the organs with which they were born. But that belief would not give us grounds to reject the Telic View. Egalitarians could agree that the State should not redistribute organs. Since they do not believe equality to be the only value, they could think that, in this example, some other principle has greater weight. Their belief is only that, if we all had one eye, that would be *in one way* better than if half of us had two eyes and the other half had none. Far from being monstrous, that belief is clearly true. If we all had one eye, that would be much better for all of the people who would otherwise be blind.<sup>26</sup>

A second objection is more serious. If inequality is bad, its disappearance must be in one way a change for the better, *however this change occurs*. Suppose that those who are better off suffer some misfortune, so that they become as badly off as everyone else. Since these events would remove the inequality, they must be in one way welcome, on the Telic View, even though they would be worse for some people, and better for no one. This implication seems to many to be quite absurd. I call this *the Levelling Down Objection*.<sup>27</sup>

Consider first those Egalitarians who regret the inequalities in our natural endowments. On their view, it would be in one way better if we removed the eyes of the sighted, not to give them to the blind, but simply to make the sighted blind. That would be in one way better even if it was in *no* way better for the blind. This we may find impossible to believe. Egalitarians would avoid this form of the objection if what they think bad is only inequality in resources. But they must admit that, on their view, it would be in one way better if, in some natural disaster those who are better off lost all of their extra resources, in a way that benefitted no one. That conclusion may seem almost as implausible.

It is worth repeating that, to criticize Egalitarians by appealing to the Levelling Down Objection, it is not enough to claim that it would be *wrong* to produce equality by levelling down. As we have seen, since they are pluralists, Telic Egalitarians could accept that claim. Our objection must be that, if we achieve equality by levelling down, there is *nothing* good about what we have done. And we must claim that, if some natural disaster makes everyone equally badly off, that is not in any way good news. These claims do contradict the Telic Egalitarian View, even in its pluralist form.

I shall return to the Levelling Down Objection. The point to notice now is that, on a Deontic view, we can avoid all forms of this objection. If we are Deontic Egalitarians, we do not believe that inequality is bad, so we are not forced to admit that, on our view, it would be in one way better if inequality were removed by levelling down. We can believe that we have a reason to remove inequality only *when*, and only *because*, our way of doing so benefits the people who are worse off. Or we might believe that, when some people are worse off than others, through no fault or choice of theirs, they have a special claim to be raised up to the level of the others, but they have no claim that others be brought down to their level.

## VI

There are, then, several differences between the Telic and Deontic Views. Though these views might coincide, they are likely to have different scope, and different implications. And, as we have just seen, they can be challenged in different ways. If we are Egalitarians, it is thus important to decide which kind of view we hold.

If we are impressed by the Levelling Down Objection, we may be tempted by the Deontic View. But, if we give up the Telic View, we may find it harder to justify some of our beliefs. If inequality is not in itself bad, we may find it harder to explain, for example, why we should redistribute resources.

Some of our beliefs would also have to go. Reconsider the Divided World, in which the two possible states are these:

- (1) Half at 100                      Half at 200
- (2) Everyone at 145

In outcome (1) there is inequality. But, since the two groups are unaware of each other's existence, this inequality was not deliberately produced, or maintained. Since this inequality does not involve wrong-doing, there is no injustice. On the Deontic View, there is nothing more to say. On this view, we cannot claim that (1) is worse than (2). If we believe that (1) is worse, and because of the inequality, we must accept the Telic form of the Egalitarian View. We must claim that the inequality in (1) is in itself bad.

We might, however, give a different explanation. Rather than believing in equality, we might be especially concerned about those people who are worse off. That could be our reason for preferring (2).

Let us now consider this alternative.

## VII

In discussing his imagined case, Nagel writes:

If one chose to move to the city, it would be an egalitarian decision. It is more urgent to benefit the second child . . . This urgency is not necessarily decisive. It may be outweighed by other considerations, for equality is not the only value. But it is a factor, and it depends on the worse off position of the second child. An improvement in his situation is more important than an equal or somewhat greater improvement in the situation of the first child.<sup>28</sup>

This passage contains the idea that equality has value. But it gives more prominence to another idea. Nagel believes it is more important to benefit the child who is worse off. That idea can lead us to a quite different view.

Consider first those people who are badly off: those who are suffering, or destitute, or those whose fundamental needs have not been met. It is widely claimed that we should give priority to helping such people. This would be claimed even by Utilitarians, since, if people are badly off, they are likely to be easier to help.

I am concerned with a different view. On this view, it is more urgent to help these people even if they are *harder* to help. While Utilitarians claim that we should give these people priority when, and because, we can help them *more*, this view claims that we should give them priority, even when we can help them *less*. That is what makes this a distinctive view.



Some apply this view only to the two groups of the well off and the badly off.<sup>29</sup> But I shall consider a more general version of this view, which can be applied to everyone. On what I shall call

*The Priority View*: Benefiting people matters more the worse off these people are.

For Utilitarians, the moral importance of each benefit depends only on how great this benefit would be. For *Prioritarians*, it also depends on how well off the person is to whom this benefit comes. We should not give equal weight to equal benefits, whoever receives them. Benefits to the worse off should be given more weight.<sup>30</sup>

Like the Egalitarian Pluralist View, this view is, in Rawls's sense, intuitionist. It does not tell us how much priority we should give to those who are worse off. On this view, benefits to the worse off could be morally outweighed by sufficient benefits to the better off. To decide what would be sufficient, we must simply use our judgement.

Like the belief in equality, the Priority View can take either Telic or Deontic forms. It can be a view about which outcomes would be better, or a view that is only about what we ought to do. But, for most of my discussion, this difference does not matter.

## VIII

Let us now look more closely at this view. To whom should we give priority? Here are three answers:

- (1) those who are worse off in their lives as a whole,
- (2) those who are worse off at the time,
- (3) those who have needs that are morally more urgent.

(1) and (2) frequently diverge. One of two people may be worse off now, even though she has earlier been, and will later be, much better off.

(2) and (3), in contrast, usually coincide. If one of two people has more urgent needs, she is likely to be worse off at the time. But, on some views about the urgency of needs, that is not always true. Compare A, who is disabled, with the less fortunate but able-bodied B. A's need for a wheel-chair may be claimed to be more urgent than any of B's needs, even though A's other advantages make her, on the whole, better off.<sup>31</sup>

The choice between (1) and (2) is the choice of what Nagel calls *units* for distributive principles: the items to which we apply these

principles.<sup>32</sup> Nagel takes these units to be 'individual persons, individual human lives'. And he writes, 'what makes a system egalitarian is the priority it gives to the claims of those whose overall life prospects put them at the bottom.' Rawls and many others take the same view.

If lives are the relevant units, this increases the difference between giving priority to those who are worse off, and giving priority to meeting more urgent needs.

Nagel sometimes favours the second of these. Thus he claims that an egalitarian view 'establishes an order of priority among needs and gives preference to the most urgent'. And he writes:

An arrangement must be acceptable first from the point of view of everyone's most basic claims, then from the point of view of everyone's next most basic claims, etc . . . [T]he principles grant to each person the same claim to have his most urgent needs satisfied prior to the less urgent needs of anyone else.<sup>33</sup>

This implies that we should give priority to needs rather than persons. The more urgent needs of someone who, on the whole, is better off, take priority over the less urgent needs of someone who is worse off.

Nagel seems to have overlooked this implication. Thus he also writes, 'Priority is given to individuals who, *taking their lives as a whole, have more urgent needs*'.<sup>34</sup> This claim conflates the distinction I have drawn. X's needs may *now* be more urgent than Y's, even though, in most of her life, X has been, and will later be, much better off than Y. If we should give priority to more urgent needs, we should help X. If we should give priority to those who are worse off in their lives as a whole, we should help Y.

Which answer should we give? Suppose that we could support one of two programs. The first would provide treatment for a painful illness that occasionally afflicts the rich. The second would benefit an equal number of the poor, by subsidizing sports grounds, or seaside holidays. Which of these should have priority?

For this case to be relevant, it must be true that, even without the treatment, the rich would on the whole be better off. And it must be true that our decision would make *less difference* to them: that it would give them lesser benefits. We can thus suppose that the treatment in question would not bring much relief to this painful illness. Since the benefits to both groups would be hedonistic, they

can be roughly estimated by an appeal to people's preferences. Let us suppose that everyone involved would prefer a seaside holiday, or a new sports ground, to the relief of this amount of suffering.

Suppose we believe that, even in such a case, the relief of suffering should take priority. And suppose we take a similar view about other urgent needs, such as those produced by disability. We then have a view which is not, in any way, egalitarian. We think it more important to give *lesser* benefits to people who, in the relevant sense, are *better off*.

Such a view is not, I think, absurd. But, because it is so different, I shall ignore it here. I shall assume that, on the Priority View, we should give priority, not to meeting special needs, but to benefiting those people who are worse off. And I shall assume that, in my examples, there is no difference between those who would be worse off at the time, and those who would be worse off in their lives as a whole.

## IX

What is the relation between the Priority View and Egalitarianism?

On the Priority View, it is morally more important to benefit the people who are worse off. But this claim, by itself, does not define a different view, since it would be made by all Egalitarians. If we believe that we should aim for equality, we shall think it more important to benefit those who are worse off. Such benefits reduce inequality. If that is why we give such benefits priority, we do not hold the Priority View. On this view, as I define it here, we do *not* believe in equality. We give priority to the worse off, not because this will reduce inequality, but for other reasons. That is what makes this a distinctive view.

As before, we may hold a mixed view. We may give priority to the worse off, partly because this will reduce inequality, and partly for other reasons. But such a view does not need a separate discussion. It is enough to consider the pure version of the Priority View.

How does this view differ from an Egalitarian view?

One difference is purely structural. As we have seen, equality cannot plausibly be our only value. If we are Egalitarians, we must hold some more complicated view. Thus, on the Telic form of the Pluralist View, the belief that inequality is bad is combined with the belief that benefits are good. The Priority View, in contrast, can be held as a complete moral view. This view contains the idea that benefits

are good. It merely adds that benefits matter more the worse off the people are who receive them. Unlike the Principle of Equality, which might be combined with the Principle of Utility, the Priority View can replace that principle. It can be regarded as the only principle we need.

The chief difference can be introduced like this. I have said that, on the Priority View, we do not believe in equality. We do not think it in itself bad, or unjust, that some people are worse off than others. This claim can be misunderstood. We do of course think it bad that some people are worse off. But what is bad is not that these people are worse off than *others*. It is rather that they are worse off than *they* might have been.

Consider next the central claim of the Priority View: benefits to the worse off matter more. The same ambiguity can lead one astray. On this view, if I am worse off than you, benefits to me are more important. Is this *because* I am worse off than you? In one sense, yes. But this has nothing to do with my relation to you.

It may help to use this analogy. People at higher altitudes find it harder to breathe. Is this because they are higher up than other people? In one sense, yes. But they would find it just as hard to breathe even if there were no other people who were lower down. In the same way, on the Priority View, benefits to the worse off matter more, but that is only because these people are at a lower *absolute* level. It is irrelevant that these people are worse off *than others*. Benefits to them would matter just as much even if there were no others who were better off.

The chief difference is, then, this. Egalitarians are concerned with *relativities*: with how each person's level compares with the level of other people. On the Priority View, we are concerned only with people's absolute levels.<sup>35</sup>

This is a fundamental structural difference. Because of this difference, there are several ways in which these views have different implications.

One example concerns scope. Telic Egalitarians may, I have said, give their view wide scope. They may believe that inequality is bad even when it holds between people who have no connections with each other. But this can seem a dubious view. Why is it bad if, in some far off land, and quite unknown to me, there are other people who are better off than me?

On the Priority View, there is no ground for such doubts. This view naturally has universal scope. And that is true of both its

telic and deontic forms. If it is more important to benefit one of two people, because this person is worse off, it is irrelevant whether these people are in the same community, or are aware of each other's existence. The greater urgency of benefiting this person does not depend on her *relation* to the other person. It depends only on her lower absolute level.

There are other ways in which, given the structural difference between these views, they are likely to have different implications. I cannot discuss these here. But I have described the kind of case in which these views most deeply disagree. These are the cases which raise the Levelling Down Objection. Egalitarians face this objection because they believe that inequality is in itself bad. If we accept the Priority View, we avoid this objection. We are more concerned for people the worse off these people are. But, as we have just seen, it makes no difference to our concern whether there are other people who are better off. On this view, when inequality is not bad for people, it simply does not matter. If the better off suffer some misfortune, so that they become as badly off as anyone else, we do not think this in any way a change for the better.

## X

I have explained the sense in which, on the Priority View, we do not believe in equality. Though we give priority to benefiting those who are worse off, that is not because such benefits reduce inequality.

It may be objected that, on the Priority View, we shall often aim for equality. But that is not enough to make us Egalitarians. In the same way, Utilitarians often aim for equality, because inequality has bad effects. But Utilitarians are not Egalitarians, since they regard equality as a mere means.

It is worth pursuing this analogy. There is an important Utilitarian reason to aim for equality, not of well-being, but of resources. This reason appeals to *diminishing marginal utility*, or the claim that, if resources go to people who are better off, they will benefit these people less. Utilitarians therefore argue that, whenever we transfer resources to those who are worse off, we shall produce greater benefits, and shall thereby make the outcome better.

On the telic version of the Priority View, we appeal to a similar claim. We believe that, if benefits go to people who are better off, these benefits matter less. Just as *resources* have diminishing marginal utility, so *utility* has diminishing marginal moral importance.

Given the similarity between these claims, there is a second similar argument in favour of equality: this time, not of resources, but of well-being. On this argument, whenever we transfer resources to people who are worse off, the resulting benefits will not merely be, in themselves, greater. They will also, on the moral scale, matter more. There are thus *two* ways in which the outcome will be better.

The Utilitarian argument in favour of equality of resources is, as Nagel says, a 'non-egalitarian instrumental argument'. It treats such equality as good, not in itself, but only because it increases the size of the resulting benefits. A similar claim applies to the Priority View. Here too, equality is good only because it increases the moral value of these benefits.<sup>36</sup>

There are, however, two differences. First, diminishing marginal utility is not a universal law. In some cases, if resources went to the people who were better off, they would give these people *greater* benefits.<sup>37</sup> Utilitarians would then believe that we should transfer resources to these people. That would increase inequality.

The law of diminishing moral goodness is, in contrast, quite secure. As a moral claim, it always holds. On the Priority View, benefits to the worse off always matter more. This argument for equality is thus more securely grounded. But this does not make it different in kind. Like the Utilitarian argument, it still treats equality as a mere means.

A second difference goes deeper. Since diminishing marginal utility is an empirical generalization, the Utilitarian argument for equality is, in a way, coincidental. It merely happens to be true that, if people are better off, resources give them smaller benefits.

On the Priority View, there is no coincidence. It does not merely happen to be true that, if people are worse off, benefits to them matter more. On this view, these benefits matter more *because* these people are worse off. This is a fact, not about the size of these benefits, but about their distribution. And, in telling us to give priority to such benefits, this view has what Nagel calls 'a built-in bias towards equality'.

On the definition with which I began, the Priority View is not Egalitarian. On this view, though we ought to give priority to the worse off, that is not because we shall be reducing inequality. We do not believe that inequality is, in itself, either bad or unjust. But, since this view has a built-in bias towards equality, it could be called Egalitarian in a second, looser sense. We might say that, if we take this view, we are *Non-Relational Egalitarians*.

## XI

Though equality and priority are different ideas, the distinction is often overlooked, with unfortunate results.

It is worth suggesting why this distinction has been overlooked. First, especially in earlier centuries, Egalitarians were often fighting battles in which this distinction did not arise. They were demanding legal or political equality, or attacking arbitrary privileges, or differences in status. These are not the kinds of good to which our distinction applies. And it is here that the demand for equality is most plausible.

Second, when Egalitarians considered other kinds of good, they often assumed that, if equality were achieved, this would either increase the sum of these goods, or would at least not reduce this sum. If they thought of benefits in utilitarian terms, they may have assumed that the redistribution of resources would increase the resulting benefits. If instead they were concerned only with resources, they may have regarded these as a fixed sum, which would not be altered by redistribution. In either of these cases, equality and priority cannot conflict.

Third, even when a move to equality might reduce the total sum of benefits, Egalitarians often assumed that such a move would at least bring *some* benefits to the people who were worse off. In such cases, equality and priority could not deeply conflict. Egalitarians overlooked the cases where equality could not be achieved except by levelling down.

I shall now mention certain recent statements of Egalitarian views. In the case of some views, though they are presented as being about equality, that fact is superficial. These views could be restated as views about priority, and they would then become more plausible. But other views are essentially about equality, and cannot be restated in this way.

We can start by asking which kind of view Nagel holds. In his review of Nozick's book, Nagel seemed to conflate equality and priority. He wrote:

To defend equality as a good in itself, one would have to argue that improvements in the lot of people lower on the scale of well-being took priority over greater improvements to those higher on the scale.<sup>38</sup>

In his article 'Equality', Nagel does argue this. And, after claiming that it is more urgent to benefit the child who is worse off, he writes:

This urgency is not necessarily decisive. It may be outweighed by other considerations, for equality is not the only value.<sup>39</sup>

This suggests that, to the question 'Why is it more urgent to benefit this child?', Nagel would answer, 'Because this would reduce the inequality between these two children.' But I doubt that this is really Nagel's view. Would it be just as urgent to benefit the handicapped child, even if he had no sibling who was better off? I suspect that, on Nagel's view, it would. Nagel is thus one writer who sometimes uses the language of equality, when he is really appealing to the Priority View.<sup>40</sup>

Consider next a remark of Dworkin's:

It is perhaps the final evil of a genuinely unequal distribution of resources that some people have reason for regret just in the fact that they have been cheated of the chances others have had to make something valuable of their lives.<sup>41</sup>

Why does Dworkin write 'the chances *others* have had'? That suggests that there would be no evil if *no one* had such chances. That seems wrong. The real evil seems to be that these people were cheated of the chances that *they* could have had. The argument for an equal distribution is not to give people *equal* chances to make something valuable of their lives. That could be achieved by levelling down. The argument is rather that, while an unequal distribution gives good chances only to some people, the same resources, if shared out, would give them to everyone.<sup>42</sup>

We can now turn to the idea of distribution according to need. Several writers argue that, when we are moved by this idea, our aim is to achieve equality. Thus Raphael writes:

If the man with greater needs is given more than the man with lesser needs, the intended result is that each of them should have (or at least approach) the same level of satisfaction; the inequality of nature is corrected.<sup>43</sup>

Others make similar claims. Thus, when discussing the giving of extra resources to meet the needs of the ill, or the handicapped,



Norman writes, 'the underlying idea is one of equality. The aim is that everybody should, as far as possible, have an equally worthwhile life.'<sup>44</sup> As before, if this is the aim, it could be as well achieved by levelling down. This cannot be what Norman means. He could avoid this implication by omitting the word 'equally'. He could simply say, 'the aim is that everybody should, as far as possible, have a worthwhile life.' With this revision, Norman could no longer claim that equality is the underlying idea. But that, I believe, would strengthen his argument. Distribution according to need is more naturally interpreted as a form of the Priority View.<sup>45</sup>

Some ideas, however, cannot be reinterpreted in this way. For example, Cohen suggests that 'the right reading of egalitarianism' is that 'its purpose is to eliminate involuntary disadvantage'.<sup>46</sup> He means by this comparative disadvantage: being worse off than others. That is an essentially relational idea. Only equality could eliminate such disadvantage. Cohen's view could not be re-expressed in the language of priority. Remember next the view that it is in itself bad, or unfair, that some people are born abler or healthier than others, or that through the differences in the natural distribution of resources, some people are worse off than others. That view is essentially about inequality. There are many other cases. For example, Ake writes:

Justice in a society as a whole ought to be understood as a complete equality of the overall level of benefits and burdens of each member of that society.

The various maxims of distributive justice, Ake claims, can all be interpreted as having as their aim 'to restore a situation of complete equality to the greatest degree possible'.<sup>47</sup>

It is sometimes claimed that, though Egalitarians may seem committed to the intrinsic value of equality, that is not really so, and that no Egalitarian would believe that there was any case for levelling down.<sup>48</sup> But, while that is true of some Egalitarians, it is not true of all. For example, Ake writes:

What about the case of someone who suddenly comes into good fortune, perhaps entirely by his or her own efforts? Should additional burdens . . . be imposed on that person in order to restore equality and safeguard justice? . . . Why wouldn't it be just to impose any kind of additional burden whatsoever on him in

order to restore the equality? The answer is that, strictly speaking, it would be . . .<sup>49</sup>

Ake concedes that, on his view, it would be just to level down, by imposing burdens on this person. He merely believes that the claim of justice would here be overridden, just as the claims of efficiency, or happiness, can be overridden. Levelling down would be in one way good, or be something that we would have a moral reason to do. Similarly, Temkin writes:

I, for one, believe that inequality is bad. But do I *really* think that there is some respect in which a world where only some are blind is worse than one where all are? Yes. Does this mean I think it would be better if we blinded everybody? No. Equality is not all that matters.<sup>50</sup>

Several other writers make such claims.<sup>51</sup>

## XII

Since some writers are unmoved by the Levelling Down Objection, let us now reconsider what that objection claims. The objection appeals to cases where, if some inequality were removed, that would be worse for some people and better for no one. As I have said, these are the cases which raise the deepest disagreement between our two kinds of view.

On the Priority View, we do not object to inequality except when it is bad for people. We shall see nothing good in the removal of inequality, when this would benefit no one. Telic Egalitarians disagree. On their view, inequality is *in itself* bad. This implies that inequality is bad *whether or not it is bad for people*.

My last claim assumes that inequality is not in itself bad for people. Is this assumption justified? If we are worse off than other people, is that in itself bad for us?

Inequality may, of course, have bad effects. For example, if I am worse off than other people, this may put me in their power, or make me envious, or undermine my self-respect. But such effects are irrelevant here. We are concerned with the mere fact that I am worse off than other people. To isolate this fact, we can suppose that I am not aware of these people, and that their existence has no other effect on me. In such a case, though the inequality has

no effects, it remains true that I am worse off than these other people. Is that bad for me?

This question is easily misunderstood. It is, of course, in one sense bad for me that I am worse off than these people. It would be better for me if I was not worse-off than them, *because I was as well-off as they actually are*. If that were true, I would be better off. But this is not the relevant comparison. Clearly, it is bad for me that *I am not* that well off. But is it bad for me that *they are*?

It may help to rephrase our question. We should not ask, 'Is it bad for me that I am worse off than other people?' This suggests that the relevant alternative is my being better off. Rather we should ask, 'Is it bad for me that, unknown to me, there are other people who are better off than me? Would it be better for me if there were no such people? Would it be better for me if these people had never existed, or were as badly off as me?'

The answer depends on our view about what is in or against people's interests, and there are several theories here. But I shall simply claim that, on all the plausible versions of these theories, the answer is No. The mere fact of inequality is not, in itself, bad for the people who are worse off. Such inequalities may be naturally unfair. And it would of course be better for these people if they themselves were better off. But it would not be better for them if, without any effects on them, the other people were just as badly off.<sup>52</sup>

We can now return to my earlier claim. For Telic Egalitarians, inequality is in itself bad. If that is so, it must be bad even when it is not bad for people. For these Egalitarians, inequality is bad *even when it is bad for no one*.

That may seem enough reason to reject this view. We may think that nothing can be bad if it is bad for no one. But, before we assess this objection, we must distinguish two versions of this view. Consider these alternatives:

- (1) Everyone at some level
- (2) Some at this level                      Others better off

In outcome (1) everyone is equally well off. In outcome (2), some people are better off. In (2) there is inequality, but this outcome is worse for no one. For Telic Egalitarians, the inequality in (2) is bad. Could this make (2), all things considered, a worse outcome than (1)?

Some Egalitarians answer Yes. These people do not believe that inequality would always make outcomes, all things considered, worse. On their view, the loss of equality could be morally outweighed by a sufficient increase in the sum of benefits. But inequality is a great evil. It *can* make an outcome worse, even when this outcome would be better for everyone. Those who hold this view I shall call *Strong Egalitarians*.

Others hold a different view. Since they believe that inequality is bad, they agree that outcome (2) is in one way worse. But they do not think it worse on balance, or all things considered. In a move from (1) to (2), some people would become better off. For these Egalitarians, the loss of equality would be morally outweighed by the benefits to these people. On their view, (2) would be, on balance, better than (1). Those who hold this view I shall call *Moderates*.

This version of Egalitarianism is often overlooked, or dismissed. People typically produce the standard objection to Strong Egalitarianism: the appeal to cases where a move to inequality would be bad for no one. They then either ignore the Moderate view, or treat it as not worth considering. They assume that, if we claim that the badness of the inequality would always be outweighed by the extra benefits, our view must be trivial.<sup>53</sup>

This, I believe, is a mistake. Our view would indeed be trivial if we held that any loss of equality, however great, could be outweighed by any gain in utility, however small. But that is not what Moderates claim. They claim only that, in *this* kind of case, those in which greater inequality would be worse for no one, the badness of the inequality would in fact be outweighed by the extra benefits. This claim can be subdivided into a pair of claims. One is a view about the relative importance of equality and utility. The other, which has been overlooked, is a claim about the structure of these cases. If there is greater inequality, in a way that is worse for no one, the inequality must come from benefits to certain people. And there cannot be a *great* loss of equality unless these benefits are also great. These gains and losses would roughly march in step.

In the simplest cases, this is obvious. Consider these alternatives:

- (1) All at 100
- (2) Half at 100      Half at 101
- (3) Half at 100      Half at 110
- (4) Half at 100      Half at 200

In a move from (1) to (2), there would be a small gain in utility but only a small loss in equality. In a move from (1) to (3) the loss in equality would be greater, but so would be the gain in utility. As we move lower down the list, both gains and losses would steadily grow. In more complicated cases, the point still holds. If one of two outcomes involves more inequality, but is worse for no one, the better-off must gain. There can be much more inequality only if the better-off gain a great deal. But there would then be much more utility.<sup>54</sup>

Since these gains and losses roughly march in step, there is room for Moderates to hold a significant position. Moderates claim that, in all such cases, the gain in utility would outweigh the loss in equality. That is consistent with the claim that, in other kinds of case, that may not be so. Moderates can claim that *some* gains in utility, even if *great*, would *not* outweigh some losses in equality. Consider, for example, these alternatives:

- (1) All at 100
- (4) Half at 100      Half at 200
- (5) Half at 70      Half at 200.

Moderates believe that, compared with (1), (4) is better. But they might claim that (5) is worse. This would not be a trivial claim. In a move from (1) to (5), the worse-off would lose, but the better-off would gain more than three times as much. Compared with (1), (5) would involve a great gain in utility. But, for these Moderates, this gain would be too small to outweigh the loss of equality. They would here choose a smaller sum of benefits, for the sake of a more equal distribution. That is why, though Moderate, they are true Egalitarians.

Return now to the Levelling Down Objection. Strong Egalitarians believe that, in some cases, a move towards inequality, even though it would be worse for no one, would make the outcome worse. This may seem incredible. We may claim that one of two outcomes *cannot* be worse if it would be worse for no one. To challenge Strong Egalitarians, it would be enough to defend this claim.

To challenge Moderates, this claim may not be enough. Moderates believe that, if the outcome with greater inequality would be worse for no one, it would *not* be a worse outcome. But their claim is only that it would not be worse on balance, or all-things-considered.

They must agree that, on their view, this outcome would be *in one way* worse. On their view, inequality is *bad*, even when it is bad for no one. To reject their view, we must claim that even this cannot be true.

In the space remaining, I can make only a few remarks about this disagreement. It is widely assumed that, if an outcome is worse for no one, it cannot be in any way worse. This we can call the *Person-affecting Claim*.

This claim might be defended by an appeal to some view about the nature of morality, or moral reasoning. Some, for example, argue as follows. It is not hard to see how an outcome can be worse for particular people. But it can seem puzzling how an outcome can be simply worse – worse, period. What is meant by this impersonal use of ‘worse’? Some suggest that this use of ‘worse’ can be explained, or constructed, out of the concept ‘worse for’. There are other lines of thought which may lead to the Person-affecting Claim, such as a contractualist view about moral reasoning.<sup>55</sup>

Egalitarians might respond by defending a different meta-ethical view. Or they might argue that this claim has unacceptable implications, since it conflicts too sharply with some of our beliefs.

Temkin responds in the second way. The Person-affecting Claim, he argues, is incompatible with many of our ideals.<sup>56</sup>

Temkin’s best example seems to me his appeal to what he calls ‘proportional justice’. Would it not be bad, he asks, if ‘the vilest mass murderers fare better than the most benign saints?’ But this might not be bad for any of these people.

It may be bad that the saints fare worse than the murderers. But this comparative element is too close to the question at issue: whether inequality is bad. So we should forget the saints. Is it bad that the murderers fare as well as they do? Would it be better if they fared worse?

We might think this better if it would give the murderers the punishment that they deserve. Note that, in thinking this, we are not merely claiming that they ought to be punished. We may think that, if they are not punished, perhaps because they cannot be caught, this would be bad. The badness here may not involve any further wrongdoing. And we may think this bad even if their punishment would do no one any good – perhaps because, as in Kant’s example, our community is about to dissolve.

If we accept this retributive view, we must reject the Person-affecting Claim. We believe that, if people are not punished as they deserve,

this would be bad, even if it would be bad for no one. And, if that is true, the same could be true of the badness of inequality.

Even if we reject the retributive view, as I do, this analogy may still be useful. Consider the claim that it would have been better if Hitler, unknown to others, had suffered for what he did. If we reject this claim, what would our reason be? Would it be enough to say, 'How could this have been better? It would not have been better for him.' This remark may seem to us inadequate. We may reject retribution, not because it is good for no one, but because we do not believe in the kind of free will that it seems to require. Perhaps we believe that, to deserve to suffer for what we do, we would have to be responsible for our own characters, in a way that seems to us to make no sense.

If that is why we reject retribution, this analogy may still, in a somewhat curious way, tell against the Person-affecting Claim. We believe that, in one sense, retribution could have been good, even when it is good for no one. Or rather, what makes this impossible is not the truth of the Person-affecting Claim, but the incoherence of the required kind of free will. We might imagine coming to believe that this kind of freedom is not incoherent. We may agree that, in that case, we could not reject retribution *merely* by claiming that it is good for no one. If that objection would not be sufficient, why should it be sufficient as an objection to Egalitarianism?

Fully to assess the Person-affecting Claim, we would need to discuss meta-ethics, or the nature of morality and moral reasoning. Since I cannot do that here, I shall merely express an opinion.<sup>57</sup> The Person-affecting Claim has, I think, less force than, and cannot be used to strengthen, the Levelling Down Objection.

### XIII

I shall now summarize what I have claimed.

I began by discussing the view that it is in itself bad, or unfair, if some people are worse off than others through no fault or choice of theirs. This, the Telic Egalitarian view, can seem very plausible. But it faces the Levelling Down Objection. This objection seems to me to have great force, but is not, I think, decisive.

Suppose we began by being Telic Egalitarians, but are convinced by this objection. Suppose that we cannot believe that, if inequality were removed in a way that is bad for some people, and better for no one, that change would be in any way good. If we are to

salvage something of our view, we then have two alternatives.

We might become Deontic Egalitarians. We might believe that, though we should sometimes aim for equality, that is not because we would thereby make the outcome better. We must then explain our view in some other way. And the resulting view may have a narrower scope. For example, it may apply only to goods of certain kinds, such as those that are co-operatively produced, and it may apply only to inequality between certain people, such as members of the same community.

We may also have to abandon some of our beliefs. Reconsider the Divided World:

- (1) Half at 100     Half at 200
- (2) Everyone at 145

On the Deontic View, we cannot claim that it would be better if the situation changed from (1) to (2). Our view is only about what people ought to do, and makes no comparisons between states of affairs.

Our alternative is to move to the Priority View. We could then keep our view about the Divided World. It is true that, in a change from (1) to (2), the better off would lose more than the worse off would gain. That is why, in utilitarian terms, (2) is worse than (1). But, on the Priority View, though the better off would lose more, the gain to the worse off counts for more. Benefits to the worse off do more to make the outcome better. We could claim that this is why (1) is worse than (2).

The Priority View often coincides with the belief in equality. But, as I have suggested, they are quite different kinds of view. They can be attacked or defended in different ways. The same is true of Telic and Deontic views. So, in trying to decide what we believe, the first step is to draw these distinctions. Taxonomy, though unexciting, needs to be done. Until we have a clearer view of the alternatives, we cannot hope to decide which view is true, or is the best view.

### **Appendix: Rawls's view**

How do the distinctions I have drawn apply to Rawls's theory?

Rawls's Difference Principle seems to be an extreme version of the Priority View: one which gives *absolute* priority to benefiting



those who are worse off. There are, however, three qualifications. We should apply the Difference Principle (1) only to the basic structure of society, (2) only in conjunction with Rawls's other principles, which require equal liberty and equality of opportunity, and (3) we do not apply this principle to individuals, but only to the representative member of the worst-off group.

Instead of claiming that the worst-off group should be as well off as possible, Rawls states his view in a less direct way. He makes claims about when inequality is unjust. On his view, whether some pattern of inequality is unjust depends on its effects upon the worst-off group. What these effects are depends on what alternatives were possible. Let us say that inequality *harms* the worst-off group when it is true that, without this inequality, this group could have been better off. Inequality *benefits* this group when it is true that, in every possible alternative without this inequality, they would have been even worse off.

Rawls often claims

(A) Inequality is not unjust if it benefits the worst-off group.

Egalitarians might accept this claim. They might say, 'Even in such cases, inequality is bad. But it is not unjust. Such inequality is, all things considered, justified by the fact that it benefits the worst off.' They might add that this inequality is, in a way, naturally unfair. It would then be a case of what Barry calls justified unfairness.

Rawls's arguments do not suggest that such inequality is, in itself, bad. He seems to accept claim (A) in the spirit of the Priority View. On his Difference Principle, since we should give absolute priority to the worst-off group, if inequality benefits this group, it is straightforwardly morally required. There is no moral balancing to be done – no intrinsic badness needing to be outweighed.

Rawls just as often claims

(B) Inequality is unjust if it harms the worst-off group.

Egalitarians might make this claim. But, here again, it could be fully explained on the absolute version of the Priority View. On this view, if the worst-off group could have been made better off, this is what should have been done. What is unjust is that the required priority has not been given to these people.

I have suggested that Rawls's view could be regarded as one version

of the Priority View. What would show that it *cannot* be so regarded?

That might be shown by Rawls's answer to a further question. On his view, inequality is *not* unjust if it benefits the worst-off group, and it *is* unjust if it harms this group. What if inequality neither benefits nor harms this group? Would it then be unjust?

Suppose that, in some case, the only possible alternatives are these:

- (1) Everyone at some level
- (2) Some at this level                      Others better off

If we choose (2), there would be inequality, and this would not benefit those who are worst-off. But there is no way in which the gains to the better off could be shared by both groups. The benefits to the better off are, for some reason, not transferable. Since that is so, though the inequality in (2) would not benefit the worst-off group, it would not be worse for them.

In such cases, on the Priority View, we *must* favour (2). The benefits to the better off are unequivocally good. The fact that they increase inequality is, for us, of no concern. But, if we are Egalitarians, we might oppose (2). We might claim that the inequality in (2) is bad, or unjust.

Would Rawls agree? If he would, this *would* show that he does not hold a version of the Priority View.

It is clear that, on Rawls's view, inequality is not unjust *if* it benefits the worst-off group. Does he mean 'if and only if'? Is inequality unjust if it does *not* benefit this group?

The answer may seem to be Yes. Rawls's Second Principle merely reads 'Social and economic inequalities are to be arranged so that they are . . . to the greatest benefit of the least advantaged'. This is compatible with either answer. But his General Conception reads, 'All social primary goods . . . are to be distributed equally unless an unequal distribution . . . is to the advantage of the least favored.' Similarly, Rawls writes, 'Injustice, then, is simply inequalities that are not to the benefit of all.' And he often makes such claims.<sup>58</sup> This suggests that he accepts

- (C) Inequality is unjust, unless it benefits the worst-off group.

But Rawls may not intend (C). When he makes these claims, he may be assuming that the levels of the different groups are what

he calls *close-knit*. This is true when any change in the level of one group would change the levels of the other groups.<sup>59</sup> When levels are close-knit, if inequality does *not* benefit the worst-off group, it must *harm* that group. In such cases, (C) coincides with

(D) Inequality is unjust only if it harms the worst-off group.

In the passages to which I have referred, this may be all that Rawls means.

In one section of his book, Rawls directly addresses my question. He considers a case in which the alternatives are these:

- (1) Two people are both at some level
- (2) One is at this level      The other is better off

On Rawls's Difference Principle, which of these outcomes should we choose?

Rawls gives three answers. The Difference Principle, he writes, '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'. (76) On this first answer, outcome (2) is *worse* than outcome (1). This remark *does* commit Rawls to a version of claim (C). It tells us to avoid inequality unless it benefits those who are worst-off.

Rawls's second answer is implied by the indifference map with which he illustrates this case (Figure 5.1):<sup>60</sup>

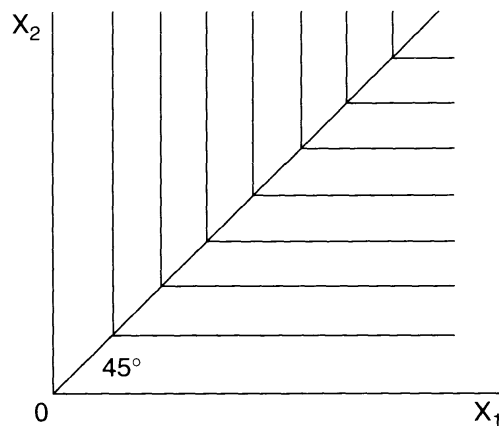


Figure 5.1

This shows (2) to be *as good as* (1). On this map, (1) would be some point on the 45-degree diagonal, and (2) would be on the horizontal line passing through this point. Since this is an *indifference* map, all points on this line are equally good. As Rawls writes, 'No matter how much either person's situation is improved, there is no gain from the standpoint of the difference principle unless the other gains also'. No *gain* from the standpoint of this principle; but also, as the indifference map implies, no *loss*. Later in this section, however, Rawls writes, 'the difference principle is compatible with the principle of efficiency'. (79) This implies that (2) is *better* than (1). Compared with (1), (2) is better for someone, and worse for no one.

Given the further assumptions that Rawls makes, and the use to which he puts his principles, this inconsistency is not in practice damaging. But, for the purposes of theory, it is worth asking which of these three answers is Rawls's true view. If he accepts the first or second answer, he cannot hold a version of the Priority View. And this would affect the arguments that could be given for or against his view.

I believe that the third answer, though less often supported in his text, is Rawls's true view. He would accept, not (C), but (D). On his view, inequality is unjust only if it worsens the position of those who are worse off. That is what is implied by the Lexical version of his Difference Principle. On that principle, if we cannot make other groups better off, we should, if we can, make the *best-off* group even better off. We should, that is, *increase* inequality, in a way that does not benefit any of the people who are worse off.

More important, this is the view to which we are led by Rawls's main arguments. From the standpoint of the Original Position, we would clearly favour giving benefits to the better off, when this would not worsen the position of those who are worse off. For all we know, we might *be* the people who are better off. On Rawls's assumptions, we would not limit the gains to ourselves if we *were* in this position for the sake of limiting other people's gains if we were not. Describing the motivation of his parties, Rawls writes: 'Nor do they try to gain relative to one another... They strive for as high an absolute score as possible. They do not wish a high or a low score for their opponents, nor do they seek to maximize or minimize the difference between their successes and those of others.' (144)

As these last remarks suggest, Rawls's view is not merely compatible

with the Priority View. Given his main argument, it *must* be, in its content, a version of this view, since it must be concerned with absolute not relative levels. On the Difference Principle, we should make the worst-off group as well off as possible. It is quite irrelevant whether, in so doing, we reduce or increase inequality. This means that, on my definition, Rawls is at most a Non-Relational Egalitarian.

Rawls's view is not, however, *merely* a version of the Priority View. If it were, it would be implausibly extreme. If we are not egalitarians, and are not concerned with whether some people are worse off *than others*, it is hard to see why we should give *absolute* priority to benefiting people who are worse off. And that view seems too extreme even when, as in Rawls's case, it applies only to the basic structure of society, and only to the representative member of the worst-off group. If we are not concerned with relative levels, why should the smallest benefit to the representative worst-off person count for infinitely more than much greater benefits to other representative people?

To explain this feature of Rawls's view, we should, I believe, reintroduce the moral importance of equality. An objection to natural inequality is, I have suggested, one of the foundations of Rawls's theory. And Rawls himself claims that, in an account of justice, equal division is the natural first step, and provides the benchmark by reference to which we can defend our final principles.

As Barry notes, this suggests a different way to defend Rawls's Difference Principle.<sup>61</sup> First we argue for equality, by appealing to the arbitrariness of the natural lottery. Then we allow departures from equality provided that these are not worse for those who are worst off. This explains why, in Rawls's phrase, the worst-off have the *veto*, so that benefits to them should have absolute priority.

## Notes

- 1 This article owes much to the ideas of Brian Barry, David Brink, Jerry Cohen, Ronald Dworkin, James Griffin, Shelly Kagan, Dennis McKerlie, David Miller, Thomas Nagel, Richard Norman, Robert Nozick, Ingmar Persson, Janet Radcliffe Richards, Joseph Raz, Thomas Scanlon, and Larry Temkin.
- 2 Thomas Nagel, *Mortal Questions* (Cambridge: Cambridge University Press, 1979), pp. 123–4 [pp. 75–6 in this volume]. See also Nagel's *Equality and Partiality* (New York: Oxford University Press, 1991).
- 3 Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), pp. 149–50.

- 4 Since acts may differ morally from omissions, we can also assume that each of the possible outcomes would result from the same kind of act. And, since it may make a difference whether any outcome would be a continuation of the status quo, we should assume that this would not be so.
- 5 For two such broader accounts of well-being, see Amartya Sen, 'Capability and Well-Being', and Thomas Scanlon, 'Value, Desire, and the Quality of Life', both in *The Quality of Life*, edited by Martha Nussbaum and Amartya Sen (Oxford, Oxford University Press, 1993), and Amartya Sen, *Inequality Reexamined* (Oxford: Oxford University Press, 1992), ch. 3.
- 6 See Sen, *Inequality Reexamined*, ch. 1.
- 7 On these definitions, we are Egalitarians if, in any area, we believe we should aim for equality. If we had that belief in only some small area, we would not naturally be called 'Egalitarians'. In that respect my definitions are misleading.
- 8 We might add, 'through no fault or choice of theirs'.
- 9 They are well discussed in Larry Temkin's *Inequality* (New York: Oxford University Press, 1993).
- 10 *Mortal Questions*, op. cit., p. 10. Cf. David Miller, 'Arguments for Equality', *Midwest Studies in Philosophy*, vol. VII (Minneapolis: University of Minnesota Press, 1982).
- 11 There are other some other possibilities. As Kagan and Brink suggest, equality might be intrinsically good, neither by itself, nor because of its effects, but because it was an essential part of some larger good. Cf. Miller, 'Arguments for Equality', op. cit.
- 12 Cf. Joel Feinberg, 'Noncomparative Justice', *Philosophical Review*, vol. 83 (July 1974).
- 13 Cf. Philip Montague, 'Comparative and Non-comparative Justice', *Philosophical Quarterly*, vol. 30 (April 1980).
- 14 See Robert Goodin, 'Egalitarianism, Fetishistic and Otherwise', *Ethics*, vol. 98 (October 1987), and 'Epiphenomenal Egalitarianism', *Social Research*, vol. 52 (Spring 1985).
- 15 Cf. the distinctions drawn in Lawrence Sager and Lewis Kornhauser, 'Just Lotteries', *Social Science Information* (Sage, London, Newbury Park and New Delhi, vol. 27, 1988).
- 16 John Rawls, *A Theory of Justice* (Cambridge, Mass.: Harvard University Press, 1971), p. 291.
- 17 There is now a complication. Those who take this second view do not merely think that such inequality is bad. They often speak of natural injustice. On their view, it is unjust or unfair that some people are born less able, or less healthy, than others. Similarly, it is unfair if nature bestows on some richer resources. Talk of unfairness here is sometimes claimed to make no sense. I believe that it does make sense. But, even on this view, our distinction stands. For Telic Egalitarians, it is the state of affairs which is bad, or unjust; but Deontic Egalitarians are concerned only with what we ought to do.
- 18 *A Theory of Justice*, op. cit., p. 102.
- 19 They include environmental or circumstantial luck. Cf. Brian Barry, *Theories of Justice* (London: Harvester, 1989), p. 239.

- 20 Some object that it cannot be luck that we have the genes we do, since we could not have had other genes. But this use of 'luck' does not imply that things could have been otherwise. Something is 'luck', in this sense, if it is not something for which we ourselves are responsible. (Cf. Thomas Nagel, 'Moral Luck', *Mortal Questions* (Cambridge: Cambridge University Press, 1979).
- 21 Cf. G. A. Cohen, 'On the Currency of Egalitarian Justice', *Ethics*, vol. 99, 1989, and R. Arneson, 'Equality and Equality of Opportunity for Welfare', *Philosophical Studies*, vol. 56, 1989.
- 22 Cf. Nozick, *Anarchy, State, and Utopia*, op. cit., p. 216, and Nagel, *Mortal Questions*, op. cit., p. 119 [p. 71 in this volume].
- 23 See, for example, David Gauthier, *Morals by Agreement* (Oxford: Oxford University Press, 1980), pp. 18 and 268.
- 24 Gauthier, op. cit., p. 220.
- 25 Cf. Nagel, *Equality and Partiality*, op. cit., pp. 99–102, and Thomas Pogge's discussion of Nozick, in his *Realizing Rawls* (Ithaca: Cornell University Press, 1989), ch. 1.
- 26 Cf. Nozick, *Anarchy, State, and Utopia*, op. cit., p. 206 (though Nozick's target here is not the Principle of Equality but Rawls's Difference Principle).
- 27 Such an objection is suggested, for example, in Joseph Raz, *The Morality of Freedom* (Oxford: Oxford University Press, 1986), ch. 9, and Larry Temkin, *Inequality*, op. cit., pp. 247–8.
- 28 Nagel, *Mortal Questions*, op. cit., p. 124 [pp. 75–6 in this volume].
- 29 Cf. H. Frankfurt, *The Importance of What We Care About* (Cambridge: Cambridge University Press, 1988), ch. 11, and Joseph Raz, *The Morality of Freedom*, op. cit., ch. 9.
- 30 Several other writers have suggested such a view. See, for example, Thomas Scanlon, 'Nozick on Rights, Liberty, and Property', *Philosophy & Public Affairs*, vol. 6, no. 1, Fall 1976, pp. 6–10, Joseph Raz, *The Morality of Freedom*, op. cit., Harry Frankfurt, 'Equality as a Moral Ideal', in *The Importance of What We Care About*, op. cit., David Wiggins, 'Claims of Need', in his *Needs, Values, Truth* (Oxford: Blackwell, 1987), Dennis McKerlie, 'Egalitarianism', *Dialogue*, vol. 23 (1984), and 'Equality and Priority', *Utilitas*, vol. 6 (1994).
- 31 Cf. Frankfurt, *The Importance of What We Care About*, op. cit., p. 149.
- 32 Nagel, *Mortal Questions*, op. cit., p. 111 [p. 64 in this volume]. I have claimed elsewhere that, on what I take to be the truth about personal identity, there is an argument for taking these units to be people at particular times, and that, on that view, our distributive principles move us towards Negative Utilitarianism. (*Reasons and Persons*, Oxford: Oxford University Press, 1984, Section 117; and 'Comments', *Ethics*, July 1986, pp. 869–72.)
- 33 *Mortal Questions*, op. cit., pp. 117 and 121 [pp. 69 and 73 in this volume].
- 34 *Ibid.*, p. 121 [p. 73 in this volume].
- 35 Raz puts the difference well. He writes:

what makes us care about various inequalities is not the inequality but the concern identified by the underlying principle. It is the hunger of the hungry, the need of the needy, the suffering of the ill, and so

on. The fact that they are worse off in the relevant respect than their neighbours is relevant. But it is relevant not as an independent evil of inequality. Its relevance is in showing that their hunger is greater, their need more pressing, their suffering more hurtful, and therefore our concern for the hungry, the needy, the suffering, and not our concern for equality, makes us give them priority. (*The Morality of Freedom*, op. cit., p. 240.)

When we are comparing benefits to different people, it is easy to confuse concern with relative and absolute levels. On the Priority View, if one of two people is worse off, benefits to this person matter more. They matter more, as I have said, because this person is at a lower absolute level. But in calling this a *lower* level, I cannot help describing the *relation* between these levels. (This is why I sometimes say: benefits to people matter more the worse off *these people* are.)

- 36 We might go even further. In some Utilitarian arguments, equality plays an essential causal role. It really is a means, because it has various good effects. But, in the argument that appeals to diminishing marginal utility, this may not be so. Suppose that, as Utilitarians, we set out to redistribute resources whenever this would increase the sum of benefits. We might not even notice that, if we carry this process to its limit, equality of resources will be the result. And, even when we do notice this, we may regard equality, not as a means, but as a by-product. If we decide to aim for equality, this may be like aiming at a target merely to ensure that our arrow passes through some point en route.
- 37 See, for example, Amartya Sen, *On Economic Inequality* (Oxford: Oxford University Press, 1973), pp. 15–23. Sen has argued that this may be true of those who are crippled. While this would seldom be true of those with physical disabilities, it seems plausible for those who have certain kinds of mental illness, or impairment. If such people gain less from each unit of resources, utilitarians must claim that they should get *fewer* resources. On Sen's proposed *Weak Equity Axiom*, they should either get more, or at least no fewer.
- 38 *Reading Nozick*, edited by Jeffrey Paul (Blackwell, 1981), p. 203.
- 39 *Mortal Questions*, op. cit., p. 124 [p. 75 in this volume].
- 40 Similar remarks apply to section 117 of my *Reasons and Persons* (Oxford: Oxford University Press, 1984). Nagel returns to the choices between these views in his later *Equality and Partiality*, op. cit., chs 7 and 8.
- 41 'What is Equality? Part 1: Equality of Welfare', *Philosophy & Public Affairs*, vol. 10, no. 3, Summer 1981, p. 219.
- 42 Cf. Frankfurt, op. cit., pp. 147–8. It may of course be unfair if these people were cheated of such chances, while others had them. I am not claiming that Dworkin's claim can be fully phrased in terms of priority. But equality is not the only issue, or, it seems, the most important.
- 43 D. D. Raphael, *Justice and Liberty* (London: Athlone Press, 1980), p. 10. Cf. p. 49.
- 44 Richard Norman, *Free and Equal* (Oxford: Oxford University Press), p. 80.
- 45 See, however, the excellent discussion in David Miller, 'Social Justice and the Principle of Need', in *The Frontiers of Political Theory*, ed. Michael



- Freeman and David Robertson (Brighton: Harvester Press, 1980).
- 46 Cohen, 'On the Currency of Egalitarian Justice', op. cit., p. 916.
- 47 Christopher Ake, 'Justice as Equality', *Philosophy & Public Affairs*, Fall 1975, pp. 71 and 77.
- 48 See, for example, Robert Young, 'Envy and Inequality', *Journal of Philosophy*, November 1992. (But Young may only be claiming that, in the terms I introduce below, there are no Strong Egalitarians.)
- 49 Ake, 'Justice as Equality', op. cit., p. 73.
- 50 *Inequality*, p. 282.
- 51 See for example Amartya Sen, *Inequality Reexamined*, op. cit., pp. 92–3.
- 52 For a contrary view, which would need a further discussion, see John Broome, *Weighing Goods* (Oxford: Blackwell, 1991), ch. 9.
- 53 See, for example, Antony Flew, *The Politics of Procrustes* (Buffalo, NY: Prometheus, 1981), p. 26; McKerlie, 'Egalitarianism', op. cit., p. 232, See also Nozick, op. cit., p. 211.
- 54 Shelly Kagan has suggested a possible counter-example: one in which a very few people became much better off than everyone else. The gain in utility would here be very small, and, on certain views, the loss of equality would be great. On Temkin's account, that would be true of views which take the badness of inequality to depend on how much worse off people are than the best-off person. On other views, however, which I find more plausible, the loss of equality would not be great. That would be true of views which appeal to how much worse off people are than the average person, or than everyone who is better off than them.
- 55 Such as the view advanced in Thomas Scanlon's 'Contractualism and Utilitarianism', in ed. Amartya Sen and Bernard Williams, *Utilitarianism and Beyond* (Cambridge: Cambridge University Press, 1982).
- 56 Temkin, *Inequality*, op. cit., ch. 9.
- 57 Another objection to the Person-affecting View comes from what I have called the *Non-Identity Problem* (in my *Reasons and Persons*, op. cit.), ch. 16.
- 58 Cf. 'The inequality in expectation is permissible only if lowering it would make the working class even . . . worse off.' (78) 'No one is to benefit from these contingencies except in ways that redound to the well-being of others.' (100) 'Those who have been favoured by nature . . . may gain from their good fortune only on terms that improve the situation of those who have lost out.' (101) 'the more fortunate are to benefit only in ways that help those who have lost out.' (179) 'Inequalities are permissible when they maximize, or at least contribute to, the long-term expectations of the least fortunate group in society.' (151)
- 59 As Rawls writes: 'it is impossible to raise or lower the expectation of any representative man without raising or lowering the expectation of every other representative man'. (80) Though he knows that this is not always true, and he claims that his principles apply even when it is not true, he writes, at one point, 'close-knitness is assumed in order to simplify the statement of the Difference Principle.' Perhaps it was assumed in all of the passages quoted above.
- 60 Rawls, *A Theory of Justice*, Figure 5 on p. 76.
- 61 See Barry, *Theories of Justice*, op. cit., ch. VI.