

Equality and Social Justice

Reading: Elizabeth Anderson, "What is the Point of Equality?" *Ethics* 109 (January 1999): 287-337, p. 289-90.

I. Equality

"We hold these truths to be self-evident, that all men are created equal and are endowed by their Creator with certain inalienable rights, and among these the rights of life, liberty and the pursuit of happiness." *Declaration of Independence*.

Questions: In what sense are "we" equal? What is the relationship between equality and justice? What role does the state have, if any, in promoting or insuring equality?

Different equality claims: (Benn, 112-113)

- i) *descriptive:* x and y are equal in some (non-evaluative) respect or along some parameter, e.g., x and y are equally tall.
- ii) *evaluative:* x and y are equally valuable or have equal merit, e.g., x and y are equally good essays.
- iii) *distributive:* x and y are entitled to/need an equal share of some good (or bad).

If not (iii), then either not (i) or not (ii). Nozick: because of historical differences (in background, circumstances) we stand in different relationships to property, e.g., I own it, you don't. This is relevant to (iii), e.g., if I own it, you aren't entitled to it.

Principle of Formal Equality (or "universalizability"):

(FE) If X and Y are being treated differently, there should be some relevant difference between them.

(FE*) If X and Y are the same in all respects *relevant to the treatment in question*, then X and Y should be treated the same.

FE and FE* are equivalent.

Principle of Universal Respect:

(UH): "We should treat human beings, because they are human beings, humanely," i.e., with respect. (Lucas, 106)

Equality Before the Law:

(EBL) "No man is to be outside the law, and everyone shall have access to the courts to vindicate his rights against every other man." (Lucas, 107)

Lucas argues that a reasonable commitment to equality will entail (FE), (UH), and (EBL), but no more. This, however, is compatible with substantial differences in power, prestige, and wealth.

Principle of Equal Consideration of Interests (Benn)

(ECI): In any decision that is likely to affect X and Y, X's and Y's interests should be considered equally. (Benn, 115)

Interests are: "conditions necessary to a way of life or to forms of activity that are endorsed as worthwhile, or (which probably amounts to the same thing) as conditions necessary to the process of making oneself something worthy of respect." (Benn, 119)

"[Persons'] interests are not equal in the sense that every interest actually competing in a given situation is of equal weight, irrespective of how far each claimant's interests have already been attended to; they are equal, instead, in the sense that two men lacking similar conditions necessary to their well-being would, *prima facie*, have equally good claims to them." (Benn, 118)

Examples:

A and B are both dying of kidney disease. A is rich and has plenty of medical insurance to cover the cost of a kidney transplant. B is poor and doesn't have medical coverage. According to Benn, the two have equally good claims to an available kidney. It isn't just that they are equally entitled to have their need noticed; their claims to the kidney should count as having equal weight. But...

Suppose that A's sister is donating the kidney. Do A and B have equally good claims—based on their need—to A's sister's kidney? Surely not. But note that Benn does not say that interests are all that matter in determining who gets what, only that equally important interests matter equally, possibly along with other things. So Benn's principle needs to be elaborated as a *ceteris paribus* principle. With these clarifications we get:

(ECI*) In any decision that is likely to affect X and Y, X's and Y's *equally important* interests should be counted equally, *if everything else relevant is the same*.

Two questions:

- 1) How do we evaluate and compare the importance of different interests?
- 2) What is relevant? How do we determine what's relevant?

II. Equal opportunity

Can we capture our intuitions about equality with a principle of equal opportunity? See John Schaar, "Equality of Opportunity and Beyond."

Equal opportunity principle: Each person should have equal rights and opportunities to develop his own talents and virtues and...there should be equal rewards for equal performances. (Schaar, 137)

Schaar maintains that the equal opportunity principle is, in fact, highly conservative:

- It "implies prior acceptance of an already established social-moral order." (139).
- If it is implemented, inequalities between the "highest and lowest social orders" will increase. (138-9)
- It removes responsibility for improving the lot of the disadvantaged. (139)
- It "extends the marketplace mentality to all spheres of life" (141).

Meritocracy: the coincidence of natural and social aristocracies. (139)

Contrast with democracy: the "[rejection of] oligarchy *as such*." (143)

Before there can be a democratic organization, there must first be a democratic mentality—a way of thinking about the relations among men which stresses equality of being and which strives incessantly toward the widest possible sharing of responsibility and participation in the common life. (143)

No member of the community should be denied the basic conditions necessary for the fullest possible participation in the common life, insofar as those conditions can be provided for by public action and through the use of public resources. (144)

The basic question, however, is not whether competition should be praised or condemned, but where and under what conditions competition is a desirable principle of action and judgment and where and under what conditions it is not. Some kinds of competition actually draw [people] more closely together whereas others produce antagonism and isolation. The problem is to distinguish these two kinds, encouraging the former and discouraging the latter. (144)

Democratic equality is not concerned with success or failure. Rather:

This is the equality that obtains in the relations among the members of any genuine community. It is the feeling held by each member that all other members, regardless of their many differences of function and rank, belong to the community "a fully as he does himself." (145)

The heart of such a view of equality is its affirmation of equality of being and belonging. That affirmation helps identify those sectors of life in which we should all be treated in a common or average way, so that the minimal conditions of a common life are made available to all: legal equality, equal rights of participation in political life, equal right to those average material provisions necessary for living together decently at all. (147)

Two understandings of the point of egalitarianism:

Redressing inequalities of fortune (*Luck Egalitarianism*):

The concern of distributive justice is to compensate individuals for misfortune. Some people are blessed with good luck, some are cursed with bad luck, and it is the responsibility of society—all of us regarded collectively—to alter the distribution of goods and evils that arise from the jumble of lotteries that constitutes human life as we know it....Distributive justice stipulates that the lucky should transfer some or all of their gains to luck to the unlucky. (Arneson, quoted in Anderson)

Preventing oppression (*Democratic Egalitarianism*):

Negatively, [democratic] egalitarians seek to abolish oppression—that is, forms of social relationship by which some people dominate, exploit, marginalize, demean, and inflict violence upon others....Nothing can justify treating people in these ways, except just punishment for crimes and defense against violence. Positively, egalitarians seek a social order in which persons stand in relations of equality. They seek to live together in a democratic community, as opposed to a hierarchical one. Democracy is here understood as collective self-determination by means of open discussion among equals, in accordance with rules acceptable to all. (Anderson 1999, 313)

Questions:

1. Are there other interpretations of what equal opportunity involves besides Shaar's? He seems to suggest that an "opportunity" to succeed is no more than a right to compete. Is this the best interpretation of the principle?
2. Does Shaar's discussion show that equal opportunity should not be a principle among others in a just society? Could it be combined with principles that guarantee, e.g., a baseline distribution of other goods?
3. Although it may be good for members of a society to show each other equal respect, how is this to be achieved? What institutions or policies will accomplish this, e.g., is it the responsibility of the State to make this happen? Is equal respect compatible with large discrepancies in wealth and well-being?

Further resources:

Robert Nozick, "Distributive Justice" in *Anarchy, State, and Utopia*.

J. R. Lucas, "Against Equality"

Stanley Benn, "Egalitarianism and Equal Consideration of Interests"

John Shaar, "Equality of Opportunity and Beyond"

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Nozick, Robert. "Distributive Justice." Chapter 7 in *Anarchy, State, and Utopia*. Basic Books, 2013. © Basic Books. All rights reserved. This content is excluded from our Creative Commons license. For more information, see <http://ocw.mit.edu/help/faq-fair-use/>.

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