



OXFORD JOURNALS
OXFORD UNIVERSITY PRESS

Mind Association

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Source: *Mind*, Vol. 87, No. 347 (Jul., 1978), pp. 321-342

Published by: Oxford University Press on behalf of the Mind Association

Stable URL: <https://www.jstor.org/stable/2252933>

Accessed: 13-03-2022 04:14 UTC

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Principles of Equality

J. RAZ

This paper is not about equality. It is about egalitarianism and about principles of equality. I shall not discuss or question the sense in which men are or should be equal. Nor will I query any claims that men are or should be equal in some respects or others. I shall, however, try to explain the sense in which a political morality can be said to be egalitarian and to unravel the presuppositions of egalitarianism.

The starting point is the existence within the western cultural heritage of an egalitarian tradition. Certain moral and political theories have come to be thought of as egalitarian. I shall suggest that one should distinguish between rhetorical and strict egalitarian theories and that the latter are marked by the special role that principles of a certain kind which I shall call principles of equality have within their framework. Principles of equality, it will become evident, form a part of many non-egalitarian theories, and in all of them they form an egalitarian element. It is when they dominate a theory that it is a strictly egalitarian theory.

1. *The Problem*

We assume a pre-analytical—a naive—ability to tell which theories are egalitarian. This is our ability to recognize theories as belonging to a certain historical tradition. We aim to account for the egalitarian character of these theories through the predominance within them of principles of a special kind. In other words we shall explain the egalitarian character of theories through the egalitarian character of some important principles they contain. The first task is to find out which principles can be usefully regarded as principles of equality. I am using this qualified expression since in a sense most principles can be regarded as principles of equality simply in virtue of their generality. We are looking for principles which, first, are related to equality in a way absent in all other principles and, secondly, are capable of accounting for the egalitarian character of egalitarian theories.

The theories we characterize as egalitarian or not are moral theories—complete moral theories omitting only their doctrines of the ascription of responsibility (i.e. of praise and blame). Such theories are complete if they entail an answer to all questions concerning what one ought to do (based solely on moral considerations) and a complete justification of such answers. Naturally, most of the theories actually under discussion by philosophers are merely skeletal theories providing answers to some such questions and imposing constraints on the acceptable answers to the others. Moral theories are sets of principles with their justifications. Principles are commonly described as normative statements specifying a condition of application and a normative consequence. When the condition of application is met the normative consequences (e.g. that someone ought to behave in a certain way or has a certain right) follows, other things being equal. Principles, that is, have only a *prima facie* force.

Since different statements can stipulate extensionally equivalent conditions, it may be better to regard principles as classes of statements identified by designating extensionally equivalent conditions for the application of the same normative consequence.¹ Each statement in the class states or describes the principle, but not all do so perspicaciously. A statement of a principle is a perspicacious statement if the condition of application it specifies is also the ground for the normative consequence or if it indicates the nature of the ground. The ground for a normative consequence is the reason which justifies that consequence. Only rarely will the stated condition for application suffice to identify the ground completely. Suppose that the reason for treating with equal respect creatures of a certain kind is that they are capable of having an image of themselves as they are and as they want to be and that they are capable of planning and controlling (to a certain extent) the course of their own lives. This then is the ground for the normative consequence. But the principle will rarely be stated in this—its perspicacious—form. Instead it will normally be stated as ‘All men are entitled to equal respect’. This is less perspicacious than the above but more than ‘All featherless bipeds are entitled to equal respect’. It provides a better indication than this last statement of the nature of the ground. When referring to principles and their form we shall have in mind

¹ There are other uses of ‘principles’ which need not concern us here. See e.g. my ‘Legal Principles and the Limits of Law’, *Yale Law Journal*, 1972, p. 823 and p. 838.

completely perspicacious statements of the principles, though the examples—for reasons of brevity—will be only relatively perspicacious.

Moral theories include two (overlapping and interrelated) parts: a doctrine of virtue determining how one must act and live to be morally virtuous, and a doctrine of well being or of welfare determining how others should be treated for their own well being and whose responsibility it is so to treat them. The doctrine of virtue concerns the good of the agent, the doctrine of welfare—one's good as an object of the action of others. I shall assume, with all other writers on equality, that principles of equality are welfare principles. Welfare principles are themselves of two kinds: aggregative, governing the production and conservation of benefits and resources, and distributive, determining their proper distribution in the relevant population. I shall assume that the doctrine of distribution dominates the principles of aggregation. The goals in terms of production and conservation of benefits and resources are those necessary for the realization of the ideal distribution.¹ Principles of ideal distribution (i.e. of the best or the optimal distribution of benefits) are the foundation of the doctrine of distribution. The rest are principles assigning responsibilities and devising strategies for the realization of the ideal distribution. Again I shall adopt the common assumption that the egalitarian element of a theory is in its principles of distribution.

A person is entitled to G (1) if it is better, other things being equal, that he will have G than not have it, (2) if the reason for this is at least partly that it is to his benefit to have it and (3) if there is someone who is required to provide him with G. (So that for some at least it is not merely supererogatory to provide him with G). The second condition shows that principles of entitlement are principles of distribution. They may be either principles of ideal distribution, i.e. based on the ground that their satisfaction will tend to make their subjects better off overall and this is a justifiable end in itself, or principles of distribution justified instrumentally, that is, on the ground that making their subjects

1 It may be justified to sacrifice ideal distribution and tolerate greater inequalities if it would enable an increase in some aggregative goal, but only if this will enable a better conformity to distributive ideals in other respects, e.g., more people will have more of what they should have. Remember, too, that 'benefits' is used broadly to include opportunities, the care, concern or respect of others etc. and not merely 'material benefits'.

better off by giving them the benefit they stipulate is justified (whether or not satisfaction of the principle will make the subjects better off overall) as a means for some further goal. Principles of entitlement which are part of the theory of ideal distribution are principles of desert. Consider the principle: to each according to his intelligence. Many urge its acceptance on instrumental grounds: to give more benefits to a person is to promote his well being at least in some respect. It may be that overall the more intelligent will be better off (more harmonious, modest, socially happy, etc.) if they do not have more than those less intelligent. In any case they may not deserve to be better off—their being better off because they are more intelligent is not good in itself. Yet it is said to be justified as a means towards some other goal. Others may regard the principle as a principle of desert. I shall assume, in order to simplify the discussion, that principles of equality are principles of entitlement though my conclusions will not be affected if one regards egalitarian principles as including other kinds of principles of distribution.

Principles of entitlement fall into two types, positive and negative. The general form of the positive ones is:

- (1) All Fs are entitled to G.

The general form of the negative ones is:

- (2) Being or not being an F is irrelevant to one's entitlement to G.

Such principles are present in all theories, egalitarian and non-egalitarian alike. What kind of principles of entitlement are principles of equality? Consider the following:

- (3.1) All those who are equally F are entitled to equal G.
 (3.2) All those who are equally F are equally entitled to G.

Corresponding formulae can easily be produced for negative principles. What is the significance of the mention of equality in (3.1) and (3.2)? Compare the following statements:

- (1a) Human beings are entitled to education.
 (3.1a) Those who are equally human are entitled to equal education.
 (3.2a) Those who are equally human are equally entitled to education.

- (1b) Intelligent people are entitled to university places.
- (3.1b) Equally intelligent people are entitled to equal (comparable) university places.
- (3.2b) Equally intelligent people are equally entitled to university places.

Inserting 'equally' in the specification of the ground, whether or not accompanied by a similar insertion in the statement of the consequence, suggests that the ground admits of degrees and that the degree to which one has the property which is the ground determines the degree to which one is entitled to the benefit, i.e. the strength of one's claim to it (3.2a, 3.2b) or, the amount or quality of the benefit to which one is entitled (3.1a, 3.1b).

(3.1) and (3.2) are the general forms of principles couched in comparative terms where the degree to which one possesses the quality which is the ground determines the strength of one's entitlement or its extent. (1), when interpreted narrowly to exclude (3.1) and (3.2), is the general form of principles couched in classificatory terms where the property, possession of which is the ground, cannot be possessed in different degrees or where it does not matter to one's entitlement to what degree it is possessed. Surely egalitarians and non-egalitarians may both wish to endorse principles of both kinds.

Slightly different are statements of the following form:

- (4.1) All Fs are entitled to equal G.
- (4.2) All Fs are equally entitled to G.

These often amount to a combination of a positive and a negative principle: F is a ground for an entitlement to G and nothing overrides it. For example, 'Every human being is equally entitled to education' may imply that no quality but that of being human is relevant to a claim to education.

In various contexts 'equal' and its cognates contribute variously to the sense of the expression. Some further cases will be examined in sections 4 and 5 below. But for the most part those contributions do not help to uncover the peculiar quality of principles of equality we are looking for. This is not really surprising. All principles are (sets of) statements of general reasons. As such they apply equally to all those who meet their condition of application. Generality implies equality of application to a class. Adding 'equally' to the statement of the conditions or consequences of a

principle does not necessarily turn it into one which has more to do with equality.

2. *Equality as Universal Entitlement*

The above argument does not establish much. It certainly does not prove that principles which are traditionally thought of as egalitarian lack a property related to our idea of equality which is not possessed by other principles. All I have argued for is that if there is such a quality it can not be identified through the exclusive study of the use of 'equal' and like terms in the formulation of the principles. Indeed many principles commonly thought of as egalitarian (e.g. free medicine or education for all) are normally stated using no such expressions at all.

Some philosophers have suggested that egalitarian principles are principles of universal entitlement and principles entailed by them. In virtue of their generality all principles apply equally to classes of people. By the same token, however, they distinguish between those who meet their conditions of application and those who do not. Not so universal principles. Those apply to all and thus establish the equality of all with respect to the normative consequences they stipulate. No one is excluded. Who must be the subjects of a principle if it is to be universal? One suggestion may be that 'all' should include everything and the content of the principle be allowed to determine whether it is vacuously fulfilled in some cases. 'All are entitled to have their interests respected' would apply vacuously to stones because they have no interests. This suggestion would however, allow too many principles to count as egalitarian principles. According to it, for example, 'All are entitled to have their property respected' is an egalitarian principle.

Another suggestion is that a principle is universal if it applies to all moral subjects. 'Moral subjects' is not to be equated with 'moral agents.' One has to be a moral agent to be the subject of a principle requiring action, i.e. of the doctrine of virtue. Even creatures who are not moral agents may be subjects of the doctrine of welfare and thus of principles of entitlement. Who are the moral subjects? I don't think there is any independent way to identify them. They are simply the subjects of moral principles. The test of universality means, therefore, that a principle of entitlement is a principle of equality if it applies to all moral

subjects, i.e. if there is no valid moral principle whose subjects are not also subjects of the principle under consideration.

The comparison must be with all *valid* moral principles. It will not do to say that a principle is egalitarian relative to a person *A* if *A* accepts it and there is no principle accepted by *A* whose subjects are not also the subjects of that principle. Either a principle is egalitarian or it is not. It cannot be egalitarian in so far as *A* holds it and not be so with respect to *B* when *B* comes to believe in it.

A principle will not be considered egalitarian unless it applies to all normal human beings. We could take it as agreed that universal principles will encompass at least this group. They may also apply to others, perhaps to all persons or to all living creatures. To assume that all persons and animals are moral subjects may create a difficulty for the universality conception of principles of equality. Egalitarianism is not necessarily restricted to humans. A principle stating that equal respect is due to all living creatures is readily conceded to be an egalitarian principle. But so are principles restricted to human beings such as 'All men are entitled to equal opportunities'. Sometimes such principles are derivable from truly universal principles, but suppose that in a particular case this is not so? Let us, however, waive this point for another. 'Everyone is entitled to his property' is egalitarian even by this test. So we must strengthen it by stipulating that to be universal the conditions of application of the principle should be such that it applies non-vacuously to every moral subject (at least during a certain period of his life and if he wants it to apply to him). Not every one has property or can acquire it if he wants to. This definition is meant to guarantee that principles which qualify by it are truly universal, that every moral agent does in fact qualify under them to benefits and is not excluded except with his consent.

Even so not all universal principles can be regarded as egalitarian for though they all guarantee some benefit to all they don't entitle all to the same benefits: To each according to his intelligence, strength or beauty are all universal principles, provided they entitle each person to something, however little. It is clear that universality is not by itself sufficient to make a principle into an egalitarian one. Nor are all universal principles of desert (i.e. principles of *ideal* distribution) egalitarian: Meritocratic principles are held by some to be principles of desert. The universal

conception (i.e. that ultimate principles of desert are all universal) has great appeal. Its appeal seems to me to be spurious and derives from a confusion between it and moral humanism. A moral theory is humanistic if its doctrine of well-being is concerned with the well-being of at least all human beings.¹ Humanism is consistent with the view that some people should have more opportunities or resources than others because they have greater need for them or are better able to profit from them (a meritocratic conception of desert).

Many different moral theories are humanistic and only some of those are egalitarian. But some popular so-called egalitarian principles amount to nothing more than an affirmation of humanism. Statements to the effect that all are entitled to equal concern or respect or care or to equal treatment or equal protection, etc., by their common interpretations mean little more than that every person should count and that benefits and advantages should not be distributed on grounds excluding the well being of some people. Admittedly many non-egalitarian positions are incompatible with humanism. Some racial, sexist, etc. views are based on ultimate principles of desert endowing certain groups of people with entitlements denied to others on grounds of race, sex, etc. To that extent humanism excludes certain kinds of inegalitarian positions, but as we saw it is consistent with many others. Consider Bentham's utilitarianism which is definitely humanistic. It applies to all moral agents and prescribes equal respect for them all in the sense of considering each pleasure and the avoidance of each pain as of equal intrinsic value regardless of whose pleasure or pain they are, and depending only on their intensity and duration. The inegalitarian results of this theory are well known. A situation in which few people have many pleasures while others have but few is as good as one in which all have equal pleasure provided the sum total of pleasure in both is equal. Often it is indifferent whether we should save from pain a person who (in utilitarian terms) already has above average benefits or one who is much worse off. Often we should direct resources to help normal competent people and away from the handicapped for often one has to invest more to cause a certain amount of pleasure to the handicapped than to the normal.

1 I am not assuming that all distributive principles of humanistic theories are principles of entitlement, nor should humanism be understood to exclude special duties based on special relationships (parental etc.).

3. *Principles of Equal Distribution in Conflict*

Assuming that egalitarian theories are humanistic theories containing principles of equality in dominating position we are back with our basic question: What kind of principles are egalitarian? Perhaps (5.1) represents the characteristic form of such principles

(5.1) If there are n Fs each is entitled to $1/n$ of all the G.

Comparing (5.1) with (1), 'All Fs are entitled to G', two questions present themselves: (a) Is (5.1) a distinct kind of principle? (b) Do principles of this form deserve the title of egalitarian principles? It cannot be claimed that whereas (1) determines that each F is entitled to a share of G it lacks any distributive aspect and does not determine the relative or absolute size of his share. Remember that (1) (as well as (5.1) represents the perspicacious form of a kind of principle. Therefore, it is not merely the case that Fs are entitled to G but also that they have this entitlement because they are Fs. Being an F is the ground of the entitlement. The ground of an entitlement determines its nature. It determines what counts as satisfaction of or respect for the entitlement, i.e. it determines what the entitlement is an entitlement for. Since all Fs have an entitlement to G based on the same ground they have the same entitlement. Hence, if their entitlement is completely satisfied or respected they will in fact be receiving an equal amount of G each. This argument assumes that being an F is not a matter of degree (one cannot be more or less an F) or that if it is, the degree to which one is an F does not affect one's entitlement to G. In other cases principles of type (3.1) and (3.2) apply and they too have their distributional implications as we saw in section 1 above.

Naturally, since every principle has merely a prima-facie force, it can happen that because of the operation of some other principles the all things considered entitlement to G of the Fs is not equal. But this is true of principles of type (5.1) as much as of those of type (1).

The situation is transformed in cases of scarcity, i.e., where it is impossible to satisfy all the justified claims to the full. Such situations give rise to conflicts of reasons and principles of type (5.1) provide more determinate guidance as to their resolution than principles of type (1). Imagine that there are 2 Fs and 4 units

of G and that each F is entitled to 3 units (his claim will be completely met if he has 3 units). Each F can have one G without denying the other of anything he is entitled to. But they compete for the other two units. Each has a claim to both and none has a better claim than the other. In so far as (1) is concerned, giving both units to one F or one unit each are equally good ways of distributing the two. (5.1) requires giving one each. Like (1), (5.1) is a principle of entitlement but it is also a principle of conflict. Let us separate these two elements in (5.1) and formulate a principle which is just a principle of conflict resolution:

- (5.2) In scarcity each who has equal entitlement is entitled to an equal share.

The smallest unit is one which makes a difference. It need not coincide with any natural limit of divisibility. (Normally it will be a shoe—not half a shoe). When one unit is claimed by two one of which has the better claim (e.g. he will suffer from the cold more) then the principle of entitlement settles the conflict in his favour—there is much more reason to give the benefit to him. He has the better reason according to the principle of entitlement itself. Thus principles of entitlement themselves act as principles of conflict resolution. In fact they are sufficient to settle most conflicts. Sometimes they result in holding two claims as equal and in that case they would not dictate a preference for equal distribution to any other distribution. In such cases we could say that the reason on which the principle is grounded has exhausted itself. So far as it is concerned there are several distributions which are equally good. That is where principles of type (5.2) may be invoked to give more determinate guidance.

Having established that principles of the (5.2) variety are of a type distinct from other principles of entitlement we must turn to examine whether they can be regarded as egalitarian principles. Such principles differ from ordinary principles of entitlement of type (1) in that the scope of the entitlement they stipulate depends on the actual number of people who qualify under them to the entitlement. Type (1) principles are not similarly affected. If all are entitled to a house then every person is entitled to a house and he is entitled to a house regardless of the number of people who actually qualify for a house under the principle. Naturally the number of qualifiers affects one's chances of having one's claims fulfilled but it does not affect the claim itself. This difference

explains why (5.2) is a form of principles of equality in a sense that does not apply to type (1) principles—be they universal or not. Under type (1) principles each person's entitlement is independent of that of other people. He has it because the reason for the entitlement applies to him. Other people may or may not have the same entitlement. If they do that is because there is in their case too a reason (the same one) to give them G. When several people qualify under a principle the principle generates equality of entitlement but that is entirely fortuitous and accidental. A person's entitlement would be the same were he the only one entitled under the principle.

(5.2) type principles, on the other hand, are designed to achieve equality. Each of their subjects' entitlement is adjusted according to the total number of those who qualify to make sure that each has an equal share of the benefit. This feature can be present in principles which do not confer entitlements.¹ When they do confer entitlements one can say that equality is not only their result but also their purpose—they are designed to achieve equality between their subjects with respect to the benefit with which they are concerned.

4. *Principles of Non-Discrimination*

We identified one kind of egalitarian principle. Such principles can be called principles of equal distribution in conflict but it should be understood that this term is used narrowly to designate only principles of type (5.2). These principles can be regarded as egalitarian because it is their purpose to ensure equality within their sphere of application. It is (part of) the reason for each of their subjects' entitlement to his allotted share that giving him that share will make him equal in his entitlement to the others. Equality is (a part of) the ground on which such principles are based.

In the case of principles of equal distribution the dependence of the scope of the entitlement on the number of persons entitled is an indication that equality is their ground. (As well as the fact that they stipulate *equal* distribution between the qualifiers. A principle may stipulate distribution in different proportions between qualifiers). This fact is typical of egalitarian principles of

1 E.g. if such principles are justified on grounds of envy or diminishing marginal utilities *and if* these are held not to establish entitlements.

conflict. Egalitarian principles in the sense of principles whose ground is equality need not be principles of conflict and there may be other indications of their nature. One important kind of egalitarian principles are principles of non-discrimination, but here again I am using the term narrowly to designate principles of type (6) only:

- (6) All Fs who do not have G are entitled to G if some Fs have G.¹

Principles of non-discrimination, unlike principles of equal distribution, are not sensitive to the number of qualifiers. Instead, they are sensitive to existing inequalities between members of the relevant group with respect to the relevant benefit. Ordinary principles of entitlement are indifferent to the existing distribution of their benefits. If all are entitled to food, accommodation, education, etc., then their entitlement is the same regardless of whether they have no food, education, etc., or but little or enough or whether some have more than others. If the entitlement is based on need then each is entitled just to his needs. Unless the actual distribution of the benefit affects the nature or extent of the need for it (which it may do) it is irrelevant to the entitlement. Actual distribution determines whose claims have been met and whose have not. Thus they determine only the incidence of unmet claims and their strength (though this—as we saw above—is important in scarcity).

The sensitivity of principles of non-discrimination to existing distributions is the crucial pointer to their character as egalitarian principles. Being an F by itself does not qualify one to G. It is the actually existing inequality of distribution which creates the entitlement. The entitlement is designed to eliminate a specific kind of existing discrimination. Such principles reflect the view that it is wrong or unjust for some Fs to have G while others have not. Such inequalities must be remedied in one of two ways. Either depriving those Fs who have G of it, or giving G to all the other Fs. So long as some Fs have the benefit while others are denied it the principle applies and the rest of the Fs are entitled to G. If their claims are met the inequality is eliminated.

¹ There can be other kinds of principles of non-discrimination sharing the essential features of (6). E.g. All Fs who don't have G are entitled to it if some non-Fs have it.

(6)-type principles, however, do not in themselves give those Fs who happen to have the benefit an entitlement to it. The mere accident of having a benefit is rarely thought a sufficient ground of title to it. Even conservative principles (in the sense of 'conservation principles') usually rely on the harm deprivation will cause or on the likelihood that a redistribution will be for the worse. Instead of achieving equality by giving the benefit to those who lack it one can equally (in so far as the (6)-principle itself is concerned) achieve it by denying the benefit to those who have it thus preventing the entitlement under the principle from arising. Therefore, such principles of non-discrimination do often lead to waste. If there isn't enough of the benefit to go around then whatever of it we have should be wasted rather than given to, or be allowed to be retained by, some. It is true that the principles themselves do not require waste but often the only way to avoid violating them is to create or allow waste. Needless to say we are here concerned with the non-discrimination principles themselves. There may be other principles proscribing waste which may have to be balanced against the non-discrimination principles. In any case, it is only the effect of other principles which can explain our preference for giving the benefit to those who lack it to denying it to those who have it. This preference cannot be explained on the basis of the non-discrimination principles themselves.

5. *Rhetorical Egalitarianism*

Some principles of entitlement such as (5.2) and (6) are designed to promote equality as such. I'll occasionally call such principles 'strictly egalitarian'. Theories dominated by them are strictly egalitarian theories. The main claim of this article is that in its core the egalitarian tradition in western thought is strictly egalitarian, i.e. dominated by principles or types like (5.2) and (6). I know of no way in which such a claim can be proved. In the next section several important egalitarian principles will be shown to incorporate a principle of non-discrimination. Yet it cannot be denied that equality is invoked on other grounds as well. Nor is it surprising: all principles of entitlement generate equality (in some respect) as an incidental by-product since all who have equal qualification under them have an equal entitlement. Furthermore, some principles are naturally expressed using 'equality'

and related terms without having anything to do with egalitarianism. Such are (3)-type principles encountered above, like 'Equally able people are entitled to equal remuneration', and other principles which allow for degrees of entitlement.

Arguments and claims invoking 'equality' but not relying on strictly egalitarian principles are rhetorical. This is not meant in a derogatory sense. There need be nothing wrong with such invocations of equality. It is simply that they are not claims designed to promote equality but rather to promote the cause of those who qualify under an independently valid principle. They invoke equality sometimes to facilitate exposition (as in claims based on (3)-type principles) and often to gain from the good name 'equality' has in our culture. It was mentioned above that principles of equal respect or concern, etc. often amount to little more than assertion of humanism (and humanism in one form or another is rarely rejected by anyone in our culture). Such principles can be expressed with equal ease without invoking equality. They are not designed to increase equality but to encourage recognition that the well being of all human beings counts. Yet given the current fashion for equality they are often couched in egalitarian terminology. If this makes them more attractive so much the better. The price we pay is in intellectual confusion since their 'egalitarian' formulation is less perspicacious, i.e., less revealing of their true grounds, than some 'non-egalitarian' formulations of the same principles: 'Being human is the only ground for respect' is a more explicit rendering of 'All humans are entitled to equal respect'.

Rhetorical invocation of equality is linguistically proper in a variety of contexts. A parent who gives the medicine to the healthy child and not to the sick one, or who deceives one of his children and not the others is treating them unequally. A person who keeps his promises to one person and breaks his promises to another is, likewise, treating them unequally. But in all these cases the wrong is the same as where a parent has only one child and he deceives him or refrains from giving him the medicine when the child is ill or when a person always breaks his promises to all. Accusing a person of unequal treatment in such and many other contexts is permissible if he behaved wrongly or badly towards some while behaving properly towards others. To accuse him of unequal treatment, however, is not to identify the nature of the wrong: It could be any wrong and it is *definitely not* the wrong of

creating or perpetuating inequalities. As my examples show the same wrong can exist in situations involving no inequality.

In these and in many other contexts in which equality is invoked it functions contextually rather than normatively. It indicates features of the situation in which the wrong is perpetrated which have nothing to do with the reasons for it being a wrong, nothing to do with the kind of wrong it is. This is not to say that such invocations of equality do not have useful argumentative functions. They are sometimes used as *ad hominem* arguments: you seem to acknowledge the force of the reason in one case so why do you deny it in the other? They also indicate sometimes that something can be done to improve things. Here I have in mind not so much charges of unequal treatment as of inequality in the way things are: Poverty may be no worse in a society where it afflicts only some than in a society where all are poor. It is bad or regrettable in both to the same degree and for the same reasons. The charge of inequality which can be levelled only against one of these societies is used here rhetorically: the wrong is poverty and its attendant suffering and degradation, not the inequality. But the fact of inequality is an indication that there may be resources in the inequalitarian society which can be used to remedy the situation.

I hope that these comments—and they are not meant to be exhaustive of the uses of ‘equality’—vindicate my claim that I am using ‘rhetorical’ literally and not pejoratively. The important point is that in all those cases the offence is other than inequality and the action to be taken is not designed to achieve equality but some other good.

6. *Strict Egalitarianism*

The previous section illustrated some of the rhetorical uses of ‘equality’ namely those where despite appearances the wrong to be righted is not inequality, where the ground or reason for action is not the maximization of equality. It is crucial not to confuse the point of these comments with another often voiced in criticism of egalitarianism: that it is empty for all equalities are in some respect or another, and the only question is in what respect should people be equal, and that anyway any equality in some respects means inequality in others.¹ All this is here presupposed. The

1 This fact is fatal to the view that the essence of egalitarianism is that equality needs no justification, only inequalities require justification.

point of the last section isn't that we all promote equality in some respect or other but rather that insofar as we rely on principles which aren't strictly egalitarian in the sense explained we don't promote equality as a goal at all, it is merely a by-product.

The purpose of the present section is to show that in its core the egalitarian tradition in western culture was always based on the dominating position of strictly egalitarian principles. I shall concentrate on principles of non-discrimination.¹ My aim is to show that (6)-type principles, and others which are egalitarian in the same sense and can be regarded as variations on (6), are omnipresent in the main line of egalitarian theories. I am assuming throughout that only humanistic theories are egalitarian.

Consider first the following principle:

(A) All are entitled to equal welfare.

Normal assertions of this sentence are best interpreted as implicit endorsement of two principles combined:

- (1c) All are entitled to the maximum welfare there can be.
- (6a) If some people are better off than others then those who are less well off are entitled to the extra benefits necessary to bring them to the level of welfare enjoyed by those who are better off.

The combined operation of both principles is (a) to favour securing as much welfare all round as possible; (b) when new benefits are created they should be allocated to the worst off (they have the stronger claim being supported both by (1c) and (6a) whereas the better off are supported by (1c) only); (c) when new benefits can't be produced the principles can be satisfied by transferring benefits to the less well off. If (6a) is taken to always override (1c) when they conflict then the principles also require: (d) when not enough benefits can be created or transferred some should be taken from the better off and wasted to prevent (6a) from coming into operation and, (e) production of new benefits should not be undertaken and a lower level of welfare all round should be preferred if this is necessary to prevent creating or preserving inequalities of welfare.

1 (5.2) principles when sensibly applied (i.e. separately for every beneficiary unit) yield in practice the same result as (6)-type principles appropriately framed to apply to such cases. (5.2) can for practical purposes be regarded as a special case of (6).

Needless to say different supporters of (A) assign different weights to its component principles, often allowing some inequality for the sake of a higher level of welfare for some, all or many. Many egalitarian principles conform to the same pattern: they are a combination of an ordinary principle of entitlement (type (1)) and a principle of non-discrimination governing its application and dominating it totally or only relatively. Thus:

(B) All are entitled to equal opportunities

is normally understood as a combination of

- (1d) All are entitled to all the opportunities there can be; and
- (6b) If some have more opportunities than others then those who have less are entitled to additional opportunities to bring them to the level of those who have more.

Some may query my interpretations of (A) and (B) on the ground that 'All are entitled to maximum welfare (or opportunities)' is an aggregative, not a distributive, principle and is not part of (A) or (B) but separate from them. This is a mistake. It is true that 'All are entitled to maximum welfare', etc., trivially entails that as many benefits as possible should be produced. This, which it is appropriate to name the principle of unlimited growth, is an aggregative principle but it is entirely unintelligible unless one assumes some distributive principle such as 'It is good that each person shall have as many benefits as possible'. Furthermore, (A) and (B) don't merely assert that if opportunities or other benefits are to be had at all they should be had in equal measure. They also assert that people are entitled to have them.

It can't be proved that principles of non-discrimination are embedded in all the core egalitarian views. All one can do is to provide some illustrations of the way common egalitarian principles when analysed are seen to include principles of non-discrimination. Here is a further example:

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

(7) is but a weak version of a principle of non-discrimination of the (6) variety. By (6) it follows that if someone has a certain benefit this fact by itself entitles others to the benefit. Hence it

follows that none should have it unless all can have it. That giving the benefit to one will be instrumental in providing it to all is but one way of satisfying the non-discrimination principle. (7) is a weak non-discrimination principle for it does not insist that the benefit to be given to the person who has produced benefits for others shall not be greater than theirs.

(C) Inequality in the distribution of any benefit is justified only if it benefits all.

Here a (7)-type principle is generalized to range over all benefits and its sponsors usually give it absolute dominance so that it cannot be overridden by any other moral principle. A theory thus dominated by (C) may be only weakly egalitarian—tolerating as it does many inequalities—but it is egalitarian in the strict sense. Supporters of (C) usually interpret it to mean:

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

In other words (C) is usually read as (A), plus a rule for resolving conflicts between the two components of (A).

7. *The Presuppositions of Egalitarianism*

Moral theories are strictly egalitarian if they are dominated by principles of non-discrimination. This domination means that the principles are never or relatively rarely overridden in conflict situations. In a sense this means that egalitarian principles are all important within such theories. In another sense these principles are secondary for they merely regulate the application of primary principles of entitlements—to opportunities, happiness, welfare, etc. Egalitarian views may differ in the details of the egalitarian principles they endorse, and also in their basic principles of entitlement. But not every principle of entitlement can form the foundation of an egalitarian theory for not every principle of entitlement can be sensibly regulated by a principle of non-discrimination, only insatiable principles can.

A satiable principle is one the demands of which in respect of a particular moment in time can be completely met, such that whatever might have happened they could not be satisfied to higher degree. An insatiable principle is one which it is always possible in principle to satisfy more. Compare:

(E) All are entitled to maximum pleasure,

with

(F) All are entitled to the satisfaction of their needs.

It is reasonable to assume that (F) is satiable whereas (E) is not, that is, it is possible that at a certain time all a person's needs are completely satisfied, but he can always have more pleasure. Satiabile principles have different implications from insatiable ones for conflict situations. The further one is from the point of satiation the stronger is one's claim to that to which one is entitled. Those whose unmet need to G is greater have the stronger claim to the next G. No similar way of assessing the strength of reasons is available for insatiable principles, for there is no point of satiation one's distance from which can be measured. Nor does it, in many cases, make sense to talk of a zero point distance from which can be measured; 'A life with no pleasure at all' doesn't make much sense. In such cases we judge the strength of competing reasons through comparative judgments: those who have less have the stronger claim, etc. This is precisely what principles of non-discrimination tell us to do and it is to such principles that we often appeal to regulate the application of insatiable principles.

It would be wrong to suggest that principles of non-discrimination have only one use: to regulate the operation of insatiable principles of entitlement. They have miscellaneous other uses as well, especially as educational devices. They also have symbolic or expressive functions in small and intimate groups (as when one refuses an advantage because one's friend cannot share it) or with respect to positions of symbolic value (President, etc.). They may have other legitimate uses, but there is no doubt that their most important political use is as the egalitarian component in egalitarian theories. A strict egalitarian may take a principle of non-discrimination as the only fundamental principle of his theory of distribution—rather than regarding it as regulating the application of independent, insatiable, principles. But such pure

egalitarian positions have too many absurd consequences to be taken seriously: They regard a person as entitled not to be harmed only if and because not everybody is harmed, etc. In other words they admit of no independent good or evil for the recipient. Their only grounds of entitlement are relational. The more reasonable egalitarian theories consist of insatiable principles of entitlement coupled with strictly egalitarian principles (which are themselves satiable) regulating their operation.

It is no accident and not a result of a mere logical technicality that strict egalitarianism is bound up with insatiable principles. The strict egalitarian's presupposition of insatiable principles reveals his commitment to the consumer's conception of man (as I shall rhetorically call it). It is this commitment to a consumer's view of man which is the main weakness of strict egalitarian theories. But this is a large topic and it is one affecting not strict egalitarianism only but all moral theories based on insatiable principles, most notably all varieties of utilitarianism. So I shall not discuss the problem here. I shall conclude by trying to show why strict egalitarianism presupposes the conception of man as a consumer, and even this I shall do only by arguing from examples.

Most of the popular egalitarian principles belong to one of four types: (a) All are entitled to equal respect: (b) All are entitled to equal opportunities: (c) All are entitled to equal welfare: (d) To each according to his needs. Principles of equal respect, as we saw, are affirmations of humanism and as such they are second order principles, i.e. statements of what kinds of principles are acceptable. They are not themselves principles of entitlement specifying grounds for specific entitlements. Humanism means that since all people count and since entitlements are for the good of the person concerned they must be such that none is excluded. Supporters of equal respect see in them more than has been suggested here for they proceed to develop a view of the good and regard it as implied by the principle of respect itself. It is better, however, to separate one's substantive doctrine of well being (when is a person well off) from the principle that the entitled should include all humans.

Principles of equal opportunities encounter greater problems of definition than the others since ultimately only genetic identity and identity of every feature of the environment provide equal opportunities. Once the required clarifications are provided these principles can be seen to become in the hands of some an extension

of need principles (d) and in the hands of others a welfare principle (c) weakened to give way in conflict in most situations not concerned with securing equal opportunities.

‘To each according to his needs’¹ is a satiable principle and as such cannot be the only principle of a complete doctrine of welfare: What is to be done with the surplus resources once the satisfaction of people’s needs have been guaranteed? What is to be done with those resources which cannot be directed to the satisfaction of needs even when not all the needs have been satisfied? These are not merely theoretical questions, they face all affluent societies. Even if it is agreed that the satisfaction of needs should take precedence over all other principles it is evident that one needs other principles as well. The same can be said of the ‘equal welfare to all’ doctrine when welfare is interpreted as a satiable concept. There is, e.g., a conception of happiness by which a happy man cannot be made happier. Though it may be true that it is always possible to have more and more intense pleasures or to have more of one’s preferences satisfied nevertheless these extra pleasures or satisfactions will not make a happy person happier or as such contribute to his well being. But there is also the insatiable interpretation of the equal welfare doctrine by which the more net pleasures one has the better off one is, the greater is one’s welfare. This is the more common interpretation and it is the one assumed above and below.

The equal welfare doctrine bases entitlement on ability to consume—nothing more than a person’s ability to have more pleasure justifies his entitlement to have more pleasure. The same is not true of the needs principle. First, the satisfaction of needs is necessary for survival and ability to function as a person. Secondly, the principle is only part of a complete doctrine of well being which will necessarily include other principles not based only on consumer demand. Being part of one coherent doctrine principles of needs themselves acquire strength and justification from the rest of the doctrine, i.e. from principles not based on consumer demand. The doctrine of equal welfare being a complete doctrine of well being in itself is not justified by anything beyond consumer demand. This is precisely the reason for which it has to include a principle of non-discrimination. Being insatiable

1 It hardly needs pointing out that many avowed supporters of the need principle fail to understand it properly and are in fact believers in the equal welfare doctrine.

and non-discriminating between items of consumer demand on any other ground but strength of demand or consumer satisfaction it is bound to lead to the distorted humanism exemplified by Benthamite utilitarianism. To avoid this it must be supported by strict egalitarian principles. The needs principle on the other hand being both satiable and not based on consumer demand needs no mechanical support from a strictly egalitarian principle and is egalitarian in the rhetorical sense only.

Thus strict egalitarianism inevitably involves embracing insatiable principles embodying the consumer conception of man and like them it presupposes three of the most common yet very doubtful beliefs of contemporary society: that humanism is incompatible with any basis for entitlement other than subjective ability to enjoy and welcome that to which one is supposedly entitled; that toleration (or moral scepticism) leads to a principle of the transparency of well being namely that subject to minor qualifications a person is better off if and only if he believes that he is better off; and that a person has a goal is a good reason for him to pursue it and therefore (because of humanistic principles) a reason for others to help him pursue it. If strict egalitarian theories are open to objections these paradoxically concern not their egalitarian component but principles of entitlement common to them and to many other moral theories like utilitarianism.¹

1 I am grateful to R. M. Dworkin, P. M. S. Hacker, Ch. McCrudden and D. Parfit for many helpful comments on an earlier draft of this article.

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